



CHAPTER cxxxvi.

An Act to vary the mode of dealing with certain roads A.D. 1880.
crossed by the authorised railways of the East Norfolk
Railway Company, and to confer certain powers on the
Great Eastern Railway Company with reference to the
Western Extensions Capital of the East Norfolk Railway
Company; and for other purposes. [6th August 1880.]

WHEREAS by the East Norfolk Railway Act, 1864, (in this 27 & 28 Vict.
c. cxxii.
Act called "the Act of 1864,") the East Norfolk Railway
Company (in this Act called "the Company") were authorised to
make and maintain a railway (in this Act called "the original
line.") from the Norwich and Yarmouth Line of the Great
Eastern Railway Company (in this Act called "the Great Eastern
Company") to North Walsham, with a share capital of eighty-eight
thousand pounds and power to borrow not exceeding twenty-nine
thousand three hundred pounds and the following Acts have been
also passed relating to the Company; namely, the East Norfolk 35 & 36 Vict.
c. liv.
Railway Act, 1872, authorising the Company to extend their rail-
way to Cromer and to raise additional capital, and the East Norfolk 38 & 39 Vict.
c. xvii.
Railway Act, 1875, authorising the Company to raise further capital,
and by the East Norfolk Railway Act, 1876, (in this Act called 39 & 40 Vict.
c. cxxiv.
"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 to
Aylsham :

And whereas by the Great Eastern Railway Act, 1874, an agree- 37 & 38 Vict.
c. cxxviii.
ment, dated the 23rd day of September 1872, between the Com-
pany and the Great Eastern Company for the working and
maintenance by the Great Eastern 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

A.D. 1880. — agreement mentioned, should be divided between the Company and the Great Eastern Company in the proportion of 50 per centum to the Company and 50 per centum to the Great Eastern Company, and by the Act of 1876 the said agreement 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” :

41 & 42 Vict.
c. xxxvi. And whereas by the East Norfolk Railway Act, 1878, (in this Act called “the Act of 1878”) further provision was made with reference to the Aylsham Extension :

42 & 43 Vict.
c. lxix. And whereas by the East Norfolk Railway Act, 1879, (in this Act called “the Act of 1879,”) the Company were authorised to deviate parts of the Aylsham Extension, and in lieu of part of that extension to construct a line of railway in the Act of 1879 called “the substituted line” and in this Act referred to as “the substituted line of 1879,” and also to construct a Railway No. 1 and a Railway No. 2 (in the Act of 1879 and in this Act referred to together as “the Western Extensions,” and in this Act referred to separately as “the Western Extensions Railway No. 1” and “the Western Extensions Railway No. 2” respectively) :

And whereas by the Act of 1879 the Company were (sections 23 and 24) authorised to raise for the purposes of the Western Extensions a separate capital (“the Western Extensions capital”) of £120,000 by shares or stock, and (section 35) to borrow in respect of that capital £40,000, and it was declared (section 31) that there should be formed a fund (“the Western Extensions fund”), to the credit of which there should be carried half yearly (a) the Company’s proportion of the gross receipts from traffic on or in respect of the Western Extensions under the agreement of 1872 (which was by the reciting Act applied, with certain modifications, to the Western Extensions), and (b) all sums payable by the Great Eastern Company as provided by section 34 of the Act; that is to say, the sums necessary in each half year to satisfy the charges created on the fund by section 32 of the Act, including the interest on mortgages or debenture stock granted or issued in respect of the Western Extensions capital and dividends on that capital at a rate not exceeding £5 per centum per annum :

And whereas it is expedient that the Great Eastern Company be authorised to subscribe to and hold shares or stock in the Western Extensions capital, and also to advance money on the mortgages of the Company :

And whereas by the Act of 1879 the Company were authorised to carry the substituted line of 1879 across and on the level of the road numbered on the plans deposited for and referred to in that

Act (herein-after referred to as "the plans of 1879") 3, in the parish of Aylsham, but it would be more convenient to the public if that road were stopped up, and that in lieu of the level crossing thereof the Company were authorised to carry the substituted line of 1879 across the road on the plans of 1879 numbered 1, in the parish of Aylsham, on the level thereof, and it is expedient that provision be made accordingly :

And whereas it is expedient that the Company be authorised to carry the Western Extensions Railway No. 1 across the roads on the plans of 1879 numbered 44, 47, and 59, in the parish of Aylsham, and 56 and 57, in the parish of Foulsham, on the level of those roads respectively, and that the Company be authorised to divert and to stop up parts of the roads numbered in the same plans 49, in the parish of Reepham-cum-Kerdiston, and 64, in the parish of Aylsham, and it is expedient that the provisions of the Act of 1879 as to the mode of dealing with those roads respectively should be varied accordingly :

And whereas doubts have arisen as to the powers of the Company under their former Acts to stop up and discontinue for public traffic such parts of roads which they have been authorised to divert as are rendered unnecessary by such diversion, and it is expedient that those doubts should be removed :

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. 1880.

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 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 ;

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The consolidation of the shares into stock ;
The giving notices ; and
The provision to be made for affording access to the special Act
by all parties interested ;

26 & 27 Vict.
c. 118.
32 & 33 Vict.
c. 48.
8 & 9 Vict.
c. 20.
26 & 27 Vict.
c. 92.

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 Railways Clauses Con-
solidation Act, 1845, and Part I. (relating to construction of a
railway) of the Railways Clauses Act, 1863, are (except where
expressly varied by this Act) incorporated with and form part of
this Act.

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 some-
thing 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.

Authorisa-
tion of level
crossings
over certain
roads affected
by
42 & 43 Vict.
c. lxix.

4. Notwithstanding anything contained in the Act of 1879, the
Company, subject to the provisions in the Railways Clauses Con-
solidation 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, may, in the con-
struction of their railways herein-after mentioned, authorised by the
Act of 1879, carry the same with a single line only whilst the re-
spective railway consists of a single line, and afterwards with a
double line only; across and on the level of the roads next herein-
after mentioned, which are respectively referred to by the numbers
by which they are respectively distinguished on the plans of 1879 ;
that is to say,

Railway.	No. on Plans of 1879.	Parish.	Description of Road.
Substituted line of } 1879 - - - }	1	Aylsham - - -	Public carriage road.
Western Extensions { Railway No. I. - {	44 } and 59 } 56 } 57 }	Aylsham - - - Foulsham - - -	Public carriage roads. Public carriage roads.

5. Notwithstanding anything contained in the Act of 1879, the Company, instead of carrying the substituted line of 1879 across and on the level of the road on the plans of 1879 relating to that line numbered 3, in the parish of Aylsham, may stop up and discontinue for public traffic so much of the said road as will lie within the fences of the said line, and thereupon all public and other rights of way or passage over or along that part of the said road are by this Act extinguished, and the site and soil of the said part of the said road are by this Act vested in the Company.

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Power to stop up a road authorised by 42 & 43 Vict. c. lxix. to be crossed on the level.

6. The Company may, notwithstanding anything contained in the Act of 1879, divert, in accordance with the deposited plans and sections relating thereto, the roads which on the plans of 1879 relating to Railway No. 1., authorised by the last-mentioned Act, are numbered respectively 49, in the parish of Reepham-cum-Kerdiston, and 64, in the parish of Aylsham, and the Company may stop up and discontinue for public traffic such parts of the said roads respectively as will be rendered unnecessary by the diversion, thereof respectively, and as will lie within the fences of the Company's railway, and thereupon all public and other rights of way or passage over or along those parts of the said roads are by this Act extinguished, and the sites and soil of those parts of the said roads are by this Act vested in the Company.

Power to divert certain roads affected by 42 & 43 Vict. c. lxix.

7. Where by any Act heretofore passed the Company have been authorised to divert any road, the Company shall be deemed to have been empowered by the Act by which such diversion was authorised to stop up and discontinue for public traffic so much of the road as was or may be rendered unnecessary by the diversion, and as lies or will lie within the fences of the Company's railway; and all public and other rights of way or passage over that part of the road shall be deemed to have been, upon the completion of the diversion, extinguished by the Act authorising the diversion, and the site and soil of that part of the road shall be deemed to have been or to be on the stopping up thereof vested in the Company by the same Act.

As to Company's power to stop up certain roads.

8. The Great Eastern Company may from time to time subscribe towards and take and hold shares or stock in the Western Extensions capital to any amount not exceeding in the whole one hundred and five thousand pounds, and in respect of any sum or sums to be so subscribed, and the corresponding shares or stock in the Western Extensions capital to be held by them, the Great Eastern Company shall have all the powers, rights, and privileges, except in regard to voting at general meetings, which shall be as herein-after provided, and except the right of voting in the

Power to Great Eastern Company to subscribe to Western Extensions capital.

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election of directors of the Company, and be subject to all the obligations and liabilities of proprietors of shares or stock in the Western Extensions capital: Provided always, that the Great Eastern Company shall not sell, dispose of, or transfer any shares or stock in the Western Extensions capital for which they may subscribe as aforesaid.

Votes of that company at meetings.

9. The Great Eastern Company whilst holders of shares or stock in the Western Extensions capital may, by writing under their common seal, from time to time appoint some person to attend any meeting or meetings of the Company and of the proprietors of shares or stock in the Western Extensions capital, and such person shall have all the rights, privileges, and powers attaching to proprietors of shares or stock in the Western Extensions capital at all or any such meetings, and may accordingly vote thereat in respect of the Western Extensions capital held by the Great Eastern Company.

Great Eastern Company may advance money upon Company's mortgages.

10. The Great Eastern Company may from time to time advance to the Company for any period not exceeding three years from the date of the advance any moneys which they think fit upon the security of any mortgages which the Company have granted or created or are authorised to grant or create under any former Act or Acts.

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

11. For any of the purposes of this Act relating to them, the Great Eastern Company may from time to time raise any further capital which they may think fit, not exceeding in the whole one hundred and five thousand pounds, by the creation and issue of new shares or stock, whether preference or ordinary or partly preference and partly ordinary.

Shares not to be issued until one fifth paid up.

12. The Great Eastern Company shall not issue any share or stock to be created by them under this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of the share or stock be paid in respect thereof.

Calls.

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

39 & 40 Vict. c. lxxviii. s. 78. to apply to stock, &c. created by Great Eastern Company under this Act.

14. The provisions of section 78 of the Great Eastern Railway Act, 1876, shall be applicable to any shares or stock which the Great Eastern Company may create under this Act.

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15. If any money is payable to a shareholder in the Great Eastern Company being an infant or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient receipt to that company.

Receipt in
case of a per-
son not
sui juris.

16. The Great Eastern Company shall not, out of any money by this Act authorised to be raised by them respectively by calls, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him : Provided that this Act shall not prevent that 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.

17. The Great Eastern 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, is required to be deposited in respect of an application to Parliament for the purpose of obtaining an Act authorising that company to construct any railway or to execute any other work or undertaking.

Power to
Great East-
ern Com-
pany to
raise further
capital.

18. Nothing in this Act contained shall exempt the railways of any Company from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now or hereafter in force, 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.

Provisions as
to general
Railway
Acts.

19. 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.

Expenses of
Act.