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An Act to authorize the King's Lynn Docks and Railway Company to connect their undertaking with the railways at King's Lynn, to change the name of the company, and for other purposes with relation to the company. A.D. 1869.

[24th June 1869.]

WHEREAS by an Act passed in the year 1865 the King's Lynn Docks and Railway Company (who are herein-after referred to as the company) were incorporated for the purpose of making docks at King's Lynn, together with the necessary improvements in the bed and on the banks of the river Ouse, and they were also empowered by the said Act to construct a short line of railway to connect the harbour branch of the Great Eastern Railway at King's Lynn with the said docks, and the company were authorized for those purposes to raise a capital of sixty-six thousand pounds in shares, and to borrow twenty-two thousand pounds on mortgage : 28 & 29 Vict. c. lxxxviii.

And whereas, in pursuance of the powers so conferred on them, the company have nearly completed the construction of the dock at King's Lynn, and the works in or about the river Ouse which are necessary to give access to the said dock, and have constructed quays on the bank of the said river, and the said dock will soon be ready for the admission of vessels ; but the company have not commenced the construction of the said railway, and it is expedient that they should abandon the same, and should be authorized to construct the railway herein-after described :

And whereas the mayor, aldermen, and burgesses of the borough of King's Lynn (who are herein-after referred to as the corporation) were authorized by the 23rd section of the said Act of 1865 to contribute any sums not exceeding 20,000*l.* towards the capital of the company, and to hold shares in the capital accordingly, and the corporation have contributed the said sum towards the capital :

And whereas by the 34th section of the said Act of 1865 the Lynn and Sutton Bridge Railway Company (whose undertaking

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30 & 31 Vict.
c. clxxxv.
27 & 28 Vict.
c. ccxxii.

And whereas neither of the said two companies did so contribute, and by virtue of an agreement confirmed by "The Midland and Eastern and Norwich and Spalding Railways Act, 1867," the Midland and the Great Northern Railway Companies jointly are authorized to work in perpetuity and are working the Lynn and Sutton Bridge Railway ; and by virtue of an agreement confirmed by "The Peterborough, Wisbeach, and Sutton Railway Act, 1863," the Midland Railway Company are authorized to work in perpetuity and are working the Peterborough, Wisbeach, and Sutton Railway ; and it is expedient that the provisions herein-after contained should be made with respect to agreements between the Great Northern and the Midland Railway Companies on the one hand, and the company on the other hand, as to the use of the undertaking of the company and otherwise, and that similar powers should be granted to the Great Eastern Railway Company :

And whereas it is expedient that the name of the company should be changed, and that certain provisions contained in the said Act of 1865 should be varied, and that the further powers herein-after contained should be granted to the company :

And whereas plans and sections showing the line and levels of the works authorized by this Act, 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 purpose of the said works, have been deposited with the clerk of the peace for Norfolk, and are herein-after respectively referred to as the deposited plans, sections, and books 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 for all purposes as "The King's Lynn Dock Act, 1869."

8 & 9 Vict.
cc. 16, 18,
and 20.,

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Rail-

ways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863, (relating to construction of a railway,) and the clauses and provisions of "The Companies Clauses Consolidation Act, 1845,"—

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23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

- With respect to the distribution of the capital of the company into shares ;
- With respect to the transfer or transmission of shares ;
- With respect to the payment of subscriptions and means of enforcing the payment of calls ;
- With respect to the forfeiture of shares for nonpayment of calls ;
- With respect to the remedies of the creditors of the company against shareholders ;
- With respect to the borrowing of money by the company on mortgage or bond ;
- With respect to the conversion of the borrowed money into capital ;
- With respect to the consolidation of shares into stock ; and
- With respect to the provisions to be made for affording access to the special Act by all parties interested ;

And also Parts I., II., and III., and IV. of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares, to additional capital, to debenture stock, and to change of name, are (except when expressly varied by this Act) incorporated with and form part of this Act.

3. In this Act the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have the same respective meanings, unless there be in the subject or context something repugnant to such construction ; and the expression "superior courts" or "court of competent jurisdiction" or other like expressions 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 mean-
ing in words,
&c. in incor-
porated Acts
and this Act.
Interpreta-
tion of
terms.

4. Subject to the provisions of this Act, and of the Acts wholly or partially incorporated herewith, the company may make and maintain the following works in the line and according to the levels shown on the deposited plans and sections, 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 :

Power to
execute
works ac-
cording to
deposited
plans.

A dock approach or railway (six furlongs and four chains in length) entirely in Norfolk, commencing by a junction with

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the Great Eastern Railway at the distance of about one hundred and twenty yards or thereabouts to the westward of the junction of the Lynn and Hunstanton Railway with the Great Eastern Railway in the parish of Gaywood, and terminating in the parish of St. Margaret at or near the south-east corner of the King's Lynn Dock now constructing under the powers of the said Act of 1865, together with all needful works, stations, sidings, approaches, and conveniences connected with such railway.

Power to cross road on the level.

5. Subject to the provisions contained in "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," in reference to the crossing of roads on the level, the company may in the construction of the railway carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the road numbered 35 on the deposited plans in the parish of St. Margaret in the borough of King's Lynn.

As to works west of Fisher Bridge and as to bridge over the Gaywood river.

6. Notwithstanding that the limits of deviation as delineated on the said deposited plan extend as far as the centre of the Fisher Fleet, the company shall not construct or extend any viaduct or other work further over or upon the foreshore of the said fleet on the west side of Fisher Bridge than to the extent of twelve feet and a half in front of the buildings numbered 19, 22, and 34 respectively in the parish of Saint Margaret on the said plan, and of six feet in front of the quay to the premises numbered 11 in the said parish on the said plan, and the company shall carry the railway over the Gaywood river by means of a bridge of a single span only.

As to junction of Great Eastern Railway.

7. The following provisions shall apply to the construction of the railway at or near as well as to its junction with the Great Eastern Railway :

- (1.) The said junction shall be made at the point shown on the deposited plans, unless by agreement between the two companies some other point of junction shall be adopted :
- (2.) The company shall provide, on land near the point of junction to be acquired by them, sufficient siding accommodation for the traffic to and from the dock, such sidings being capable of accommodating not less than forty trucks in each direction independently of the dock approach or railway hereby authorized, and the same sidings shall be so constructed as that it shall not be necessary to use the Great Eastern Railway, or the sidings thereof, for the purposes of shunting :

(3.) The company shall not take any of the Great Eastern Railway Company's land without their consent, but they may take, and the Great Eastern Railway Company shall grant, an easement over so much of their land as shall be necessary for the construction of the said junction. A.D. 1869.

8. The company shall abandon the construction of the railway authorized by the said Act of 1865, and described in the fifth paragraph of the 39th section of the same Act. Company may abandon railway authorized by Act of 1865.

9. The abandonment by the company under the authority of this Act of the said railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the company to receive compensation, in accordance with the provisions in that behalf of the "Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act or the said Act of 1865. Compensation for damage to land by entry &c. for purpose of railway abandoned.

10. Where before the passing of this Act any contract may have been entered into or notice given by the company for the purchasing of any land for the purposes of or in relation to any portions of the railway or works authorized to be abandoned by this Act and which shall not be required for the purposes of any of the works by this Act authorized, full compensation shall be made by the company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice; and the amount and application of the compensation shall be determined in manner provided by the "Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof. Compensation to be made in respect of portions of railway abandoned.

11. It shall be lawful for the company to apply towards the construction of the works authorized by this Act any monies which they are already authorized to raise, and which may not be required Company may apply their funds towards pur-

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.A.D. 1869. poses of Act, and may raise additional capital. for the purposes of the first-recited Act; and the company may also for the purposes of this Act from time to time raise, in addition to the sums of money which they are already authorized to raise, any further sums not exceeding in the whole nine thousand five hundred pounds, by the creation of new shares or stock in their undertaking, which shares or stock shall form part of the general capital of the company, and the company may assign to such new shares or stock any such preferential dividend, not exceeding six per centum per annum, as the company think fit.

Shares not to issue until one fifth part paid up. **12.** The company shall not issue any share or stock created under the authority of this Act, nor shall any 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.

As to votes of proprietors of such shares. **13.** The proprietors of any 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 of the company.

Power to borrow on mortgage. **14.** The company may from time to time under the powers of this Act borrow any additional sum of money, not exceeding three thousand one hundred and sixty pounds, by mortgage of their general undertaking, inclusive of the railway hereby authorized, but no part of that sum shall be borrowed until the whole of the additional capital by this Act authorized to be raised by new shares is subscribed for, issued, and accepted, and one half thereof is paid up, and the company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that shares for all such additional capital have been subscribed for, issued, and accepted, and that one half of such additional capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof, before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and 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.

Existing mortgages to have priority. **15.** Provided always, that all mortgages granted by the company, in pursuance of the powers of the said Act of 1865, before the passing of this Act, and which shall be subsisting at the time of

the passing thereof; shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act. A.D. 1869.

16. The corporation may from time to time contribute towards the capital hereby authorized to be raised any sums they may think fit, not exceeding two thousand five hundred pounds, and may hold shares in the capital of the company accordingly; and the provisions contained in the Act of 1865 (sections 23 to 33 both inclusive) shall, so far as they are applicable, apply to any contribution by the corporation under the powers of this Act. Corporation of King's Lynn may subscribe.

17. All and every part of the sums of money which the company are by this Act authorized to raise by new shares or on mortgage shall be applied only to the purposes of the railway and works authorized by this Act. Application of sums raised under this Act.

18. The powers of the company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act. Powers for compulsory purchases limited.

19. The quantity of land to be taken by the company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed four acres. Land for extraordinary purposes.

20. In respect of all goods, articles, and things conveyed by the company on the railway hereby authorized, the company may charge for the use of the railway, and of the sidings and accommodations connected therewith, such reasonable rates as they shall from time to time appoint. As to tolls for railway.

21. The company may from time to time contract with the Great Eastern, the Great Northern, and the Midland Railway Companies or any of those companies, with respect to the following purposes, or any of them; (that is to say,)

The management, use, working, and maintenance of the railway, or of any part or parts thereof: Power to enter into traffic arrangements with three railway companies.

The supply of any rolling or working stock, and of officers and servants, for the conduct of the traffic on the railway:

The payments to be made and the conditions to be performed with respect to the matters aforesaid:

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for the undertakings of the contracting companies, and the fixing and division between the said companies of the receipts arising from such traffic.

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Tolls on traffic conveyed partly on the railway and partly on the railways of the three companies.

22. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway by the said three companies, or any of them, the railway of the company and of the said companies respectively shall, for the purposes of tolls and charges levied by the said companies, be considered as one railway, and not more than one terminal charge shall be made in respect of traffic in respect of the two railways: Provided that the said contracting companies respectively may charge for the conveyance of passengers, animals, and goods over the railway hereby authorized the same tolls, fares, and charges that they may respectively demand and take for the conveyance of like matters over two miles of their own railways.

Deposit money not to be paid until line opened or half the capital paid up and expended.

23. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter 20, a sum of four hundred and seventy-five pounds, being five per centum on the amount of the estimate in respect of the railway authorized by this Act, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said sum of four hundred and seventy-five pounds so deposited as aforesaid in respect of the application for this Act 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, unless the said company shall, previously to the expiration of the period limited by this Act for completion of the railway hereby authorized to be made, either open the said 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 said 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 said company shall either have opened the said 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 shall be applied in the manner herein-after specified; and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, 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. A.D. 1869.

24. The said sum of money deposited as aforesaid 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 said 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 compensation as aforesaid in such manner and such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, 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 survivor or survivors of them: Provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends 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 person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Application
of deposit.

25. The railway shall be completed within three years from the passing of this Act, and if the railway shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the company 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.

Period for
completion
of works.

26. The corporation may sell and convey to the company the estate and interest of the corporation in the lands belonging to them and authorized to be purchased by the company, or may grant easements in or over such lands, in consideration in either of such cases of an annual rentcharge or rentcharges payable by the company, and the powers of the company for borrowing shall not be reduced by reason of such rentcharges, notwithstanding the 5th section of "The Lands Clauses Consolidation Acts Amendment Act, 1860."

Corporation
may grant
easements,
&c.

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As to rates payable on vessels.

27. The 76th section of the Act of 1865 is hereby repealed; and, subject to the provisions contained in the "Harbours, Docks, and Piers Clauses Act, 1847," it shall be lawful for the company from time to time to take or receive in respect of any 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.

As to rates for use of quays and sheds.

28. The provisions contained in the 79th section of the said Act of 1865 with respect to the rates to be charged by the company for the use of their warehouses, cranes, and weighing and measuring machines shall be extended to the use of any stores or sheds or any tramways erected or constructed by the company, and to the occupation of the quays of the company for a longer time than may be reasonably necessary for shipping and unshipping goods in the docks; and the company may demand for all passengers landing and embarking at any quay belonging to them outside their dock, and for all animals and goods which shall be shipped or unshipped, received or delivered, upon the said quays, any reasonable sums, not exceeding those mentioned in the said schedule of the said Act, but subject to the proviso contained in the said section in favour of any person actually employed on Her Majesty's service.

Change of name.

29. From and after the passing of this Act the name of the company shall be "The King's Lynn Dock Company," instead of The King's Lynn Docks and Railway Company.

Saving rights of the crown in the fore-shore.

30. Nothing contained in this Act, or in any of the Acts incorporated herewith, shall authorize the said 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, 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 the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exercisable by the Queen's Majesty, Her heirs or successors.

Interest not to be paid on calls paid up.

31. The company shall not, out of any money by this Act authorized to be raised by calls or by borrowing, 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 this Act shall not 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."

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32. The company shall not, out of any money by this Act authorized to be raised, pay or deposit any sum which, by any standing order of either House of Parliament, now or hereafter 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.

Deposits for future bills not to be paid out of capital raised under this Act.

33. Nothing herein contained shall be deemed or construed to exempt the company from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, now in force, or which may hereafter pass during this or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorized to be taken by the company, or of the rates for small parcels.

Railway not exempt from provisions of present and future general Acts.

34. 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.

Expenses of Act.

