CHAPTER clxxix.

An Act to authorise the Lynn and Fakenham Railway Company to construct railways and other works and for other purposes. [10th August 1882.] A.D. 1882.

WHEREAS by the Lynn and Fakenham Railway Act 1876 the Lynn and Fakenham Railway (Extensions) Act 1880 and the Lynn and Fakenham Railway Act 1881 (in this Act respectively referred to as "the Acts of 1876 1880 and 1881") the Lynn and Fakenham Railway Company in this Act called "the Company" are authorised to construct railways extending eastward from King's Lynn in the county of Norfolk through Melton Constable to Norwich on the south and to Holt Blakeney and Cromer on the north with an extension to join the Yarmouth and North Norfolk Railway at North Walsham and the Company have completed a large part of their undertaking and are completing the remainder: 39 & 40 Vict. c. cxlvi. 43 & 44 Vict. c. clxv. 44 & 45 Vict. c. cxcix.

And whereas owing to the extension of the original undertaking of the Company the original name of the Company has become inappropriate and it is expedient that it should be changed:

And whereas the Harbour of Blakeney belongs to the Blakeney Harbour Company incorporated by an Act for improving the Harbour of Blakeney within the Port of Blakeney and Cley in the county of Norfolk (herein-after called "the Blakeney Harbour Act") and it is expedient that the works herein-after described should be authorised for the improvement of that harbour and the Company are willing to execute the same on having the powers herein-after contained conferred upon them: 57 G. 3. c. lxx.

And whereas it is expedient and the Blakeney Harbour Company are willing that the undertaking rights powers and privileges of the Blakeney Harbour Company should be transferred to the Company and that other provisions should be made with reference to the Blakeney Harbour Company as herein-after set forth:

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And whereas the construction of the railways and works described in this Act would be of public and local advantage and it is expedient that the powers in this Act contained should be conferred for that purpose:

And whereas the railways authorised by the Act of 1880 comprise Railway Number 1 and Railway Number 2 (together more than thirty miles in length) as to which railways it was provided by the said Act (section 33) that if the said railways except the station at Norwich and works connected therewith were not completed within two years from the passing of that Act then that the powers by that Act granted to the Company for making the said railways should cease:

And whereas although considerable progress has been made with the said works exceptional difficulties have been encountered and it is doubtful whether the said railways can be completed before the twelfth day of August one thousand eight hundred and eighty-two on which day the time limited by the said Act expires and it is expedient that the Company should have further powers for the completion thereof:

And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act and of the lands in or through which the same are to be made and maintained 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 or under the powers of this Act were duly deposited with the clerk of the peace for the county of Norfolk and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act 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):—

Short title.

1. This Act may be cited as the Lynn and Fakenham Railway Act 1882.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. of the

Railways Clauses Act 1863 (relating to construction of a railway) are except where expressly varied by this Act incorporated with and form part of this Act. A.D. 1882. 26 & 27 Vict c. 92.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to— Extending certain provisions of Companies Clauses Acts. 8 & 9 Vict. c. 16.

The distribution of the capital of the Company into shares;
The transfer or transmission of shares;
The payment of subscriptions and means of enforcing the payment of calls;
The forfeiture of shares for nonpayment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends:
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;
And also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869; 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:— Interpretation.

"The Company" means the Lynn and Fakenham Railway Company;

"The railway" means the railways authorised by this Act;

"Superior court" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partly 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.

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Power to construct works.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways and works herein-after described with all proper stations sidings approaches wharves depôts warehouses works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes. The said railways and works will be wholly situate in the county of Norfolk and are:—

A railway (Number 1) four miles five furlongs six chains and twenty links or thereabouts in length commencing in the parish of South Lynn otherwise South Lynn All Saints by a junction with the Midland and Eastern Railway at or near the post thereon denoting twenty-four-and-a-half miles from Spalding and terminating in the parish of Grimstone by a junction with the Lynn and Fakenham Railway;

A railway (Number 2) three miles one furlong two chains and twenty-five links or thereabouts in length commencing in the parish of Blakeney near the west end of the quay at Blakeney by a junction with Railway Number 6 authorised by the Lynn and Fakenham Railway (Extensions) Act 1880 at its authorised termination and terminating in the parish of Stiffkey one hundred yards to the north of the public road leading from Morston to Stiffkey and about one thousand two hundred and seventy yards or thereabouts to the westward of the sluices on the Stiffkey stream or river (known as the Stiffkey sluices);

A railway (Number 3) one mile two furlongs four chains and sixty links or thereabouts in length commencing in the parish of Morston by a junction with Railway Number 2 lastly herein-before described at a point about sixty yards to the south of Morston Creek and nearly opposite the sheep bridge over the said creek which lies about five hundred yards to the north-west of Morston Church and terminating in the said parish of Morston on the south side of the pit or channel of Blakeney Harbour near low-water mark of ordinary spring tides;

Diversion of roads.

6. The Company may divert alter or stop up any roads within the limits of deviation delineated on the deposited plans and described in the deposited book of reference in the manner shown on the deposited plans and sections.

Widths of certain roadways.

7. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not

being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :— A.D. 1882.

Number on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
		Railway No. 1.	
4	North Runcton	Public	20 feet
8	North Runcton	Public	20 feet
22	Mintlyn	Public	15 feet
2	Bawsey		
6	Bawsey	Public	20 feet

For the protection of the Norfolk Court of Sewers.

8. For the protection of Her Majesty's Commissioners of Sewers for the county of Norfolk and of the drains sewers banks walls sluices tunnels and works under their charge :—

1. The Company shall not without the consent in writing of the said commissioners construct the Railway Number 1 by this Act authorised so as in any manner to obstruct impede contract or diminish the waterway of the said drains and sewers or to injure or weaken the said banks walls sluices tunnels and works or to obstruct or impede the free flow of water through the said drains and sewers sluices and tunnels or to affect prejudicially the drainage of any lands under the jurisdiction of the commissioners :
2. The bridges and works for carrying the said Railway Number 1 over the said drains sewers banks walls bridges sluices and tunnels shall be so constructed and the foundations thereof shall be carried to such a depth as to admit of the deepening and lowering from time to time of the said drains and sewers sluices and tunnels to such extent as may from time to time be deemed necessary for the drainage of any lands under the jurisdiction of the commissioners and the said bridges and works shall be for ever after maintained to the satisfaction of the commissioners by and at the cost of the Company :
3. All works authorised by this Act affecting the said drains sewers banks walls sluices and tunnels respectively shall be executed under the superintendence and to the reasonable satisfaction of the commissioners according to plans to be approved of by them or their engineer for the time being before any such works are begun unless for a period of

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twenty-one days after submission of plans thereof the commissioners shall neglect or fail to approve or disapprove the same in which case the said plans shall be deemed to have been approved and except in cases of emergency any alteration or repair of any works authorised by this Act affecting the said drains sewers banks wharves sluices and tunnels respectively shall be executed in like manner and subject to the like conditions:

4. Except as by this Act expressly provided nothing in this Act contained shall take away lessen or interfere with any of the rights powers or authorities now vested in or belonging to or enjoyed by the said commissioners.

For protection of Ouse Outfall Conservators.

9. Nothing in this Act shall enable the Company to take any of the land property or works of the Conservators of the Ouse Outfall without their consent.

For the protection of the Nar Valley Drainage Board. 44 & 45 Vict. c. clxxix.

10. For the protection of the Nar Valley Drainage Board in this section referred to as "the board" and of the works authorised by the Nar Valley Drainage Act 1881 the following provisions shall have effect that is to say:—

1. The Railway Number 1 by this Act authorised shall be carried over the River Nar by means of a bridge of a single span of not less than forty feet and so constructed as to embrace and include the waterway of the said River Nar and the towing-path on the west side thereof and so that the underside of the arch or headway of such bridge for its whole length across the said river and towing-path shall be at a not less height than the present bridge which carries the Midland Railway over the said river:

2. The Company shall carry the Railway Number 1 over the work on the site of the work authorised by the Nar Valley Drainage Act 1881 and described on the plans deposited in respect of that Act as "New Cut Number 3" by means of a bridge having a span of not less than thirteen feet in the clear and to be so constructed that the underside of the arch or headway of such bridge shall be at a not less height than the present ground level at the point of crossing:

3. The Railway Number 1 and works connected therewith shall be so constructed as not to injure the banks of the River Nar or of the said new cut or to impede the free flow of water therein or the drainage of any lands under the jurisdiction of the board and shall be for ever after maintained to the satisfaction of the board by and at the cost of the Company:

4. The bridges and works for carrying the said Railway Number 1 over the River Nar and the said new cut shall be so constructed and the foundations thereof shall be carried to such a depth as to admit of the deepening from time to time of the River Nar and of the said new cut to such extent as may be necessary for the purposes of the Nar Valley Drainage Act 1881 :

5. All works affecting the River Nar or the said new cut respectively and any repairs from time to time required to such works shall be executed under the superintendence and to the satisfaction of the engineer of the board according to plans to be approved of and stipulations to be prescribed by him before any such works or repairs are begun and all reasonable charges connected therewith to be paid to the board by the Company :

6. In case of difference between the Company and the board as to the construction or fitness of the works or any of them any such difference shall be determined by arbitration in manner provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration :

7. The Company shall at all times be responsible to the owners and occupiers of lands who may be interested in or connected with the drainage of lands affected by the said new cut or the River Nar for any damage or injury that may be done to any of the said lands within the jurisdiction and control of the board in case of any flooding or interruption in the free flow of water along the said new cut and River Nar arising from the construction of any of the works of the Company or by or through any default or neglect of the Company or the want of sufficient repairs and the Company shall make full compensation to such owners or occupiers for such damage or injury such compensation to be ascertained in manner provided by the Lands Clauses Consolidation Act 1845 for ascertaining the amount of compensation payable in respect of lands purchased otherwise than by agreement :

8. Any extra cost which shall be incurred by the board in the construction or maintenance of the works authorised by the Nar Valley Drainage Act 1881 by reason of the construction of the said Railway Number 1 or of the works connected therewith shall be borne by the Company and shall on demand be paid by them to the board :

9. Nothing in this Act contained shall take away lessen or interfere with any of the rights powers or authorities now vested in or

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belonging to or enjoyed by the board for varying altering enlarging or diverting bridges tunnels cuts drains or watercourses used for the drainage of any lands within the jurisdiction of the board (herein referred to as "drainage works") or to prevent or restrain the making of any new drainage works but all such rights powers or authorities shall remain in as full force and effect as if this Act had not been passed and if the board shall become liable to make any compensation to any person for any damage or injury occasioned by varying enlarging or diverting any existing drainage works or making any new drainage works to any greater extent or amount than they would have been liable to if the Railway Number 1 had not been authorised or made all such extra compensation rendered necessary by reason of the construction of the said railway shall be borne by the Company.

For protection of Great Eastern Railway Company.

11. In constructing and maintaining Railway Number 1 by this Act authorised and the works connected therewith where the same will cross over and otherwise affect the railways and works of the Great Eastern Railway Company (herein-after referred to as the Great Eastern Company) the Company shall be subject to the following provisions and conditions for the protection of the Great Eastern Company (that is to say):—

1. The Company shall not enter upon take use or interfere with any of the railways of the Great Eastern Company or any of the lands or works of that company or execute any works whatever under over or affecting the same until the Company shall have delivered to the Great Eastern Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the engineer for the time being of the Great Eastern Company and all the intended works under over or affecting the railways and works of the Great Eastern Company shall be executed by the Company according to such approved plans and drawings and under the superintendence and control and to the reasonable satisfaction of the engineer for the time being of the Great Eastern Company Provided that if the said engineer shall not approve or disapprove the said plans and drawings within fourteen days after they are submitted to him he shall be deemed to have approved the same:

2. The Company shall construct the bridge and other works by which Railway Number 1 by this Act authorised shall be carried over the Ely and Lynn Railway of the Great Eastern Railway in the parish of South Lynn otherwise South Lynn

All Saints of such length as to give a clear width between the abutments of the said bridge of not less than twenty-five feet measured on the square and of a clear height of fourteen feet three inches throughout from the level of the existing lines upon the said railway :

3. The Company shall construct the bridge and other works by which Railway Number 1 by this Act authorised shall be carried over the Lynn and Dereham Branch of the Great Eastern Railway in the parish of Mint Lyn of such length as to give a clear width between the abutments of the said bridge of not less than twenty-five feet measured on the square and of a clear height of fourteen feet three inches throughout from the level of the existing line of railway upon the said branch so as to enable the Great Eastern Company to widen the said railway by the addition of one line of railway to be laid down in such manner as their engineer may determine :

4. The Company shall at all times maintain all bridges and other works over or in any way affecting the railways and works of the Great Eastern Company and the works necessary and incidental thereto in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the Great Eastern Company and if and whenever the Company fail so to do that company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the Great Eastern Company may reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by that company from the Company in any court of competent jurisdiction :

5. Railway Number 1 and other works by this Act authorised shall so far as they affect any of the railways or works of the Great Eastern Company after the commencement thereof be proceeded with with all practicable despatch and if in the opinion of the engineer of the Great Eastern Company the Company shall not be proceeding in the construction and execution of the said railways and other works or any of them with all despatch as aforesaid it shall be lawful for the Great Eastern Company without let or hindrance from the Company their contractors or servants to enter upon the land and property acquired or occupied by the Company and to do all acts and things and to take possession of and use

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all materials or plant necessary for the execution and completion of the said railway and works or so much thereof as the engineer of the Great Eastern Company may consider desirable or expedient for the safety of their railways property and works or for preventing or removing any obstruction or interference with the safe and convenient user or occupation thereof in as free and commodious a manner as they might have used or occupied the same if the said railway and works had not been commenced or constructed and the Company shall on demand repay to the Great Eastern Company all payments costs damages and expenses which they may incur become liable or be put to in or about the matters aforesaid:

6. During the construction of Railway Number 1 and works by this Act authorised across or affecting the railways property and works of the Great Eastern Company the Company shall bear and on demand pay to that company all expense of employment by them of a sufficient number of inspectors signalmen, and watchmen to be appointed by that company for watching their railways and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise:

7. All bridges and works by this Act authorised over or in any way affecting the railways of the Great Eastern Company shall be constructed and maintained so that the traffic upon the railways of the Great Eastern Company or any of them shall not be in anywise impeded or interfered with:

8. If by reason of the construction or maintenance of Railway Number 1 and works by this Act authorised or any of them or the failure of any of the works or of the maintenance thereof or otherwise any of the railways of the Great Eastern Company or the works connected therewith shall be injured or damaged or the traffic thereon impeded the Company shall compensate the Great Eastern Company for all costs damages and expenses to which that company may be put thereby and shall also pay by way of liquidated damages to the Great Eastern Company fifty pounds for every hour during which such traffic shall be impeded:

9. The Company shall also indemnify the Great Eastern Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on any of the railways of the Great Eastern Company or by reason of any accident on the said railways or any of them which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors or their respective servants or workmen :

10. The Company shall not acquire any estate or interest in the lands and property of the Great Eastern Company other than an easement or right of constructing or maintaining thereon the works by this Act authorised.

11. The amounts to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement :

12. Nothing in this Act contained shall extend to diminish prejudice alter or take away any of the rights privileges or powers of the Great Eastern Company otherwise than as is herein expressly provided :

13. Any difference which may arise between the two companies under this enactment or with reference thereto shall be from time to time settled by arbitration in the manner provided by the Railway Companies Arbitration Act 1859 for the settlement of disputes by arbitration. 22 & 23 Vict. c. 59.

For protection of Midland and Great Northern Railway Companies.

12. The provisions of the Railways Clauses Act 1863 with respect to junctions shall apply to the junction of Railway Number 1 by this Act authorised with the Midland and Eastern Railway in the parish of South Lynn and for the purposes of those enactments the Great Northern and Midland Companies shall be deemed to be the Company to whom the Midland and Eastern Railway belongs.

Power to take easements &c. by agreement.

13. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Lands for extraordinary purposes.

14. The quantity of land to be taken by the Company by agreement under the powers of this Act for the extraordinary purposes

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mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed four acres.

Owners may be required to sell to the Company parts only of certain lands and buildings.

15. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of the lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Company and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands buildings or manufactories following whereof parts only are required for the purposes of the Company may (if such portions can in the judgment of the jury arbitrator or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

The properties above referred to are as follows:—

Railway.	Parish.	No. on Plans.
2	Blakeney	4, 5, 7, 9, 10, 11

Period for compulsory purchase of lands.

16. The powers of the Company for the compulsory purchase of lands for the purposes of the railway shall not be exercised after the expiration of three years from the passing of this Act.

Deposit fund not to be repaid except as far as railway is opened.

17. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of twelve thousand eight hundred and twenty-one pounds Three per Centum Consolidated Bank Annuities being equal to five per centum upon the amount of the estimate in respect of the railway as originally proposed to be authorised has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act And whereas a part of the railway as originally proposed is not authorised by this Act and eight thousand two hundred pounds of the said sum of annuities is attributable to the said part and the balance of the said sum namely four thousand six hundred and twenty-one pounds Consolidated Three per Centum

Annuities is referred to in this Act as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not 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 which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and a portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Chancery Division may order repayment of surplus deposit.

18. The Chancery Division of the High Court of Justice may at any time after the passing of this Act order that the sum of eight thousand and two hundred pounds Consolidated Three per Centum Bank Annuities part of the sum originally deposited in respect of the railways proposed by the Bill for this Act together with any interest or dividend accrued thereon shall be paid or transferred to the depositors or as they may direct.

Application of deposit.

19. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such

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compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividend accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of railway.

20. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Works and Powers at Blakeney Harbour.

Powers as to Blakeney Harbour.

21. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the works herein-after described together with all necessary approaches sidings wharves depôts warehouses offices cranes lifts and other works and conveniences connected therewith namely :—

A wharf commencing on the south side of the channel of Blakeney Harbour known as the Pit near low-water mark of ordinary spring tides in the parish of Morston at a point about three hundred and sixty yards to the westward of the junction therewith of Morston Creek and terminating in the said parish of Morston near the said low-water mark at a point about one hundred and sixty yards to the westward of the said junction of Morston Creek ;

An embankment or breakwater in the county of Norfolk to be formed by causing sand or mud to accumulate and be retained along the centre line thereof as shown on the deposited plans commencing in the parish of Warham Saint Mary at or near the north-western corner of that parish and terminating in the parish of Stiffkey or on the foreshore of the North Sea adjacent to that parish on the west side of Blakeney Channel aforesaid at a point about one thousand two hundred yards measured in a westerly direction from the lifeboat house at Blakeney Point;

And the provisions of Part I. (construction of a railway) of the Railways Clauses Act 1863 shall whenever applicable apply to the wharf and to the embankment or breakwater as well as to the railways by this Act authorised.

Dredging channels and purchase of lands or rights at Blakeney.

22. Subject to the provisions of this Act the Company may within the limits marked on the deposited plans as limits of property to be acquired excavate dredge and deepen the existing channels or creeks in the parishes of Warham All Saints Warham Saint Mary Stiffkey Morston and Blakeney in the county of Norfolk or on the foreshore or bed of the North Sea or Blakeney Harbour so far as the same are delineated on the deposited plans and remove and excavate from such channels and creeks and tidal lands delineated as aforesaid sand shingle gravel mud and clay and deposit the same in such positions as the Company think fit and they may purchase and acquire any of the tidal lands within the said limits and they may extinguish any existing rights in the said channels creeks and tidal lands within the said limits shown on the deposited plans Provided that compensation shall be made by the Company for any rights extinguished by them as if the same were lands taken by them and the provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 shall apply to the taking of such rights as if they were lands.

Regulation of channels.

23. The Company may with the sanction of the Board of Trade from time to time fix such buoys lights beacons moorings piles guides and other works for improving and regulating the said channels as they may deem expedient.

Company to exhibit lights.

24. The Company shall at the outer extremities of the wharf and embankment or breakwater authorised by this Act exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

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MISCELLANEOUS.

Railways as to toll &c. to form part of original railway.

25. The Company may demand and take in respect of the railway the same tolls and charges as they are authorised to receive for and in respect of the Lynn and Fakenham Railway as if it were part of such undertaking.

Classification table to be open for inspection.

26. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Copies to be sold.

Terminal charges if any to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 (section 14).

36 & 37 Vict. c. 48.

Company to charge for use of landing-stage &c.

27. The Company may charge in addition to any other tolls and charges which they may be empowered to demand and take such reasonable sums for the use of any landing-stage cranes lifts and warehouses as may be approved from time to time by the Board of Trade.

Company may apply their funds towards purposes of Act and may raise additional capital.

28. The Company may apply towards the construction of the railway and works any money which they are already authorised to raise and which may not be required by them for the purposes for which the same was authorised to be raised and the Company may for the purposes of this Act from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money so authorised to be raised any additional sum or sums not exceeding in the whole one hundred and fifty thousand

pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company and the Company may attach a preferential dividend to any of the capital in shares or stock which they are authorised to create under the Act of 1881.

Shares or stock not to vest until one-fifth part paid up.

29. No share or stock created under the authority of this Act shall be issued nor shall any such share or stock 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 or stock shall have been paid in respect thereof.

Receipt clause in case of persons not sui juris.

30. If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge.

As to votes of proprietors of new shares or stock.

31. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Power to borrow.

32. The Company may in respect of the additional capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow or mortgage any sum not exceeding in the whole fifty thousand pounds and of that sum they may borrow twenty-five thousand pounds in respect of each sum of seventy-five thousand pounds of such additional capital but no part of any such sum of twenty-five thousand pounds shall be borrowed until shares for so much of the portion of capital in respect of which it may be borrowed as is to be raised by means of shares are issued and accepted and one half thereof is paid up and the Company have proved 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 so much of such portion of capital as is to be raised by shares have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each such separate share therein has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their execu-

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tors administrators or assigns and also if the said respective portion of capital is raised by shares that such persons or corporations or their executors administrators or assigns are legally liable for the same.

Upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of a receiver.

33. The thirty-seventh section of the Lynn and Fakenham Railway Act 1881 with respect to the appointment of a receiver is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

34. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything contained therein the interest of all debenture stock at any time created and issued by the Company under this Act and also the interest of all mortgages (if any) at any time granted by the Company under this Act shall rank pari passu and such interest shall have priority over all principal moneys secured by such mortgages.

Former mortgages to have priority.

35. The principal money secured by all mortgages granted by the Company in pursuance of the powers of any former Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which the same were respectively granted have priority over the principal money secured by any mortgages granted by virtue of this Act.

Application of moneys.

36. All moneys raised under this Act or any former Act relating to the Company whether by shares stock debenture stock or borrowing may be applied for the purposes of this Act or such other Act or for the general purposes of the Company to which capital is properly applicable and not otherwise.

Power to purchase additional lands.

37. Subject to the provisions of this Act the Company may purchase and take for purposes connected with their undertaking

and in addition to any other lands which they may be authorised to acquire under this Act the lands herein-after described videlicet:—

Lands in the parish of Dunton in the county of Norfolk on the north-west side of the Company's railway eight hundred yards or thereabouts measured along the said railway from the public road level crossing adjoining Dunton Bridge over the River Wensum also lands in the parish of Helhoughton in the county of Norfolk on the north-west side of and adjacent to the Company's railway about half-a-mile measured in a north-easterly direction from the Rudham Station.

Purchase of Blakeney Harbour.

38. The Company shall purchase and the Blakeney Harbour Company shall sell all the undertaking of the harbour company and all their estate and interest in the said harbour and in the quays and works connected therewith and in all the tolls dues charges and other receipts arising thereout herein-after referred to as "the undertaking "of the Blakeney Harbour Company" upon the terms and conditions herein-after set forth and the provisions herein-after contained with reference to such sale and the dissolution of the Blakeney Harbour Company shall apply and have effect namely:—

1. The purchase money to be paid by the Company for the undertaking of the Blakeney Harbour Company shall be the sum of five thousand four hundred pounds which subject to the terms of any agreement made or to be made between the Company and the Blakeney Harbour Company with regard to the earlier payment of any part thereof and as to interest on such purchase money shall be paid by the Company to the Blakeney Harbour Company on the thirty-first day of December one thousand eight hundred and eighty-two which date is for the purposes of this Act referred to as the date of the sale and transfer;

2. As from the date of the actual completion of the sale and transfer the Company shall be entitled to all the tolls and dues and other receipts leviable at and in respect of or arising out of Blakeney Harbour and shall and may have and exercise all the powers rights privileges and authorities of the Blakeney Harbour Company under the Blakeney Harbour Act or any other Act or otherwise but the Blakeney Harbour Company shall be entitled to all such tolls and dues and other receipts and to the exercise of all such powers rights privileges and authorities up to the date of the actual completion of the sale and transfer;

Sale and conveyance to be by deed dulystamped.

3. The sale and transfer shall be evidenced by a deed of conveyance duly stamped wherein the consideration for the deed

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shall be fully and truly set forth and if the Company shall not within three months from the date of the sale and transfer produce to the Commissioners of Inland Revenue such deed of conveyance duly stamped as aforesaid the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the sale and transfer shall be recoverable from the Company with full costs of suit and all costs and charges attending the same;

Power as to undertaking sold to be exercised by the Company.

4. All the rights powers and privileges of the harbour company and of the directors officers or servants of the harbour company which by virtue of any Act relating to the harbour company might be exercised and enjoyed by them respectively with respect to the said undertaking shall from and after the actual completion of the sale and transfer be exercised and enjoyed by the Company under and with the same regulations restrictions obligations penalties and immunities in accordance with such Act and this Act respectively as by the harbour company and their directors officers and servants;

Company to perform duties of harbour company as to undertaking sold.

5. From and after the sale and transfer the Company shall subject to the provisions of this Act perform and conform and be liable to all contracts agreements duties obligations debts charges liabilities claims and demands whatsoever to which the harbour company would if the sale or transfer did not take effect be subject or liable and shall indemnify the harbour company and their shareholders directors officers and servants from the same and all costs charges and expenses claims and demands in respect of the same and shall be entitled to the benefits and advantages of and to enforce all those contracts and agreements;

Harbour company's Acts to apply to the Company.

6. From and after the date of the sale and transfer all Acts passed with respect to the harbour company (but subject to the provisions of this Act) shall so far as they relate to the undertaking of the harbour company be read and have effect as if the same had been passed with respect to the Company instead of with respect to the harbour company;

Actions &c. not to abate.

7. The sale or transfer shall not cause the abatement discontinuance or determination of or in anywise prejudicially affect any action suit or other proceeding commenced by or against the harbour company either solely or jointly with any other company or with any person before the date of the sale and transfer but any such action suit or proceeding may be continued prosecuted or enforced by or against the

Company either solely or jointly with such other company or person as the case may require;

Receipt of the harbour company to be a discharge to the Company.

8. A receipt or acknowledgment for the purchase or other money under the hands of three directors of the harbour company shall be a good and sufficient discharge for the same and the Company shall not be bound to see to the application or be answerable or accountable for the non-application or misapplication of the said money or any part thereof;

The harbour company to wind up their affairs.

9. Forthwith after the date of the sale and transfer the harbour company shall proceed to wind up their affairs and shall subject to the payment satisfaction and discharge of all the debts liabilities and engagements of the harbour company with respect to their undertaking so sold and transferred distribute and pay the purchase moneys and interest (if any) to be received from the Company and all other moneys and property belonging to the harbour company and not included in the aforesaid sale and purchase to and among the several persons who at the date of the sale and transfer are the respective registered shareholders in the capital of the harbour company according to their respective priorities (if any) and in proportion to their respective shares of such capital or to their respective executors administrators successors or assigns;

Payment into Court by harbour company.

10. If the harbour company are unable after diligent inquiry to ascertain the persons to whom any part of the purchase and other moneys ought to be paid or who can give an effectual receipt for the same the harbour company may (after deducting any costs and expenses of or incident to such payment) pay the same into the Chancery Division of the High Court of Justice in England under any Act from time to time in force for the relief of trustees and every such payment into Court shall conclusively discharge the harbour company from all further liability with respect to the moneys so paid and for the purposes of this Act shall be deemed payment thereof to a person absolutely entitled thereto and any person afterwards showing to the satisfaction of the Court that he is entitled thereto may obtain payment thereof out of Court accordingly;

Dissolution of harbour company.

11. When all the debts liabilities and engagements of the harbour company are paid satisfied or discharged and the purchase and other moneys are distributed in accordance with this Act the harbour company shall be by this Act dissolved and shall wholly cease to exist.

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General saving of rights under Acts relating to harbour company.

39. Notwithstanding the dissolution by this Act of the Blakeney Harbour Company and except only as is by this Act otherwise provided everything before the dissolution done suffered and confirmed respectively under or by any Act relating to the harbour company and every right by any such Act saved shall be as valid as if the dissolution had not happened and the dissolution and the operation of this Act respectively shall accordingly be subject and without prejudice to everything so done suffered and confirmed and all rights so saved respectively and to all rights liabilities claims and demands which if the dissolution had not happened would be incident to or consequent on everything so done suffered and confirmed and all rights so saved respectively and with respect to all such rights liabilities claims and demands the Company shall to all intents represent the harbour company.

Maintenance of navigation.

40. From and after the date of the sale and transfer of the undertaking of the Blakeney Harbour Company to the Company the Company shall (so far as they reasonably can) maintain and keep open the existing channel and navigation between Blakeney Quay and Blakeney Pit so that vessels may be navigable as heretofore up to Blakeney Quay and the Company shall in like manner after the date of the sale and transfer (so far as they reasonably can) maintain the quays at Blakeney hitherto repaired by the Blakeney Harbour Company in good order and repair and shall afford such or the like facilities for loading and unloading goods on Blakeney Quay as have hitherto been afforded by the Blakeney Harbour Company Provided that the Company shall not be bound by reason of this section to expend on the maintenance keeping open and repairing of the said channel navigation and quays any greater sum than sixty pounds in the three years immediately succeeding the date of the sale and transfer or on any subsequent period of three years each of such periods being calculated from the expiration of the preceding period. Provided further that the Company shall on the request of the surveyors of highways for the time being of the parish of Blakeney furnish to them full particulars of such expenditure and in default of so doing the Company shall be liable on summary conviction before two justices to a penalty not exceeding one pound a week for every week in which such particulars shall be improperly withheld.

Incorporating 10 & 11 Vict. c. 27.

41. The sections of the Harbours Docks and Piers Clauses Act 1847 with respect to the construction of works for the accommodation of the officers of customs and sections 24 and 27 to 103 inclusive of the said Act shall be incorporated with and form part of this Act so far as they are applicable for the purposes of this Act.

Extension of time for completing certain railways.

42. The time limited by section 33 of the Lynn and Fakenham Railway (Extensions) Act 1880 for completion of the portions of railway therein mentioned shall be extended for a period of one year from the twelfth day of August one thousand eight hundred and eighty-two and the said Act of 1880 shall be read and have effect as if three years had been mentioned in that section instead of two years.

Company not to interfere with the rights of persons to collect shell fish.

43. Notwithstanding any works executed by the Company affecting any of the said channels creeks or tidal lands or the exercise of any powers of the Company conferred by this Act the rights of any persons to rake for or collect cockles and other shell fish upon the same or any part thereof may be exercised over the said channels creeks and tidal lands in manner similar to that in which they may be exercised at the passing of this Act.

Saving rights of the Crown in the foreshore.

44. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Saving rights of Crown under 29 & 30 Vict. c. 62.

45. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty her heirs or successors.

Interest not to be paid on calls paid up.

46. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposit for future Bills not to be paid out of capital.

47. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in

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force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

48. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

49. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.