



CHAPTER cxcix.

An Act to confer further powers on the Lynn and Fakenham, Yarmouth and North Norfolk, and Yarmouth Union Railway Companies. A.D. 1881.  
[11th August 1881.]

WHEREAS by the Lynn and Fakenham Railway Acts, 1876 and 1880, the Lynn and Fakenham Railway Company, in this Act called the Company, are authorised to construct railways extending eastward from King's Lynn, in the county of Norfolk, through Melton Constable to Norwich on the south, and to Holt and Blakeney on the north, and the Company have completed a large part of their undertaking, and are completing the remainder :

39 & 40 Vict.  
c. cxlvi.  
43 & 44 Vict.  
c. clxv.

And whereas by the Great Yarmouth and Stalham (Light) Railway Act, 1876, the Yarmouth and North Norfolk (Light) Railway Act, 1878, and the Yarmouth and North Norfolk (Light) Railway Act, 1879, the Yarmouth and North Norfolk (Light) Railway Company, in this Act called the North Norfolk Company, are authorised to construct railways extending from Yarmouth, in the same county, in the direction of the Lynn and Fakenham Railway :

39 & 40 Vict.  
c. lxxxii.  
41 & 42 Vict.  
c. xl.  
42 & 43 Vict.  
c. lxxv.

And whereas the construction of the railways described in this Act would be of public and local advantage, and it is expedient that the powers in this Act contained should be conferred for that purpose :

And whereas the Yarmouth Union Railway Company, in this Act called the Yarmouth Company, are authorised by the Yarmouth Union Railway Act, 1880, to construct a railway from the undertaking of the North Norfolk Company to the North Quay at Great Yarmouth, but have not exercised any of the powers of that Act, and it would conduce to the public advantage that provisions should be made for transferring the powers of that Act to the North Norfolk Company :

43 & 44 Vict.  
c. cxcv.

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And whereas it is expedient that the other provisions contained in this Act should be made :

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,)

Short title.

1. This Act may be cited as the Lynn and Fakenham Railway Act, 1881.

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. 92.

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.

Extending  
certain pro-  
visions of  
Companies  
Clauses Acts,  
8 & 9 Vict.  
c. 16.,

3. The clauses and provisions of the Companies Clauses Consolidation 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 shareholders ;

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

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The provision to be made for affording access to the special Act A.D. 1881.  
by all parties interested :

And also Parts I., II., and III. of the Companies Clauses Act, 26 & 27 Vict.  
1863, (relating respectively to the cancellation and surrender c. 118.,  
of shares, to additional capital, and to debenture stock) as 32 & 33 Vict.  
amended by the Companies Clauses Act, 1869, c. 48.

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.

4. In this Act the several words and expressions to which Interpretation.  
meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

“The Company” means the Lynn and Fakenham Railway Company :

“The North Norfolk Company” means the Yarmouth and North Norfolk (Light) Railway Company :

The “Railway” means the railways authorised by this Act :

“Superior court” or “court of competent jurisdiction,” or any 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 common simple contract debt, and not a debt or demand created by statute.

5. Section 29 (railway to be constructed as a light railway) of the Great Yarmouth and Stalham (Light) Railway Act, 1876, and section 23 (railway to be constructed as a light railway) of the Yarmouth and North Norfolk (Light) Railway Act, 1878, are hereby repealed: Provided that this section shall not take effect until the Company shall have obtained a certificate under the hand of an assistant secretary of the Board of Trade that such repeal can be effected without detriment to the public safety. Repeal of certain sections of Yarmouth Acts.

6. 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, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans, and described in the deposited books of reference as may be required for those purposes. The said railways will be wholly situate in the county of Norfolk, and are— Power to construct works.

A railway (No. 1), 17 miles 3 furlongs 2·5 chains or thereabouts in length, commencing in the parish of Melton Constable with



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Little Burgh by a junction with railway No. 1, authorised by the Lynn and Fakenham Railway (Extensions) Act, 1880, and terminating in the parish of North Walsham by a junction with the railway authorised by the Yarmouth and North Norfolk (Light) Railway Act, 1878:

A railway (No. 3), 4 miles 4 furlongs 1·4 chains or thereabouts in length, commencing in the parish of Kelling by a junction with railway No. 4 authorised by the Lynn and Fakenham Railway (Extensions) Act, 1880, and terminating at or about 370 yards from the water fountain at Lower Sheringham, measured in a south-westerly direction;

A railway (No. 4), 3 miles 7 furlongs 2·2 chains or thereabouts in length, commencing by a junction with railway No. 3 at the point herein-before described as the termination thereof, and terminating near the Cemetery at Cromer.

Certain pro-  
perties not  
to be taken  
compulsorily.

7. Nothing in this Act shall empower the Company to take, otherwise than by agreement, any part of the field in the parish of Runton shown but not numbered on the deposited plans of railway No. 4, and adjoining the field numbered 48 in that parish, or the properties numbered on the deposited plans of railway No. 4, 28 in the parish of Sheringham, 76 in the parish of Runton, and 2 in the parish of Cromer.

Protection  
of the  
Cromer Hall  
Estate

8. Notwithstanding anything in this Act contained, it shall not be lawful, unless with the consent in writing of Margaret Bond Cabbell and Henry Best Hans Hamilton, trustees of the will of John Bond Cabbell, of Cromer Hall, deceased, or the proprietor for the time being of the estate of Cromer Hall, in the parish of Cromer, in the county of Norfolk, (in this section described as the owners of the said estate,) for the Company to construct railway No. 3 or railway No. 4, except subject to the following provisions and conditions; that is to say,

(1.) Railway No. 4 shall not (unless with the consent in writing of the owners of the said estate) be constructed to the eastward of the point marked on the deposited plan as 3 miles and 2 furlongs distant from the commencement of that railway, otherwise than in the line shown on a plan signed by Sir John William Ramsden, Baronet, Chairman of the Committee to whom the Bill for this Act was referred, and deposited in the Private Bill Office of the House of Commons in reference to this Act, and thereon coloured red:

(2.) No part of railway No. 3 shall be opened to the public for passenger traffic until railway No. 4 shall also be completed and opened to the public for passenger traffic:

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(3.) The Company shall not be entitled to enter upon, take, or use any of the lands numbered in the deposited book of reference 49, 57, 59, 60, 65, 75, 76, and 77 in the parish of Runton, and 1, 2, 3, 4, 5, 6, 8, and 9 in the parish of Cromer, until they shall have completed, with the exception of laying down the permanent way, the whole of railway No. 3 and that part of railway No. 4 which lies to the westward of the point shown on the deposited plans as being 2 miles 6 furlongs distant from the commencement of railway No. 4 :

(4.) If railway No. 3 and railway No. 4 shall not be completed and opened to the public for passenger traffic within three years from the time of the passing of this Act, any lands acquired by the Company from the owners of the said estate, for the purposes of the said railways or either of them, shall immediately on the expiration of that period revert to the persons from whom they were acquired by the Company, on payment to the Company of the consideration (if any) which may have been paid to them by the Company for such lands, under deduction of compensation for all injury or damage sustained by them occasioned by the entry of the Company on such lands for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, or by any works executed by the Company on such lands.

The Company shall not, without the consent of the owners of the said estate, be entitled to enter upon, take, or use any of the lands numbered on the deposited plans 3, 4, 6, 7, 8, and 9 in the parish of Cromer, and nothing in this Act shall enable the Company to construct any part of the railway outside the limits of deviation marked on the deposited plans.

9. Whereas parts of the lands shown upon the deposited plans and described in the deposited books of reference are or are reputed to be common or commonable lands, and it is expedient that provision should be made for the protection thereof : Be it therefore enacted as follows :

Protection of common and commonable lands.

1. The Company shall not be entitled to purchase or take, otherwise than by agreement, any part of the land known as Briston Recreation Ground, numbered on the deposited plans 46 in the parish of Briston.

Briston recreation ground.

2. The Company shall not take of the land known as Abel Heath, and numbered on the deposited plans 16, 18, and 20 in the parish of Aylsham, and 1 and 3 in the parish of Blickling, any greater quantity than 2 acres, and in constructing

Abel Heath.



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the railway where it will cross the said heath, the Company shall divert the centre line thereof as shown on the deposited plans, so that at the east end of the said heath it shall pass sixty yards or thereabouts to the south of its course, as shown on the deposited plans, and at the west end of the common eighteen yards or thereabouts to the south of its course shown on the said plans; and as and by way of compensation for so much of the said heath as they shall take for the purposes of the railway, the Company shall, instead of making any pecuniary payment, add to the heath a piece of land not less in extent than that which they shall take from it.

Kelling  
Heath.

3. The Company shall not take of the land known as Kelling Heath, numbered on the deposited plans 12, 13, and 14 in the parish of Kelling, any greater quantity than five acres. A convenient means of access across railway number 3, where it crosses Kelling Heath, shall be provided by the Company at some convenient point between the points marked on the deposited plans of railway number 3, 4 furlongs and 8 chains and 1 mile and 4 chains from the commencement of the said railway.

Beeston  
Common.

4. The Company shall not take of the land known as Beeston Common, numbered on the deposited plans 1 and 2 in the parish of Beeston Regis, any greater quantity than one acre, and a bridge under the railway number 4 shall be provided at or about 4 furlongs 1 chain from the commencement of the said railway. The Company may, if they think fit, add to Beeston Common a piece of land not less in extent than that which they take from it, and the addition of the said piece of land to the said common shall be accepted instead of any pecuniary payment for purchase money and compensation in respect of the land taken from the said common.

West Runton  
Common.

5. The Company shall not take of West Runton Common, numbered on the deposited plans 8 in the parish of Runton, any greater quantity than one acre and a half. The Company shall provide a bridge across the said railway at or about the distance 1 mile 55 chains from the commencement thereof, and also a communication with the west part of the common through the property numbered 11 in the said parish.

6. Where under the provisions of this Act any land shall be added by the Company to any common or commonable land in substitution for land taken, the land so added shall be conveyed to and vest in the persons to whom the land so taken belonged, and shall be subject to the same common-

able or other rights in all respects as the land for which it is substituted. A.D. 1881.

7. 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. 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.

Application of compensation money for common lands.

10. The Company shall not take, enter upon, or use for the purposes of the railways and works, or any of them, authorised by this Act, without the consent in writing of the Great Eastern Railway Company under their common seal, the lands referred to in section 22 of the Yarmouth and North Norfolk (Light) Railway Act, 1878, as the "reserved lands," or any part or parts thereof.

Certain lands not to be taken without consent of Great Eastern Railway Company.

11. The bridge to be constructed by the Company for carrying the East Norfolk Railway over railway No. 1 by this Act authorised, in the parish of North Walsham, shall be so constructed as to make provision for the future widening of the said East Norfolk 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 without the consent of the Great Eastern Railway Company disturb the existing line of rails thereon for any longer time than two periods of twelve hours each in the whole; and no such disturbance shall take place while trains are running, and the whole of such works shall be executed according to plans and sections previously submitted to and reasonably approved by the engineer of the Great Eastern Railway Company and under his superinten-

Crossing of East Norfolk Railway.



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dence and to his reasonable satisfaction in all respects, but in all things at the expense of the Company: Provided that if the Great Eastern Railway Company do not within fourteen days 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 Railway 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: Provided that the Company shall not be required to construct the superstructure of the said bridge for more than a single line of rails until the Great Eastern Railway Company give notice in writing to the Company of their intention to double the East Norfolk Railway across the said bridge.

Maintenance  
of bridge.

**12.** The Company shall at all times maintain the bridge at the point of crossing the East Norfolk Railway in substantial repair and good order to the reasonable satisfaction in all respects of the engineer of the Great Eastern Railway Company; and if and whenever the Company fail so to do, the Great Eastern Railway 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 their expenditure therein 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.

Protection  
of works of  
the East  
Norfolk  
Railway  
Company.

**13.** The Company shall not under the powers of this Act, without first obtaining the consent of the Great Eastern Railway Company, under the hand of their secretary 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 Great Eastern or the East Norfolk Railway Company, except only such or so much or such part or parts thereof respectively as it shall be necessary for the Company to take, use, vary, or interfere with, for constructing and



maintaining the said bridge, carrying the East Norfolk Railway over the railway and the works connected with the said bridge in accordance with the provisions in that behalf in this Act contained. A.D. 1881.

14. The Company shall not purchase and take any lands and property of the Great Eastern or the East Norfolk Railway Company, but they may purchase and take, and the Great Eastern or the East Norfolk Railway 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 for crossing East Norfolk Railway.

15. The Company shall bear and on demand pay to the Great Eastern Railway Company all reasonable expenses of the employment by them, during the construction of the said bridge over their railway, of a sufficient number of inspectors and watchmen to be appointed by the Great Eastern Railway Company for watching their works and property with reference to and during the construction of the said bridge, 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 contractors with reference thereto, and also of the alteration and maintenance from time to time by the Great Eastern Railway Company of any signals which it may be necessary for them to make during the construction of such works. Expenses of watching during construction of bridge.

16. 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 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 Railway 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 Great Eastern Railway 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 compen-

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Preserving access to North Walsham Station of the Great Eastern Railway Company.

17. The Company shall effectually provide for draining and keeping free from flood water, in accordance with plans to be approved by the Board of Trade, the road numbered on the deposited plans 65 in the parish of North Walsham, so as to preserve uninterrupted access by means of the said road to the North Walsham Station of the Great Eastern Railway Company, such plans to be submitted to and approved by the said Board before the said road is interfered with by the Company.

Power to cross certain roads on the level.

18. 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 hereinafter mentioned :

Number on deposited Plans.	Parish.	Description of Roads.
RAILWAY No. 1.		
35	Briston - - - -	Public.
1	Cawston - - - -	Public.
8	Cawston - - - -	Public.
13	Aylsham - - - -	Public.
75	Aylsham - - - -	Public.
4	Felmingham - - - -	Public.
23	North Walsham - - - -	Public.
34	North Walsham - - - -	Public.
RAILWAY No. 4.		
8	Sheringham - - - -	Public.

Diversion of roads.

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

Span of bridges.

20. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of



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any spans not less than the spans herein-after mentioned in connexion therewith respectively; (that is to say,) A.D. 1881.

Number on deposited Plans.	Parish.	Description of Road.	Span.
			Feet.
RAILWAY No. 1.			
26	Briston - - -	Public - - -	15
28	Corpusty - - -	Public - - -	15
37	Corpusty - - -	Public - - -	15
10	North Walsham -	Public - - -	15
RAILWAY No. 4.			
19	Sheringham - - -	Public - - -	15
52	Runton - - -	Public - - -	15
71	Runton - - -	Public - - -	15

21. 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,) Widths of certain roadways.

Number on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
			Feet.
RAILWAY No. 1.			
12	Corpusty - - -	Public - - -	15
}	2 Aylsham - - -	Public - - -	} 20
	17 Aylsham - - -	Public - - -	
	19 Aylsham - - -	Public - - -	
	2 Blickling - - -	Public - - -	
24	Aylsham - - -	Public - - -	20
RAILWAY No. 3.			
15	Weybourne - - -	Public - - -	15
RAILWAY No. 4.			
26	Beeston Regis -	Public - - -	20
45	Runton - - -	Public - - -	15

22. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any Inclination of roads.

A.D. 1881. inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively ; (that is to say,)

Number of Railway.	Number on deposited Plan.	Parish.	Description of Road.	Inclination intended.
No. 1	12	Corpusty -	Public -	1 in 13
„ 3	15	Weybourne -	Public -	1 in 15

Power to take easements, &c. by agreement.

**23.** 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, not being an easement of water, 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.

**24.** 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.

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

**25.** 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 following, 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.



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The properties above referred to are as follows :

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Railway.	Parish.	No. on Plans.
No. 1 - - -	Corpusty - - -	48.
„ 1 - - -	North Walsham - - -	55, 56, and 57.

**26.** 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 three years from the passing of this Act.

Period for compulsory purchase of lands.

**27.** 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 ten thousand four hundred and eighty-four pounds thirteen shillings and tenpence three per cent. Consolidated Bank annuities, being equal 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 a part of the railway as originally proposed is not authorised by this Act, and six hundred and forty-five pounds of the said sum of annuities is attributable to the said part, and the balance of the said sum, namely, nine thousand eight hundred and thirty-nine pounds thirteen shillings and tenpence 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 said 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 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 portion of the railway opened as aforesaid, and a portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Court 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

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

A.D. 1881. 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.

Court of  
Chancery  
may order  
repayment  
of surplus  
deposit.

28. The Chancery Division of the High Court of Justice may at any time after the passing of this Act order that the sum of six hundred and forty-five 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.

Application  
of deposit.

29. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same, 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 may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit, and if no such compensation shall be payable, or if a portion of the sum or 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 deposit fund, or such portion thereof as may not be required as aforesaid, shall be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Division 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 said 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.



**30.** 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 for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed. A.D. 1881.  
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 Period for completion of railway.

**31.** 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. Railways as to tolls, &c. to form part of original railway.

**32.** 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 provisions of Part II. of the Companies Clauses Act, 1863, raise in addition to the sums of money so authorised to be raised any additional sum or sums not exceeding in the whole one hundred and ninety-eight thousand pounds, by the issue at their option of new ordinary shares or stock, or new preference shares or stock, 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 not more than one hundred and fifty thousand pounds shall be issued as preference shares or stock. Company may apply their funds towards purposes of Act and may raise additional capital.

**33.** No share or stock created under the authority of this Act shall be issued, 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.

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

**35.** 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. Votes of proprietors of new shares or stock.

**36.** The Company may, in respect of the additional capital of one hundred and ninety-eight 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 sixty-six thousand pounds, and of that sum they may borrow twenty-two thousand Power to borrow.

A.D. 1881.

pounds in respect of each sum of sixty-six thousand pounds of such additional capital; but no part of any such sum of twenty-two 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 therein 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 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.

Appoint-  
ment of  
receiver.

**37.** The 43rd section of the Lynn and Fakenham Railway (Extensions) Act, 1880, with respect to the appointment of a receiver, is hereby repealed, but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section. 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.

**38.** 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. A.D. 1881.

**39.** The principal money secured by all mortgages granted by the Company in pursuance of the powers of any former Act and subsisting at the time of the passing of this Act shall, during the continuance of such mortgages, and subject to the provisions of the Acts under which the same were respectively granted, have priority over the principal money secured by any mortgages granted by virtue of this Act. Former mortgages to have priority.

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

**41.** The Company on the one hand and the North Norfolk Company on the other hand may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following matters, or any of them; (that is to say,) Working agreement between the Company and the North Norfolk Company.

The working, use, management, and maintenance of their respective railways and undertakings: 36 & 37 Vict. c. 76.

The supply under any agreement for the respective railways and undertakings being worked and used as aforesaid, of rolling stock and machinery necessary for the purposes of such agreement, and of officers and servants for the conduct of the traffic of the respective railways and undertakings:

The payments to be made and the conditions to be performed with respect to such working, use, management, and maintenance:

The interchange, accommodation, and conveyance of traffic coming from or destined for the respective undertakings of the contracting companies, and the division and appropriation of the revenue arising from that traffic.

**42.** During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the said railways and undertakings, the railways of the contracting companies shall, for the purposes of short-distance tolls and charges, be considered as one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on one of the said railways and partly on the other of the said railways for a less distance than four miles, tolls and charges may only be charged Short-distance clause.

A.D. 1881. — as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on one of the said railways and partly on the other of the said railways.

Power to agree for transfer of powers.

43. The North Norfolk Company on the one hand and the Yarmouth Company on the other hand may enter into and carry into effect an agreement or agreements for vesting in or transferring to the North Norfolk Company all lands (if any) acquired or contracted for by the Yarmouth Company, and all real and personal property (if any) of the Yarmouth Company, and all rights, powers, privileges, and authorities of that company, including the acquisition of lands, the construction and maintenance of works, and the levying of tolls and charges; and such agreement may provide for the conversion of any shares issued by the Yarmouth Company into shares or stock of the North Norfolk Company, and as from the completion of such vesting and transfer the North Norfolk Company may have and exercise all the rights, powers, privileges, and authorities, and shall be subject to the liabilities and obligations of the Yarmouth Company in respect of their undertaking, and the deposit fund referred to in the Yarmouth Union Railway Act, 1880; and for the purposes of Part V. of the Railways Clauses Act, 1863, relating to amalgamation (which is hereby incorporated with this Act), this Act shall be deemed to be the amalgamating Act, and such vesting and transfer an amalgamation, and the Yarmouth Company to be a dissolved company.

Yarmouth Company may make connexions with tramways of Great Eastern Railway Company.  
25 & 26 Vict. c. ccxxiii.

44. The Yarmouth Company may connect the rails of their tramway at its authorised termination on the North Quay at Great Yarmouth with the tramway referred to in the Great Eastern Railway Act, 1862, as the Yarmouth tramways of the Great Eastern Railway Company, so as to permit the passage of engines and carriages between the said last-mentioned tramways and the said tramways of the Yarmouth Company, and the Yarmouth Company, and any other company using their undertaking, may run over and use the said Yarmouth tramways of the Great Eastern Railway Company, with their engines and carriages of every description, on such terms and conditions as, in default of agreement, may be settled by arbitration.



45. For the protection of the Great Eastern Railway Company the following provisions and conditions shall apply with reference to the junction between the tramway of the Yarmouth Company and the said Yarmouth tramways of the Great Eastern Railway Company, and to the traffic thereon:

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Use of  
Yarmouth  
tramways  
of Great  
Eastern  
Railway  
Company.

- (1.) All works for the purpose of effecting the said junction shall be executed at the expense of the Yarmouth Company under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Great Eastern Railway Company, and in accordance with plans and specifications to be previously submitted to and reasonably approved by the said engineer in writing; provided that if such engineer shall not express his disapproval of such plans and specifications within 14 days from the time of the same being submitted to him, he shall be taken as having approved them.
- (2.) Engines, carriages, and waggons of the Great Eastern Railway Company shall have reasonable preference and priority in using the said Yarmouth tramways over those of the Yarmouth Company, or any other company using their undertaking, regard being had to the nature of the traffic.
- (3.) The Yarmouth company, and any other company using their undertaking, shall not use engines on the Yarmouth tramways of the Great Eastern Railway Company unless the Mayor, Aldermen, and Burgesses of Great Yarmouth grant permission to the Great Eastern Railway Company to use engines on the same terms and conditions for the purposes of their traffic upon the Yarmouth tramways.
- (4.) In using the said Yarmouth tramways, the Company and any other such Company shall be subject to any byelaws, rules, or orders made by the said Mayor, Aldermen, or Burgesses with respect to the use of the same tramways under the provisions of the Great Eastern Railway Act, 1862.
- (5.) Any dispute which may arise between the Yarmouth Company, or any other company using their undertaking, and the Great Eastern Railway Company upon any of the matters provided for by this section, 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, and any such arbitrator may regulate the use of the said junction, so as to prevent

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unreasonable interference with the passenger traffic of the Great Eastern Railway Company to or from the Yarmouth (Vauxhall) Station of that company.

Interest not to be paid on calls paid up.

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

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

47. 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.

48. 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.

Costs of Act.

49. 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.