



CHAPTER lxvi.

An Act to enable the Eastern and Midlands Railway Company to abandon certain authorised railways and works to make a new railway and works and for other purposes. A.D. 1888.
[28th June 1888.]

WHEREAS by the Lynn and Fakenham Railway (Extensions) Act 1880 (hereinafter called "the Act of 1880") the Lynn and Fakenham Railway Company were authorised to construct certain railways in the county of Norfolk including certain railways therein described as Numbers 4 5 and 6 Railway No. 4 extending from Melton Constable to Kelling Railway No. 5 from Kelling to Cley and Railway No. 6 from Cley to Blakeney: 43 & 44 Vict.
c. clxv.

And whereas by the Lynn and Fakenham Railway Act 1882 (hereinafter called "the Act of 1882") the Lynn and Fakenham Railway Company were authorised to construct certain railways including certain railways therein described as Railways Nos. 2 and 3 of which Railway No. 2 was authorised to commence in the parish of Blakeney by a junction with the said Railway No. 6 authorised by the Act of 1880 at its authorised termination and Railway No. 3 was intended to form a continuation of the said last-mentioned Railway No. 2 to Blakeney Harbour: 45 & 46 Vict.
c. clxxix.

And whereas by the thirty-eighth section of the Act of 1882 provisions were made as to the purchase by that Company of the undertaking of the Blakeney Harbour Company:

And whereas by virtue of the Eastern and Midlands Railway (Amalgamation) Act 1882 the undertaking and powers of the Lynn and Fakenham Railway Company including the powers hereinbefore-mentioned became vested in the Eastern and Midlands Railway Company (who are hereinafter referred to as "the Company"):

And whereas in pursuance of powers conferred by the Eastern and Midlands Railway Act 1885 the railways and works of the Company therein described were constituted a separate undertaking called the Cromer undertaking: 48 & 49 Vict.
c. iii.

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And whereas it has been ascertained that the traffic of the district between Kelling and Blakeney intended to be served by the said Railways Numbers 5 and 6 authorised by the Act of 1880 and the said Railways Numbers 2 and 3 authorised by the Act of 1882 would not be sufficient to justify the expenditure of the capital which would be required for the construction of the said railways and it is expedient that the Company should be authorised to abandon the construction of the said railways and the purchase of the said harbour and that the provisions of the Act of 1882 relative to the said harbour and the Blakeney Harbour Company should be repealed :

And whereas the period limited by the Company's Acts for the completion of the said Railway No. 4 authorised by the Act of 1880 expired on the twelfth day of August one thousand eight hundred and eighty-six and the time limited by the Acts of the Company for the completion of the said Railways Numbers 3 and 4, authorised by the Lynn and Fakenham Railway Act 1881 (hereinafter called "the Act of 1881") expired on the eleventh day of August one thousand eight hundred and eighty-six :

And whereas of the said railways Railway No. 4 was completed and opened for traffic as far as Holt within the period so limited and the securities deposited in relation thereto under the standing orders of Parliament have been returned to the depositors and the remainder of the said Railway No. 4 was completed shortly afterwards but the others owing to various difficulties were not completed and formally opened until June one thousand eight hundred and eighty-seven since which date the whole have been worked by the Company :

And whereas the deposit fund referred to in the Act of 1880 was twenty thousand five hundred and fifteen pounds ten shillings Consolidated Three per Cent. Annuities of which there has been repaid in respect of railways authorised and completed within the period limited for that purpose by that Act seventeen thousand seven hundred and sixty pounds one shilling and three pence and of the balance the sum of seven hundred and eighty-six pounds Annuities is attributable to the portion of the said Railway Number 4 completed after the expiration of the said period and one thousand nine hundred and sixty-nine pounds eight shillings and nine pence Annuities is attributable to the Railways Numbers 5 and 6 authorised by the Act of 1880 and to be abandoned under this Act :

And whereas the deposit fund referred to in the Act of 1881 was nine thousand eight hundred and thirty-nine pounds thirteen shillings and ten pence Consolidated Three per Cent. Annuities of

which six thousand six hundred and thirty-one pounds fourteen shillings and two pence has been repaid in respect of railways authorised by and completed within the period limited for that purpose by that Act and the balance namely three thousand two hundred and seven pounds nineteen shillings and eight pence Annuities is attributable to the railways authorised by that Act and completed after the expiration of the said period : A.D. 1888.

And whereas the deposit fund referred to in the Act of 1882 was four thousand six hundred and twenty-one pounds Consolidated Three per Cent. Annuities of which there has been repaid in respect of railways authorised by and completed within the period limited for that purpose by that Act two thousand three hundred and seventy-one pounds Annuities and the balance attributable to the Railways Nos. 2 and 3 authorised by the said Act and to be abandoned under this Act amounts to two thousand two hundred and fifty pounds Annuities and it is reasonable that in the circumstances provision should be made for allowing the Company to obtain repayment of the said balance and also of the said sums of seven hundred and eighty-six pounds one thousand nine hundred and sixty-nine pounds eight shillings and nine pence and three thousand two hundred and seven pounds nineteen shillings and eight pence like annuities :

And whereas the construction of the railway and works described in this Act would be of public and local convenience and it is expedient that the Company should be empowered to construct the same :

And whereas plans and sections showing the lines and levels of the railway 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 hereinafter respectively referred to as the deposited plans and sections and books of reference :

And whereas the capital of the Company consists of three sections viz. :—

1. The capital originally of the Midland and Eastern Railway Company ;
2. The capital originally of the Peterborough Wisbech and Sutton Railway Company ; and
3. The capitals originally of the Lynn and Fakenham Railway Company the Yarmouth and North Norfolk Railway Company and the Yarmouth Union Railway Company the capitals of

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—

which three last-mentioned Companies have been consolidated into the capital of the Company and are known as the capital of the Lynn Yarmouth and Norwich section :

and this capital has been further increased under subsequent Acts of the Company :

And whereas the authorised preference stocks raised for the purposes of the Lynn Yarmouth and Norwich section of the Company have been consolidated into a single stock and the first schedule to this Act contains a statement of the amounts of the various classes of capital of that section as now subsisting :

And whereas the Company require additional money over and above the moneys required for the purpose of the works by this Act authorised which additional money is required for various improvements and works for doubling parts of the railway of the Company and for the discharge of various liabilities incurred for the purchase of rolling stock and materials and other purposes :

And whereas such expenditure will be entirely upon the Lynn Yarmouth and Norwich section and as a great part of that section has only been recently opened and the traffic thereof is not as yet developed the Company could not at present issue additional capital ranking on that section after the said consolidated preference stock except at a considerable discount and it is therefore expedient that the money required for the purposes aforesaid should be raised in manner hereinafter appearing :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Eastern and Midlands Railway (Further Powers) Act 1888.

Incorporation of
general Acts.

2. The following Acts and parts of Acts (so far as they are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :—

The Railways Clauses Consolidation Act 1845 ;

Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 ; and

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to— A.D. 1888.

- 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;
- The remedies of creditors of the Company against the shareholders;
- The borrowing of money by the Company on mortgage or bond;
- The conversion of the borrowed money into capital;
- The consolidation of shares into stock;
- The general meetings of the Company and the exercise of the right of voting by the shareholders;
- The making of dividends;
- The giving of notices; and
- The provision to be made for affording access to the special Act by all parties interested:

Extending
certain
provisions of
Companies
Clauses Acts.

And also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869:

shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

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

The expression "the Company" means the Eastern and Midlands Railway Company;

The expression "the railway" means the railway 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 for the purposes of this Act 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.

5. The Company may abandon the construction of the following portions of their authorised undertaking namely:— Abandonment of construction of certain railways.

Railways Nos. 5 and 6 authorised by the Lynn and Fakenham Railway (Extensions) Act 1880 (section 5);

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Railways Nos. 2 and 3 authorised by the Lynn and Fakenham Railway Act 1882 (section 5);

The wharf embankment and breakwater at Blakeney in the county of Norfolk authorised by the Lynn and Fakenham Railway Act 1882 (section 21).

Compensation for damage to land by entry &c. for purposes of railways abandoned.

6. The abandonment by the Company under the authority of this Act of the railways mentioned in the last preceding section shall not prejudice or affect the right of the owner or occupier of any land to receive compensation from the Company for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of the said railways or either of them and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company for the purposes thereof 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 Acts of 1880 and 1882.

Compensation to be made in respect of railways 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 for the purposes of or in relation to any of the railways or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such 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.

Agreement with Blakeney Harbour Company as to abandonment of works.

8. The agreement between the Company and the Blakeney Harbour Company a copy of which is set out in the second schedule to this Act is hereby confirmed and made binding on the said two Companies respectively and the sections of the Lynn and Fakenham Railway Act 1882 of which the numbers and marginal notes are as hereinafter set forth viz. :—

Section 21. Powers as to Blakeney Harbour;

Section 22. Dredging channels and purchase of lands or rights at Blakeney;

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Section 23. Regulation of channels;

Section 24. Company to exhibit lights;

Section 38. Purchase of Blakeney Harbour;

Section 39. General saving of rights under Acts relating to
Harbour Company;Section 40. Maintenance of navigation:
shall be and the same are hereby repealed.

9. Subject to the provisions of section 31 of the Act of 1880 relating to compensation to landowners and other persons injured and for protection of creditors the Chancery Division of the High Court of Justice in England may and shall at any time after the passing of this Act on application by the persons or the majority of the persons named in the warrant or order referred to in section 30 of the said Act or the survivors or survivor of them or the executors or administrators of such survivor (hereinafter referred to as the depositors) order that the sum of one thousand nine hundred and sixty-nine pounds eight shillings and nine pence Consolidated Three per Cent. Annuities part of the deposit fund referred to in section 30 of the Act of 1880 and the interest or dividends thereon shall be transferred and paid to the depositors or as they may direct and upon such order being made the said sum or the balance thereof and the interest or dividends thereon shall be transferred or paid accordingly.

Return of
certain depo-
sited securi-
ties (Act of
1880).

10. Subject to the provisions of section 19 of the Act of 1882 relating to compensation to landowners and other persons injured and for protection of creditors the Chancery Division of the High Court of Justice in England may and shall at any time after the passing of this Act on application by the persons or the majority of the persons named in the warrant or order referred to in section 17 of the Act of 1882 or the survivors or survivor of them or the executors or the administrators of such survivor (hereinafter referred to as the depositors) order that the sum of two thousand two hundred and fifty pounds Consolidated Three per Cent. Annuities being part of the deposit fund referred to in section 17 of the Act of 1882 and the interest or dividends thereon shall be transferred and paid to the depositors or as they may direct and upon such order being made the said sum or the balance thereof and the interest or dividends thereon shall be transferred or paid accordingly.

Return of
certain other
deposited se-
curities (Act
of 1882).

11. Notwithstanding anything contained in the Acts of 1880 and 1881 the Chancery Division of the High Court of Justice in England may and shall at any time after the passing of this Act order that the sum of seven hundred and eighty-six pounds Consolidated Three per Cent. Annuities part of the deposit fund referred to in section 30 of the Act of 1880 and three thousand two hundred

Return of
certain other
deposited
securities.

A.D. 1888. — and seven pounds nineteen shillings and eight pence Consolidated Three per Cent. Annuities balance of the deposit fund referred to in section 27 of the Act of 1881 together with any interest or dividend accrued thereon shall be paid or transferred to the depositors referred to in the said respective sections or as they may respectively direct.

Power to
make new
works.

12. 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 hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for those purposes. The works hereinbefore referred to and authorised by this Act are:—

Mundesley Branch.

A railway (5 miles 3 furlongs or thereabouts in length) commencing in the parish of North Walsham in the said county of Norfolk by a junction with the Company's railway to Yarmouth at the bridge which carries the said railway over the road known as the Norwich Road and terminating in the parish of Mundesley on the north-eastern side of a field adjoining the road from Trimingham to Mundesley:

Widening at Lynn.

A widening of the railway of the Company in the parish of South Lynn in the said county of Norfolk on both sides of the bridge which carries the Saddlebow Road over the said railway:
Provided that the present level of the said bridge and of the approaches thereto shall not be altered and that the roadway of the bridge and the approaches shall be extended and be made of the clear width of not less than twelve yards each and that effectual drainage be provided for the same.

Inclination
of roads.

13. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
30	Knapton - - -	Public - - -	1 in 12
11	Mundesley - - -	Public - - -	1 in 16 on one side and level on the other.

14. The Company may make the arches of the bridges for carrying the railway over the roads next hereinafter mentioned of any spans not less than the spans hereinafter mentioned in connection therewith respectively (that is to say):—

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Span of
bridges.

No. on de- posited Plan.	Parish.	Description of Road.	Span.
28	North Walsham - -	Public - -	20 feet.
50	North Walsham - -	Public - -	20 feet.
5	Mundesley - - -	Public - - -	20 feet.

15. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths hereinafter mentioned in connection therewith respectively (that is to say):—

Width of
certain
roadways.

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
40	North Walsham - -	Public - -	20 feet.
46	North Walsham - -	Public - -	21 feet.
30	Knapton - - -	Public - - -	20 feet.
37	Knapton - - -	Public - - -	20 feet.
11	Mundesley - - -	Public - - -	20 feet.

16. 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.

Time for
purchase of
lands.

17. 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.

Power to
take ease-
ments &c. by
agreement.

18. 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 thousand eight hundred and sixty-six pounds thirteen shillings and four pence

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

A.D. 1888. — New Three Pounds per Centum Annuities being equal in value to five per centum upon the amount of the estimate in respect of the railway and tramways as originally proposed to be authorised in the Bill for this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act And whereas the tramways originally proposed are not authorised by this Act and one thousand three hundred and seventeen pounds seventeen shillings and five pence of the said sum of Annuities is attributable to the said tramways And whereas two thousand five hundred and forty-eight pounds fifteen shillings and eleven pence of the said Annuities is equal in value to five per centum on the amount of the estimate of the railway by this Act authorised and is in this Act referred to as “the deposit fund” Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway as the case may be the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall 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.

19. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers 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

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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 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 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 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 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 Court thinks fit to order on the application of the Solicitor to 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 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 hereinbefore 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.

20. The High Court of Justice may and shall at any time after the passing of this Act on the application of the depositors order that the sum of one thousand three hundred and seventeen pounds seventeen shillings and five pence New Three Pounds per Centum Annuities (part of the Annuities originally deposited in respect of the application for this Act) and the dividends thereon shall be transferred and paid to the depositors or as they may direct and upon such order being made the said sum and dividends shall be transferred or paid accordingly. Providing
for release of
portion of
deposit fund.

21. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed. Period for
completion
of railway.

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Tolls.

22. For purposes of tolls rates and charges the railway by this Act authorised shall be deemed to form part of the Eastern and Midlands Railway.

Confirming
agreement
with Great
Eastern
Railway
Company.

23. The agreement between the Company and the Great Eastern Railway Company bearing date the ninth day of May one thousand eight hundred and eighty-eight a copy of which is set forth in the third schedule to this Act is hereby confirmed and shall be carried into effect by the Company and the Great Eastern Railway Company.

Power to
purchase
additional
lands.

24. Subject to the provisions of this Act the Company may purchase and take for purposes connected with their undertaking and in addition to any other lands which they may be authorised to acquire under this Act the lands hereinafter described namely:—

(A) Lands in the parish of Great Yarmouth in the county of Norfolk on the bank of the River Bure and between that river and the Yarmouth Union Line of the Company and between the roads commonly known as Ormond Road and Garrison's Walk;

And they may make erect and maintain in on or adjoining the said lands and on the banks of the River Bure at Yarmouth wharves warehouses landing and shipping places staiths cranes and other conveniences for landing and shipping goods:

(B) Lands in the parish of South Lynn on the north and south sides of the Company's railway between the River Ouse and the South Lynn station of the Company;

And may use the said lands for the widening and improvement of their railway stations and other purposes.

Stopping up
footpath at
Cromer.

25. The Company may stop up and extinguish all rights of way over the footpath crossing the property of the Company in the parish of Cromer between Holt Road and Runton Road Provided that they shall first complete in substitution therefor and open for public use a substituted footpath along the line marked A C B on the deposited plans relative to the said parish.

Powers to
provide
wherries &c.

26. The Company may provide for the accommodation of the traffic of their railways wherries and barges to be used on the River Bure at Yarmouth.

Charges for
wharves &c.

27. The Company may make in respect of the use of any landing and shipping places provided by them under the powers of this Act on the River Bure charges not exceeding those set out in the fourth schedule to this Act and may make in respect of the use of any wharves warehouses staiths cranes and other conveniences for landing and shipping goods provided by them such reasonable charges as they may from time to time think fit.

28. Nothing in this Act contained shall authorise the Company to take use or in any way interfere with the banks shores or bed of the River Bure in the parish of Great Yarmouth or to impede or interfere with the navigation of such river or the public right of loading or unloading goods on or passing over or along the banks and shores thereof.

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For the protection of the Great Yarmouth Port and Haven Commissioners.

29. With regard to the lands in the parish of Great Yarmouth which the Company are by this Act authorised to purchase and take the following provisions shall have effect:—

As to additional land at Yarmouth.

1. The Company shall not at any time enclose any portion of the piece of land numbered on the deposited plans 3 in the parish of Great Yarmouth and the said piece of land shall always be left free and unenclosed and no buildings or other erections shall be placed thereon ;
2. The Company shall only place a single or double line of rails for the purposes of a tramway on the western portion of the said piece of land and shall leave to the eastward of the easternmost rail of the said tramway a roadway of the clear width of eighteen feet at the least ;
3. Any such line or lines of rail laid in any part of the said piece of land shall for the purpose of all bye-laws rules and orders of the mayor aldermen and burgesses of the borough of Great Yarmouth made under the Yarmouth Union Railway Act 1880 be deemed to form part of the tramway authorised by that Act.

30. The following provisions with reference to the construction of the Mundesley Branch Railway in the parish of North Walsham in the county of Norfolk shall have effect notwithstanding anything in the deposited plans and sections :—

For protection of the North Walsham Local Board.

- (1) The width of the bridge carrying the railway of the Company from Melton to North Walsham over the road numbered on the deposited plans 2 in the said parish (known as the Norwich Road) shall not be altered ;
- (2) The arch of the bridge for carrying the railway over the road numbered on the deposited plans 12 in the said parish shall have a span of not less than twenty-five feet and a headway of not less than sixteen feet from the surface of the road to the centre of the arch and the inclination of the road when altered shall not be steeper than one in thirty ;
- (3) The arch of the bridge for carrying the railway over the road numbered on the deposited plans 17 in the said parish shall have a span of not less than thirty feet and a headway of not less than sixteen feet from the surface of the said road to the

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centre of the arch and the inclination of the road when altered shall not be steeper than one in thirty ;

- (4) The arch of the bridge for carrying the railway over the road numbered on the deposited plans 28 in the said parish shall have a span of not less than twenty feet and a headway of not less than sixteen feet from the surface of the road to the centre of the arch and the inclination of the road when altered shall not be steeper than one in twenty-five ;
- (5) The bridge for carrying over the railway the road numbered on the deposited plans 40 in the said parish shall be not less than twenty feet clear in width between the parapets thereof and shall have an inclination when altered not steeper than one in thirty ;
- (6) The bridge for carrying over the railway the road numbered on the deposited plans 46 in the said parish shall be not less than twenty-one feet clear in width between the parapets ;
- (7) The arch of the bridge for carrying the railway over the road numbered on the deposited plans 50 in the said parish shall have a span of not less than twenty feet and a headway of not less than sixteen feet from the surface of the road to the centre of the arch and the inclination of the road when altered shall not be steeper than one in thirty. The said road may be lowered to the extent of but not exceeding eight feet.

For protection of
the Norfolk
Court of
Sewers.

31. Nothing in this Act contained shall take away lessen interfere with or prejudice in any way the rights powers or authorities now vested in belonging to or enjoyed by Her Majesty's Commissioners of Sewers for the County of Norfolk commonly called the Norfolk Court of Sewers.

Saving
rights of
Crown under
Crown
Lands Act.

32. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty Her heirs or successors.

Saving
rights of
Crown in
foreshore.

33. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent

in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates' rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors. A.D. 1888.

34. The Company may (in addition to any sums which they are now authorised to borrow or raise by debenture stock) raise by the creation and issue of debenture stock charged on the receipts and revenues of the Lynn Yarmouth and Norwich section of their undertaking any further sums not exceeding in the whole one hundred and sixty thousand pounds Provided that such debenture stock shall be designated B Debenture Stock and shall rank for interest or dividend after the debenture stock of the Company created and issued before the passing of this Act. Additional debenture stock.

35. The Company may apply towards the purposes of this Act to which capital is properly applicable any money which they are already authorised to raise in respect of the Lynn Yarmouth and Norwich section and which may not be required by them for the purposes for which the same was authorised to be raised and the Company may from time to time for the same purposes and the general purposes of their undertaking and subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to any moneys which they are by this or any other Act authorised to raise any sum or sums not exceeding in the whole sixty-two thousand pounds by the issue of new preference shares or stock which shares or stock shall subject to the provisions of this Act form part of the general capital of the Company. Company may apply their funds towards purposes of Act and may raise additional capital.

36. No share or stock created under the authority of this Act shall be issued nor shall any such share or stock vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share or stock shall have been paid in respect thereof. Shares or stock not to vest until one-fifth part paid up.

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

38. The Company may in respect of the additional capital of sixty-two 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 twenty thousand pounds but no part of the said sum shall be borrowed until shares for so much of the capital by this Act authorised as is to be raised by means of shares are issued Power to borrow.

A.D. 1888. — and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of such capital as is to be raised by shares have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth of the amount of each separate share therein has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators or assigns and also if the said capital is raised by shares that such persons or corporations or their executors administrators or assigns are legally liable for the same.

Upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appoint-
ment of
receiver.

39. All provisions in any Act relating to the Company with respect to the appointment of a receiver by mortgagees of the Company in force at the passing of this Act are hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Debenture
stock.

40. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company and the interest of all mortgages at any time after the passing of this Act granted by the Company shall rank *pari passu* and such interest shall have priority over all principal moneys secured by such mortgages.

Former
mortgages to
have priority.

41. All mortgages granted by the Company in pursuance of the powers of any former Act and subsisting at the time of the passing

of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect the priority of the interest of any debenture stock at any time created and issued by the Company.

A.D. 1888.

42. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act only or for the general purposes of the undertaking.

Application of moneys.

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

Interest not to be paid on calls paid up.

44. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

45. Nothing in this Act contained shall exempt the Company or the 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.

Provision as to general railway Acts.

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

Costs of Act.

The FIRST SCHEDULE referred to in the foregoing Act.

CAPITAL OF LYNN YARMOUTH AND NORWICH SECTION.

Capital raised by Loans and Debenture Stock.

Capitalised Rentcharges.	Raised by Debenture Stock at 4½ per Cent.	Total raised by Loans and Debenture Stock.
£14,150	£459,592	£473,742

Stock and Share Capital.

Description.	Amount created to 30th June 1887.	Amount created to 31st December 1887.
Consolidated Ordinary Stock	£ - - - - - 628,000	£ - - - - - 628,000
5 per Cent. Preference Stock 1878 (Yarmouth section)	- 60,000	-
5 " " 1880 (Lynn and Norwich section)	96,864	74,400
5 " " 1881 (" ")	198,000	116,237
5 " " 1882 (" ")	119,370	175,500
5 " " 1882 (Amalgamation)	213,766	94,058
		153,079
		74,726
		£683,000
Guaranteed Stock (Lynn Loop Line Separate Undertaking)	- 100,000	-
Guaranteed Stock (Cromer Line Separate Undertaking)	- 240,000	-
Total	- £1,656,000	- £1,656,000

[Ch. lxvi.]

Eastern and Midlands Railway
(Further Powers) Act, 1888.

[51 & 52 VICT.]

A.D. 1888.

The SECOND SCHEDULE referred to in the
foregoing Act.

A.D. 1888.

HEADS OF AGREEMENT made and entered into this twenty-eighth day of December one thousand eight hundred and eighty-six between the Eastern and Midlands Railway Company (hereinafter called "the Railway Company") of the one part and the Blakeney Harbour Company (hereinafter called "the Harbour Company") of the other part.

WHEREAS by heads of agreement dated the sixth day of July one thousand eight hundred and eighty-two and made between the Lynn and Fakenham Railway Company of the one part and the Harbour Company of the other part it was in effect agreed that subject to the necessary Parliamentary approval being obtained in the Bill of the Lynn and Fakenham Railway Company then pending in Parliament the said last-mentioned Company should purchase the undertaking of the Harbour Company for five thousand four hundred pounds whereof one thousand and eighty pounds were to be paid within one month after the said Bill should have received the Royal Assent and four thousand three hundred and twenty pounds were to be paid on the thirty-first day of December one thousand eight hundred and eighty-two and that either of such payments remaining unpaid after the respective dates aforesaid should bear interest at the rate of five pounds per centum per annum until payment And whereas the said Bill was duly passed under the short title of the Lynn and Fakenham Railway Act 1882 and received the Royal Assent on the tenth of August one thousand eight hundred and eighty-two and thereby (section 38) it was in effect enacted that the Lynn and Fakenham Railway Company should purchase and the Harbour Company should sell the undertaking of the Harbour Company for the said sum of five thousand four hundred pounds which subject to the terms of any agreement made or to be made with regard to the earlier payment of any part thereof and as to interest thereon should be paid by the Lynn and Fakenham Railway Company to the Harbour Company on the thirty-first day of December one thousand eight hundred and eighty-two (which date was therein referred to as the date of sale and transfer) and it was also enacted that forthwith after the date of the sale and transfer the Harbour Company should proceed to wind up their affairs in the manner therein mentioned And whereas by the Eastern and Midlands Railway (Amalgamation) Act 1882 the Lynn and Fakenham Railway Company was dissolved and the undertaking thereof was merged in and made part of the undertaking of the Railway Company And whereas the said sum of one thousand and eighty pounds was paid to the Harbour Company on the seventh day of February one thousand eight hundred and eighty-three but the said sum of four thousand three hundred and twenty pounds has not nor has any part thereof been paid and the said purchase and sale have not been completed And whereas the Harbour Company has at the request of the Railway Company

A.D. 1888. — consented and it has been agreed accordingly that subject to the sanction of Parliament being obtained as hereinafter mentioned the said purchase and sale shall not be carried out but shall be abandoned upon the terms hereinafter appearing Now it is hereby agreed between the said parties hereto as follows:—

1. The said purchase by the Railway Company and sale by the Harbour Company of the undertaking of the Harbour Company shall not be carried out;

2. The Harbour Company shall retain for their own benefit the sum of one thousand and eighty pounds so paid to them as aforesaid and also interest on the said sum of one thousand and eighty pounds at five pounds per centum per annum from the tenth day of September one thousand eight hundred and eighty-two to the seventh day of February one thousand eight hundred and eighty-three and interest on the said sum of four thousand three hundred and twenty pounds at five pounds per centum per annum from the thirty-first day of December one thousand eight hundred and eighty-two to the thirty-first day of December one thousand eight hundred and eighty-six which interest has been paid or shall be paid by the Railway Company on or before the last-mentioned date;

3. The Railway Company shall have no claim to any of the tolls dues or other receipts heretofore received or hereafter to be received by the Harbour Company;

4. The Railway Company shall use their best endeavours to procure before the thirty-first day of August one thousand eight hundred and eighty-nine the passing of an Act of Parliament repealing sections 21 22 23 24 38 39 and 40 of the Lynn and Fakenham Railway Act 1882 and any other provisions of the last-mentioned Act which are inconsistent with this agreement as from the date of the passing of the last-mentioned Act and placing the Harbour Company in the same position as to its rights and powers and in all other respects as if the last-mentioned Act had not been passed (but without prejudice nevertheless to the other clauses of this agreement);

5. The Railway Company shall pay to the Harbour Company on or before the thirty-first day of December instant all costs and expenses heretofore properly incurred by the Harbour Company in relation to the said purchase and sale and not already paid by the Railway Company including the costs charges and expenses referred to in clause 8 of the said agreement of the sixth day of July one thousand eight hundred and eighty-two and also the costs charges and expenses of the Harbour Company of and incidental to the negotiations for and the preparation and execution of this agreement The Railway Company shall also pay to the Harbour Company on demand all costs and expenses to be properly incurred by the Harbour Company in relation to the procuring or endeavouring to procure the passing of the Act to be obtained as aforesaid;

6. If the Act to be obtained as aforesaid shall not be passed and receive the Royal Assent before the thirty-first day of August one thousand eight hundred and eighty-nine this agreement shall remain in full force and the Harbour Company shall be at liberty if they shall consider the failure to procure the said Act to have been due to the neglect or default of the Railway Company at any time thereafter to promote and endeavour to obtain the passing of such an

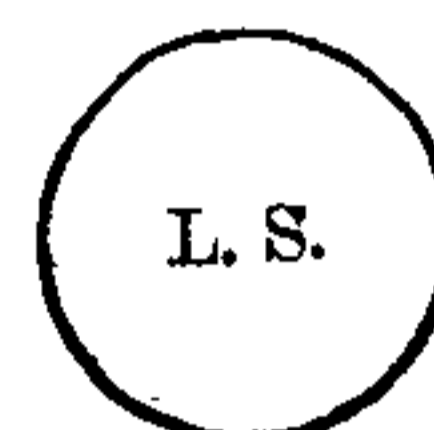
A.D. 1888.

Act as is referred to in clause 4 hereof and the Railway Company will consent to such Act being passed and will assist the Harbour Company to procure the same and will pay to the Harbour Company all their costs charges and expenses properly incurred in connection with their procuring or endeavouring to procure the passing of the said Act In witness whereof the Railway Company and the Harbour Company have caused their respective common seals to be affixed the day and year first above written.

The Common Seal of the Blakeney Harbour Company affixed
in the presence of

C. J. TEMPLE LYNES

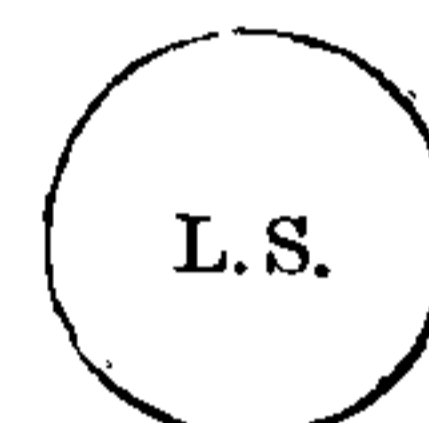
Secretary.



The Common Seal of the Eastern and Midlands Railway
Company was hereunto affixed in the presence of

E. B. READ

Secretary.



The THIRD SCHEDULE referred to in the foregoing
Act.

AN AGREEMENT made the ninth day of May 1888 between the Eastern and Midlands Railway Company (hereinafter called "the Eastern and Midlands Company") of the one part and the Great Eastern Railway Company (hereinafter called "the Great Eastern Company") of the other part.

WHEREAS the Eastern and Midlands Company are promoting a Bill intituled "An Act to enable the Eastern and Midlands Railway Company to abandon certain authorised railways and works to make a new railway and works and for other purposes" in the present session of Parliament whereby amongst other things power is sought to authorise them to make and maintain a railway (hereinafter referred to as the Mundesley branch) 5 miles 3 furlongs or thereabouts in length commencing in the parish of North Walsham in the county of Norfolk by a junction with the Eastern and Midlands Company's Railway to Yarmouth at the bridge which carries the said railway over the road known as the Norwich Road and terminating in the parish of Mundesley on the north-eastern side of a field adjoining the road from Trimingham to Mundesley:

And whereas the Great Eastern Company have presented a petition to the House of Lords whereby they object to some of the provisions contained in the said Bill and especially those relating to the construction and maintenance of the Mundesley branch by the Eastern and Midlands Company:

A.D. 1888.

And whereas it has been agreed between the Companies parties hereto that the said petition shall be withdrawn and no further opposition offered by the Great Eastern Company to the said Bill on the terms that the Eastern and Midlands Company are to grant to the Great Eastern Company perpetual running powers over the Mundesley branch and upon the other terms and conditions hereinafter expressed :

Now it is hereby agreed by and between the two Companies parties hereto as follows :—

1. The Eastern and Midlands Company in constructing the Mundesley branch as authorised by the Act confirming this agreement shall complete the same with proper stations sidings works and conveniences and in a substantial manner.

2. The Great Eastern Company shall be at liberty at any time before or after the completion of the Mundesley branch and at their own expense to construct (A) a junction between their East Norfolk Railway in the vicinity of the North Walsham Station thereon and the Mundesley branch or (B) a junction between their East Norfolk Railway and the existing railway of the Eastern and Midlands Railway at or near North Walsham such junction if constructed shall be maintained by the Great Eastern Company and if the mode of forming the said junction is not agreed upon between the engineers of the two Companies the Eastern and Midlands Company shall be at liberty to oppose on any point of engineering detail but not otherwise any application to Parliament which may be made by or on behalf of the Great Eastern Company in any future session for power to construct and maintain such junction.

3. From and after the completion of the said junction the Great Eastern Company may run over and use with their engines and carriages of every description and with their officers and servants in charge of such engines and carriages for the purposes of all kinds of traffic the Mundesley branch and any portion of the existing railway of the Eastern and Midlands Company which may lie between the junction provided for by this agreement and the Mundesley branch (hereinafter referred to as the said portion of the existing railway) with all the stations watering-places booking-offices warehouses landing-places sidings works and conveniences connected therewith respectively the Great Eastern Company undertaking in the use of such running powers to observe the bye-laws and regulations for the time being of the Eastern and Midlands Company.

4. The Great Eastern Company shall as between themselves and the Eastern and Midlands Company have the right to fix their own rates fares and charges over the Mundesley branch and the said portion of the existing railway.

5. The tolls to be paid by the Great Eastern Company to the Eastern and Midlands Company for running over and using the Mundesley branch and the said portion of the existing railway shall be as follows :—

(A) In respect of through passenger traffic carried at ordinary fares the Eastern and Midlands Company shall be paid or allowed an amount in respect of each passenger carried equal to the local fare charged by the Eastern and Midlands Company between North Walsham and the station to or from which the passenger is carried subject to an allowance of twenty per cent. for working expenses to the Great Eastern Company ;

A.D. 1888.

(B) In respect of other passenger fares the Eastern and Midlands Company shall be paid or allowed a mileage proportion as for six miles of the through fare charged in each case subject to an allowance of twenty per cent. for working expenses to the Great Eastern Company ;

(C) In respect of goods coal and cattle traffic the Eastern and Midlands Company shall be paid or allowed a mileage proportion as for six miles of the through rates charged with the usual clearing-house terminals subject to an allowance of twenty per cent. for working expenses to the Great Eastern Company ;

(D) In respect of parcels horse carriage and dog traffic the Eastern and Midlands Company shall be paid or allowed a mileage proportion as for six miles of the through fares and rates charged and the usual clearing-house terminals subject to an allowance of twenty per cent. for working expenses to the Great Eastern Company.

6. The Eastern and Midlands Company shall provide the necessary station staff and booking clerks for the accommodation of the traffic of the Great Eastern Company upon the Mundesley branch and the said portion of the existing railway.

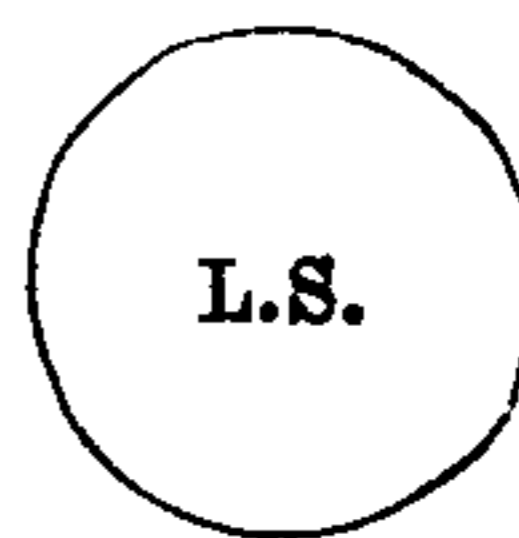
7. The Great Eastern Company shall bear and pay the cost of working the junction hereby provided for at the end thereof connecting with the East Norfolk Railway and the Eastern and Midlands Company shall bear and pay the cost of working the junction at the end thereof connecting with the Mundesley branch or the said portion of the existing railway at North Walsham as the case may be.

8. Any dispute or difference arising upon or out of this agreement shall be determined by arbitration under the provisions of the Railway Companies Arbitration Act 1859.

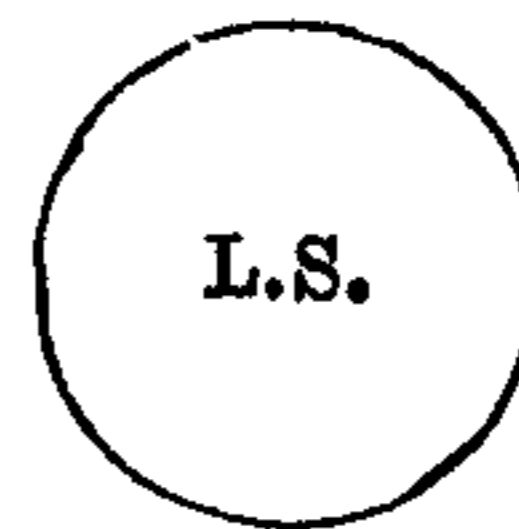
9. This agreement shall be scheduled to and confirmed by the said Bill and is subject to such alterations as Parliament may think fit to make therein.

In witness whereof the said Companies parties hereto have caused their respective common seals to be hereunto affixed the day and year first above written.

The Common Seal of the Eastern and Midlands Railway
Company was hereto affixed in the presence of
E. B. READ,
Secretary.



The Common Seal of the Great Eastern Railway Company
was hereunto affixed in the presence of
J. HADFIELD,
Secretary.



A.D. 1888. **The FOURTH SCHEDULE** referred to in the foregoing
Act.

Charges to be made by the Company in respect of landing and shipping places on the River Bure on lands taken under the powers of the foregoing Act:

In respect of animals and goods landed or shipped—

For every animal in Class I. as defined by the Lynn and Fakenham Railway Act 1876 two pence;

For every animal as defined in Class II. of the said Act one penny half-penny;

For every animal as defined in Class III. of the said Act one penny.

In respect of the tonnage of all articles as defined in the said Act shipped or landed at the said landing or shipping places per ton as follows:—

Class IV. One penny;

Class V. One penny halfpenny;

Class VI. Two pence;

Class VII. Three pence.

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