



CHAPTER cxcv.

An Act to incorporate a Company for the construction of the Yarmouth Union Railway; and for other purposes. A.D. 1880.

[26th August 1880.]

WHEREAS the construction of a railway in Great Yarmouth, in the county of Norfolk, and of a tramway in connexion therewith, would be of public and local advantage:

And whereas the persons in this Act named, with others, are willing at their own expense to make and maintain the said railway and tramway on being incorporated into a company for that purpose:

And whereas plans and sections showing the lines and levels of the railway and tramway 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 books of reference:

And whereas it is expedient that the said Company and the Yarmouth and North Norfolk (Light) Railway Company and persons lawfully using their railway and tramway should be authorised to run over and use the portions of the railway in that behalf in this Act specified:

And whereas it is expedient that the said Company on the one hand, and the Yarmouth and North Norfolk (Light) Railway Company on the other hand, should be authorised to enter into working and other agreements as by this Act provided:

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

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A.D. 1880. — 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 Yarmouth Union Railway Act, 1880.

Incorporation
of general
Acts.

8 & 9 Vict.

c. 16.

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.

33 & 34 Vict.

c. 78.

Interpreta-
tion of terms.

2. The Companies Clauses Consolidation Act, 1845, Part I. (cancellation and surrender of shares), the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (construction of a railway) and Part III. (working agreements) of the Railways Clauses Act, 1863, and section 3 (interpretation of terms), section 19 (local authority may lease and take tolls), and Parts II. and III. of the Tramways Act, 1870, are (except where expressly varied by this Act) incorporated with and form part of this Act.

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: the expression "person" includes company; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" or "the railways" means the railway by this Act authorised; the expression "the tramway" means the tramway by this Act authorised; and the expression "the undertaking" means the railway and tramway and the undertaking by this Act authorised; and 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.

Incorporation
of Com-
pany.

4. James John Wilkinson, James Thomas Jarvis, and Alfred Sturton Pinn, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railway and tramway, and for the other purposes of this Act, and for those purposes shall be incorporated by the name of "The Yarmouth Union Railway Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railway and tramway 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 the purpose of the railway. The railway herein-before referred to and authorised by this Act is—

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Power to
make rail-
way and
tramway.

A railway one mile two chains and fifteen links in length, situate wholly in the parish of Great Yarmouth, in the county of Norfolk, commencing by a junction with the Yarmouth and North Norfolk (Light) Railway at or near a point opposite the northern end of the passenger platform of the Great Yarmouth Station of that railway, and terminating at a point ten feet or thereabouts, measured in an easterly direction, from the south-east corner of the White Swan Inn on the North Quay at Great Yarmouth aforesaid.

The tramway herein-before referred to and authorised by this Act is—

A tramway (single line, one furlong eight chains and ten links in length) situate wholly in the parish of Great Yarmouth, in the county of Norfolk, commencing by a junction with the proposed railway at the proposed termination thereof, and terminating on the North Quay at Great Yarmouth at a point on an imaginary line drawn down the centre of the common lane or row, numbered 28, nine feet or thereabouts, measured in an easterly direction, from the point in which the centre line of the Yarmouth tramways of the Great Eastern Railway Company would cut such imaginary line: Provided always, that, notwithstanding anything in this Act, the Company shall not acquire or be deemed to acquire any right other than that of user of any road or street along or across which they lay the tramway.

6. The capital of the Company shall be twenty thousand pounds in two thousand shares of ten pounds each.

Capital.

7. The Company shall not issue any share created under the authority of this Act, 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.

Shares not
to be issued
until one-
fifth part
paid up.

8. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval

Calls.

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A.D. 1880. — between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

9. If any money is payable to a 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.

Power to borrow on mortgage.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole five thousand five hundred pounds, but no part thereof shall be borrowed until the whole capital in respect of which the same is authorised is 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 the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, 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 shall be sufficient evidence thereof.

Appointment of a receiver.

11. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Debenture stock.

12. The Company shall not create or issue debenture stock.

Application of moneys.

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

First ordinary meeting.

14. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act.

Number of directors.

15. The number of directors shall be three.

Qualification of directors.

16. The qualification of a director shall be the possession in his own right of not less than thirty shares.

17. The quorum of a meeting of directors shall be two. Quorum.

18. James John Wilkinson, James Thomas Jarvis, and Alfred Sturton Pinn shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present personally or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present personally or by proxy shall elect persons to supply the place of the directors then retiring from office, agreeably to the provisions in the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.
Election of directors.

19. The newspaper in which advertisements relating to the affairs of the Company are to be inserted shall be some newspaper published in London. Newspaper for advertisements.

20. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed half an acre. Land for extraordinary purposes.

21. 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.

22. The railway and tramway shall be completed within five years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the railway and tramway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for completion of works.

23. 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, it shall be lawful for the Company in the construction of the railway to carry the same with a single line of railway only, whilst the railway shall consist of a single line, and afterwards with a double line of railway 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.

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No. on deposited Plan.	Parish.	Description of Road.
3	Great Yarmouth.	Public.
6	Great Yarmouth.	Public.
8	Great Yarmouth.	Public.
15	Great Yarmouth.	Public.
31	Great Yarmouth.	Public.
36	Great Yarmouth.	Public.
41	Great Yarmouth.	Public.

Power to stop up certain roads.

24. Subject to the provisions of this Act, the Company may execute in and according to the lines and levels shown on the deposited plans and sections the works in this section described :

The stopping up and discontinuance as public roads, highways, or footpaths of the public roads numbered on the deposited plans 7 and 9 in the parish of Great Yarmouth.

Special provisions as to the tramway.

25. The tramway by this Act authorised may, subject to the provisions of this Act, be so constructed and maintained as to permit the use thereon and the passage along the same of carriages, waggons, and trucks in ordinary use upon railways for the conveyance of goods, cattle, and mineral traffic, and the Company may use on the tramway carriages, waggons, and trucks with flange wheels or wheels specially adapted to run on a railway, and shall have the exclusive use of the tramway for carriages, waggons, and trucks with flange wheels or other wheels specially adapted to run on a railway : Provided that no part of any carriage, waggon, or truck used on the tramway or of the loading thereon shall extend beyond the outer edge of the wheels of such carriage more than eleven inches on each side.

Tramway to be kept on level with surface of road.

26. If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of the tramway is laid or authorised to be laid, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Provisions as to construction of tramway.

27. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing the tramway, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramway, and a statement of the

materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, and renewal of the tramway, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

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28. The rails of the tramway shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the local authority or road authority, require the Company to adopt and apply such improvements in the tramway, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic, and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Mode of formation of tramway.

29. The carriages used on the tramway may, subject to the provisions of this Act, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board, by steam power or any mechanical power:

Carriages may be moved by animal, steam, or mechanical power.

Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule to this Act annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to, make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramway.

30. The Company or any person using steam or any mechanical power on the tramway contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act, shall for every such offence be subject to a penalty not exceeding

Penalty for using steam or mechanical power contrary to regulations.

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ten pounds, and also in the case of a continuing offence a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always, that, whether any such penalty has been recovered or not, the Board of Trade, in case in their opinion the Company or any person using steam or any mechanical power on the tramway under the authority of this Act have made default in complying with the provisions of this Act, or with any of the regulations set forth in the schedule to this Act annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the Company or such person to cease to exercise the powers aforesaid, and thereupon the Company or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same, or any of the same, unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

31. Subject to the provisions of this Act, the Board of Trade may from time to time make, and when made may rescind, annul, or add to, byelaws with regard to the tramway upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes; that is to say,

For regulating the use of the bell, whistle, or other warning apparatus fixed to the engine:

For regulating the emission of smoke or steam from engines used on the tramway:

For providing that engines and waggons shall be brought to a stand at the intersection of cross streets, and at such places, and in such cases of horses being frightened, or of impending danger, as the Board of Trade may deem proper for securing safety:

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramway by exhibition of the same in conspicuous places on the waggons and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Recovery of penalties.

32. The provisions of the Tramways Act, 1870, with respect to the recovery of penalties shall apply to any penalty under this Act, and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act.

Amendment of 33 & 34 Vict.

33. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of

speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act, or by any regulation made by the Board of Trade under the authority of this Act, at which engines and waggons are to be driven or propelled on the tramway under the authority of this Act, but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

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c. 78. as to byelaws by local authority.

34. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade.

Orders and byelaws to be signed.

35. Where the Company or any person intend to use steam or any mechanical power under the authority of this Act on the tramway, they shall give two months previous notice of such intention to every road authority within whose district the tramway upon which they intend to use such power is situated.

Contracts with road authorities where steam or mechanical power is to be used.

Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of such road authority upon which such tramway is laid, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Company or such person by such notice, or for such road authority by notice to be served upon the Company or such person not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement, and thereupon such contract, agreement, or arrangement shall, from and after the commencement of the use of steam or any mechanical power upon such tramway, be determined and of no effect.

Before using steam or any mechanical power on the tramway, and thereafter from time to time, the Company or such person and every such road authority may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of such road authority upon which such tramway is laid, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of

A.D. 1880. such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Company or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Company or such person, or the Company or such person after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination, or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Company or such person and any road authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrangement thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramway unless there is in force in relation to the tramway a contract, agreement, or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract, agreement, or arrangement, in accordance with the provisions of this section, shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard in the first instance to the requirements of the roads upon which the tramways are laid.

36. Where steam or any mechanical power is used by the Company or any person on the tramway, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of any road authority upon which such tramway is laid, or with respect to the payment by the Company or such person to

Where steam or mechanical power is used, contract with road authority not to be for longer than two years at a time.

such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

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37. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of which the tramway for the time being consist, and the substructure upon which the same rest; and if the Company at any time make default in complying with this provision, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided.

Penalty for not maintaining rails and road in good condition.

38. In any case in which it is represented in writing to the Board of Trade by the local authority or road authority of the district in which the tramway is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a secretary or assistant secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Company shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed.

Power to Board of Trade to inquire as to maintenance of rails and roads.

39. Every sewer authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Company, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private

Sewer authority to have access to sewers.

A.D. 1880. drain of or under the control of the sewer authority as if the same were a pipe for the supply of gas or water.

Power to grant easements.

40. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege (not being an easement of water), required for the purposes of this Act, 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 this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

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

41. And whereas, in the exercise by the Company of the powers of this Act, it may happen that portions only of the lands distinguished on the deposited plans by the numbers 19 and 20 in the parish of Great Yarmouth will be sufficient for the purposes of the same, and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the said lands, and whereof parts only are required for the purposes of the Company, may, if such portions can, in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Company the portions only of the lands so required, without the Company being obliged or compellable to purchase the whole or any greater portion thereof, the Company paying for the portions required by them, and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Deposit money not to be repaid except so far as railway and tramway are opened.

42. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of three hundred and ninety-nine pounds ten shillings Consolidated Bank Three per Cent. Annuities, being equal to five per centum upon the amount of the estimate in respect of the railway and tramway, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act

or the survivors or survivor of them (which persons, survivors, or survivor are or is in this Act referred to as the depositors), unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway and tramway open the same for the conveyance of goods: Provided that if within such period as aforesaid the Company open any portion of the railway or tramway for the conveyance of goods, then, on the production of a certificate of the Board of Trade specifying the length of the portion of the railway or tramway 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 the railway or tramway so opened bears to the entire length of the railway and tramway, the said Chancery Division shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or be transferred to them or as they shall direct, and the certificate of the Board of Trade shall, if signed by the secretary or assistant secretary of the said Board, 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.

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43. If the Company do not, previously to the expiration of the period limited by this Act for the completion of the railway and tramway, complete and open the same for the conveyance of goods, then, and in every such case, the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway and tramway, 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 as regards the tramway in compensating the road authority for the expense incurred by them in taking up the tramway or the materials connected therewith, placed by the Company in or on any road vested in or maintained by such road authority, and in making good all damage caused to such roads by the construction or abandonment of such tramway, 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

Application
of deposit.

A.D. 1880. — satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Company
not to carry
passengers.

44. The Company shall not carry any passengers on the railway or tramway.

Tolls.

45. The Company may demand and take in respect of the use of the railway (which expression, for the purposes of tolls, shall include the tramway) any tolls not exceeding the following; (that is to say,)

In respect of animals conveyed upon the railway or tramway, or any part thereof, as follows:

For every calf, pig, sheep, lamb, or other small animal, the sum of twopence per mile; and

In respect of all other animals the sum of fourpence per mile.

In respect of the tonnage of all articles conveyed upon the railway and tramway, as follows:

Class 1. For all coals, coke, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, limestone, lime, bricks, salt, sand, fireclay, cinders, slag, and stone, per ton per mile one penny; and if conveyed in waggons belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny;

Class 2. For all dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, and for heavy iron castings, including railway chairs, per ton per mile not exceeding one penny; and if conveyed in waggons belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny;

Class 3. For all culm, charcoal, and all stones for building, pitching, and paving, all tiles, slates, clay (except fireclay), sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, and deals, metals (except iron), nails, anvils, vices, and chains, and for light castings, per ton per mile twopence; and if conveyed in waggons belonging to the Company, an additional sum per ton per mile not exceeding one penny;

Class 4. For all cotton and other wools, drugs, manufactured goods, and all other wares, merchandise, articles, matters, or things, per ton per mile not exceeding threepence; and if conveyed in waggons belonging to the Company, an additional sum per ton per mile not exceeding one penny; and

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, conveyed on a waggon or platform not belonging to the Company, fivepence per mile, and a like sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

46. The toll which the Company may demand for the use of engines for propelling waggons on the railway or tramway shall not exceed one penny per mile or portion of a mile for each animal or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Tolls for propelling power.

47. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

Tolls for small parcels and single articles of great weight.

For the carriage of small parcels on the railway and tramway, or any part thereof, as follows:

For any parcel not exceeding seven pounds in weight, three-pence;

For any parcel exceeding seven pounds, but not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds, but not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds, but not exceeding fifty-six pounds in weight, ninepence;

For any parcel exceeding fifty-six pounds, but not exceeding one hundred and twelve pounds in weight, one shilling and four-pence;

For any parcel exceeding one hundred and twelve pounds, but not exceeding two hundred and fifty pounds in weight, one shilling and eightpence;

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For any parcel exceeding two hundred and fifty pounds, but not exceeding five hundred pounds in weight, the Company may demand any sum which they may think fit :

Provided always, that articles sent in large aggregate quantities, although made up of separate articles, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railway and tramway, as follows :

For any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the waggon, shall exceed four tons, but shall not exceed eight tons, the Company may demand and take such sum as they think fit, not exceeding ninepence per ton per mile :

For the carriage of any single piece of machinery, timber, or stone, or other single article, the weight of which, with the waggon, shall exceed eight tons, the Company may demand and take such sum as they think fit.

Maximum
rates for
animals and
goods.

48. The maximum rates of charge to be made by the Company for the conveyance of animals and goods on the railway and tramway, including the tolls for the use of the railway and tramway, and for waggons and trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,)

For every calf, pig, sheep, lamb, or other small animal, twopence per mile ; and

For every other animal, fourpence per mile ;

For everything in Class 1, one penny halfpenny per ton per mile ;

For everything in Class 2, twopence halfpenny per ton per mile ;

For everything in Class 3, threepence per ton per mile ;

For everything in Class 4, fourpence per ton per mile ;

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway or tramway, and not weighing more than one ton, carried on a waggon, truck, or platform, per mile sixpence ; and for every quarter of a ton beyond one ton, one penny.

49. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

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Regulations
as to tolls.

For all animals, goods, or minerals conveyed on the railway and tramway for a less distance than three miles, the Company may demand tolls and charges as for three miles :

For a fraction of a ton the Company may demand tolls and charges according to the number of quarters of a ton in such fraction, and if that be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton :

With respect to all articles, except stone and timber, the weight shall be deemed according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

50. No station shall be considered a terminal station in regard to any goods conveyed on the railway or tramway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Terminal
stations.

51. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, by reason of any special service performed by the Company in relation thereto.

Company
may take
increased
charges by
agreement.

52. If at any time after three years from the opening for public traffic of the tramway, or after three years from the date of any order made in pursuance of this section in respect of the tramway, it is represented in writing to the Board of Trade by the local authority of any district in which the tramway is situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that, under the circumstances then existing, all or any of the tolls and charges demanded and taken in respect of the traffic on the tramway should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board, in accordance with the provisions of the Tramways Act, 1870 ; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramway, in such

Periodical
revision
of tolls.

A.D. 1880. — manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Provision
as to laying
down of rails
on quay.

53. The Company may from time to time, with the consent of the mayor, aldermen, and burgesses of the borough of Great Yarmouth, lay down and maintain lines of rails along and upon the quay and lands of the said corporation, for the accommodation of traffic passing between the said quay and the railway and tramway of the Company.

Byelaws to
be made by
corporation.

54. The said mayor, aldermen, and burgesses may make such byelaws, rules, or orders for regulating the use of the said tramway, and for the preventing any interruption in such use, as the said mayor, aldermen, and burgesses shall deem expedient, and may from time to time alter or annul such byelaws, rules, or orders, or any of them, and other or others made as circumstances may require, and may set down and affix what pecuniary penalties or forfeitures shall be incurred by any person or corporation acting contrary to or evading such byelaws, rules, or orders, or any of them, provided no such penalty or forfeiture shall exceed the sum of five pounds for one offence; and every penalty or forfeiture to be incurred as aforesaid shall and may be recovered and applied in manner directed by the Railway Clauses Consolidation Act, 1845: Provided always, that such byelaws be not repugnant to the laws of England: Provided always, that such byelaws shall be so framed as to allow the justices before whom any penalty imposed thereby may be recovered to order the whole or any part of such penalty to be recovered.

Confirmation
of byelaws.

55. No such byelaws shall come into operation until the same shall be allowed by the Board of Trade, and it shall be incumbent on the said Board, on the request of the said mayor, aldermen, and burgesses, to examine into the byelaws which may be tendered to them for that purpose, and to allow of or disallow the same or any of them as to such Board may seem meet: Provided always, that no such byelaws shall be confirmed unless notice of the intention to apply for a confirmation of the same shall have been given in one or more newspapers of the county of Norfolk twenty-one days at least before the hearing of such application, and any party aggrieved by any such byelaw, on giving notice of the nature of his objection to the said mayor, aldermen, and burgesses ten days before the hearing of such application, may, by himself, his attorney, or his agent, be heard thereon.

56. For twenty-one days at least prior to any such application for confirmation of any such byelaws a copy of such proposed byelaws shall be kept at the office of the town clerk of the borough of Great Yarmouth, and it shall be lawful for all persons at all reasonable times to inspect such copy without fee or reward, and to be furnished by the said town clerk with a copy thereof, or any part thereof, on payment of tenpence for every one hundred words so to be copied.

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Copy of byelaws to be kept by town clerk.

57. A copy of every such byelaw shall be put and kept up in some conspicuous place in the office of the said town clerk, and shall be open to inspection without fee or reward, and in case the said town clerk shall not permit the same to be inspected at all reasonable times he shall for every such offence be liable to a penalty not exceeding five pounds.

Inspection of byelaws.

58. Such byelaws when so confirmed and published shall be binding upon and shall be observed by all parties.

Byelaws to be binding when confirmed.

59. The fences for separating the land to be taken by the Company from the Corporation of Great Yarmouth from the adjoining lands of the said corporation not so taken shall be made and constructed and kept up by the Company to the satisfaction of the said corporation, or in case of any unreasonable requirement on the part of the said corporation, then to the satisfaction of the Board of Trade.

Fences to be maintained to satisfaction of corporation.

60. The Company shall take from the corporation for the purposes of the railway land of the width of forty feet from the north of the wall on the north side of the workhouse of the parish of Great Yarmouth, and the Company shall not have power to take from the corporation more than such forty feet of land to the north of the workhouse; and in the case of the land of the said corporation lying to the eastward of the workhouse, no such land shall be taken by the Company further to the north than the northern boundary of the said land, forty feet in width, to be taken by the Company to the north of the workhouse.

Definition of land to be taken from corporation.

61. The Company on the one hand, and the Yarmouth and North Norfolk (Light) Railway Company on the other hand, may, subject to the provisions of Part III. of the Railway Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into and carry into effect agreements with respect to the following purposes, or any of them; (that is to say,)

Arrangements with other companies.
36 & 37 Vict. c. 73.

The maintaining, working, using, and managing by the contracting companies, or either of them, of the railway and tramway of the Company or any parts thereof;

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The supply and maintenance by the contracting companies, or either of them, of rolling or working stock and of machinery, officers, and servants for any of the purposes of any such agreement for the working and using of the railway and tramway;

The regulation, interchange, accommodation, conveyance, and delivery of the traffic coming from or destined for the respective undertakings of the contracting companies;

The levying, fixing, collection, division, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising from such traffic;

The payments, allowances, rebates, and drawbacks to be paid, made, or allowed by either of the contracting companies to the other of them for or on account of any of the matters to which the agreement relates.

Interest not to be paid on calls paid up.

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

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

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

Provision as to general Railway Acts.

64. Nothing in this Act shall exempt the Company or their railway or tramway from the provisions of any general Act relating to railways or tramways, or the better and more impartial audit of the accounts of railway or tramway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

65. All costs, charges, and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

A.D. 1880.

Every engine used on the tramway shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating, and for bringing such engine and any carriage drawn or propelled by such engine to a stand, as the Board of Trade may from time to time think sufficient. Break power of engines.

Every engine used on the tramway shall have its number shown in some conspicuous part thereof, and shall be fitted— As to fittings of engines, &c.

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell, whistle, or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such engine, so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery, and the machinery shall be concealed from view at all points above four inches from the level of the rails, and all fire used on such engine shall be concealed from view.

The Board of Trade shall on the application of the local authority, and may on complaint made by any person, from time to time inspect any engine or carriage used on the tramway and the machinery therein, and may, whenever they think fit, prohibit the use on the tramway of any such engine or carriage which in their opinion may not be safe for use on the tramway. Inspection of engines and carriages.

The speed at which engines and carriages may be driven or propelled along the tramways shall not exceed the rate of eight miles an hour. As to speed.

The speed at which engines and carriages may pass through moveable facing-points shall not exceed the rate of four miles an hour.

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