ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. cxciv.

An Act to authorize the *Lynn and Sutton Bridge* Railway Company to execute certain Works at *Sutton Bridge*, and granting other Powers to the same Company. [29th *June* 1865.]

WHEREAS the *Lynn and Sutton Bridge* Railway Company (who are meant when the Expression "the Company" is herein-after used) were incorporated in the Year One thousand eight hundred and sixty-one, "for the Construction of a "Railway from the *East Anglian* Railways at *Lynn* to the *Norwich* "*and Spalding* Railway at *Sutton Bridge*," and they have nearly completed their Railway, and the same might be opened for public Traffic if the Works in connexion with the *Norwich and Spalding* Railway at *Sutton Bridge* were executed: And whereas by the 37th Section of the said "*Lynn and Sutton Bridge* Railway Act, 1861," the Company is authorized to form a Junction with the *Norwich and Spalding* Railway, but is prohibited from taking or entering upon any of the Lands of the *Norwich and Spalding* Railway Company, and from altering or interfering with that Railway or any of the Works thereof, "further or otherwise than is necessary "for the convenient Junction and Intercommunication between the "Two Railways:" And whereas by the 15th Section of "The *Lynn and* 24 & 25 Vict. c. ccxlv. 26 & 27 Vict. c. cxciii.

and Sutton Bridge Railway Act, 1863," it is enacted as follows: "Within Eighteen Months after the passing of this Act, the "Engineer of the *Lynn and Sutton Bridge* Railway Company shall "submit to the Engineer of the *Norwich and Spalding* Railway "Company a Plan, and if required by the last-mentioned Engineer "a Specification of the Works and Alterations in the *Norwich and* "*Spalding* Railway, and the Station, Buildings, and Works thereof "at *Sutton Bridge*, necessary for effecting a convenient Junction "between the Two Railways, and for facilitating the Conveyance, "Accommodation, and Interchange of Traffic thereon:

"If the said Plan, with or without Modifications, is approved by "the Two Engineers, the Works specified thereon shall be "executed with all reasonable Despatch by the *Norwich* "*and Spalding* Railway Company, or, in their Default, by the "*Lynn and Sutton Bridge* Railway Company, but in either "Case at the Expense of the last-named Company:

"If the Two Engineers shall differ concerning the Alterations to "be made and Works to be executed, or concerning the Cost "of such Alterations and Works, any Differences between "them shall be settled by an Arbitrator, to be appointed by "the Board of Trade, at the Request of either Company; "and the Awards of such Arbitrator as to the said Altera- "tions and Works, and as to the Amount to be paid with "respect to them by the *Lynn and Sutton Bridge* Railway "Company (if the Works are executed by the *Norwich and* "*Spalding* Railway Company), shall be binding and con- "clusive; and the Provisions of 'The Railways Clauses "Consolidation Act, 1845,' with respect to the Settlement "of Disputes by Arbitration, shall apply to every such "Arbitration:

"The Works specified in the said Award or Awards shall, if the "Arbitrator shall so determine, be executed by the *Norwich* "*and Spalding* Railway Company, at the Expense of the "*Lynn and Sutton Bridge* Railway Company; or if the "*Norwich and Spalding* Railway Company shall make "default in the Execution of the said Works for a Period to "be specified in the Award, then the *Lynn and Sutton* "*Bridge* Railway Company may themselves execute the said "Works, and may enter upon and interfere with the Property "of the *Norwich and Spalding* Railway Company for the "Purpose, paying such Compensation to that Company as "the Arbitrator may direct:"

And whereas a Plan has, in pursuance of the said Provisions, been submitted to the Engineer of the *Norwich and Spalding* Railway Company, but inasmuch as the Junction therein described involves the taking of Lands of the same Company, who object thereto, and

involves also the Exercise of other Powers which the *Norwich and Spalding* Railway Company deny that the Company possess, it is expedient that the Provisions herein-after contained should be made: And whereas in the Year One thousand eight hundred and sixty-three an Act was passed "for making a Railway from *Peterborough* "to *Thorney*, *Wisbech*, *and Sutton*," the Northern Terminus of which Railway was to be formed by a Junction with the *Norwich and Spalding* Railway near the Passenger Station thereof at *Sutton Bridge*, and the Company thereby incorporated were also authorized to make a short Branch at *Sutton* beside the River *Nene*, and it is expedient that a Junction be formed between the *Lynn and Sutton Bridge* Railway and the said Two Railways authorized by the said Act: And whereas Plans and Sections showing the Lines and Levels of the Railways, and also a Book of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees, and of the Occupiers of the Lands required or which may be taken for the Purposes of the Railways, have been deposited with the respective Clerks of the Peace for the Parts of *Holland* in *Lincolnshire* and for *Norfolk*: And whereas it is expedient that the Powers herein-after contained should be conferred upon the *Midland*, the *Peterborough*, *Wisbech*, *and Sutton*, and the *Norwich and Spalding* Railway Companies with respect to the Undertaking of the Company, and that the Use herein-after defined of Portions of the Undertaking of the *Norwich and Spalding* Railway Company should be granted, and that the *Norwich and Spalding* and the *Peterborough*, *Wisbech*, *and Sutton* Railway Companies should perform the Duties herein-after prescribed with respect to the Traffic of the *Lynn and Sutton Bridge* Railway: And whereas 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 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,

26 & 27 Vict. c. ccxxii.

1. This Act may be cited for any Purpose as "The *Lynn and Sutton Bridge* Railway Act, 1865." Short Title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Parts I. and III. of "The Railways Clauses Act, 1863," (relating respectively to "Construction of a Railway" and to "Working Arrangements,") shall be incorporated with and form Part of this Act. 8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

3. In this Act the Words "the Railways" mean the Railways and the Works connected therewith by this Act authorized to be constructed, Interpretation of Terms.

constructed, and the Expression "Superior Courts" or "Court of "competent Jurisdiction," or other like Expression in this Act or any Act incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Meanings to Words, &c. in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Power to Company to apply their Funds towards Purposes of Act, and may raise additional Capital.

5. It shall be lawful for the Company to apply towards the Construction of the Works authorized by this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking; and the Company may for the same Purposes from Time to Time raise, in addition to the Sums of Money which they are already authorized to raise, any further Sums not exceeding in the whole Fifteen thousand Pounds by the Creation of new Shares or Stock in their Undertaking, which Shares or Stock shall form Part of the general Capital of the Company, and may be issued at such Price (being not less than the nominal Value thereof) as may be determined on by Three Fifths at least of the Votes of Shareholders present personally or by proxy at any Extraordinary General Meeting of the Company convened with due Notice of the Object.

Limit of Amount and Number of Calls.

6. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares; and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Shares not to issue until One Fifth paid up.

7. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Qualifications of new Shareholders.

8. All Shares created under the Powers of this Act shall, in proportion to the aggregate nominal Value of such Shares held by the same Person at the same Time, confer the like Qualifications and Rights of voting as original Shares of the same aggregate nominal Value in the Capital of the Company would confer.

9. If

Unissued Shares and issued Shares, with Consent of Holder, may be cancelled.

9. If, after having created any new or original Shares in their Undertaking, the Company resolve not to issue the same or any Class or Part thereof, or if having issued any such Shares, the Holders thereof shall consent to surrender the same, the Company may cancel the Shares to which such Resolution or Consent applies, and in lieu thereof may create and issue other Shares in One or more Classes, not exceeding the aggregate nominal Value of the Shares so cancelled.

Privileges may be attached to new Shares.

10. The Company may, with the Consent of Three Fifths at least of the Votes of their Shareholders present personally or by proxy at any Extraordinary Meeting convened with due Notice of the Object, attach to all or any of the Shares to be created under the Powers of this Act any preferential Dividend which the Company may think fit, and may also attach to the said Shares a Condition that the same may be redeemed upon Conditions to be stated in the Resolutions creating the same, and to be notified on the Certificates of such Shares; and for the Purpose of redeeming the same or any Part thereof, the Company may create and issue from Time to Time fresh Shares, with or without any special Advantages.

Power to borrow on Mortgage.

11. The Company may from Time to Time, under the Powers of this Act, borrow any additional Sum of Money not exceeding Five thousand Pounds, either by Mortgage of their Undertaking or by the Issue of Debenture Stock; but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify, under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued, and One Half thereof has been paid up, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

12. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be created by virtue of this Act.

Application of Sums raised under this Act.

13. All and every Part of the said Sums of Thirty-six thousand Pounds and Twelve thousand Pounds which the Company are by this Act authorized to raise by new Shares or on Mortgage shall be applied only to the Purposes of the Railways and Works by this Act authorized.

8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

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

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

With respect to the Transfer or Transmission of Shares;

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

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

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

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

With respect to the Consolidation of Shares into Stock;

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

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

And also the Clauses and Provisions of "The Companies Clauses Act, 1863,"

Relating to Cancellation and Surrender of Shares;

Relating to additional Capital; and

Relating to Debenture Stock,

shall be incorporated with this Act, and shall apply to all Shares created and to Mortgages granted and Money borrowed under the Powers of this Act.

Powers for compulsory Purchases limited.

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

Lands for extraordinary Purposes.

16. The Quantity of Land to be purchased by the Company by Agreement adjoining or near to the Railways for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Two Acres.

Power to make Railways according to deposited Plans,

17. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, in the Lines and upon the Lands delineated on the said Plans

Plans and described in the said Book of Reference, and according to the Levels described on the said Sections; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing Railways.

18. The Railways and Works by this Act authorized are the following:

A Railway (No. 1) in the Parish of *Sutton Saint Mary* in the Parts of *Holland* in *Lincolnshire*, commencing at or near the Western End of *Cross Keys* or *Sutton Bridge*, and terminating by a Junction with the *Norwich and Spalding* Railway near and to the Eastward of the level Crossing by the same Railway of an Occupation Road in a Field belonging to *Guy's Hospital*, and occupied by Mr. *William Skelton*, which Field is numbered 4 on the Plans deposited with the Clerk of the Peace for the Parts of *Holland* in the Year 1860 with respect to "The *Lynn and Sutton Bridge* Railway Act, 1861:"

(No. 2.) A Railway in the same Parish commencing by a Junction with Railway No. 1. at about Fifty-five Yards Westward of the Western End of *Cross Keys Bridge*, and terminating by a Junction with the authorized Railway No. 4. described in "The *Peterborough, Wisbech, and Sutton* Railway Act, 1863," opposite or nearly opposite the *Cross Keys* Inn at *Sutton Bridge*.

Level Crossings.

19. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," contained, it shall be lawful for the Company in the Construction of the Railways to carry the same across and upon the Level of the public Roads numbered on the said deposited Plans as follows; (that is to say,)

Railway.	No. on Plan.	Parish.	Description of Road.
No. 1.	2 and 4	Sutton St. Mary	Public Road.
No. 1. } No. 2. }	32	Sutton St. Mary	Turnpike Road.
No. 2.	2 and 3	Sutton St. Mary	Public Road.

but no more than a single Line of Railway shall be laid down on any such level Crossing so long as the Railway shall consist of a single Line of Railway, and in no Case shall more than a double Line of Railway be laid down on any such level Crossing.

24 & 25 Vict. c. ccxlv. s. 15. repealed.

20. The Fifteenth Section of "The *Lynn and Sutton Bridge* Railway Act, 1863," is hereby repealed; and in the Stead thereof be it enacted as follows:

Within One Month after the passing of this Act the Engineer of the Company shall submit to an Arbitrator, to be appointed at the

the Request of either Company by the Board of Trade, a Plan of the Alterations proposed to be made by him under the Powers of this Act in the *Norwich and Spalding* Railway, and the Station, Buildings, and Works thereof, at *Sutton Bridge*, for the Purpose of effecting a convenient Junction between the Two Railways, and of facilitating the Conveyance, Accommodation, and Interchange of the Traffic of the Two Companies in the said Station, and on and between the Two Railways, and also for the Purpose of facilitating the Conveyance and Interchange of Traffic without Change of Carriages or Engines between the *Lynn and Sutton Bridge* and the *Peterborough, Wisbech, and Sutton* Railways, and of facilitating the Communication between the said Two Railways; and the said Engineer shall also within the same Period submit a Copy of the Plan to the Engineer of the *Norwich and Spalding* Railway:

The said Plan shall comprise a new Passenger Station, to be erected as near as may be to the present Passenger Station of the *Norwich and Spalding* Company, and to be of sufficient Extent to accommodate not only the Passenger Traffic of that Company as conveniently in all respects as their present Passenger Station, but also to accommodate the Passenger Traffic of the *Lynn and Sutton Bridge* Railway; and the said new Passenger Station and the Land whereon it is built shall be conveyed to and be the Property of the *Norwich and Spalding* Railway Company:

The Company shall, pending the Construction of such new Passenger Station, provide for the adequate Accommodation of the Passenger Traffic of the *Norwich and Spalding* Railway Company:

The Arbitrator, after hearing Evidence on both Sides with regard to the said Junction and Works (such Evidence being confined to the Two Engineers), or after giving to the said Two Engineers a reasonable Opportunity of being heard by him, shall make an Award, and may thereby either approve of the proposed Works, or may prescribe such Modifications in the proposed Works as he may think best fitted to attain the Objects aforesaid, having regard nevertheless to the Powers vested in the Two Companies:

The said Award of the Arbitrator with respect to the proposed Junction and Works shall be made within One Month after the said Plan is submitted to him, and shall be as binding on the Two Companies as though it formed Part of this Act; and the Works ultimately approved by him shall be executed by the Company with all reasonable Despatch; and the Company may, immediately upon the Delivery of the said Award, enter upon,

upon, take, and interfere with the Property of the *Norwich and Spalding* Railway Company for the Purpose of such Junction and Works:

The Company shall make such pecuniary or other Compensation to the *Norwich and Spalding* Railway Company as the Arbitrator shall, after hearing Evidence on both Sides, by an Award determine for the taking of the Land, and for any Damage to the Station and Works of the same Company beyond that which may be compensated for by new Buildings and Works, and by the Use (as herein provided for) of the Railways hereby authorized, and the Arbitrator may make a further and separate Award touching the said Compensation; and if the Arbitrator shall by his Award declare that either Company has caused undue Delay in the Arbitration or in the making of the said Award, he may by his Award inflict upon the Company whom he shall declare so to have offended a Penalty not exceeding Twenty Pounds a Day for every Day during which such Delay shall have lasted, and the said Penalty shall be paid to the other Company, and may be recovered by them in any Court of competent Jurisdiction:

The Provisions of "The Railways Clauses Consolidation Act, 1845," shall, so far as it is applicable, apply to the Arbitration prescribed in this Section, and to all other Arbitrations prescribed by this Act.

Period for Completion of Railway.

21. If the Railways shall not be completed within Three Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Money deposited in the Court of Chancery to be forfeited to the Crown in a certain Event.

22. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Three thousand two hundred and seventy-two Pounds Fourteen Shillings and Sixpence Three Pounds *per Centum* Consolidated Bank Annuities, being equal to the Sum of Two thousand eight hundred and eighty Pounds, and being Eight *per Centum* on the Amount of the Estimate of Expense of the Railways originally proposed to be authorized by this Act, has been transferred into the Name and with the Privity of the Accountant General of the Court of Chancery in *England*, pursuant to the said Act, in respect of the Application to Parliament for this Act: And whereas inasmuch as Part of the Undertaking originally proposed is not now authorized by this Act, and the Estimate of Expense of the Railways originally proposed to be authorized has been reduced to the Sum of Fifteen thousand Pounds: Be it enacted, That, notwithstanding

standing anything contained in the said recited Act, so much of the said Sum of Three thousand two hundred and seventy-two Pounds Fourteen Shillings and Sixpence Three Pounds *per Centum* Consolidated Bank Annuities as was at the Time of the Transfer thereof equal to the Sum of One thousand two hundred Pounds (being Eight *per Centum* on the said reduced Estimate), or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railway for public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, such Portion of the said Sum of Money transferred as aforesaid as was at the Time of such Transfer equal to the Sum of One thousand two hundred Pounds, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of One thousand two hundred Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of One thousand two hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital,

Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Portion of the said Sum of Money so transferred as was equal to the Sum of One thousand two hundred Pounds at the Time of such Transfer, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Court of Chancery may order Payment of surplus Deposit.

23. The Court of Chancery may, at any Time after the passing of this Act, order that so much of the said Sum of Three thousand two hundred and seventy-two Pounds Fourteen Shillings and Sixpence Three Pounds *per Centum* Consolidated Bank Annuities as was at the Time of the said Transfer equal to the Sum of One thousand six hundred and eighty Pounds, and any Dividends thereon, may be transferred and paid to the Company, or to such Persons or Person as the Company may appoint on that Behalf; and upon such Order being made such Portion of the said Sum of Three thousand two hundred and seventy-two Pounds Fourteen Shillings and Sixpence Three Pounds *per Centum* Consolidated Bank Annuities as was at the Time of the said Transfer equal to the Sum of One thousand six hundred and eighty Pounds, and the Dividends thereon, shall be transferred and paid to the Company, or to such Person or Persons as the Company shall appoint.

Power to take Tolls as in 24 & 25 Vict. c. ccxlv.

24. The Company may demand and take in respect of the Railways Tolls and Charges not exceeding those which they are authorized to take for and in respect of the Railway authorized by "The *Lynn and Sutton Bridge* Railway Act, 1861," and the Railways hereby authorized shall for the Purposes of Toll and otherwise be deemed Part of the *Lynn and Sutton Bridge* Railway as though they had been authorized by the same Act.

Extending Powers to use the Har-

25. The Powers given to the Company by the 29th Section of "The *Lynn and Sutton Bridge* Railway Act, 1861," to use Part of

bour Branch at Lynn.

of the *East Anglian* Railway at *Lynn*, together with the Harbour Branch thereof, and the Tramways, Sidings, and other Works and Conveniences belonging to or connected with the said Harbour Branch, shall, but with respect only to the said Branch and its Appurtenances, and the Access thereto from the *Lynn and Sutton Bridge* Railway, be extended to any Company or Person working the *Lynn and Sutton Bridge* Railway; and the Provisions contained in the 30th and 31st Sections of the same Act shall apply to any such Company or Person, as fully as they apply to the *Lynn and Sutton Bridge* Railway Company.

Power to use Portion of Norwich and Spalding Railway.

26. The Company, and all Companies and Persons lawfully using their Railway, may pass over and use, with their Engines and Carriages and Servants, and for the Purposes of Traffic of all Kinds, so much of the *Norwich and Spalding* Railway at *Sutton Bridge* as lies between the Junction therewith of the Railway herein-before first described and the Point at which the *Peterborough, Wisbech, and Sutton* Railway joins or may be authorized to join the *Norwich and Spalding* Railway, so as to effect a convenient Communication between the Railway of the Company and the said *Peterborough, Wisbech, and Sutton* Railway, and may also use the Watering Places, Water, Booking Offices, Warehouses, Landing Places, Railways, Sidings, Turn-tables, Works, and Conveniences connected with the Station of the *Norwich and Spalding* Railway Company at *Sutton Bridge*.

Terms of such Use.

27. The Terms, Conditions, and Regulations to which the Company and such other Persons and Corporations as aforesaid shall be subject in respect of the said Use, and the Tolls or other Consideration to be paid by them for the same, shall, if not agreed between them and the *Norwich and Spalding* Railway Company, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade, on the Application of either Party.

As to Use of Railway by Norwich and Spalding Company.

28. It shall be lawful for the *Norwich and Spalding* Railway Company, and for any Company or Persons working their Railway, to use without Payment of Toll the Railway No. 1. hereby authorized, between the Point of Junction thereof with the *Norwich and Spalding* Railway and the Junction thereof with Railway No. 2, and also Railway No. 2; and with respect to all Companies having Powers to use the *Norwich and Spalding* Railway with their own Engines, Carriages, and Servants, such Powers shall extend over the said Portion of Railway No. 1. upon such Payments to the Company and upon such Conditions as may be agreed on, or as, in default of Agreement, may be settled by Arbitration.

29. It

As to Use of Passenger Station by Company.

29. It shall be lawful for the Company, and for any Company and Person working the *Lynn and Sutton Bridge* Railway, to use free of Charge for their own Passenger Traffic the Passenger Station which they are herein-before required to build, provided that such Use shall not interfere with the primary Rights of the *Norwich and Spalding* Railway Company to the Use of the said Station; and if any Difference shall arise between the Companies touching the Use herein provided for of the said Passenger Station, such Difference shall from Time to Time be settled by Arbitration; and it shall also be lawful for all Companies lawfully using the *Lynn and Sutton Bridge* Railway so to use the said Station, upon such Payments to the *Norwich and Spalding* Railway Company and upon such Conditions as in default of Agreement may be settled by Arbitration; and it shall not be lawful for the Company, or for any Person or Company under their Licence or Authority, to erect any Passenger Station on the West Side of the River *Nene* other than the Passenger Station herein-before referred to, unless with the Consent of the *Norwich and Spalding* Railway Company, signified under their Common Seal.

Interchange of Traffic with Norwich and Spalding Railway.

30. The Companies or Persons owning or working the *Norwich and Spalding* Railway shall, by Through Rates, Through Waggons, Carriages, Trucks, and otherwise, render all necessary Facilities to, and shall receive, book through, forward, accommodate, and deliver, on and from the same Railway, and at the Stations, Warehouses, and Booking Offices thereof, all Traffic of whatever Description coming from or destined for the Undertaking of the Company, upon such Terms and Conditions as may be agreed upon, or failing such Agreement as shall be settled by an Arbitrator to be appointed as aforesaid.

As to Decisions of Arbitrators.

31. The Decisions of any Arbitrator appointed under the Powers of this Act shall be binding and conclusive on all the Parties in difference, and the Costs and Expenses of such Arbitrator shall be defrayed as the Arbitrator shall direct; and any of such Parties as shall refuse or neglect to perform, observe, and conform to any Decision given or Regulation made by any such Arbitrator shall forfeit and pay to such Person or Company as the Arbitrator shall determine any Sum not exceeding Fifty Pounds for every such Offence, and Twenty Pounds for every Day during which such Offence shall continue.

Byelaws to be observed.

32. The Company in using or traversing the said Portions of Railway and Stations, and in using the Works, Buildings, and Conveniences thereof, in accordance with the Provisions herein-before mentioned, shall at all Times observe the Regulations and Byelaws for the Time being in force on the Undertaking so used, so far as such Byelaws shall be applicable to the Company.

Power to enter into Traffic Arrangements with certain Companies.

33. The Company on the one hand, and the *Midland* and the *Peterborough, Wisbech, and Sutton* Railway Companies, or either of those Companies, on the other hand, may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes or any of them; (that is to say,)

The Management, Use, Working, and Maintenance of the Undertaking of the Company or of any Parts thereof, and the Supply of any Rolling or Working Stock, and of Officers and Servants, for the Conduct of the Traffic thereon, and the Payments to be made and the Conditions to be performed with respect to the Matters aforesaid:

And the Company, on the one hand, and the same Two Companies or either of them, and also the *Norwich and Spalding* Railway Company, may from Time to Time enter into Contracts with respect to

The Interchange, Accommodation, Conveyance, and Delivery of Traffic coming from or destined for the Undertakings of the contracting Companies, and the mutual Use of the said Undertakings, and the Division and Appropriation between the said Companies of the Revenue arising from such Traffic.

Tolls during Contracts.

34. During the Continuance of any Contract or Agreement to be made or entered into under the Provision of this Act, the Railways of the Company and of the other contracting Company shall for the Purposes of Tolls and Charges be considered as One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railways of the Company and partly on the Railways of the other contracting Company for a less Distance than Three Miles Tolls and Charges may only be charged as for Three Miles; and in respect of Passengers for each Mile or Fraction of a Mile beyond Three Miles Tolls and Charges as for One Mile only; and in respect of Animals, Minerals, and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles Tolls and Charges as for a Quarter of a Mile only; and no other Short-Distance Charge shall be made for the Conveyance of Passengers, Animals, and Goods or other Matters partly on the Railways of the Company and partly on the Railways of the other contracting Company.

Saving existing Right to contract.

35. Nothing in this Act contained shall lessen or invalidate the Right to make Contracts which the Company may derive from "The Railways Clauses Consolidation Act, 1845," or from the general Law.

Saving Rights of the Crown.

36. Nothing contained in this Act, or in any of the Acts incorporated herewith, shall authorize the Company to take, use, or in any Manner

Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Duchy of Cornwall.

37. Nothing contained in this Act, or in any Act or Acts incorporated herewith, or herein mentioned or referred to, shall extend to authorize the Company to take, use, enter upon, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, without the Consent in Writing of some Two or more of such of the regular Officers of the said Duchy or of such other Persons as may be duly authorized under the Provisions of "The Duchy of *Cornwall* Management Act, 1863," Section 39, to exercise all or any of the Rights, Powers, Privileges, and Authorities by the said Act made exerciseable or otherwise for the Time being exerciseable in relation to the said Duchy, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of such Duke, testified in Writing under the Seal of the Duchy of *Cornwall*, first had and obtained for that Purpose, or to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

Interest on Calls not to be paid out of Capital.

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

39. It

Deposits for future Bills not to be paid out of Capital raised under this Act.

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

Railways not exempt from Provisions of present and future General Acts.

40. Nothing herein contained shall be deemed or construed to exempt the Railways or the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Expenses of Act.

41. All the Expenses of applying for and obtaining this Act or preparatory or incident thereto shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.