



**CHAPTER xcviij.**

An Act to enable the Great Northern Railway Company to extend their Railway from Spalding to Lincoln; and for other purposes. A.D. 1878.  
[17th June 1878.]

**W**HEREAS the construction by the Great Northern Railway Company (who are herein-after referred to as "the Company") of the railways herein-after described would contribute to public and local convenience, and the Company are willing at their own expense to construct the same :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and of the lands in or through which the same are to be made and maintained, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerks of the peace for the parts of Holland and Kesteven in Lincolnshire, and with the clerk of the peace for the county of the city of Lincoln, and are herein-after respectively referred to as the deposited plans, sections, and book of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited as the Great Northern Railway (Spalding to Lincoln) Act, 1878. Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869; The Railways Clauses Consolidation Act, 1845;

[*Local.*-98.]

A

1

Incorporation of general Acts.  
8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.

[Ch. xcvi.] *Great Northern Railway (Spalding to Lincoln) Act, 1878.* [41 VICT.]

A.D. 1878.

32 & 33 Vict.  
c. 18.  
8 & 9 Vict. c. 20.  
26 & 27 Vict.  
c. 92.  
8 & 9 Vict. c. 16.

Part I. of the Railways Clauses Act, 1863 (relating to construction of a railway);

The clauses and provisions of the Companies Clauses Consolidation Act, 1845,

With respect to the distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of shares into stock; and

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provisions to be made for affording access to the special Act by all parties interested;

26 & 27 Vict.  
c. 118.

And also Parts I., II., and III. of the Companies Clauses Act, 1863, relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock; are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-  
tion of terms.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the railway" means the railway by this Act authorised, and the expression "superior court" or "court of competent jurisdiction," or other like expression in this Act or any Act wholly or partly incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to  
execute  
works ac-  
cording to  
deposited  
plans.

**4.** Subject to the provisions of this Act the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the

[41 VICT.] *Great Northern Railway (Spalding to Lincoln) Act, 1878.* [Ch. xcvi.]

deposited book of reference as may be required for that purpose. A.D. 1878.  
The railways herein-before referred to and authorised by this Act  
are:

Railway No. 1.—A railway (14 miles 6 furlongs and 4·80 chains in length) commencing in the parish of Spalding in the parts of Holland by a junction with the loop line of the Great Northern Railway about 310 yards northward of the northern end of the platforms of the Spalding Station, and terminating in the parish of Heckington in the parts of Kesteven by a junction with the Boston, Sleaford, and Midland Counties line of the Great Northern Railway at about 71 yards eastward of the post marking  $15\frac{1}{2}$  miles on the said line:

Railway No. 2.—A railway (18 miles 4 furlongs 2 chains in length) commencing in the parish of Kirkby Laythorpe in the parts of Kesteven by a junction with the Boston and Sleaford line at about 100 yards west of the post marking  $12\frac{1}{4}$  miles on the said line, and terminating in the parish of Canwick in the parts of Kesteven by a junction with the loop line of the Great Northern Railway at about 266 yards west of the post marking  $136\frac{1}{4}$  miles on the said loop line:

Railway No. 3.—A railway (5 furlongs 0·40 chains in length) situated wholly in the parts of Kesteven, commencing in the parish of Old Sleaford by a junction with the Boston and Sleaford line at about 180 yards west of the post marking  $11\frac{1}{2}$  miles on the said line, and terminating in the parish of Kirkby Laythorpe by a junction with Railway No. 2 in a field belonging or reputed to belong to the Marquis of Bristol, and occupied by Richard Wildgoose, which said field is bounded on the south by the Boston and Sleaford turnpike road, and on the west by a field called "Uplands" or "Hoplands," also belonging or reputed to belong to the Marquis of Bristol:

Railway No. 4.—A railway (5 furlongs 3·50 chains in length) commencing in the parish of Canwick by a junction with the loop line of the Great Northern Railway at about 220 yards north-eastward of the post denoting  $137\frac{1}{2}$  miles from London on the said railway, and terminating in the extra-parochial place or parish of South Common, otherwise Canwick Common, in the city of Lincoln and county of the same city, by a junction with the Lincoln and Honington line of the Great Northern Railway at about 88 yards north-east of the bridge which carries the Canwick road over the said Lincoln and Honington Railway:

Railway No. 5.—A railway (1 mile 7 furlongs and 7·20 chains in length) commencing in the said extra-parochial place or

[Ch. xcvi.] *Great Northern Railway (Spalding to Lincoln) Act, 1878.* [41 VICT.]

A.D. 1878.

parish of South Common by a junction with the said Lincoln and Honington line immediately to the south-west of the bridge which carries the Canwick road over the said railway, and terminating in the parish of Skellingthorpe in the parts of Kesteven by a junction with the loop line of the Great Northern Railway at about 244 yards east of the bridge carrying the said loop line over Junction Drain, otherwise Skellingthorpe Delph.

The said railways will be wholly in Lincolnshire.

Lands for extraordinary purposes.  
8 & 9 Vict.  
c. 20.

5. The quantity of land to be taken by the Company by agreement under the powers of this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed ten acres.

Period for compulsory purchase of lands.

6. 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.

Power to cross certain roads on the level.  
8 & 9 Vict.  
c. 20.  
26 & 27 Vict.  
c. 92.

7. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads mentioned in the First Schedule to this Act.

Power to take easements, &c. by agreement.  
8 & 9 Vict.  
c. 18.  
23 & 24 Vict.  
c. 106.

8. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege required for the purposes of this Act, or any of the purposes of their undertaking, in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, or privileges as aforesaid.

Period for completion of works.

9. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Railways as to tolls, &c. to form part of original railway.

10. The Company may demand and take in respect of the railways the same tolls and charges as they are authorised to receive for and in respect of the Great Northern Railway as if they were

part of such undertaking, and the said railways shall in all respects be deemed part of the Great Northern Railway. A.D. 1878.

11. If the Company fail within the period limited by this Act to complete the railways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act, 1854, and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice, in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as herein-after provided, but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control, provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Company liable to penalty unless lines opened within time limited.

17 & 18 Vict. c. 31.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit, and if no such compensation is payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as

Application of penalty.

A.D. 1878. — may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

For protection of Spalding Improvement Commissioners.

**13.** Excepting as by this Act expressly provided, nothing in this Act shall authorise or empower the Company to enter upon, take, or interfere with any public roads, streets, or highways now being or hereafter to be vested in or under the control or management of the Spalding Improvement Commissioners without the previous consent in writing of such Commissioners.

Saving powers of Court of Sewers.

**14.** Except as by this Act expressly provided, nothing in this Act contained shall extend or be construed to extend to defeat, lessen, or impair the powers, authorities, or jurisdiction of Her Majesty's Commissioners of Sewers acting in and for the county of Lincoln or any part thereof.

For protection of Court of Sewers.

**15.** Whenever the railway intersects, crosses, or passes over any river, ditch, drain, watercourse, or sewer within the view or under the jurisdiction of Her Majesty's said Commissioners of Sewers, the Company shall, at their own costs and charges, erect, put down, and for ever thereafter repair and keep in repair good and sufficient culverts or other works for the free passage of waters flowing and passing along such river, drain, ditch, watercourse, or sewer.

For protection of drainage of Deeping Fen and other districts in South Holland and drainage by and navigation of River Glen.

**16.** And whereas the line of the said railways will pass through certain parts of the Spalding and Pinchbeck drainage district and of the sewers district of Holland Elloe, and will also cross the Vernatts Drain and the navigable River Glen, in the county of Lincoln, and it is necessary to make provisions for preserving the drainage of the said several districts, various cuts, drains, sewers, and watercourses, and works of drainage within or connected with the said several drainage districts, and the drainage by, or in, or through the same, and by or through the Vernatts Drain along which the waters pass from Deeping Fen and the adjoining late commons to the outfall towards sea, and also the drainage by and navigation of the said River Glen: Be it therefore enacted as follows:

(1.) In constructing and maintaining the railway and works by this Act authorised to be made it shall not be lawful for

the Company, without the consent of the trustees of the Deeping Fen general works of drainage, the trustees of the Spalding and Pinchbeck drainage, the commissioners of sewers for the county of Lincoln acting at Spalding aforesaid, and the trustees of the banks of the said River Glen 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 trustees or commissioners respectively as to any works maintained by or belonging to or under the control and jurisdiction of the said trustees or commissioners respectively, to contract or diminish in any way the breadth, depth, or capacity of the channel or waterway of the said Vernatts Drain or the said River Glen, or either of them, or of any other cut, drain, sewer, watercourse, or work of drainage within or connected with the said several drainage districts, or either of them, or to do any act whereby the free passage of the water or ice through or along the said Vernatts Drain and River Glen respectively, or through or along any other cut, drain, sewer, watercourse, or work of drainage, or along or between the banks thereof, shall at any time be in any manner impeded or obstructed or prevented from passing along the same respectively, or any of them, as freely as before the formation of the said railway, and it shall not be lawful for the said Company to lower or vary the line or dimensions or to injure or weaken the security of any bank maintained for protecting any of the lands within or connected with any of the said several drainage districts respectively from inundation, and every bridge to be erected for carrying the said railway over the said Vernatts Drain and River Glen, or either of them, or any other cut, drain, sewer, or watercourse belonging to, or vested in, or under the control or jurisdiction of the said respective trustees and commissioners, and every of them, shall be so constructed as not to impede or obstruct the navigation thereof or the use and enjoyment of the towing-paths thereof, and 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 or connected with the said several drainage districts respectively or the navigation of the said river, and shall for the space of ten days after due notice thereof from the

A.D. 1878.

A.D. 1878.

Penalty.

8 & 9 Vict.  
c. 20.

Parties ag-  
grieved may  
recover spe-  
cial damages.

Company's  
works not to  
unite dis-  
tricts of  
drainage.

Lands taken  
to continue  
liable to  
drainage  
taxes.

said trustees or commissioners for the time being having the care and superintendence or management of any such river, cut, drain, sewer, or watercourse, under the hand of the clerk or clerks for the time being of such trustees, or any of them, 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 after the expiration of such ten days, which sum may be recoverable by the trustees or commissioners or parties interested in such navigation or drainage, 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 or injured by any act or default of the Company with respect to any such drainage or navigation from recovering from the Company special damages for any injury that may arise or be done or occasioned to the drainage of any of the lands within or connected with the said drainage districts respectively, or the works for protecting or preserving the same respectively, or to the navigation of the said river, or to cuts, drains, sewers, 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:

- (2.) It shall not be lawful for the Company to execute any of their works either within the Spalding and Pinchbeck drainage district and the sewers district of Holland Elloe, or either of them, or the lands draining by the rivers Welland and Glen, or either of them, in such manner as will unite in any way the drainage of any one district with that of another, or will extend any public or private drainage in the said several drainage districts, or any or either of them, to any land not previously drained thereby:
- (3.) All and every part of the lands within or without the said several drainage districts or draining by the rivers Welland and Glen, or either of them, which may be taken or used by the said Company, shall remain and be subject to all such drainage or bank taxes or charges as now are or hereafter shall or may be imposed thereon under or by virtue of any Act or Acts of Parliament already passed or which may be hereafter passed, in the same manner



and to the same extent as if this Act had not passed, or as if such lands had not been taken or used by the said Company, and such taxes and charges respectively, and any penalty or penalties that may be incurred by non-payment thereof at the appointed time or times, 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 :

A.D. 1878.

- (4.) Nothing herein contained shall tend to lessen or control any rights, powers, or authorities now vested in or enjoyed by any trustees, bodies, or persons for maintaining, restoring, improving, building or rebuilding, cleansing, deepening, varying, altering, or diverting any existing bridge, tunnel, sluice, river, cut, drain, sewer, or watercourse used for the drainage of any of the lands within the district called Deeping Fen, and the late Commons general drainage district, the Spalding and Pinchbeck drainage district, and the sewers district of Holland Elloe, or any of them, or to prevent or restrain the making of any new bridge, sluice, culvert, river, cut, drain, sewer, or watercourse for improving the drainage thereof respectively, or of altering or enlarging any existing bridge, sluice, culvert, river, cut, drain, sewer, or watercourse, but all such rights, powers, and authorities shall remain in as full force and effect as if this Act had not passed, and the said several trustees or persons respectively, or any of them, shall not be liable to make any compensation to the Company for any damage or injury occasioned to their railway or works by any such altering, varying, enlarging, or diverting any existing bridge, sluice, culvert, river, cut, drain, sewer, or watercourse, or making any new bridge, sluice, culvert, river, cut, drain, sewer, or watercourse : Provided always, that in so varying, altering, enlarging, or diverting any existing bridge, sluice, culvert, river, cut, drain, sewer, or watercourse, or making any such new bridge, sluice, culvert, river, cut, drain, sewer, or watercourse as aforesaid, nothing shall be done to impede or interfere with the use of the railway or with the traffic thereupon for any greater length of time or in any other manner than shall be necessary for the execution of the said work :

Rights of  
drainage pre-  
served.

A.D. 1878.

Provisions  
respecting  
any new  
bridge, cul-  
vert, or tun-  
nel.

8 & 9 Vict.  
c. 20.

Company to  
make good  
all injury to  
drainage or  
navigation.

(5.) In making or erecting any bridge, sluice, culvert, or tunnel over, through, or under the railway which may be rendered necessary by any alteration or diversion of the Vernatts Drain or River Glen, or any other cut, drain, sewer, or watercourse within the Spalding and Pinchbeck drainage district and the sewers district of Holland Elloe, or any of them, or by the making of any new cut, drain, sewer, or watercourse within either of the said drainage districts after the completion of the railway, and not rendered necessary by the formation thereof, every such bridge, sluice, culvert, or tunnel shall be erected, made, and completed at the joint expense of the Railway Company and the particular trustees and commissioners specially requiring the same, and in case any dispute shall arise between any such trustees and the Railway Company touching the mode of erecting or making any such bridge, sluice, 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 :

(6.) If at any time after the railway shall have been completed any injury or damage shall be occasioned or arise to the said Vernatts Drain or the River Glen, or to any cut, drain, sewer, or watercourse within the Spalding and Pinchbeck drainage district and the sewers district of Holland Elloe, or to the navigation thereof, or to the banks or towing-paths thereof, from the formation of any work of the said railway which may not have been foreseen or provided for by this Act, or from the omission of the said Company to execute any work which they ought to have executed, the Company shall make good and repair such injury or damage immediately after the discovery thereof, and also make such full compensation to the trustees or commissioners or other person or persons aggrieved for such injury or damage, and shall also forthwith execute such works for the prevention of any future injury as shall be ascertained by or be deemed necessary by two referees to be appointed for that purpose, one to be appointed by the Company, and the other by the trustees or person or persons interested, or by an umpire to be appointed by such two referees, such works to be executed within such time and in such manner as shall be specified by such

[41 VICT.] *Great Northern Railway (Spalding [Ch. xcvi.]  
to Lincoln) Act, 1878.*

referees or umpire respectively, and such damage and compensation shall be recoverable with full costs of suit by the trustees, commissioners, or parties respectively aggrieved by action in any of the superior courts, and that the costs of the said reference shall be borne by the said Railway Company :

A.D. 1878.

(7.) The Company shall, and they are hereby required at their expense to maintain and keep in as good a condition as they were before the construction of the works hereby authorised 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 banks and towing-paths crossed by the said railway by the sides of the said Vernatts Drain and River Glen respectively, and any and every cut, drain, sewer, and watercourse within the said Spalding and Pinchbeck drainage district and the sewers district of Holland Elloe :

Company to keep certain parts of banks and towing-paths in repair.

(8.) Where in the construction or repair of the railway it shall be necessary to alter the course of any towing-path or hauling-path of or by the side of the Vernatts Drain or the River Glen respectively, or any cut, drain, sewer, or watercourse within the said Spalding and Pinchbeck drainage district and the sewers district of Holland Elloe respectively, or any road, way, or drove upon, or along, or under any of the banks, the Company shall make such alteration so as not ultimately to impede the navigation of or hauling along any such river, cut, drain, sewer, and watercourse, or the use of the said roads, ways, or droves, and so that the navigation and passage of waters through and along every such river, cut, drain, sewer, or watercourse, and the passage of the said roads, ways, or droves, shall not during the construction or repair of the said railway be obstructed for a longer time than shall be absolutely necessary for such construction or repair : Provided always, that nothing herein contained shall be deemed to prevent the Company from constructing the railway and works over or across such towing or hauling paths, roads, ways, or droves on the level :

Regulating alterations of towing-paths.

(9.) The said Vernatts Drain and the said River Glen, and every cut, drain, sewer, and watercourse within each of the said several drainage districts as last aforesaid, shall each be crossed by a bridge of a single span from bank to bank, and to be built at right angles to the watercourse or channel, or so that the piers or abutments shall be parallel

Bridges over rivers and drains to be of one span.

[Ch. xcvi.] *Great Northern Railway (Spalding to Lincoln) Act, 1878.* [41 VICT.]

A.D. 1878.

Company to keep in repair works executed by them.

Works to be executed under superintendence of engineer.

Company to remove ice from their bridges, &c.

thereto, and without any pile or pier or other obstruction in the waterway thereof :

(10.) 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 several drainage districts and over or across the said Vernatts Drain and River Glen :

(11.) The details and mode of constructing the several works herein directed to be made for protecting the interests of the trustees of the Deeping Fen general works of drainage, the trustees of the Spalding and Pinchbeck drainage, the commissioners of sewers for the county of Lincoln acting at Spalding aforesaid, and the trustees of the banks of the said River Glen respectively for the time being, as the case may be, 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 the engineer for the time being of all and every or either of the said drainage districts respectively, or of an engineer to be specially appointed by any body of the said several trustees and commissioners if they shall think fit specially to appoint an engineer for such purpose, and the costs of every such engineer shall be defrayed by the Company :

(12.) 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 the water, any ice that may be formed at or be carried by the stream against any of the works of the Company in the said Vernatts Drain and River Glen, and in every or any cut, drain, sewer, or watercourse within or connected with the Spalding and Pinchbeck drainage district or the sewers district of Holland Elloe, or either of them, 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 several trustees or public bodies having control over any such navigable river, cut, drain, sewer, or watercourse may remove such ice, and may recover the expenses 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 :

8 & 9 Vict.  
c. 20.

(13.) 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 trustees of the Deeping Fen general works of drainage, the trustees of the Spalding and Pinchbeck drainage, the commissioners of sewers for the county of Lincoln, and the trustees of the banks of the said River Glen respectively for the time being, as the case may be, or their respective officers or servants, or vested in any commissioners or trustees of drainage or navigation acting in execution of any Act or Acts of Parliament relating to all, or any, or either of the said several drainage districts, or any part thereof, or the said River Glen 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 purposes of executing the railway and works.

A.D. 1878  
 ———  
 Preser-  
 vation  
 of  
 rights  
 of  
 trustees  
 of  
 Deeping  
 Fen  
 drainage,  
 Spalding,  
 and  
 Pinch-  
 beck  
 drain-  
 age,  
 sewers  
 district  
 of  
 Holland  
 Elloe,  
 and  
 River  
 Glen  
 banks.

17. For the protection of the Black Sluice Drainage Commissioners the Company shall be bound by the following provisions and conditions; (that is to say,)

For  
 protec-  
 tion  
 of  
 works  
 of  
 Black  
 Sluice  
 drain-  
 age.

(1.) Where the railway or any of the works shall pass over or by the side of or shall abut upon the South Forty Foot Drain, the Hammond Beck Drain, or any other drain belonging to, vested in, or under the control or jurisdiction of the Black Sluice Commissioners, acting in execution of the Black Sluice Drainage Act, 1765, the Black Sluice Drainage Act, 1770, the Black Sluice Drainage Act, 1846, and the Black Sluice Drainage Amendment Act, 1849, every bridge, viaduct, culvert, tunnel, embankment, or other work of the Company (all which works are, as the case may require, included herein-after under the expression "the railway works") shall be so constructed as not in any way to contract or diminish the area of the waterways of such drains, or any or either of them, and so that the abutments, piers, or piles of the bridge supporting the said railway shall be situate outside and beyond the waterway, and the under side of the span of the arch thereof shall embrace and include the whole of the waterway, and in every case of a navigable drain the arch of the bridge shall include and embrace the roadways or haling-paths of such navigable drain as well as the waterway, and the headway of the arch shall in every such case be of such a height as not to impede or obstruct the free passage of boats or

5 G. 3.  
 c. 86. (*Priv.*)  
 10 G. 3.  
 c. 41. (*Priv.*)  
 9 & 10 Vict.  
 c. ccxvii.  
 12 & 13 Vict.  
 c. lix.

A.D. 1878.

vessels usually navigating the said navigable drains within the Black Sluice drainage district, or the passage of horses along the roadways or haling-ways thereof, and the height of every such bridge shall, where the same is not herein specified, be determined by the said commissioners, their engineer or surveyor for the time being :

- (2.) The bridge or viaduct for carrying the railway over the said South Forty Foot Drain shall be constructed so that the under side of the arch or headway of such bridge for its whole length across the drain shall be at least twenty-three feet above the level of the cill of the New Black Sluice at the outfall of the said South Forty Foot Drain in Skirbeck Quarter :
- (3.) The passage or right of way of the said commissioners, their agents, tenants, servants, and workmen, boatmen, and other persons, and of horses, over or along the banks, roadways, or haling-paths of or belonging to the said navigable drains shall not be obstructed, and suitable arches, cattle creeps, or passages shall in every case be made under and not over the railway, wherever the same crosses the haling-paths of the said navigable drains, or any or either of them, and every such arch, cattle creep, or passage shall be not less than six feet in width and with a headway of seven feet at least, with proper approaches thereto on both sides :
- (4.) The roadway of every passage for carrying the road or haling-path under the railway shall be properly drained and constructed of good, hard, and suitable material :
- (5.) The railway works shall be so constructed that the same shall not weaken the banks or slopes of any of the drains or works of the commissioners, or impede or obstruct navigation or the free flow of the water therein, or the drainage of any of the lands in the Black Sluice Level, or under the jurisdiction of the Black Sluice Commissioners, and shall be for ever thereafter kept and maintained in perfect order and condition by and at the cost of the Company :
- (6.) The details and mode of constructing all the railway works in any way affecting the drainage, navigation, or works of the Black Sluice Level, together with all necessary and contingent works, whether temporary or permanent, in connexion therewith, and as well those which are as those which are not specifically mentioned in this Act, but

Construction  
of bridges  
and works.

[41 VICT.] *Great Northern Railway (Spalding to Lincoln) Act, 1878.* [Ch. xcvi.]

which are necessarily consequent upon or fairly implied by the several stipulations and conditions herein provided for, shall be executed in a proper and efficient manner to the reasonable satisfaction of the engineer for the time being to the commissioners, and in case of difference between the Company and the commissioners as to the construction or fitness of the works, or any of them, every such difference shall be settled by arbitration in the manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration :

A.D. 1878.

Arbitration.  
8 & 9 Vict.  
c. 20.

- (7.) If at any time during the construction of the said railways or works, or after the same shall have been completed, any injury or damage shall be occasioned or arise to the banks or drains within the Black Sluice Level, or any of them, or to the navigation thereof, from or in consequence of the improper formation or improper or defective construction of the railway works, or any of them, or other works of or connected with the said railways, or any improper materials used in the construction thereof, the Company shall make good and repair such injury or damage immediately after the discovery thereof, and also make full compensation to the commissioners or other public body or person aggrieved for such injury or damage, and shall also execute such works for the prevention of any future injury or damage as shall be deemed necessary, and in case of difference as to the compensation to be made, or the works to be executed, or the period or manner in which the same shall be executed, such difference shall be settled by arbitration in the manner aforesaid :

Company to make good any injury occasioned by works of the Company.

- (8.) The Company shall at all times be responsible to the owners and occupiers of lands interested in or connected with the drainage of lands effected by the said drains respectively for any damage or injury that may be done to any of the said lands within the jurisdiction and control of the commissioners in case of any breach of bank, or overflowing of the waters of any of the said drains respectively, or of any of the drains, skirths, and watercourses connected therewith, arising from or caused in or by the construction of any of the works of the Company, or by or through any neglect or default of the Company, or want of necessary repairs, and shall make full compensation to such owners or occupiers for such damage or injury, such damage and compensation to be ascertained in the manner provided by

Company responsible for damage occasioned by their works.

A.D. 1878.

8 & 9 Vict.  
c. 18.

Reserving  
right of  
drainage  
over Black  
Sluice Level.

the Lands Clauses Consolidation Act, 1845, for ascertaining the amount of compensation payable in respect of lands purchased otherwise than by agreement :

- (9.) Except as in this Act expressly enacted, nothing herein contained shall take away, lessen, or interfere with any of the rights, powers, or authorities now vested in or belonging to or enjoyed by the said commissioners or any other body or person for varying, altering, enlarging, or diverting any existing bridges, tunnels, cuts, drains, or watercourses used for the drainage of any lands within the Black Sluice Level, or any of them (herein-after called drainage works), or to prevent or restrain the making of any new drainage works, but all such rights, powers, or authorities shall (except as aforesaid) remain in as full force and effect as if this Act had not been passed, and if the said commissioners or other body or person shall be liable to make any compensation to any person for any damage or injury occasioned by varying, enlarging, or diverting any existing drainage works or making any new drainage works to any greater extent or amount than they would have been liable to if the said railway had not been made, all such extra compensation rendered necessary by reason of the construction of the said railway shall be borne by the Company, and shall be paid by them to the commissioners or other body or person who shall have paid or be liable to pay the same : Provided always, that in so varying, altering, enlarging, or diverting any of the existing drainage works as aforesaid, nothing shall be done to impede or interfere with the use of the railway and works hereby authorised or the traffic thereon for any greater length of time or in any other manner than shall be necessary for the execution of such works, and any extra cost of such works occasioned by reason of the construction of the railway hereby authorised shall also be borne by the Company, and be paid by them to the commissioners or other body or person who shall have incurred the same.

Protecting  
drainage by  
River With-  
ham.

18. And whereas the line of the said Railway Nos. 2 and 4 is intended to pass over the stream called the South Delph in the parish of Canwick in the county of Lincoln, also a part of the said line of Railway No. 5 is intended to pass over the stream called the Sincil Dyke in the parish of Saint Botolph in the city of Lincoln, within the jurisdiction and control of the General Commissioners for Drainage by the River Witham, and it is necessary to make pro-



[41 VICT.] *Great Northern Railway (Spalding to Lincoln) Act, 1878.* [Ch. xcvi.]

visions for preserving the drainage of the fen lands and low grounds draining by the said streams: Be it therefore enacted as follows: A.D. 1878.

(1.) In constructing and maintaining the railway where the same shall pass over the said South Delph and Sincil Dyke it shall not be lawful for the Company to contract or diminish the waterway thereof respectively, or to do any act by which the passage of the waters along the said South Delph and Sincil Dyke shall during floods, or at any other time, be impeded or obstructed:

(2.) In carrying the railway over the said South Delph and Sincil Dyke the Company shall and are hereby required at their own expense, and to the reasonable satisfaction of the engineer for the time being of the said general commissioners, to construct and maintain viaducts or bridges extending from bank to bank of the said South Delph and Sincil Dyke, with a clear opening or waterway of not less than thirty feet span, measured at right angles to the direction of the said streams:

(3.) Nothing herein contained shall in any manner alienate, prejudice, alter, lessen, interfere with, or impede the exercise of any of the rights, interests, powers, privileges, or authorities whatsoever now exercised by or vested in the General Commissioners for Drainage by the River Witham, or their officers or servants, save and except so far as the same rights, interests, powers, privileges, or authorities are intended to be altered or interfered with by this Act for the purpose only of executing and maintaining the said undertaking or the said several works connected therewith or relating thereto, in manner herein-before mentioned. Saving rights of general commissioners.

19. In constructing and maintaining the works authorised by this Act where they will cross the Midland Railway the Company shall be subject to the following conditions; videlicet— For protection of Midland Railway Company.

(1.) All works crossing or affecting the Midland Railway shall be executed at the expense of the Company under the superintendence and to the satisfaction of the principal engineer of the Midland Railway Company, and according to the plans and specifications to be previously submitted to such engineer, and approved by him in writing; provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been

A.D. 1878.

submitted to him, he shall be deemed to have approved thereof :

- (2.) The bridge carrying the Railway Number 5 over the Midland Railway near Lincoln shall be constructed in one span or opening of not less than fifty feet in width, and with a clear headway of not less than fourteen feet six inches :
- (3.) The works shall be constructed and maintained so that the traffic upon the Midland Railway shall not be in anywise impeded or interfered with, and such maintenance shall be effected under the superintendence and to the satisfaction of the engineer of the Midland Company, and in all things at the expense of the Company :
- (4.) If by reason of the construction or maintenance of the works, or any of them, or the failure of any of the works, or of the maintenance thereof, or otherwise; the Midland Railway, or the works connected therewith, shall be injured or the traffic thereon impeded, the Company shall compensate the Midland Railway Company for all costs to which that company may be put in repairing the said damage, and shall also pay by way of liquidated damages to the Midland Railway Company ten pounds for every hour during which such traffic shall be impeded :
- (5.) The Company shall also indemnify the Midland Railway Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on their railway, or by reason of any accident on the said railway, which interruption or accident shall have been occasioned by the acts or defaults of the Company, or any of their contractors, or their respective servants and workmen :
- (6.) The Company shall not acquire any estate or interest in the lands and property of the Midland Railway Company other than an easement or right of constructing or maintaining therein the works by this Act authorised :
- (7.) The amounts to be paid for the acquisition of such easement shall be settled in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.

Company to divert private road to Boultham Hall near Lincoln.

20. And whereas the railway is proposed to be carried over the road which forms the access from High Street in the city of Lincoln to Boultham Hall, of which and of the said road Richard Ellison is or claims to be owner : Be it enacted, that the Company shall, if required by the said Richard Ellison, or other the owner for

the time being of the said Boutham Hall, divert the said road in such a direction within the limits of lateral deviation as shall be approved of by the said Richard Ellison, or other such owner as aforesaid, so as to avoid carrying the road under the railway. A.D. 1878.

21. It shall be lawful for the Company to apply towards the construction of the railways any of the moneys which they are already authorised to raise, and which may not be required by them for the purposes for which the same were authorised to be raised, and the Company may, for the purposes of this Act, from time to time, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise, in addition to the sums of money which they are already authorised to raise, any additional sum or sums not exceeding in the whole eight hundred thousand pounds by the issue at their option of new ordinary shares or stock, or new preference shares or stock, or wholly or partly by any one or more of those methods respectively, which shares or stock shall form part of the general capital of the Company. Company may apply their funds towards purposes of Act, and may raise additional capital. 26 & 27 Vict. c. 118.

22. The Company shall not issue any share or stock created under the authority of this Act, nor shall any such share or stock vest in the person accepting the same, unless and until a sum not being less than one-fifth part of the amount of such share or stock shall have been paid in respect thereof. Shares or stock not to issue, &c. until fifth part paid up.

23. If any money is payable to a holder of shares or stock in the Company being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

24. The proprietors of any shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company. As to votes of proprietors of such shares.

25. The Company may, in respect of the additional capital of eight hundred thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole two hundred and sixty-six thousand pounds, but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital Power to borrow on mortgage. 8 & 9 Vict. c. 16.

A.D. 1878.

has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

**26.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, but subject to the provisions of the Acts under which such mortgages were respectively granted, have priority over any mortgages granted by virtue of this Act, and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Power to create debenture stock.  
26 & 27 Vict. c. 118.

**27.** The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1868; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

**28.** All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Provision with respect to Great Eastern Railway Company.

**29.** And whereas it is expedient to provide for more intimate connexion between the undertakings of the Great Northern and the Great Eastern Railway Companies, and the said two companies have agreed to such provisions: Be it therefore enacted, that the two companies shall concur in promoting a Bill in the next session of Parliament for that purpose, and the conditions set forth in the

[41 VICT.] *Great Northern Railway (Spalding to Lincoln) Act, 1878.* [Ch. xcvi.]

Second Schedule to this Act shall be the basis upon which the said Bill shall be founded. A.D. 1878.

**30.** The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845. Interest not to be paid on calls paid up. 8 & 9 Vict. c. 16.

**31.** The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking. Deposit for future Bills not to be paid out of capital.

**32.** Nothing in this Act contained shall exempt the railways from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels. Railways not exempt from provisions of present and future general Railway Acts.

**33.** All costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company. Expenses of Act.

A.D. 1878.

SCHEDULE I.

Containing LIST of ROADS to be crossed on the LEVEL.

No. of Railway.	No. on deposited Plan.	Parish.	Description of Road.
No. 1	13	Pinchbeck	Public.
"	30	"	"
"	42	"	"
"	119	"	"
"	135	"	"
"	3	Gosberton	"
"	8	"	"
"	{ 19 }	{ " }	{ " }
"	{ 1 }	{ Surfleet }	{ " }
"	{ 14 }	{ Surfleet }	{ " }
"	{ 78 }	{ Gosberton }	{ " }
"	{ 11 }	{ Quadring }	{ " }
"	{ 43 }	{ " }	{ " }
"	{ 58 }	{ " }	{ " }
"	64	"	"
"	11	Donington	"
"	25	"	"
"	63	"	"
"	16	Great and Little Hale	"
No. 2	18	Evedon	"
"	4	Leasingham	"
"	8	Scopwick	"
"	17	Blankney	"
"	2	Metheringham	"

SCHEDULE II.

Containing TERMS for FACILITATING COMMUNICATION between GREAT NORTHERN and GREAT EASTERN RAILWAYS referred to in this Act.

1. The railways authorised by this Act shall be made by the two companies at their joint expense, and the Great Northern Railway Company shall concur in any provision for reducing the gradients of the said railways to not more than 1 in 400 against the load, and for adapting the said railways to a through route.

2. The existing lines between Spalding and March shall also become the joint property of the two companies, the purchase moneys being ascertained in case of difference by an engineer of eminence.

[41. VICT.] *Great Northern Railway (Spalding to Lincoln) Act, 1878.* [Ch. xcviij.]

A.D. 1878.

3. The Great Eastern Company shall become joint owners of the Great Northern Railway from Lincoln to Black Carr Junction, with freedom of access to the lines of the Midland and of the Manchester, Sheffield, and Lincolnshire Railway Companies at Lincoln and Sykes Junction, and of those two companies and of the Lancashire and Yorkshire and the North-eastern Railway Companies at and near Doncaster and Askerne, and if needful the Company shall construct and maintain such additional lines as may be necessary to provide four running lines between Black Carr Junction and Doncaster Station, the purchase money for such joint ownership being ascertained as in paragraph 2 of this Schedule. The use of Gainsborough Bridge shall be subject to arrangement with the Manchester, Sheffield, and Lincolnshire Railway Company.

4. For the purpose of use by the Great Eastern Railway Company the intermediate portion of the Great Northern Railway between Railways Nos. 1 and 2 and the portion of the Great Northern Railway between the junctions therewith of Railway No. 2 east of Lincoln and the Railway No. 4 authorised by this Act shall be deemed portions of the joint lines, and the use thereof by the Great Eastern Company shall be at mileage rates.

5. The Great Eastern Company shall double their lines between Saint Ives and Huntingdon, and the two companies shall construct at joint expense improved junctions at Saint Ives and Huntingdon to the satisfaction of the same engineer in case the companies differ, and the two companies shall become joint owners of the line from March to Saint Ives and Huntingdon, the purchase money being ascertained as in paragraph 2.

6. The Great Eastern Company shall have the use of the stations of the Great Northern Company at Huntingdon, Spalding, Sleaford, Lincoln, and Doncaster, and the Great Northern Company shall have the use of the Great Eastern Company's stations at Saint Ives and March, and the extent and terms of such use shall (if not agreed upon) be settled by arbitration; provided that each company shall be at liberty to provide separate station accommodation for their goods traffic, and to have their own clerks and servants.

7. The running powers for the use by the Great Eastern Company of the Great Northern Railway between the junction at Black Carr and Doncaster, and to the lines of other companies at or near Lincoln and Doncaster, shall be upon such terms as (if not agreed upon) shall be settled by arbitration.

8. The lines of which the two companies are intended to be joint owners shall be vested in and managed by a joint committee, consisting of three members of the board of each company, with power to appoint a standing arbitrator with the usual powers; provided that each company shall have equal rights each with the other as to working over and using the joint lines, and to fix their own rates, fares, and charges with respect to the traffic conveyed by them respectively from, to, over, or beyond the said joint lines; provided that the rates, fares, and charges shall be paid to the joint committee, and shall not be less than the mileage proportion attributable to the joint lines of the gross receipts of the carrying company from the traffic so carried by them over the joint lines, after making the usual deductions and a sum to be fixed by the joint committee for working expenses.

[Ch. xcvi.] *Great Northern Railway (Spalding to Lincoln) Act, 1878.* [41 VICT.]

A.D. 1878.

9. The Bill for carrying into effect the foregoing arrangement shall be introduced and prosecuted jointly by the two companies, or if either refuses, then by the other company separately, and if any question arises as to the terms of the said Bill, and as to its conformity with the foregoing articles or any matters necessarily incidental thereto or required for giving full effect to the said articles, that difference shall be referred to George Stovin Venables, Esquire, Q.C., or to one of Her Majesty's counsel to be nominated by him, and if either company withdraws from prosecuting the Bill it shall pay all the costs thereof.

---

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1878.