ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

********** **

Cap. lxxxviii.

An Act to authorize the Construction of Docks at *King's Lynn*, and for other Purposes relating to that Undertaking. [19th *June* 1865.]

WHEREAS the Construction of Docks at *King's Lynn* in *Norfolk*, and of a short Line of Railway to connect the said Docks with the Railways constructed or authorized to be constructed there, would be attended with great local and public Advantage, and the Persons herein-after named, with others, are willing to construct such Docks and Railway: And whereas Plans and Sections of the Works showing the Lines and Levels thereof, with a Book of Reference to the Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of the Lands in or through which the said Works will be made or pass, have been deposited with the Clerk of the Peace for *Norfolk*: And whereas it is expedient that the Corporation of *King's Lynn* and the several Companies herein-after mentioned should be empowered to contribute to and hold Shares in the said Undertaking, and participate in the Control and Management thereof: And whereas the Purposes aforesaid cannot be accomplished 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:

8 & 9 Vict. cc. 16. 18. & 20., 10 & 11 Vict. c. 27., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. & 118. incorporated.

1. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to Cancellation and Surrender of Shares) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Harbours, Docks, and Piers Clauses Act, 1847," except as herein-after provided, and "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) and Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act: Provided nevertheless, that the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," "with respect to Lifeboats," and "with respect to keeping a Tide and Weather Gauge," shall not be in force for the Purposes of this Act, except so far as from Time to Time the same may be required by the Board of Trade; and provided also, that, notwithstanding anything contained in the Twelfth Section of the same Act, it shall not be necessary for the Purposes of this Act to obtain the Consent of the Body or Persons to whom the Conservancy of the Harbour of *Lynn* may belong, but as to the Mode of constructing the Railway and other Works hereby authorized (other than the Docks themselves) the Consent and Approval required by the Twelfth Section of "The Harbours, Docks, and Piers Clauses Act, 1847," shall include the Consent and Approval of the Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn*, which Corporation exercises the Conservancy of the Port and Harbour of *King's Lynn*, and appoints a Harbour-master by virtue of a Charter of King *James* the First, dated the Nineteenth Day of *November* in the Second Year of His Reign (One thousand six hundred and four).

As to Lifeboats, &c.

Interpretation of Terms.

2. The following Words and Expressions shall in this Act have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Company" shall mean the Company incorporated by this Act:

The Expression "the Corporation" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn*:

The Expression "the Railway Companies" shall mean the *Lynn and Sutton Bridge* Railway Company, and the *Peterborough, Wisbech, and Sutton* Railway Company:

The Expression "the Docks" shall mean and include the Docks, Quays, Wharfs, Warehouses, Cranes, and other Works connected therewith by this Act authorized to be constructed:

The

The Expression "the Railway" shall mean the Railway and the Works connected therewith by this Act authorized to be constructed:

The Expression "the Undertaking" shall mean the Docks and the Railway by this Act authorized:

The Expression "the Undertakers," or "the Promoters of the Undertaking," in any of the Acts incorporated herewith, shall mean the Company incorporated by this Act:

The Expression "the Board of Trade" shall mean the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations:

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.

3. 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.

Subscribers incorporated.

4. *Lewis Whincop Jarvis*, *William Burkitt*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes of the Undertaking, and such Company shall be incorporated by the Name of "The *King's Lynn* Docks and Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the incorporated Acts contained, and their Undertaking shall be called "The *King's Lynn* Docks and Railway."

First and other Meetings.

5. The First Ordinary Meeting of the Company shall be held within Twelve Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* or *March* and *August* or *September* in every Year.

Quorum of General Meetings.

6. The Quorum of General Meetings of the Company shall be Ten Shareholders present, personally or by proxy, holding in the aggregate not less than Eight thousand Pounds in the Capital of the Company.

7. The

Number of Shareholders to convene Extraordinary Meetings.

7. The Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be not less than Ten, and such Shareholders shall hold in the aggregate not less than Eight thousand Pounds in the Capital of the Company.

Scale of Voting.

8. The Scale according to which Shareholders may vote in respect of their Shares shall be as follows; (that is to say,)

For One Share or more, and not exceeding Five, One Vote.

For more than Five Shares, but not exceeding Ten, Two Votes.

For more than Ten Shares, an additional Vote for every Five Shares.

Number and Qualification of Directors.

9. The Number of Directors shall be Five, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to reduce or increase the Number of Directors.

10. It shall be lawful for the Company from Time to Time to reduce or increase the Number of Directors, provided that the reduced Number be not less than Three, and the increased Number be not more than Eight.

Quorum.

11. The Quorum of a Meeting of Directors shall be Three.

First Directors; such Directors to continue in Office until First Meeting after passing of Act.

12. *Lewis Whincop Jarvis*, *William Burkitt*, *Henry Tootal*, *William Bunce Greenfield*, and *James Hunt* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation Act, 1845."

Capital.

13. The Capital of the Company shall be Sixty-six thousand Pounds, divided into Six thousand six hundred Shares of Ten Pounds each.

14. All

Qualifications of new Shareholders.

14. 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.

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

15. 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.

Shares not to issue until One Fifth paid up.

16. It shall not be lawful for the Company to issue any Share, 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 is paid up in respect thereof.

Calls.

17. Two Pounds *per* Share shall be the greatest Amount of a Call, and Two Months at the least shall be the Interval between successive Calls, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share.

Receipts of Guardians, &c. to be sufficient Discharge.

18. If any Money be payable to a Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his or her respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Power to borrow on Mortgage.

19. The Company may from Time to Time borrow on Mortgage any Sums not exceeding in the whole Twenty-two thousand Pounds, but no Part thereof shall be borrowed until the whole of the Share Capital of Sixty-six thousand Pounds shall have been subscribed for or taken *bonâ fide*, and One Half thereof is actually 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 the whole of the Capital which the Company are by this Act authorized to raise are issued and accepted, and that Half of such Capital has been paid up, and that not less than One Fifth Part of the Amount of each separate Share has been paid up on account thereof before or at the Time of the Issue or Acceptance thereof, and that all such Shares are taken in good Faith and held by the Subscribers or their Assigns, those Subscribers or their Assigns being legally liable for the same

(of which Matters the Certificate of the Justice shall be sufficient Evidence).

Debenture Stock.

20. The Company may create and issue Debenture Stock, and Part III. of "The Companies Clauses Act, 1863," is incorporated with this Act.

Application of Monies raised under Act.

21. All and every Part of the Money raised under this Act, whether by Shares or by Debenture Stock, or by borrowing, shall be applied only for Purposes authorized by this Act.

Period for compulsory Purchase of Lands.

22. 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.

Corporation of King's Lynn empowered to subscribe, and may borrow on Mortgage.

23. It shall be lawful for the Corporation from Time to Time to contribute towards the Capital of the Company any Sums they may think fit, not exceeding Twenty thousand Pounds, and to hold Shares in the Capital of the Company accordingly; and for the Purpose of that Contribution it shall be lawful for them, with the Approbation of the Lords Commissioners of Her Majesty's Treasury, (and subject to the Provisions of the Ninety-fourth Section of the Act 5 & 6 *William* 4. Chapter 76., and the Second Section of the Act 6 & 7 *William* 4. Chapter 104.,) from Time to Time to borrow any Sums of Money, not exceeding in the whole the said Sum of Twenty thousand Pounds, on Mortgage of the Borough Fund and other the Property and Rates of the Borough.

Power to borrow on Mortgage.

24. If any Sum so authorized to be borrowed on Mortgage shall be paid off by the Corporation, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time, but such Power of reborrowing shall not be exercised unless the Money be so reborrowed in order to pay off any existing Mortgage.

Receipts of Borough Treasurer to be good Discharge.

25. The Receipt of the Treasurer for the Time being of the Borough of *King's Lynn* shall be a good and sufficient Discharge to every Person who shall lend any Money to the Corporation on Mortgage under the Powers of borrowing herein contained for so much Money as shall in such Receipt be expressed to be received.

Mortgages of the Corporation.

26. Every Mortgage Deed issued by the Corporation under the Authority of this Act shall be under their Common Seal and duly stamped, and the Consideration shall be truly stated therein, and may be according to the Form in the Schedule B. to this Act annexed, or to the like Effect, and with such Variations as the Nature and Circumstances of each Case may require.

27. The

Transfer of Mortgages.

27. The Person for the Time being entitled to any such Mortgage may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form in the Schedule C. to this Act annexed, or to the like Effect.

Rights of Mortgagees.

28. The respective Mortgagees for any Part of the Twenty thousand Pounds authorized by this Act to be borrowed by the Corporation shall be entitled, one with another, to their respective Proportions of the Property comprised in their Mortgage, according to the respective Sums in such Mortgage mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another by reason of the Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any account whatsoever, but the Mortgages hereby authorized shall be subject to the now existing Incumbrances, if any, on the Property comprised therein respectively.

Mortgagees and Obligees to have the Benefit of the existing Trust Deed of Corporate Property.

29. The Trustees for the Time being of the Deed of the Tenth of *November* One thousand eight hundred and fifty-one, for securing Loans to the Extent of Sixty thousand Pounds and Interest for the Corporate Contribution to the *Norfolk* Estuary Work, shall stand seised and possessed of the Property comprised in that Deed, except the Manor of *King's Lynn* and the Quitrents and Free Rents therein mentioned, upon the same Trusts as if, subject to and after the Trusts therein contained for securing the Loans therein mentioned, and immediately before the Trusts therein contained for the Corporation, there had been inserted a Trust to pay the Costs occasioned by or incident to the Execution of this Trust, and after Payment thereof to pay and satisfy all Interest to grow due on the Mortgages hereby authorized, and in the next place to pay and satisfy rateably any Part or Parts of the Principal Money remaining due on the same Mortgages.

Register of Mortgages and Transfers.

30. A Register of Mortgages shall, at the Expense of the Corporation, be kept by the Town Clerk, and may be perused at all reasonable Times, without Fee or Reward, by any Mortgagee, or by any Person interested in any such Mortgage; and within Fourteen Days after the Date of any such Mortgage an Entry specifying the Number and Date of such Mortgage, and the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and as to Transfers of such Mortgages, each Transfer shall within Thirty Days after the Date thereof if executed within the United Kingdom, or otherwise within Thirty Days after the Arrival thereof in the United Kingdom, be produced to the Town Clerk, and he shall thereupon

cause an Entry thereof to be made in the same Manner as in the Case of the original Mortgage, and after such Entry every such Transfer shall entitle the Transferee, his Executors or Administrators, to the full Benefit of the original Mortgage in all respects; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage so transferred, or any Money thereby secured; and for each Entry of Transfer the Town Clerk shall be entitled to a Fee of Two Shillings and Sixpence, to be paid by the Transferee.

Payment of Interest and Principal.

31. The Interest of the Money borrowed upon any such Mortgage shall be payable and paid half-yearly to the Parties entitled thereto respectively, and as to the Principal Money secured thereby the Person or Persons entitled thereto may at any Time after the Expiration of Three Years from the Date of such Mortgage demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose, and the Corporation after the Expiration of the same Period of Three Years may at all Times pay off the Money borrowed, or any Part thereof, on giving the like Notice; and such Notice, if given by a Mortgagee, shall be by Writing delivered to the Town Clerk, and if given by the Corporation shall be by Writing under the Hand of the Town Clerk given either personally to such Mortgagee or left at his last or usual known Place of Abode, or if such Mortgagee be unknown or cannot be found such Notice shall be given by Advertisement in the "*London Gazette*," and in some Newspaper circulated in the County of *Norfolk*; and at the Expiration of the said Notice, when given by the Corporation, Interest shall cease to be payable on the Money secured by such Mortgage, unless on Demand of such Money the Corporation fail to pay the same pursuant to such Notice.

Ex officio Directors.

32. In case the Corporation shall make any such Contribution as aforesaid, the Mayor for the Time being of *King's Lynn* shall thenceforth be considered the Shareholder in respect of the Corporate Shares, and shall always be One of the Directors of the Company, instead of such One of the Directors as they by Ballot or otherwise shall determine; but it shall not be necessary for the Mayor to have the Qualification of possessing in his own Right Twenty Shares or any Share in the Undertaking: Provided always, that it shall not be lawful for the Corporation or the Mayor as such Shareholder to vote in the Election of other Directors of the Company, except as regards the Number to be elected, by reason or in respect of any such Contribution as aforesaid.

Limited Liability of

33. The Corporation shall not be liable for any Debt or Demand due from the Company or otherwise beyond the Amount for the Time

Time being unpaid in respect of the Contribution, if any, which the Corporation shall have thought fit to make. the Corporation.

34. It shall be lawful for the *Lynn and Sutton Bridge* Railway Company, and for the *Peterborough, Wisbech, and Sutton* Railway Company, severally to subscribe towards and become Shareholders in the Undertaking to any Extent not exceeding in the whole with respect to each Company the Sum of Fifteen thousand Pounds; and the same Companies, with the Authority of Three Fifths of their respective Shareholders present, personally or by proxy, at a General Meeting specially convened for the Purpose, may contribute and apply in Payment of their said Subscriptions any Monies which they respectively are already authorized to raise, and which may not be required by them for the Purposes of their respective Undertakings, and also any Monies which they are by this Act authorized to raise; and the Railway Companies shall, in respect of the said Sums to be subscribed and the corresponding Shares in the Company to be held by them respectively, have all the Powers, Rights, and Privileges (except in regard to voting at General Meetings which shall be regulated by the special Provisions herein-after contained), and be subject to all the Obligations and Liabilities, of Proprietors of Shares in the Company: Provided always, that it shall not be lawful for the Railway Companies to transfer any of the Shares in the Company held by them respectively in respect whereof further Capital shall have been raised by them respectively under this Act. Power to Railway Companies to subscribe, and to apply their Funds for that Purpose.

35. The Railway Companies 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. Shares not to issue until Fifth paid up.

36. The Railway Companies respectively, if they subscribe as aforesaid, may, by Writing under their respective Common Seals, from Time to Time appoint some Person to attend any Meeting of the Company, and every such Person shall have all the Privileges and Powers attaching to other Shareholders at such Meetings, and may respectively vote thereat in respect of the Capital held by the respective Railway Companies; and in the event of any of the Railway Companies not having a Representative present at any such Meeting, such Railway Company may exercise the Rights, Powers, and Privileges of voting at such Meeting by Proxy in the Mode prescribed by "The Companies Clauses Consolidation Act, 1845." Power to Railway Companies to vote at General Meetings.

37. It shall be lawful for the Railway Companies respectively (subject to the Proviso herein-after contained) from Time to Time, with Power to Railway Companies

to raise Money by the Creation of Shares.

with the Consent of Three Fifths of the Votes of their respective Shareholders present, personally or by proxy, at any General Meeting called for the Purpose, to raise for the Purpose of the Contribution herein-before mentioned any Sums of Money not exceeding in the whole the Sum which such Companies respectively shall agree to subscribe, by the Creation and Issue of new Shares or Stock in the Capital of the said Companies respectively of such nominal Amount, to such Persons, on such Terms, and bearing (if the said Companies respectively shall think fit) a preferential Dividend at such Rate not exceeding Five Pounds *per Centum per Annum*, as the said respective Companies may appoint; and such new Shares or Stock shall in other respects be subject to the same Provisions as and become Part of the Capital of the said Companies respectively creating or issuing the same, and Part II. of "The Companies Clauses Act, 1863," (relating to additional Capital,) shall apply to the Sums so to be raised: Provided, that it shall not be lawful for either of the Railway Companies to create any Preference Shares until the original Line of Railway of those Two Companies respectively is open for public Traffic.

Power to make Works according to deposited Plans.

38. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Works herein-after described in the Lines and upon the Lands delineated on the said 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 all or any of such Purposes.

Describing Works.

39. The Company are hereby authorized to execute the following Works:

1. They may construct and maintain Docks, with all necessary Works and Conveniences connected therewith, at *King's Lynn* in the Parishes of *St. Margaret*, *West Lynn St. Peter*, *North Lynn*, and *Gaywood*, and in the ancient Bed of the River *Ouse* on Land bounded on the West by the River *Ouse*, on the South and East by the old High-water Line of the said River, and on the North by the Estuary Bank across the old Bed of the River *Ouse*:
2. They may dredge, widen, deepen, and otherwise improve so much of the Harbour of *King's Lynn* as lies within the Limit of One hundred Yards from any Part of the Docks:
3. They may lay down and maintain Moorings and Mooring Posts at such Spots in the River *Ouse* within the Limits of this Act as from Time to Time shall have been specified and approved by the Corporation:

4. They

4. They may construct and complete a new Channel as delineated in the said Plan, and not less than Twenty Feet wide at the Bottom and Sixty-six Feet wide at the Top at ordinary Spring Tides, and of a corresponding Depth with the present Channel of *Fisher's Fleet*, for the Passage of the Water of *Gaywood Drain* and *Fisher's Fleet*, and for the Navigation of *Fisher's Fleet*, and on the Completion thereof to the Satisfaction of the Corporation, to be signified under their Common Seal, may divert the Water of the said Drain and Fleet from the present Course thereof into and along the said new Channel:

5. They may construct and maintain a Railway commencing at the present Termination of the Harbour Branch of the *Great Eastern* Railway at or near *Purfleet* by a Junction with the said Branch, and terminating at or near *Fisher's Fleet* near to the North of *St. Ann's Fort*, with all needful Works and Conveniences connected with the Railway.

Providing Access to Ferry.

40. The Company shall, where the Railway crosses the Ferry and Landing Place marked 25 in the said Parish of *Saint Margaret* in the said Borough on the said Plan, provide and maintain, to the Satisfaction of the Corporation, convenient Means of Access for the Public over, under, and across the Railway to and from the said Ferry.

Power to Company to deviate to Extent marked on Plans of Docks.

41. Subject to the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," the Company in constructing the Docks may deviate to the Extent of the Limits of Deviation marked on the said Plans.

Company to extend Quays.

42. The Company shall, if they construct the Railway either wholly or in part between the River or Harbour and the several public Quays known respectively as *King Staith Quay*, *Purfleet Quay*, and *Common Staith Quay*, or any of them, carry out and extend the said Quays respectively at their present Level beyond the Line of the Railway in such Manner to the Satisfaction of the Corporation, to be signified under their Common Seal, as to render the same respectively as convenient of Access for Ships and Vessels using the same, and as commodious for the Shipment and Unshipment of Goods, Wares, and Merchandise, as they now are, and shall also at each Quay make convenient Landing Steps for public Use, and fix and put down along the whole Face of the Quays Mooring Rings and Mooring Posts, and for all Purposes such extended Parts of the said Quays shall be considered and be Parts of the now existing Quays.

Communications to be made over

43. Where the Line of the Railway skirts the River *Ouse* all such Communications shall be made by the Company under, over, and

Railway to River Ouse.

and across the said Railway for the Convenience of the Public as the Corporation shall approve of and direct, such Approval and Direction being signified by Writing under their Common Seal; and no unnecessary Obstruction shall be permitted by the Company to the Use of the existing Quays, or to the Construction of new Quays, or any Communication therewith.

Swing-bridge over Purfleet to be of a certain Span.

44. The Bridge for carrying the Railway over the *Purfleet* shall be constructed so as to open for the Purpose of permitting Ships and other Vessels to pass through without striking their Masts, and shall be of the clear Width in the Waterway thereof of Twenty-five Feet, and of the same Height above High-water Mark at ordinary Spring Tides as the existing Railway Bridge over the *Millfleet*.

Outer Dock Gates to be deviated nearer to River Ouse.

45. The Company in constructing the outer Gates of the Docks, and outer Wing Walls thereto, shall not deviate Riverwards from the Black Line of the said Gates and Wing Walls shown on the said Plans without the Consent of the Corporation signified in Writing under their Common Seal.

Provision for Removal of Obstructions in Lynn Harbour.

46. The Company shall from Time to Time remove all Sand, Mud, and other Matters that shall by reason of the Works hereby authorized accumulate in any Part of the Harbour of *King's Lynn*; and in case the Company shall refuse or neglect to remove all such Sand, Mud, and other Matters with all reasonable Expedition, on receiving Seven Days Notice of the Accumulation of such Sand, Mud, or other Matters from the Corporation under the Hand of the Town Clerk of the Borough of *King's Lynn*, it shall be lawful for the Corporation, subject as after mentioned, forthwith to remove all such Sand, Mud, and other Matters, and to recover the Amount of all the Costs, Charges, and Expenses attending the Removal of the same from the Company, together with full Costs of Suit, by Action of Debt: Provided that in case any Dispute or Difference shall at any Time arise between the Company and the Corporation as to the Cause of any Accumulation of Sand, Mud, and other Matters in the said Harbour, the same shall from Time to Time, on the Request in Writing of either Party, signified as to the Company under the Hand of their Secretary for the Time being, and as to the Corporation under the Hand of their Town Clerk for the Time being, be referred to the Determination of the President for the Time being of the Institution of Civil Engineers, whose Decision thereon shall be binding upon the Company and the Corporation.

For preventing Obstructions.

47. If any unnecessary Obstruction or Impediment to the free Use of the Railway, Landing Places, and other Works hereby authorized, or of the several Quays or Shores along or over or near to which

which such Railway may pass, or in the unloading or loading of Vessels in the Harbour, shall be caused by the Company, or their Servants or Agents, the Company shall at all Times, when required so to do by the Harbour-master, by Notice to them or any of their Servants or Agents, cause the same to be removed with all practicable Despatch, and in case of their Neglect or Refusal so to do the Company shall forfeit and pay any Sum not exceeding Forty Shillings for each such Offence.

Saving Rights of the Corporation of King's Lynn.

48. Nothing in this Act contained shall be deemed or taken to affect, prejudice, alter, abridge, or take away any Rights, Tolls, Ballastage, Wharfage, Craneage, and other Dues, Estates, Powers, Jurisdictions, Immunities, Exemptions, Advantages, or Privileges whatsoever belonging or appertaining to the Corporation or the free Burgesses of the said Borough (except such as are hereby expressly taken away or altered).

Saving Rights of the Harbour-master.

49. Nothing in this Act contained shall be deemed or taken to prejudice or interfere with the Jurisdiction or Authority of the Harbour-master of the Port and Harbour of *King's Lynn* for the Time being, except so far as such Jurisdiction and Authority are by this Act expressly taken away, lessened, or interfered with.

Limiting Extension of Quays.

50. Any Quay on the Eastern Side of the River *Ouse* between the Southern Termination of the said Railway and Common Staith which shall be erected by the Company shall have the Surface thereof solid, so that Goods and Merchandise may be conveyed to and from the said River and the Granaries and Yards on the East Side thereof, and shall not extend in a Westerly Direction more than Twenty-five Feet from the Edge of the Quay in such Parts thereof as the said Quays are erected; and in such Portion of the said Eastern Side of the said River where there are no Quays, then any Quay which shall be erected by the Company as aforesaid shall not extend more than Thirty Feet from the present outside Line of the most Westerly Point of the Balcony erected in front of the Buildings numbered 26, 27, and 28 on the deposited Plans, and situate on the said Eastern Side of the said River.

Saving Rights of Select Trustees.

51. Notwithstanding anything in this Act contained, all Quays, Jetties, and Works erected by or now under the Superintendence, Control, or Direction of the Select Trustees for the *Lynn* Harbour shall remain under their sole Control and Management, and the said Company shall not in any Manner take away or permanently alter, interfere with, or damage the said Quays, Jetties, and Works, nor cause any Obstruction or Interference with the Rights of the Select Trustees in the said Harbour or the Banks thereof.

Dock to be cleared by dredging.

52. When the Company shall deem it expedient to clear the proposed Dock from any large Accumulation of Sand or other Substances, they shall do so by means of dredging, and not by sluicing, or by any other Means which shall have the Effect of carrying Sand or other Substances into the River.

Company not to diminish Depth of Water in River.

53. Nothing in this Act contained shall empower the Company to diminish the Depth of Water or Tide Way in the River *Ouse*.

Damage to Moorings to be made good by Company.

54. If in the Construction of the Works authorized by this Act the Company shall remove, destroy, or injure any Moorings, Mooring Chains, Posts, Dolphins, or other Works now or at any Time hereafter belonging to the Commissioners of Moorings of the Port and Harbour of *King's Lynn*, the Company shall and they are hereby required, with all convenient Speed, to restore and make good at their own Costs, to the Satisfaction of such Commissioners or their Agent to be appointed by them in that Behalf, all such Moorings, Mooring Chains, Posts, Dolphins, and other Works as shall be so removed, destroyed, or injured; and if the Company shall not commence replacing or repairing any such Moorings, Mooring Chains, Posts, Dolphins, or other Works with all convenient Speed after they shall have received a Notice in Writing signed by the Clerk for the Time being of such Commissioners requiring them so to do, or if having commenced they shall not afterwards proceed with reasonable Diligence with such replacing or Repair, or shall repair or replace the same in an inefficient Manner, it shall be lawful for such Commissioners to commence or proceed with and complete the same, and to recover the Amount of all reasonable Expenses which they shall have incurred in and about such Works by Action of Debt in any Court of competent Jurisdiction.

Officers of Moorings Commissioners to have free Access to Dock.

55. The Collector and other Agents and Officers appointed by the Harbour Moorings Commissioners of the Harbour of *King's Lynn* shall have free Liberty of Ingress, Egress, and Regress at all Times during the Day into and from the said Docks to recover and receive all Tolls and Dues payable to them for or in respect of the Vessels and their Cargoes in the said Dock.

Company to put down the same Number of Posts as removed or injured by them, and Moorings Commissioners to be

56. The Company shall at their own Expense put down, under the Direction of the Director of Moorings, on the Banks, Foreshores, and Forelands of the River *Ouse* and Harbour of *King's Lynn*, the same Number of Warping, Veering, Mooring Posts and Dolphins as they may remove or injure in the Construction of the Works hereby authorized to be made, so as to give equal Facilities for Vessels of all Kinds navigating the said River, Harbour, and Fleets for mooring and being moored as now exist; and in case it shall at any Time hereafter

hereafter be necessary or expedient for the Harbour Moorings Commissioners to take up or repair any of the Moorings or Bridle Chains now laid down or hereafter to be laid down in the Harbour of *King's Lynn*, or the Anchors, Rings, or Posts to which the same are or shall be attached, or to lay or put down new Moorings or Bridle Chains, Anchors, Rings, or Posts, the Harbour Moorings Commissioners may, if it be necessary to the efficient Execution of any such Work, at their own Expense take up and remove, for the Purpose of so doing, any Railway, Wharf, Jetty, Landing Place, Work, or Erection whatsoever made or erected in pursuance of this Act, and shall afterwards at the like Expense, and with all convenient Speed, restore and make good the same.

at liberty to take up and put down Posts.

57. Nothing in this Act contained shall be deemed or taken to prejudice or interfere with the present Jurisdiction or Authority of the Director of Moorings, or of the Harbour Moorings Commissioners for the Time being respectively of the Port and Harbour of *King's Lynn*, except so far as such Jurisdiction and Authority are by this Act expressly taken away, lessened, or interfered with.

Saving Jurisdiction of Moorings Commissioners and Director of Moorings.

58. Nothing in this Act contained shall extend or be construed or taken to extend to alter, diminish, or affect the Rights (if any) of any Persons to haul or tow with Horses or other Beasts on, over, or along the Banks and Forelands of the River *Ouse* and Harbour of *King's Lynn* all Boats, Barges, and other Vessels navigated in the same River and Harbour, nor shall the Company place any Obstruction or Impediment to the free Exercise of such Right of Hauling.

As to Rights of Haulage at Lynn Harbour.

59. Nothing herein contained shall extend to alter, abridge, diminish, or take away any of the Rights, Powers, or Privileges of the River *Ouse* Haling Commissioners in the County of *Norfolk*.

Saving Rights of Haling Commissioners.

60. Notwithstanding that the Limits of Deviation as delineated on the said Plans include the *Bank House* Garden numbered 1 in the Parish of *Saint Margaret* in the said Borough, the Company shall not, without the Consent in Writing of the Owners and Occupiers for the Time being of the said Garden, take for the Purposes of the Railway or otherwise any Part of the said Garden other than such as lies on the West Side of a Line to be drawn from the Western or outer Side of the Stem of the Thorn Tree growing on the South Side of the said Garden to the Western or outer Side of the Stem of the Thorn Tree growing on the North Side thereof.

Company may take Part only of the Bank House Garden.

61. The Company shall make and maintain an Opening at least Twenty Feet wide and Twelve Feet high underneath the Railway immediately opposite the Premises belonging to Messieurs *Gurney* and

Company to make Opening under Railway op-

posite Premises of Messrs. Gurney and Co.

and Company, marked No. 10 in the Parish of *Saint Margaret* in the said Borough on the said Plan, and the Owners and Occupiers for the Time being of the said Premises, their Servants and Workmen, and all other Persons by their Appointment or Permission, shall at all Times have and enjoy free Right of Way and Communication for all Purposes from the said Premises, as well over and across as under the Railway, to and from the Harbour or River, and to and from the Vessels and Ships lying there or on the Foreshore thereof.

Provisions for Protection of Drainage by the Ouse Outfall.

62. For the Purpose of protecting the Drainage of the Lands liable to be assessed to any Tax under the Authority of "The *Ouse* Outfall Act, 1860," and having their Outfall to Sea by the River *Ouse*, the following Provisions shall have Effect; (that is to say,)

A. No Works to be constructed under this Act which shall extend into the Channel of the River *Ouse* or the Foreshores thereof, or beyond the general Low-water Line of the Seaward Face of the Banks of the River, shall be so constructed as to affect prejudicially the Channel of the River, or the Navigation along the same, or the Banks or Foreshores of the River, or so as to in anywise interfere with, obstruct, or deteriorate the Drainage of any Lands liable to be assessed to any Tax under the Authority of "The *Ouse* Outfall Act, 1860," and drained and having an Outfall to Sea through the River:

B. For the Purposes of this Section the *Eau Brink Cut*, the Port and Harbour of *King's Lynn*, and the *Marsh Cut* made by the *Norfolk* Estuary Company, shall be deemed Part of the River *Ouse*:

C. The Company before proceeding with the Construction of any such Work shall cause a Copy of the Plans of the Work to be deposited at the Office of the Company for the Inspection of the Engineer of the Conservators of the *Ouse* Outfall, established by and under the Authority of "The *Ouse* Outfall Act, 1860," and Notice in Writing shall be given to the Clerk to the Conservators that a Copy of the Plans is so deposited; and if the said Engineer shall within Fourteen Days after the Notice signify to the Company in Writing his Disapproval of and Objections to the Work, on the Ground that the same would in effect be contrary to any of the Provisions of this Section, and the Company do not acquiesce in his Objections nor remove the same, then the Matters in difference shall be referred to and determined by a Civil Engineer appointed by the Company and the Conservators, or if they do not, within Ten Days after Application by either of them to the other, agree, then to and by a competent and impartial Civil Engineer appointed on their or either of their Application by the Board of Trade:

D. After

D. After such Signification of Disapproval by the Engineer appointed by the Conservators, the Work in question shall not be constructed so as to extend into the Channel or Foreshores, or beyond the Line, except if or so far as may be agreed to by him or determined by the Referee:

E. All the Costs, Charges, or Expenses of the Referee to be appointed for the Purposes of this Section are to be borne by the Company:

F. In case the Company shall for any of the Purposes of this Act take any Land vested in the *Norfolk* Estuary Company, the Provisions of Section 158 of "The *Norfolk* Estuary Act, 1857," as to providing a Fund for the Maintenance of Banks, shall extend and apply to any Compensation Monies to be paid by the Company to the *Norfolk* Estuary Company for or in respect of the Purchase of such Lands, or for or in respect of any permanent Injury to be caused to any adjacent or other Lands of the said *Norfolk* Estuary Company, and the Proportion of the said Compensation or Sale Monies required to be invested for providing such Fund shall be invested in the joint Names of the respective Treasurers of the *Norfolk* Estuary Company, of the Conservators of the *Ouse* Outfall, and of the Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn*:

G. The Authority given by this Act to the Company to lay down and maintain Moorings and Mooring Posts in the River *Ouse* shall be subject to the Provisions and Restrictions contained in Section 25 of "The *King's Lynn* Port Act" (4 and 5 *Victoria*, Cap. 47.) as varied or altered by Section 23 of "The *Middle Level* Act, 1862:"

H. Nothing in this Act contained shall extend to prejudice, alter, lessen, control, or take away any of the Rights, Powers, Authorities, or Jurisdictions now vested in or enjoyed by the Conservators of the *Ouse* Outfall, but all such Rights, Powers, Authorities, and Jurisdictions respectively shall remain in as full Force as if this Act had not been passed.

As to the Lands of the Norfolk Estuary Company.

63. And whereas by "The *Norfolk* Estuary Act, 1857," Section 34, it is enacted that it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, from Time to Time, if they shall so think fit, upon Proof being given by or on behalf of the Company that any Part or Parts of the said Tracts of Land has or have been embanked and reclaimed in pursuance of the Provisions of this Act, and upon Payment being made to them the said Commissioners of all Sum or Sums of Money for the Time being due from the Company to Her Majesty, Her Heirs and Successors, to grant Certificates in Duplicate, under the Hand

Hand of One of the same Commissioners, certifying that such Part or Parts of the said Tracts has or have been so embanked and reclaimed, and that such Sum or Sums of Money has or have been paid, and that immediately upon the granting of every or any such Certificate the Lands thereby certified to have been embanked and reclaimed shall be thereupon and for ever thereafter absolutely released, freed, and discharged from all Estates, Rights, Right of Reverter, Right of Compensation, Title or Interest, Charge or Lien, Claim or Demand of Her Majesty or Her Successors in, to, or upon the same Lands or any Part thereof, whether in respect of Title thereto or Ownership thereof, or in respect of Money theretofore expended or thereafter to be expended by the Company upon the Works of the Undertaking, or in any other respect by virtue of this Act, subject to the Proviso in respect of further Expenditure and Payments as in the said Section expressed: And whereas by the said *Norfolk* Estuary Act, Section 180, Provision is made that if the whole of the Embankment and Reclamation of the said Tracts of Land in the said Act referred to be not completed within the Term or Space of Twenty-one Years next after the passing of that Act, the Part or Parts of the said Tracts of Land of which the Embankment and Reclamation shall not have been so completed shall, except as therein expressed, revert to and again become the Property of Her Majesty, Her Heirs and Successors, or of other the Person or Persons, Body or Bodies Corporate, to whom the same would have belonged if that Act and the said repealed Acts had not passed, freed and discharged of and from all Claims and Demands of the said Company or their Assigns, or any Person or Persons whatsoever claiming under or through the said Company: And whereas the Portion of the Land belonging to the said *Norfolk* Estuary Company which is coloured Red on a Plan which has been deposited at the Office of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and has been signed by the Honourable *Charles Alexander Gore*, One of such Commissioners, on and about the Reclamation of which Land the said *Norfolk* Estuary Company allege that they have expended large Sums of Money, and thereby made the same available for the Purposes of this Act, and have duly paid the Per-centage thereon required by the *Norfolk* Estuary Act of 1857 to be paid to the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, will or may be required for the Purposes of the Undertaking and Works hereby authorized: And whereas the *Norfolk* Estuary Company have before the passing of this Act paid to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues the Sum of Thirty Pounds in full Discharge of all Per-centage which would, under "The *Norfolk* Estuary Act, 1857," have become payable to Her Majesty in case the same Land had been fully embanked and reclaimed under the Provisions of the said last-

last-mentioned Act: Be it enacted, That the said Portion of Land shall from the passing of this Act be deemed and taken to have been duly embanked and reclaimed by the *Norfolk* Estuary Company in pursuance of the said "*Norfolk* Estuary Act, 1857," and no further Per-centage shall from thenceforth be payable to Her Majesty, Her Heirs and Successors, in respect of such Embankment and Reclamation of such Portion of Land.

Restricting the Liabilities of the Norfolk Estuary Company.

64. Nothing in this Act contained shall extend or be construed to extend any Liability of the Company of Proprietors of the *Norfolk* Estuary, under the Provisions of "The *Norfolk* Estuary Act, 1857," to indemnify or compensate any Commissioners for maintaining Banks or Owners of Lands named in that Act, or to impose on such Company any Liability whatever to make any Indemnification or Compensation for or in respect of any Damage or Injury to arise or to be occasioned to the said Banks or Lands by or by reason of any Works done in pursuance of or under the Authority of this Act.

For protecting Norfolk Estuary Works.

65. The Company and their Assigns shall at all Times, after the Completion of the Purchase of the Land of the *Norfolk* Estuary Company, completely maintain and repair the said *Fisher's Fleet* to the same Extent in all respects as the said *Norfolk* Estuary Company were required to maintain and repair the same by "The *Norfolk* Estuary Act, 1857," and shall jointly with the *Norfolk* Estuary Company uphold and maintain the Cross Bank or Estuary Bank and the Road thereon: Provided always, that the Company shall after the Completion of the said Purchase be entitled to the Use of the said Cross Bank and Road in common with any other Parties entitled or to be entitled to use the same Road; and if by reason of any Works or Default of the Company any Injury shall occur to the new Cut, the Company shall forthwith repair such Injury, and shall compensate the Estuary Company for any Loss or Damage which they may incur thereby: Provided that if any Difference shall arise between the Engineers of the Two Companies concerning the Fact of such Injury or Damage, or concerning the Cause thereof, or concerning the Amount of Compensation to be paid to the Estuary Company, every such Difference shall be settled by an Engineer to be appointed from Time to Time by the President for the Time being of the Institute of Civil Engineers in *London*.

Preserving Rights of Norfolk Estuary Company.

66. Excepting as herein-before expressly provided, nothing herein contained shall extend to prejudice, lessen, control, or take away, or be deemed or construed to prejudice, alter, lessen, control, or take away, any of the Rights, Jurisdictions, Powers, or Authorities now vested in or enjoyed by the Company of Proprietors of the *Norfolk* Estuary, but all such Rights, Jurisdictions, Powers, and Authorities of the said Company

Company shall remain in as full Force to all Intents and Purposes as if this Act had not been passed.

Plan, &c. of Docks to be approved by Board of Trade.

67. Previously to commencing the Docks the Company shall deposit at the Office of the Board of Trade Plans and Sections and Working Drawings of the Docks for the Approval of the said Board, such Approval to be signified in Writing under the Hand of the Secretary of the said Board, and such Docks shall be constructed only in accordance with such Approval; and when such Docks shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if the Docks shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Board of Trade to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Power to Board of Trade to order local Survey.

68. If at any Time or Times it shall be deemed expedient by the Board of Trade to order a local Survey and Examination of the Docks, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works abandoned may be removed at Expense of Company.

69. If any Work to be constructed by the Company shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Board of Trade to abate and remove the same, or such Part or Parts thereof, as they may at any Time deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Lands for extraordinary Purposes.

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

Period for Completion of Works.

71. The Works hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making such

such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Works as shall then be completed.

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

72. 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 Six hundred and forty Pounds has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act, being Eight *per Centum* upon Eight thousand Pounds, the estimated Cost of the Railway: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Six hundred and forty Pounds so deposited as aforesaid in respect of the Application for this Act, 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 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 the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, 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 Six hundred and forty 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 Six hundred and forty 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 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 such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, 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 Fact so certified.

Limits of Powers of Dock-master.

73. The Limits within which the Powers of the Dock-master may be exercised shall be the Docks and Entrances thereto, and a Distance of One hundred Yards, measured in all Directions, in the Harbour at *King's Lynn* from the outer Gates of the Docks, but so as not to supersede or interfere with the Powers of the Harbour-master of *King's Lynn* in directing the Navigation of Vessels through the Harbour or Port of *Lynn*, nor to permit or allow any Ship or Vessel to be moored within One hundred Feet from the Low-water Mark on the West Side of the Harbour.

Byelaws as to Disposal of Ballast.

74. In order to prevent Ballast from being thrown or allowed to fall overboard within the before-mentioned Limits, the Company may from Time to Time make, alter, and repeal such Byelaws as they think fit for regulating the Removal and Disposal within those Limits of all Ballast brought by Vessels entering those Limits, and for regulating the Mode of Supply of Ballast to Vessels within the said Limits; and the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to Byelaws shall extend and apply to any Byelaw which may be made under this Enactment.

Power to Company to appoint Meters and Weighers.

75. It shall be lawful for the Company to appoint and license a sufficient Number of Persons to be Meters and Weighers.

Rates payable on Vessels using the Docks.

76. When and so soon as it shall from Time to Time be certified, under the Hand of an Officer to be appointed by the Board of Trade for that Purpose, that the Company have constructed and so far completed

completed any Portion of the Docks and other Works connected therewith as to afford convenient Accommodation for Vessels, it shall be lawful for the Company, although the whole of the Docks shall not then have been completed, from Time to Time to take or receive for or in respect of every Vessel (other than Steam Vessels) using or entering the Docks, or lying therein or departing therefrom, any Sum not exceeding One Shilling for every registered Ton of such Vessel, and for and in respect of every Steam Vessel using or entering the Docks, or lying therein, or departing therefrom, any Sum not exceeding One Shilling and Sixpence for every registered Ton of such Vessel, and every such Rate or Sum shall be payable by the Master of the Vessel.

Rates payable on Goods.

77. It shall be lawful for the Company to demand for all Passengers landing and embarking at the Docks, and for all Animals and Goods mentioned in the Schedule to this Act which shall be shipped or unshipped, received, or delivered within the Docks, any Sums not exceeding the several Rates in the said Schedule specified; and as to all such Goods as shall not be specified in the said Schedule the Company may demand a Rate equal to the Rate for the Time being payable in respect of Goods of a similar Nature, Package, and Quality; and every such Rate shall be payable by the Owner of the Goods: Provided always, that nothing in this Act contained shall authorize the Company to demand and receive any Toll or Charge for landing or embarking at the Docks from any Person whilst actually employed on Her Majesty's Service.

Further Tonnage Rates for Vessels remaining in Docks longer than Fourteen Days.

78. If any Vessel using the Docks, whether the same Vessel shall previously have paid or been liable to pay Tonnage Rates or not, shall remain in the Docks for any longer Space of Time than Fourteen Days, the Company may demand for every such Vessel a further Rate of One Penny *per* Ton for every Four Weeks, and so on in proportion for any Period less than Four Weeks, during which any such Vessel shall remain as aforesaid beyond the said Period of Fourteen Days, in addition to the Tonnage Rates payable by virtue of this Act: Provided always, that such additional Rates shall not be payable for any Vessel which shall have been detained by Stress of Weather.

Rates to be charged for the Use of Cranes and Weighing Machines.

79. It shall be lawful for the Company to demand for the Use of their Warehouses, Cranes, Weighing and Measuring Machines, of and from the Owner or Person having the Charge of any Goods, Articles, or Things deposited in such Warehouses, or loaded or unloaded, weighed or measured, by means of such Cranes, Weighing and Measuring Machines, such reasonable Rates as the Company shall from Time to Time appoint.

80. The

The Company may charge for the Trouble of warehousing, unloading, &c.

80. The Company may receive for shipping, unshipping, landing, relanding, loading, weighing, and warehousing any Goods, Wares, and Merchandise whatsoever which shall be shipped or landed at the Docks, or shall be warehoused upon the Premises of the Company, or for all or any of such Acts, and for any other Work or Labour performed by the Company in respect of such Goods, Wares, and Merchandise, such reasonable Rates and Sums of Money as the Company shall from Time to Time fix and determine, so that the same shall not exceed the Rates and Sums of Money then usually paid for or in respect thereof in the Port of *King's Lynn*, and which Rates or Sums of Money may be recovered or recoverable by the Company in the same Manner and by the same Means as the other Rates, Tolls, and Duties by this Act imposed are or shall be recoverable.

Officers of Customs to have free Access to Docks without Payment of Toll.

81. It shall be lawful for all Officers of Customs, being in the Execution of their Duty, to have free Ingress and Egress into and out of the Docks, and through the Gates and Entrances of the same, and also freely to pass with their Vessels and Boats through the Locks and Water Communications of the Docks at all Times, provided the State of the Tide and Water Communications of the Docks and Premises will admit of such passing, without Payment of any Toll or Sum for so doing.

No Locomotive to be used on Railway.

82. No Locomotive or other Engine shall be used upon the Railway, excepting with the Consent of the Corporation under their Corporate Seal.

Powers to Lynn and Sutton Company over Undertaking.

83. If in pursuance of the Powers herein-before granted to them the *Lynn and Sutton Bridge* Railway Company shall contribute Fifteen thousand Pounds to the Capital of the Company, then it shall be lawful for the said Railway Company, and for all Persons or Companies lawfully using or working their Railway, to use with their own Waggons, Carriages, and Servants, and, subject to the Restriction aforesaid, with their own Engines, the Railway authorized by this Act, upon such pecuniary and other Conditions as may be agreed upon between the Company and the Companies or Persons exercising such Power, or, in default of Agreement, as may be determined from Time to Time by Arbitration in the Manner prescribed by "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Same Tolls on Railway as in 24 & 25 Vict. c. ccxlv.

84. The same Tolls and Charges may be demanded by the Company for and in respect of the Railway as are authorized to be taken for and in respect of the *Lynn and Sutton Bridge* Railway by virtue of "The *Lynn and Sutton Bridge* Railway Act, 1861;" and

and if the Railway be worked by either of the Railway Companies, it shall, so long as it is so worked, be deemed Part of the Railway so working it.

Provision for Merchant Shipping Act and General Acts.

85. Nothing in this Act contained shall exempt the Docks or the Company from the Provisions of "The Merchant Shipping Act, 1854," or any General Act relating to Docks, or Dues on Shipping, or on Goods carried in Ships, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Dock Rates or Duties by this Act authorized.

Interest not to be paid on Calls paid up.

86. 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.

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

87. 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.

Saving Rights of the Crown.

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

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.

89. 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.

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

90. Nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relative to Railways, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act authorized to be taken on or in respect of the Railway.

Short Title. Expenses of Act.

91. This Act may be cited as "The *King's Lynn* Docks and Railway Act, 1865;" and all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

The

The SCHEDULES to which this Act refers.

SCHEDULE (A.)

	s.	*d.*
For every Person who shall land or embark at the Docks -	0	2
For every Horse or Mule - - - - -	2	0
For Cattle, per Head - - - - - -	1	0
Sheep, Lambs, and Pigs, per Head - - - -	0	1
Calves, per Head - - - - - - -	0	2
One-horse Carriages - - - - - -	1	6
Two-horse Carriages - - - - - -	4	0
For every Last of Wheat, Oats, Rye, Barley, Malt, Beans, Peas, Tares, Mustard Seed, Canary, and Seeds of every Denomination	0	6
Anchors, per Cwt. - - - - - -	0	6
Ashes, per Barrel - - - - - - -	0	1
Alum, per Cwt. - - - - - - -	0	1
Anchovies, per Barrel - - - - - -	0	1
Anchor Stock, per Foot run - - - - -	0	1
Apples and Pears, per Sack of Three Bushels - - -	0	2
Asparagus, per Basket - - - - - -	0	2
Ale, Porter, Beer, Cider, or Perry, per Butt - - -	0	4
Ditto, per Cask - - - - - - -	0	1
Ditto, per Hogshead - - - - - -	0	3
Ditto, per Half Hogshead or other less Quantity - -	0	1
Ditto, in Bottles, per Dozen - - - - -	0	2
Bran or Pollard, per Ton - - - - -	0	6
Beer, Table, per 9 Gallons - - - - -	0	2
Beef or Pork contained in any Cask, per Cwt. - - -	0	2
Barrel Boards or Staves, per Thousand - - - -	0	9
And all other Staves in proportion.		
Butt Staves, per Hundred - - - - -	1	0
Battens, Petersburg, per Hundred - - - -	0	6
Boards or Battens, close, per Hundred - - - -	0	4½
Billiard Table - - - - - - -	2	6
Bricks, per Thousand - - - - - -	1	6
Bedstead, Mahogany - - - - - -	0	3
Bedstead, every other - - - - - -	0	2
Barilla, per Ton - - - - - - -	1	0
Ditto, per Seron - - - - - -	0	2
Bolt of Canvas, per Bolt - - - - - -	0	3
Butt, Pipe, or Puncheon, entire or in Staves, each - -	0	1
Bottles, empty, per Dozen - - - - -	0	1
Bale: Every Box, Truss, Trunk, Case, Chest, Bundle, or Parcel containing Goods not enumerated in Schedule, per Cubic Foot -	0	0½
Ditto, per Cwt. - - - - - -	0	1
Baskets, per Dozen - - - - - -	0	4

	s.	d.
Basket or Maund containing Goods not enumerated in Schedule -	0	4
Ditto, smaller, each - - - - - -	0	3
Ditto, empty, per Dozen - - - - -	0	1
Beef or Pork, per Tierce - - - - -	0	4
Ditto, per Barrel - - - - - -	0	2
Butter, per Firkin - - - - - -	0	1
Ditto, or Cheese, per Cwt. - - - - -	0	1
Biscuit, per Bag - - - - - -	0	1½
Bleaching Powder, per Cwt. - - - - -	0	1
Beans and Peas, per Sack - - - - - -	0	1
Bottles, full, in Hampers, per Dozen - - - -	0	2
Bottles, new, in Crates or Hamper - - - -	0	6
Brooms, Hair, and Mops, per Dozen - - - -	0	0½
Bobbins, per Bag - - - - - -	0	3
Bacon, per Box or Bale - - - - - -	0	3
Beef, per Cwt. - - - - - - -	0	1
Bedding, Seamen's - - - - - -	0	1
Currants or Raisins, per Cwt. - - - - -	0	1
Coffee, per Cwt. - - - - - -	0	1
Copper or Brass, wrought or unwrought, per Cwt. - - -	0	1
Chalk Stones, rough or hewn, per Ton - - - -	0	6
Cement, per Barrel - - - - - -	0	2
Cordage, per Cwt. - - - - - - -	0	1½
Clover Seed, per Sack - - - - - -	0	3
Calf Skins, per Dozen - - - - - -	0	4
Colours, per Firkin - - - - - -	0	3
Clog Soles, per Dozen - - - - - -	0	1
Carboys, each - - - - - - -	0	2
Coals, Culm, Splint, Coke, or Cinder, per Ton - - -	0	6
Chest of Drawers, double - - - - -	0	8
Ditto, single - - - - - - -	0	5
Chairs, per Dozen - - - - - -	0	6
Ditto, each - - - - - - -	0	1
Chimney-pots, each - - - - - -	0	1
Cabbages, per Crate - - - - - -	0	3
Carrots and Vegetable Roots, per Cwt. - - - -	0	1
Deals, per Load, containing 50 Cubic Feet - - -	0	9
Dogs, each - - - - - - -	0	2
Earthenware, per large Crate - - - - -	0	6
Ditto, per small Crate - - - - -	0	3
Fish, per Pot, Prickle, or Pad - - - - -	0	1
Ditto, per Ton - - - - - - -	1	0
Ditto, per Trunk - - - - - -	0	1
Ditto, per Bushel or Sieve - - - - -	0	1
Flax Seed, per Last - - - - - -	0	6
Ditto, per Barrel - - - - - -	0	2
Fruit, per Bushel - - - - - -	0	1
Flour, per Sack of 5 Bushels - - - - -	0	1
Faggots, per 100 - - - - - - -	0	6
Firewood, per Cord - - - - - -	0	3
Feathers, per Cwt. - - - - - -	0	3
Farina, per Sack - - - - - -	0	2

	s.	d.
Foxes, each	0	6
Fowls, and every other Sort of Poultry, per Crate	0	6
Flint Stones, per Ton	0	1
Furniture, large, per Article	0	3
Ditto, small, per Article	0	1
Glassware, per large Crate	0	6
Ditto, per small Crate	0	3
Glass, Window, per Crate	0	4
Grindstones, per Ton	0	6
Girders, Iron, per Ton	0	6
Grate or Range, large	0	6
Ditto, small	0	3
Gunpowder, per Barrel	0	6
Guano, per Ton	0	9
Garden Stuff, per Bushel	0	1
Hay, per Ton	0	9
Hops, per Bag	0	3
Ditto, per Pocket	0	2
Hams, Bacons, or Tongues, per Cwt.	0	1
Herrings, Red, per Barrel	0	2
Hogshead packed with Goods not enumerated in Schedule	0	6
Hoops, per Bundle	0	1
Hurdles, per 100	0	10
Hardware, per Cask or Box	0	6
Harpsichord	1	0
Harps, each	0	8
Hemp, per Cwt.	0	1
Hares, Pheasants, and all other Game, per Head	0	1
Hides, raw or tanned, per Ton	0	6
Iron, per Cwt.	0	1
Kelp, per Ton	0	6
Laths, per 120 Bundles	0	6
Lampblack, in Casks	0	6
Lath Wood, Six-foot, per Fathom	1	0
Ditto, Five-foot, ditto	0	10
Ditto, Four-foot, ditto	0	8
Lead, per Cwt.	0	1
Ditto, per Ton	1	0
Lime, per Ton	0	6
Leather, per Cwt.	0	4
Leeks, per Dozen Bundles	0	1
Linseed Meal, per Bag	0	2
Linen, per Bale or Case	0	6
Lumber, and every other Article not before specified in this Table, per Foot Cube	0	1
Ditto, Dosser Cwt.	1	0
Manure, in Bags, per Ton	0	6
Meal, per Ton	0	8
Mahogany, in Logs or Planks, per Foot Cube	0	1
Masts, Ten Inches in Diameter or upwards, each	2	0
Ditto, under Ten Inches, each	0	9
Millstones, each	1	10

	s.	d.
Molasses, per Puncheon	0	4
Mustard, per Thirty-pound Barrel	0	1
Marble, per Ton	1	0
Machinery, per Ton	1	0
Machines, Sewing, Printing, or Working, each	1	0
Matches, in Casks or Cases	0	6
Nails, per Bag	0	1
Nuts, per Bag	0	1
Oil Cake, per Ton	0	9
Oranges and Lemons, per Chest	0	3
Ditto ditto per Half Chest	0	2
Oil, Train or Fish, per Pipe, and so on in proportion for any greater or smaller Quantity	0	6
Oak or Elm Planks, per Load containing 50 Cubic Feet	0	9
Oakum, per Cwt.	0	2
Oysters, per Bushel	0	1
Ditto, per Firkin or smaller Barrel	0	1
Ovens, each	0	3
Ordnance Pieces, of Brass or Iron, per Cwt.	0	2
Onions, per Bushel	0	1
Oatmeal, per Sack	0	1
Oil, per Pipe	0	6
Ditto, per Hogshead	0	3
Ditto, per Half Hogshead	0	2
Ditto, per Jar	0	1
Ditto, per Chest or Half Chest	0	1
Potatoes, per Barrel	0	1
Ditto, per Ton	0	9
Ditto, per Sack of Three Bushels	0	1
Plums, per Box	0	1
Pails or Buckets, per Dozen	0	3
Posts and Rails, per Load of Fifty Cubic Feet	0	6
Peas and Rice, per Sack	0	1
Pewter, wrought, per Cwt.	0	2
Pianofortes, each	2	0
Pitch and Tar, per Barrel	0	2
Paper, per Cwt.	0	3
Straw, per Load	0	6
Sugar, Loaf, per Ton	2	0
Ditto, raw, per Bag	0	1
Salt, per Cwt.	0	1
Shumac, per Bag	0	2
Spars, per Score, according to Size	2	0
Solder, per Cwt.	0	1
Sofas, each	0	6
Stone, per Ton	0	6
Paving, per Ton	0	6
Slate, per Ton	0	6
Stove, Register	0	4
Ditto, other	0	3
Sedan Chairs, each	0	6
Salmon, per Kip or Basket	0	2

	s.	*d.*
Skins: Goat, Dog, Calf, Sheep, or Lamb, per Dozen	0	4
Soap, per Cwt.	0	1
Starch, per Cwt.	0	2
Soda or Soda Ash, per Ton	1	0
Staves, Pipe, per Hundred	0	9
Ditto, Hogshead, per Hundred	0	6
Ditto, Barrel, per Hundred	0	3
Ditto, Ends, per Hundred	0	2
Shoes or Boots, per Box or Hamper	0	6
Shot, in Bags, per Ton	0	9
Salt Fish, per Cwt.	0	1
Spades and Shovels, per Dozen	0	2
Shrimp Baskets, each	0	0½
Tallow, Soap, or Candles, per Cwt.	0	1
Tea, per Quarter Chest	0	2
And so in proportion for any greater or less Quantity than Half a Chest.		
Tar, per Cask	0	2
Treacle, per Cwt.	0	1
Timber, per Load, containing Fifty Cubic Feet	0	6
Tables, Dining, per Set	1	0
Ditto, others, Dining Tables, each	0	6
Ditto, Card or Pembroke, each	0	3
Ditto, every other, each	0	3
Tombstones, each	1	6
Ditto, Marble	2	6
Tiles, Plain, per Thousand	0	6
Ditto, Ridge or Pantiles, per Thousand	0	6
Ditto, Mathematical, per Thousand	0	9
Ditto, Paving, per Thousand	0	3
Thread, in Casks or Cases, each	0	6
Turtle, each	0	10
Tobacco and Snuff, per Cwt.	0	1
Tin, per Box	0	2
Tallow, per Cwt.	0	1
Tow and Waste, per Cwt.	0	1
Trunk, Portmanteau, or Bundle, each	0	1
Vats packed with Goods not enumerated in Schedule, each per Foot Cube	0	1
Ditto, per Cwt.	0	1
Violins, Bas-viols, or other stringed Instruments (except Harps), each	0	2
Vinegar, per Pipe	0	4
Wool, Yarn, or Cotton, per Cwt.	0	4
Wine (not British), Sweet Oil, or Spirits, for every Gallon contained in any Butt, Pipe, Puncheon, or Piece, or any Cask whatsoever	0	1
Oil or Spirits, in Bottles, per Dozen	0	2
Ditto, per Pipe	0	6
Ditto, per Hogshead	0	3
Ditto, per Half Hogshead or Cask	0	2

SCHEDULE (B.)

Form of Mortgage Deed.

By virtue of "The King's Lynn Docks and Railway Act, 1865," we, the Mayor, Aldermen, and Burgesses of the Borough of King's Lynn in the County of Norfolk, with the Approval of the Lords Commissioners of Her Majesty's Treasury, and in consideration of Pounds paid to our Treasurer by *A.B.* of , do assign unto the said *A.B.* his Executors, Administrators, and Assigns, such Proportion of the Borough Fund and other the Property and Rates of the Borough [*or if the whole is not intended to be mortgaged, specify the Property intended to be mortgaged,*] as the Consideration Money mentioned in this Mortgage bears to the whole Sum which shall have been borrowed under the Authority of the said Act, and shall from Time to Time be owing upon the Credit of the said Borough Fund, Property, and Rates, to have, receive, and take the Proportion aforesaid unto the said *A.B.*, his Executors, Administrators, and Assigns, until full Satisfaction of the Principal Sum of Pounds, payable on the Day of together with Interest in the meantime payable half-yearly on the Day of and the Day of in every Year for the same, at the Rate of Pounds for every One hundred Pounds by the Year. In witness whereof we have caused our Common Seal to be hereunto affixed this Day of in the Year of our Lord One thousand eight hundred and .

SCHEDULE (C.)

Form of Transfer of Mortgage.

I *A.B.* of , in consideration of Pounds paid to me by *G.H.* of , do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, the within Security [*or (if not by Indorsement)* a certain Mortgage, Number made by the Mayor, Aldermen, and Burgesses of the Borough of King's Lynn in the County of Norfolk, to , bearing Date the Day of One thousand eight hundred and , for securing the Sum of Pounds and Interest], and all my Right, Estate, and Interest in and to the Money thereby secured [and in and to the Proportion thereby assigned of the Borough Fund, Property, and Rates therein specified]. Dated this Day of One thousand eight hundred and .

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