

**CHAPTER lxxix.**

An Act to authorise the Norwich Electric Tramways Company to construct additional tramways and other works and for other purposes. A.D. 1914.
[31st July 1914.]

WHEREAS the Norwich Electric Tramways Company (in this Act called "the Company") were incorporated by the Norwich Electric Tramways Act 1897 (in this Act called "the Act of 1897") and under the powers contained in that Act and in the Norwich Electric Tramways Act 1898 (in this Act called "the Act of 1898") have constructed and work a system of tramways in the city of Norwich:

And whereas it is expedient that the Company should be authorised to construct the new tramways and the street works hereinafter described and to raise additional capital and borrow further money for the purposes of this Act and the general purposes of their undertaking:

And whereas Tramway No. 6 by this Act authorised is situate in part in the rural district of Blofield and such tramway and the tramways situate in the city of Norwich authorised by this Act form with the existing tramways of the Company continuous lines of tramways which can only be economically and efficiently worked as one undertaking and it is expedient that the mayor aldermen and citizens of the city of Norwich should be authorised to acquire the undertaking of the Company as a whole as provided by this Act:

And whereas it is expedient that the Company should be empowered to abandon certain portions of their existing tramways as hereinafter provided:

And whereas it is expedient that the other powers in this Act contained should be conferred on the Company:

A.D, 1914.

And whereas plans and sections showing the lines and levels of the new tramways and the street works authorised by this Act and also a book of reference to such plans 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 with the clerk of the peace for the county of the city of Norwich and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes 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 King'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 and
collective
titles.

1. This Act may be cited as the *Norwich Electric Tramways Act 1914* The Act of 1897 the Act of 1898 and this Act may be cited together as the *Norwich Electric Tramways Acts 1897 to 1914*.

Incorpora-
tion of gene-
ral Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts;

Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) Part II. (Construction of tramways) and Part III. (General provisions) of the *Tramways Act 1870*;

The 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 non-payment of calls;

The remedies of creditors of the Company against the shareholders; A.D. 1914.

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ; and

The provision to be made for affording access to the special Act ; and

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by subsequent Acts.

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 in this Act unless the context otherwise requires— Interpreta-
tion.

“The Company” means the Norwich Electric Tramways Company ;

“The city ” means the city and county of Norwich ;

“The corporation ” means the mayor aldermen and citizens of the city ;

“The Act of 1897 ” means the Norwich Electric Tramways Act 1897 ;

“The Act of 1898 ” means the Norwich Electric Tramways Act 1898 ;

“The new tramways ” and “the street works ” mean respectively the new tramways and the street works by this Act authorised ;

“The existing tramways ” means the tramways of the Company constructed under the powers of the Act of 1897 and the Act of 1898 ;

“The tramways ” means the new tramways and the existing tramways ;

“The undertaking ” means the undertaking of the Company authorised by the Act of 1897 the Act of 1898 and this Act ;

A.D. 1914.

“Mechanical power” includes steam electric and every other motive power not being animal power ;

“Engine” includes motor ;

The word “contingencies” in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking being sold at a sum less than the aggregate amount of capital and debts of the Company.

Power to
make new
tramways.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the new tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith.

The new tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1 A tramway 4 furlongs 2·60 chains or thereabouts in length (double line) situate wholly in the city commencing in St. Andrew Street by a junction with the existing tramways at a point seven yards or thereabouts eastward from Duke Street passing thence in a westerly direction along St. Andrew Street into and along Duke Street Duke’s Palace Bridge and Pitt Street and into along and terminating in St. Augustine Street by a junction with the existing tramways at a point in line with the southern side of Esdelle Street :

Tramway No. 2 A tramway 2 furlongs 9·70 chains or thereabouts in length (of which 2 furlongs 6·70 chains or thereabouts will be single line and 3 chains or thereabouts will be double line) situate wholly in the city commencing in Bracondale by a junction with the existing tramways at a point eight yards or thereabouts south-eastward from the eastern side of King Street passing thence in a north-westerly direction along Bracondale into along and terminating in Queen’s Road by a junction with the existing tramways at a point three yards or thereabouts westward from the western side of City Road :

Tramway No. 3 A tramway 4 furlongs 3·5 chains or thereabouts in length (of which 2 furlongs 1·9 chains or

thereabouts will be single line and 2 furlongs 1·6 chains or thereabouts will be double line) situate wholly in the city commencing in Bracondale by a junction with Tramway No. 2 at a point forty-five yards or thereabouts north-westward from the northern side of Southgate Lane passing thence in a north-westerly direction along Bracondale into and along Ber Street and Timberhill Street and into along and terminating in Orford Hill by a junction with the existing tramways at a point five yards or thereabouts northward from the northern side of Orford Place :

A.D. 1914.

Tramway No. 4 A tramway 3 furlongs 2·15 chains or thereabouts in length (of which 2 furlongs 9·15 chains or thereabouts will be single line and 3 chains or thereabouts will be double line) situate wholly in the city commencing in Unthank Road by a junction with the existing tramways at their termination passing thence in a south-westerly direction along and terminating in that road at a point in line with the south-western side of Judge's Walk :

Tramway No. 5 A tramway 4 furlongs 7·85 chains or thereabouts in length (of which 4 furlongs 4·85 chains or thereabouts will be single line and 3 chains or thereabouts will be double line) situate wholly in the city commencing in Denmark Road by a junction with the existing tramways at a point opposite the southmost angle of the "Prince of Denmark" public-house passing thence in a north-easterly direction along Denmark Road into along and terminating in Sprowston Road at a point six yards or thereabouts south-westward from the south-west side of Mousehold Lane at its junction with Sprowston Road :

Tramway No. 6 A tramway 3 furlongs 5 chains or thereabouts in length (of which 2 furlongs 9 chains or thereabouts will be single line and 6 chains or thereabouts will be double line) situate wholly in Thorpe Road commencing in the city by a junction with the existing tramways at their termination passing thence in an easterly direction and terminating in the parish of Thorpe Saint Andrew (otherwise Thorpe - next - Norwich) in the rural district of Blofield at a point in line with the

A.D. 1914.

eastern side of the private residence in Thorpe Road known as "The Gables":

Tramway No. 7 A doubling of the existing tramways 7.40 chains or thereabouts in length (double line) situate wholly in the city commencing in St. Giles' Street at a point twenty-seven yards or thereabouts westward from Cow Hill passing thence in a westerly direction into and terminating in Unthank Road at a point forty-eight yards or thereabouts south-westward from the northernmost angle of the Tuns Inn:

Tramway No. 8 A doubling of the existing tramways 4.18 chains or thereabouts in length (double line) situate wholly in the city commencing in St. Giles' Street at a point three yards or thereabouts eastward from the eastern side of Grapes Hill passing thence in a westerly direction into and terminating in Earlham Road at a point eighty yards or thereabouts westward from the western side of Grapes Hill:

Tramway No. 9 A deviation of the existing tramways 1.95 chains or thereabouts in length (single line) situate wholly in the city commencing in Chapel Field Road at a point thirty-one yards or thereabouts southward from St. Giles' Street passing thence in a northerly and westerly direction into and terminating in Unthank Road at a point six yards or thereabouts south-westward from the northernmost angle of the Tuns Inn:

Tramway No. 10 A deviation of the existing tramways 3.82 chains or thereabouts in length (single line) situate wholly in the city commencing in Chapel Field Road at a point forty-three yards or thereabouts southward from St. Giles' Street passing thence in a northerly and westerly direction into and terminating in Earlham Road at a point forty yards or thereabouts westward from Grapes Hill:

Provided that Tramway No. 3 shall not be constructed except with the consent in writing of the Board of Trade and that Tramway No. 1 shall where a less space than fifteen inches would if that tramway were constructed as a double line intervene between the carriages to be run thereon and the outside of the footpath on either side of the roadway be constructed

unless otherwise permitted by the Board of Trade as an interlacing line: A.D. 1914.

Provided also that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

5. Subject to the provisions of this Act the Company may make the street works hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections together with all necessary and proper works improvements junctions connections approaches and conveniences connected therewith or incidental thereto and may enter upon take hold and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for those purposes and may enter upon open break up and interfere with such streets or roads as may be necessary for the like purposes. Power to
make street
works.

The street works hereinbefore referred to and authorised by this Act will be situate wholly in the city and are—

Work No. 1 A widening of Duke Street on its western side for a distance of twenty-six yards or thereabouts northward from Charing Cross :

Work No. 2 A widening of Duke Street on its western side for a distance of eight yards or thereabouts north-westward from the northern end of Duke's Palace Bridge :

Work No. 3 A widening of Duke Street on its eastern side for a distance of twelve yards or thereabouts south-eastward from the southern side of Duke's Palace Bridge and a diversion of the public landing stairs at that bridge to a position two yards or thereabouts to the north-eastward of their present position.

6. And whereas in the construction of the street works or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Owners may
be required
to sell parts
only of cer-
tain lands
and build-
ings.

A.D. 1914.

—
Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Period for
compulsory
purchase of
lands.

7. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Persons
under disa-
bility may
grant ease-
ments &c.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Purchase of
lands by
agreement.

9. In addition to the other lands which the Company have acquired or may acquire under or for the purposes of the Act of 1897 the Act of 1898 and this Act they may purchase take on lease or acquire by agreement and may hold for the purposes of the undertaking any lands not exceeding two acres and they may on such lands and on any other lands acquired by them under this Act erect or construct and hold depôts waiting rooms yards wharves offices buildings places sidings works and other conveniences in connection with the undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired under the provisions of this section.

- 10.** The following sections of the Act of 1897 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the new tramways (that is to say):—
- A.D. 1914.
Application
of certain
provisions of
Act of 1897
to new tram-
ways.
- Section 7 (Inspection by Board of Trade);
 - Section 18 (As to use of tramways by Corporation for certain purposes);
 - Section 19 (System of working may be altered);
 - Section 52 (Gauge of tramways);
 - Section 54 (Further provisions as to construction of tramways);
 - Section 55 (As to rails of tramways);
 - Section 56 (Penalty for not maintaining rails and roads);
 - Section 57 (Corporation may repair roadways at expense of Company);
 - Section 58 (Local authority to have access to sewers);
 - Section 61 (Rates for passengers);
 - Section 62 (Passengers' luggage);
 - Section 63 (Parcels);
 - Section 64 (Company not bound to carry goods);
 - Section 66 (As to fares on Sundays and holidays);
 - Section 67 (Periodical revision of rates and charges);
 - Section 68 (Provisions as to motive power);
 - Section 70 (Byelaws);
 - Section 71 (Recovery of penalties);
 - Section 72 (Amendment of the Tramways Act 1870 as to byelaws by local authority);
 - Section 73 (Orders regulations and byelaws);
 - Section 74 (Special provisions as to use of electric power);
 - Section 76 (Posts &c. to be removed if user discontinued);
 - Section 77 (Agreements with other companies for the supply of electrical power);
 - Section 80 (For protection of Postmaster-General) as amended by this Act.

A.D. 1914.

Application
of certain
provisions of
Act of 1897
to street
works.

11. The following sections of the Act of 1897 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the street works (that is to say):—

Section 14 (Powers of deviation in new streets and street widenings);

Section 15 (New streets and streets widened to remain vested in Corporation);

Section 16 (Power to make minor works connected with widenings).

Application
of certain
provisions of
Act of 1897
to new tram-
ways and
street works.

12. The following sections of the Act of 1897 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the new tramways and the street works (that is to say):—

Section 8 (Correction of errors &c. in deposited plans and books of reference);

Section 9 (Agreements between the Company and road authorities);

Section 17 (For protection of corporation);

Section 21 (Stoppage of roads during execution of works);

Section 60 (Application of road materials excavated in construction of works).

Works below
high-water
mark to be
subject to
approval of
Board of
Trade.

13. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such

cost shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily. A.D. 1914.

14. The Company may in the construction and for the purposes of Tramways Nos. 7 8 9 and 10 by this Act authorised take up remove and utilise the line of rails and materials of so much of the existing tramways as is situate between the respective points of commencement and termination of such tramways and such tramways when completed shall for all purposes be substituted for such portions of the existing tramways and be deemed to form part of the existing tramways. Power to use materials of existing tramways.

15.—(1) The Company may in under or over the surface of any street or road including the footways thereof or public place in which the new tramways will be situate or in which it may be necessary so to do in order to connect the new tramways with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working such tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road including the footways thereof or public place and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein thereover or thereunder and with the consent of the owners thereof remove replace or alter the position of any lamp-post or letter box in any such street or road including the footways thereof or public place Provided as follows:— As to electrical works &c.

(A) All posts and apparatus erected by the Company under the powers of this Act in any street or road including the footways thereof or public place shall be of such design as the local authority may approve and shall be placed in such position as the local authority and road authority may approve Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade:

(B) The route in which any electrical apparatus is to be laid or erected (elsewhere than in any street or road including the footways thereof or public place in

A.D. 1914.

which the new tramways will be situate) shall be approved by the local authority and the road authority within whose jurisdiction each portion of the route is situate.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

(3) The Company shall not alter or otherwise interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General except under and subject to the provisions of the said Act.

As to removal or alteration of telephone call boxes.

16. If any work authorised by this Act involves the removal or alteration of any telephone call box the Company shall not remove or alter such box but shall give notice to the Postmaster-General of the removal or alteration required and the Postmaster-General shall remove or alter the box as he may think fit and the Company shall pay to the Postmaster-General all expenses incurred by him in relation to such removal or alteration.

Posts not to be used for advertisements.

17. The Company shall not exhibit or permit the exhibition of advertisements on any posts or standards of the Company erected in any street other than advertisements relating to the service of the tramways. In case of any contravention of the provisions of this section the Company shall be liable to a penalty not exceeding five pounds.

Company may reduce footpath for constructing new tramways.

18. The Company may increase the roadway of any street or road in which any of the new tramways are authorised to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street or road and the nearest rail of the tramway by reducing the width of the footpath on each or either side of such street or road. Provided that no footpath shall be reduced in width without the consent of the local authority and the road authority or other person in whom it is vested nor to such an extent as to be less than six feet wide.

Attachment of brackets to buildings.

19. The Company may with the consent of the owner of any building or bridge or of any column post or standard erected for lighting purposes in any road street or public place in which

any of the tramways are situate or in the footway of any such road or street attach thereto such brackets wires and apparatus as may be required or expedient for the working of the tramways by mechanical power : A.D. 1914.

Provided that—

- (1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building or bridge or of such column post or standard as the case may be and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building or bridge or of such column post or standard but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Company notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1) :
- (3) The owner may require the Company to temporarily remove the attachments where necessary during any reconstruction or repair of the building or bridge or of such column post or standard.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

20. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of Apparatus used for mechanical power to be

A.D. 1914. a tramway) shall apply as if all posts tubes pipes wires and
deemed part other apparatus used or to be used by the Company for the
of tramways. purposes of mechanical power were parts of the tramways.

Trees or
shrubs over-
hanging
streets and
footpaths.

21.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the working of the tramways or the erection maintenance and user of any equipment in connection therewith or with the clear and safe passage of the tramcars and the passengers thereon the Company may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Company may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Company under this section may appeal to a court of summary jurisdiction within three clear days after the service of such notice provided he gives written notice of such appeal and the grounds thereof to the Company and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Company under this section.

Power to
make addi-
tional cross-
overs and to
double tram-
way lines.

22.—(1) The Company may subject to the provisions of this Act with the consent of the local authority and road authority and of the Board of Trade make maintain alter and remove such crossovers crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act the Act of 1897 and the Act of 1898 as they find necessary or convenient for the efficient working of the tramways or for providing access to any generating stations depôts warehouses stables carriage-houses or works of the Company.

(2) Notwithstanding anything shown on the deposited plans or on the plans deposited with respect to the Act of 1897 and the Act of 1898 the Company may with the consent of the local authority and road authority and of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing

lines in lieu of double or single lines on any of the tramways and may with the like consent at any time alter the position in the road of any of the tramways or any part thereof. A.D. 1914.

(3) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to the local authority and to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

(4) Section 59 (Power to make additional crossings &c.) of the Act of 1897 is hereby repealed.

23. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways is laid it shall in the opinion of the road authority be expedient temporarily to remove or discontinue the use of that tramway or any part thereof the Company may with the consent of the road authority and subject to such conditions as the road authority may impose construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued. If any difference arises between the Company and the road authority with respect to any conditions or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled by arbitration under this Act.

Temporary tramways may be made when necessary.

24. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered. Provided that if and when the Company repair or alter the level of the

Tramways to be kept on level of surface of road.

A.D. 1914. — said rails they shall at the same time repair and alter in the same manner and to the same level so much of the roadway as they are required to maintain and keep in good condition and repair.

Section 53 (Tramways to be kept on level of surface of road) of the Act of 1897 is hereby repealed.

Power to
appoint
stages.

25. The Company may appoint stages of not less than half a mile in length upon any of the tramways and may notwithstanding anything in the Act of 1897 contained demand and take for every passenger travelling upon such tramways including every expense incidental to the conveyance of such passenger any fares rates or charges not exceeding one penny for each two stages and for this purpose the fraction of a stage shall be deemed a stage.

Penalty for
malicious
damage.

26. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the tramways anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any such tramway shall be liable to a penalty not exceeding twenty pounds.

Removal of
obstructions.

27. If any obstruction to the traffic on any of the tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Company may so remove the vehicle or load and may remove any other obstruction to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstructions and the Company shall in removing such obstruction conform to the reasonable requirements of the police.

Service of
passenger
cars.

28.—(1) The Company shall at all times provide upon the tramways such service of carriages for passengers as may be reasonably required in the public interests and the Company shall be liable to a penalty not exceeding five pounds for every

day on which they fail to comply with the provisions of this section. A.D. 1914.

(2) Any difference which may arise as to such service may be determined on the application of the Company or of the corporation by the Board of Trade whose decision shall be final.

29.—(1) The Company shall and they are hereby required to run upon the tramways a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work and also every day (except as aforesaid) between the hours of one and two in the afternoon at fares not exceeding one halfpenny for every mile or fraction of that distance (the Company nevertheless not being required to take any fare less than one penny) On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

Cheap fares for labouring classes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

(4) Section 65 (Cheap fares for labouring classes) of the Act of 1897 is hereby repealed.

30. Notwithstanding anything in the Tramways Act 1870 contained the new tramways shall for the purposes of section 40 (As to purchase of undertaking by corporation) of the Act of 1897 be deemed to be part of the existing tramways and the provisions of that section with respect to the purchase of the undertaking by the Corporation shall extend and apply to and include the new tramways.

Purchase of undertaking by Corporation.

A.D. 1914.

Company
may abandon
portions of
existing
tramways.

31. Subject to the provisions of the Tramways Act 1870 and of this Act the Company may abandon take up and remove any portion of the existing tramways situate—

- (1) In St. Augustine Street Sussex Street Oak Street Station Road Barn Road and St. Benedict Street between a point in St. Augustine Street opposite the southern side of Esdelle Street and a point in St. Benedict Street seven yards or thereabouts south-eastward from Barn Road :
- (2) In Dereham Road Heigham Road and Earlham Road between a point in Dereham Road opposite the western side of Old Palace Road and a point in Earlham Road twenty yards or thereabouts eastward from Mill Hill Road :
- (3) In Chapel Field Road St. Stephen Street Queen's Road and City Road between a point in Chapel Field Road fifty-three yards or thereabouts southward from St. Giles' Street and a point in City Road one hundred and fifteen yards or thereabouts south-eastward from the south side of Lindley Street including the junction tramways into St. Stephen Street and St. Stephen Road :
- (4) In Prince of Wales Road King Street and Bracondale between a point in Prince of Wales Road six yards or thereabouts westward from the western side of King Street and a point in Bracondale eight yards or thereabouts south-eastward from the eastern side of King Street :

And may if they think fit appropriate to and use in the construction of the new tramways so much of the existing tramways by this section authorised to be abandoned taken up and removed as may be convenient or desirable.

Power to
provide and
run omni-
buses and
vans.

32.—(1) The Company may provide maintain work and run omnibuses in connection with the tramways or when the running of carriages is impracticable or during the construction alteration or repair of the tramways or any of them or in prolongation of any tramway route the extension of which may be contemplated by the Company.

(2) The Company may convey passengers and parcels in the said omnibuses and may demand take and recover tolls

rates and charges for the use of such omnibuses and for such conveyance as aforesaid not exceeding the maximum tolls rates and charges which may be agreed between the Company and the corporation or failing such agreement determined by the Board of Trade. A.D. 1914.

(3) The Company may also provide maintain work and run vans for the conveyance of parcels and may demand take and recover tolls rates and charges for such conveyance.

(4) The Company may work such omnibuses and vans by animal or mechanical power.

(5) The powers of this section shall only be exerciseable by the Company subject to such byelaws as the local authority or local authorities as the case may be within whose district or districts such omnibuses or vans may be run are now or may hereafter be empowered to make and enforce with reference to omnibuses and vans.

(6) Any omnibus or van moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(7) The Company shall perform in respect of the omnibuses and vans provided under this section all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

(8) The Town Police Clauses Act 1889 shall apply to any omnibus supplied or used under the provisions of this section.

33. For the protection of the corporation the following provisions shall in addition to the other provisions contained in this Act unless otherwise agreed upon in writing between the corporation and the Company apply and have effect (that is to say):— For protec-
tion of cor-
poration.

(1) The Company shall not except with the consent of the corporation construct Tramway No. 3 by this Act authorised unless and until Timberhill Street has been widened so that the width of the carriageway throughout its entire length shall not be less than twenty-one feet and the width of the footpath or footpaths on the side or sides of the street on which

A.D. 1914.

the widening is effected shall be not less than six feet:

- (2) The Company shall not abandon take up or remove any part of the existing tramway in Queen's Road and St. Stephen Street until Tramway No. 3 by this Act authorised has been completed and opened for public traffic:
- (3) The Company shall not construct Tramway No. 1 authorised by this Act in Duke Street and over Duke's Palace Bridge unless and until Street Works Nos. 1 2 and 3 have been executed and the bridge has been strengthened to the satisfaction of the corporation Provided that—

(A) The Company shall not be required to expend in the execution of the Street Works Nos. 1 2 and 3 and the strengthening of the said bridge (all of which are in this subsection called "the said street works") a greater sum than two thousand one hundred pounds;

(B) Before commencing the execution of the said street works the Company shall submit to the corporation plans sections and particulars of the proposed works for their approval and the corporation shall be deemed to have approved thereof if within a period not exceeding three months thereafter the corporation do not express their disapproval thereof and their requirements in regard thereto and such works shall be executed by the Company in accordance with plans sections and particulars approved or deemed to be approved by the corporation under this subsection;

(C) The provisions of section 12 (Agreements for purchase to be submitted to the corporation) of the Act of 1897 shall apply to the lands buildings and manufactories acquired by the Company for the purposes of the said street works;

(D) If not later than six months after the passing of this Act or three months after the Company shall have submitted plans sections and particulars under proviso (B) of this subsection (whichever

shall be the later) the corporation shall give notice to the Company that they desire to execute the said street works the following provisions shall have effect:—

A.D. 1914.

- (i) The Company shall pay to the corporation the sum of two thousand one hundred pounds and the corporation shall within a reasonable time thereafter execute the said street works or so much thereof respectively as the corporation shall deem necessary ;
 - (ii) There shall be transferred to the corporation the powers conferred upon the Company by the provisions of this Act and of the enactments incorporated therewith relative to the acquisition of lands for and the execution of the said street works and those provisions shall have effect as if the corporation were therein named instead of the Company ;
 - (iii) To enable the corporation to raise borrow and expend money for the purposes of this subsection those purposes shall be deemed to be purposes of the Public Health Act 1875 :
- (4) In connection with the said Tramway No. 1 the Company shall construct a siding and junctions in the manner shown on the plan signed by Isaac Everson Winslow on behalf of the Company and by Arthur Elliston Collins on behalf of the corporation Provided that if in the construction of such siding or junctions any rail is intended to be laid nearer to the footpath than any existing rail in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between such rail and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid if the

A.D. 1914.

owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto ;

The said tramway shall not be opened for public traffic unless and until such siding and junctions have been constructed :

- (5) The Company shall not attach any bracket wire or apparatus to any building bridge column post or standard for the time being belonging to the corporation except with the consent of the corporation :
- (6) The powers of the section of this Act whereof the marginal note is "Trees or shrubs overhanging streets and foot-paths" shall not be exercised in the city except with the consent of the corporation :
- (7) If the Company abandon and take up any of the tramways in the city or any part thereof they shall with all convenient speed and in all cases within three weeks at the most (unless the corporation otherwise consent in writing) fill in the ground and make good the surface and to the satisfaction of the engineer of the corporation (in this section called "the city engineer") restore the portion of the road upon which such tramway was laid or which the Company were required to maintain or which shall have been disturbed by the removal of the tramway to a good condition with materials similar to those used in the parts of the road maintained by the corporation and shall clear away all surplus paving or metalling material or rubbish occasioned by such work and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night Provided always that if the Company fail to comply with the provisions of this subsection the corporation if they think fit may themselves at any time after seven days' notice to the Company open and break up the road and do the works necessary for the restoration and making good of the road to the extent in this subsection above mentioned and the expense incurred by the corporation

in so doing as certified by the city engineer shall be repaid to them by the Company: A.D. 1914.

- (8) If and whenever after the passing of this Act the corporation widen any road along which any part of the tramways is laid the Company shall if required by the corporation move the tramway to the centre of the road and the expense of such removal shall be borne by the Company and the corporation in such proportions as may be agreed between the Company and the corporation or as failing agreement may be settled by arbitration under this Act and in such arbitration the arbitrator shall take into consideration (amongst other things) the period during which the tramway has been constructed and its condition and probable life. Provided that if at the time of such removal the tramway is in a condition requiring substantial repair or renewal the whole of the expense of the removal shall be borne by the Company:
- (9) If by reason of the construction of any of the works authorised by this Act it is in the opinion of the corporation necessary or desirable that the position of any of their electric lines works or apparatus (in this section called "electric lines") should be altered or that they should be protected or that provision should be made for securing ready access thereto the corporation may alter the position thereof or execute such works as may be necessary and any expenses reasonably incurred by the corporation in connection therewith shall be repaid by the Company to the corporation:
- (10) The corporation shall be entitled at all times to obtain access to their electric lines which are for the time being situate beneath or in the neighbourhood of the tramways and to break up and interfere with the tramways for the purpose of laying down enlarging renewing or repairing electric lines and if for the purpose of enabling the corporation to obtain such access or to execute any work in connection with their electric lines (including the enlargement renewal and repair thereof and the laying down of new electric lines) it shall be necessary to stop the traffic on the

A.D. 1914.

tramways or to shore up and secure the same the Company shall upon receipt of notice from the corporation stop such traffic or at the Company's own risk and cost shore up and secure the tramways (as the case may be) during the execution of the work Provided that such notice shall (except in cases of emergency) be given not less than seven days before the Company are required to stop the traffic or shore up and secure the tramways and that the work of the corporation shall be completed by them with all reasonable expedition :

- (11) The corporation shall not be liable to pay to the Company any compensation for injury done to the tramways by the execution of any such work or for the loss of traffic occasioned thereby or for the reasonable exercise of the powers vested in the corporation in relation to their electricity undertaking :
- (12) Any reasonable additional expense imposed upon the corporation in connection with the laying down enlarging renewing or repairing of electric lines or of obtaining access thereto by reason of the existence of the tramways shall be borne by the Company :
- (13) No omnibuses shall be used by the Company in the city except along such routes as may from time to time be prescribed by the corporation in writing under the hand of their town clerk :
- (14) Upon the purchase by the corporation of the undertaking in pursuance of section 43 of the Tramways Act 1870 or of the provisions contained in the Norwich Electric Tramways Acts 1897 to 1914 all the rights powers and authorities of the Company under the last-mentioned Acts and the Acts incorporated therewith (except under the provisions relating to the shareholders of the Company the management of their affairs the raising of capital and the borrowing of money) shall by virtue of this Act be transferred to and vested in the corporation and may be exercised by them as if they had been named in the Norwich Electric Tramways Acts 1897 to 1914 instead of the Company :

(15) In any notice given by the corporation under section 40 (As to purchase of undertaking by corporation) of the Act of 1897 as amended by subsequent Acts or under section 43 (Future purchase of undertaking by local authority) of the Tramways Act 1870 they shall include the omnibuses and vans belonging to the Company and any lands buildings works materials and plant of the Company suitable to and used by them for the purpose of such omnibuses and vans and the said omnibuses vans lands buildings works materials and plant shall form part of the undertaking for the purposes of those sections and those sections (including the provisions of section 43 of the Tramways Act 1870 relating to the transfer to vesting in and exercise by the local authority of the rights powers and authorities of the promoters for which purpose the corporation shall be deemed to be the local authority) shall be construed accordingly:

A.D. 1914.

(16) Any consent to be given by the corporation under this Act shall be in writing under the hand of their town clerk and may be given upon and subject to such terms and conditions as may be agreed between the Company and the corporation:

(17) If any difference shall arise between the corporation and the Company under this section such difference shall be determined by arbitration under this Act.

34. The Company on the one hand and the corporation on the other hand may enter into and carry into effect agreements relating to the acquisition of the lands for and the execution of the street works authorised by this Act or required in connection with the new tramways and to enable the corporation to raise borrow and expend money for the purposes of this section those purposes shall be deemed to be purposes of the Public Health Act 1875.

Agreements
as to street
works.

35. The power conferred upon the Company and the corporation by section 29 (Road authority and promoters may contract for paving roads on which tramways are laid) of the Tramways Act 1870 shall extend to enable them to enter into and carry into effect and from time to time alter renew or vary contracts agreements or arrangements with respect to the junction

Agreements
for repair of
junctions.

A.D. 1914. — of the paving laid and maintained by the Company with the surface laid and maintained by the corporation mentioned in subsection (5) of section 57 (Corporation may repair roadways at expense of Company) of the Act of 1897.

Agreements
for supply of
electricity.

36. The Company on the one hand and the corporation on the other hand may enter into and carry into effect contracts and agreements for the supply of electricity by the Company to the corporation and any contract or agreement for that purpose entered into before the passing of this Act shall be deemed to have been made under this section.

For protec-
tion of Nor-
folk County
Council.

37. For the protection of the Norfolk County Council (hereinafter in this section referred to as "the county council") the following provisions shall in addition to any other provisions contained in this Act unless otherwise agreed upon in writing between the county council and the Company apply and have effect (that is to say):—

- (1) The Company shall to the reasonable satisfaction of the surveyor of the county council repair the junction of the paving laid and maintained by the Company of the portion of Thorpe Road on which so much of Tramway No. 6 by this Act authorised as is situate in the parish of Thorpe Saint Andrew (otherwise Thorpe-next-Norwich) is laid with the surface of such portion of road laid and maintained by the county council:
- (2) The provisions of section 29 (Road authority and promoters may contract for paving roads on which tramways are laid) of the Tramways Act 1870 shall extend to and enable the county council on the one hand and the Company on the other hand to enter into and carry into effect and from time to time alter renew or vary contracts agreements or arrangements with respect to such junction:
- (3) If any difference shall arise between the county council and the Company under this section such difference shall be determined by arbitration under this Act.

For protec-
tion of
British Gas

38. For the protection of the British Gas Light Company Limited (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing

between the Company and the gas company apply and have effect (that is to say):—

A.D. 1914.
Light Com-
pany Limited.

(1) The provisions of section 30 of the Tramways Act 1870 as extended by this section shall so far as applicable extend and apply to the execution of the street works and to any works executed in connection therewith respectively (in this section called "street works") as if the execution of such street works were the laying down or construction of a tramway Provided that the right of the gas company under section 30 of the Tramways Act 1870 in its application to street works to require the lowering or other alterations of their mains pipes and apparatus (in this section called "apparatus") shall be deemed to extend so as to authorise the gas company to require the shoring up or supporting and restoring and protecting of any such apparatus which it may be reasonably necessary to shore up support restore or protect by reason of the execution of any works of the Company or for preventing any interruption to the supply of gas by the gas company:

(2) If the gas company before the date at which the Company are entitled to commence any work which the Company may under the powers of this Act or any Act incorporated therewith relating to street works be empowered or required to execute affecting or relating to any such apparatus elect by notice in writing to the Company so to do the gas company may themselves execute any such work under the superintendence and to the reasonable satisfaction of the engineer of the Company and the amount reasonably expended by the gas company in so doing shall be repaid to them by the Company but if for seven days after giving any such notice the gas company do not proceed with due diligence to execute any such work as aforesaid the Company may forthwith execute the same:

(3) Notwithstanding the stopping up temporarily of any road or street under the powers of this Act the gas company their engineers workmen and others in their employ shall at all times have all such rights of

A.D. 1914.

access to the apparatus of the gas company under any such road or street as they had immediately before such stopping up and shall be at liberty to do all such works at their own expense in and upon such road or street as may be necessary for inspecting repairing maintaining removing or extending such apparatus :

- (4) Nothing in this Act shall relieve the Company from any liability for any damage which the gas company may sustain by or in consequence of the working or running of omnibuses and vans under the powers of this Act :
- (5) Any dispute or difference which may arise between the Company and the gas company or the engineer to the Company and the engineer to the gas company touching any of the matters referred to in this section shall be determined by arbitration under this Act :
- (6) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the gas company.

For protec-
tion of Post-
master-
General.

39.—(1) Section 80 (For protection of Postmaster-General) of the Act of 1897 shall be and is hereby amended as follows:—

- (A) Subsection (3) thereof shall be read as if the words within brackets “ or the laying of lines crossing the “ line of the Postmaster-General at right angles at “ the point of shortest distance and so continuing for “ a distance of six feet on each side of such point ” were omitted and such words shall be deemed to be omitted from the said subsection :
- (B) The following provision shall have effect in addition to and shall be read with the provisions contained in the said section :—

If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works

or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations.

A.D. 1914.
—

(2) The provisions of the said section as amended by this section shall extend and apply to any supply of electricity by the Company under the provisions of this Act or any contract or agreement entered into thereunder and to any works constructed for the purpose of such supply of electricity.

40.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Company in connection with the new tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject (unless otherwise agreed upon between the Postmaster-General and the Company) to the following conditions:—

Use of tramway posts by Postmaster-General.

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the new tramways:

(B) The Postmaster-General shall give to the Company not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the

A.D. 1914.

nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided :

- (c) Unless otherwise agreed between the Postmaster-General and the Company the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the new tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Company or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided :
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (g) The Postmaster-General shall make good to the Company and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this

section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Company their officers or servants :

A.D. 1914.
—

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Company and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Company or failing agreement determined as hereinafter provided :

(I) The Company shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the new tramways or by any accident arising thereon or by the authorised use by the Company of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Company their officers or servants :

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Company the value of the same Provided that if the Company or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Company from using their posts standards or brackets for the support of any of their electric wires and apparatus in connection with their tramways or shall take away any right of the local

A.D. 1914. authority of using the posts standards or brackets of the Company in connection with the lighting of the streets or otherwise
— Provided that any difference between the Postmaster-General and the local authority in relation to the use of the posts standards or brackets by the Postmaster-General and the local authority respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "the Company" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

New tramways to form part of undertaking. **41.** The new tramways shall for all purposes be deemed to be part of the undertaking.

Periods for completion of street works and new tramways. **42.**—(1) The street works shall be completed within three years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

(2) The new tramways shall be completed as follows:—

(A) As to Tramway No. 3 within one year after Timberhill Street has been widened in accordance with the section of this Act whereof the marginal note is "For protection of corporation";

(B) As to Tramways Nos. 4 and 5 within seven years from the passing of this Act; and

(C) As to the remainder of the new tramways within five years from the passing of this Act;

and on the expiration of those periods respectively the powers by this Act granted to the Company for executing the same respectively or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Penalty imposed unless new tramways opened within limited time. **43.** If the Company fail within the period limited by this Act to complete the new tramways or any of them and open the same for public traffic the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration

of the period so limited until the new tramways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the uncompleted tramway or tramways and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening any tramway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

A.D. 1914.

44. Every sum of money so recovered by way of penalty 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 new tramways or any portion thereof in respect of the non-completion of which the same was recovered 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 also in compensating all road authorities for the expense incurred by them in taking up any such tramways or any portion thereof or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of any such tramways or portion thereof and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation shall be payable or if a portion of the sum or

Application
of penalty.

A.D, 1914. — sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

Local
director.

45. As from the first ordinary meeting of the Company in the year one thousand nine hundred and fifteen the following provision shall be substituted for the proviso to section 47 (First directors Election of directors) of the Act of 1897 (namely):—

One of the directors of the Company shall be a person on the roll of citizens of the city who shall be annually appointed by the corporation subject to the approval of the directors of the Company and if at any time the corporation and the directors shall within one month from the date of the first ordinary meeting in every year fail to agree as to the appointment or approval of the person or persons successively proposed by the corporation as such director it shall be lawful for the lord mayor for the time being of the city to appoint such person being a person on the said roll as he may think fit.

Quorum of
directors.

46. Notwithstanding anything contained in section 46 (Quorum of meetings) of the Act of 1897 the quorum of a meeting of directors shall be two when the number of directors does not exceed five and three when the number of directors exceeds five.

Power to
raise addi-
tional capi-
tal.

47. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole thirty-six thousand pounds by the issue at their option of new ordinary shares or new preference shares or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share 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 such share shall have been paid in respect thereof. A.D. 1914.

48. The capital in new shares created by the Company under this Act and the new shares therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares were shares in that capital. New shares to be subject to same incidents as other shares.

49. The capital in new shares so created shall form part of the capital of the Company. New shares to form part of capital of Company.

50. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares. Dividends on new shares.

51. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned. Restriction as to votes in respect of preferential shares.

52. The Company may in respect of the additional capital of thirty-six thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole twelve thousand pounds and of that sum they may borrow any sum or sums not exceeding one thousand pounds in respect of each three thousand pounds of such additional capital But no part of the before-mentioned sums of one thousand pounds shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion has been paid up and that not less than one fifth Power to borrow.

A.D. 1914. part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bona fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that such persons 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 shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of receiver.

53. Section 32 (For appointment of a receiver) of the Act of 1898 is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than seven thousand pounds in the whole.

Moneys borrowed on mortgage to have priority.

54. All moneys to be borrowed after the passing of this Act on mortgage under the Act of 1897 the Act of 1898 or this Act shall rank equally from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them after the passing of this Act but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of the undertaking or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

Company not to create debenture stock.

55. The Company shall not create debenture stock.

Rights of mortgagees on sale of tramways.

56. Every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a sale to the local authority under

section 43 of the Tramways Act 1870 as modified by the Act of A.D. 1914.
1897 the Act of 1898 and this Act and may comprise all or any
moneys carried to the contingency fund according to the terms
of the mortgage and every mortgage deed shall be endorsed
with notice that the mortgage will not be a charge upon the
tramways or the undertaking in the event of such sale.

57. All moneys raised under this Act whether by shares or Application
of moneys.
borrowing shall be applied only to the purposes of this Act and
to the general purposes of the undertaking being in every case
purposes to which capital is properly applicable and the Com-
pany may apply to the purposes of this Act any moneys which
they have raised or may hereafter raise under any Act relating
to the Company and which may not be required for the purposes
of any such Act.

58. No interest shall be paid out of any share or loan capital Interest not
to be paid out
of capital.
which the Company are by this or any other Act authorised to
raise 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.

59. The Company shall not out of any money by this Act Deposits for
future Bills
not to be paid
out of capital.
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 tramway or to
execute any other work or undertaking.

60. Where under this Act any question or dispute is to be References
to arbitration.
referred to arbitration then unless other provision is made the
reference shall be to an arbitrator appointed by the Board of
Trade.

61. With respect to notices and the delivery thereof by Form and
delivery of
notices.
or to the Company the following provisions shall have effect
(namely):—

- (1) Every notice given by the Company or by the local or
road authority shall be sufficiently authenticated by
being signed by their secretary or clerk:

[Ch. lxxix.] *Norwich Electric Tramways* [4 & 5 GEO. 5.]
Act, 1914.

A.D. 1914.

(2) Any notice to be delivered by or to the Company to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company (as the case may be) or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company (as the case may be) may from time to time by notice to the other request that such notices may be sent or delivered.

Saving rights
of Crown.

62. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Saving rights
of corpora-
tion.

63. This Act shall not operate to take away or abridge any right title or interest which the corporation may have at the passing of this Act in to or over the bed or foreshore of the River Wensum Provided that nothing herein contained shall be held to admit or confirm any right title or claim of the corporation in the bed or foreshore of the said river but the right and title to such bed and foreshore shall remain in the same state as if this Act had not been passed.

Provision as
to general
Tramway
Acts.

64. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the passing of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised to be taken by the Company.

Costs of Act.

65. 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.

The SCHEDULE referred to in the foregoing Act.

A.D. 1914.

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