CHAPTER ccxxiv.

An Act for authorising the East Norfolk Railway Company to construct a Branch Railway to Aylsham in the county of Norfolk, and a Wharf on the River Bure, with a Branch Railway thereto; and for other purposes. A.D. 1876.

[11th August 1876.]

WHEREAS by "The East Norfolk Railway Act, 1864," (in this Act called "the Act of 1864,") the East Norfolk Railway Company (in this Act called "the Company") was incorporated for making and maintaining a railway (in this Act called "the original line") from the Norwich and Yarmouth line of the Great Eastern Railway to North Walsham, with a share capital of eighty-eight thousand pounds, and power to borrow not exceeding twenty-nine thousand three hundred pounds: 27 & 28 Vict. c. cxxii.

And whereas "The East Norfolk Railway Act, 1869," was afterwards passed with relation to the Company: 32 & 33 Vict. c. xcii.

And whereas by "The East Norfolk Railway Act, 1872," (in this Act called "the Act of 1872,") the Company were authorised to make and maintain an extension railway (in this Act called "the Cromer Extension,") from their authorised line near its termination at North Walsham to Cromer in the county of Norfolk, and to raise additional capital not exceeding seventy-two thousand pounds by shares or stock, and to borrow not exceeding twenty-four thousand pounds: 35 & 36 Vict. c. liv.

And whereas by the East Norfolk Railway Act, 1875, (in this Act called "the Act of 1875,") the time for the compulsory purchase of lands for the Cromer Extension was extended, and the Company were authorised to raise further capital not exceeding forty thousand pounds, by shares or stock, and to borrow not exceeding thirteen thousand three hundred pounds, and further powers were conferred upon the Company: 38 & 39 Vict. c. xvii.

And whereas the original railway has been opened for traffic and the Cromer Extension is in course of construction:

A.D. 1876.

And whereas the construction of the branch railway from the Wroxham Station to Aylsham (in this Act called "the Aylsham Extension") and of the wharf on the River Bure at Wroxham Bridge, and of the other works by this Act authorised, would be of public and local advantage, and it is expedient that the Company be authorised to construct the same and to raise further capital for that purpose:

And whereas it is expedient that the Company be authorised to purchase for the general purposes of their undertaking additional lands in the parish of Salhouse in the county of Norfolk:

37 & 38 Vict. c. cxxviii.

And whereas by the Great Eastern Railway Act, 1874, an agreement (in this Act referred to as "the agreement of 1872"), dated the twenty-third day of September one thousand eight hundred and seventy-two, between the Company and the Great Eastern Railway Company, for the working and maintenance by the Great Eastern Railway Company of the original line, and which agreement had been previously approved by the Board of Trade, was extended to the Cromer Extension, and the terms of such agreement are that when the railway shall be completed to Cromer the gross receipts arising from the traffic on the entire line, subject to such deductions and allowances as are in the said agreement mentioned, shall be divided between the Company and the Great Eastern Railway Company in the proportion of fifty per cent. to the Company and fifty per cent. to the Great Eastern Railway Company, and it is expedient that the said agreement and the division of gross receipts, subject as aforesaid, should be extended to and apply to the Aylsham Extension:

And whereas the number of directors is nine, of whom four are appointed by the Great Eastern Railway Company, and it is expedient that the number of directors appointed by the shareholders other than the Great Eastern Railway Company be increased:

And whereas it is expedient that further powers be conferred upon the Company as herein-after appearing:

And whereas it is expedient that the Company and the Great Eastern Railway Company be authorised to enter into agreements as by this Act provided:

And whereas plans and sections showing the situation, lines, and levels of the railways and other works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Norfolk, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act cannot be attained 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:

Short title.

1. This Act may be cited as "The East Norfolk Railway Act, 1876."

Provisions of certain general Acts incorporated.

2. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to

A.D. 1876.

which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railways and works according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways and works herein-after described, with all proper stations, sidings, approaches, jetties, landing-places, works, and conveniences connected therewith respectively, 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 that purpose. The works hereinbefore referred to and authorised by this Act are,—

(*a.*) A railway (the Aylsham Extension) eight miles seven furlongs and one and a half chains in length, commencing by a junction with the original line near Wroxham Station, and terminating in the parish of Aylsham near the junction of Williams' Lane with the public road from Aylsham to Millgate:

(*b.*) A wharf or quay on the north-east side of the River Bure near Wroxham Bridge:

(*c.*) A branch railway, one furlong and five chains in length, from the original line at Wroxham Station to the intended wharf or quay:

(*d.*) The embanking, widening, and deepening of the River Bure in the parish of Hoveton Saint John in the county of Norfolk, on and near the line of the intended wharf or quay.

Power to purchase additional lands in the parish of Salhouse.

5. The Company may also, subject to the provisions of this Act, enter upon, take, and use for any purposes of their undertaking all or any part or parts of the lands shown on the deposited plans in the parish of Salhouse in the county of Norfolk at or near the level crossing over the original line at or near Bears' Grove.

Power to apply funds.

6. The Company may apply for the purposes of this Act any moneys which by any previous Act or Acts they are authorised to raise by shares or by borrowing, and which may not be required for the special purpose, if any, for which the same were authorised to be raised.

Power to Company to raise additional capital.

7. The Company may from time to time raise capital (in addition to any capital which by any previous Act or Acts they are authorised to raise), not exceeding seventy thousand pounds, making in the whole the share capital of the Company two hundred and seventy thousand pounds.

Mode of raising capital.

8. The Company may raise all or any capital which they are by this Act authorised to raise by the creation and issue of ordinary or

new preference shares or stock, or partly by ordinary and partly by preference shares or stock in their general capital; provided that any such preferential dividend as aforesaid shall not exceed the rate of six per centum per annum.

Shares not to be issued until one fifth paid.

9. The Company shall not issue any share or stock created under this Act of less nominal value than ten pounds, nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of the share or stock be paid in respect thereof.

Calls.

10. One fourth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt for persons not sui juris.

11. If any money is payable to a shareholder being an infant or lunatic, the receipt of his guardian or of the committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

12. The Company may, in respect of the additional capital of seventy thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole twenty-three thousand three hundred pounds, but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital 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 the whole of such capital have been issued and accepted, and that one half of such 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 until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also if the said capital is raised by shares that such persons or corporations, or their executors, administrators, successors, or 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

A.D. 1876.

shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Aggregate amount of borrowing powers.

13. The aggregate sum which the Company may borrow under the provisions of the recited Acts and this Act in respect of their aggregate share capital of two hundred and seventy thousand pounds shall be eighty-nine thousand nine hundred pounds.

Existing mortgages to have priority.

14. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during their continuance, and subject to the provisions of the Acts under which the same were respectively granted, have priority, as against the undertaking or the portion of the undertaking of the Company included therein or chargeable therewith, over any mortgages granted by virtue of this Act, but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repealing provisions of Act of 1875 as to appointment of a receiver.

15. The provisions of the Act of 1875 as to the appointment of a receiver are hereby repealed, but without prejudice to any appointment made or proceedings taken before the passing of this Act.

Arrears may be enforced by appointment of a receiver.

16. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver of the tolls, income, and revenue included in their mortgages. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds.

Debenture stock.

17. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

18. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Lands for extra-ordinary purposes.

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 three acres.

Powers for compulsory purchases limited.

20. 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.

Power to cross a certain road on the level.

21. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may, in the construction of the Aylsham Extension, carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the public carriage-road numbered on the deposited plans 16, in the parish of Belaugh.

Height and span of bridges.

22. The Company may make the arches of the bridges for carrying the Aylsham Extension over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Height.	Span.
37	Coltishall -	Public carriage-road	15 feet -	16 feet.
16	Great Hautboys	The like - -	15 feet -	15 feet.
3	Brampton -	The like - -	15 feet -	15 feet.
25	Brampton -	The like - -	15 feet -	15 feet.
36	Aylsham - -	The like - -	15 feet -	20 feet.

Widths of certain roadways.

23. The Company may make the roadway over the bridges by which the following roads will be carried over the Aylsham Extension of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

Number on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway in feet.
8	Coltishall - -	Turnpike road -	25
59	Coltishall -	Public carriage-road -	15
69	Coltishall - -	Turnpike road -	25
5	Great Hautboys	Public carriage-road -	15
8	Little Hautboys	The like - -	15
31	Brampton -	The like - -	15
34	Brampton -	The like - -	15
9	Aylsham - -	The like - -	15

A.D. 1876.

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

24. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of four thousand two hundred and fifty pounds, being five per centum upon the amount of the estimate in respect of the railways by this Act authorised, and two hundred pounds, being four per centum upon the amount of the estimate in respect of the works other than railways by this Act authorised, has been deposited with the Chancery Division of Her Majesty's High Court of Justice in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, so much of the said sum of money so deposited as aforesaid in respect of the application for this Act as is equal to five per centum upon the amount of the estimate in respect of the said railways (which last-mentioned sum is herein-after referred to as "the railway deposit money") 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 Company shall, previously to the expiration of the period limited by this Act for the completion of the railways by this Act authorised, either open the railways for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of so much of the amount of the capital by this Act authorised to be raised by means of shares as is equal to eighty-five thousand pounds, being the amount of the estimate in respect of the said railways, and have expended for the purposes of this Act a sum equal in amount to such one half of that part of the said capital, and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the railway deposit money shall be applied in the manner herein-after specified; and the certificate of the Board of Trade 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 above-mentioned Act to the contrary notwithstanding.

Application of railway depos money.

25. The railway deposit money 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 railways by this Act authorised, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of those railways con-

ferred 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 in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the 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 either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Division of the High Court of Justice thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the said sum of money has been repaid to the depositors or has 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 survivor or survivors of them.

Release of balance of deposit money.

26. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the majority of such persons or survivors, or of the executors or administrators of the last survivor, by petition in a summary way at any time after the passing of this Act, the Chancery Division of Her Majesty's High Court of Justice may and shall order that the sum of two hundred pounds, part of the money so deposited as aforesaid, and the interest and dividends thereof respectively, shall be paid to the persons or person so applying, or to any other person or persons whom they or he may appoint in that behalf.

Period for completion of railways and works.

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

A.D. 1876.

Tolls, &c. on railways.

28. The railways by this Act authorised shall for the purposes of tolls and charges, and for all other purposes except as by this Act otherwise expressly provided, be deemed to be part of the original line.

Tolls, &c. for wharf or quay.

29. The Company may from time to time demand and take for the use by or in respect of passengers, animals, goods, and things of the wharf or quay by this Act authorised, and the jetties, landing-places, works, and conveniences connected therewith, or any of them, and for all services rendered by the Company in respect of passengers, animals, goods, and things landed thereat or embarking or shipped therefrom, such reasonable sums as they think fit (and as shall from time to time be approved by the Board of Trade).

Agreement of 1872 extended to works under this Act.

30. The agreement of 1872, and the terms, stipulations, and conditions thereof, shall, mutatis mutandis, extend and apply to the railways, wharf or quay, and works by this Act authorised, and the construction, managing, maintaining, and working thereof, as fully as if those works had been authorised before the making of that agreement and had been expressly included therein: Provided always, that the proportion of the gross receipts from traffic on the said railways, wharf or quay, and works to be retained by the Great Eastern Railway Company, in accordance with article 5 of the agreement, shall be fifty per centum of such gross receipts after such deductions and allowances have been made from such gross receipts as by the said agreement are to be made in like cases, and the remaining fifty per centum of such gross receipts, subject as aforesaid, shall be paid over to the Company.

Power to enter into working agreements with Great Eastern Railway Company.

31. The Company and the Great Eastern Railway Company may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended by "The Regulation of Railways Act, 1873," from time to time enter into and carry into effect and rescind agreements with respect to the following purposes, or any of them; (that is to say,)

The working and maintenance of the railways, wharf or quay, and works by this Act authorised, or any of them, or any part thereof respectively;

The conduct of the traffic upon or coming from or destined for their respective undertakings;

The payments and allowances to be made by either Company to the other of them;

The apportionment and appropriation of receipts and income from their respective undertakings; and

The supply and maintenance of engines, stock, and plant.

Power to increase number of directors.

32. The Company may from time to time increase the number of directors of the Company, but so that the number shall never exceed twelve, and the Company may by resolution determine the rotation and going out of office of the additional directors appointed by the Company by virtue of this Act.

Interest not to be paid on calls paid up.

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

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

34. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

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

Expenses of Act.

36. 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.

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