



CHAPTER lxi.

An Act to authorise the East Norfolk Railway Company to make certain deviations in the Line of their Aylsham Extension Railway, to extend that Railway to the Dereham, Fakenham, and Wells Railway of the Great Eastern Railway Company; and for other purposes. [3d July 1879.] A.D. 1879.

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

And whereas by the East Norfolk Railway Act, 1872, (in this Act called "the Act of 1872,") the Company were authorised to extend their railway to Cromer, and to raise additional capital not exceeding seventy-two thousand pounds by shares or stock, and to borrow not exceeding twenty-four thousand pounds: 35 & 36 Vict. c. liv.

And whereas by the East Norfolk Railway Act, 1875, (in this Act called "the Act of 1875,") the Company were authorised to raise further capital not exceeding forty thousand pounds by shares or stock, and to borrow not exceeding thirteen thousand three hundred pounds: 38 & 39 Vict. c. xvii.

And whereas the railways authorised by the Acts of 1864 and 1872 (in this Act referred to collectively as "the main line") have been opened for traffic, and the Company have raised the whole of the share capital and borrowed the whole or nearly the whole of the moneys authorised to be borrowed by those Acts:

And whereas by the East Norfolk Railway Act, 1876, (in this Act called "the Act of 1876,") the Company were authorised to make and maintain a railway (therein and in this Act called "the Aylsham Extension") from their main line near Wroxham Station 39 & 40 Vict. c. ccxxiv.

.D. 1879. to Aylsham, and a wharf or quay on the River Bure and the
& 42 Vict. Wroxham Quay Branch Railway (which by the Act of 1878, herein-
xxxvi. after mentioned, the Company were authorised to abandon), and to
raise the further sum of seventy thousand pounds by shares or stock,
and to borrow twenty-three thousand three hundred and thirty
pounds :

37 & 38 Vict.
c. xxviii.

And whereas by the Great Eastern Railway Act, 1874, an agree-
ment, dated the 23rd day of September 1872, between the Company
and the Great Eastern Railway Company for the working and
maintenance by the Great Eastern Railway Company of the original
line, and which agreement had been previously approved by the
Board of Trade, was extended to the Cromer Extension, and the
terms of such agreement were that when the railway should be
completed to Cromer the gross receipts arising from the traffic on
the entire line, subject to such deductions and allowances as were
in the said agreement mentioned, should be divided between the
Company and the Great Eastern Railway Company in the propor-
tion of 50 per cent. to the Company and 50 per cent. to the Great
Eastern Railway Company ; and by the Act of 1876 the said agree-
ment, and the division of gross receipts subject as aforesaid, was
extended to and applied to the Aylsham Extension, and the said
agreement as so extended and applied is in this Act referred to as
“ the agreement of 1872 ” :

And whereas by the East Norfolk Railway Act, 1878, (in this
Act called “ the Act of 1878, ”) the Company were empowered
(section 15), if they should so resolve (and they have since so
resolved), to constitute the share capital of 70,000*l.* authorised by
the Act of 1876 a separate capital of the Company, to be called
“ The Aylsham Extension Capital, ” to be applied exclusively for
the purposes of the Aylsham Extension, and a fund to be called
“ The Aylsham Extension Fund ” was (section 19) directed to be
formed, and the sums to be carried to the credit of such fund, and
the application of such fund (section 21), were prescribed by such
Act :

And whereas the Aylsham Extension is in the course of con-
struction :

And whereas it is expedient that the Company be authorised to
make certain deviations in the line of the Aylsham Extension as
herein-after provided, and to abandon and relinquish the construc-
tion of the parts of that extension the construction of which will
thereby be rendered unnecessary (the estimated expense of such
deviations not exceeding that of the parts of the Aylsham Extension
to be so abandoned), and that the provisions of the Act of 1878
with respect to the Aylsham Extension and the Aylsham Exten-

sion capital should be made applicable to that railway as so deviated and the capital in respect thereof: A.D. 1879.

And whereas it is expedient that the Company be authorised to make and maintain the railways in this Act described from their Aylsham Extension to Reepham, and to join the Dereham, Fakenham, and Wells Railway of the Great Eastern Railway Company, and that the capital for constructing those railways should be constituted a separate capital of the Company, and that such provision should be made as is in this Act contained with reference to that separate capital:

And whereas it is expedient that the Company should be empowered to build, provide, and maintain a hotel and refreshment rooms or other like accommodation in connexion with their Cromer Station and to demise the same as in this Act provided:

And whereas it is expedient that the Company be authorised to raise further money for the construction of the railways by this Act authorised:

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

1. This Act may be cited as the East Norfolk Railway Act, Short title.
1879.

2. The clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; that is to say, Incorporation of general Acts.
8 & 9 Vict.
c. 16.

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

A.D. 1879.

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 the shares into stock ;

The giving of notices ; and

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

and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, as amended by the Regulation of Railways Act, 1873, are (except where expressly varied by this Act) incorporated with and form part of this Act.

26 & 27 Vict.
c. 118.

32 & 33 Vict.
c. 48.

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.

36 & 37 Vict.
c. 73.

Interpreta-
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to
make and
maintain
works.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the works 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 that purpose. The works herein-before referred to and authorised by this Act will be respectively situate in the county of Norfolk, and are :

(a.) A deviation 2 miles and 6·20 chains in length of the Aylsham Extension, between a point in the parish of Belaugh distant four furlongs eight chains or thereabouts (measuring along the centre line of the railway) from the authorised commencement of the said extension railway and a point

in the parish of Coltishall distant about two miles and five furlongs (measuring as aforesaid) from the said authorised commencement :

A.D. 1879.

- (b.) A deviation one mile one furlong and eight chains in length of the Aylsham Extension Railway, from near the point in the parish of Aylsham at which the centre line of the railway shown upon the said deposited plans crosses the road numbered on the said plans seven in the said parish to the authorised termination of the said extension railway, and the construction and maintenance in lieu thereof of a line of railway (herein-after called "the substituted line") commencing at the point at which the said deviation will commence, and terminating in a field known as White Post Eleven Acres, at a point in the south-western boundary thereof :
- (c.) A railway (No. 1) thirteen miles seven furlongs and 1.20 chains in length, commencing by a junction with the intended substituted line lastly above described, at its termination, and terminating in the parish of North Elmham by a junction with the Dereham, Fakenham, and Wells Railway of the Great Eastern Railway Company :
- (d.) A railway (No. 2) two furlongs and 7.30 chains in length, commencing by a junction with the intended railway (No. 1) above described, at a point about twenty-six chains, measured in a north-easterly direction, from its termination, and terminating by a junction with the said Dereham, Fakenham, and Wells Railway.

The railways No. 1 and No. 2 by this Act authorised are herein-after in this Act referred to as the western extensions.

5. The Company shall abandon and relinquish the construction of the following portions of their Aylsham Extension as authorised by the Act of 1876 :

Company to abandon portions of Aylsham Extension.

- (a.) The portion thereof lying between the commencement and termination of the deviation (a) thereof by this Act authorised ; and
- (b.) The portion thereof in lieu of which the substituted line is by this Act authorised to be constructed.

6. The abandonment by the Company under the authority of this Act of the portions of the Aylsham Extension mentioned in the last preceding section shall not prejudice or affect 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

Compensation for damage to land by entry, &c. for purposes of parts of railway abandoned,

A.D. 1879. ascertain the nature of the soil or setting out of the line of railway, 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 Railways Clauses Consolidation Act, 1845, or the Act of 1876.

Compensation to be made in respect of portions of railway abandoned.

7. 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, or for the purposes of or in relation to the portions of the Aylsham Extension to be abandoned under the provisions of this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers, or other persons interested in such lands, 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 Consolidation Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Deviation of Aylsham Extension Railway to be deemed part of that railway as originally authorised.

8. The deviation (a) by this Act authorised of the Aylsham Extension and the substituted line shall, for the purposes of tolls, rates, and charges, and for all purposes relating to the Aylsham Extension of the Acts of 1876 and 1878, and of the agreement of 1872, and of the Aylsham Extension fund, and the provisions of the Act of 1878 relating thereto, be deemed to be part of the Aylsham Extension; and those Acts, and that agreement, and the provisions as to the Aylsham Extension fund, shall apply accordingly as if that deviation and the substituted line had been part of the Aylsham Extension as authorised by the Act of 1876, and constitute the Aylsham Extension referred to in the Act of 1878.

Agreement of 1872 extended to western extensions.

9. The agreement of 1872, and the terms, stipulations, and conditions thereof, shall, mutatis mutandis, extend and apply to the western extensions, and the construction, managing, maintaining, and working thereof, as fully as if those extensions had been authorised before the making of that agreement and had been expressly included therein: Provided always, that the proportion of the gross receipts from traffic on the western extensions to be retained by the Great Eastern Railway Company, in accordance with article five of the agreement, shall be fifty per centum of such gross receipts after

such deductions and allowances have been made from such gross receipts as by the said agreement are to be made in like cases, and the remaining fifty per centum of such gross receipts, subject as aforesaid, shall be paid over to the Company. A.D. 1879.

10. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, for the purposes of or in connexion with the western extensions, and for the purposes of the general undertaking of the Company, inclusive of any quantity of land authorised by any previous Act to be taken by agreement for extraordinary purposes, shall not exceed five acres. Lands for extraordinary purposes.

11. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

12. 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 works by this Act authorised, carry the same with a single line only, whilst the railway constituting the respective work shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,) Power to cross certain roads on the level.

Work.	No. on deposited Plan.	Parish.	Description of Road.
Deviation (a)	7	Belaugh	Public carriage road.
Substituted line	3 and 26	Aylsham	Public carriage roads.
Railway No. 1	44	Cawston	Public carriage road.
	21, 35	Foulsham	Public carriage roads.
	4	Twyford	Public carriage road.
	14	Elmham, otherwise North Elmham.	Public carriage road.

13. The Company may make the arches of the bridges for carrying the works by this Act authorised over the roads next herein-after mentioned of any heights and spans not less than the Heights and spans of bridges.

A.D. 1879. heights and spans herein-after mentioned in connexion therewith respectively ; that is to say,

Work.	No. on deposited Plan.	Parish.	Description of Road.	Span.
Deviation (a)	- 19	Coltishall	- Public carriage road.	16 feet.
Railway No. 1	- { 31 25 67	Aylsham	- Public carriage road.	15 „
		Cawston	- Public carriage road.	15 „
		Reepham-cum-Kerdiston.	Public carriage road.	15 „

Widths of certain roadways.

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

Work.	No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
Deviation (a)	- { 26 34	Coltishall	- Public carriage road.	15 feet.
		Do.	- Public carriage road.	15 „
Substituted line	15a	Aylsham	- Public carriage road.	15 „
Railway No. 1	- { 57 50 95 1	Cawston	- Public carriage road.	20 „
		Reepham-cum-Kerdiston.	Public carriage road.	20 „
		Do.	- Public carriage road.	15 „
		Foulsham	- Public carriage road.	15 „

Notice to be given of taking houses of labouring classes.

15. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, hand-bills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained

the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention. A.D. 1879.

16. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of a house which the Company are by this Act authorised to acquire, the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice, and the Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase lands by agreement, and may on any such lands erect labouring-class dwellings and may let or otherwise dispose of such lands.

Company to procure accommodation for persons of labouring classes to be displaced.

17. 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, the sum of six thousand and ten pounds and nine shillings three per centum Consolidated Bank Annuities, the same being equal to five per centum upon the amount of the estimate in respect of the western extensions, has been transferred into the name and with the privity of Her Majesty's Paymaster General in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the deposit fund shall not be 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 western extensions, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the western extensions 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 western extensions opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of railway so opened bears to the entire length of the western extensions, the court shall, on the application of the depositors, or the majority of them, order the portion of the deposit

Deposit money not to be repaid except so far as Railways Nos. 1 and 2 are opened for public traffic.

A.D. 1879. — fund specified in the certificate to be transferred to them or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

18. If the Company do not previously to the expiration of the period limited for the completion of the western extensions complete the same and open them for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been transferred 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 western extensions or any portion thereof respectively, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, with the dividends thereon, shall either be forfeited to Her Majesty and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

19. If the deviation (a), and the substituted line, and the western extensions 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 for making and completing the same respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as is then completed.

Period for completion of works.

20. The Company may demand and take in respect of the western extensions the same tolls, rates, and charges as they are authorised to take in respect of the original line, and as if the western extensions were part of the original line.

Tolls for western extensions.

21. The Company may erect and maintain an hotel and refreshment rooms, offices and buildings connected with such hotel and rooms respectively, upon any lands belonging for the time being to the Company contiguous to the Cromer Station of the Company, and hold the said hotel, refreshment rooms, offices, and buildings, or any part thereof, as and the same are hereby declared to be a part of the general undertaking of the Company, or lease or let the same or any of them, or any part thereof respectively, to such persons or bodies, for such period or periods, and upon and subject to such terms (pecuniary or other), conditions, and restrictions as the Company think fit.

Company may erect hotel, refreshment rooms, &c. on lands contiguous to Cromer Station.

22. The Company may apply for any of the purposes of this Act, except the western extensions if constituted a separate undertaking, any moneys, other than moneys applicable to the Aylsham Extension, which by any previous Act or Acts they are authorised to raise by shares or by debenture stock, or by borrowing, and which may not be required for the special purpose (if any) for which the same were authorised to be raised.

Application of funds.

23. The Company may from time to time raise for the purposes of the western extensions any sum or sums of money, not exceeding in the whole one hundred and twenty thousand pounds, by the creation of shares or stock, or partly by the one mode and partly by the other.

Power to raise additional capital for purposes of western extensions.

24. The last-mentioned capital of one hundred and twenty thousand pounds shall be and is hereby constituted a separate capital of the Company, and shall be called "The Western Extensions Capital," and shall be applied exclusively for the purposes of the western extensions.

Western extensions capital constituted a separate capital.

25. The Company shall not issue any share created under this Act of less nominal value than ten pounds, nor shall any share vest in the person accepting the same unless and until a sum not being

Shares not to issue until one fifth paid up.

A.D. 1879. less than one fifth of the amount of the share be paid in respect thereof.

calls. **26.** One fourth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt for persons not sui juris. **27.** If any money is payable to a shareholder being an infant or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

As to proportion of general expenses to be charged to separate undertaking. **28.** The Company shall, before the issue of any part of the western extensions capital, resolve and determine at a general meeting specially called for the purpose, with notice of the object of the meeting, whether any and (if any) what proportion of the general expenses of the Company, or what annual or other sum in lieu thereof, shall be paid and borne out of the western extensions fund herein-after mentioned, and the same shall thenceforth be paid accordingly out of that fund.

Separate accounts to be kept for the separate undertaking. **29.** The Company shall keep separate accounts of all receipts and payments from, for, or on account of the western extensions on capital account, and also such other accounts as may be necessary for the purposes of this Act in relation to those extensions.

Great Eastern Company to keep and render certain accounts. **30.** The Great Eastern Company shall (in addition to the accounts which they are required to keep by the Act of 1878) keep such separate accounts of the receipts from traffic conveyed on or over the western extensions, and also (so far as may be necessary for the purposes of this Act) of the receipts from traffic passing to and from the western extensions from or to the Great Eastern Railway, and such other accounts as may be necessary for the purposes of this Act, and shall render such accounts to the Company accordingly at the same time as the accounts under the agreement of one thousand eight hundred and seventy-two are rendered.

Western extensions fund to be formed. **31.** There shall be formed a fund to be called "The Western Extensions Fund," and there shall in each half-year be carried to the credit of the fund—

(a.) The proportion of the gross receipts from traffic on or in respect of the western extensions to which the Company are from time to time entitled under the agreement of 1872 as applied to those extensions by this Act; and

(b.) All sums from time to time payable by the Great Eastern Railway Company under the provision herein-after in that behalf contained. A.D. 1879.

32. The western extensions fund shall be applicable half-yearly, and shall accordingly be applied to the following purposes in the order in which they are stated; that is to say, Application of fund.

(a) In payment of the proportion (if any) of the general expenses of the Company, or the annual or other sum in lieu thereof, which by resolution of the Company as aforesaid shall have been made payable out of the fund :

(b) In payment of any rentcharges for land on the western extensions, and, subject thereto, of the interest on all mortgages or debenture stock for the time being granted or issued in respect of the western extensions capital :

(c) In payment of dividends on the western extensions capital, or upon so much thereof as may be from time to time paid up, at such rate, not exceeding five pounds per centum per annum, as shall be attached thereto by the Company before the issue of any part of such capital :

(d) In repayment to the Great Eastern Railway Company of any sum paid by them to the western extensions fund account in any previous half-year under the provisions of this Act :

(e) Any surplus of the said western extensions fund in any half-year shall be appropriated as to one half thereof to the Great Eastern Railway Company, and the other half to the revenue account of the main line.

33. The western extensions fund account shall be made up and balanced half-yearly to the thirtieth day of June and the thirty-first day of December in each year. Fund account to be balanced half-yearly.

34. If in any half-year ending the thirtieth day of June or the thirty-first day of December the amounts carried to the credit of the western extensions fund under the head (a) of the section of this Act prescribing what shall be carried to the credit of the fund are insufficient to satisfy in full the several charges on the fund under this Act, the Great Eastern Railway Company shall pay to the Company such sum as shall be necessary to satisfy such charges in full out of the receipts belonging to the Great Eastern Railway Company (if they will so far extend, but not further or otherwise,) from all traffic passing from or to (on the one hand) the Dereham, Fakenham, and Wells Railway, or any railway of the Great Eastern Railway Company communicating with the Dereham, Fakenham, and Wells Railway, and (on the other hand) the western Great Eastern Company to make good deficiency upon fund.

A.D. 1879. extensions, or any part thereof: Provided always, that nothing herein contained shall prejudice, alter, or affect the Aylsham Extension fund or the rights of the holders of the Aylsham Extension capital secured upon the Aylsham Extension fund.

Power to borrow on mortgage.

35. The Company may, in respect of the western extensions capital of one hundred and twenty 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 forty thousand pounds, but no part thereof shall be borrowed until shares for so much of the said capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up *bonâ fide*, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Western extensions mortgages, &c. to be charged exclusively on those extensions, &c.

36. All mortgages or debenture stock to be granted or issued in respect of the western extensions capital shall be a charge exclusively upon the western extensions, and no other mortgages or debenture stock to be hereafter granted or issued under this or any former Act relating to the Company shall be a charge upon the western extensions.

Appointment of receiver.

37. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver of the tolls, income, and revenue included in their mortgages. In order to authorise the appointment of a receiver in respect of arrears

of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds. A.D. 1879.

38. The Company may, subject to the provision of Part III. of the Companies Clauses Act, 1863, create and issue debenture stock chargeable upon their general undertaking or, as the case may be, upon their western extensions; 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 charged upon the same undertaking as that in respect of which the debenture stock is created, and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

39. Any moneys raised by mortgages or debenture stock to be granted in respect of the western extensions capital shall be applied only for purposes of the western extensions. Application of moneys raised by western extensions: debentures, &c.

40. After the opening of the western extensions for public traffic the Great Eastern Railway Company shall work the same and convey traffic thereon in a proper manner, and so as fairly to accommodate and develop the traffic of the district to be served thereby. In case any difference shall arise between the Company and any of the holders of stock or shares to the nominal amount of ten thousand pounds in the western extensions capital with respect to the working, or non-working, or insufficient working by the Company of the said western extensions, or otherwise in relation thereto, whereby the holder of such shares or stock deem themselves to be injuriously affected, such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party, and such arbitrator shall have full power to settle and determine any such difference, and to order the Company to do or to abstain from doing all such acts, matters, and things as he shall think fit, and to make such order with respect to the costs of such arbitration as he shall think just. Western extensions to be worked in an efficient manner.

41. 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. Interest not to be paid on calls paid up.

A.D. 1879.

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

42. 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.

Company not
exempt from
provisions of
present or
future general
Railway
Acts.

43. 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 any Act relating to the Company.

Expenses of
Act.

44. 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.