ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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Cap. cclxxxvi.

An Act to enable the *Great Northern* Railway Company to make a Branch Railway near *Sutton* in *Lincolnshire.* [22d *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, called "The *Great Northern* Railway Act, 1846:" 9 & 10 Vict. c. 71. And whereas another Act was passed in the same Session, called "The *Stamford and Spalding* Railway Act, 1846:" 9 & 10 Vict. c. 352. And whereas the Undertaking by the last Act authorized is now vested in the *Great Northern* Railway Company: And whereas it is expedient that the *Great Northern* Railway Company should have Power to construct a Branch Railway to the River *Nene* from an intended Extension of the *Eastern Counties* Railway between the Town of *Wisbech* in the County of *Cambridge* and the *Great Northern* Railway at *Spalding*, which Branch Railway will be situate in the Parishes of *Sutton Saint Mary* and *Sutton Saint Edmunds* in the Parts of *Holland* in *Lincolnshire:* And whereas the *Great Northern* Railway Company are willing, at their own Expence, to make such Branch Railway: And whereas it is expedient that some of the Provisions of the said recited Acts should be extended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the

Powers of first-recited Act, &c. extended to this Act.

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 all the Provisions, Matters, and Things contained in the first-recited Act and in the Acts incorporated therewith, except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, so far as the same Provisions, Matters, and Things are applicable thereto, as fully and effectually as if the same were repeated and re-enacted in this Act in reference to such Purposes and Things.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to describe it as "The *Great Northern* Railway (*Sutton* Branch) Act, 1847."

Branch Railway to be made according to deposited Plans.

III. And whereas Plans and Sections of the Railways by this Act authorized, showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the County of *Norfolk* and for the Parts of *Holland* in *Lincolnshire;* be it enacted, That, subject to the Provisions in this Act and the recited Act contained, it shall be lawful for the Company to make and maintain the Railways and Works connected therewith in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Line of Branch Railway.

IV. And be it enacted, That the said Branch Railway shall commence by a Junction or Junctions with the intended Extension of the *Eastern Counties* Railway in the Parish of *Sutton Saint Mary* in the Parts of *Holland* in the County of *Lincoln*, pass thence in or through the same Parish, and a Part of the Parish of *Sutton Saint Edmunds*, and terminate in the first-named Parish on the Western Side of the River *Nene*, on or near a certain Bank or public Road numbered 148 on the said deposited Plans.

Power to cross certain Roads on a Level.

V. And be it enacted, That it may be lawful for the Company to construct the said Branch Railway across and upon the Level of the Turnpike Roads and public Roads numbered on the deposited Plans as follows; (that is to say,) Numbers 60, 77, and 148 in the Parish of *Long Sutton*.

Company to erect Station or Lodge where Roads crossed on a Level, and abide by

VI. And be it enacted, That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways shall cross on the Level the before-mentioned Roads; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the

Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Rules, &c. of Commissioners of Railways.

VII. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Fifteen Acres in addition to the Land which they are authorized by the recited Act to take for such Purposes.

Lands for extraordinary Purposes.

VIII. 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.

Period for compulsory Purchase of Lands.

IX. And be it enacted, That the said Branch Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

Period for the Completion of Works.

X. And be it enacted, That in any Works which the Company shall construct on the West Bank and Foreland of the *Nene* Outfall, the said Company shall not at any Time hereafter make, occasion, permit, or suffer any Obstruction or Impediment to the Drainage or Navigation by, through, or along the said River; and in case the said Company shall at any Time offend against this Provision, and shall for the Space of Ten Days after Notice thereof from the said Commissioners of the *Nene* Outfall, or from any other Body or Person interested in the said Drainage or Navigation, fail with all practicable Despatch to remove any such Obstruction or Impediment, the said Company shall for every such Offence forfeit the Sum of One hundred Pounds for every Day during which such Offence shall from its first Creation continue, which Sum may be recovered (with full Costs of Suit) by Action of Debt against the said Company in any of the Superior Courts.

Penalty on Company for obstructing Drainage or Navigation.

XI. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend to take away, defeat, invalidate, alter, lessen, or affect any of the Estates, Powers, Rights, Privileges, Immunities, or Authorities of the Commissioners of the *Nene* Outfall or of the *North Level* Commissioners, or any of them, save and except only as far as the same are by this Act severally and respectively expressed to be taken away, defeated, invalidated, altered, lessened, or affected.

Saving of Rights of the Nene Outfall and North Level Commissioners.

XII. And

Not to take Lands, &c. belonging to Guy's Hospital without Consent.

XII. And be it enacted, That the said Company, in making and constructing their said Branch Railway, shall not, under the Powers contained in this Act or the said recited Acts, or either of them, without the Consent in Writing of the President and Governors of the Hospital founded at the sole Cost and Charges of *Thomas Guy* Esquire, their Successors or Assigns, or of the Treasurer for the Time being of the said Hospital, take any Lands of or belonging to the said President and Governors, their Successors or Assigns, in front of the said River *Nene*, beyond the Distance of Two hundred Yards of Frontage, seaward of the Space taken up by the said Railway and Approaches.

As to Use of the Railway by the Eastern Counties Railway Company.

XIII. And whereas it is expedient that Facilities should be given for the Passage of the Traffic from the *Wisbech and Spalding* Railway over the Railway by this Act authorized to be made to *Sutton Bridge*; be it enacted, That it shall be lawful for the *Eastern Counties* Railway Company, and all Persons having the Right through or under them, to use the *Wisbech and Spalding* Railway, with Engines or Carriages, to use in like Manner the Railway by this Act authorized to be made to *Sutton Bridge*, and all Stations, Watering Places, Water Approaches, Sidings, Works, and Conveniences appertaining thereto, and necessary or useful for the working of the Traffic on the said Lines respectively, on such Terms and Conditions, and on Payment only of such reasonable Tolls, Charges, Rent, or other Consideration as may be agreed upon between the said Companies, or, failing such Agreement, as shall be settled by the principal Engineers for the Time being of the said Companies, and in case of Difference between such Engineers, then by some Person to be mutually appointed and agreed upon by them; and all the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to Disputes to be settled by Arbitration, shall apply to all Arbitrations between the said Companies.

Accommodation to be provided for booking Passengers and Goods.

XIV. And be it enacted, That all reasonable Accommodation and Facility shall be afforded by the *Great Northern* Railway Company at their several Stations on the Railway by this Act authorized, for the booking of Passengers who may be desirous of being conveyed, and of all Goods conveyed or directed to be conveyed, by any of the Trains of the *Eastern Counties* Railway Company which under the Powers herein-before contained may start from or arrive at any such Stations; and the additional Expence which the *Great Northern* Railway Company may incur in providing such Accommodation (whether in the Employment of Officers or otherwise) to the *Eastern Counties* Railway Company shall be borne by the *Eastern Counties* Railway Company, the Amount of such Expence to be from Time to Time settled and determined by Agreement between the said Companies, or if the Parties shall differ, then in the Manner herein-before provided for the Settlement of Matters in Difference or Dispute between the said Companies.

Eastern Counties Railway Company

XV. And be it enacted, That the *Eastern Counties* Railway Company, in working, using, or traversing the said Railway by this Act authorized to *Sutton Bridge*, or the Stations and Conveniences thereof,

thereof, in accordance with the Provisions herein-before mentioned, shall at all Times observe the Regulations and Bye Laws of the *Great Northern* Railway Company for the Time being in force, so far as such Bye Laws shall be applicable to the said *Eastern Counties* Railway Company.

to observe Bye Laws of Great Northern Railway Company.

XVI. And be it enacted, That in case there shall be any Dispute between the said Companies respecting any such Regulations or Bye Laws as last aforesaid, or respecting the Mode in which the *Eastern Counties* Railway Company shall exercise any of the Powers or Privileges herein-before given to them, or respecting the Regulations to be adopted by the said Companies for the Convenience and Accommodation of each other, or for the Protection of or relating to their own Traffic respectively, or respecting any other Matter or Thing arising out of the Provisions of this Act or in relation thereto, for the Settlement of which express Provision has not been herein-before already made, the same shall be decided and determined in the Manner herein-before provided: Provided always, that neither such Regulations and Bye Laws as aforesaid, nor the Award thereon of the said Engineers or their Umpire, shall have any Force or Virtue unless and until the same shall have been approved of and confirmed by the Commissioners of Railways.

Differences between Companies to be settled by Arbitration.

XVII. Provided, and be it further enacted, That in case the *Eastern Counties* Railway Company shall not make and complete the Railway from *Wisbech* to *Spalding*, in case the same shall be authorized by Parliament, so that the same may be open for public Traffic within Five Years after the passing of the Act authorizing the same, then from and after the Expiration of such Five Years, all the Powers herein-before conferred upon the *Eastern Counties* Railway Company and all other Companies and Persons using the said *Wisbech and Spalding* Line for using the Railway by this Act authorized, and the Stations and Conveniences thereon, shall cease and for ever determine.

Certain Powers not to be exercised unless Railway from Wisbech to Spalding be completed in Five Years.

XVIII. And be it enacted, That it shall not be lawful for the said Company in executing the Works by this Act authorized, or afterwards, to do any Act to impede the Drainage or Navigation through or by the said River, or the haling upon the Banks and Forelands of the said River, save and except to such Extent only as may be sanctioned and approved by the Lord High Admiral or Lords Commissioners of the Admiralty for the Time being.

The Company not to obstruct Navigation or Drainage, or public Passage.

XIX. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice or affect the Title of the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* to the Dues and Duties, Rights and Privileges, to which they are by Law entitled (if any), but that the same Dues and Duties, Rights and Privileges, shall be payable and paid, used and exercised, to the same Extent in all respects as if this Act had not passed.

Wisbech Port Dues preserved.

XX. Provided always, That nothing in this Act contained, or any Bye Law to be made by virtue hereof, shall take away or diminish any

Restraining Interference with the Harbour.

any of the Powers or Authorities vested in the Mayor, Aldermen, and Burgesses of *Wisbech*, as Conservators of the Port and Harbour of *Wisbech*, but that the same Mayor, Aldermen, and Burgesses, and their Harbour Masters and Officers, shall and may continue to have and exercise the same Powers and Authorities in all respects as they had and might lawfully exercise before the passing of this Act.

Power to construct Works on the Banks of the Nene not to be exercised without Consent of the Admiralty.

XXI. Provided always, and be it enacted, That none of the Powers by this Act conferred upon the said Company shall be exercised in respect of any of the Banks or Foreshaws of the River *Nene* at *Sutton Bridge*, unless and until the said Company shall have obtained the Consent of the Lord High Admiral or of the Commissioners for the Time being appointed for executing the Office of Lord High Admiral thereto, and then only to such Extent, and subject to such Conditions, as the said Lord High Admiral or Commissioners shall prescribe.

Power to raise additional Capital by Creation of new Shares.

XXII. And whereas the estimated Expence of making the said Railways is Sixty-five thousand Pounds; be it enacted, That it shall be lawful for the Company to raise, by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the said recited Acts, or which they may be authorized to raise by any other Act to be passed during the present Session of Parliament, any further Sum of Money not exceeding in the whole the Sum of Sixty-five thousand Pounds.

New Shares to be considered the same as original Shares.

XXIII. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any ordinary or extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

As to Dividends on new Shares.

XXIV. Provided always, and be it enacted, That in calculating the Dividends upon the Shares to be created under the Powers of this Act, reference shall be had to any Difference between the Amount of Calls paid thereon and the Amount of Calls paid upon the original Shares of the Company at the Time of the Declaration of such Dividend.

As to Votes of Proprietors of new Shares.

XXV. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking.

Power to borrow

XXVI. And be it enacted, That after the whole of the Sums by this and the recited Acts authorized to be raised by Shares shall have been

been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any ordinary or extraordinary Meeting of the Company, provided that such Sums of Money do not exceed in the whole Twenty-one thousand five hundred Pounds, in addition to the Sums which they are by the said recited Acts, or which by any other Act to be passed in the present Session of Parliament they may be authorized to borrow. Money on Mortgage.

XXVII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the 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. Interest not to be paid on Calls paid up.

XXVIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway 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. Deposits for future Bills not to be paid out of the Company's Capital.

XXIX. And be it enacted, That it shall be lawful for the Company to demand and receive, for and in respect of the Railways hereby authorized, the same Tolls and Charges as they are by the said firstly-recited Act authorized to demand and receive for and in respect of the Railway by such Act authorized to be constructed. Same Tolls to be taken as on Main Line.

XXX. Provided always, and be it enacted, That the maximum Tolls and Charges to be made by the Company in respect of the said Railways shall in no Case exceed the maximum Tolls and Charges authorized by the said firstly-recited Act. Maximum Charges.

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

9 & 10 Vict. cc. 57. & 105.

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 Two Acts were passed in the last Session of Parliament, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the Railways so far as the same shall be applicable thereto.

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

XXXII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, 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 by this Act.

Expences of Act.

XXXIII. And be it enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company in preference to all other Payments whatsoever.

Interpretation of Act.

XXXIV. And be it enacted, That the Term "the Company" in this Act shall mean "the *Great Northern* Railway Company," and the Expression "the said Railways," shall mean the Railways by this Act authorized to be constructed.

Saving the Rights of the Crown.

XXXV. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1847.