

[61 & 62 VICT.]

Norwich Electric Tramways
Act, 1898.

[Ch. cxxvii.]



CHAPTER cxxvii.

An Act to authorise the Norwich Electric Tramways Company to construct additional tramways and for other purposes. A.D. 1898.
[25th July 1898.]

WHEREAS by the Norwich Electric Tramways Act 1897 (in this Act called "the Act of 1897") the Norwich Electric Tramways Company (in this Act called "the Company") were incorporated with a share capital of two hundred and forty thousand pounds and with power to borrow sixty thousand pounds and were authorised to construct in the city of Norwich certain new streets and street widenings and certain tramways to be worked by animal or mechanical power :

And whereas the Company have raised capital and are constructing the said tramways and works :

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

And whereas by the Act of 1897 the mayor aldermen and citizens of the city of Norwich in this Act called "the corporation" are authorised and required to contribute three-fifths of the cost of the new streets and street widenings by that Act authorised and the provisions of the Tramways Act 1870 with respect to the purchase by the corporation of the undertaking of the Company are modified and it is expedient that the provisions of the Act of 1897 with respect to such contribution and purchase should be extended and made applicable to the street widenings and tramways by this Act authorised and the corporation empowered to acquire the tramways by this Act authorised simultaneously with those authorised by the Act of 1897 :

And whereas the tramways authorised by this Act are extensions of the tramway system of the Company and it is expedient that

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A.D. 1898. — the provisions of the Act of 1897 with respect to the working and motive power of the authorised tramways of the Company should be extended to the tramways by this Act authorised :

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

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

Short title.

1. This Act may be cited as the *Norwich Electric Tramways Act 1898.*

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) The Lands Clauses Acts section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Part II. (Construction of tramways) and Part III. (General provisions) of the Tramways Act 1870 the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for the nonpayment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of borrowed money into capital ;

The consolidation of shares into stock; and

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The provision to be made for affording access to the special Act; and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by subsequent Acts.

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

“The tramways” means the tramways by this Act authorised;

“The undertaking” means the undertaking of the Company;

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

“Engine” includes motor;

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

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

And for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates posts tubes wires apparatus depôts waiting rooms works and conveniences connected therewith The tramways herein-before referred to and authorised by this Act are— Power to make tramways.

Tramway No. 1.—A tramway wholly in the parish of Norwich three furlongs and two chains or thereabouts in length consisting of two furlongs and six chains or thereabouts of single line and six chains or thereabouts of double line commencing in Newmarket Road at a point in line or nearly in line with the centre of Unthanks Road and terminating at the commencement

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of Tramway No. 5 authorised by the Act of 1897 at a point three yards or thereabouts eastward from the western side of Judge's Walk :

Tramway No. 5.—A tramway wholly in the parish of Norwich two chains and six yards or thereabouts in length (double line) commencing in Haymarket (Gentleman's Walk) at the termination of Tramway No. 9 authorised by the Act of 1897 at a point twelve yards or thereabouts northward from Little Orford Street and terminating in Little Orford Street at a point six yards or thereabouts westward from the north-west corner of Rampant Horse Back Street :

Tramway No. 6.—A tramway wholly in the parish of Norwich two chains and seven yards or thereabouts in length (single line) commencing in Little Orford Street by a junction with Tramway No. 5 at its termination and terminating in Orford Hill by a junction with Tramway No. 6 authorised by the Act of 1897 at a point eleven yards or thereabouts northward from the Orford Arms public-house :

Tramway No. 7.—A tramway wholly in the parish of Norwich two chains and eighteen yards or thereabouts in length (single line) commencing in Little Orford Street by a junction with Tramway No. 5 at its termination and terminating in Red Lion Street by a junction with Tramway No. 6 authorised by the Act of 1897 at a point twenty-seven yards or thereabouts southward from the entrance to Bird's Court :

Tramway No. 8.—A tramway wholly in the parish of Norwich twenty-one yards or thereabouts in length (single line) commencing in Rampant Horse Back Street by a junction with Tramway No. 7 at a point thirteen yards or thereabouts from the north-west corner of that street and terminating in Little Orford Street by a junction with Tramway No. 6 at a point nineteen yards or thereabouts from Red Lion Street :

Tramway No. 9.—A tramway wholly in the parish of Norwich one chain and four yards or thereabouts in length (single line) commencing in Rampant Horse Back Street by a junction with Tramway No. 7 at a point twenty-five yards or thereabouts from the north-west corner of that street and terminating in Red Lion Street by a junction with Tramway No. 6 authorised by the Act of 1897 at a point five yards or thereabouts northward from the entrance to Bird's Court :

Tramway No. 10.—A tramway wholly in the parish of Norwich twenty yards or thereabouts in length (single line) commencing in Little Orford Street by a junction with Tramway No. 6 at a

point seven yards or thereabouts from Red Lion Street and terminating in Red Lion Street by a junction with Tramway No. 6 authorised by the Act of 1897 at a point fourteen yards or thereabouts northward from the entrance to Bird's Court: A.D. 1898.

And the Company may acquire and hold the properties numbered 17 and 18 in the parish of Norwich on the deposited plans and erect thereon a depôt or waiting room for passengers.

5. Subject to the provisions of this Act and in accordance with the deposited and supplemental plans and according to the levels shown on the deposited and supplemental sections the Company may make and execute the street widenings following and may enter upon take and use such of the lands buildings and manufactories delineated on the deposited and supplemental plans and described in the deposited and supplemental books of reference as may be required for that purpose and may for the like purpose enter upon break up and interfere with the streets or roads herein-after in this section mentioned The street widenings herein-before referred to and authorized by this Act will be situate in the parish of Norwich and are— Power to make street widenings.

(1) A widening of Saint Andrew's Broad Street on its southern side for a distance of sixty yards or thereabouts westwards from Saint Andrew's Hill:

(2) A widening of Haymarket (Gentleman's Walk) on its eastern side and of Little Orford Street on its northern side from a point in Haymarket (Gentleman's Walk) twelve yards or thereabouts northwards from Little Orford Street to a point in Little Orford Street thirty-four yards or thereabouts from the eastern side of Brigg's Street:

(3) A widening of Rampant Horse Back Street on its northern side throughout the entire length of that street:

(4) A widening of Little Orford Street on its southern side from the north-western end of Rampant Horse Back Street to Red Lion Street:

(5) A widening of Wensum Street on the east side for a distance of twenty-five yards or thereabouts westward from Tombland:

Where the Company for the purposes of any of the works by this section authorised propose to raise sink or otherwise alter the position of any tube wire or apparatus laid down under any street or road for the purposes of telephonic communication they shall give the owners thereof not less than seven days previous notice of the time and place at which the work will be begun and of the nature of the operation and at their own expense carry out the same in so far as it affects such tube wire or apparatus under the supervision and

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Provided that the Company shall not raise sink or otherwise alter
the position of any tube wire or apparatus belonging to or used by
the Postmaster-General except in accordance with the provisions of
the Telegraph Act 1878.

Correction
of errors &c.
in deposited
and supple-
mental
plans and
books of
reference.

6. If there be any omission misstatement or wrong description
of any lands or of the owners lessees or occupiers of any lands
shown on the deposited and supplemental plans or specified in the
deposited and supplemental books of reference the Company after
giving ten days notice to the owners lessees and occupiers of the
land in question may apply to two justices acting for the county in
which such land is situate for the correction thereof and if it appears
to the justices that the omission misstatement or wrong description
arose from mistake they shall certify the same accordingly and they
shall in their certificate state the particulars of the omission and in
what respect any such matter is misstated or wrongly described
and such certificate shall be deposited with the clerk of the peace
for the said county and a duplicate thereof shall also be deposited
with the parish clerks of the several parishes in which the lands
affected thereby are situate and such certificate and duplicate
respectively shall be kept by such clerk of the peace and parish
clerks respectively with the other documents to which the same
relate and thereupon the deposited and supplemental plans and the
deposited and supplemental books of reference shall be deemed to
be corrected according to such certificate and it shall be lawful for
the Company to take the lands and execute the works in accordance
with such certificate.

Tramways
not to be
made until
streets
widened.

7. Section 11 of the Act of 1897 is hereby repealed The
Company shall not make any tramway in any part of any street or
road by the Act of 1897 or this Act authorised to be widened until
the completion of the widening or without the consent in writing
of the corporation in any part of any other street or road within
the city of Norwich where the carriageway is less than twenty-one
feet in width between the edges of the kerbs or footpaths unless and
until such street or road shall have been widened to the satisfaction
of the corporation.

Incorpora-
tion and
application
of certain
sections of
Act of 1897
to tramways
by this Act
authorised.

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

Section 7 (Inspection by Board of Trade).

Section 18 (As to use of tramways by corporation for certain
purposes).

- Section 19 (System of working may be altered).
Section 52 (Gauge of tramways).
Section 53 (Tramways to be kept on level of surface of road).
Section 54 (Further provisions as to construction of tramways).
Section 55 (As to rails of tramways).
Section 56 (Penalty for not maintaining rails and roads).
Section 57 (Corporation may repair roadways at expense of Company).
Section 58 (Local authority to have access to sewers).
Section 59 (Power to make additional crossings &c.).
Section 61 (Rates for passengers).
Section 62 (Passengers' luggage).
Section 63 (Parcels).
Section 64 (Company not bound to carry goods).
Section 65 (Cheap fares for labouring classes).
Section 66 (As to fares on Sundays and holidays).
Section 67 (Periodical revision of rates and charges).
Section 68 (Provisions as to motive power).
Section 69 (Power to lay and maintain pipes and make openings in streets).
Section 70 (Byelaws).
Section 71 (Recovery of penalties).
Section 72 (Amendment of the Tramways Act 1870 as to byelaws by local authority).
Section 73 (Orders regulations and byelaws).
Section 74 (Special provisions as to use of electric power).
Section 75 (Power to place posts wires &c.).
Section 76 (Posts &c. to be removed if user discontinued).
Section 77 (Agreements with other companies for the supply of electrical power).
Section 80 (For protection of Postmaster-General).
Section 81 (For protection of War Office).

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

Section 12 (Agreements for purchase to be submitted to the corporation).

Section 13 (Disposal of surplus lands) except with respect to the properties numbered 10 11 14 15 17 and 18 in the parish of Norwich on the deposited plans.

Incorporation and application of certain sections of Act of 1897 to street widenings by this Act authorised.

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

Section 15 (New streets and streets widened to remain vested in corporation).

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

Incorporation and application of certain sections of Act of 1897 to tramways and street widenings by this Act authorised.

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

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

Section 17 (For protection of corporation).

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

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

As to purchase of undertaking by corporation.

11. The tramways by this Act authorised shall for the purposes of section 40 of the Act of 1897 be deemed to be part of the tramways by that Act authorised and the provisions of that section with respect to the purchase of the undertaking of the Company by the corporation shall extend and apply to and include the tramways by this Act authorised.

As to contribution by corporation towards cost of street widenings.

12. The street widenings by this Act authorised shall for the purposes of section 20 section 30 and sections 83 to 93 of the Act of 1897 be deemed to be part of the street widenings by that Act authorised and the provisions of those sections shall extend and apply to and in relation to and shall include the street widenings by this Act authorised.

Period for compulsory purchase of lands by Company.

13. The powers granted by this Act to the Company for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

Power to grant easements &c. by agreement.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in

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this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively. A.D. 1898.

15. In addition to the other lands which the Company are by this Act authorised to purchase and acquire they may purchase take on lease or acquire by agreement for the purpose of their undertaking and may hold any lands not exceeding two acres and they may on such lands and on any other lands purchased or acquired under the authority of this Act erect or construct and hold depôts waiting rooms yards wharves offices buildings places sidings works and other conveniences not being generating stations in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section. Purchase of lands by agreement.

16. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

17.—(1) The Company shall not for the purposes of the works by this Act authorised take under the powers of this Act a greater portion of any churchyard than shall be required for such purposes. Church-yards.

(2) The Company shall cause any human remains disinterred or interfered with in the execution of any such work to be removed to and interred in any consecrated burial ground in which burials may legally take place in such manner as the medical officer of health for the district in which such work is situate shall direct under his supervision and to his reasonable satisfaction Any monuments tablets and tombstones relating to any such human remains shall at the same time be removed and fixed or erected by the Company

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(3) The Company shall before commencing any such work give one month's notice of the proposed removal to such of the heirs executors administrators relatives or friends of any person whose remains monument tablet or tombstone are liable to be so disinterred or interfered with as they are able by advertisement once in each of two successive weeks in a newspaper published in the city of Norwich and by reasonable inquiry to find and the obligations imposed on the Company by the immediately preceding subsection may without any faculty for the purpose be undertaken and subject to the supervision and direction of the said medical officer as aforesaid discharged at the expense of the Company (not exceeding in any one case the sum of ten pounds) by such heirs executors administrators relatives or friends if they so prefer and of such preference give notice to the Company prior to the commencement of such works.

Periods for completion of street works and tramways.

18.—(1) If the street widenings by this Act authorised are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company in relation thereto shall cease except as to so much thereof as is completed.

(2) If the tramways are not completed as follows (that is to say) :—

(A) As to the tramways dependent on the construction of the street widenings by this Act authorised within one year after the completion of such street widenings; and

(B) As to the remainder of the tramways within four years after the passing of this Act ;

then on the expiration of these respective periods the powers by this Act granted for making or completing the same or otherwise in relation thereto respectively shall cease except as to so much thereof as shall then be completed.

Company may abandon portion of authorised street widening.

19. The Company shall notwithstanding anything in the Act of 1897 contained abandon so much of the widening of Wensum Street and Tombland on the west side authorised by that Act as is situate in Tombland.

Compensation for damage to

20. The abandonment by the Company under the authority of this Act of any portion of any works shall not prejudice or affect

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the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land 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 the work and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Act of 1897.

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 ———
 land by
 entry &c.
 for purposes
 of works
 abandoned.

21. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensa-
 sation to be
 made in
 respect of
 works
 abandoned.

22. The Company may in constructing the widening of Wensum Street on the west side authorised by the Act of 1897 deviate the authorised line of widening to a new line of widening from a point on the western side of Mandell's Court four yards or thereabouts from Wensum Street to the south-east corner of Wensum Street at its junction with Wagon and Horses Lane in accordance with the supplemental plans and sections and may in like accordance deviate Tramway No. 13 authorised by the Act of 1897 in Wensum Street and Tombland between a point in Wensum Street in line with the western side of Mandell's Court and a point in Tombland sixty-three yards or thereabouts therefrom and thirty-seven yards or thereabouts south-eastward from the western side of Wagon and Horses Lane at its junction with Wensum Street.

Deviation of
 authorised
 street
 widening
 and tram-
 way.

23. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of nine hundred and sixty-five pounds nine shillings and twopence and a further sum of sixty-one pounds twelve shillings have been deposited with the Paymaster-General for and on behalf of the

Tramway
 deposit fund
 not to be
 repaid except
 so far as
 tramways
 are opened.

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A.D. 1898. Supreme Court in respect of the application to Parliament for this Act whereof three hundred and forty-nine pounds seventeen shillings and fourpence (herein-after referred to as "the original tramway deposit fund") represents five per centum upon the amount of the estimate in respect of the tramways proposed to be authorised by the Bill for this Act as introduced into Parliament and the balance whereof amounting to six hundred and seventy-seven pounds three shillings and tenpence (herein-after referred to as "the widenings deposit fund") represents four per centum upon the amount of the estimate in respect of the street widenings by this Act authorised And whereas three of the tramways (that is to say Tramways No. 2 No. 3 and No. 4) so originally proposed are not authorised by this Act and the estimate for the tramways authorised by this Act amounts to three thousand seven hundred and nine pounds fifteen shillings and fourpence Be it enacted that notwithstanding anything contained in the said Act out of the original tramway deposit fund a sum of one hundred and eighty-five pounds nine shillings and ninepence being five per centum upon the amount of the estimate in respect of the tramways by this Act authorised (which last-mentioned sum is in this Act referred to as "the tramway 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 tramways open the same for the public conveyance of passengers And if the Company shall make default in so opening the tramways the tramway deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways 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 tramways opened as aforesaid and the portion of the tramway deposit fund which bears to the whole of the tramway deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways the High Court shall on the application of the depositors order the portion of the tramway 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

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certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding. A.D. 1898.

24. If the Company do not previously to the expiration of the period limited for the completion of the tramways complete the same and open them for the public conveyance of passengers then and in every such case the tramway 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 tramways 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 also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the tramway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the tramway deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the tramway deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall as and when the same become payable be paid to or on the application of the depositors.

Application
of tramway
deposit
fund.

25. On the application of the depositors at any time after the passing of this Act the High Court may and shall order that the widenings deposit fund and the interest and dividends thereon and the sum of one hundred and sixty-four pounds seven shillings and seven pence being the balance of the original tramway deposit fund and the interest and dividends thereon shall be paid or transferred

Release of
widenings
deposit fund
and balance
of original
tramway
deposit
fund.

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may appoint in that behalf.

Power to
raise
additional
capital.

26. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new shares any additional capital not exceeding in the whole twenty-four thousand pounds and such new shares may be wholly or partially ordinary shares or wholly or partially preference shares as the Company think fit but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

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

Dividends
on shares.

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

Restriction as
to votes in
respect of
preferential
shares.

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

Receipts on
behalf of in-
capacitated
persons.

30. If any money be payable to any shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same.

Power to
borrow.

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

been issued and accepted and that one half of such portion has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

A.D. 1898.

32. Every provision in any Act passed before the passing of this Act whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision. 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 and 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 shall be made shall not be less than five thousand pounds in the whole.

For appointment of a receiver.

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

Moneys borrowed on mortgage to have priority.

34. Whereas the Company have under the powers and in accordance with the provisions of the Act of 1897 borrowed sixty thousand pounds on mortgage of their undertaking And whereas the several mortgagees have consented in writing to the provisions

As to ranking of mortgages granted under this Act.

[Ch. cxxvii.] *Norwich Electric Tramways* [61 & 62 VICT.]
Act, 1898.

A.D. 1898. of this Act that the mortgages granted under this Act shall rank pari passu with all mortgages granted under the Act of 1897. Be it enacted that all mortgages granted by the Company under the authority of this Act shall rank pari passu with all mortgages granted under the Act of 1897 without any preference one above another by reason of priority of the date of any such mortgage or of the meeting at which the same was authorised.

Company not to create debenture stock.

35. The Company shall not create debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

36. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a sale to the local authority and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Endorsement of notice of power of future purchase by local authority.

37. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramways or the undertaking or any part thereof in the event of purchase by the local authority.

Application of moneys.

38. All moneys raised under this Act whether by shares or borrowing shall be applied only for the purposes of this Act and for the general purposes of the Company's undertaking being in every case purposes to which capital is properly applicable and the Company may apply to the purposes of this Act any moneys authorised to be raised by them by and not required for the purposes of the Act of 1897.

Ordinary meetings.

39. The ordinary meetings of the Company shall be held in the month of April in every year or at such other time as shall be appointed for that purpose by an order of a general meeting of the Company.

Auditors.

40. Section 48 of the Act of 1897 is hereby repealed. The prescribed number of auditors shall be one. The auditor need not hold shares in the Company.

Interim dividend.

41. The directors may in any year without calling a meeting of shareholders for the purpose declare and pay such interim half-yearly dividend out of the then ascertained profits of the Company as in their judgment the position of the Company justifies.

Closing of transfer books previous to declaring interim dividend.

42. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days notice shall be given by advertisement in some newspaper published or circulating in the

[61 & 62 VICT.] *Norwich Electric Tramways* [Ch. cxxvii.]
Act, 1898.

district within which the principal office of the Company is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

A.D. 1898.

43. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest on calls not to be paid out of capital.

44. 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 tramway or to execute any other work or undertaking.

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

45. Nothing in this Act contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways 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 tolls or charges authorised to be taken by the Company.

Provision as to general Tramway Acts.

46. 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.

Costs of Act.

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