



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. xcvi.

An Act to authorize an Alteration in the Line of the *Lowestoft* Railway, and to amend the Act relating to the *Lowestoft* Railway and Harbour Company. [2d July 1847.]

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from Lowestoft in the County of Suffolk to the Yarmouth and Norwich Railway at Reedham in the County of Norfolk, and for improving the Harbour of Lowestoft*, whereby certain Persons were incorporated under the Name of "The *Lowestoft* Railway and Harbour Company," and Powers were given to the said Company to make the said Railway from *Lowestoft* to *Reedham*, and also to purchase or take on Lease the Navigation and Harbour known as the *Norwich and Lowestoft* Navigation and the *Lowestoft* Harbour; and the said Company have accordingly, pursuant to the Powers given to them, taken a Lease of the said Navigation and Harbour for a Term of Nine hundred and ninety-nine Years, with Power to purchase the same upon Terms expressed in such Lease: And whereas under and by virtue of several Acts of Parliament passed in the Fifth and Sixth and Seventh and Eighth Years of the Reign of Her present Majesty Two several Companies

8 & 9 Vict.
c. 45.

[*Local.*]

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were

9 & 10 Vict.
c. 132.

Recited Acts
and 8 & 9
Vict. cc. 16.
18. and 20.
extended to
this Act.

were incorporated under the respective Titles of "The *Yarmouth and Norwich Railway Company*," and "The *Norwich and Brandon Railway Company*," and which said last-mentioned Companies, under and by virtue of an Act passed in the Eighth and Ninth Years of the Reign of Her said present Majesty, became consolidated under the Name of "The *Norfolk Railway Company*," and the several Railways and Branches then belonging to such Companies became vested in the said Consolidated Company under the Name of "The *Norfolk Railway*:" And whereas another Act was passed in the last Session of Parliament, intituled *An Act for enabling the Norfolk Railway Company to purchase or lease the Lowestoft Railway, Harbour, and Navigation*, whereby the said *Norfolk Railway Company* were authorized to lease in perpetuity, and also to construct and complete and improve the said *Lowestoft Railway, Navigation, and Harbour*, and other Works which the *Lowestoft Railway and Harbour Company* were authorized to construct and improve under and by virtue of the said first-recited Act: And whereas it is expedient that an Alteration should be made in the Line of the said *Lowestoft Railway* as authorized by the said first-recited Act, and that such Act should be amended, and that further Powers should be granted to the said *Lowestoft Railway and Harbour Company* and the *Norfolk Railway Company* respectively, and that the said *Lowestoft Railway and Harbour Company* should be authorized to increase their Capital and to raise a further Sum of Money for the general Purposes of their Undertaking; but the several Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be it 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, That all the Provisions contained in the said firstly and lastly recited Acts, and in the Companies Clauses Consolidation Act, 1845, "The Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," severally incorporated therewith, so far as the same respectively are now unrepealed and in force, and except such as are by this Act altered or repealed, shall extend to this Act, and to the Railway hereby authorized to be made, and to the several Objects and Purposes thereof, as fully and effectually as if the same Provisions were re-enacted in this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in all legal Documents and Pleadings, it shall be sufficient to use the Expression "The *Lowestoft Railway Alteration Act, 1847*."

Power to alter Railway.

III. And be it enacted, That the *Lowestoft Railway and Harbour Company* shall abandon the Formation of so much of the Line of Railway authorized to be made by the said first-recited Act as is situate between the Junction of the same with the *Norfolk Railway* in the Parish of *Reedham* in the County of *Norfolk* and a Point on the said *Lowestoft Railway* marked Two Miles and Six Furlongs from such Junction on the Plans of the said Railway referred to in the said Act, such Point being in the Parish of *Ravenningham* in the County

County of *Norfolk*, and all the Powers of the Company in respect of the Portion of the Railway hereby required to be abandoned shall cease and determine.

IV. And be it enacted, That it shall be lawful for the Company to construct a new Line of Railway in lieu of the Part of the Railway so abandoned as aforesaid, commencing at the said last-mentioned Point in the said Parish of *Ravenningham*, passing from, in, through, or into the several Parishes, Townships, or Places of *Ravenningham*, *Chedgrave*, *Norton*, *Subcorse*, and *Reedham*, or some of them, in the said County of *Norfolk*, and terminating by a double Junction with the *Norfolk* Railway in the Parish of *Reedham* aforesaid near the Point where the said *Norfolk* Railway crosses a certain Road leading from *Low Common* to *Reedham Church*.

Power to make new Line of Railway.

V. And be it enacted, That the said new Line of Railway shall be and become Part of the Undertaking of the *Lowestoft* Railway and Harbour, in the same Manner as if the same had originally formed Part thereof.

New Line to form Part of original Undertaking.

VI. And whereas Plans and Sections showing the Line and Levels of the said proposed new or altered Portion of the *Lowestoft* Railway, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Norfolk*; be it enacted, That, subject to the several Powers, Provisions, and Restrictions contained in the said several recited Acts and the several Acts incorporated therewith, it shall be lawful for the said Company to execute the said new or altered Portion of Railway according to the Line and Levels thereof as defined on the said Plans and Sections, and to enter upon, purchase, take, and use such of the Lands delineated in the said Plans and described in the said Books of Reference as shall be necessary for the Purposes thereof.

Railway to be executed according to deposited Plans.

VII. And be it enacted, That, subject to the Provisions of the said Railways Consolidation Act therein contained, it shall be lawful for the said Company to carry the said new or altered Portion of the *Lowestoft* Railway across and on the Level of the Road in the Parish of *Reedham* aforesaid, No. 8. on the Plans deposited as aforesaid.

Power to cross Road on the Level.

VIII. And be it enacted, That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Point where the said Railway crosses the before-mentioned Road on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations, with regard to the crossing such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe

Company to erect a Station or Lodge at the Points of crossing, and to abide by the Regulations of the Commissioners of Railways.

or

or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Provisions of former Acts with respect to a certain Bridge to apply to this Act.

IX. And be it enacted, That all the Provisions contained in the said firstly and lastly recited Acts with respect to the Bridge to be erected over the River *Wensum* otherwise *Yare*, under the Authority of the said Acts, so far as the same are now in force, and are not altered or repealed by this Act, shall extend and apply to the Bridge across the same River to be constructed under the Authority of this Act.

Provisions in former Acts as to keeping open Bridges for Passage of Vessels repealed.

X. And whereas by the said first-recited Act, after providing for the Mode of Construction of Two Bridges thereby authorized to be erected across the Rivers *Wensum* otherwise *Yare* and *Waveney* respectively, it was enacted that the said Company should and they were thereby required, at their own Expence, to cause proper Persons to be constantly stationed at the said Bridges for the Purpose of opening the same for the Passage, at all Times by Night and by Day, of any Vessel which should require to pass through the same, except during the Time when any Engines or Carriages should be about to pass over the same, and on such Occasions the same should not be kept closed so as to detain or delay any such Vessel more than Five Minutes from passing through the said Bridges respectively; and that in case such Bridges should not be so opened when so required, and any Vessel should be delayed in her Passage through the same for a longer Period than Five Minutes the said Company should in each such Case forfeit and pay a Sum of Five Pounds, and in case such Obstruction should continue for more than Half an Hour, then the said Company should in each such Case forfeit and pay a further Sum of Five Pounds for every Half Hour during which such Obstruction should continue, such Penalties respectively to be recovered and applied in the same Manner as other Penalties under that Act were to be recovered and applied: And whereas it is expedient that the said recited Provision should be altered; be it enacted, That the same shall be and the same is hereby repealed.

Company to keep proper Persons to attend Bridges, and Vessels not to be delayed longer than necessary for the Passage of Engines, &c.

XI. And be it enacted, That the said Company shall and they are hereby required, at their own Expence, to cause proper Persons to be constantly stationed at the said Bridges for the Purpose of opening the same for the Passage at all Times by Night and by Day of any Vessel which shall require to pass through the same, except during the Time when any Engines or Carriages shall be about to pass over the same, and on such Occasions the same shall not be kept closed so as to detain or delay any such Vessel longer than shall be absolutely necessary for the Passage of such Engines and Carriages; and in case such Bridges shall not be so opened when so required, and any Vessel shall be delayed in her Passage through the same for a longer Period than shall be absolutely necessary for the Passage of such Engines and Carriages, the said Company shall in each such Case forfeit and pay a Sum not exceeding Five Pounds, and in case such Obstruction shall

shall continue for more than Half an Hour then the said Company shall in each such Case forfeit and pay a further Sum of Five Pounds for every Half Hour during which such Obstruction shall continue, such Penalties respectively to be recovered and applied in the same Manner as other Penalties under that Act are to be recovered and applied.

XII. And be it enacted, That the compulsory Powers for the Purchase of Land shall not be exercised after the Expiration of Two Years from the passing of this Act, and the new Railway by this Act authorized shall be completed within Three Years from the passing of this Act.

Limiting
Period for
Execution of
Works.

XIII. And be it enacted, That all the Provisions of the said last-recited Act, with reference to the Execution, Maintenance, and Use, by the said *Norfolk* Railway Company, of the several Works therein referred to, and which the said *Lowestoft* Railway and Harbour Company were by the said first-recited Act authorized to construct, shall extend to this Act, and shall be held applicable to the new and altered Portion of the *Lowestoft* Railway hereby authorized, as fully and effectually as if the said Provisions were re-enacted in this Act with reference to such new or altered Portion of Railway.

Extending
certain Pro-
visions of
Norfolk
Railway
Lowestoft
Railway
Lease Act.

XIV. And be it enacted, That the said Company shall and they are hereby required, within Twelve Months from the passing of this Act, at their own Expence, well and effectually and in a workmanlike Manner, to excavate, to the Depth of Nine Feet below the Level of the Two Feet Mark on the *Yarmouth* Haven and Pier Commissioners Tide Gauge at *Reedham* aforesaid, that Portion of the Land on the North Bank of the said River *Wensum* or *Yare* on each Side of the Bridge to be erected by the said Company across the said River as shown and described in the Plan annexed to certain Articles of Agreement bearing Date the 25th Day of *March* 1847, and made between the said *Norfolk* Railway Company of the First Part, the said *Lowestoft* Railway and Harbour Company of the Second Part, and the Mayor, Aldermen, and Citizens of the City of *Norwich* of the Third Part; and also well and effectually and in a workmanlike Manner dredge and cleanse to the like Depth that Portion of the said River *Wensum* or *Yare*, also shown and described on the said Plan, being of the Length of 259 Yards Eastward from the Centre of the Cylinder or Pier of the Bridge so to be erected by the said Company as aforesaid, and of the Length of 282 Yards Westward from the said Centre, to the Intent and so as to form a navigable Channel of Fifty Feet in Width on the North Side of the said Cylinder or Pier, and of sufficient Depth for any Vessel which may at any Time hereafter have occasion to navigate the said River, and which said Portions of Land and River so to be respectively excavated and dredged extend from the Northern Side of the said Cylinder or Pier in a Northerly Direction to the Breadth of Fifty Feet, and which said Excavation and Dredging shall be respectively made in conformity with the Section drawn on the before-mentioned Plan annexed to the said Articles of Agreement; and the said Company shall, at their Expence, for ever hereafter make, maintain, and keep a navigable

Company to
excavate on
Portions of
Land ad-
joining the
Bridge over
the *Yare*.

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Channel

Channel in the said River of Fifty Feet in Width on each Side North and South of the said Cylinder or Pier, and of sufficient Depth for any Vessel which may at any Time hereafter have occasion to navigate the said River, and also shall, at their own Expence, for ever hereafter, make, maintain, and keep Five hundred Yards to the East and Five hundred Yards to the West of the said Cylinder or Pier a clear navigable Channel in the said River of One hundred Feet in Width, and of sufficient Depth for any Vessel which may hereafter have occasion to navigate the said River.

Penalty in case Vessels take the Ground through Default of the Company.

XV. And be it enacted, That if any Vessel navigating the said River shall at any Time or Times hereafter, by reason or in consequence of any Breach, Default, or Neglect of the said Company of or in the Performance of any of the Provisions in the preceding Enactment contained, take the Ground in any Part of the said River within the aforesaid Limit or Extent of Five hundred Yards East and Five hundred Yards West of the said Cylinder or Pier, either on the South Side or North Side thereof, then, and as often as the same shall happen, the said Company shall forfeit and pay to the said Mayor, Aldermen, and Citizens of the City of *Norwich* the Sum of Five Pounds, to be recoverable as and for and in the Nature of liquidated Damages.

Saving Rights of the City of *Norwich* and Borough of *Great Yarmouth*.

XVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to take away, lessen, or abate any Power, Right, Privilege, Immunity, Jurisdiction, or Authority granted or belonging to or enjoyed or legally claimed by the Mayor, Aldermen, and Citizens of the City of *Norwich*, or the Mayor, Aldermen, and Burgesses of the Borough of *Great Yarmouth* in the said County of *Norfolk*, or by any Officer or Officers of or belonging to those Bodies respectively, all and every of them for the Time being (except only in such Cases as are specially mentioned and contained in this Act).

Power to increase Capital by Creation of new Shares.

XVII. And whereas the Capital which the said *Lowestoft* Railway and Harbour Company are authorized to raise under and by virtue of the said first-recited Act is found to be insufficient for the Purpose of completing the Improvement of the Harbour and other Works authorized by such Act, and it is expedient that the said Company should be authorized to raise a further Sum of Money for the Purposes of effectually carrying the Objects of such Acts into execution, and for completing and perfecting the same, and for the Purpose of providing additional Accommodation by the Construction of Wharfs and Warehouses; be it enacted, That it shall be lawful for the said Company and they are hereby empowered, from Time to Time, by an Order of an Ordinary or Extraordinary Meeting, to raise by the Creation of new Shares such Sum or Sums of Money as they shall from Time to Time think expedient, not exceeding in the whole the Sum of One hundred and twenty thousand Pounds, for the Purposes aforesaid, in such Number of Shares and of such Amount as shall be determined by such Ordinary or Extraordinary Meeting; and in addition to the Sums already authorized to be raised or borrowed by the said firstly-recited Act, and such additional Capital shall be considered in all respects

respects as Part of the general Capital of the Company, and shall be subject to all the same Provisions as if the same had been raised by the Conversion of borrowed Money into Capital under the Provisions of the said firstly-recited Act.

XVIII. And be it enacted, That the Amount of Calls upon such new Shares, and the Periods of making the same, shall from Time to Time be fixed by the Directors of the said Company, upon the Requisition of the *Norfolk* Railway Company. Calls.

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

XX. And be it enacted, That it shall be lawful for the Company to borrow such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole One Third of the Amount of the Share Capital raised under the Authority of this Act, in addition to the Sum authorized to be borrowed by the said first-recited Act, provided that One Half of the whole Amount of the Share Capital of the Company shall have been subscribed for, and One Half thereof actually paid up, and to secure the Repayment of the Sum so borrowed, with Interest, by Mortgage or Bond, in the same Manner and subject to the same Provisions as are by the said first-recited Act provided with respect to Money borrowed under the Authority of that Act. Power to borrow Money on Mortgage.

XXI. Provided always, and be it enacted, That all Mortgages or Bonds which may have been already created under the Powers of the said first-recited Act shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be created by virtue of this Act. Mortgages under former Acts to have Priority.

XXII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing hereinbefore contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the said recited Acts or any of them in that Behalf contained. Interest not to be paid on Calls paid up.

XXIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which Deposits for future Bills not to be paid out of the Capital

of the Com-
pany.

which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railways to
be subject to
Provisions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. & 105.

XXIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament*; and for other Purposes in relation to Railways; and Two other Acts were passed in the last Session of Parliament, intituled respectively *An Act for constituting Commissioners of Railways*, and *An Act for regulating the Gauge of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this Act authorized to be made, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railway and Company so far as the same shall be applicable thereto.

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

XXV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, now in force, or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the recited Act as extended to this Act.

Public Act.

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