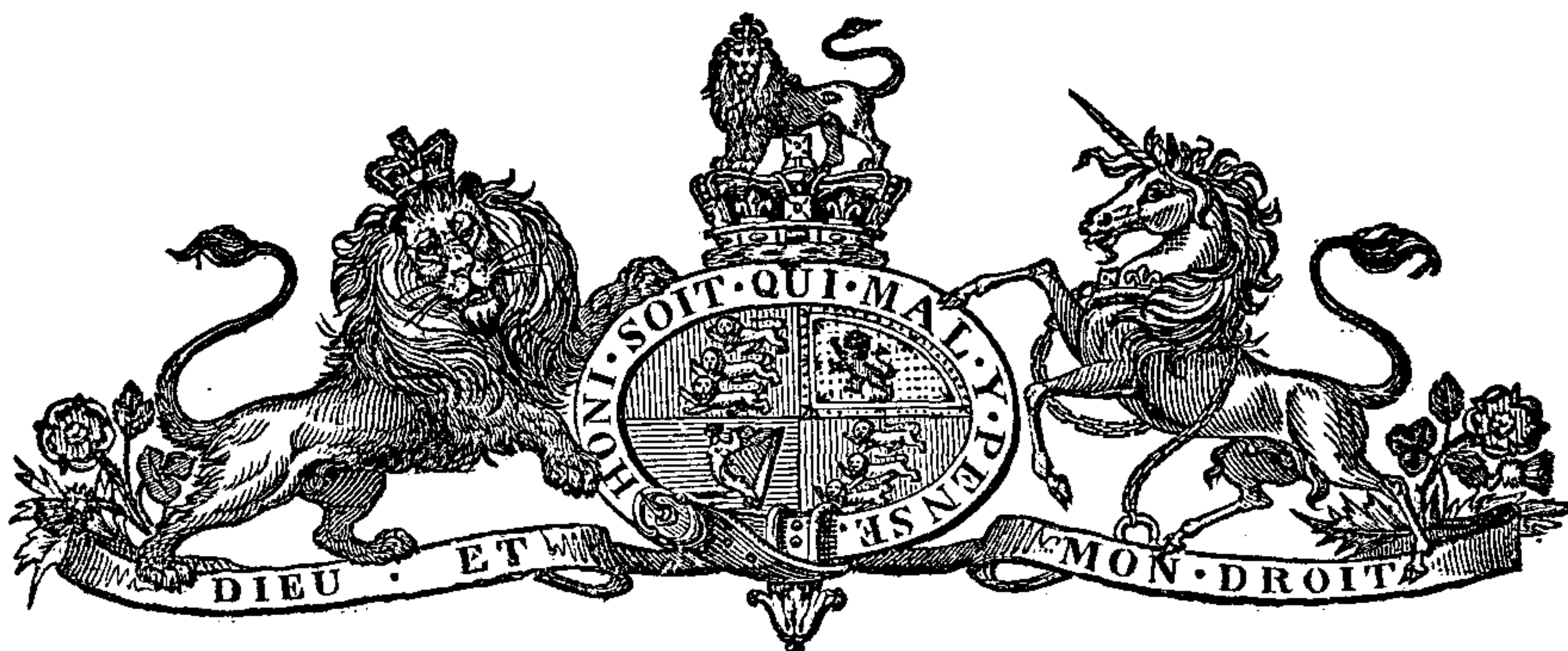




ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap.clxxi.

An Act to enable the *Lynn and Ely* Railway Company to make a Navigation from *Lynn* to *Wormegay*, all in the County of *Norfolk*.

[9th July 1847.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from Lynn to Ely, with Branches therefrom, whereby a Company was incorporated under the Name of "The Lynn and Ely Railway Company:"* And whereas the making of a Navigation or Aqueduct, to commence in the Parish of *All Saints* otherwise *South Lynn All Saints* within the Borough of *King's Lynn* and to terminate in the Parish of *Wormegay*, all in the County of *Norfolk*, would be of great public Advantage: And whereas it is expedient that the Capital authorized to be raised by the said recited Act should be increased, and that some of the Powers and Provisions of the said Act should be amended and enlarged; but the Objects aforesaid 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

[Local.] 25 M the

8 & 9 Vict.
c. 55.

Powers of
former Acts
extended to
this Act.

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, Matters, and Things contained in the said recited Act shall be applicable and extend to this Act, and to the several Purposes and Things hereby authorized, as fully and effectually as if the same Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes hereof.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression “The *Lynn and Ely* Railway Act, 1847 (*Lynn and Wormegay* Navigation).”

Company to
make and
maintain
Navigation,
&c. accord-
ing to depo-
sited Plans.

III. And whereas Plans and Sections of the said Navigation or Aqueduct describing the Line and Levels thereof, and 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 of the County of *Norfolk*; be it enacted, That, subject to the Provisions in this and the said recited Act contained, it shall be lawful for the *Lynn and Ely* Railway Company to make and maintain the said Navigation or Aqueduct, with all necessary Works and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose, and to cause Water from the River *Nar* or *Setchy* to pass into, along, and out of the same.

Line of Navi-
gation.

IV. And be it enacted, That the said Navigation or Aqueduct shall commence at or near the Termination of the Branch of the *Lynn and Ely* Railway called or known as the “Harbour Branch” in the said Parish of *All Saints* otherwise *South Lynn All Saints*, and pass through the following Places, (that is to say,) *All Saints* otherwise *South Lynn All Saints*, within the said Borough of *King's Lynn*, *Saddlebow*, *Seech* otherwise *Sechy*, *West Winch*, *North Runc-ton*, *Setch* otherwise *Setchy*, *Tottenhill*, *Pentney*, and *Wormegay*, or some of them, and shall terminate on the South Bank of the said River *Nar* or *Setchy* in the said Parish of *Wormegay*, all in the County of *Norfolk*.

Errors and
Omissions to
be corrected
by Justices,
who shall
certify the
same.

V. And for the Purpose of making Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands or of the Owners, Lessees, or Occupiers of any Lands described on the said Plans or in the said Books of Reference, be it enacted, That the Correction of any such Matter may be referred by the Company to the Determination of Two Justices; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in any such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described, and such Certificate shall be depo-
sited

sited with the said Clerk of the Peace, and Copies or Extracts thereof with the Clerks of the several Parishes in which the Lands affected thereby shall be situate, and such Certificate and such Extracts or Copies respectively shall be kept by such Clerk of the Peace and Clerks of the Parishes respectively along with the Documents to which they relate, and thereupon such Documents shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to execute the Works in accordance with such Certificate.

Certificate to be deposited.

VI. And be it enacted, That true Copies of such Plans, Sections, and Books of Reference, or of any Correction thereof, or Extracts therefrom, certified by such Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Copies to be Evidence.

VII. And be it enacted, That it shall be lawful for the Company to deviate from the Line delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, nor to a greater Extent in passing through a Town, Village, or Lands continuously built upon than Ten Yards, or elsewhere to a greater Extent than One hundred Yards from the said Line, and that the Navigation or Aqueduct by means of such Deviation be not made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Books of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in Manner herein provided for in Cases of unintentional Errors in the said Books of Reference.

Lateral Deviations.

VIII. And be it enacted, That so much of the Railway Clauses Consolidation Act, 1845, recited or referred to in the said recited Act as relates to the Construction of any Railway and the Works connected therewith, the temporary Occupation of Lands near any Railway during the Construction thereof, the crossing of Roads or other Interference therewith, and to Works for the Accommodation of Lands adjoining any Railway, shall be incorporated with and form Part of this Act, and shall, *mutatis mutandis*, extend and apply to the said Navigation or Aqueduct.

8 & 9 Vict. c. 20. extended to this Act.

IX. And be it enacted, That the Company shall not construct the said Navigation or Aqueduct or any Part thereof, or any Works connected therewith, without the previous Consent of the Lords of the Admiralty to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan, and under such Restrictions and Regulations as the said Lords of the Admiralty approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed with such Consent as aforesaid, the Company shall not at any Time alter or extend the same, without obtaining previously to making any such Alteration or Extension the like Consent or Approval, and if any such Work shall be

Certain Works, &c. not to be constructed without Consent of the Admiralty.

be commenced or completed without such Consent and Approval, the said Lords of the Admiralty may abate and remove the same, and restore the Site thereof to its former Condition, at the Costs of the Company, and the Amount of such Costs shall be a Debt due to the Crown, and recoverable against the Company accordingly.

Directing
how Works
shall be exe-
cuted con-
nected with
Wormegay
Little River.

55 G. 3. c. 92.

X. And be it enacted, That the said Company shall, at their own Costs and Charges, at the Time of constructing the said Navigation or Aqueduct and Works across the *Wormegay Little River*, make and maintain the sectional Area of the Waterway of the said River under such Navigation or Aqueduct and Works, of a Width and Depth sufficient for the free Passage of the Water passing down the said *Wormegay Little River*; and if at the Time of constructing such Navigation or Aqueduct and Works the Special Commissioners acting under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George the Third*, intituled *An Act for draining and improving certain Fen Lands, Low Grounds, and Marshes, and other Lands and Grounds lying in the Parishes of Wormegay, Shouldham, Marham, Middleton, Pentney, East Winch, and West Bilney in the County of Norfolk*, shall be desirous that such sectional Area should be altered, the said Company shall, at their own Costs and Charges, make and for ever thereafter maintain the said sectional Area of such Width and Depth as shall be determined by an Engineer to be appointed by the Admiralty.

Company to
make Arches
for Water for
use of ad-
joining
Owners.

XI. And be it enacted, That the Company shall make, and at all Times thereafter maintain, for the Accommodation of the Owners and Occupiers of Lands adjoining the Navigation or Aqueduct, such Arches, Tunnels, Culverts, Sluices, Drains, or other Passages, either over, under, or by the Sides of the Navigation or Aqueduct, of such Dimensions as will be sufficient at all Times to convey the Water as freely to such Lands for the Purposes of Irrigation, or otherwise, as before the making of the Navigation or Aqueduct, or as nearly so as may be, and such Works shall be made from Time to Time as the Works of the Navigation or Aqueduct proceed, and so much of the said Railway Clauses Consolidation Act, 1845, as relates to Works for the Accommodation of Lands adjoining any Railway shall be applicable and extend to such Works as fully and effectually as if the same Provisions, Matters, and Things were re-enacted in this Act with reference to such Works.

Provisions
for removal
of Obstruc-
tions in the
River Nar.

XII. And be it enacted, That the Company shall and they are hereby required from Time to Time to remove all Sand, Mud, and other Matters that shall by reason of the Works hereby authorized accumulate in any Part of the said River *Nar* or *Setchy* or *Sandringham Eau* between a certain Bridge called or known by the Name of "The Long Bridge," in the said Parish of *All Saints* otherwise *South Lynn All Saints*, and the Harbour of *King's Lynn* aforesaid; and in case the said Company shall neglect or refuse to commence the Removal of all such Sand, Mud, and other Matters, and proceed with the same with all reasonable Expedition on receiving Twenty-one Days Notice of the Accumulation of such Sand, Mud, or other Matters, from the Mayor, Aldermen, and Burgesses of the said Borough

Borough of *King's Lynn*, it shall be lawful for the said Mayor, Aldermen, and Burgesses forthwith to remove all such Sand, Mud, and other Matters, and to recover the Amount of all the Costs, Charges, and Expences attending the Removal of the same from the said Company, together with full Costs of Suit, by Action of Debt in any of the Superior Courts.

XIII. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, use, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty in right of the Duchy of *Cornwall*, without the Consent in Writing of Two or more of the principal Officers of the said Duchy, and which Consent such principal Officers, or any Two of them, are hereby authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of the said Duke, testified in Writing under the Privy Seal of the said Duke, first had and obtained for that Purpose, or to prejudice, diminish, alter, or take away any of the Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being, or their or any or either of their Lessees or Grantees.

Saving the Rights of Her Majesty and the Duke of Cornwall, in right of the Duchy of Cornwall.

XIV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abridge, diminish, defeat, invalidate, or lessen any of the Royalties, Jurisdictions, Powers, Rights, Liberties, Franchises, Revenues, or any former or other Jurisdiction of the Mayor, Aldermen, and Burgesses of the said Borough of *King's Lynn*, except so far as the same are by this Act expressly taken away, altered, lessened, or interfered with.

Saving Rights of the Corporation of King's Lynn.

XV. And whereas an Act was made and passed in the Forty-sixth Year of the Reign of His Majesty King *George the Third*, intituled *An Act for enclosing and draining Lands within the Honor, Manor, and Parish of Wormegay in the County of Norfolk*: And whereas an Act was passed in the Fifty-fifth Year of the same Reign, intituled *An Act for draining and improving certain Fen Lands, Low Grounds, and Marshes, and other Lands and Grounds lying in the Parishes of Wormegay, Shouldham, Marham, Middleton, Pentney, East Winch, and West Bilney in the County of Norfolk*: And whereas an Act was passed in the Seventh Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for the more effectually draining of certain Fen Lands and Low Grounds in the Honor, Manor, and Parish of Wormegay in the County of Norfolk, and other Lands and Grounds which are now drained by means of or through a certain Drain called Polver Drain, in the said County*; be it enacted, That nothing herein contained shall extend to prejudice, alter, lessen, control, or take away any of the Rights, Powers, or Authorities vested in or enjoyed by the Commissioners and Special Commissioners or their Deputies for the Time being acting in the Execution of such several Acts, except so far as such Rights, Powers, or Authorities

Not to lessen the present Rights of the Commissioners, &c. 46G.3.c.107. 55G.3. c.92. and 7W.4. & 1 Vict. c.57.

[Local.]

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are by this Act expressly prejudiced, altered, lessened, controlled, or taken away.

Compulsory
Power of
taking Land
limited.

XVI. And be it enacted, That 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 Three Years from the passing of this Act.

Period for
Completion
of Works.

XVII. And be it enacted, That the said Navigation or Aqueduct shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the recited Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Navigation or Aqueduct as shall then be completed.

Power to
construct
Warehouses
and other
Works.

XVIII. And be it enacted, That it shall be lawful for the Company, upon the said Lands and according to the Provisions herein contained, to make, build, alter, and maintain such Warehouses, Storehouses, and other Buildings and Works as they may deem necessary for the Security and Accommodation of any Goods, Merchandize, or Things having been conveyed or intended to be conveyed upon the said Navigation or Aqueduct, and to make such reasonable Charges for the Use of the same as the Company may think proper.

Company to
provide and
keep in re-
pair Cranes,
Weighing
Machines,
&c.

XIX. And be it enacted, That it shall be lawful for the Company to erect or provide such Cranes, Weighing and other Machines, Conveniences, Weights, and Measures, upon or near the said Navigation or Aqueduct, as they may think necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things having been conveyed or intended to be conveyed upon the said Navigation or Aqueduct.

Power to
raise addi-
tional Capital
by Creation
of new
Shares.

XX. And be it enacted, That it shall be lawful for the Company to raise, by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the said recited Act, any further Sum of Money, not exceeding in the whole the Sum of Thirty-one thousand and three hundred Pounds.

New Shares
to be subject
to same
Provisions
as original
Shares.

XXI. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Non-payment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares
at Premium,
new Shares
to be offered
to the Share-
holders.

XXII. And be it enacted, That if at the Time of the Creation of such new Shares the then existing Shares shall be at a Premium, or of greater actual Value than the nominal Value thereof, the Sum so to be raised as aforesaid shall be divided into Shares of such Amount

as will conveniently allow the same to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter under the Hand of the Secretary given to or sent by Post, addressed to each Shareholder, according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

XXIII. And be it enacted, That the said new Shares shall vest in and belong to the Shareholders who shall accept the same and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

Shares to vest in Parties accepting, otherwise to be disposed of to other Parties.

XXIV. And be it enacted, That if at the Time of the Creation of such new Shares as aforesaid the existing Shares be not at a Premium then such new Shares may be of such Amount, and may be issued in such Manner and on such Terms, as the Company shall think fit.

If not at a Premium, to be issued as Company think fit.

XXV. And be it enacted, That after the Sums by this and the said recited Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof shall have been actually paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Ten thousand and four hundred Pounds, in addition to the Sum which they are by the said recited Act authorized to borrow.

Power to borrow on Mortgage or Bond.

XXVI. And be it enacted, That all Mortgages or Bonds already entered into or which may hereafter be entered into under the Powers of the said recited Act shall, during the Continuance or any Renewal or Re-issuing thereof, have Priority over every Mortgage or Bond granted under the Authority of this Act.

Priority of Mortgages or Bonds under former Act.

XXVII. And be it enacted, That all Persons shall have free Liberty with Vessels to navigate, pass, repass, and use the said Navigation or Aqueduct, upon Payment of such Rates as shall be demanded by the Company, not exceeding the several Rates herein mentioned.

Navigation, &c. to be free on Payment of Rates.

XXVIII. And be it enacted, That it shall be lawful for the Company from Time to Time to ask, demand, take, receive, and recover, in respect of all Goods carried or conveyed upon the said Navigation or Aqueduct, the several Rates hereafter mentioned; (that is to say,)

Rates.

For all Manure, Coals, Iron Ore, Refined Metal, Pig Iron, China Stone, Clay, Fire Bricks, Pipe-clay, Sand, Salt, Timber, Deals, Limestone,

Limestone, building and paving Stones, Bricks, Tiles, and Slates, the Sum of One Halfpenny *per Ton per Mile*:

For all other Goods, Wares, Minerals, Merchandize, Commodities, Articles, and Things whatsoever, the Sum of One Penny *per Ton per Mile*.

Regulations
as to frac-
tional Parts
of a Ton or
Mile.

XXIX. And be it enacted, That in all Cases where there shall be a Fraction of a Ton, being less than Half a Ton, no Rate shall be demanded or taken for such Fraction, and where there shall be a Fraction of a Ton exceeding Half a Ton, such Fraction shall be deemed and considered a Ton.

Rates to be
charged
equally.

XXX. Provided always, and be it enacted, That all Rates by this Act authorized to be collected and received shall be at all Times charged equally and after the same Rate *per Ton per Mile* on all Articles of the same Description, and no Reduction or Advance in any such Rates shall be made, either directly or indirectly, in respect of any particular Article carried or conveyed upon the said Navigation or Aqueduct.

Recovery of
Rates by
Distress of
Vessel and
Tackle.

XXXI. And be it enacted, That if any Master or other Person having Command of any Vessel in respect of which any Rates shall be payable to the Company shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the Company to collect such Rates to go on board of such Vessel and demand such Rates, and on Nonpayment thereof, or any Part thereof, to take and distrain such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and to detain such Distress until the Rates shall be paid; and in case any of the said Rates shall remain unpaid for the Space of Fourteen Days next after any Distress so made, then it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more sworn Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Rates so unpaid, and all the Expences of taking, keeping, appraising, and selling such Distress, rendering the Overplus (if any) to the Master or other Person having the Command of such Vessel upon Demand.

Penalty on
evading Pay-
ment of
Rates.

XXXII. And be it enacted, That if any Master or Commander of any Vessel shall evade the Payment of any Rates payable to the Company, he shall pay to them Three Times the Amount of such Rates; and the same shall be recovered from such Master or Commander in the same Manner as Penalties imposed by this Act may be levied or recovered, or by Action in any of the Superior Courts.

Disputes
concerning
Rates and
Distress to
be settled by
a Justice.

XXXIII. And be it enacted, That if any Dispute shall arise concerning the Amount of any Rates due or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Person distraining to detain such Distress until the Amount of the Rates due, or the Charges of such Distress, as the Case may be, shall be ascertained by some Justice of the Peace, who, upon Application made to him for that Purpose, shall determine the Amount of the

the Rates due, and award such Costs to be paid by either of the Parties to the other of them as he shall think reasonable; and such Costs, if not paid on Demand, shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

XXXIV. And be it enacted, That the Company shall from Time to Time cause to be painted on Boards, or printed on Paper and pasted on Boards, in large and legible Characters, and affixed on some conspicuous Part of the said Navigation or Aqueduct, a List of the several Rates which shall be from Time to Time payable in respect of the said Navigation or Aqueduct, and no Rate shall be payable in respect of the said Navigation or Aqueduct during such Time as such List shall not continue so affixed, or for any Matter or Thing not specified in such List: Provided always, that if such List shall be destroyed, injured, or obliterated, the Rates shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed, and in the State required by this Act.

Lists of
Rates to be
set up.

XXXV. And be it enacted, That if any Person pull down or injure any Board put up or affixed in pursuance of this Act, containing any Bye Law of the said Company, or any List of Rates to be taken under the Authority of this Act, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expences attending the Restoration of such Board.

Penalty for
defacing
Boards used
for such
Publication.

XXXVI. And for the better regulating of the Masters of Vessels, and the Men employed by or under them respectively, be it enacted, That every Owner, Master, or Person having the Rule or Command of any Vessel (except Pleasure Boats) passing on the said Navigation or Aqueduct shall cause his Name and Place of Abode, and the progressive Number of his Vessel, to be painted in White on each of the Outsides of every such Vessel, higher than the same shall sink into the Water when fully loaded, and shall also permit and suffer every such Vessel to be measured at the Expence of the Company whenever it shall be required by them or by such Person as shall be appointed by them for that Purpose; and shall also, at his own Expence, fix or cause to be fixed on each Side of every such Vessel as aforesaid Two Indexes of Copper or Lead or other Metal, of such graduated Figures and Distances, of Weight or Tonnage, and under such Regulations as the Company shall from Time to Time direct and appoint, so that the true Weight of the Lading of every such Vessel may at all Times clearly appear and be ascertained; and every Owner, Master, or other Person having the Rule or Command of any Vessel as aforesaid who shall refuse or neglect to put and renew, as often as necessary, his Name and Place of Abode, or the progressive Number of his Vessel, or both or either of the Indexes herein-before directed, on such Vessel in manner aforesaid, or shall alter, deface, erase, or destroy any Name or other Letter, Figure, or Index describing the Number of such Vessel and the Tonnage therein as aforesaid, or shall refuse to have his Vessel measured as aforesaid, shall for every such Offence respectively forfeit and pay to the Company, or to such Person as they shall

Names of the
Masters and
Numbers,
&c. to be
painted on
Vessels.

Penalty on
Neglect.

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shall

shall appoint, a Sum not exceeding Five Pounds nor less than Forty Shillings.

Delivery of
Matters in
possession
or Custody
of Toll Col-
lector at
Removal.

XXXVII. And be it enacted, That if any Collector of Rates or other Officer employed by the Company be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector or other Officer, or the Wife, Widow, or any of the Family or Representatives of any such Collector or other Officer, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Company or to any Person appointed by them for that Purpose any Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Company, in the Possession or Custody of any such Collector or Officer at the Occurrence of any such Event as aforesaid, then, upon Application being made by the Company to any Justice, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon such Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Company or any Person appointed by them for that Purpose.

Power to
lease Rates,
&c.

XXXVIII. And be it enacted, That it shall be lawful for the Company from Time to Time, subject to the Provisions of this Act, by Lease, to take effect in possession within Three Months from the making thereof, to let by Auction, or by private Contract (in case they shall not be satisfied with the Sum offered at such Auction), the Rates by this Act authorized to be collected, or any of them, or any Part thereof respectively, to any Party for any Period not exceeding Three Years from the Time of such Lease taking effect in possession: Provided always, that no such letting shall take place unless public Notice of the Intention in that Behalf shall have been given by the Company by Advertisement in Two Newspapers of the said County of *Norfolk*, at least Fourteen Days prior to the Meeting at which it shall be intended to let such Rates.

Vessels lying
so as to ob-
struct Navi-
gation to be
removed.

XXXIX. And be it enacted, That if any Vessel shall be placed in any Part of the said Navigation, so as to obstruct the Navigation thereof, and the Person having the Care of such Vessel shall not, immediately upon Request made for that Purpose, remove the same Vessel, the Person having the Care thereof shall upon Conviction forfeit and pay to the Company for every such Offence a Sum not exceeding Twenty Shillings, and a further Sum of Twenty Shillings for every Hour such Obstruction shall continue.

Company
may remove
Vessels.

XL. And be it enacted, That it shall be lawful for any Agent or Servant of the Company to cause any such Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Vessel and the Lading thereof, or any Part of such Lading; until the Charges occasioned by such unloading and Removal are paid; and if such Charges be not paid within Fourteen Days from such Seizure and Detention, such Vessel may, by an
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Order

Order of any Justice of the Peace, be sold to defray such Charges, and the Surplus of the Monies which shall remain after the Payment of such Charges and the Expences attending the Sale shall be paid to the Owner of such Vessel on his demanding the same.

XLI. And be it enacted, That if any Person shall suffer the Lading of any Vessel passing or being on the said Navigation or Aqueduct to lie over the Sides thereof so as to obstruct the Passage of any other Boat, or to do any Damage thereto, or to any Weir or Dam, Lock or other Work connected therewith, or shall load or unload any Goods in any Lock, or shall navigate or cause to be navigated any Vessel upon the said Navigation or Aqueduct without a Rudder to steer or guide the same, or without a skilful Person on board to steer or guide the same Vessel, or shall float any Timber in or upon the said Navigation or Aqueduct, or shall wilfully obstruct or prevent any Person in the Execution of this Act, every Person so offending in any of the Cases aforesaid shall upon Conviction forfeit to the Company for every such Offence a Sum not exceeding Five Pounds.

Penalty on obstructing Navigation by the Lading in any Boat lying over the Sides thereof, or by floating Timber on the Navigation.

XLII. And be it enacted, That if any Person shall throw or put any Ballast, Earth, Dust, Ashes, Stones, or other Thing into or upon the said Navigation or Aqueduct, or any Part thereof, to the Injury or Prejudice thereof, or do or occasion any other Injury to the same or to any of the Works connected therewith, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for throwing Ballast, &c. into Navigation, &c.

XLIII. And be it enacted, That if any Person shall wilfully cut, break, or destroy, slacken, or cast off any Rope or other Thing by or to which any Vessel lying in the said Navigation shall be moored or fastened, or shall wilfully cut, injure, or deface any Mooring Post or other Convenience for mooring Vessels in the said Navigation or Aqueduct, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for wilfully cutting Ropes.

XLIV. And be it enacted, That no Vessel having on board any Shaft, Pole, or Instrument used or to be used in propelling or navigating such Vessel, and pointed or shod with Iron or other Metal, shall pass along any Part of the said Navigation or Aqueduct; and it shall be lawful for any Agent or Servant of the Company to seize such Poles, Shafts, or Instruments, in case they shall be found on board, or to stop and detain any such Vessel until such Poles, Shafts, or Instruments shall be delivered up; and the Person having the Care of such Vessel shall upon Conviction forfeit and pay to the Company a Sum not exceeding Five Pounds for every such Pole, Shaft, or Instrument found on board his Vessel.

Boats not to carry Poles shod with Iron.

XLV. And be it enacted, That every Master, Pilot, or other Person having the Charge of any Vessel or Float of Timber through whose wilful Act or Negligence any Damage shall be done to the said Navigation or Aqueduct, or any Part thereof, by means of such Vessel or Float of Timber, shall pay for or repair all such Damage; and all such Damage, if the Amount claimed does not exceed Fifty Pounds,

Remedies for Damage, &c.

Pounds, shall be ascertained and recovered in the same Manner as any Damages for the Recovery of which no special Provision is contained in this Act are to be recovered; and, in addition to the Remedies hereby provided for the Recovery of the same, it shall be lawful for the Justices before whom the same is recovered to cause the Vessel or Float of Timber causing such Damage, and any Tackle and Furniture thereof, to be distrained and detained until the Amount of Damage and Costs awarded by him shall be paid, and if the same shall not be paid within Seven Days after the taking of such Distress to cause the Property so distrained, or any Part thereof, to be sold, and out of the Proceeds of such Sale to pay the Amount of Damage and Costs awarded by such Justice, and all the Charges incurred by the Distress, Detention, and Sale of such Property.

Bye Laws.

XLVI. And be it enacted, That the Company may from Time to Time make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

For governing or regulating the Use of the Navigation or Aqueduct and Works hereby authorized to be made:

For regulating the Admission of Vessels, and the placing and removing of Vessels entering, lying in, or going out of the Navigation or Aqueduct, and for the good Order and Government of all such Vessels whilst they shall continue in or upon the same:

For regulating the shipping, discharging, landing, warehousing, stowing, depositing, and removing of all Goods within, upon, out of, or from the Navigation or Aqueduct:

For preventing Damage or Injury to any Vessel or Goods within or upon the Navigation or Aqueduct:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Company as others, who shall be employed on the Navigation or Aqueduct, or in the Quays, Wharfs, and Premises of the Company:

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Company:

And the Company may from Time to Time as they shall think fit repeal or alter any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Common Seal of the Company, and, if affecting other Persons than the Officers or Servants of the Company, shall be confirmed and published as herein provided.

Bye Laws may be enforced by the Infliction of Penalties.

XLVII. And be it enacted, That it shall be lawful for the Company, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that every such Bye Law shall be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid.

Bye Laws to be confirmed.

XLVIII. And be it enacted, That no Bye Law which shall be made by the Company under this Act, except such as may relate solely

solely to the Company, or their Officers or Servants, shall be valid or binding unless the same shall be allowed by some Judge of One of the Superior Courts, or by the Justices assembled at some General or Quarter Sessions of the Peace for the County of *Norfolk*; and it shall be incumbent on such Justices, on the Request of the Company, to inquire into any Bye Law which may be tendered to them for that Purpose, and to confirm or disallow the same as they shall think meet; provided that no such Bye Law shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in some Newspaper circulating in the County of *Norfolk* One Month at least before the Hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Company Ten Days before the Hearing of such Application, may by himself or his Attorney or Agent be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

XLIX. Provided always, and be it enacted, That for One Month at least previously to any such Application a Copy of such proposed Bye Laws shall be kept at the Office of the Company, and it shall be lawful for all Persons at all seasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the Company with a Copy thereof or of any Part thereof on Payment of Sixpence for every One hundred Words.

A Copy of proposed Bye Laws to be open to Inspection.

L. And be it enacted, That such Bye Laws, when confirmed, shall be painted on Boards, or printed on Paper and pasted on Boards, and hung up, affixed, and continued on or near some conspicuous Part of the Navigation or Aqueduct, and such Boards shall be from Time to Time renewed as often as the Bye Laws so painted or printed thereon or any Part thereof may be obliterated or destroyed; and printed Copies of all such Bye Laws for the Time being in force shall at all Times be kept by the Secretary to the Company, and delivered by him to any Person requiring the same on Payment of such reasonable Price as shall be fixed by the Company.

Publication of Bye Laws.

LI. And be it enacted, That such Bye Laws when so confirmed as aforesaid shall be binding upon and be observed by all Persons whomsoever, and shall be sufficient to justify all Persons acting under the same.

Bye Laws to be binding on all Parties.

LII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Company, authenticated by the Common Seal of the Company, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Publication thereof it shall be sufficient to prove that painted or printed Boards, containing a Copy thereof, were hung up, affixed, or continued in the Manner by this Act directed, and in case of any such Board being afterwards destroyed or obliterated it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted or printed Boards did not contain a Copy of the Bye Law under which he shall be prosecuted,

Evidence of Bye Laws.

secuted, or that such Boards were not hung up, affixed, or continued as required by this Act.

Interest not
to be paid on
Calls paid up.

LIII. 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 herein-before 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 Companies Clauses Consolidation Act, 1845, in that Behalf contained.

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

LIV. 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 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.

Railway
Company 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.

LV. 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 Railways*; 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 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 another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the same Session, intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway by the said recited Act authorized to be made from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of such Railway.

Interpreta-
tion of Act.

LVI. And be it enacted, That in construing this Act the Word "Vessel" shall include Ship, Lighter, Keel, Barge, Praam, Boat, Raft, Craft, and every Kind and Description of Vessel, for what Purpose soever used, and whether navigated by Steam or otherwise, unless there be something in the Subject or Context repugnant to such Construction.

LVII. And

LVII. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing of this Act, or otherwise incidental thereto, shall be paid by the Company out of the Money received or to be received by them under the Authority of this and the said recited Act. Expences of Act.

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

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