



CHAPTER clxv.

An Act to enable the Lynn and Fakenham Railway Company to extend their Railway to Norwich and Blakeney ; and for other purposes.

A.D. 1880.

[12th August 1880.]

WHEREAS the construction by the Lynn and Fakenham Railway Company (who are herein-after referred to as "the Company") of the railways herein-after described would contribute to public and local convenience, and the Company are willing at their own expense to construct the same :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and of the lands in or through which the same are to be made and maintained, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the 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 book of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; (that is to say,)

1. This Act may be cited as the Lynn and Fakenham Railway (Extensions) Act, 1880. Short title.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ; The Railways Clauses Consolidation Act, 1845 ; and

Part I. of the Railways Clauses Act, 1863 (relating to construction of a railway), are, except where expressly varied by this Act, incorporated with and form part of this Act.

Incorporation of general Acts.

8 & 9 Vict. c. 18.  
23 & 24 Vict. c. 106.  
32 & 33 Vict. c. 18.  
8 & 9 Vict. c. 20.  
26 & 27 Vict. c. 22.

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Extension of  
 certain pro-  
 visions of  
 8 & 9 Vict.  
 c. 16. and  
 26 & 27 Vict.  
 c. 118.

3. The clauses and provisions of the Companies Clauses Consoli-  
 dation Act, 1845, with respect to—

- The distribution of the capital of the Company into shares ;
- The transfer or transmission of shares ;
- The payment of subscriptions and means of enforcing the  
 payment of calls ;
- The forfeiture of shares for nonpayment of calls ;
- The remedies of creditors of the Company against the share-  
 holders ;
- The borrowing of money by the Company on mortgage or bond ;
- The conversion of the borrowed money into capital ;
- The consolidation of shares into stock ;
- The general meetings of the Company and the exercise of the  
 right of voting by the shareholders ;
- The making of dividends ;
- The giving of notices ; and
- The provision to be made for affording access to the special Act  
 by all parties interested ;

And also Parts I., II., and III. of the Companies Clauses Act,  
 1863, relating respectively to the cancellation and surrender of  
 shares, to additional capital, and to debenture stock ;

shall, subject to the provisions of this Act, extend and apply to the  
 capital and money hereby authorised to be raised by shares or stock  
 or borrowing, and the proprietors thereof.

Interpreta-  
 tion of terms.

39 & 40 Vict.  
 c. cxlvi.

4. In this Act the several words and expressions to which  
 meanings are assigned by the Acts wholly or partly incorporated  
 herewith have the same respective meanings, unless there be some-  
 thing in the subject or context repugnant to such construction ; the  
 expression "the railway" means the railways by this Act authorised ;  
 the expression the "Act of 1876" means the Lynn and Fakenham  
 Railway Act, 1876 ; and the expression "superior court," or "court  
 of competent jurisdiction," or other like expression in this Act or  
 any Act wholly or partly incorporated herewith, shall be read and  
 have effect as if the debt or demand with respect to which the  
 expression is used were a simple contract debt, and not a debt or  
 demand created by statute.

Power to  
 execute  
 works.

5. 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 herein-after described,  
 together with stations, tramways, sidings, approaches, wharves, coal  
 shoots, and other conveniences in connexion therewith, and may  
 enter upon, take, and use such of the lands delineated on the said

plans and described in the deposited book of reference as may be required for those purposes. The railways herein-before referred to and authorised by this Act are—

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Railway Number 1. A railway, nine miles two furlongs two chains thirty links or thereabouts in length, commencing in the parish of Pudding Norton, in the county of Norfolk, by a junction with Railway Number 2 authorised by the Lynn and Fakenham Railway Act, 1876, and terminating in the parish of Melton Constable with Little Burgh near the cross roads immediately to the south of Burgh Hall :

Railway Number 2. A railway, twenty-one miles and nine chains eighty links or thereabouts in length, commencing in the parish of Melton Constable with Little Burgh by a junction with Railway Number 1 at the termination thereof, and terminating in the parish of Heigham, otherwise North Heigham, in the county of the city of Norwich, in an island in the River Wensum near the New Mills :

Railway Number 3. A railway, one furlong and two chains fifty-five links or thereabouts in length, commencing by a junction with Railway Number 2 at the termination thereof in the parish of Heigham, otherwise North Heigham, and terminating in the parish of St. Mary at Coslany, in the county of the city of Norwich :

Railway Number 4. A railway, six miles six furlongs and six chains or thereabouts in length, wholly in the county of Norfolk, being so much only of Railway Number 4 shown on the deposited plans as extends from the commencement thereof, in the said parish of Melton Constable with Little Burgh, by a junction with Railway Number 1 to the point shown on the said plans as six miles six furlongs and six chains from the commencement :

Railway Number 5. A railway, four miles two furlongs forty links or thereabouts in length, wholly in the county of Norfolk, commencing in the parish of Kelling by a junction with Railway Number 4 near the direct public road leading from Kelling Church to Bodham Church, and terminating in the parish of Wiveton in a meadow known as the Fifteen Acre Marsh :

Railway Number 6. A railway, one mile four chains fifty links or thereabouts in length, situate wholly in the county of Norfolk, commencing in the parish of Wiveton at the termination of Railway Number 5, and terminating in the parish of Blakeney at the south-west end of the quay :



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Railway Number 7. A railway, five furlongs one chain forty links or thereabouts in length, wholly in the county of Norfolk, commencing in the parish of Gaywood by a junction with the Hunstanton and West Norfolk Junction Railway near Salter's Road, and terminating in the parish of Saint Margaret, otherwise Saint Margaret King's Lynn, by a junction with the railway of the King's Lynn Dock Company near the bridge over the Loke;

Railway Number 8. A railway, one furlong six chains twenty-five links or thereabouts in length, wholly in the said parish of Saint Margaret, otherwise Saint Margaret King's Lynn, commencing by a junction with the railway of the King's Lynn Dock Company near the bridge over the Loke, and terminating near Austin Street, opposite Garland's Yard.

Power to cross certain roads on the level.

6. 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 railway 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 roads next herein-after mentioned :

| Number on deposited Plan. | Parish. | Description of Roads. |
|---------------------------|---------|-----------------------|
|---------------------------|---------|-----------------------|

RAILWAY No. 1.

|    |             |       |             |
|----|-------------|-------|-------------|
| 1  | Pensthorpe  | - - - | } Turnpike. |
| 36 | Kettlestone | - - - |             |
| 23 | Kettlestone | - - - | Public.     |
| 7  | Barney      | - - - | } Public.   |
| 7  | Thursford   | - - - |             |
| 3  | Thursford   | - - - | Public.     |
| 15 | Briningham  | - - - | Public.     |

RAILWAY No. 2.

|           |                   |       |         |
|-----------|-------------------|-------|---------|
| 35 and 43 | Hindolvestone     | - - - | Public. |
| 9         | Guestwick         | - - - | Public. |
| 11        | Guestwick         | - - - | Public. |
| 11 and 16 | Foulsham          | - - - | Public. |
| 22 and 25 | Foulsham          | - - - | Public. |
| 20 and 24 | Themelthorpe      | - - - | Public. |
| 31        | Great Witchingham | - - - | Public. |
| 56        | Great Witchingham | - - - | Public. |
| 13        | Attlebridge       | - - - | Public. |

| Number on deposited Plan. | Parish.                 | Description of Roads. |
|---------------------------|-------------------------|-----------------------|
| RAILWAY No. 4.            |                         |                       |
| 3 and 23                  | Briningham - - -        | Public.               |
| 32                        | Briningham - - -        | Public.               |
| RAILWAY No. 5.            |                         |                       |
| 35                        | Kelling - - -           | Public.               |
| 2                         | Salthouse - - -         |                       |
| 37                        | Cley-next-the-Sea - - - | Public.               |
| RAILWAY No. 7.            |                         |                       |
| 18                        | Gaywood - - -           | Public.               |

7. The Company shall construct a footbridge over Railway Number 4 at the point where the said railway will cross on the level the road numbered 23, in the parish of Briningham.

Footbridge in Briningham.

8. Notwithstanding anything on the deposited sections, the road numbered 32, in the parish of Briningham, shall not be raised more than three feet.

Road in Briningham not to be raised more than three feet.

9. The Company may divert, alter, or stop up any roads within the limits of deviation in the manner shown on the deposited plans and sections.

Diversion of roads.

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

Span of bridges.

| Number on deposited Plan. | Parish. | Description of Roads. | Span. |
|---------------------------|---------|-----------------------|-------|
|---------------------------|---------|-----------------------|-------|

RAILWAY No. 2.

|         |                  |                    |          |
|---------|------------------|--------------------|----------|
| 16      | Kerdistone - - - | Public - - -       | 15 feet. |
| 25      | Kerdistone - - - | Public - - -       | 5 feet.  |
| 3       | Hackford - - -   |                    |          |
| 3 and 5 | Whitwell - - -   | Public roads - - - | 20 feet. |
| 15      | Whitwell - - -   | Public - - -       | 15 feet. |
| 22      | Drayton - - -    | Public - - -       | 15 feet. |

RAILWAY No. 4.

|           |                |              |          |
|-----------|----------------|--------------|----------|
| 6, 7, & 8 | Brinton - - -  | Public - - - | 15 feet. |
| 5         | Stody - - -    | Public - - - | 15 feet. |
| 3         | Hunworth - - - | Public - - - | 15 feet. |

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| Number on deposited Plan. | Parish.                 | Description of Roads. | Span.    |
|---------------------------|-------------------------|-----------------------|----------|
| RAILWAY No. 5.            |                         |                       |          |
| 7                         | Kelling - - -           | Public - - -          | 15 feet. |
| 14                        | Kelling - - -           | Public - - -          | 15 feet. |
| 35                        | Kelling - - -           | Public - - -          | 15 feet. |
| 2                         | Salthouse - - -         | Public - - -          | 15 feet. |
| 6                         | Salthouse - - -         |                       |          |
| 10                        | Cley-next-the-Sea - - - | Public - - -          | 15 feet. |
| 2                         | Cley-next-the-Sea - - - | Public - - -          | 20 feet. |

Widths of  
certain road-  
ways.

11. The Company may make the roadway over the bridges by which the following roads will be carried over the railway 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 Plan. | Parish.                                | Description of Road. | Width of Roadway. |
|---------------------------|--|----------------------|-------------------|
| RAILWAY No. 1.            |  |                      |                   |
| 6                         | Kettlestone - - -                      | Public - - -         | 15 feet.          |
| 7                         | Briningham - - -                       | Public - - -         | 15 feet.          |
| 4 & 7                     | Melton Constable with<br>Little Burgh. | Public - - -         | 20 feet.          |
| RAILWAY No. 2.            |  |                      |                   |
| 9                         | Hackford - - -                         | Public - - -         | 15 feet.          |
| 2 & 9                     | Great Witchingham - - -                | Public - - -         | 15 feet.          |
| 23                        | Attlebridge - - -                      | Public - - -         | 15 feet.          |
| 5                         | Taverham - - -                         | Public - - -         | 15 feet.          |
| 11                        | Drayton - - -                          | Turnpike - - -       | 20 feet.          |
| 15                        | Drayton - - -                          | Public - - -         | 15 feet.          |
| RAILWAY No. 4.            |  |                      |                   |
| 6, 7, & 8                 | Brinton - - -                          | Public - - -         | 15 feet.          |
| 5                         | Stody - - -                            | Public - - -         | 15 feet.          |
| 7                         | Holt - - -                             | Public - - -         | 20 feet.          |
| 30 & 5                    | Holt - - -                             | Public roads - - -   | 20 feet.          |
| 49 & 55                   | Holt - - -                             | Public - - -         | 20 feet.          |
| 79                        | Holt - - -                             | Public - - -         | 20 feet.          |
| 15                        | Kelling - - -                          | Public - - -         | 15 feet.          |
| RAILWAY No. 5.            |  |                      |                   |
| 14                        | Kelling - - -                          | Public - - -         | 15 feet.          |
| 24 & 28                   | Kelling - - -                          | Public - - -         | 15 feet.          |
| 6                         | Cley-next-the-Sea - - -                | Public - - -         | 15 feet.          |



12. The Company shall provide at least one convenient means of passage for persons and cattle across that portion of Railway No. 2 which will intersect Whitwell Common, in the parish of Whitwell, so that access may be given to the commoners and their cattle from one portion of the common so intersected to the other.

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 —  
 Protection of  
 commoners  
 on Whit-  
 well Com-  
 mon.

13. With respect to any money paid by the Company to a committee as compensation for lands being common lands, or in the nature thereof, the right to the soil of which shall belong to the commoners, it shall be lawful for the majority in number present at any meeting of such committee called for the purpose, with not less than fourteen days notice, to decide that such money shall be laid out either in the improvement of the remainder of the common land in respect of a portion of which such money has been paid, or in the purchase of additional land to be used as common land, and any such decision shall bind the minority and all absent parties, and the committee may apply the money accordingly.

Application  
 of compensa-  
 tion money  
 for common  
 lands.

Any land so purchased as aforesaid for use as common land shall be conveyed to and vest in the persons to whom the land so taken belonged, and all such land shall be subject to the same commonable or other rights in all respects as the land for which the purchase money shall have been paid by the Company.

14. Any moneys paid by the Company to the churchwardens and overseers of a parish, or to any trustees, in respect of any recreation ground or allotment for field gardens taken by the Company shall be applied in manner provided by the Inclosure Acts, 1845-1878, as amended by the Commons Act, 1879, with respect to the surplus rents arising from recreation grounds and field gardens respectively.

Application of  
 compensation  
 money for  
 recreation  
 grounds, &c.  
 8 & 9 Vict.  
 c. 118., &c.  
 42 & 43 Vict.  
 c. 37.

15. The bridge to be constructed by the Company for carrying the Dereham, Fakenham, and Wells Railway of the Great Eastern Railway Company (herein-after referred to as "the Great Eastern Company") over Railway Number 1 by this Act authorised, in the parish of Fakenham, shall be so constructed as to make provision for a future widening of the said Dereham, Fakenham, and Wells Railway for not exceeding one additional line of rails, and such bridge and all the works connected therewith shall be constructed and executed respectively by such means and in such manner only as not to interfere with the traffic over or the free, uninterrupted, and safe use of the said railway, and so as to leave undisturbed the existing line of rails thereon as far as practicable; provided that the Company shall not disturb the existing line of rails thereon for any longer time than two periods of ten hours each in the whole, and no such disturbance shall take place while trains are running, and the

Crossing of  
 Great East-  
 ern Railway.

A.D. 1880. whole of such works shall be executed according to plans and sections previously submitted to and approved by the engineer of the Great Eastern Company and under his superintendence and to his satisfaction in all respects, but in all things at the expense of the Company: Provided that if the Great Eastern Company do not within one month after the said plans and sections shall have been so submitted to them object to the same by notice in writing served upon the Company, the said plans and sections shall be deemed to have been approved for the purposes of this Act. And if the Great Eastern Company make any such objection, then, unless the said plans and sections be agreed between the two companies, or their respective engineers, within fourteen days after the service of such objections, any matter in difference shall be settled by an arbitrator appointed by the common consent of both companies, or in default of such consent to be appointed by the Board of Trade upon the application of either company, and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, so far as applicable, apply to every such arbitration.

Crossing of  
East Norfolk  
Railway.

42 & 43 Vict.  
c. lxi.

**16.** The bridge to be constructed by the Company in the parish of Themelthorpe for carrying Railway Number 2 by this Act authorised over the western extensions of the East Norfolk Railway Company (herein-after referred to as "the East Norfolk Company") authorised by the East Norfolk Railway Act, 1879, shall be so constructed as to make provision for the construction and maintenance of the said authorised railway with two lines of rails, and the said bridge and all works connected therewith shall be executed according to plans and sections previously submitted to and approved by the engineer of the East Norfolk Company and under his superintendence and to his satisfaction in all respects, but in all things at the expense of the Company: Provided that if the East Norfolk Company do not within one month after the said plans and sections shall have been so submitted to them object to the same by notice in writing served upon the Company, the said plans and sections shall be deemed to have been approved for the purpose of this Act; and if the East Norfolk Company make any such objection, then, unless the said plans and sections be agreed between the two companies, or their respective engineers, within fourteen days after the service of such objections, any matter in difference shall be settled as provided in the last preceding section.

Maintenance  
of bridges.

**17.** The Company shall at all times maintain the bridges at the points of crossing the Great Eastern and East Norfolk Railways



respectively in substantial repair and good order to the reasonable satisfaction in all respects of the engineer of the Great Eastern Company, or, as the case may be, of the East Norfolk Company; and if and whenever the Company fail so to do the Great Eastern Company, or, as the case may be, the East Norfolk Company, may make or do, in and upon as well the lands of the Company as their own lands, all such works and things as may be reasonably requisite in that behalf, and the reasonable amount of such expenditure shall be repaid to them by the Company, and in default of payment may be recovered from the Company with full costs in any court of competent jurisdiction.

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18. The Company shall not, without first obtaining the consent of the Great Eastern Company, or, as the case may be, of the East Norfolk Company, under the hands of their respective secretaries for the time being, take, use, vary, or interfere with any of the lands, rails, works, property, or rights from time to time belonging to, or in the possession or under the power of, or vested in, the respective companies, except only such or so much or such part or parts thereof respectively as shall be necessary for the Company to take, use, vary, or interfere with for constructing and maintaining the bridges under and over the railways of the Great Eastern and East Norfolk Companies in accordance with the provisions in that behalf in this Act contained.

Protection of works of Great Eastern and East Norfolk Railway Companies.

19. The Company shall not purchase and take any lands and property of the Great Eastern Company, or, as the case may be, the East Norfolk Company, but they may purchase and take, and the respective company may and shall sell and grant accordingly, an easement or right of using such lands and property for the purpose for which, but for this enactment, the Company might purchase and take the same.

Easements only to be taken from East Norfolk and Great Eastern Companies.

20. The Company shall bear and on demand pay to the Great Eastern Company, or, as the case may be, to the East Norfolk Company, all reasonable expenses of the employment by them during the construction of the bridges under and over the railways of the respective companies of a sufficient number of inspectors and watchmen to be appointed by the respective company for watching their works and property with reference to and during the execution of such works of the Company, and for preventing as far as may be all interference, danger, and accident from any of the operations or from the acts or defaults of the Company or of their contractors, or any persons in the employment of the Company or of their

Expenses of watching, &c.

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contractors, with reference thereto, or otherwise, and also of the alteration and maintenance from time to time by the respective company of any signals which they may find necessary to make during the construction of such works.

Penalty in  
case of  
obstruction  
or injury.

**21.** If by reason of the execution of any of the works or any proceedings of the Company, or the failure of any such works, or any act or omission of the Company or of their contractors, or of any persons in the employ of the Company or of their contractors, or otherwise, the Great Eastern, or, as the case may be, the East Norfolk Railway, or any of the works connected therewith, or any passenger or other traffic on that railway, shall sustain any injury or damage, such injury or damage shall be forthwith made good by the Company at their own expense, or in the event of their failing so to do the Great Eastern Company, or, as the case may be, the East Norfolk Company, may make good the same and recover the expense thereof with full costs from the Company in any court of competent jurisdiction; and if any interruption shall be occasioned to such traffic by reason of any of the matters or causes aforesaid, the Company shall on demand pay to the respective company all costs and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be recoverable from the Company as last aforesaid, and with full costs.

Saving rights  
of the East  
Norfolk and  
Great East-  
ern Railway  
Companies.

**22.** Nothing in this Act contained shall prejudice, take away, diminish, or interfere with any of the property, rights, interests, powers, and privileges of the Great Eastern Company or of the East Norfolk Company otherwise than is herein expressly provided.

Protection of  
the Corpora-  
tion of  
Norwich.

**23.** The following provisions for the protection and benefit of the mayor, aldermen, and citizens of the city and county of the city of Norwich (in this section referred to as "the corporation") shall apply and have effect; (that is to say,)

1. Within two years from the passing of this Act the Company shall at their own expense make and complete to the reasonable satisfaction of the corporation a new road, of not less than thirty-six feet in width, including footpaths, from Heigham Causeway to Saint Martin at Oak Street in the city of Norwich, in the line and situation shown upon a plan signed by Walrond Smith and Peter Paul Marshall, and upon such road being so made and completed the power to construct the road authorised by the Norwich Improvement Act, 1879, shall not be exercised:



2. The new road shall be carried over the River Wensum by at least two bridges, with proper floodways, and such bridges and floodways shall be constructed of such materials and in such manner as the corporation shall reasonably require, but so that there be a clear aggregate opening of at least seven hundred feet superficial area and a clear headway of not more than two feet above the mesne working level of the new mills :
3. The gradient of the new road, including the bridges over the Wensum and approaches thereto, shall not in any part thereof be steeper than one in fifty :
4. The new road shall be levelled, metalled, and drained at the expense of the Company, and the road, bridges, and works shall, at the like expense, be maintained and kept in repair to the reasonable satisfaction of the corporation for the period of two years from the completion thereof :
5. The Company may lay down across the new road, in continuation of their railway, a tramway of not more than two lines, but such tramway shall (except with the consent of the corporation) only be worked by animal power, and the tramway shall be protected by gates across the same on both sides of the road, and such gates shall be kept closed, except when required to be open to allow of the passing of the traffic, and the provisions of the Railways Clauses Act, 1863 (relating to level crossings), shall, so far as the same are applicable, apply to such level crossings :
6. Railway Number 2 shall be so constructed that the centre line of railway shall cross the Hellesden Road at the point where the line of limit of deviation crosses that highway in the parish of Earlham, and such highway shall be carried over the railway by a bridge at least thirty feet wide between the parapets, and the gradients of such bridge and the approaches thereto shall not be steeper than one in twenty :
7. All bridges within the city and county of the city of Norwich carrying the railway over the River Wensum, except the bridges referred to in sub-section 2 of this section, shall be so constructed as to allow of a clear aggregate waterway of at least fifty feet and clear headway of not less than six feet for the whole width of the waterway above the mesne working level at New Mills :
8. The Norwich terminus passenger station of Railway Number 2 shall, unless the corporation otherwise approve, be erected as near the new road as it conveniently can be :

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9. If at any time hereafter the corporation shall desire to make a new road across Railway Number 2, in continuation of Old Palace Road, at or towards the Fakenham Turnpike Road, the Company will for that purpose offer all reasonable facilities for the construction of a bridge over or under their railway.

Power to take easements, &c. by agreement.

24. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, required for the purposes of this Act or any of the purposes of their undertaking, in, over, or affecting any such lands, and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, or privileges as aforesaid.

Lands for extraordinary purposes.

25. The quantity of land to be taken by the Company by agreement under the powers of this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed ten acres.

Notice to be given of taking houses of labouring classes.

26. The Company shall, not less than eight weeks before they taken in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Accommodation to be provided for persons of the labouring classes to be displaced.

27. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice.

The Company may, for the purpose of providing such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase lands by agreement, and may on any such lands erect labouring-class



dwelling, and may let or otherwise dispose of such lands or dwellings. A.D. 1880.

28. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of the lands, buildings, or manufactories shown on the deposited plans will be sufficient for the purposes of the Company, and that such portions may be severed from the remainder of the said properties without material detriment thereto; therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands, buildings, or manufactories described in the schedule to this Act, and whereof parts only are required for the purposes of the Company, may (if such portions can, in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the said 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 or other parties interested therein by severance or otherwise.

Owners may be required to sell parts only of certain lands and buildings.

29. The powers of the Company for the compulsory purchase of lands for the purposes of the railway shall not be exercised after the expiration of the periods from the passing of this Act hereinafter respectively specified; namely,

Period for compulsory purchase of lands.

For Railway Number 1 and Railway Number 2 (except the station at Norwich and works connected therewith) two years;

For the other railways by this Act authorised, and for the station at Norwich and works connected therewith, three years.

30. 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 twenty-two thousand four hundred and nine pounds and ten shillings Consolidated Three per Cent. Annuities, being equal in value to five per centum upon the amount of the estimate in respect of the railway as originally proposed to be authorised, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act: And whereas

Deposit money not to be repaid except so far as railway is opened.

A.D. 1880. a part of Railway Number 4 as originally proposed is not authorised by this Act, and one thousand eight hundred and ninety-four pounds of the said sum of annuities is attributable to the said part, and the balance of the said sum, namely, twenty thousand five hundred and fifteen pounds and ten shillings Consolidated Three per Cent. Annuities, is referred to in this Act as the "deposit fund": Be it enacted, that, notwithstanding anything contained in the said Act, the deposit fund 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, which persons, survivors, or survivor are or is in this Act referred to as "the depositors," unless the Company shall, previously to the expiration of the period limited by this Act for the completion of the railway, open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade specifying the length of the railway or portion of railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of railway so opened bears to the entire length of the railway, the said Chancery Division shall, on the application of the depositors or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein 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 deposit  
fund.

31. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no



A.D. 1880.

compensation or inadequate compensation has 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 in England may seem fit, and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, 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 Chancery Division 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 Chancery Division, 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 deposit fund 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 depositors.

**32.** The Chancery Division of the High Court of Justice may at any time after the passing of this Act order that the sum of one thousand eight hundred and ninety-four pounds Consolidated Three per Cent. Bank Annuities, part of the sum originally deposited in respect of the railways proposed by the Bill for this Act, together with any interest or dividend accrued thereon, shall be paid or transferred to the depositors, or as they may direct.

Court of Chancery may order repayment of surplus deposit.

**33.** If Railways Numbers 1 and 2 by this Act authorised (except the station at Norwich and works connected therewith) are not completed within two 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 said railways (except as aforesaid) shall cease to be exercised, except as to so much thereof as shall then be completed.

Powers to make Railway No. 1 and part of Railway No. 2 to cease in two years.

**34.** If the railway is 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

Period for completion of railway.

[Ch. clxv.] *Lynn and Fakenham Railway* [43 & 44 VICT.]  
(*Extensions*) Act, 1880.

**A.D. 1880.** the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls, &c.

**35.** The Company may demand and take in respect of the railway the same tolls and charges as they are authorised to receive for and in respect of the Lynn and Fakenham Railway, as if it were part of such undertaking, and the railway shall in all respects be deemed part of the Lynn and Fakenham Railway.

Limitation  
of tolls for  
through  
traffic.

**36.** The tolls and charges to be taken by the Company for the conveyance of passengers, animals, and goods conveyed through the whole distance between Norwich and Lynn and any place beyond Lynn shall not exceed one half of the maximum tolls and charges prescribed by the Act of 1876, and the Company shall run three express trains daily between Lynn and Norwich.

Power to  
Company to  
charge for  
warehousing  
goods, &c.

**37.** The Company, in addition to any other tolls, rates, or charges which they can demand, may demand and recover for the warehousing and wharfage of goods (after due notice to the consignee, and allowing a reasonable time for removal), or for any other extraordinary services performed by them not incidental to the business or duty of a carrier, such reasonable sum or sums as they may think fit. But nothing herein contained shall extend or apply to coal, cannel, culm, slack, coke, or cinders where delivered into yards or sidings owned or rented by the consignors or consignee thereof, but where such coal, cannel, culm, slack, coke, or cinders are wharfed upon sidings or yards belonging to and in the occupation of the Company, the Company may charge a sum for the use of such siding or yard not exceeding threepence per ton in respect thereof, and if the said traffic shall remain in the said siding or yard for a longer period than four days (Sunday, Good Friday, Christmas Day, and Bank Holidays excepted) the Company may, after due notice to the consignee, and allowing one clear day for removal, charge a further reasonable sum in respect thereof.

Company  
may apply  
funds for  
purposes of  
Act and may  
raise addi-  
tional capital.

**38.** The Company may apply towards the construction of the railway any money which they are already authorised to raise, and which may not be required by them for the purposes for which the same was authorised to be raised, and the Company may for the purposes of this Act from time to time, subject to the provision of Part II. of the Companies Clauses Act, 1863, raise, in addition to the sums of money which they are already authorised to raise, any additional sum or sums, not exceeding in the whole four hundred and eighty thousand pounds, by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or



partly by any one or more of those methods respectively, which shares or stock shall form part of the general capital of the Company: Provided that the Company shall not, under the powers of this Act, issue as preference capital more than one hundred thousand pounds in the whole. A.D. 1880.  
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39. The Company shall not issue any share or stock created under the authority of this Act, nor shall any such share or stock vest in the person accepting the same, unless and until a sum not being less than one-fifth part of the amount of such share or stock shall have been paid in respect thereof. Shares or stock not to vest until one-fifth part paid up.

40. If any money is payable to a holder of shares or stock in the Company being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt clause in case of persons not sui juris.

41. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company. As to votes of proprietors of such shares.

42. The Company may, in respect of the additional capital of four hundred and eighty 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 one hundred and sixty thousand pounds, and of that sum they may borrow forty thousand pounds in respect of each sum of one hundred and twenty thousand pounds of such additional capital; but no part of any such sum of forty thousand pounds shall be borrowed until shares for so much of the portion of capital in respect of which it may be borrowed as is to be raised by means of shares 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 so much of such portion of capital as is to be raised by shares have been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each such separate share 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 such portion of 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

A.D. 1880. — persons or corporations to whom the same were issued, or their executors, administrators, or assigns, and also if the said respective portion of capital is raised by shares that such persons or corporations, or their executors, administrators, or assigns, are legally liable for the same.

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.

43. The twelfth section of the Act of 1876 is hereby repealed, but without prejudice to any appointment made or proceedings pending under that section at the passing of this Act. 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. 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 ten thousand pounds in the whole.

Debenture stock.

44. 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.

Former mortgages to have priority.

45. The principal money secured by all mortgages granted by the Company in pursuance of the powers of the Act of 1876, and subsisting at the time of the passing of this Act, shall during the continuance of such mortgages have priority over the principal money secured by any mortgages granted by virtue of this Act.

Application of moneys.

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

Saving rights of Crown under 29 & 30 Vict. c. 62.

47. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities, mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.



48. Nothing contained in this Act shall authorise 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 right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

49. The East Norfolk Railway Company may run over and use with their engines and carriages of every description, and with their clerks, officers, and servants, that portion of the Lynn and Fakenham Railway lying between the intersection of that line with the East Norfolk Railway near Themelthorpe and Blakeney, together with the stations, watering-places, booking offices, landing-places, sidings, works, and conveniences connected therewith; provided they permit the Company to run over and use with their engines and carriages of every description, and with their clerks, officers, and servants, that portion of the East Norfolk Railway lying between the intersection of that line with the Lynn and Fakenham Railway near Themelthorpe and Aylsham, together with the stations, watering-places, booking offices, landing-places, sidings, works, and conveniences connected therewith.

50. The terms, conditions, and regulations to which the companies respectively shall be subject in respect of the use by them of the said railways, and the tolls or other consideration to be paid by them for the same, shall, if not agreed upon, be from time to time determined by arbitration as herein-after provided.

51. Any difference which may from time to time arise between the companies with regard to any such terms, conditions, and regulations, and tolls or other consideration as aforesaid, shall be determined by an arbitrator to be appointed by agreement between the companies, or in default of agreement by the Board of Trade on the application of either company, and the decisions of any arbitrator appointed under the provisions of this Act shall be binding and conclusive on the companies, and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct.

A.D. 1880.  
Saving rights of the Crown in the fore-shore.

Running powers to East Norfolk Railway Company.

Terms of use to be settled by arbitration if not agreed.

Differences to be settled by arbitration.

A.D. 1880. **52.** 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.

Deposits for future Bills not to be paid out of capital. **53.** 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.

Provision as to general Railway Acts. **54.** 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. **55.** 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. 1880.

Describing LANDS, BUILDINGS, and MANUFACTORIES of which portions only  
are required by the Company.

| Railway. | Parish.                                | No. on deposited Plan. |
|----------|--|------------------------|
| No. 2.   | Whitwell - - - - -                     | 2                      |
| No. 2.   | Heigham, otherwise North Heigham - - - | 13                     |
| No. 2.   | Heigham, otherwise North Heigham - - - | 34                     |
| No. 2.   | Heigham, otherwise North Heigham - - - | 32                     |
| No. 2.   | Heigham, otherwise North Heigham - - - | 36                     |
| No. 2.   | Heigham, otherwise North Heigham - - - | 36a                    |
| No. 2.   | Heigham, otherwise North Heigham - - - | 36b                    |
| No. 2.   | Heigham, otherwise North Heigham - - - | 37                     |
| No. 2.   | Heigham, otherwise North Heigham - - - | 38                     |
| No. 2.   | Saint Swithin - - - - -                | 1                      |
| No. 2.   | Saint Mary at Coslany - - - - -        | 1                      |
| No. 3.   | Heigham, otherwise North Heigham - - - | 1                      |
| No. 3.   | Heigham, otherwise North Heigham - - - | 2                      |
| No. 3.   | Heigham, otherwise North Heigham - - - | 3                      |
| No. 3.   | Heigham, otherwise North Heigham - - - | 5                      |
| No. 3.   | Heigham, otherwise North Heigham - - - | 6                      |
| No. 3.   | Saint Swithin - - - - -                | 1                      |
| No. 3.   | Saint Mary at Coslany - - - - -        | 1                      |
| No. 3.   | Saint Mary at Coslany - - - - -        | 2                      |
| No. 3.   | Saint Mary at Coslany - - - - -        | 7, 8, 9, 10            |
| No. 3.   | Saint Mary at Coslany - - - - -        | 12                     |
| No. 3.   | Saint Mary at Coslany - - - - -        | 28                     |
| No. 3.   | Saint Mary at Coslany - - - - -        | 34                     |
| No. 3.   | Saint Michael at Coslany - - - - -     | 1                      |
| No. 3.   | Saint Michael at Coslany - - - - -     | 10                     |
| No. 6.   | Blakeney - - - - -                     | 17                     |