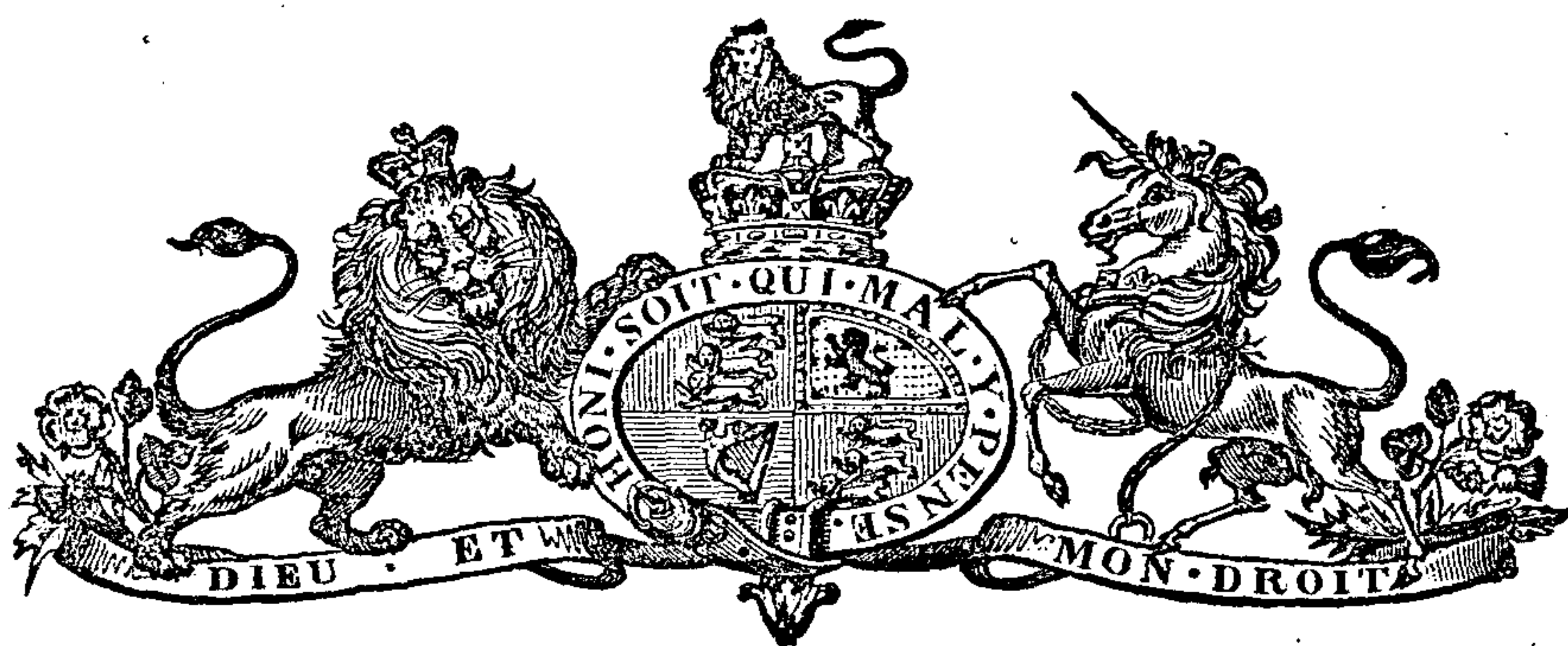




ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cxxiv.

An Act for making a Railway from *Spalding* to
Sutton Bridge and *Wisbeach*. [4th August 1853.]

WHEREAS the making of a Railway from the *Great North-*
ern Railway at *Spalding* to *Sutton Bridge* and *Wisbeach*
would afford Railway Accommodation to a District having
at present no such Convenience, and would supply a direct Means of
Communication between the Midland and Northern Counties on the
one hand, and the Counties of *Norfolk*, *Suffolk*, and *Essex* on the
other, and would in other respects be of Public Advantage: And
whereas Plans and Sections of the Railway, showing the Lines and
Levels thereof, with Books of Reference to the Plans, containing the
Names of the Owners or reputed Owners, Lessees or reputed Lessees,
and of the Occupiers of the Lands through which the said Railway
will pass, have been deposited with the respective Clerks of the
Peace for the *Holland* Division of *Lincolnshire* and the *Isle of*
Ely: And whereas the Persons after named, with others, are willing
at their own Expense to construct the said Railway, but they
cannot do so 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
[Local.] 22 Q Consent

The Norwich and Spalding Railway Act, 1853.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

8 & 9 Vict.
cc.16.18.&20.
incorporated
with this Act.

I. "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.

"The Com-
pany."

II. Where in this Act the Words "the Company" occur, the same shall mean the Company incorporated by this Act.

Short Title.

III. In citing this Act for any Purpose, it shall be sufficient to use the Expression "*The Norwich and Spalding Railway Act, 1853.*"

Subscribers
incorporated.

IV. *John Chevalier Cobbold, Edward Stillingfleet Cayley, Adderley Howard, Richard Peele, Thomas Edward Savage*, 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 Railways hereby authorized; and such Company shall be incorporated by the Name of "*The Norwich and Spalding Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

V. And whereas the estimated Cost of the Railways is One hundred and seventy thousand Pounds: The Capital of the Company shall be One hundred and seventy thousand Pounds.

Shares.

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

Calls.

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

Power to
borrow on
Mortgage.

VIII. The Company may borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Fifty-six thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said

The Norwich and Spalding Railway Act, 1853.

said Capital or Sum of One hundred and seventy thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

IX. The Monies by this Act authorized to be raised, whether by Shares, Mortgage, or Bond, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Application
of Capital.

X. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver ; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made, shall not be less than Twenty thousand Pounds in the whole.

Arrears may
be enforced
by Appoint-
ment of a
Receiver.

XI. And 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, Twelve thousand seven hundred and two Pounds Seven Shillings and Threepence, Three *per Centum* Consolidated Bank Annuities, have been transferred pursuant to the said Act in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Stock so transferred as aforesaid in respect of the Application for this Act, or the Dividends of such Stock, 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 said Company 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 Stock transferred as aforesaid, and the 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

Money depo-
sited in Bank
to remain
there until
Railway
opened, or
certain
Proofs given.

The Norwich and Spalding Railway Act, 1853.

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 Twelve thousand seven hundred and two Pounds Seven Shillings and Threepence shall have been executed by the said Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of, 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 Twelve thousand seven hundred and two Pounds Seven Shillings and Threepence, 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 Stock, and the Dividends thereof, shall be transferred 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 Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Stock 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 Facts so certified.

First and
other Meet-
ings.

XII. The first Ordinary Meeting of the Company shall be held within Three Months next after the passing of the Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *December* and *June* in every Year; and the first Ordinary Meeting shall be held in *London*.

Number and
Qualification
of Directors.

XIII. Subject to the Provisions herein contained for increasing or reducing the Number of the Directors, the Number of Directors shall be Eleven, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Undertaking.

XIV. It

The Norwich and Spalding Railway Act, 1853.

XIV. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Six.

Power to reduce the Number of Directors.

XV. 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; and at the first Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act, 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 Companies Clauses Consolidation Act, 1845," and by this Act, or either of them.

Directors to continue in Office until First Meeting after passing of Act.

XVI. *John Chevalier Cobbold, William Warwick Hawkins, Ad-derley Howard, Richard Peele, Thomas Edward Savage, William Skelton, Spencer Skelton, Josiah Wilkinson, Charles Locock Webb, Edward Stillingfleet Cayley, and Peter Sers,* shall be the first Directors of the Company.

First Directors of Company.

XVII. A Quorum of a Meeting of Directors shall be Three.

Quorum.

XVIII. It shall be lawful for the Company, subject to the Provisions in this and the recited Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Power to make Railways according to deposited Plans.

XIX. The Railway to *Sutton Bridge* shall commence by Two Junctions with the *Great Northern* Railway in the Parish of *Spalding* in the *Holland* Division of *Lincolnshire*, pass through *Spalding, Weston, Moulton, Whaplode, Holbeach, Fleet, Gedney, Sutton Saint Nicholas, Sutton Saint Mary, Sutton St. James*, in the said *Holland* Division of *Lincolnshire*, and terminate near *Sutton Bridge* in the said Parish of *Sutton Saint Mary*: The Railway to *Wisbeach* shall

Lines of Railway.

[Local.]

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diverge

The Norwich and Spalding Railway Act, 1853.

diverge from the other Railway in the said Parish of *Sutton Saint Mary*, pass through the said Parish and *Tydd Saint Mary* in the said *Holland Division of Lincolnshire*, *Tydd Saint Giles*, *Newton*, *Leverington*, and *Wisbeach Saint Peter*, in the *Isle of Ely*, and terminate by a Junction with the *East Anglian Railways* in the last-mentioned Parish.

Power to
cross certain
Roads on a
Level.

XX. The Company may construct the Railways across and upon the Level of the Turnpike and Public Roads numbered on the said Plans as follows :

Numbers 5, 15, 19, 25, 37, 52, 79, 81, 103, and 129 *a*, in the Parish of *Spalding*.

Numbers 9 and 22, in the Parish of *Weston*.

Numbers 3, 14, and 30, in the Parish of *Moulton*.

Numbers 17, 22, and 47, in the Parish of *Whaplode*.

Numbers 7, 24, 38, and 47, in the Parish of *Holbeach*.

Numbers 14, 19, 21, and 50, in the Parish of *Fleet*.

Numbers 19, 31, 52, and 57, in the Parish of *Gedney*.

Numbers 7, 14, 23, 39 *x*, 71, 85, and 89, in the Parish of *Sutton Saint Mary*.

Numbers 1 and 6, in the Parish of *Sutton Saint James*.

Numbers 2, 7, and 33, in the Parish of *Tydd Saint Mary*.

Numbers 27, 35, and 57, in the Parish of *Tydd Saint Giles*.

Numbers 8 and 16, in the Parish of *Newton*.

Numbers 3, 13, and 37, in the Parish of *Leverington*.

Numbers 18, 22, and 23 *b*, in the Parish of *Wisbeach Saint Peter*.

Company to
erect Station
or Lodge
where Roads
crossed on
the Level.

XXI. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on a 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 any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of
Trade may
require
Bridges

XXII. The Board of Trade (if it shall appear to them necessary for the Public Safety at any Time either before or after the Railways hereby authorized to be made shall have been completed and opened for

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for public Traffic) may require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railways, by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as, under the Circumstances of the Case, shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

instead of
level Cross-
ings.

XXIII. The Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifty Acres.

Land for ex-
traordinary
Purposes.

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

Period for
Completion
of Works.

XXV. It shall not be lawful for the Company to open for Traffic any Portion of the Railways hereby authorized until they shall be *bonâ fide* proceeding with a view to the Construction and Completion of that Portion of the Railway to *Wisbeach* which lies between *Sutton Saint Mary* and the Parish of *Wisbeach Saint Peter*.

No Portion
of Railways
to be opened
until other
Parts are pro-
ceeded with.

XXVI. The Communications between the Railways hereby authorized to be made and the *Great Northern* Railway, and all such Openings in the Ledges or Flanches of that Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Great Northern* Railway Company; and in case of any Difference arising between the Engineer of the Company and that of the *Great Northern* Railway Company as to the Mode of effecting such Communications, then the same shall be determined by a Referee, to be appointed on the Application of either Company by the Board of Trade.

Communica-
tions with
Great North-
ern Rail-
way to be
made under
the Direction
of their En-
gineer.

XXVII. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands belonging to the *Great Northern* Railway Company, or to alter, vary, or interfere with the said *Great Northern* Railway, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction and Inter-communication between the *Great Northern* Railway and the Railways hereby authorized, without the Consent in Writing of the *Great Northern* Railway Company in every Instance for that Purpose first had and obtained.

Not to inter-
fere with the
Works of the
Great North-
ern Railway
Company
without Con-
sent.

XXVIII. Nothing

The Norwich and Spalding Railway Act, 1853.

Saving the Rights of the Great Northern Railway Company.

XXVIII. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Great Northern Railway Company* otherwise than is herein expressly provided.

As to crossing Eastern Counties Railway and Junction with East Anglian Railways at Wisbeach.

XXIX. Whereas it is expedient to provide as after mentioned for the Prevention of Danger upon the *Eastern Counties Railway*, and upon the *East Anglian Railways*, now in Possession of the *Eastern Counties Railway Company*: Be it enacted, That the Railway by this Act authorized shall cross the *Eastern Counties Railway*, and shall join the *East Anglian Railways* at the respective Points of Crossing and Junction shown on the said Plans, and at no other Points without the Consent of the *Eastern Counties Railway Company* first had and obtained, and the Crossing and Junction to be made or effected at the said respective Points, as well as all such Openings in the Ledges or Flanches of the said *Eastern Counties* or *East Anglian Railways* as may be required for such Crossing or Junction, shall be made at the sole Expense of the Company, under the joint Direction and Superintendence of the respective Engineers for the Time being of the *Eastern Counties Railway Company* and of the Company; and if any Dispute shall arise between the said Engineers as to the Mode of effecting such Crossing or Junction, such Dispute shall be referred to and shall be decided, at the Cost of the Company, by the Board of Trade, or by an Arbitrator to be appointed by that Board, and the Decision of the said Board or Arbitrator on any such Matter shall be final and conclusive.

Lodges to be erected at Points where the Railway crosses other Railways.

XXX. The Company shall, if they shall at any Time hereafter be required by the Board of Trade so to do, erect and permanently maintain a Lodge at the said Point where the Railway is intended to cross the *Eastern Counties Railway*, and also a Lodge at the Point where the said Railway is intended to join the *East Anglian Railways*, and any such Lodge shall be appropriated to the Use of any Persons employed to watch the said Point of Crossing and Junction: Provided always, that the Railway shall not be opened until the Board of Trade shall have given a Decision as to the Necessity of erecting both or either of the said Lodges.

Persons to be stationed at Points of Junction.

XXXI. It shall be lawful for the *Eastern Counties Railway Company*, or for the Company, or for the said Companies jointly, as the Board of Trade may direct and decide, to employ proper Persons to be constantly stationed at the said Points of Crossing and Junction, and to give to such Persons such Instructions as they may deem necessary for the Purpose of preventing Collisions between Trains passing upon the *Eastern Counties* and the *East Anglian Railways* and Trains passing upon the Railway of the Company; and such Persons shall be under the Control of either of the said Companies, or of

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of the said Companies jointly, as the Board of Trade may direct and decide; and the Wages of the Persons so to be employed, and the Costs and Expenses to be incurred in relation to the Matters aforesaid, shall in all Cases be paid and borne by the Company.

XXXII. In case during the Construction of the Works for carrying the said Railway across the *Eastern Counties* Railway or for effecting a Junction with the *East Anglian* Railways, or at any Time after such Works shall have been completed, any Damage or Injury shall be thereby occasioned to the said *Eastern Counties* or *East Anglian* Railways, or the Traffic upon such Railways or either of them shall be in any way interrupted, the Company shall and they are hereby required to make good such Damage or Injury, and to reimburse the *Eastern Counties* Railway Company all Costs and Expenses which they shall have incurred in consequence thereof; and if any Dispute shall arise between the said Companies as to the Amount of Damage or Compensation to be paid in any such Case to the *Eastern Counties* Railway Company, the Amount of such Damage or Compensation shall be settled by Arbitration in manner aforesaid.

Damages to
Railways to
be made
good.

XXXIII. Excepting as by this Act expressly authorized, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *Eastern Counties* or *East Anglian* Railways Companies or either of them, but all the Rights, Powers, Privileges, and Authorities of the *Eastern Counties* Railway Company and of the *East Anglian* Railways Company shall be saved and reserved to those Companies respectively, and may after the passing of this Act be enjoyed by them as fully and amply as if this Act had not been passed.

Savin
Rights of
the *Eastern
Counties* and
East Anglian
Railways
Companies.

XXXIV. Nothing herein contained shall extend to prejudice, alter, lessen, control, or take away any of the Rights, Powers, or Authorities now vested in or enjoyed by the *North Level* Commissioners, for making and maintaining a certain Drain called "the *North Level* Main Drain," between *Clow's Cross* and the *Nene Outfall* Cut, or any other Drains or Works for the Drainage of the *North Level* and *Great Portsand*; but that all such Rights, Powers, and Authorities of the said *North Level* Commissioners shall remain in as full Force to all Intents and Purposes as if this Act had not been passed; and the said *North Level* Commissioners shall not be liable to any Compensation for any Damage or Injury occasioned by widening, deepening, varying, altering, or diverting the said *North Level* Main Drain, or any other Drains or Works aforesaid, or by making any new Drains or Works for the Drainage of the said *North Level* and *Great Portsand*, to any greater Extent or Amount than they would have been liable to if the said Railway had not been made: Provided always,

Not to inter-
fere with
Rights of
North Level
Commis-
sioners.

[Local.]

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that

The Norwich and Spalding Railway Act, 1853.

that in widening, deepening, varying, altering, or diverting the said *North Level* Main Drain, or any other such Drains or Works aforesaid, or making any new Drains or Works, nothing shall be done to impede or interfere with the Use of the said Railway or the Traffic thereon, for any greater Length of Time or in any other Manner than shall be necessary for the Execution of the said Works.

Not to interfere with
Drainage of
Lands in
Deeping
Fen and
South Holland, &c.

XXXV. And whereas the Line of the said Railway is intended to pass through, across, or near to certain Parts of the Fens commonly called *Deeping Fen*, and through certain Parts of the District called *South Holland*, and also over or across the navigable River *Welland* in the County of *Lincoln*, and it is necessary to make Provisions for preserving the Drainage of the said Fen and District, and the Drainage by and Navigation of the said River *Welland*, and of the several Cuts, Drains, and Watercourses, and Works of Drainage within the same Fen and District, or in or through any River, Cut, Drain, or Watercourse without the same respectively, through or along which the Waters thereof pass below the same to the Outfall to Sea: Be it therefore enacted, That in constructing and maintaining the Railway and Works by this Act authorized to be made, it shall not be lawful for the Company, without the Consent of the Undertakers, Adventurers, or Participants for the Drainage of the said *Deeping Fen*, the Committee of Trustees of the *South Holland* Drainage, and the Trustees of the Outfall of the River *Welland* respectively for the Time being, as the Case may be, at some Meeting to be specially called for such Purpose, such Consent being certified under the Hand of the Clerk or Clerks for the Time being of the said Parties respectively, to contract or diminish the Breadth, Depth, or Capacity of the Channel or Waterway of the said River *Welland*, or of any River, Cut, Drain, Watercourse, or Work of Drainage within the said Fens or District, or in or through or over any River without the said Fens or District through or along which the Waters thereof respectively pass below the same respectively to the Outfall to Sea, or to do any Act whereby the free Passage of the Water through or along any such River, Cut, Drain, Watercourse, or Work of Drainage, or along or between the Banks, or through or over the Washers thereof, shall, during Floods, or at any other Time, be in any Manner impeded or obstructed, or whereby any Water or Ice shall be prevented from passing through or along any River, Drain, Watercourse, Wash, Sluice, or other Work of Drainage within or without the said Fens and District as freely as before the Formation of the said Railway; and that it shall not be lawful for the Company, without such Consent as aforesaid, to lower or vary the Line or Dimensions, or to injure or weaken the Security of any Barrier or other Bank maintained for protecting any of the Lands within the said Fens and District respectively from Inundation; and that every Bridge to be erected for carrying

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carrying the said Railway over the said River *Welland*, or any other River, Cut, Drain, or Watercourse belonging to, or vested in or under the Control or Jurisdiction of the said Undertakers, Adventurers, or Participants Committee of Trustees, and Trustees, and every of them respectively, shall be so constructed as not to impede or obstruct the Navigation thereof, or the Use and Enjoyment of the Towing Paths thereof; and that if the said Company shall, by any Act or Default, offend against any Provision of this Act, touching or concerning the Drainage of any of the said Lands within the said Fens and District respectively, or the Navigation of the said Rivers respectively, or the Navigation of any of the said other navigable Rivers, Cuts, Drains, or Watercourses, and shall for the Space of Ten Days after due Notice thereof from the said Undertakers, Adventurers, or Participants, or the said Committee of Trustees, or the said Trustees, or other Bodies or Persons respectively aggrieved, under their Hands respectively, or under the Hands of their respective Clerk or Clerks for the Time being, fail to repair any Injury which shall be occasioned thereby, the Company shall for every such Offence be liable to a daily Penalty of Ten Pounds: Provided also, that nothing in this Act contained shall prevent any Body or Party aggrieved by any Act or Default of the Company touching the said Drainage or Navigation from recovering from the Company special Damages (if any shall be incurred), in addition to the Amount which may be paid by the Company as Penalties as aforesaid for any Injury that may arise or be done or occasioned to the Drainage of any of the Lands within the said Fens and District respectively, or the Works for protecting or preserving the same respectively, or to the Navigation of the said River, Cuts, Drains, and Watercourses or any of them as aforesaid, by or through the Act, Neglect, or Default of the Company, or by means of the Works to be executed by the Company.

XXXVI. In the Formation of such Part of the Railway as is intended to pass over or along any Part of the Barrier or other defensive Bank or Banks running by the Side of any of the Rivers or Drains within the said Fens and District respectively, or of any Washes or Rivers without and adjoining the said Fens and District, it shall not be lawful, as to any Barrier or defensive Bank maintained by or under the Direction of the said Undertakers, Adventurers, or Participants, or the said Trustees or Committee of Trustees, or the said Trustees or any of them respectively, without their respective Consents, to be certified in Writing by their Clerk or Clerks for the Time being, for the Company, or their Successors, Officers, or Contractors, at any Time to cut or interfere with or to place or drive down any Wood, Iron, or other Piles, or to erect any Pier or Building into or upon the puddled Wall or Slope of any such Barrier or defensive Bank, or within Twenty Feet on the Water Side, and Ten Feet on the

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

Land

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Land Side of the Centre of such puddled Wall or Slope, or Centre of such Barrier or other defensive Banks, or to cut or carry away any Earth or Soil, or open any Hole or Trench, upon or within One hundred Yards from the Centre on the Land Side of the said Barrier or defensive Bank, under the Penalty of Fifty Pounds for every Day so long as any such Piles shall be so driven and remain therein, or such Earth or Soil cut or carried away, or any such Hole or Trench opened as aforesaid, in contravention of these Provisions; such Penalties, with Costs, to be from Time to Time payable to and recoverable by such of the Parties aforesaid respectively aggrieved in the same Manner as is directed with respect to the Penalties last aforesaid: Provided always, that if for the Execution of the Railway it may seem to the Engineer of the Company necessary to drive such Piles with a view to their remaining permanently in the Soil for the Support of Bridges or Viaducts, or to remove the Soil within the Limits aforesaid for the Purpose of filling up the same with solid Brickwork and Cement or Concrete as a Foundation for Bridges, and the Trustees, Persons, or Corporation having Control over the respective Drainages, Banks, or Works shall withhold their Consent from the driving of such Piles or the removing of the Soil, the Matter in dispute shall be referred to Arbitration in the Manner prescribed in the Railway Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

Banks to be
strengthened.

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

Works not
to unite
Drainage of
Districts.

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

Nothing to
interfere
with Rights
of Drainage,
&c.

XXXIX. Nothing herein contained shall tend to lessen or control any Rights, Powers, or Authorities now vested in or enjoyed by any Bodies or Persons for varying, altering, or diverting any existing Bridges, Rivers, Cuts, Drains, or Watercourses used for the Drainage of

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of any of the Lands within the said Fens called *Deeping Fen* or the said District of *South Holland*, or any of them, or to prevent or restrain the making of any new Banks, Bridges, Rivers, Cuts, Drains, or Watercourses for improving the Drainage or Defence thereof, or of altering or enlarging any existing Banks, Bridges, Rivers, Cuts, Drains, or Watercourses, but that all such Rights, Powers, and Authorities shall remain in as full Force and Effect as if this Act had not passed, and the said Bodies or Persons shall not be liable to make any Compensation for any Damage or Injury occasioned by varying, enlarging, or diverting any existing Banks, Bridges, Rivers, Cuts, Drains, or Watercourses, or making any new Banks, Bridges, Rivers, Cuts, Drains, or Watercourses, to any greater Extent or Amount than ~~they would have been liable to if the said Railway had not been made~~: Provided always, that in so varying, altering, enlarging, or diverting any existing Banks, Bridges, Rivers, Cuts, Drains, or Watercourses, or making any such New Banks, Bridges, Cuts, Drains, or Watercourses as aforesaid, nothing shall be done to impede or interfere with the Use of the Railway or 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 Works.

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

Provision
as to any
new Bank,
Bridge, Cul-
vert, or Tun-
nel.

XLI. If at any Time after the Railway shall have been completed any Injury or Damage shall be occasioned or arise to the said River *Welland*, or to the several Rivers, Cuts, Drains, or Watercourses, or any of them, within the said *Deeping Fen* or *South Holland*, or without the said Fens or District, through and along which the Waters thereof

Company to
make good
all Injury oc-
casioned by
their Works
to the Drain-
age and Na-
vigation.

[Local.]

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thereof

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thereof respectively pass to the Outfall at Sea, or to the Navigation thereof, or to the Banks or Towing-paths thereof, from the Formation of any Bridge, Embankment, Ditch, Culvert, or other Work of the said Railway, which may not have been foreseen by this Act, the Company shall make good and repair such Injury or Damage immediately after the Discovery thereof, and also make full Compensation to any and every Person or public Body aggrieved for such Injury or Damage, and shall also execute such Works for the Prevention of any future Injury as shall be deemed necessary by Two Referees to be appointed for that Purpose, One to be appointed by the Company and the other by the Body or Bodies interested, or by an Umpire to be appointed by such Two Referees, such Works to be executed within such Time and in such a Manner as shall be specified by such Referees or Umpires respectively; and such Damages and Compensation shall be recoverable with full Costs of Suit, by the Bodies or Parties respectively aggrieved by Action in any of the Superior Courts, and that the Costs of the said Reference shall be borne by the said Railway Company.

Railway
Company to
keep certain
Parts of
Towing-
paths in re-
pair.

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

As to Alter-
ations of
Towing-
paths.

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

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

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

Bridges to be built of One Span only.

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

Company to repair Works executed by them.

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

Works to be executed under Superintendence of an Engineer.

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

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

XLVIII. The

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Bridge, &c.
to be main-
tained by
Railway
Company to
the Satisfac-
tion of the
Nene Naviga-
tion Commis-
sioners, &c.

XLVIII. The Bridge and Works connected therewith hereby authorized affecting the River *Nene*, shall be executed and maintained by the Railway Company to the Satisfaction and under the Superintendence of the Engineer for the Time being of the *Nene Valley* Drainage and Navigation Improvement Commissioners, at the Expense of the Railway Company.

Defining
Depth of
Bridge Founda-
tion.

XLIX. The Foundations of the Bridge shall be at such Depth as to admit of the deepening of the River to the Extent of Five Feet at the least under the intended Bottom, shown on the deposited Sections relating to the Improvements in the River *Nene*, and referred to in the *Nene Valley* Drainage and Navigation Improvement Act, 1852.

Railway
Company to
pay Expenses
of construct-
ing &c. Piles.

L. The Railway Company shall pay to the said last-mentioned Commissioners the Cost of constructing and of maintaining such Piles for Vessels to bring up to as the said Commissioners may deem necessary.

Not neces-
sary to open
Bridge for
certain Ves-
sels.

LI. The said Company shall not be compelled to open the said Bridge for the Passage of Steam or other Vessels with falling Masts or Funnels, or for Vessels which can by lowering such Masts or Funnels pass under the said Bridge with Ease and Safety.

Railway
Company
required to
repair Da-
mages, &c.

LII. If any Person or Body, at any Time after the said Railway Company, or any Person employed or authorized by them, shall have begun to carry this Act into execution, shall sustain any Damage or Injury in his or their Lands, Tenements, or Hereditaments, by or in consequence of the Erection of the said Bridge, or the crossing or any lowering of the Banks of the River *Nene*, or from any Soakage through the new Banks that may be required or substituted, then and in such Case, upon due Notice of such Damage or Injury being given as aforesaid, the Company shall and they are hereby required to raise the Banks and to effectually stop any Soakage, and remove such Injury.

Penalty on
the Company
neglecting to
repair Da-
mage.

LIII. If the Company shall neglect or refuse to raise the Banks or to stop the Leakage for the Space of Fourteen Days after Notice requiring them to do so as aforesaid, they shall be subject to a Penalty, not being less than Twenty Pounds, for every Day during which the same or any similar or like Obstruction, or such Damage or Injury occasioned thereby, shall at any Time occur, remain, or happen after the Expiration of Fourteen Days, which Penalty may be recovered against the said Company by the *Nene Valley* Drainage and Navigation Improvement Commissioners, by Action of Debt, in any Court of competent Jurisdiction.

LIV. Any

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LIV. Any Land which may be required to be taken or used by the said Company which at the Time of the passing of this Act shall, under or by virtue of any Act of Parliament, be subject to any Drainage Taxes or Drainage Charges now or hereafter to be imposed on the said Lands, under or by virtue of such Act or any Act which may hereafter be passed for amending such Act, shall remain subject to the same Taxes or Charges, in the same Manner but not to any greater Extent than if this Act had not passed, or if such Lands had not been taken or used by the said Company; and such Taxes and Charges, and any Penalties that may be incurred for Nonpayment thereof, shall be recoverable not only by Distress and Sale of any Goods and Chattels belonging to the said Company, but also by and under the Powers and Provisions of any Act of Parliament under which the same Lands have been or shall be assessed, rated, taxed, or charged.

Lands taken by the Company to remain subject to Drainage Taxes.

LV. If at any Time hereafter a new or additional Channel shall, under the Authority of any Act of Parliament to be hereafter obtained, be made for the said River *Nene*, which shall intersect the Line of the said intended Railway, or of any Branch Railway connected therewith, or appertaining thereto, then it is hereby expressly provided that One Half the Expense of the Bridge requisite for carrying the said Railway over such new or additional River or Channel, as well as of all Works necessary for continuing the Traffic of the said Railway during the Construction of the said Bridge, shall be paid by the said Railway Company to the *Nene Valley* Drainage and Navigation Improvement Commissioners, or the respective Bodies or Persons requiring the same; and the said Bridge shall be in all respects sufficient for the Purposes of such improved Navigation and Drainage, and shall be made to the Satisfaction of the said Lord High Admiral, or the said Lords Commissioners, or his or their Engineer.

Provision if any Alteration should be hereafter made in Channel.

LVI. If at any Time after the said Railway shall have been completed any Injury or Damage shall be occasioned or arise to the said River *Nene*, or to the Drainage or Navigation thereof, or to the Banks or Towing-paths thereof, from the Formation of any Bridge, Embankments, Ditches, Culvert, or other Works of the said Railway, which may not have been foreseen or provided for by this Act, the said Company shall make good and repair such Injury or Damage immediately after the Discovery thereof, and also make full Compensation to any Party or public Body aggrieved for such Injury or Damage, and also shall execute such Works for the Prevention of any future Injury as shall, so far as relates to any Works belonging to or the Property of the said *Nene Valley* Drainage and Navigation Improvement Commissioners, be deemed necessary by Two Referees

Company to make good all Injury occasioned by their Works.

[*Local.*].

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to

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to be appointed for that Purpose, One to be appointed by the said Railway Company, and the other by the *Nene Valley* Drainage and Navigation Improvement Commissioners, or by an Umpire to be appointed as directed by the "Lands Clauses Consolidation Act, 1845," such Works to be executed within such Time and in such Manner as shall be fixed and specified by such Engineer, Referees, or Umpire respectively, or such Damage and Compensation shall be payable to and recoverable by the Parties aggrieved, by all or any of the Ways or Means by which any Damage or Compensation is made recoverable by this Act, and that the Costs of the said Engineer and the said Referees and Umpire shall be borne by the said Railway Company.

Company to
keep certain
Parts of the
Banks and
Towing-
paths in
repair.

LVII. The said Railway Company shall, and they are hereby required, at their own Expense, for ever hereafter to maintain and keep in perfect Repair the intended Bridge, and such Parts of the several Barrier and other Banks and Towing-paths for the Space or Distance of not less than Twenty Yards on each Side of the said Railway Works on both Sides of the said River *Nene*, or other Cut, Canal, Drain, or Watercourse under the Jurisdiction of the said *Nene Valley* Drainage and Navigation Improvement Commissioners, as shall be altered or interfered with by the said Company, and the Expense of repairing the same shall be borne and paid by the said Company for the Space or Distance above mentioned: Provided nevertheless, that the Enactment herein contained shall not extend to require the said Company to repair any Injury or Damage caused or to be caused to the said Banks and Towing-paths by any of the Works to be made by the said *Nene Valley* Drainage and Navigation Improvement Commissioners.

Company
to provide
Means to
remove Ice
during
Floods.

LVIII. The said Railway Company shall, at all Times when the Occasion shall arise, take all necessary Measures for removing, and shall remove and cause to pass down with the Stream so as not to obstruct the Flow of Water, any Ice that may be formed at or against any of the Works of the said Railway Company in the Rivers *Nene* and *Welland*, in any of the Rivers, Cuts, Drains, or Watercourses within the said *Deeping Fen* and *South Holland*, so as effectually to prevent any Ice from accumulating or being obstructed by reason of the Railway or the Works connected therewith, and if the said Railway Company shall not so break and effectually remove the Ice, or if from any Cause whatever, arising from the said Railway or Works, any Ice shall accumulate against any of the Works of the Railway Company, the Superintendent, or any of the Agents or Workmen of the Commissioners or other public Body interested in and having Control over the River, Cut, Drain, or Watercourse in which any such Accumulation

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Accumulation or Obstruction may occur, may proceed to take Measures for removing such Ice, and may recover the Amount of any Costs or Charges so incurred by Neglect of the said Company, in such and the like Manner as is directed for the summary Recovery of Penalties and Costs in this Act or any Act incorporated therewith.

LIX. In making or maintaining the said Bridge, or any Works belonging thereto, the said Company shall not willingly or knowingly injure or suffer to be injured the Drainage or Navigation by or through the said River; and if any such Impediment or Obstruction as aforesaid shall at any Time be made by the said Company, and the said Company shall not forthwith remove the same on having Ten Days Notice in Writing for that Purpose from the said *Nene Valley* Drainage and Navigation Improvement Commissioners, the Corporation of *Wisbeach*, or any Person or Persons acting under their Authority, the said Company shall be liable, during the Continuance thereof, to a daily Penalty of Ten Pounds; and it shall be lawful for any Two Justices of the Peace for the *Isle of Ely* or for the Borough of *Wisbeach*, on the Complaint in Writing of such Commissioners, Bodies, or Persons, or any of them, to direct the Removal of every such Obstruction or Impediment at the Expense of the said Company, and every such Penalty shall be paid to the said Commissioners and the Harbour Master of the Port of *Wisbeach*, in equal Proportions, for the Purposes of the same Navigation.

Penalty on
Company ob-
structing the
Drainage or
Navigation.

LX. The Company shall from Time to Time pay to the Incorporated Commissioners the Expense which such Commissioners may incur (whether before, during, or after the Construction of the said Bridge) in wharfing, protecting, and supporting both Sides of the said River between the Bridge intended to be erected by the said Company and the *Wisbeach* Bridge authorized to be erected by the said Incorporated Commissioners, and in the Execution of any other Works in and about the said River which *James Meadows Rendel* or other the Engineer for the Time being of the said Incorporated Commissioners may deem necessary by reason of the intended Construction of the Railway and Bridge across the said River, the Amount of such Expense to be paid after Six Months from the passing of this Act, or as soon after as the said Works shall from Time to Time be executed, the same to be recovered in any Court of competent Jurisdiction.

Company to
pay Expense
of Works on
River Nene
rendered ne-
cessary by
Railway
Bridge.

LXI. Nothing in this Act contained shall diminish, alter, affect, or take away any of the Rights, Privileges, Powers, and Authorities vested in the said *Nene Valley* Drainage and Navigation Improvement Commissioners acting under or by virtue of "The *Nene Valley* Drainage and Navigation Improvement Act, 1852," but that the same Rights, Privileges, Powers, and Authorities shall remain as fully,

Saving
Rights of
the Nene
Valley Drain-
age and Na-
vigation Im-
provement
Commis-
sioners.
to

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to all Intents and Purposes, as if this Act had not passed, save and except such Rights, Privileges, Powers, and Authorities as are by this Act expressly varied or altered.

Reserving
Rights of
the Corpora-
tion of Wis-
beach.

LXII. Nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Dues, Rights, Privileges, Powers, or Authorities of the Mayor, Aldermen, and Burgesses of the Borough of *Wisbeach*, but the same Dues, Rights, Privileges, Powers, and Authorities shall remain, and be payable and paid, used and exercised, as fully, to all Intents and Purposes, as if this Act had not passed, save and except so far as any of such Rights, Privileges, Powers, or Authorities are altered or interfered with by this Act for the necessary Purposes of executing and using the said Railways, or the several other Works connected therewith, hereby authorized to be made.

Before
Bridges are
commenced
Working
Drawings to
be submitted
to the Admi-
ralty.

LXIII. Previously to commencing the Bridges for carrying the said Railway over the Rivers *Nene* and *Welland*, or either of them, or of the Works connected therewith, the Company shall deposit at the Admiralty Office, Plans, Sections, and Working Drawings of the said Bridges and Works connected therewith, 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 of the Admiralty; and such Bridges and Works shall be constructed only in accordance with such Approval.

Defining
Mode of con-
structing
Bridge across
the Welland.

LXIV. The Bridge for carrying the said Railway across the River *Welland* at or near *Spalding* shall be constructed square to the Centre Line of the Channel of the said River, with a Waterway of not less than Sixty-five Feet in the clear between the Abutments, and such Abutments shall be constructed of Masonry, and there shall be a Headway under the Soffit of such Bridge of not less than Five Feet at High-water Mark of ordinary Spring Tides; and the Soil forming the Slope on the convex Side of the River *Welland* at the Site of the said Bridge shall be removed by the Company so as to make such Part of the said River of the same Depth as Mid-channel, in such Manner as shall be approved of by the said Lord High Admiral or the said Commissioners, by Writing under the Hand of the Secretary of the Admiralty.

Bridge over
Nene to be
approved of
by Admiralty.

LXV. The Bridge for carrying the said Railway across the River *Nene* at or near *Wisbeach* shall have a Headway under the same of not less than Nine Feet above High Water of ordinary Spring Tides, and the said Bridge shall have such Width of Waterway between the Abutments, and such Abutments shall be so constructed (the Line of such Bridge being as nearly perpendicular to the Centre Line of Channel

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Channel as Circumstances will permit), and such an opening Span shall be made in the Bridge of such Width in the clear for the Passage of Vessels with fixed Masts through the same, and be so placed in the said Bridge, as the said Lord High Admiral or the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, approve of and direct : Provided always, that there shall be a clear Width of Waterway of not less than Eighty-five Feet in One Span, and no Pier or other Structure shall be placed in the River, and such Bridge shall have all necessary and conveniently formed retaining Walls and guiding Works in the River, as well for the free Passage of the Water as for Navigation.

LXVI. That during the Construction of the said Bridges across the Rivers *Nene* and *Welland*, and each of them, and Works connected therewith, the said Company shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light, to be kept burning on or near the Site of each of the said Bridges, by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of each of the said Bridges the said Company shall cause to be hung out or exhibited upon or near to the Centre of each of the said Bridges, every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and each and every of the Lights herein-before mentioned shall be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used and placed as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall by Writing under the Hand of the Secretary of the Admiralty approve of ; and in case the said Company shall neglect to exhibit and keep either or any of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

For securing
Vessels from
Danger dur-
ing the Con-
struction of
the Bridges.

LXVII. It shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the River *Nene* for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway, and approaching the said Bridge, to cross the said River *Nene*, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass ; and in case the Company, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat, contrary to the Provisions of this Act, or demand, take, or receive any Toll or other Payment for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Company, or every Person so offending, shall in every such Case forfeit and pay the Sum of Ten Pounds ; but nothing in this Act shall prevent any Remedy for Damages

For prevent-
ing Detention
of Vessels
navigating
River Nene.

[*Local.*]

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which

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which any Party may sustain in respect of any such Detention as aforesaid.

Admiralty
may order
local Survey
at Expense
of Company ;

LXVIII. 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 or navigable River or Water, 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, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

and remove
Works if
abandoned
by Company.

LXIX. If any Work to be constructed by the Company in or across any tidal or navigable Water or River, or if any Portion of the Work which affects 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.

Defining
Mode of
constructing
Bridge over
North Level
Main Drain.

LXX. In carrying the said Railway over the said *North Level* Main Drain the said Railway Company shall, and they are hereby required, at their own Expense, and to the reasonable Satisfaction of the Engineer for the Time being of the said *North Level* Commissioners, to make and complete, according to the Parliamentary Sections, and at all Times for ever thereafter, at their own Expense, to maintain and keep in perfect Repair a good and substantial Bridge over the said *North Level* Main Drain ; and the Centre Span or Opening of such Bridge shall be Forty Feet wide at the least, and the under Side of the said Bridge shall be Nine Feet at the least above the Top Water in the said Main Drain, so that the said Bridge or Railway shall form no Obstruction whatever to the free Passage of the Water under the said intended Bridge, or to the Navigation along the said Main Drain ; and there shall also be one other Opening at the least under the said Bridge on each Side of the said Main Drain for a Roadway along the same, at least Twelve Feet wide and Nine Feet high ; and the said Railway Company shall also make, and for ever thereafter maintain, Culverts of sufficient Dimensions in the Line of the said Ditches at the Foot of the Embankments of the said Main Drain, for the Purpose of conveying

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conveying the Waters of the said Side Ditches, and of preventing any Interruption to the Drainage of the Lands on each Side of the said Main Drain: Provided always, and it is hereby declared and intended, that all the said Widths before mentioned are to be understood as measured at Right Angles, or square with the Line of Direction of the said Main Drain.

LXXI. And whereas it is expedient that Facilities should be afforded for the Transmission of Traffic to and from the Railways hereby authorized over the *Norfolk and Eastern Union* Railways between *East Dereham* and *Norwich*: Be it therefore enacted, That if Complaint shall at any Time be made by the Company to the Board of Trade of any Interruption or Impediment to the proper and expeditious Passage and Transmission of Traffic to and from the Railways hereby authorized over any Part of the *Norfolk* Railway between *East Dereham* and *Norwich*, or over that Part of the *Eastern Union* Railway which lies between the Junction of that Railway with the *Norfolk* Railway and the *Victoria* Station of the *Eastern Union* Railway Company at *Norwich*, it shall be lawful for the Board of Trade, at the Expense of the Company, from Time to Time to make and enforce such Rules, Orders, and Regulations as to such Board may seem necessary and proper for the Accommodation of such Traffic, and to fix and determine the Charges to be made in respect thereof; and if any or either of the Companies, who for the Time being may be in the Possession of and be working the before-mentioned respective Portions of Railway, shall neglect or refuse to carry out and abide by any such Rules, Orders, or Regulations, they shall, so long as they so neglect or refuse, forfeit and pay to the Company a daily Penalty of Fifty Pounds: Provided always, that nothing in this Act contained shall be held to authorize the said Company to run Locomotive Engines upon any Portion of the *Norfolk* Railways.

As to Transmission of Goods to and from the Railway by this Act authorized over the *Norfolk and Eastern Union* Railways.

LXXII. Provided also, That it shall be lawful for the Board of Trade, in like Manner and under a like Penalty, to regulate the Passage, Transmission, and Accommodation on the Railway hereby authorized of Traffic to and from the before-mentioned Portion of the *Eastern Union* Railway, and to fix and determine the Terms and Conditions upon which such Traffic shall be accommodated and conveyed.

Board of Trade to regulate Traffic with *Eastern Union* Railway.

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

Tolls.

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

Tonnage on Articles of Merchandise.

For all Coals, Dung, Compost, and all Sorts of Manure, Lime, Limestone, and Salt, and all undressed Materials for the Repair of

of

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of public Roads or Highways, *per Ton per Mile* One Penny ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny :

For all Grain, Corn, 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, Sheet Iron, Hoop Iron, and all similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils, and all other Articles of Merchandise, *per Ton per Mile* One Penny Halfpenny ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Halfpenny :

For all Sugar, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence ; and if conveyed in Carriages belonging to the Company, an additional Sum of Three Farthings *per Ton per Mile* :

For all Cotton, Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things not herein otherwise provided for, *per Ton per Mile* Threepence ; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Penny :

And for every Carriage, of whatever Description, having more than Two Wheels, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton and a Half, carried or conveyed on a Truck or Platform, *per Mile* Fivepence ; and if having only Two Wheels, *per Mile* Fourpence ; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* of Twopence.

Tolls for Passengers or Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railways, as follows :

For any Person conveyed in or upon any such Carriage, *per Mile* Twopence Halfpenny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Penny :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per Mile* Threepence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Penny :

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* Twopence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Penny :

For every Calf or Pig conveyed in or upon any such Carriage, *per Mile* Three Farthings ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Farthing :

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For every Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Farthing.

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

Tolls for
propelling
Power.

LXXV. The maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the Railways, including the Tolls for the Use of the Railways and of Carriages, and for locomotive Power, and for every other Expense incidental to such Conveyance, shall not exceed the following Sums; that is to say,

Maximum
Rates of
Charge for
Passengers.

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

For every Passenger conveyed in a Second-class Carriage, the Sum of One Penny and Three Farthings *per* Mile:

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

LXXVI. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charges to be made by the Company, including the Tolls for the Use of the Railways and Waggons or Trucks, and locomotive Power, and every Expense incidental to such Conveyance, shall not exceed the following Sums:

For Cattle,
Goods, &c.

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Fivepence *per* Mile:

For every Ox, Cow, Bull, or Head of Neat Cattle, the Sum of Twopence *per* Mile:

For every Calf or Pig, Three Farthings *per* Mile:

For every Sheep, Lamb, or other small Animal, *per* Mile One Halfpenny:

For every Carriage, of whatever Description, having more than Two Wheels, and not being a Carriage adapted for travelling on a Railway, and not weighing more than One Ton and a Half, Sixpence *per* Mile; and if having only Two Wheels, Fivepence *per* Mile:

For Coal, and all Dung, Compost, Salt for agricultural Purposes, 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 *per* Ton *per* Mile:

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

For all Sugar, Salt for domestic Purposes, Flour, Hides, Dyewoods, Manchester Packs, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Twopence Halfpenny *per Ton per Mile* :

For all Cotton and other Wools, Drugs and other manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things not herein otherwise provided for, the Sum of Fourpence *per Ton per Mile* :

Provided always, that the Company shall in no Case be required to convey on the Railways any Minerals or other Articles requiring a separate Truck or Waggon at a less Charge than Six Shillings.

Regulations
as to maxi-
mum Rates
and Charges.

LXXVII. The following Regulations shall apply to such maximum Rates and Charges :

The Company shall be at liberty to fix a minimum Charge of Six Shillings to be taken for each Carriage, and of Three Shillings and Sixpence for every Horse conveyed upon the Railways, notwithstanding the Charge for the Distance for which such Carriage or Horse respectively may be conveyed according to the Rates aforesaid may not amount to those Sums :

Provided always, that it shall be lawful for the Company to demand and take, in addition to the Tolls, Rates, and Charges which are hereinbefore authorized, a reasonable Sum for the loading, unloading, and covering, and for the Delivery and Collection of Goods, and other Services incidental to the Business of a Carrier, where such Services respectively shall be performed by the Company, and a further reasonable Sum for Warehousing, Wharfage, and for any other extraordinary Services which may be reasonably and properly performed by the Company in relation to such Goods.

Regulations
as to the
Tolls.

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

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles, the Company may demand Tolls and Charges as for Six Miles :

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges as for One Mile :

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For any Passenger conveyed along any Part of the Railways by an Express Train, or in a First-class Carriage by every other Train, any fractional Part of Sixpence may be charged as Sixpence, and for any Passenger conveyed in a Second-class Carriage by any Train other than an Express Train, any fractional Part of Fourpence may be charged as Fourpence :

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, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

LXXIX. And with respect to small Packages, and single Articles of great Weight, the Company may lawfully demand the Tolls following; (that is to say,) Tolls for small Parcels and Articles of great Weights.

For the Carriage (over the whole or any Part of the Line) of small Parcels 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 but not exceeding Twenty-eight Pounds in Weight, One Shilling :

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence :

For Parcels exceeding Fifty-six Pounds and 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, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or any other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding Sevenpence *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, or which, on account of the Length thereof, may require more than One Carriage, the Company may demand such Sum as they think fit.

LXXX. Every

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Passengers
Luggage.

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

Restrictions
as to Charges
not to apply
to Special
Trains.

LXXXI. The Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Trains that may be required to run upon the Railways, but shall apply only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the Company, for the Conveyance of Passengers and Goods upon the Railways.

Company
may take
increased
Charges by
Agreement.

LXXXII. Nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels by Passenger or other Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Interest not
to be paid on
Calls paid up.

LXXXIII. It shall not be lawful for the Company, out of any Money by this Act 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 Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposit for
future Bills
not to be
paid out of
the Com-
pany's Cap-
ital.

LXXXIV. 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 any Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

LXXXV. And

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LXXXV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the same Reign, 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 said Railways or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

Railways and Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64

LXXXVI. Nothing herein contained shall be deemed or construed to exempt the Railways 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, and of the Rates for small Parcels, authorized by this Act.

Railways not exempt from Provisions of future General Acts.

LXXXVII. Nothing whatsoever contained in this Act, or in any of the Acts herein referred to, shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, having the Management and Direction of the said Premises, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are

Saving the Rights of the Crown.

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or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of
Act.

LXXXVIII. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto shall be paid out of the Funds of the Company.

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