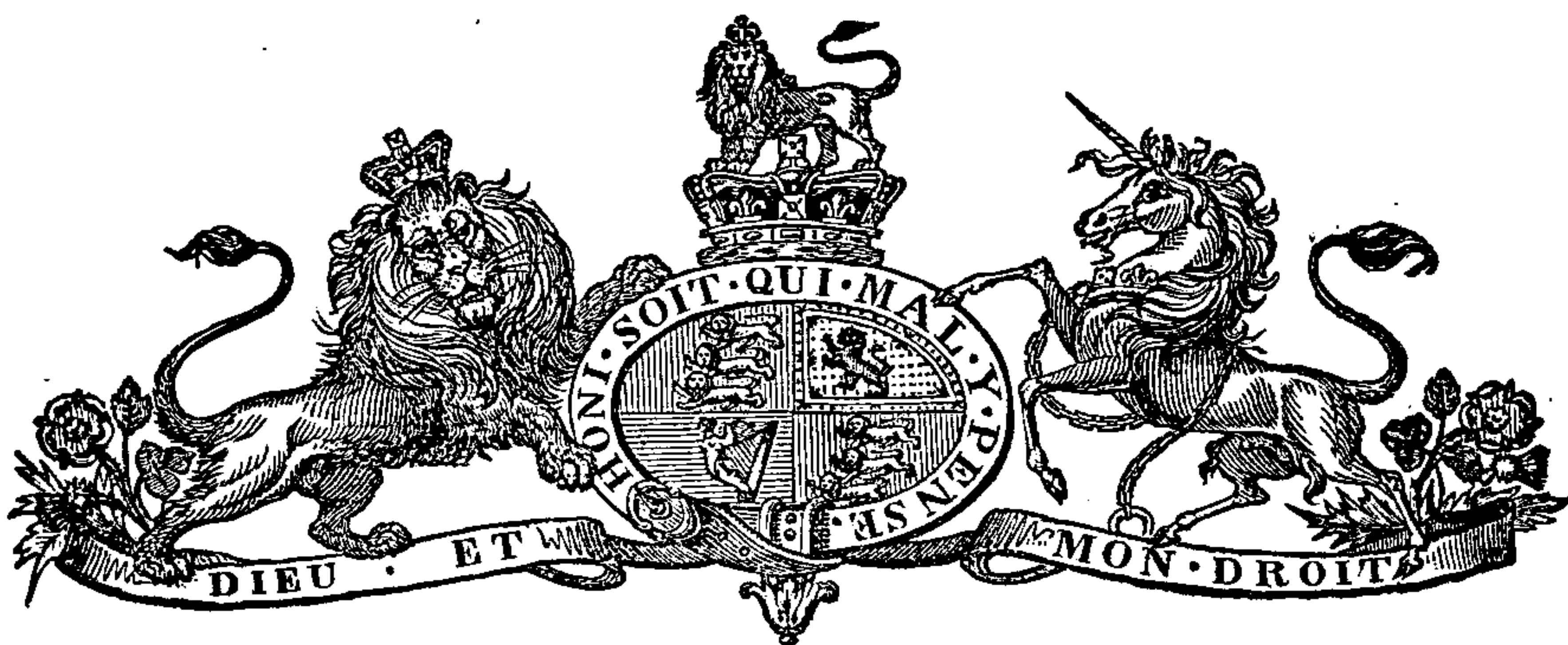




ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. ccclvi.

An Act for making Railways from *Wisbech* to *Saint Ives* and to *Fenny-Drayton*, to be called “*The Wisbech, Saint Ives, and Cambridge Junction Railway.*”
[7th August 1846.]

WHEREAS the making of Railways from *Saint Ives* in the Parish of *Saint Ives* in the County of *Huntingdon* to *Wisbech* in the *Isle of Ely* and County of *Cambridge*, and from and out of such first-mentioned intended Railway in the Parish of *Saint Ives* aforesaid to *Fen-Drayton* otherwise *Fenny-Drayton* in the said County of *Cambridge*, would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places, and also by facilitating Communication between more distant Towns and Places : And whereas an Act was passed in the Eighth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a public Nature*, called “*The Companies Clauses Consolidation Act, 1845 :*” 8 & 9 Vict. c.16.
And whereas another Act was passed in the said Eighth Year of the Reign of Her said Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking* 8 & 9 Vict. c.18.
[Local.] 71 U

8 & 9 Vict.
c. 20.

Recited
Acts incor-
porated with
this Act.

Short Title.

Subscribers
incorporated.

Capital.

Number and
Amount of
Shares.

Calls.

taking of Lands for Undertakings of a public Nature, called "The Land Clauses Consolidation Act, 1845:" And whereas another Act was passed in the said Eighth Year of the Reign of Her said Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways*, called "The Railways Clauses Consolidation Act, 1845:" And whereas the Persons hereafter named, together with other Persons, are willing, at their own Expence, to carry such Undertaking into execution; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said "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, save as to such Parts thereof as may be modified by or inconsistent with the Provisions of this Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, and other Proceedings, it shall be sufficient to use the Expression "*The Wisbech, Saint Ives, and Cambridge Junction Railway Act, 1846.*"

III. And be it enacted, That *John Fryer, Thomas Lindsell, Charles Warner, Henry Morton, Thomas Coote, and Robert Ward*, 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 several Railways herein-before mentioned and herein-after more particularly defined, with proper Works and Conveniences belonging thereto, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Wisbech, Saint Ives, and Cambridge Junction 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 recited Acts contained.

IV. And be it enacted, That the Capital of the said Company shall be Four hundred and seventy-five thousand three hundred and sixty Pounds.

V. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Twenty-three thousand seven hundred and sixty-eight, and the Amount of each Share shall be Twenty Pounds.

VI. And be it enacted, That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the

the Shareholders, and Two Months at the least shall be the Interval between successive Calls.

VII. And be it enacted, That it shall be lawful for the Directors of the said Company, until the said Railways shall be completed and opened to the Public, to pay Interest at any Rate not exceeding Four Pounds *per Centum per Annum* in respect of the Calls paid on every Share, from the Day on which such Calls shall respectively have been paid up, such Interest to accrue and be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear in respect of such Share, or on any other Share holden by the same Proprietor, during such Period as such Call shall remain unpaid.

Interest to be paid on Calls until Railways completed.

VIII. And whereas the Formation of the Railways hereby authorized to be made would be beneficial to the Interests of the *Eastern Counties* Railway Company; be it therefore enacted, That it shall be lawful for the said *Eastern Counties* Railway Company to subscribe towards and become Shareholders in the Undertaking hereby authorized to any Extent not exceeding One hundred and sixty thousand six hundred and sixty Pounds.

Power for the *Eastern Counties* Railway Company to subscribe towards the Undertaking;

IX. And be it enacted, That it shall be lawful for the said *Eastern Counties* Railway Company to raise all or any Part of the Money authorized to be subscribed by them as aforesaid by the Creation of new Shares or Stock in the Undertaking of the said *Eastern Counties* Railway, of such Amount and under such Conditions, and particularly, as to the Dividends thereon, whether the same shall be fixed or rateable, and as to the Rights of voting and other Privileges to be conferred on the Holders of such Shares or Stock, as the said *Eastern Counties* Company shall determine; or it shall be lawful for the said Company, if they think fit, to raise the Sums agreed to be subscribed by them, or any Portion thereof, by Mortgage of their Undertaking, in like Manner and under and subject to the same Provisions as the said Company by all or any of the Acts relating to their Undertaking is authorized to raise Money by Mortgage on the Credit thereof: Provided always, that the said Company shall not by such Means increase the Amount which may be owing at any One Time on Mortgage of their Undertaking beyond the Proportion of One Third of their then existing Capital.

and for that Purpose to raise the requisite Funds.

X. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of One hundred and twenty thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Three hundred and sixty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to borrow Money on Mortgage.

XI. And be it enacted, That the respective Mortgagees shall be entitled to receive the several and respective Sums advanced by them, with Interest thereon, rateably and in proportion one with the other, and without Preference the one above the other of them, and in all other

Mortgagees not to have Preference above Bond Creditors.

other respects the Provisions in the said "Companies Clauses Consolidation Act, 1845," relative to Mortgages, shall be applicable and extend to the Mortgages hereby authorized to be granted.

Mortgagees may enforce Payment of Arrears by Appointment of a Receiver.

XII. And be it enacted, That it shall be lawful for the Mortgagees or Bond Creditors of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages or Bonds by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Money due on such Mortgages or Bonds not being duly paid, the Amount owing to the Mortgagees or Bond Creditors by whom Application for such Receiver shall be made shall not be less than Ten thousand Pounds in the whole.

Time of Ordinary Meetings.

XIII. And be it enacted, That the first Ordinary Meeting of the Company hereby incorporated shall be held in the Month of *February* next, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*.

Eastern Counties Company to vote by Deputy in respect of their Shares.

XIV. And be it enacted, That at all General or Special General Meetings of the Company hereby incorporated the said *Eastern Counties* Railway Company may vote in respect of the Shares or Stock held by them by any Person (whether a Shareholder or not) who may be deputed by them to attend such Meeting on their Behalf; and such Person so appointed shall have the same Right of voting at such Meeting as the Company by whom he may have been appointed: Provided always, that it shall not be lawful for any of the Directors acting under this Act who may have been appointed by or on behalf of the said *Eastern Counties* Railway Company, nor for any Person nominated or appointed by the said *Eastern Counties* Railway Company, to vote on its Behalf at any Meeting of the Company hereby incorporated, to vote as such Director or Nominee in any Question relating to the Sale or Lease of the said Railways hereby authorized, or any Part thereof, to the said *Eastern Counties* Railway Company, or to the working or using thereof by such Company, nor in the Appointment of any Director by the other Subscribers of the said Company hereby incorporated.

Number and Qualification of Directors.

XV. And be it enacted, That from and after the first Ordinary Meeting to be held under this Act the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of One hundred Shares in the Undertaking; and that Three of such Directors shall be appointed by the Directors for the Time being of the said *Eastern Counties* Railway Company, and the remaining Six by the Shareholders in the Company hereby incorporated, exclusive of the said *Eastern Counties* Company; and the following Persons shall be the Directors of the Company until such Meeting shall take place; that is to say, *John Fryer, Charles Warner, Thomas Coote, Thomas Lindsell, Henry Morton, Robert Ward, John Woodward, Samuel Anderson, Robert Crosbie, and Francis Valentine Lee*.

XVI. And

XVI. And be it enacted, That at or before the said first Ordinary Meeting to be held in the Month of *February* next the Directors for the Time being of the *Eastern Counties* Railway Company shall nominate Three Persons to be Directors of the Company hereby incorporated from and after the said *February* Meeting, and the Directors so appointed shall accordingly be Directors of the Company hereby incorporated, and shall respectively remain in Office until they shall respectively die or resign, or until they shall be removed by Vote of the said Directors of the said *Eastern Counties* Railway Company; and it shall be lawful for the said last-named Directors, as and when any Vacancy shall occur in the Number of Directors appointed by the said *Eastern Counties* Railway Company as aforesaid, to elect any other Person in the Room of the Director occasioning such Vacancy.

Eastern
Counties
Company
may appoint
Three
Directors.

XVII. And be it enacted, That 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, shall elect Six Directors, the Directors appointed by this Act being eligible as Members of such new Body; and at the corresponding Ordinary Meeting to be held in the Month of *February* in the next and every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors not elected by the said Directors of the *Eastern Counties* Railway Company then retiring from Office in rotation agreeably to the Provisions in the said Companies Clauses Consolidation Act, 1845, contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said Companies Clauses Consolidation Act, 1845; provided nevertheless, that the said *Eastern Counties* Railway Company shall not, by themselves nor their Proxy, nor shall any Transferee or any other Person or Persons whomsoever, at any Time, be in any way entitled to vote at the Election of any Director, for or in respect of the Shares hereby authorized to be subscribed for by them towards the Undertaking hereby authorized, or for or in respect of any of such Shares, it being intended that the Shares subscribed for or to be subscribed for by the *Eastern Counties* Railway Company shall not, nor shall any of them, at any Time, give to any Person whomsoever any Vote whatever in the Appointment or Election of Directors.

Directors to
remain in
Office till
first Meeting
after passing
of this Act.

XVIII. And be it enacted, That the Quorum of Directors shall be Three.

Quorum of
Directors.

XIX. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five, and the Quorum of such Committee shall be Three.

Committees
of Directors.

XX. And be it enacted, That such Committees shall not be empowered to make Calls for Money on the Shareholders.

Committees
not to make
Calls.

[*Local.*]

71 X

XXI. And

Remunera-
tion of Di-
rectors and
Auditors.

XXI. And be it enacted, That the Renumeration of the Directors, and also of the Auditors to be appointed under the Provisions of "The Companies Clauses Consolidation Act, 1845," shall from Time to Time be fixed by a General Meeting of the Company, and be paid out of the Funds of such Company.

Newspapers
for Insertion
of Adver-
tisements.

XXII. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Paper published in the County of *Cambridge* and in the Cities of *London* or *Westminster*.

Railways to
be made
according to
deposited
Plans.

XXIII. And whereas Plans and Sections of the intended Railways, showing the Lines and Levels thereof, and also Books of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace of the County of *Huntingdon*, with the Clerk of the Peace for the County of *Cambridge*, and with the Clerk of the Peace for the *Isle of Ely* in the County of *Cambridge*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railways and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Rail-
ways.

XXIV. And be it enacted, That the first-mentioned of the said Railways shall commence at or near *Saint Ives* in the Parish of *Saint Ives* in the County of *Huntingdon* by a Junction with the Line of the proposed *Ely and Huntingdon* Railway, and shall terminate at or near a certain Mill called *Bells Mill* in the Borough of *Wisbech* in the Parish of *Wisbech Saint Peter* in the *Isle of Ely* and County of *Cambridge*, which said Railway shall pass through the following Parishes, Townships, and Extra-parochial Places, (that is to say,) *Saint Ives*, *Holywell-cum-Needlingworth*, *Bluntisham-cum-Earish*, *Colne*, and *Somersham*, all in the County of *Huntingdon*, *Chatteris*, *Turf Fen*, *Doddington*, *Wimblington*, *March*, *Elm*, *Wisbech*, *Saint Peter*, and *Leverington*, all in the County of *Cambridge*; and the Branch Railway shall commence from and out of the said Railway in the Parish of *Saint Ives* aforesaid, and shall pass through the following Parishes, (that is to say,) *Saint Ives*, *Fen Stanton*, and *Fen Drayton*, and shall terminate at or near the Parish of *Fen Drayton* otherwise *Fenny-Drayton* in the said County of *Cambridge* by a Junction there with the *Cambridge and Huntingdon* Line of the *Eastern Counties* Railway.

Power to
cross certain
Roads on a
Level.

XXV. And whereas the Line of the said Railways is proposed to be carried across the Roads numbered as follows on the Plans herein-before referred to; (that is to say,)

In the Parish of *Saint Ives*, numbered 1^D and 29^D:

In the Parish of *Fen Stanton*, numbered 5^D:

In

In the Parish of *Holywell-cum-Needingworth*, numbered 4D, 12D, 14a, and 19;

In the Parish of *Colne*, numbered 30:

In the Parish of *Somersham*, numbered 23 and 85:

In the Parish of *Chatteris*, numbered 3, 17, 50, 77, 155, and 182:

In the Parish of *Doddington*, numbered 21:

In the Hamlet of *Wimblington* in the Parish of *Doddington*, numbered 18, 43, and 72:

In the Hamlet of *March* in the Parish of *Doddington*, numbered 7, 14, 39, 56, 74, 98, 124a, 130a, 147, and 158:

In the Parish of *Elm*, numbered 2, 46, and 65:

In the Parish of *Wisbech Saint Peter*, numbered 3, 14, 27, 34, 51, 76, 102, 133, 136, 254, 6x, 18x, and 50y:

In the Parish of *Fen Drayton*, numbered 5D:

And it is expedient that the said Railways shall cross the said Roads on a Level; be it therefore enacted, That the said Company may make the said Railways across the said Roads upon a Level at or near the Points marked on the said Plan for the crossing thereof.

XXVI. And whereas Two Lines of Railway are delineated on the Plans and Sections herein-before referred to in passing through the said Parish of *Wisbech St. Peter's*; be it enacted, That One Line of Railway only shall be made by the said Company hereby incorporated in the said Parish. Alternative Line.

XXVII. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifty Acres. Land for extraordinary Purposes.

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

XXIX. And be it enacted, That after the Expiration of Seven Years from the passing of this Act all the Powers hereby granted to the Company for making the Railway hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed. Period for Completion of Works.

XXX. And be it enacted, That it shall be lawful for the Company to demand and receive; for the Conveyance of Passengers upon the said Railway, any Sums which, including the Tolls for the Use of the Railway and of Carriages, and for locomotive Power, and all other Charges incidental to such Conveyance, shall not exceed Three-pence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, Two-pence *per Passenger per Mile* in respect of any Passenger travelling in a Second-class Carriage, One Penny Halfpenny *per Passenger per Mile* in respect of any Passenger travelling in a Third-class Carriage, unless in the Case of Passengers travelling by Special Trains: Provided always, that if any such Passenger be conveyed for a less Distance than Six Miles it shall be lawful for the said Company to demand and receive Tolls as for Six Miles. Charges for Conveyance of Passengers.

XXXI. And

Charges for
the Con-
veyance of
Goods and
Cattle.

XXXI. And be it enacted, That it shall be lawful for the said Company to demand and receive, in respect of the Conveyance upon the said Railway of the Articles, Matters, and Things herein-after enumerated, any Sums which, including the Tolls for the Use of the Railway, and of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, (except a reasonable Charge for the Expence of loading and unloading, where such Service is performed by the Company,) shall not exceed the several Sums herein-after mentioned; (that is to say,)

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

For all Grain, Corn, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, and 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 other Articles of Merchandize, *per Ton per Mile* One Penny Halfpenny :

For all Sugar, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Two-pence Halfpenny :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters; or Things, *per Ton per Mile* Four-pence :

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, *per Mile* Five-pence ; and if having only Two Wheels, *per Mile* Four-pence :

For every Horse, Mule, or Ass, *per Mile* Five-pence :

For every Ox, Cow, Bull, or Neat Cattle, *per Mile* Two-pence :

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

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

Charge for
the Convey-
ance of
Cattle and
Sheep.

XXXII. Provided always, and be it enacted, That if any Person shall desire to hire and retain a separate Waggon or Truck for the Conveyance of Cattle or Sheep belonging to him, it shall not be lawful for the said Company to charge any greater Sum, including all the Charges aforesaid, than Sixpence *per Mile* for every Waggon or Truck capable of containing conveniently Six Beasts of an ordinary Size, or Twenty-five Sheep.

Passengers
Luggage.

XXXIII. And be it enacted, That every Passenger travelling upon the Railway hereby authorized to be made may take with him his ordinary Luggage, not exceeding One hundred and fifty Pounds in Weight for First-class Passengers, and One hundred Pounds in Weight for Second and Third Class Passengers, without any Charge being made for the Carriage thereof.

XXXIV. And

XXXIV. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that Regulations as to the Tolls. is to say,)

For Articles 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 :

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

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

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

XXXV. And be it enacted, That it shall be lawful for the Company hereby incorporated to demise or lease, for such Consideration or annual Rent or Reservations, and under and subject to such Clauses, Powers, Provisions, and Conditions, as they shall think proper, the Undertaking by this Act authorized to be made, whether before or after the Completion thereof, or any Share or Interest therein, or any Portion or Portions thereof, unto the *Eastern Counties* Railway Company, for any Term which shall be agreed upon; and the said *Eastern Counties* Railway Company are hereby authorized to enter into and accept any such Lease or Leases, and such Lease or Leases shall entitle the Lessees to the free Use and Enjoyment of the said Railway and Works connected therewith, or such Share or Interest therein, or such Portion or Portions thereof, as may be included in such Lease or Leases respectively; and during the Continuance of any such Lease or Leases all the Powers, Privileges, and Authorities granted to, or which are or might be held, used, exercised, and enjoyed by, the Company by this Act incorporated, or the Directors thereof, or their Officers, Agents, or Servants, under or by virtue of this Act, shall in like Manner, and to the same Extent in all respects, apply to and be held, used, exercised, and enjoyed by the Lessees, and their Directors, Officers, Agents, and Servants, under the same Regulations and Restrictions as are granted or imposed by this Act upon the Company hereby incorporated. Power to lease the Railway.

XXXVI. And be it enacted, That it shall be lawful for the Company hereby incorporated, and for the said *Eastern Counties* Railway Company, to make and enter into Contracts or Agreements for effecting the Purposes aforesaid, and for constructing the said Railways, or any Part or Parts thereof respectively, or for the Maintenance and Repair thereof, or any Part or Parts thereof respectively, as they the said Companies may respectively deem advisable; and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions, and which shall not [Local.] 71 Y be Power to enter into Contracts with the *Eastern Counties* Railway Company.

be repugnant to Law, or inconsistent with the Provisions of this Act, as may be mutually agreed on between the said Companies.

Power to sell
the Railway
to the
Eastern
Counties
Railway
Company.

XXXVII. And be it enacted, That it shall be lawful for the Company by this Act incorporated to sell and transfer to the said *Eastern Counties* Railway Company, and for the said *Eastern Counties* Railway Company to purchase, the Undertaking by this Act authorized, or any Share or Interest therein, or any Portion or Portions thereof, and whether before or after the Completion thereof (but subject to any Mortgages, Contracts, Agreements, or Liabilities affecting the same); and on the Completion of such Purchase, of which Completion a Transfer or Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and under the Corporate Seals of the Company hereby incorporated and of the said *Eastern Counties* Railway Company, shall be sufficient Evidence, the said *Eastern Counties* Railway Company may have and hold the said Undertaking, or the Share therein or the Portion thereof purchased by them, and use and exercise and enjoy, or participate in the Use, Exercise, and Enjoyment of all the Rights, Powers, and Privileges conferred by this Act on the Company hereby incorporated; and for such Purpose it shall be lawful for the said *Eastern Counties* Railway Company, if they see fit, to create such other Denomination and Description of Shares, or such an additional Number of Shares, and to borrow such Sum of Money, as may be necessary for completing such Purchase, or for constructing and working the said Railway, provided the Amount to be raised by such additional Shares shall not exceed the Amount of Capital by this Act authorized to be raised for the Purposes of the said Undertaking, and that the Money to be borrowed shall not be borrowed until the whole of the additional Capital shall have been subscribed for, and One Half thereof paid up, and shall not exceed One Third the Amount of such Capital: Provided always, that in the event of the whole of the Undertaking by this Act authorized being purchased by the said *Eastern Counties* Railway Company, then, from and after the Completion of such Purchase, the Company by this Act incorporated shall be dissolved and cease to exist, save and except as to the Distribution and Division of the Purchase Money amongst the Parties entitled thereto, and the general Settlement of the Affairs of the last-mentioned Company, and the said Railways and Works shall thenceforth become Part of the said Undertaking called the *Eastern Counties* Railway; and all the Provisions, Directions, Penalties, Payments, Exemptions, Remedies, Regulations, Rules, Claims, Matters, and Things in this Act contained in relation thereto shall be applied and applicable to the said *Eastern Counties* Railway Company, their Officers, Agents, and Servants, in every respect and as if the said *Eastern Counties* Railway Company had been in every Case written in lieu and stead of the Company hereby incorporated.

Nothing
herein to
lessen the
Rights of
Middle Level
Commissioners,

XXXVIII. And whereas an Act of Parliament was made and passed in the Seventh and Eighth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for improving the Drainage and Navigation of the Middle Level of the Fens*, and by and under the Provisions of such Act certain navigable and other Rivers, Drains, and

and Watercourses were directed to be scoured, cleansed, enlarged, deepened, and widened, and the said Works are to be so executed as to obtain a free Passage for the Waters of the said navigable and other Rivers, Drains, and Watercourses to their Outfall, and in such Manner as should be directed by certain Commissioners appointed to carry the Provisions of the said last-mentioned Act into execution; and in and by the said recited Act the said Drainage Commissioners are directed to make and maintain a Cut from the *Sixteen Feet River* to the River *Ouze* near *Marshland Sluice*, and to make other Cuts and Works, as therein mentioned; therefore be it enacted, That nothing herein contained shall extend to prejudice, alter, lessen, control, or take away, or be deemed or construed to prejudice, alter, lessen, control, or take away, any of the Rights, Powers, or Authorities now vested in or enjoyed by the said Middle Level Drainage Commissioners, for deepening, widening, varying, altering, or diverting any existing Rivers, Drains, or Watercourses used for the Drainage of any Lands liable to be taxed under the said Act, or any of them, or to prejudice, lessen, prevent, or restrain the making of and maintaining the said new Cut from the said *Sixteen Feet River*, or any other new Cuts, Rivers, Drains, or Watercourses for improving the Drainage thereof, but that all such Rights, Powers, and Authorities of the said Middle Level Drainage Commissioners shall remain in as full Force, to all Intents and Purposes, as if this Act had not been passed; and the said Middle Level Drainage Commissioners shall not be liable to make any Compensation for any Damage or Injury occasioned by widening, deepening, varying, altering, or diverting the existing Rivers, Drains, or Watercourses, or making the said new Cut from the *Sixteen Feet River*, or any other new Cuts, Rivers, 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 widening, deepening, varying, altering, or diverting the existing Rivers, Drains, and Watercourses, or making any such new Cuts, Rivers, Drains, or Watercourses as aforesaid, nothing shall be done to impede or interfere with the Use of the said Railway, or the Traffic thereupon, for any greater Length of Time or in any other Manner than shall be necessary for the Execution of the said Works.

XXXIX. And be it enacted, That nothing herein contained shall authorize or empower the Company, without the Consent in Writing of the said Middle Level Drainage Commissioners, to stop up, lower, alter, remove, break into, or interfere with any Bank, Wall, Culvert, Sewer, Drain, or Watercourse under the Jurisdiction or Control of the said Middle Level Drainage Commissioners; and that such other Banks, Walls, Culverts, Sewers, Drains, or Watercourses, with the necessary Sluices, Pen Stocks, and other Works and Defences as may be required by the said Middle Level Drainage Commissioners, in lieu of those so intended to be stopped up, lowered, altered, reversed, broken into, interfered, or intermeddled with, or which may become necessary, from the Works of the Company, shall be made, done, executed, and completed in a good substantial Manner by the said Commissioners, or by the said Company, under the Directions of the said Middle Level Drainage Commissioners Engineers for the Time being,

under
7 & 8 Vict.
c. 106.

Nothing
herein to
authorize the
Railway
Company to
alter or
break into
existing
Banks, &c.
without
Consent.

being, by and at the Costs, Charges, and Expences of the said Company.

Railway
Company to
pay all
Damages
occasioned
by the
Works.

XL. And be it enacted, That 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 any lowering of the Banks of any of the Rivers, Drains, or Watercourses by the said Middle Level, 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.

Penalty on
Company
neglecting
to repair
Damage.

XLI. And be it enacted, That if the Company shall neglect or refuse to raise the Banks or to stop the Soakage for the Space of Fourteen Days after Notice requiring them so to do, duly served as aforesaid, they shall be subject to a Penalty not being less than Five Pounds for every Hour 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 said Middle Level Drainage Commissioners by Action of Debt in any of the Superior Courts.

As to the
Erection of
certain
Bridges
crossing
Rivers.

XLII. And be it enacted, That in carrying the said Railway over the *Forty Feet River*, the old River *Nene*, and the *Twenty Feet River*, the said Railway Company shall and they are hereby required, at their own Expence, and to the reasonable Satisfaction of the Engineer for the Time being of the said Middle Level Drainage Commissioners, to make and complete, and at all Times for ever hereafter, at their own Expence, to maintain and keep in perfect Repair, good and substantial Bridges over the said Rivers, and the Soffits of such Bridges shall be of such clear Height as not to prejudice, injure, or interfere with the present (or any future) Navigation of the said Rivers, and there shall be only One Span or Opening in each of such Bridges, and such Opening shall be left under the said Bridges of not less than the following Widths, (that is to say,) the Span or Opening of the said Bridge to cross the said *Forty Feet River* shall not be less than Forty Feet wide, and the Span or Opening to cross the said old River *Nene* shall not be less than Forty Feet wide, and the Span or Opening to cross the said *Twenty Feet River* shall not be less than Thirty-three Feet wide, so that there shall be at all Times for ever hereafter a clear Opening and uninterrupted Waterway in the said Rivers, and so that the said Bridges or Railway shall form no Obstruction to the free Passage of the Water under the said intended Bridges.

Power for
Lynn and
Ely and
Huntingdon
Railway
Companies

XLIII. And be it enacted, That it shall be lawful for the *Lynn and Ely* and *Ely and Huntingdon* Railway Companies respectively to have the full, free, and uninterrupted Use of the Railways hereby authorized, and all Stations, Works, Conveniences, and other Appurtenances connected with or belonging to the same, upon such Terms
as

as to Payment, and subject to such Regulations and Restrictions, as shall be mutually agreed upon, settled, and determined between the said *Lynn and Ely* and *Ely and Huntingdon* Railway Companies and the Company hereby incorporated. to use the Railways.

XLIV. And be it enacted, That the Junction between the Railway hereby authorized and the *Lynn and Ely* Railway, and all such Openings in the Ledges or Flanches of the said last-mentioned Railway as may be necessary or convenient for effecting such Junction, shall be made under the Direction and Superintendence of the Engineer for the Time being of the said *Lynn and Ely* Railway Company. As to Junction with *Lynn and Ely* Railway.

XLV. And be it enacted, That nothing in this Act contained shall extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands or Grounds of the said *Lynn and Ely* Railway Company, or which the said Company are by the *Lynn and Ely* Railway Act, 1845, authorized to purchase and take, or to alter, vary, or interfere with the said *Lynn and Ely* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the *Lynn and Ely* Railway Company in every Instance for that Purpose first had and obtained. Not to take Lands, &c. of the *Lynn and Ely* Railway Company without Consent.

XLVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *Lynn and Ely* Railway Company. Saving the Rights of the *Lynn and Ely* Railway Company.

XLVII. And be it enacted, That the Junction between the Railway hereby authorized and the *Ely and Huntingdon* Railway, and all such Openings in the Ledges or Flanches of the said last-mentioned Railway as may be necessary or convenient for effecting such Junction, shall be made under the Direction and Superintendence of the Engineer for the Time being of the said *Ely and Huntingdon* Railway Company. As to Junction with the *Ely and Huntingdon* Railway.

XLVIII. And be it enacted, That nothing in this Act contained shall extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands or Grounds of the said *Ely and Huntingdon* Railway Company, or which the said Company are by the *Ely and Huntingdon* Railway Act, 1845, authorized to purchase and take, or to alter, vary, or interfere with the said *Ely and Huntingdon* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the *Ely and Huntingdon* Railway Company in every Instance for that Purpose first had and obtained. Not to take Lands, &c. of the *Ely and Huntingdon* Railway Company without Consent.

XLIX. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is herein expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *Ely and Huntingdon* Railway Company. Saving the Rights of the *Ely and Huntingdon* Railway Company.

[Local.]

71 Z

L. Pro-

If Company do not give Facilities for the Transmission of Traffic, Board of Trade may make Regulations respecting the same.

L. Provided always, and be it enacted, That the Company hereby incorporated, or their Lessees or Transferees of the Line hereby authorized, shall and they are hereby required to afford all requisite Facilities for the Transmission of Traffic on the said Railway which may have come from any other Railway in connexion therewith; and if the said Company, or their Lessees or Transferees aforesaid, shall fail to afford such Facilities, it shall be lawful for the Board of Trade, on the Application of any Railway Company injuriously affected thereby, to make such Regulations with respect to the Transmission of such Traffic on the Railway hereby authorized as to them may seem just and reasonable, and such Regulations shall be binding on the said Company, or their Lessees or Transferees, as the Case may be: Provided always, that it shall not be lawful for any Railway Company to require any Facilities to be afforded to Traffic coming from or to the Railway belonging to them which such Company shall fail or refuse to afford to any Traffic coming from or going to the Railway hereby authorized to such Railway so belonging to them, and requiring to be conveyed thereon.

Compensation to be made for Loss of Tolls at Chatteris Ferry.

LI. And whereas the Line of the said intended Railway will pass within the Limits of an ancient Ferry at *Chatteris* in the County of *Cambridge* called *Chatteris Ferry*, the Owners of which Ferry, or of the Land forming the Site of the said Ferry, are or claim to be entitled to certain Tolls in respect of all Horses, Carts, Carriages, Cattle, and other Animals passing over the said Land, or through the Gate now being upon the Spot where the said ancient Ferry formerly was: And whereas such Tolls will be greatly diminished by the Construction of the said Railway, and it is reasonable and just that the Company should make Compensation to the Owners of such Ferry or Land for any Loss or Injury which they may sustain by reason or in consequence of the Construction of the said Railway: Be it therefore enacted, That it shall be lawful for the Company and they are hereby required, before opening to the Public that Portion of the said Railway which passes within the Limits of the said Ferry, to make to the Owners of such Ferry or Land, and other Persons interested in the Tolls payable in respect of all Horses, Carts, Carriages, Cattle, and other Animals passing over the said Land, or through the Gate now being upon the Spot where the said ancient Ferry formerly was, full Compensation for any Diminution of Tolls and other Losses or Injury which such Owners and other Persons may sustain or be likely to sustain by reason or in consequence of the making of the said Railway; and the Amount of such Compensation, if the Parties entitled or claiming to be entitled thereto and the Company cannot agree thereupon, shall be ascertained and determined in the Manner provided by the Lands Clauses Consolidation Act incorporated herewith for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof, and all the Provisions of the said last-mentioned Act shall be applicable to determining the Amount of such last-mentioned Compensation, and to enforcing the Payment or other Satisfaction thereof.

Preserving Rights of Drainage

LII. And whereas an Act of Parliament was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled

intituled *An Act for more effectually draining and improving the Lands and Grounds lying in Great and Little Waldersey in the Parishes of Wisbech Saint Peters and Elm in the Isle of Ely*; and by such Act certain Commissioners thereby appointed are empowered to erect, raise, build, set up, make, and cut through, upon, and over the Lands and Grounds in *Great and Little Waldersey* all such Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Headings, Forelands, Outlets, Cuts, Drains, Watercourses, and other Works as they should think necessary and convenient for the effectual draining and improving of the said Lands and Grounds; and the said Commissioners are further empowered to enter upon any of the Lands or Grounds required for the Purposes of the said Act, and to purchase the same, making such Satisfaction to the Owners thereof as is therein expressed: And whereas the Line of the said intended Railway is intended to pass through certain Parts of the said *Waldersey* District, and also through certain Parts of other adjoining Lands and Grounds in the said Parishes of *Wisbech Saint Peter* and *Elm*, known as *Wisbech South Side* and *Elm West Side*, and the Lands in *Wisbech* and *Elm* on the East Side of *Wessenham's Lane*, the Drainage whereof is under the Jurisdiction of the Commissioners of Sewers of the Hundred of *Wisbech* and Parts adjacent, and it is necessary to make Provisions for preserving the Drainage of all the said Lands and Grounds in the said respective Districts; be it therefore enacted, That nothing herein contained shall tend to lessen or control any Rights, Powers, or Authorities now vested in or enjoyed by the Commissioners for the Drainage of the District of *Great and Little Waldersey* for the Time being, or by the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent for the Time being, for varying, altering, or diverting any existing Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Headings, Forelands, Outlets, Cuts, Drains, Watercourses, and other Works used for the draining and improving of the said Lands and Grounds in the said District of *Great and Little Waldersey*, or in the said several other Districts under the Jurisdiction of the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent respectively, or any of them, or to prevent or restrain the making of any new Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Headings, Forelands, Outlets, Cuts, Drains, Watercourses, and other Works for improving the Drainage thereof respectively, or the altering or enlarging of any existing Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Headings, Forelands, Outlets, Cuts, Drains, Watercourses, and other Works, but that all such Rights, Powers, and Authorities shall remain in as full Force as if this Act had not been passed; and the said Commissioners of the said District of *Great and Little Waldersey*, and the Commissioners of Sewers for the Hundred of *Wisbech* and Parts adjacent respectively, shall not be liable to make any Compensation for any Damage or Injury occasioned by varying, enlarging, or diverting any existing Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Headings, Forelands, Outlets, Cuts, Drains, Watercourses, and other Works, for making any such new Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Headings, Forelands, Outlets, Cuts, Drains, Watercourses, and other Works, to any greater Extent or Amount than they

over the
Waldersey
District, and
over Districts
drained by
the Court of
Sewers for
the Hundred
of Wisbech
and Parts
adjacent.

they would have been liable to if the said Railway had not been made : Provided always, that in so varying, altering, or enlarging or diverting the existing Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Headings, Forelands, Outlets, Cuts, Drains, Watercourses, and other Works, or making any such new Mills, Engines, Sluices, Tunnels, Bridges, Banks, Dams, Headings, Forelands, Outlets, Cuts, Drains, Watercourses, and other Works as aforesaid, nothing shall be done to impede or interfere with the Use of the said Railway, or the Traffic thereupon, for any greater Length of Time or in any other Manner than shall be necessary for the Execution of the said Works.

As to the making or executing any new Bridge, Culvert, or Tunnel.

LIII. And be it enacted, That in making or erecting any Bridge, Culvert, or Tunnel over or under the said Railway, which may be rendered necessary by the Alteration or Diversion of any existing Rivers, Cuts, Drains, or Watercourses within the District of the *Great and Little Waldersey*, within the said District under the Jurisdiction of the Court of Sewers in the Hundred of *Wisbech* and Parts adjacent respectively, or the making of any new Rivers, Cuts, Drains, or Watercourses within the said District after the Completion of the said Railway, the same shall be done at the Expence of the said Railway Company ; and that in case any Dispute shall arise between the said Bodies or Persons and the said Railway Company, touching the Mode of erecting such Bridge, Culvert, or Tunnel, or the Course thereof, the Matter so in dispute shall be referred to Arbitration in the Manner set forth and provided in any of the Acts passed in the last Session of Parliament for the Consolidation of Proceedings and Provisions relative to Railways in general.

Railway Company to repair Works executed by them.

LIV. And be it enacted, That the Railway Company shall from Time to Time and at all Times hereafter well and sufficiently and substantially repair, uphold, maintain, and support all Works constructed by the Company within the said several Districts under the Jurisdiction of the Commissioners of the said District of *Great and Little Waldersey*, and the Commissioners of Sewers of the Hundred of *Wisbech* and Parts adjacent respectively, which in any way affect the Drainage of the Lands situate within such Districts respectively.

For protecting the Drainage and Navigation of the Bedford Level.

LV. And whereas the Line of the said Railway is intended to pass through certain Parts of the Great Level of the Fens called "*The Bedford Level*," and it is necessary to make Provisions for preserving the Drainage of the said Great Level, and the Navigation of the several Rivers, Canals, Cuts, Drains, and Watercourses within the same, or in or through any River without the said Great Level, 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 said Railway, or any of the Bridges or any of the Works connected therewith, by this Act authorized to be made, it shall not be lawful for the said Company, without the Consent in Writing of the *Bedford Level* Corporation, by some Order of the Board signed by the Registrar as to any Works maintained by or belonging to the said Corporation, and as to any Works maintained by or belonging to other Bodies, without the Consent in Writing of such

such 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 Great Level, or in or through any River without the said Great Level, through or along which the Waters thereof pass below the same to the Outfall to Sea, or to do any Act whereby the free Passage of the Waters or Ice through and along any such River, Canal, Cut, Drain, or Watercourse, or along or between the Banks or through or over the Washes thereof, shall during the Floods or at any other Time be in any Manner impeded or obstructed, or whereby any Water shall be prevented from passing through or along any Drain, Watercourse, Washlands, Sluice, or other Work of Drainage within or without the said Great Level, as freely as before the Formation of the said Railway; and that it shall not be lawful for the said 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 Barrier or other Bank maintained for protecting any of the Lands within the said Great Level from Inundation, and that every Bridge to be erected for carrying the said Railway over any navigable River, Canal, Cut, Drain, or Watercourse belonging to or the Property of the said Corporation, or over any navigable River or Cut belonging to or the Property of the said Corporation, or over which they have Power or Control, whether the Navigation thereof be public or private, shall, unless with the Consent in Writing of the said *Bedford Level* Corporation under their Common Seal, or of the said Drainage Commissioners respectively, be so constructed as not to obstruct or impede 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 in this Act touching or concerning the Drainage of the Lands within the said Great Level, or the Navigation of any of the several navigable Rivers, Canals, Cuts, Drains, or Watercourses, and shall for the Space of Ten Days after due Notice thereof from the said Corporation of the *Bedford Level*, or the Bodies respectively aggrieved, fail to repair any Injury which shall be occasioned thereby, the said Company shall for every such Offence forfeit the Sum of One hundred Pounds for every Day during which such Offence shall continue, which said Sum may be recovered by any Bodies or Parties interested in such Drainage or Navigation, together with full Costs of Suit, against the said Company, in such and the like Manner as is directed for the summary Recovery of Penalties and Costs in the said incorporated Act; provided also, that nothing in this Act contained shall prevent any Bodies or Parties aggrieved by any Act or Default of the said Company touching the said Drainage or Navigation from recovering from the said Company special Damages for any Injury that may be done or occasioned to the Drainage of any of the Lands within the said *Bedford 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 said Company, or the Effect or Operation of the Works to be executed by the said Company.

Mode of
executing
Work across
Barrier and
other Banks.

LVI. And be it enacted, That in the Formation of such Part of the said Line of Railway as is intended to pass over, across, or along any Part of the Barrier or other defensive Banks running by the Sides of any of the Rivers or Drains within the Great Level it shall not be lawful (as to those Barrier and other defensive Banks maintained by the Corporation of the *Bedford Level*, without the Consent in Writing of the Governor, Bailiffs, and Conservators under their Common Seal, and as to other defensive Banks maintained by District or other Commissioners of Drainage, or the Owners of private Drainages, without their respective Consents in Writing,) for the said Company, or their Successors, Officers, or Contractors, at any Time or Times to cut or interfere with, or to place or drive down any Wood, Iron, or other Piles, to erect any Pier or Building upon or into the puddled Wall of any Barrier or other defensive Bank, or within Ten Feet on the Water Side and Twenty Feet on the Land Side of such puddled Wall or Centre of such said Barrier or other defensive Banks, or to cut or carry away any Earth or Soil, open any Hole or Trench, within One hundred Yards from the Centre, or on the Land Side of the said Barrier or defensive Banks, under the Penalty of One hundred Pounds *per Diem* 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 the Parties respectively aggrieved in such and the like Manner as is directed for the summary Recovery of Penalties and Costs in the said incorporated Act.

Barrier
Banks to be
strengthened.

LVII. And be it enacted, That previous to any Work being commenced upon or over any of the Barrier or other Banks the said Company shall, at their own Costs and Charges, well and sufficiently, and in a proper and workmanlike Manner, widen and strengthen such Barrier and other Banks 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 Line of the proposed Railway over such Barrier and other Banks, if the same shall be required by the said *Bedford Level* Corporation, or by the Parties respectively liable to the Maintenance of such Banks respectively.

Works of the
Company
not to unite
Drainage of
Districts in
the Bedford
Level.

LVIII. And be it enacted, That it shall not be lawful for the said Company to execute any of their Works within the said Great Level in such Manner as will unite the Drainage of any District or Fens in the said Great Level with the Drainage of any other District, or will extend any public or private Drainage in the said Great Level to any Land not previously drained thereby.

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

LIX. And be it enacted, That any Land within or without the said Great Level which may be required to be taken or used by the said Company, and that 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, shall remain and be subject to all such Drainage Taxes or Drainage Charges as now are or hereafter shall

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 passed, or if such Lands had not been taken or used by the said Company; and that 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.

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

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

LXI. And be it enacted, That nothing herein contained shall tend to lessen or control any Rights, Powers, or Authorities now vested in or enjoyed by any Bodies or Persons for varying, altering, or diverting any existing Bridges, Rivers, Cuts, Drains, or Watercourses used for the Drainage of any Lands within the said Great Level of the Fens called the *Bedford Level*, or any of them, or to prevent or restrain the making of any new Bridges, Rivers, Cuts, Drains, or Watercourses for improving the Drainage thereof, or of altering or enlarging any existing Bridges, Rivers, Cuts, Drains, or Watercourses, but that all such Rights, Powers, and Authorities shall remain in as full Force 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 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 the existing Bridges, Rivers, Cuts, Drains, or Watercourses, or making any such new Bridges, Rivers, Cuts, Drains, or Watercourses as aforesaid, nothing shall be done to impede or interfere with the Use of the said Railway, or the Traffic thereupon, for any greater Length of Time or in any other Manner than shall be necessary for the Execution of the said Works.

Not to lessen
Rights of
Parties to
alter Bridges,
&c. within
Bedford
Level.

LXII. And be it enacted, That in making or erecting any Bridge, Culvert, or Tunnel over or under the said Railway, which may be rendered necessary by the Alteration or Diversion of any existing Rivers, Cuts, Drains, or Watercourses within the said Great Level,

As to the
Expence of
altering
Bridges, &c.

after

after the Completion of the said Railway; and not rendered necessary by the Formation of the said Railway, the same shall be done at the joint Expence of the said Railway Company and the respective Bodies or Persons requiring the same; and that in case any Dispute shall arise between the said Bodies and Persons and the said Railway Company, touching the Mode of erecting such Bridge, Culvert, or Tunnel, or the Costs thereof, the Matter so in dispute shall be referred to Arbitration in the Manner set forth and provided in any of the Acts passed in the present Session of Parliament for the Consolidation of Proceedings and Provisions relative to Railways in general.

The Company to make good all Injury occasioned by the Works of the Railway to the Navigation.

LXIII. And be it enacted, That if, at any Time after the said Railway shall have been completed any Injury or Damage shall be occasioned or arise to any of the Rivers within the said Great Level, or without the said Great Level through and along which the Waters thereof 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, 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 be deemed necessary, so far as relates to any Works belonging to or the Property of the said *Bedford Level* Corporation by some competent Engineer to be appointed for that Purpose by the said Governor, Bailiff, and Conservators of the Great Level, and so far as relates to any Works belonging to or the Property of any other Body or Party, by Two Referees to be appointed for that Purpose, one to be appointed by the said Railway Company and the other by the respective Body or Party interested, or by an Umpire to be appointed by Two such Referees, such Works to be executed within such Time and in such Manner or shall be fixed and specified by such Engineer, Referee, or Umpire respectively, or such Damage and Compensation shall be payable to and receivable 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 Referee shall be borne by the said Railway Company.

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

LXIV. And be it enacted, That the said Railway Company shall and they are hereby required, at their own Expence, for ever hereafter to maintain and keep in perfect Repair such Parts of the several Barrier and other Banks and Towing Paths, for the Space or Distance of not less than Fifty Yards on each Side of the said Railway, by the Sides of the said several navigable or other Cuts, Canals, Drains, and Watercourses within the said Great Level as shall be altered or interfered with by the said Company, and the Expence of repairing and mending shall be borne and paid by the said Company for the Space or Distance above mentioned.

Where Railway shall affect the

LXV. And be it enacted, That where in the making and constructing of the said Railway it shall be necessary to alter the Course of

of any of the Towing Paths of any of the said navigable Rivers, Canals, Cuts, Drains, and Watercourses used for Navigation within or without the said Great Level, or any Roadway or Drove upon, along, or under any of the Barrier or other Banks, or otherwise, the said Company shall and they are hereby required to make such Alteration in a proper, convenient, and efficient Manner, and so as not to impede the Navigation of any of the said Rivers, Canals, Cuts, Drains, or Watercourses, or the Passage of any Roadways or Drovers; and that the Navigation and Passage of Waters through the same, or the Passage of the said Roadways or Drovers, shall not, during the Construction of the said Railway, or for the Repairs thereof when made, be impeded or obstructed for a longer Period than shall be absolutely necessary for making, executing, erecting, or repairing any of the several Works necessary for the Construction or Repair of the said Railway: Provided always, that nothing herein contained shall prevent, or be deemed, construed, or taken to prevent the said Railway Company from making and continuing such Railway and Works across such Towing Paths, Roadways, or Drovers on the Level.

Course of
present
Towing
Paths, Com-
pany to alter
them.

LXVI. And be it enacted, That all Rivers, Drains, and Watercourses within the said Great Level, and all other Rivers, Drains, and Watercourses (except those herein-before specially mentioned), shall be crossed by Bridges of a single Span each, of full and ample Dimensions, with the Approbation of the Superintendent General of the said *Bedford Level* Corporation, or of an Engineer to be appointed (if required) by the Governor, Bailiffs, and Conservators, the Expence whereof shall be borne and paid by the said Company.

General
Directions
for crossing
Rivers
throughout
the Bedford
Level.

LXVII. And be it enacted, That the said Railway Company shall from Time to Time and at all Times hereafter well, sufficiently, and substantially repair, uphold, maintain, and support all Works constructed by the said Company within or without the said Great Level in any way affecting the Drainage or Navigation or Efficiency of the Works of the said Great Level.

Railway
Company to
repair Works
erected by
them.

LXVIII. And be it enacted, That the Details and Mode of constructing the several Works herein directed to be executed, protecting the Interests of the *Bedford Level* Corporation, together 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 or fairly implied by the several Stipulations and Conditions herein provided for, shall be carried out in a proper and efficient Manner, to the reasonable Satisfaction of an Engineer to be appointed by the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, if they shall think fit, and the Costs of such Appointment or Reference shall be borne by the said Company.

Works of
Bedford
Level to be
executed
under the
Superinten-
dence of an
Engineer.

LXIX. And be it enacted, That the said Railway Company shall, at all Times when the Occasion may 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

Railway
Company to
provide
Means to
remove Ice
during
Floods,

[Local.]

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in

in any of the said navigable or other Rivers or Watercourses or Washes within or without the said Great Level, so as effectually to prevent any Ice accumulating or remaining at or against any of the said Railway Works or Bridges or in the said Washes; and if the said Railway Company should not so break and effectually remove the Ice, or if from any Cause whatever any Ice should so accumulate against any of the said Works of the Railway Company, the Superintendent General, or any of the Agents or Workmen of the said *Bedford Level* Corporation, or of any other public Body interested in the said navigable or other Rivers and Washes, and having Control over the same, 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 the said incorporated Act.

Company to construct a Bridge across the Nene, to be approved by the Admiralty.

LXX. And whereas the said Line of Railway is intended to be carried over and across a certain tidal and navigable River called the River *Nene* or *Wisbech River* at or near a certain Place called the *Low*, and it is of great Importance to Drainage and Navigation that the free Flow of the upland and tidal Waters by and along the said River be in no way obstructed, and that no Injury or Impediment whatever be occasioned to Drainage or Navigation by carrying the said Railway over and across the said River; be it therefore enacted, That the said Railway Company shall, at their own Costs and Charges, construct and for ever maintain a Bridge of proper Materials over and across the said River, of a single Span of not less than One hundred Feet in Width, with a clear Headway under the said Bridge for the whole of such Width of Seven Feet at the least above the Top-water of a full Spring Tide, according to a Plan to be submitted to and approved of by the Admiralty; and the said Railway-Company shall also make and for ever maintain a proper Towing Path under the said Bridge on the North Side of the said River.

Company in obstructing the Drainage and Navigation, liable to a Penalty.

LXXI. And be it enacted, That in making or maintaining the said Bridge or any Works belonging thereto the said Company shall not willingly and knowingly suffer any Obstruction or Impediment that shall hinder or prevent Navigation by or through the said River; and that 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 Corporation of *Wisbech*, or any Person or Persons acting under their Authority, the said Company shall be liable to a Penalty of Ten Pounds a Day for every Day during the Continuance thereof; and it shall be lawful for any Two Justices of the Peace for the *Isle of Ely*, or for the Borough of *Wisbech*, on the Complaint in Writing of such Bodies or Persons, or any of them, to direct the Removal of every such Obstruction or Impediment, at the Expence of the said Company; and every such Penalty shall be paid to the Harbour Master of the Port of *Wisbech*, for the Purposes of the same Navigation.

LXXII. And

LXXII. And be it enacted, That nothing in this Act contained shall diminish, alter, affect, or take away any of the Rights, Privileges, Powers, or Authorities of the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, but that the same Rights, Privileges, Powers, and Authorities shall remain as fully, to all Intents and Purposes, as if this Act had not passed, save and except so far as the same Rights, Privileges, or Authorities are altered or interfered with by this Act, for the necessary Purposes of executing and using the said Railway, or the several other Works connected therewith, by this Act authorized to be made.

Reserving
Rights of the
Corporation
of *Wisbech*.

LXXIII. And whereas the Channel of the River *Nene* at *Wisbech* aforesaid is in a defective State, and it is desirable that the same should be improved, for the Purposes of Navigation and Drainage, and for benefiting the Property of the Inhabitants thereof: And whereas, with a view to such Improvement, it is desirable that as few Bridges as are consistent with the Safety and Convenience of the Railroad Traffic should be built over the said River at *Wisbech*: And whereas the Most Noble *Francis* Duke of *Bedford*, and other Parties interested in improving the Navigation and Drainage by the said River *Nene* from *Wisbech* aforesaid to the City of *Peterborough* in the County of *Northampton*, have it in contemplation to submit Measures to Parliament for the Purpose of effecting the Improvements aforesaid; be it therefore enacted, That if at any Time hereafter a new Channel shall be made for the said River *Nene* or *Wisbech River* which shall intersect the Line of the said intended Railway, or of any Branch Railway connected therewith or appertaining thereto, the Bridge requisite for carrying the said Railway over such new River or Channel, as well as all Works necessary for continuing the Traffic of the said Railway during the Construction of the said Bridge, shall be made wholly at the Costs and Charges of the said Railway Company, and shall be in all respects sufficient for the Purposes of such improved Navigation and Drainage, and to the Satisfaction of the said Lord High Admiral or the said Lords Commissioners, or his or their Engineer, as aforesaid.

As to Con-
struction of
Bridge over
Channel of
River *Nene*,
in case the
same is im-
proved.

LXXIV. And be it enacted, That nothing in this Act contained shall diminish, alter, affect, or take away any of the Rights, Privileges, Powers, and Authorities vested in certain Navigation Commissioners acting under or by virtue of an Act of Parliament passed in the Twenty-seventh Year of the Reign of His Majesty *George* the Second, Chapter Twelve, and of an Act passed in the Sixth and Seventh Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and twenty-five, but that the same Rights, Privileges, Powers, and Authorities shall remain as fully, to all Intents and Purposes, as if this Act had not passed.

Reserving
Rights of
River *Nene*
Navigation.

LXXV. And be it enacted, with respect to the Bridge for carrying the Railway over the said *Ouze* Navigation, That the Company shall, at their own Expence, make and at all Times thereafter maintain and keep in perfect Repair a good and substantial Bridge over the said River and the Towing Path thereto, and the Soffit of such Bridge shall be at least Eight Feet above the ordinary Top-water Level of the

Company to
construct
Bridge over
the *Ouze* at
their own
Expence.

the River throughout the whole of the Opening for Navigation, and such Opening shall be left near the Bridge of not less than Thirty-five Feet, including the Towing Path, and measured at Right Angles therewith; and the said Company shall make and maintain under each such Bridge, and for Twenty Yards on each Side thereof, a good and sufficient Towing Path, of the Width of Nine Feet at the least, properly made and gravelled for Horses; and the Company shall and they are hereby required, during the Construction of such Bridge, and during any Repair or Renewal thereof, at all Times to leave an open and uninterrupted navigable Waterway in the said River of not less than Fourteen Feet in Width, and a Towing Path of not less than Six Feet, properly made and fit for the Passage of Horses along the same.

Company to keep Bridge over the Ouze in good Repair.

LXXVI. And be it enacted, That if the said Bridge shall not be kept in good Repair, whereby the Navigation of the *Ouze* shall be injured by the Company, it shall be lawful for the Proprietors of the Navigation to do the needful Repairs and Works, and to recover the Amount of the Expences thereof from the said Company by Action of Debt or on the Case, with full Costs of Suit, to be taxed as between Attorney and Client, in any of Her Majesty's Courts of Record at *Westminster*.

As to the Manner the Railway shall be built crossing the River Ouze.

LXXVII. And be it enacted, That whenever the Railway shall cross the said River *Ouze* the same shall be constructed upon Piles or Arches for the Distance of One hundred and fifty Yards at the least, including the Bridge over the said River, and the Arch for the Passage of Boats shall be set parallel with the Stream, unless the Agent of the said Proprietor for the Time being shall otherwise agree or direct in Writing.

Company to make good all Damage occasioned to the Ouze Navigation.

LXXVIII. And be it enacted, That if at any Time after the said Railway shall have been completed any Injury or Damage shall arise to the said Navigation from the Formation of the Bridge or other Works of the said Railway connected therewith 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 for such Injury or Damage, and shall also take such Measures for the Prevention of any future Injury as shall be deemed necessary by some competent Engineer or Engineers to be chosen by the Proprietor or Proprietors of the said Navigation and the said Company, such Damage and Compensation to be recovered by all or any of the Ways and Means by which any Damage or Compensation is made recoverable by this Act.

Penalty in case of Obstruction to the Ouze Navigation.

LXXIX. And be it enacted, That if by reason of any Accident to the said Railway or Bridge, or by reason of the bad State of Repair of the said Bridge, or from any other Cause affecting any of the Slopes, Banks, or Walls of the said Railway near the said River, it shall happen that the said *Ouze* Navigation, or the Towing Path thereof, shall be obstructed so that the Boats, Barges, or other Vessels navigating or using the said River shall be delayed or impeded

in their Passage along the same, or in case the navigable Waterway or Towing Path herein-before required to be preserved during the Progress of the Works shall at any Time be contracted to a less Width than herein is prescribed, then and in every such Case the said Company shall pay to the Person so aggrieved the full Amount of the Loss or Damage thereby sustained: Provided always, that if such Obstruction shall continue beyond Forty-eight consecutive Hours, or shall have been occasioned by any wilful Act on the Part of any of the Servants or Persons employed by the said Company, then and in every such Case the said Company shall pay to the Party so aggrieved the Sum of Five Pounds for every Day during which the Obstruction shall continue beyond the first Forty-eight Hours, as or by way of ascertained Damages; and in default of Payment of the said Sum or Sums (as the Case may be), on Demand in Writing made on the Treasurer or other principal Officer of the said Company, the said Party so aggrieved may sue for and recover the same, together with full Costs of Suit, against the said Company, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

LXXX. And whereas the said Railway is intended to be carried over the River *Ouze* in the Parishes of *Saint Ives* and *Fenstanton* in the County of *Huntingdon*, and it is expedient to provide against Obstructions and Injuries being occasioned thereby to the free Navigation of the said River; be it therefore enacted, That nothing in this Act contained shall diminish, alter, prejudice, or take away any of the Rights, Privileges, Powers, or Authorities of the Proprietor or Proprietors of the Navigation, or to authorize or empower the said Railway Company to alter the Line or Level of the said River, or of the Towing Path thereto, or any Part thereof, or to obstruct the Navigation of the said River or any Part thereof, save and except as far as the same Rights, Privileges, or Authorities are altered or interfered with by this Act for the necessary Purposes of executing and using the said Railway, or the several other Works connected therewith by this Act authorized to be made.

Saving Rights of the *Ouze* Navigation Proprietors.

LXXXI. And be it enacted, That if at any Time or Times the said Railway shall be completed such Railway or any Part thereof shall from unforeseen Circumstances be discontinued, and not used for the Purpose of carrying Passengers, or for carrying Goods or other Traffic, then and in such Case the said Railway Company shall and they are hereby compelled in the first instance to offer the Land whereon such Railway shall have been constructed to the original Proprietors of such Lands purchased for the Purpose of making such Railway, or their Assigns or legal Representatives, at a Sum not exceeding the original Price paid for the same by the Railway Company.

Power of Pre-emption if the Railway be discontinued.

LXXXII. And be it enacted, That if the Company shall neglect or refuse to raise the Banks or to stop the Soakage for the Space of Fourteen Days after Notice requiring them so to do duly served as aforesaid, they shall be subject to a Penalty not being less than One Pound for every Hour during which the same or any similar or like Obstruction, or such Damage or Injury occasioned thereby, shall at

Penalty on Company neglecting to raise Banks, &c.

[*Local.*]

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any

any Time occur, remain, or happen after the Expiration of Fourteen Days, which Penalty may be recovered against the said Company by the said Middle Level Drainage Commissioners by Action of Debt in any of the Superior Courts.

Railway to
be subject to
Provisions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55., and
7 & 8 Vict.
c. 85.

LXXXIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament*; and for other Purposes in relation to Railways; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway to
be subject to
Provisions of
any future
general Act.

LXXXIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

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

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