ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccxxix.

An Act to regulate the Use by the *Lynn and Sutton Bridge* Railway Company of the *Cross Keys Bridge* over the River *Nene*.

[25th *July* 1864.]

WHEREAS by an Act passed in the Year One thousand eight hundred and sixty-one the *Lynn and Sutton Bridge* Railway Company (who were thereby incorporated) were authorized to carry their Railway over the River *Nene* by means of a new Bridge to be constructed in the Stead of the existing *Cross Keys Bridge*, and they were required to pull down the existing Bridge, and so to construct their new Bridge as to fit it both for Railway and ordinary Road Traffic: And whereas by an Act passed in the last Session of Parliament the Company were relieved from the Necessity of constructing a new Bridge over the River *Nene*, and were authorized to use the existing *Cross Keys Bridge* and the Approaches thereto, and to adapt the same to the Purposes of their Railway; and it was further provided, that in so adapting the said Bridge and the Approaches thereto "the Company should "construct and for ever after maintain, Side by Side with the "Railway, a separate Roadway over the said Bridge, not less than "Nine feet in Width, for the Passage of Carriages and Waggons "and ordinary Road Traffic, and should also construct and main-

24 & 25 Vict. c. ccxlv.

26 & 27 Vict. c. cxciii.

" tain a sufficient Screen between the Railway and Roadway :" And whereas it is apprehended by Persons carrying on Trade in *Wisbech* and interested in the Navigation of the River *Nene* that the Adaptation of the Bridge in pursuance of the Provisions contained in the last-recited Act must, during the Construction of such Alteration, interfere prejudicially with the Navigation of the said River, and will, when the Alteration is completed, so increase the Bulk and Weight of the said Bridge as to render it cumbrous to open and close, especially in strong Winds, and therefore dangerous both to the Navigation and to the Passage of Trains: And whereas the Trustees of Turnpike Roads and other Persons interested in the Maintenance of the Road over the Bridge are likewise desirous that the Provision for the altering of the said Bridge should not be enforced, inasmuch as they believe that the Use by Horses and Animals of the Road over the Bridge alongside of the Railway simultaneously with the passing of Trains will be attended with Danger which no Regulations or Precaution can prevent: And whereas great Progress has been made in the Construction of the *Lynn and Sutton Bridge* Railway, and it is expedient that the Company should be required to adapt the existing *Cross Keys Bridge* to the Purposes of a Railway without constructing a separate Roadway thereon, the Company interfering as little as may be with the Use of the same Bridge for the ordinary Purpose of a Road, but inasmuch as this Object cannot be attained without the Authority of Parliament: May it 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:

Provision in 26 & 27 Vict. c. cxciii. for adapting a certain Roadway to Purposes of Railway repealed.

1. The following Portion of the 6th Section of "The *Lynn and Sutton Bridge* Railway Act, 1863," with respect to the adapting the existing *Cross Keys Bridge* and the Approaches thereto to the Purposes of the Railway is hereby repealed:

" And in so adapting the said Bridge and the Approaches thereto " to the Purposes of the Railway the Company shall construct and " for ever after maintain, Side by Side with the Railway, a separate " Roadway over the said Bridge, not less than Nine Feet in Width, " for the Passage of Carriages and Waggons and ordinary Road " Traffic: Provided always, that it shall not be lawful for the Com- " pany to open the said Railway for the Purpose of Traffic until they " shall have erected, to the Satisfaction of the Board of Trade, " testified in Writing under the Hand of the Secretary of the said " Board, a sufficient Screen between the Railway and the Road- " way, to prevent as much as possible Danger to Passengers using " the Roadway, in consequence of Horses being frightened by the " Sight of the Engines or Carriages travelling upon the Railway; " and

" and the Company shall for ever after maintain such Screen in good " and sufficient Repair, under a Penalty not exceeding Five Pounds " for every Day during which such Screen shall not be so maintained; " and the Penalties may be sued for by any Person or Body, and " shall be recovered and applied in the Manner prescribed by 'The " Railways Clauses Consolidation Act, 1845,' with respect to the " Recovery of Damages not specially provided for and of Penalties."

Other Provisions of the said Act maintained.

2. Provided always, That the following Enactments contained in the said Act of 1863 shall remain in full Force, notwithstanding the Repeal of the said Provision in the 6th Section of the same Act; namely,

Section 7. Protecting River *Nene:*
Section 8. For preserving Use of Bridge and Approaches:
Section 10. Saving Powers of Admiralty, *et cetera:*
Section 13. As to Use of Bridge by Company:
Section 14. Company to pay all Damages sustained by Bridge Company:
Section 18. Saving the Rights of the Commissioners of the *Nene Outfall:* and
Section 19. Saving Rights of the Crown.

As to Use of Bridge for Road Traffic.

3. When the Railway is constructed along the said Bridge and the Approaches thereto, and before the same is used for the Passage of Trains, the Company shall submit to Two Justices acting for the Parts of *Holland* in *Lincolnshire* such Regulations as the Company deem reasonable for preventing Danger and (as much as possible) Inconvenience to Persons, Animals, or Carriages using or intending to use the said Bridge and Approaches for the ordinary Purposes of a Road; and it shall be lawful for the said Justices, and they are hereby required to revise the said Regulations; and the Regulations ultimately approved by the said Justices and signed by them shall at the Expense of the Company be printed and affixed at each End of the Bridge in a conspicuous Manner, to the Satisfaction of such Justices, and shall be valid and binding upon the Company and upon all Persons using the said Bridge and Approaches, and may be enforced by the Company against all such Persons and others, and by all such Persons against the Company; and it shall be lawful for the said Justices to attach to the said Regulations Penalties for any Infringement of the same not exceeding Five Pounds for any One Infraction thereof by any Person, and Fifty Pounds for any Infraction thereof by the Company; and the Provisions in "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated with this Act: Provided

vided always, that it shall be lawful for such Justices as aforesaid, upon the Application of the Company, or upon the Application of any Person, after due Notice to the Company, from Time to Time to rescind or alter such Regulations or to make new Regulations, and all such Regulations, or altered or new Regulations, shall be submitted to the Quarter Sessions of the Peace for the Parts of *Holland* in *Lincolnshire*, and shall be approved by such Quarter Sessions before they become valid; and the Regulations so from Time to Time made shall be binding and effectual, and shall be printed and affixed, and may be enforced in manner aforesaid.

Precautions to be taken.

4. The Company shall erect and for ever maintain Gates at each End of the said Bridge, and shall employ Gatekeepers or other Persons to watch the same, and shall cause all Trains approaching the said Bridge to stop at the said Gates, so as to ensure that the Bridge be clear of all Road Traffic before any Train is allowed to pass over the same.

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

5. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better 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.

Short Title.

6. This Act may be cited as "The *Lynn and Sutton* Railway (*Cross Keys Bridge*) Act, 1864."

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