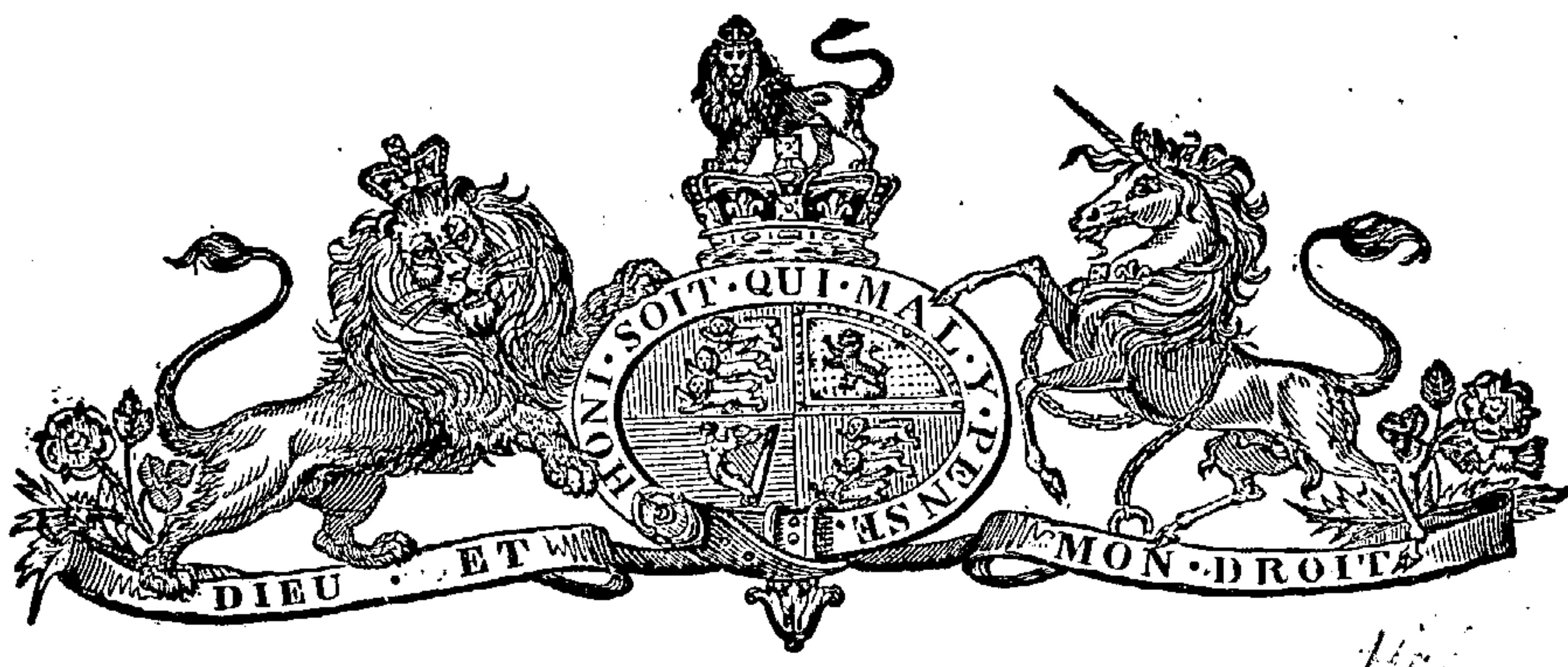




ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cxc.

An Act to enable the *Great Northern Railway Company* to extend their Railway from *Spalding* to the *Great Eastern Railway* at *March* in *Cambridgeshire*.
[21st July 1863.]

WHEREAS it is expedient that the *Great Northern Railway Company* should be authorized to make a Railway between what is known as the Loop Line of their Railway at *Spalding* and the *Great Eastern Railway* at *March* in the *Isle of Ely*: And whereas the estimated Cost of the proposed Railway is Two hundred and twenty-five thousand Pounds, and the *Great Northern Railway Company* (who are herein referred to as “the Company”) are willing to construct the said Railway at their own Expense: And whereas a Plan and Section of the proposed Railway showing the Line and Levels thereof, with a Book of Reference to the Plans containing the Names of the Owners and Lessees, or reputed Owners and 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 Parts of *Holland* in *Lincolnshire*, for the *Isle of Ely*, and for the County of *Cambridge*: And whereas the Object aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice

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and 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. 18. & 20.
and
23 & 24 Vict.
c. 106. in-
corporated.

1. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

2. In this Act the Words "the Railway" shall mean the Railway and the Works connected therewith by this Act authorized to be constructed.

Power to
make Works
according to
deposited
Plans.

3. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Sidings, Approaches, Stations, and Conveniences, in the Line 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 :

The Railway shall commence by a Junction with the Loop Line of the *Great Northern Railway* in the Parish of *Spalding* in the Parts of *Holland* in *Lincolnshire*, near and to the Southward of the Spot where the said Railway crosses the *Bourne Turnpike Road*, shall pass thence through or into the following Parishes and Places, or some of them ; (that is to say,) *Spalding, Cowbit, Weston, Moulton, Crowland, Whaplode, Fleet, Holbeach, Gedney Hill, and Sutton Saint Edmunds*, all in the said Parts of *Holland* ; *Leverington, Parson Drove, Thorney, Wisbeach Saint Peter and Saint Paul, Wisbeach Saint Mary, Elm, Doddington, and March*, all in the *Isle of Ely* in the County of *Cambridge* ; and terminate in the said Parish of *March* by a Junction with the *March and Wisbeach Line* of the *Great Eastern Railway* near the Spot at which the said Line crosses *Norwood Side Drove*.

Power to
alter En-
gineering
Works.

4. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Lines and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that

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that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board upon due Inquiry that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby; provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

5. Subject to the Provisions in this Act and in "The Railways Level Crossings Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railway to carry the same across and upon the Level of the public Roads mentioned in the following Table, but no more than a double Line of Railway shall be laid down on such level Crossings :

Parish or Township.	No. on Plan.	Nature of Road.
Spalding - - - - -	31 and 33 -	Turnpike Road
Do. - - - - -	74, 74a, 72, 72b, -	Public Roads.
Cowbit - - - - -	51 and 52a -	Do.
Crowland - - - - -	22 and 35 -	Do.
Whaplode - - - - -	10 - - - - -	Do.
Holbeach - - - - -	8 - - - - -	Do.
Sutton Saint Edmunds - - - - -	12 - - - - -	Do.
Thorney - - - - -	20 - - - - -	Turnpike Road.
Leverington - - - - -	16 and 24 -	Public Roads.
Wisbeach Saint Mary - - - - -	6, 30, and 42 -	Do.
Elm - - - - -	4 - - - - -	Do.

6. It shall not be lawful for the Company in shunting Trains to pass any Trains over such level Crossings, or to allow any Train, Engine, Carriage, or Waggon to stand across the same. As to shunting of Trains.

7. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain a Lodge at the several Points where the before-mentioned Roads shall be crossed on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect and at all Times maintain such Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point, or to abide by Company to erect Lodge where Roads crossed on the Level.

any

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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 Bridge instead of level Crossing.

8. The Board of Trade (if it shall appear to them necessary for the public Safety or Convenience, at any Time, either before or after the Railway shall have been completed and open for public Traffic,) may require the Company, within such Time as the Board shall direct, and at the Expense of the Company, to carry the said Roads either under or over the Railway 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 such level Crossings.

As to Bridge over the River Nene.

As to opening of Bridge over River.

9. The Bridge over the River *Nene* shall, if the Board of Trade shall so require, be constructed with an opening Span or Spans of such Dimensions as the Board of Trade may approve, and in that Case it shall not be lawful for the Company or any Person acting under them to detain any Vessel, Barge, or Boat navigating the River *Nene* for a longer Space of Time than may be sufficient for admitting 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 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 for the Passage of any Person, Vessel, Barge, or Boat, the Company or every Person so offending shall in every such Case be liable to a Penalty not exceeding Ten Pounds; but nothing in this Act shall prevent any Remedy for Damage which any Party may sustain in respect of any such Detention as aforesaid.

Lights to be exhibited during and after Construction of Works according to Directions of Board of Trade.

10. During the Construction of the Bridges over the Rivers *Welland* and *Nene*, and Works connected therewith, the Company shall exhibit every Night from Sunset to Sunrise a Light or Lights, to be kept burning by and at the Expense of the Company, for the Guidance of Vessels, and after the Completion of the Bridges the Company shall exhibit upon the Bridges every Night from Sunset to Sunrise a Light or Lights, to be kept burning by and at the Expense of the Company, for the Guidance of Vessels, which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed, as the Board of Trade by Writing under the Hand of a Secretary or Assistant Secretary of the Board directs or approves; and in case the Company shall neglect to exhibit and keep any such Light burning as aforesaid

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aforesaid they shall for every such Neglect be liable to a Penalty not exceeding Ten Pounds.

11. If at any Time it is deemed expedient by the Board of Trade to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Power to Board of Trade to order a local Survey at Expense of Company.

12. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or River shall be abandoned or suffered to fall into Disuse or Decay, the Board of Trade may abate and remove the same or any Part thereof, and restore the Site thereof to its former Condition, at the Expense of the Company, and the Amount of such Expense shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned may be removed by Board of Trade at Expense of Company.

13. And whereas the Line of the said Railway is intended to pass through, across, or near to certain Parts of the Fens heretofore commonly called *Deeping Fen*, and now called *Deeping Saint Nicholas*, and also 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 said Fen and District respectively, 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 at 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 Trustees for the Time being of the "*Deeping Fen Drainage Act, 1856*," and the Committee of Trustees of the *South Holland Drainage* 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 respectively,) to contract or diminish the Breadth, Depth, or Capacity of the Channel or Waterway of the said River *Welland*, or of any Cut, Drain, Watercourse, Sluice, or Work of Drainage within the said Fen or District, or in or through or over any River within the said *Deeping Fen* or District respectively through or along which the Waters thereof respectively pass below the same respectively to the Outfall to Sea, or to

For protecting the Drainage of the Lands in Deeping Fen and South Holland, and the Lands draining by the River Welland, and the Navigation of that River.

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As to Deep-
ing Fen,
South
Holland, &c.

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 Wash or Washes thereof or adjoining thereto, 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 such River, Drain, Watercourse, Wash, Sluice, or other Work of Drainage within or without the said *Deeping Fen* and District respectively 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 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 Trustees or Committee 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 *Deeping Fen* and District respectively, or the Navigation of the said River, or of any of the said Cuts, Drains, or Watercourses, and shall for the Space of Ten Days after due Notice thereof from the said Trustees under the Hands of any Five or more of them, or from the said Committee-men or the major Part of them, or under the Hand 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 during the Continuance of any such Impediment or Obstruction, or of such Failure to repair and make good any such Injury, such Penalty to be recoverable and recovered by the said Trustees of the "*Deeping Fen* Drainage Act, 1856," or the said Committee-men respectively, or their respective Clerk or Clerks for the Time being, with full Costs of Suit, in any of Her Majesty's Courts of Record: 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, or touching or by any such Injury, 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 any of the Lands within the said *Deeping Fen* and District respectively or the Drainage thereof, 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 any Act, Neglect, or Default of the Company, or by means of the Works to be executed by the Company.

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14. 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 the said River *Welland*, or any of the Drains within the said *Deeping Fen* and District respectively, or of any Washes or Drains 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 Trustees or Committee of Trustees respectively, without their respective Consent, to be certified in Writing by their respective Clerk or Clerks for the Time being, for the Company, or their Successors, Officers, or Contractors, at any Time or in any Manner to cut or interfere with, or to place or drive down any Wood, Iron, or other Piles, or to erect any Pier or Building, into or upon the puddled Wall or Slope of any such Barrier or defensive Bank, or within Twenty Feet on the Water Side and Ten Feet on the Land Side of the Centre of the said puddled Wall or Slope or Centre of such Barrier or other defensive Bank, 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 shall be cut or carried away, or any such Hole or Trench shall be opened as aforesaid in contravention of these Provisions; such Penalties, with full Costs, to be from Time to Time payable to and recoverable by the said Trustees of the "*Deeping Fen Drainage Act, 1856*," or the said Committee of Trustees, or such of the other Parties 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 or Persons having Control over any such Drainage, Bank, or Works shall withhold their Consent from the driving of such Piles or the removing of the Soil, the Matter in dispute shall be referred to Arbitration in the Manner prescribed in the "*Railways Clauses Consolidation Act, 1845*," with respect to the Settlement of Disputes by Arbitration.

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

15. Previously to any such Work being commenced upon or over any such Barrier or defensive Bank 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 Bank to the Extent the same shall be reasonably required by or on behalf of the said Trustees, or by other the Parties respectively having Control over any such Banks, or being liable to the Maintenance thereof.

Banks to be
strengthened
before any
Work com-
menced.

16. It

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Works not
to unite
Drainage of
Districts.

16. It shall not be lawful for the Company to execute any of their Works, either within the said Fen called "*Deeping Fen*," or the said District called "*South Holland*," or the Lands draining by or adjoining 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.

Preserving
Rights of
Drainage.

17. Nothing herein contained shall tend to lessen or control any Rights, Powers, or Authorities now vested in or enjoyed by the Trustees of the "*Deeping Fen Drainage Act, 1856*," or the Trustees of the *South Holland Drainage*, or their Committee, or any other Bodies or Persons, for varying, altering, or diverting any existing Bridges, Rivers, Cuts, Drains, or Watercourses used for the Drainage of any of the Lands within the said Fen called "*Deeping Fen*," or the said District of *South Holland*, or to prevent or restrain the making of any new Banks, Bridges, Rivers, Cuts, Drains, or Watercourses for improving the Drainage or Defence thereof respectively, or of altering or enlarging any existing Banks, Bridges, Rivers, Cuts, Drains, or Watercourses, 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 Trustees respectively, or Committee of Trustees, 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 Bank, Bridge, River, Cut, Drain, or Watercourse, or making any such new Bank, Bridge, Cut, Drain, 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 due Execution of the said Works.

Provision as
to any new
Bank,
Bridge,
Culvert, or
Tunnel.

18. 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 Bank, River, Cut, Drain, or Watercourse within *Deeping Fen* or *South Holland*, or by the Alteration of the said River *Welland*, or by the making of any new Bank, River, Cut, Drain, or Watercourse within the said *Deeping Fen* 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 said Trustees or Committee of Trustees, or other Bodies or Persons requiring the same; and in case any Dispute shall arise between the

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the said Trustees or Committee of Trustees, Bodies or Persons, and the Railway Company, touching the Mode of erecting or making such Bank, 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.

19. 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 any Cut, Drain, or Watercourse within the said *Deeping Fen* or *South Holland* District, or without the said Fen or District, through and along which the Waters thereof respectively pass to the Outfall at Sea, or to the Navigation of the said River *Welland*, or to the Banks or Towing-paths thereof, from the Formation of any Bridge, Viaduct, 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 public Body or private Person 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 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 a Manner as shall be specified by such Referees or Umpire respectively, and such Damages and Compensation shall be recoverable, with full Costs of Suit, by the Bodies or Parties respectively aggrieved by Action in any of the Superior Courts, and the Costs of the said Reference shall be borne by the said Railway Company.

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

20. 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 said River *Welland*, or of any Barrier or defensive Bank or Towing-path crossed by the said Railway by the Side of the said River *Welland*, or other navigable or other River, Cut, Drain, or Watercourse within the said *Deeping Fen* or *South Holland* District respectively; and the Company shall, during Twelve Months after they shall have reinstated the said Barrier or defensive Banks and Towing-path maintain the same at their own Expense in good and substantial Repair and Condition.

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

21. Where in the Construction or Repair of the Railway it shall be necessary to alter the Course of the Towing-path of the River *Welland*,
 [Local.] 32 L or Regulating Alterations of Towing-

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paths or
Roads.

or of any navigable River, Drain, or Watercourse within the said *Deeping Fen* and *South Holland* District respectively, or any Roadway or Drove upon, along, or under or by the Side of any of the Barriers or other Banks or otherwise, the Company shall make such Alteration so as not ultimately to impede the Navigation of the said River, Cut, Drain, and Watercourse, or the Use of the said Roadways or Drovers, and so that the Navigation and Passage of Water through the same River, Cut, Drain, or Watercourse, or the Passage of the said Roads, Ways, or Drovers, 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: 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.

Bridge to be
built of One
Span only.

22. The River *Welland* shall be crossed by a Bridge the Span or centre Span of which shall be Sixty-five Feet wide at the least in the Clear, and all Cuts, Drains, and Watercourses within the said *Deeping Fen* and *South Holland* respectively shall be crossed by Bridges of a single Span, each of ample Dimensions, and to be built at Right Angles to the Watercourse or Channel, or so that the Piers or Abutments shall be parallel thereto.

Company to
repair
Works ex-
ecuted by
them.

23. 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* respectively, or in any way affecting the Drainage thereof respectively, or the Navigation of the said River *Welland*, or the Efficiency of the Works of the said *Deeping Fen*, *South Holland*, and River *Welland* respectively.

Works to be
executed
under Super-
intendence
of an
Engineer.

24. The Details and Mode of constructing the several Works herein directed to be made for protecting the Interests of the said Trustees of the "*Deeping Fen* Drainage Act, 1856," of the said Trustees or Committee of Trustees of the *South Holland* Drainage, and of the Trustees for the Navigation of and Drainage by the said River *Welland* 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 from Time to Time and at any Time appointed by the said 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 any such Engineer shall be defrayed by the Railway Company.

Reserving
Rights of the
Trustees of
the "*Deep-
ing Fen*
Drainage

25. 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 Trustees of the "*Deeping Fen* Drainage Act, 1856," or the
Trustees

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Trustees or the Committee of Trustees of the *South Holland* Drainage, or the Trustees of the said River *Welland* Outfall, or the Trustees of the *Crowland* and *Cowbit* Washes Drainage respectively for the Time being, or their respective Officers or Servants, or any of them respectively, or vested in any Commissioners or Trustees of Drainage or Navigation acting in execution of any Act or Acts of Parliament relating to *Deeping Fen*, *South Holland*, or the said River *Welland*, or the said Washes 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.

Act, 1856,"
South Hol-
land, River
Welland
Outfall, and
the Crow-
land and
Cowbit
Drainage.

26. For the Protection of the Drainage and the Security of the *North Level* and *Great Portsand*, and the Rights and Interests of the *North Level* Commissioners, the following Provisions shall have effect; that is to say,

For Pro-
tection of
the Drainage
and Security
of the North
Level and
Great Port-
sand.

(A.) In constructing and maintaining the Railway and other Works by this Act authorized the Barrier Banks of the *North Level* and *Great Portsand* shall not be lowered or weakened or damaged in any respect whatsoever, but the same respectively shall be permanently maintained by the Company at the Points of crossing at their existing Height and Level at the least, and no Piles shall at any Time be driven in any of the said Banks or the Forelands thereof without the Consent of the *North Level* Commissioners, or without the Decision of a Referee as provided in Clause B, and no Obstruction or Impediment of any kind shall be occasioned to the Drainage of the *North Level* and *Great Portsand*, or any Part thereof:

(B.) Before commencing any of the Works for carrying the Railway over the *Welland River*, and the Barrier Bank, and the Wash Land adjoining thereto, and over the *New South Eau*, and over the *New Wryde*, and over the *Wisbech River* and the Wash Land adjoining thereto, and over the Barrier Bank known as the "North Bank of *Morton's Leam*," the Company shall deliver to the Clerk to the *North Level* Commissioners a Copy in detail of the Drawings, Plans, and Sections of the intended Works for the Inspection of an Engineer to be appointed by those Commissioners; and if the Engineer so appointed shall signify to the Secretary of the Company in Writing his Disapproval of and Objections to the proposed Works, or any of them, and the Company do not acquiesce in his Objections or remove the same, then the Matters in difference shall be referred to and determined by a Civil Engineer appointed by the Company and the said Commissioners, or if they do not within Ten Days after Application by either of them to the other agree, then to and by a competent and impartial Civil Engineer appointed on their or either of their Applications by the Board of Trade:

(C.) After

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- (C.) After such Signification of Disapproval by the Engineer appointed by the said Commissioners the Work or Works in question shall not be constructed except as agreed to by him or determined by the Referee :
- (D.) All the Costs, Charges, or Expenses of the Engineer or Engineers to be appointed for the Purposes of this Section are to be borne by the Company :
- (E.) If at any Time after the Railway shall have been completed any Injury or Damage shall be occasioned or arise to any Drain or Watercourse within the *North Level* and *Great Portsand*, or either of them, or to any Barrier Bank or other Work of the *North Level* and *Great Portsand*, or either of them, from the Formation or in consequence of any Bridge, Viaduct, Embankment, Ditch, Culvert, or other Work of the Company which may not have been foreseen or provided for by this Act, the Company shall (notwithstanding any Consent previously given by the Commissioners, or any Decision of the Referee before mentioned sanctioning the Construction of the Work,) at their own Costs make good and repair such Injury or Damage immediately after the Discovery thereof, and shall also make full Compensation to any and every Person or public Body aggrieved by or sustaining such Injury or Damage, and shall also execute all proper and necessary Works for the Prevention of future Injury, and such Compensation shall be recoverable at the Suit of the Person or public Body respectively aggrieved or sustaining such Injury or Damage by Action in any competent Court :
- (F.) Nothing in this Act contained shall extend to prejudice, alter, lessen, control, or take away any of the Rights, Powers, Authorities, or Jurisdictions now vested in or enjoyed by the *North Level* Commissioners, or the Commissioners of the *Nene* Outfall, or the Commissioners for the Drainage of any District within the *North Level*, but all such Rights, Powers, Authorities, and Jurisdictions respectively shall remain in as full Force as if this Act had not been passed ; and the *North Level* Commissioners and District Commissioners respectively shall not be liable to make any Compensation for any Damage or Injury occasioned by widening, deepening, varying, altering, or diverting the existing *North Level* Drains, or any of them, or by making any new Drains or Works for the Drainage of the *North Level* and *Great Portsand*, or any District within the Level, to any greater Extent than they would have been liable to if the said Railway had not been made.

For Protec-
tion of the
Drainage
and Naviga-
tion of Mid-
dle Level.

27. Inasmuch as the Railway is intended to pass over certain Parts of the *Middle Level*, Part of the Great Level of the Fens called "the *Bedford Level*," therefore in constructing and maintaining the Railway, or any of the Bridges or Works connected therewith, it shall not be lawful (without the Consent in Writing of the *Middle Level* Commis-
sioners

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sioners as to any Works maintained by or belonging to them, or, as to any Works belonging to any other Drainage Commissioners or Bodies in the *Middle Level*, without the Consent in Writing of such Commissioners or Bodies respectively,) to contract or diminish the Breadth, Depth, or Capacity of the Channel or Waterway of any River, Canal, Cut, Drain, Watercourse, or Work of Drainage within the said *Middle Level*, or to do any Act whereby the free Passage of Water or Ice through and along any such River, Canal, Cut, Drain, or Watercourse shall during Floods or at any other Time be in any Manner impeded or obstructed; and it shall not be lawful for the Company, without the Consent in Writing as aforesaid, 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 the said *Middle Level* from Inundation; and every Bridge to be erected for carrying the Railway over any navigable River, Canal, Cut, Drain, or Watercourse belonging to or the Property of the said *Middle Level* Commissioners, or any such other Commissioners or Bodies, whether the Navigation thereof be public or private, shall, unless with the Consent in Writing of the said *Middle Level* Commissioners, or other Commissioners or Bodies respectively, be so constructed as not to obstruct or impede the Navigation or the Use and Enjoyment of the Towing-paths thereof.

28. In the Formation of such Part of the Railway as is intended to pass over, across, or along any Bank of any of the Rivers, Cuts, or Drains within the said *Middle Level* it shall not be lawful (as to Banks maintained by the *Middle Level* Commissioners, without the Consent of those Commissioners, and as to other Banks maintained by any other Commissioners of Drainage or Owners of adjoining Property, without their respective Consents in Writing,) for the Company or their Officers or Contractors at any Time or Times to cut or interfere with, or place or drive down any Piles, or to erect any Pier or Building into or upon or within the Water Side of any such Bank, or to cut or carry away Earth or Soil or open any Hole or Trench within Twenty Yards from the Land Side of any Bank.

Mode of
executing
Works
across
Banks.

29. Previously to any Works being commenced upon or over any Bank the Company shall at their own Costs and Charges well and sufficiently and in a proper and workmanlike Manner widen and strengthen such Bank to the Extent of not less than Two Yards in Thickness on the outer or Land Side, and for a Distance of not less than Twenty Yards in Length on either Side of the proposed Line of Railway over such Bank, if the same shall be required by the said *Middle Level* Commissioners, or by the Parties respectively liable to the Maintenance of such Bank.

Before
Works com-
menced
Company to
widen
Banks if
required.

30. It shall not be lawful for the Company to execute any Works within the said *Middle Level* in such Manner as will unite the Drainage
[Local.] 32 M of Works of
Company
not to unite

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Drainage of
Districts.

of any District or Fens in the said *Middle Level* with the Drainage of any other District or Fen, or as will extend any public or private Drainage in the said *Middle Level* to any Land not previously drained thereby.

Land taken
by the Com-
pany to be
subject to
Drainage
Taxes.

31. Any Lands within the said *Middle Level* which may be required to be taken or used by the Company, and 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, shall remain and be subject to all such Drainage Taxes as now are or hereafter shall 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, in the same Manner but not to any greater Extent than if this Act had not been passed, or if such Lands had not been taken or used by the 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 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, or with Costs of Suit by Action against the Company in any Court having Jurisdiction for Actions of Debt for the Amount claimed in the Parish or Locality in which the Lands are situated.

Preserving
Right to
alter or
divert
Works of
Drainage.

32. Nothing herein contained shall tend to lessen or control any Rights, Powers, or Authorities now vested in or enjoyed by any Commissioners of Drainage, or other Body or Person, for varying, altering, or diverting any existing Bridge, River, Cut, Drain, or Watercourse used for the Drainage of any Lands within the *Middle Level*, or to prevent or restrain the making of any new Bridge, River, Cut, Drain, or Watercourse for improving the Drainage thereof, or of altering or enlarging any existing Bridge, River, Cut, Drain, or Watercourse, but all such Rights, Powers, and Authorities shall remain in as full Force as if this Act had not passed; and the said Commissioners of Drainage, or other Body or Person, shall not be liable to make any Compensation for any Damage or Injury occasioned by varying, enlarging, or diverting any existing Bridge, River, Cut, Drain, or Watercourse, or making any new Bridge, Cut, Drain, or Watercourse, to any greater Extent or Amount than they would have been liable to if the Railway had not been made: Provided that in so varying, altering, enlarging, or diverting any existing Bridge, River, Cut, Drain, or Watercourse, or making any such new Bridge, River, Cut, Drain, or Watercourse, nothing shall be done to impede or interfere with the Use of the Railway, or the Traffic thereupon, for any greater Length of Time, or in any other Manner, than shall be necessary for the Execution of the Works: And provided also, that all such Works in the Line of or through or under the Railway shall be done at the joint Expense of the Company, and of the respective Commissioners of Drainage, or other Body or Person requiring the same; and in case any Dispute shall arise touching the Mode of altering or erecting any such Bridge, Culvert,

As to Ex-
pense of new
or altered
Drainage
Works.

or

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or Tunnel, or the Costs thereof, the Matter so in dispute shall be referred to Arbitration in the Manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

33. The Railway shall be carried over *Moore's Drain*, otherwise the *Twenty-feet River*, by a good and substantial Bridge, and the Soffit or under Side of the Arch shall be of not less than Sixteen Feet clear Height above the *Middle Level* Datum Line; and the Drain shall be crossed by One Span or Opening of not less than Forty Feet wide, square with the Line of Direction of the Drain.

As to the Construction of Bridge over the *Twenty-feet River*.

34. Every River, Drain, and Watercourse within the said *Middle Level* shall be crossed by a Bridge of a single Span of full and ample Dimensions.

General Direction for crossing Rivers, &c. in the *Middle Level*.

35. The Company shall from Time to Time and at all Times hereafter well, sufficiently, and substantially repair, uphold, maintain, and support all Bridges and other Works made or constructed by the Company, and which in any way affect the Drainage or Protection or Navigation or Efficiency of the Works of the said *Middle Level* Commissioners, or of any other Commissioners, or Body or Person, relating to Drainage, Protection, or Navigation of the said *Middle Level*.

Company to uphold Works executed by them.

36. If at any Time after the Railway shall have been completed any Injury or Damage shall be occasioned or arise to any River, Canal, Cut, Drain, or Watercourse within the said *Middle Level*, or to the Navigation thereof, or to any Bank or Towing-path, or Land, Building, Crops, Produce, or Goods, within the *Middle Level*, from the Formation of any Bridge, Embankment, Ditch, Culvert, or other Work by the Company, or by or in consequence of any Works of the Company, which may not have been foreseen or provided for by this Act, the Company shall at their own Costs make good and repair and take all proper Steps to prevent the Recurrence of any such Injury or Damage immediately after the Discovery thereof.

Company to make good unforeseen Injury to Drainage and Navigation.

37. The Company shall at their own Expense for ever hereafter maintain and keep in perfect Repair, for the Space or Distance of not less than Fifty Yards on each Side of the Railway, as well the Great Barrier Bank or South Bank of *Moreton's Leam Wash*, as the several Banks and Towing-paths by the Side of every navigable or other River, Cut, Canal, Drain, or Watercourse within the said *Middle Level* as shall be crossed, altered, or interfered with by the Company.

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

38. If in the making and constructing of the Railway it shall be necessary to alter the Course of any of the Towing-paths of any navigable

Alterations in Towing-paths or River, Doves.

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River, Canal, Cut, Drain, and Watercourse used for Navigation within the said *Middle Level*, or any Roadway or Drove upon, along, or under any of the Banks, or otherwise, the Company shall make such Alterations in a proper and efficient Manner, and so as not to impede the Navigation of any such River, Canal, Cut, Drain, or Watercourse, or the Passage of any Roadway or Drove; and for the Purpose of preventing any Interruption to hauling along the Towing-path of the said *Moore's Drain* or *Twenty-feet River* by the Erection of the said intended Bridge over the same, the Company shall make and maintain a safe and sufficient Platform or Gallery on the River Side of the North Pier or Abutment, so as to afford a free Passage for Horses hauling along the same, and to prevent the Necessity of detaching them from the hauling Lines; and the Navigation and Passage of Waters through the said Rivers, Canals, Cuts, Drains, and Watercourses, and the Passage of every such Roadway or Drove, shall not, during the Construction of the Railway, or the Repair thereof when made, be hindered, impeded, or obstructed for a longer Period than shall be absolutely necessary.

Works in
Middle
Level to be
executed
under the
Superinten-
dence of the
Engineer of
the Parties
interested,
if required.

39. The Details and Mode of constructing the several Works herein directed to be executed for protecting or affecting the Interests of the *Middle Level* Commissioners, and of any other Commissioners of Drainage, or Bodies or Persons within the *Middle Level*, with all necessary and contingent Works, whether temporary or permanent, and as well those which are as those which are not specifically mentioned, but which are necessarily consequent on or fairly implied by the several Stipulations and Conditions herein provided for, shall, so far as concerns Works affecting the *Middle Level* Commissioners, be executed in a proper and efficient Manner to the reasonable Satisfaction of an Engineer to be appointed by those Commissioners if they shall think fit, and so far as concerns Works affecting the Interests of any such other Commissioners of Drainage, or Body or Person, shall in like Manner be executed to the reasonable Satisfaction of an Engineer to be appointed by or on behalf of such several Commissioners, Body, or Person respectively, in case they respectively shall think fit so to do; and the Cost of or incident to every such Appointment shall be borne by the Company.

Penalty on
Default of
Company as
to Works for
Protection
of Middle
Level.

40. If the Company shall by any Act or Default offend against any Provision of this Act touching or concerning the Drainage or Protection of the Lands within the said *Middle Level*, or the Navigation of any such navigable River, Canal, Cut, Drain, or Watercourse as aforesaid, and shall for the Space of Ten Days after due Notice thereof from the said *Middle Level* Commissioners, or other Commissioners or Body aggrieved, fail to repair any Injury which shall be occasioned thereby, or to prevent further or continuing Injury, or on the reasonable Apprehension of Injury to adopt due precautionary Remedies against the Occurrence of actual Injury, the said Company shall for every such Offence forfeit to the Commissioners

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missioners or other Body injured the Sum of One hundred Pounds for every Day during which such Offence shall continue, which said Sum may be recovered with full Costs of Suit in any of Her Majesty's Courts of Record at *Westminster*: Provided that nothing in this Act contained shall prevent any Bodies or Persons recovering from the said Company special Damages for any Injury that may be done or occasioned to the Drainage of any of the Lands within the *Middle Level*, or the Works for protecting or preserving the same, or to the Navigation of the said Rivers, Canals, Cuts, Drains, and Watercourses as aforesaid, by or through the Act or Neglect or Default of the Company, or by reason of the Effect or Operation of any Works to be executed by the Company.

Special Damages.

41. Nothing herein contained shall in any Manner diminish, alter, affect, or take away any of the Rights, Privileges, Powers, and Authorities now exercised by or vested in the *Middle Level* Commissioners, or any other Commissioners of Drainage, or Body acting in execution of any Act of Parliament affecting any Fen Lands or low Grounds within the said *Middle Level*, or any Part thereof, save and except so far as the same Rights, Privileges, or Authorities are expressly altered or interfered with by this Act.

Reserving the Rights of Middle Level and other Commissioners.

42. All Communications between the Railway hereby authorized and the *Great Eastern* Railway, and all Works in or upon the *Great Eastern* Railway which 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 Eastern* Railway Company; and in case of any Difference of Opinion as to the Mode of effecting such Junction, or as to the said Works, then such Difference shall be determined by an Arbitrator to be appointed by the Board of Trade, and the Costs of any such Reference shall be borne and paid by the Company, unless the Arbitrator so to be appointed by the Board of Trade shall otherwise determine; and such Communications shall be effected in the most approved Manner, with all necessary Works, and the Expense thereof and of all necessary Openings in the Rails of the *Great Eastern* Railway Points and other Works from Time to Time requisite, and the Expense of regulating the same, shall be paid by the Company, and shall at all Times be repaired and maintained at their Expense in such Manner as not to impede, obstruct, or interfere with the free, uninterrupted, and safe Passage along the *Great Eastern* Railway.

As to Junction with Great Eastern Railway.

43. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *Great Eastern* Railway Company, or to alter, vary, or interfere with the *Great Eastern* Railway, or any of the Works thereof, further or otherwise than is necessary for the Construction of the Railway, and the convenient Junction between

Company not to take Lands of Great Eastern Railway Company.

The Great Northern Railway (Spalding to March) Act, 1863.

the Two Railways in manner aforesaid, unless with the Consent in Writing of the *Great Eastern Railway Company* in every Instance for that Purpose first had and obtained.

Signals to be erected, &c., to prevent Danger at Point of Junction with Great Eastern Railway.

44. The *Great Eastern Railway Company* may from Time to Time erect such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Switchmen, and other Persons, as that Company may deem necessary for the Prevention of Danger or Obstruction to or Interference with Traffic at and near the Junction between the Railway by this Act authorized and the *Great Eastern Railway*; and the Working and Management of such Signals, Works, and Conveniences shall be under the exclusive Management and Regulation of that Company; and all the Costs and Expenses of erecting and maintaining such Signals, Works, and Conveniences, and the reasonable Wages of such Watchmen, Switchmen, and other Persons, shall at the End of every Half Year be repaid by the Company to the *Great Eastern Railway Company*, and in default of such Repayment the Amount of such Costs, Expenses, and Wages may be recovered from the Company by the *Great Eastern Railway Company* in any Court wherein a Debt of like Amount might be recovered if it were a common Simple Contract Debt, and not a Debt created by Statute.

Saving Rights of Great Eastern Railway Company.

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

Power to Great Eastern Railway Company to run over the Line.

46. The *Great Eastern Railway Company* may run over and use with their Engines and Carriages of every Description, and for the Purposes of their Traffic, the Railway by this Act authorized, and the Stations thereon, and the Station of the Company at *Spalding*, and the Sidings, Warehouses, and other Buildings, Watering Places, Works, and Conveniences at or connected with such Railway or Stations respectively, and may at *Spalding* employ their own Booking Clerks, Agents, and Servants, upon Payment of such Toll or other Remuneration, and upon such other Terms and Conditions, as may be agreed upon between the Company and the *Great Eastern Railway Company*, or failing Agreement as may be settled by Arbitration in manner provided by "The Railways Clauses Consolidation Act, 1845:" Provided always, that nothing herein contained shall be held to authorize the *Great Eastern Railway Company* to take up Passengers, Animals, Goods, or Minerals at any Station on the Railway by this Act authorized, and to set down such Passengers, Animals, Goods, or Minerals at any other Station on the same Railway, including *March* and *Spalding*: Provided also, that whatsoever Accommodation the *Great Eastern Railway Company* have at the Station of the Company at *Spalding* shall be given to the Company by the *Great Eastern*

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Eastern Railway Company at their Station at March upon Terms to be agreed on, or to be determined by Arbitration as aforesaid.

47. The Company may demand and receive for and in respect of the Railway the same Tolls and Charges as they are now authorized to receive in respect of their existing Undertaking as if it were Part of such Undertaking, and the Railway shall in all respects be deemed Part of “the *Great Northern Railway*.”

Railway as to Tolls and otherwise to form Part of Company's Undertaking.

48. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

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

Period for Completion of Railway.

50. If the Railway is not completed and opened for public Traffic within the Period of Five Years from the passing of this Act, the Company shall be liable to a Penalty at the Rate of Fifty Pounds for every Day after the said Period until such Line shall be so completed and opened, and the said Penalty shall be deemed a Debt due to Her Majesty in right of Her Crown, and may be recovered accordingly: Provided always, that if the Company has been prevented from completing or opening the Railway by unforeseen Accident, or by Circumstances beyond their Control, (of which Fact a Certificate under the Hand of the Secretary of the Board of Trade shall be the sole and conclusive Evidence,) the Company shall not be liable to the Payment of the same Penalty in respect of the Period during which it shall be certified that they have been so prevented as aforesaid, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Penalty if Line not completed.

51. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking.

Company may apply their Funds towards Purposes of Act.

52. The Company may from Time to Time raise (in addition to the Sums of Money which they are already authorized to raise) any further Sums, not exceeding in the whole Two hundred and twenty-five thousand Pounds, by the Creation of new Shares or Stock in their Undertaking of such Amounts as will allow the same to be conveniently apportioned or disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company, and may from Time to Time, but subject to the

Power to raise additional Capital by new Shares, &c.

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the Provisions of this Act, fix the Amounts and Times of Payment of the Calls on the new Shares or Stock so to be created, and dispose of such Shares or Stock on such Terms and Conditions as may be so resolved on, but not at less than the nominal Value of such Shares.

Privileges
may be
attached to
new Shares
or Stock.

53. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present, personally or by proxy, at any Extraordinary Meeting, convened with due Notice of the Object, attach to the said new Shares or Stock to be created under the Powers of this Act any preferential Dividend with or without other Privileges which the Company may think fit, and may also attach to the said Shares or Stock a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same, and to be notified on the Certificates of such Shares or Stock; and for the Purpose of redeeming the same, or any Part thereof, the Company may create and issue from Time to Time fresh Shares or Stock with or without any special Advantages: Provided that any fixed or preferential Dividend to be granted by the Authority of this Act shall not exceed the Rate of Five *per Centum per Annum* on the Amount for the Time being paid up on such Shares or Stock.

Extent of
preferential
Dividends.

54. The Shares to be created under the Powers of this Act shall be entitled to the preferential Dividend (if any) which may have been attached thereto by the Company as aforesaid; and such preferential Dividend shall be payable half-yearly whenever there are Profits enough declared at any Half-yearly Ordinary General Meeting to be applicable to pay such preferential Dividend, after satisfying the Dividend and Arrears of Dividend (if any) then due upon any other Preference Shares or Stock of the Company previously created or issued; but if the Profits divided in respect of the First Half of any Year, namely, between the First Day of *January* and the Thirtieth Day of *June*, be insufficient to pay such Half Year's Dividend in full, the Deficiency shall be made up out of the Profits of the Second Half Year applicable to such Dividend; but no Deficiency of Dividend on the preferential Shares to be created under the Powers of this Act for any Year shall be made up out of the Profits of any subsequent Year: Provided also, that if in the First Half of any Year there be Profits applicable to the Purposes of Dividend upon the ordinary Shares or Stock of the Company, after satisfying the Dividend and Arrears of Dividend (if any) due upon any other Preference Shares or Stock of the Company previously created and issued, and also the Dividend for such Half Year on the Preference Shares or Stock to be created under the Powers of this Act, it shall be lawful for the Company to declare a Dividend for such Half Year on such ordinary Shares or Stock.

Limit of
Amount and
Number of
Calls.

55. The Amount of any One Call to be made upon the Shares or Stock created under the Powers of this Act shall not exceed One Fourth of the
Amount

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Amount of such Shares or Stock, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

56. 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 by such Shares or Stock would have entitled them to if the same had been original Shares of the Company.

As to Votes of Proprietors of such Shares or Stock.

57. The Company may from Time to Time under the Powers of this Act borrow any additional Sum of Money not exceeding Seventy-five thousand Pounds either by Mortgage of their Undertaking or by the Issue of Debenture Stock, in pursuance of the Powers and subject to the Limitations and Restrictions contained in "The Great Northern Railway Company's Increase of Capital Act, 1853;" but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares or Stock is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such additional Capital has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Power to borrow on Mortgage.

16 & 17 Vict. c. lx.

58. Provided always, That no Mortgage issued under the Authority of this Act shall prejudice or affect any Mortgages already issued by the Company; and no Preference or Priority in the Payment of Interest or Dividend granted or secured by the Company under the Authority of this Act shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Stock or Shares which has been granted by the Company in pursuance of or which has been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Saving existing Mortgages and Preference Capital of Company.

59. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or Stock, or on Mortgage, or by Debenture Stock, shall be applied only to the Purposes of this Act.

Application of Sums raised under this Act.

60. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"

Parts of 8 & 9 Vict. c. 16 incorporated with this Act.

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

[Local.]

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With

The Great Northern Railway (Spalding to March) Act, 1863.

With respect to the Payment of Subscriptions, and Means of enforcing the Payment of Calls ;

With respect to the Forfeiture of Shares for the Nonpayment of Calls ;

With respect to the Remedies of Creditors of the Company against the Shareholders ;

With respect to the borrowing of Money by the Company on Mortgage or Bond ;

With respect to the Conversion of the borrowed Money into Capital ;

And with respect to the Consolidation of Shares into Stock, shall be incorporated with this Act, and shall apply to all Shares and Stock created, and to Mortgages or Debentures granted, and Money borrowed, under the Powers of this Act.

Saving
Rights of
the Crown.

61. Nothing contained in this Act, or in any of the Acts incorporated herewith, shall authorize the Company to take, use, or in any Manner interfere with any Lands, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Interest not
to be paid
on Calls
paid up.

62. It shall not be lawful for the Company, out of any Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital 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.

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

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

64. Nothing

The Great Northern Railway (Spalding to March) Act, 1863.

64. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better or 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 authorized to be taken by the Company, or of the Rates for small Parcels.

Railway, &c.
not exempt
from Pro-
visions of
present and
future
General
Acts.

65. This Act may be cited as “The *Great Northern Railway (Spalding to March)* Act, 1863;” and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

Short Title.
Expenses of
Acts.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1863.

