ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. XXX.

An Act to enable the *Eastern Counties* Railway Company to construct a Railway to the River *Nene* or *Wisbech River* below *Wisbech*, in lieu of a Portion of the Railway authorized by "The *Wisbech, Saint Ives, and Cambridge Junction* Railway Act, 1846," and to erect Warehouses in connexion with such Railway; and for other Purposes. [28th *May* 1852.]

WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from* London *to* Norwich *and* Yarmouth, *by* Romford, Chelmsford, Colchester, *and* Ipswich, *to be called* "*The* Eastern Counties *Railway*," by which Act the *Eastern Counties* Railway became incorporated: And whereas an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, called "The *Wisbech, Saint Ives, and Cambridge Junction* Railway Act, 1846," by which Act a Company was incorporated for the Purpose of making Railways from *Saint Ives* in the County of *Huntingdon* to *Wisbech* in the *Isle of Ely* and County of *Cambridge*, and from *St. Ives* aforesaid to *Fendrayton* otherwise *Fenny Drayton* in

6 & 7 W. 4. c. 106.

9 & 10 Vict. c. 356.

in the County of *Cambridge*: And whereas by the last-mentioned Act it was enacted to the Effect following; (namely,) that it should be lawful for the Company thereby incorporated to sell and transfer to the *Eastern Counties* Railway Company and for that Company to purchase the Undertaking thereby authorized, or any Share or Interest therein, and whether before or after Completion thereof; and further, that in the event of the whole of the said Undertaking being purchased by the said *Eastern Counties* Railway Company, then from and after the Completion of such Purchase the Company by the Act now in recital incorporated should be dissolved and cease to exist, save and except for certain Purposes in such Act mentioned, and that the said Railway and Works thereby authorized should thenceforth become Part of the Undertaking called the *Eastern Counties* Railway, and that all the Provisions, Regulations, Matters, and Things in such Act mentioned should be applied and be applicable to the *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 instead of the Company by such Act incorporated: And whereas in pursuance of the said Powers of the last-mentioned Act the *Eastern Counties* Railway Company have purchased the whole of the said Undertaking, and have constructed the whole of the Railways authorized by the last-mentioned Act, with the Exception of so much of the said Railway from *St. Ives* to *Wisbech* as was authorized to be made between the South Shore of the River *Nene* or *Wisbech River* and the Termination of such Railway on the Left Bank of the said River, as shown on the Plans referred to in the last-mentioned Act: And whereas the said Portion of Railway has not been commenced, and it is expedient that so much of the same Act as authorized the making of a Railway between those Points should be repealed, and that the Formation of the said Portion of Railway should be abandoned, and that in lieu thereof the *Eastern Counties* Railway Company should be authorized to make and maintain a Railway to the River *Nene* or *Wisbech River* below *Wisbech* upon the South Shore thereof: And whereas it is expedient that the *Eastern Counties* Railway Company should be empowered to construct Warehouses in connexion with the said intended Railway; but for the Purposes aforesaid the Authority of Parliament is necessary: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Portion of Railway authorized by 9 & 10 Vict. c. 356. to be abandoned.

I. That from and after the passing of this Act all Powers granted by "The *Wisbech, Saint Ives, and Cambridge Junction* Railway Act, 1846," for making and maintaining or purchasing Lands for the Purposes of so much of the Railway therein described as being intended to commence at or near *Saint Ives* in the County of *Huntingdon*, and to

to terminate at or near a certain Mill called *Bell's Mill* in the Borough of *Wisbech* in the Parish of *Wisbech* in the *Isle of Ely* in the County of *Cambridge*, as was intended to be situate between the South Shore of the River *Nene* or *Wisbech River* and the Termination of the said Railway at or near *Bell's Mill* aforesaid, shall cease and determine.

Compensation to be made where Contracts entered into or Notices given.

II. That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the *Eastern Counties* Railway Company, for purchasing any Lands which they were by the said last-mentioned Act empowered to purchase for the Purposes of the said Portion of Railway the Powers to construct which are repealed by the last preceding Enactment, the said Company shall make to the Owners or Occupiers of and other Persons interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof.

Saving Rights of Owners, &c. to Compensation for Entry to survey and take Levels.

III. That the Repeal of the said Powers for constructing the said Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the said Company were so empowered to purchase as aforesaid to receive from the said Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained; but the said Company shall not be liable to make Compensation in any of the Cases aforesaid, unless the Claim for such Compensation shall have been made within Six Months from the passing of this Act.

Certain Provisions of 8 & 9 Vict. cc. 18. & 20. extended to this Act.

IV. That "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, except so far as the same may be expressly varied by this Act.

Power to make a Railway.

V. That it shall be lawful for the *Eastern Counties* Railway Company to make and maintain a Railway, with all proper Works and Conveniences connected therewith, commencing by a Junction with their Railway as now constructed at *Wisbech* in the Parish of *Wisbech Saint Peter* in the *Isle of Ely* in the County of *Cambridge*, and terminating near the South Shore of River *Nene* or *Wisbech River* in the Parish of *Wisbech Saint Peter* in the County of *Cambridge*.

VI. That

Power to construct Warehouses.

VI. That it shall be lawful for the *Eastern Counties* Railway Company to construct and maintain such Warehouses as they may think proper in connexion with the said Railway by this Act authorized to be made, in the Parish of *Wisbech Saint Peter* in the County of *Cambridge*.

Works to be executed according to deposited Plans.

VII. Whereas Plans and Sections showing the Line or Situation and Levels of the Railway and other Works by this Act authorized to be made, together with Books of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the several Clerks of the Peace for the Counties of *Cambridge* and *Norfolk:* Be it enacted, That, subject to the Powers of Deviation in "The Railways Clauses Consolidation Act, 1845," contained, the said Railway and Works shall be made in the Line or Course and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Power to use or alter a Portion of the Wisbech Branch of the East Anglian Railways.

VIII. Whereas the Railway by this Act authorized to be made is proposed to be carried for a short Distance either along or closely adjoining to and in a Direction parallel with the *Wisbech* Branch of the *East Anglian* Railways, and finally to cross the same on the Level thereof near the Bridge by means of which such last-mentioned Railway crosses the *Wisbech* Canal: Be it enacted, That it shall be lawful for the *Eastern Counties* Railway Company to make all such Openings in and Alterations of the Rails of the said *Wisbech* Branch of the *East Anglian* Railways as may be necessary for the Purposes aforesaid, and to alter or widen such Railway and the said Bridge to the Extent shown on the said Plans and Sections deposited as aforesaid, or to use for the Purposes of the said intended Railway such Portions of the said Railway as are situate within the Limits of Deviation defined upon the said Plans.

For Protection of the East Anglian Railways Company.

IX. Provided always, That in constructing the said Railway, and in executing any Works under the Authority of this Act, the said Company shall not obstruct the Traffic upon the said *Wisbech* Branch of the *East Anglian* Railways; and all Communications between the said Railway and the said *Wisbech* Branch, and all Works directly affecting the same Railway, shall be effected in a substantial and workmanlike Manner, and to the reasonable Satisfaction of the Engineer for the Time being to the *East Anglian* Railways Company; and if any Dispute shall arise between the said Companies as to the Construction of any Communication between the said Railways, or any Work directly affecting the said *Wisbech* Branch, the same shall be settled by Arbitration

tration in the Manner provided by "The Railways Clauses Consolidation Act, 1845," for the Settlement of Disputes by Arbitration.

Level Crossings.

X. That, subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the *Eastern Counties* Railway Company, in the Construction of the Railway, to carry the same across and upon the Level of the several turnpike and public Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,)

The Roads numbered respectively 27 and 40 in the Parish of *Wisbech Saint Peter*, and the Roads numbered respectiveiy 5, 21, 36, and 41 in the Parish of *Walsoken*.

Station or Lodge to be erected at the Point of crossing.

XI. That the said Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level, and 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 said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges in lieu of level Crossings.

XII. That it shall be lawful for the Board of Trade, if it shall appear to them necessary for the public Safety, at any Time hereafter to require the said Company, within such Time as the said Board shall direct, at the Expense of the said Company, to carry any or either of the said Roads either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level crossing: Provided always, that when any such Road shall be so carried either over or under the Railway it shall not be necessary for the said Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

Lands for extraordinary Purposes.

XIII. That it shall be lawful for the said Company to purchase Land for extraordinary Purposes connected with the Railway by this Act

Act authorized to be made, but the Quantity of Land so to be purchased shall not, together with the Lands now or hereafter to be purchased by them for extraordinary Purposes connected with the Railways authorized to be made by the said "*Wisbech, Saint Ives, and Cambridge Junction* Railway Act, 1846," exceed in the aggregate the Quantity of Land by such Act authorized to be taken for extraordinary Purposes.

Period for Completion of Railway.

XIV. That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the said Company for making the said Railway shall cease.

Railway, &c. by this Act authorized to form Part of the Eastern Counties Railway.

XV. That the Railway, Warehouses, and other Works by this Act authorized to be made shall form Part of the Undertaking of the *Eastern Counties* Railway Company, in the same Manner and as fully and effectually as they would have done if they had formed Part of the Undertaking authorized by "The *Wisbech, Saint Ives, and Cambridge Junction* Railway Act, 1846," and purchased by the *Eastern Counties* Railway Company as aforesaid; and it shall be lawful for the same Company to apply any Capital or Funds now belonging to them or under the Control of their Directors, or which they are now authorized to borrow on Mortgage or Bond, to the Purposes aforesaid or any of them.

Tolls.

XVI. That it shall be lawful for the said Company to demand and receive, in respect of the Use of the said Railway by this Act authorized to be made, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the maximum Rate of Tolls and Charges which they are authorized to demand and receive by the said "*Wisbech, Saint Ives, and Cambridge Junction* Railway Act, 1846."

Passengers Luggage.

XVII. That every Passenger travelling upon the said Railway by this Act authorized may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Conveyance thereof.

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

XVIII. That it shall not be lawful for the *Eastern Counties* Railway Company, out of any Money by any Act relating to the said Company authorized to be raised for the Purposes of such Act or Acts, 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 said Company to

construct any other Railway or execute any other Work or Undertaking.

Interest not to be paid on Calls paid up.

XIX. That it shall not be lawful for the *Eastern Counties* Railway Company, out of any Money by any Act relating to the said 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 authorized to be raised by any Act relating to the said Company: Provided always, that nothing hereinbefore contained shall be deemed to prevent the said 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.

Company not exempt from Provisions of future General Acts.

XX. That nothing in this Act shall be deemed or construed to exempt the *Eastern Counties* Railway Company from the Provisions of any General Act relating to such Company or to this Act, or 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 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 to be taken by the recited Act and by this Act.

Railways to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 35., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXI. 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;* and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this or the said recited Acts authorized, or the said Company, from the Provisions of the said several Acts

Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Company so far as the same shall be applicable thereto.

Short Title.

XXII. That in citing or referring to this Act in other Acts of Parliament, or in Pleadings, legal Instruments, or other Proceedings, it shall be sufficient to use the Expression "The *Eastern Counties* Railway (*Wisbech* Deviation) Act, 1852."

Expenses of Act.

XXIII. That all the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the *Eastern Counties* Railway Company.

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