



CHAPTER ccxi.

An Act for incorporating the Terrington and Walpole
Tramroad Company and empowering them to construct
Tramroads in the County of Norfolk and for other
purposes. A.D. 1889.
[30th August 1889.]

WHEREAS the construction of the tramroads, by this Act
authorised in the county of Norfolk would be attended with
public and local advantage :

And whereas it is expedient that the persons herein-after named
with others should be incorporated into a company and should be
empowered to construct lay down and maintain the said tramroads
and that the powers herein-after contained should be conferred upon
them for those purposes :

And whereas it is expedient that the Company so to be incor-
porated (in this Act called "the Company") should be empowered
to use steam or other mechanical power as a motive power on the
tramroads by this Act authorised :

And whereas plans and sections showing the lines and levels of
the tramroads proposed to be constructed and by this Act autho-
rised such plans showing the lands to be taken compulsorily under
the powers of this Act and books of reference to those plans
respectively containing the names of the owners or reputed owners
lessees or reputed lessees and of the occupiers of those lands have
been deposited with the clerk of the peace for the county of
Norfolk and are herein-after referred to respectively as the
deposited plans sections and books of reference :

And whereas the objects aforesaid cannot be attained 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

[Ch. ccxi.] *Terrington and Walpole Tramroads* [52 & 53 Vict.]
Act, 1889.

A.D. 1889. 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 for all purposes as the Terrington and Walpole Tramroads Act 1889.

Incorporation and application of general Acts.

2. The following Acts and parts of Acts (that is to say):—

The Companies Clauses Consolidation Act 1845:

Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869:

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

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway:

Section 3 (interpretation of terms) and sections 34, 45 and 49 to 57 both inclusive and so much of sections 46 and 47 as relates to byelaws to be made by the promoters of the Tramways Act 1870:

so far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act and shall apply to the undertaking of the Company:

Sections 11, 12, 15 and 16 of the said Railways Clauses Consolidation Act 1845 and sections 9 to 12 (both inclusive) of the Railways Clauses Act 1863 shall extend and apply to so much of the tramroads as will not be constructed across any public road and to the Company with respect thereto and for the purposes of the provisions of the Railways Clauses Consolidation Act 1845 and of the Railways Clauses Act 1863 so incorporated or applied the tramroads and works of the Company shall be deemed to be railways and the Company shall be deemed to be a railway company and Part II. of the Tramways Act 1870 shall extend and apply to so much of the tramroads as will be constructed across any public road and shall for that purpose be incorporated with this Act. Provided that the provisions of section 30 of that Act shall not apply to any interference with any telegraphic line of Her Majesty's Postmaster-General.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with

this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction : A.D. 1889.

The expression "the Company" means the Company incorporated by this Act :

The expression "the tramroad" or "the tramroads" means the tramroads by this Act authorised :

The expression "the undertaking" means the undertaking of the Company :

"Mechanical power" includes steam electrical or any other mechanical power :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated with this Act 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.

4. Sir William Hovell Browne ffolkes Baronet Edward William Trafford Herbert Anderson Leake David Ward 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 maintaining and working the tramroads and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Terrington and Walpole Tramroad 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. Company incorporated.

5. The capital of the Company shall be twenty-four thousand pounds in two thousand four hundred shares of ten pounds each. Capital.

6. 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 thereof shall have been paid up.

7. 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 between successive calls. Calls.

8. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

A.D. 1889.

Power to
divide
shares.

9. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half-shares of which one shall be called "preferred half-share" and the other shall be called "deferred half-share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half-share (being the whole amount payable thereon) and the residue to the credit of the preferred half-share.

Dividends
on half-
shares.

10. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half-shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half-share and the remainder if any in payment of dividend on the deferred half-share and the Company shall not pay any greater amount of dividend on the two half-shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on
preferred
shares to be
paid out of
the profits
of the year
only.

11. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half-shares
to be regis-
tered and
certificates
issued.

12. Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be

delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

A.D. 1889.

13. The terms and conditions on which any preferred half-share or deferred half-share created under this Act is issued shall be stated on the certificate of each such half-share.

Terms of issue to be stated in certificates.

14. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half-shares created under the authority of this Act and every such preferred half-share shall for that purpose be considered an entire share distinct from the corresponding deferred half-share and until any forfeited preferred half-share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of arrears of calls for the time being due thereon with interest.

Forfeiture of preferred shares.

15. No preferred half-share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled or surrendered.

16. The several half-shares under this Act shall be half-shares in the capital of the Company and every two half-shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half-shares to be half-shares in capital.

17. The Company may in respect of the capital of twenty-four thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole six thousand pounds and of that sum they may from time to time borrow in respect of each twelve thousand pounds of the said capital any sum not exceeding three thousand pounds Provided always that no part of any such sum of three thousand pounds shall be borrowed until the whole of the capital in respect of which the same is borrowed 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 one fifth 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

Power to borrow.

[Ch. ccxi.] *Terrington and Walpole Tramroads* [52 & 53 VICT.]
Act, 1889.

A.D. 1889. — 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 Provided further that the Company shall not exercise the borrowing powers by this Act conferred upon them until the Tramroads No. 1 and No. 1A by this Act authorised shall have been completed and opened for public traffic.

For ap-
pointment of
a receiver.

18. 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 one thousand pounds in the whole.

Debenture
stock.

19. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Short title
of Act to
be marked
on mortgage.
Priority of
mortgages.

20. Every mortgage granted by the Company shall be marked with the short title of the Act under which the same is granted.

21. All moneys borrowed on mortgage under this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them Provided always that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act 1845 or the Lands Clauses Consolidation Acts Amendment Act 1860 or in respect of any rent or sum reserved by or payable under any lease granted or made to the

Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

A:D. 1889.

22. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Application of moneys.

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

First ordinary meeting.

24. The number of directors shall be five but the Company may from time to time alter the number provided that the number be never less than three nor more than five.

Number of directors.

25. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Qualification of director.

26. The quorum for a meeting of directors shall be three.

Quorum for meeting of directors.

27. Sir William Hovell Browne ffolkes Baronet Edward William Trafford Herbert Anderson Leake David Ward and one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and continue in office until the first ordinary meeting held after the passing of this Act.

First directors.

28. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid 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 or nominated as aforesaid being (if they continue 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 in person or by proxy shall (subject to the power herein-before contained for altering the number of the directors) elect persons to supply the places 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 died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

A.D. 1889.

Power to
make tram-
roads.

29. Subject to the provisions of this Act the Company may make form lay down work use and maintain in the lines and according to the levels shown on the deposited plans and sections the tramroads herein-after described with all proper rails plates chairs sleepers sidings buildings yards stations works and conveniences connected therewith and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as are required for that purpose but nothing in this section contained shall empower the Company to take any public street or road or to enter upon or use the same otherwise than in accordance with the provisions incorporated with this Act of the Tramways Act 1870.

The tramroads herein-before referred to and authorised by this Act are :—

A tramroad (No. 1) three miles one furlong and 7·25 chains or thereabouts in length commencing in the parish of Terrington Saint Clement at or about the north-easternmost corner of the field No. 157 in that parish on the ordnance map ($\frac{1}{2500}$ scale) and terminating in the parish of Terrington Saint John in the property numbered 168 in that parish on the said ordnance map at a point one chain or thereabouts south of the north-westernmost corner of that property :

A tramroad (No. 1A) 6·55 chains or thereabouts in length wholly in the parish of Terrington Saint Clement commencing by a junction with the Tramroad No. 1 by this Act authorised at its point of commencement above described and terminating by a junction with the midlands and eastern section of the Eastern and Midlands Railway at a point seventeen chains or thereabouts measured in an easterly direction along the said railway from the level crossing thereof over the public road at Terrington Station :

A tramroad (No. 2) one mile three furlongs 0·30 chains or thereabouts in length commencing in the parish of Terrington Saint John by a junction with the Tramroad No. 1 above described at its point of termination and terminating in the parish of Walpole Saint Peter at a point two chains or thereabouts north of the south-westernmost corner of the property numbered 355 in that parish on the said ordnance map.

As to cross-
ing public
roads &c.

30. With respect to the crossing on the level of the public roads numbered respectively on the deposited plans 6 11 and 15 in the parish of Terrington Saint Clement 22 in the parish of Tilney Saint Lawrence and 18 in the parish of Terrington Saint John the following provisions shall have effect (that is to say) :—

A.D. 1889.

- (1.) The Company shall erect and maintain at all times gates across the tramroad at each side of the said roads and shall unless otherwise permitted by the Board of Trade from time to time in writing under the hand of an assistant secretary employ a proper person to open and close such gates on either side of the level crossings over the four first-named roads :
- (2.) Such gates shall be kept constantly closed across the tramroad except during the time when engines carriages or trucks passing along the tramroad shall have occasion to cross the said roads respectively and shall be of such dimensions and so constructed as when closed to fence in the tramroad and prevent cattle or horses passing along the said roads or either of them from entering upon the tramroad :
- (3.) The drivers or conductors of any engines carriages or trucks passing along the tramroad or other the person whose office or duty it may be to open or close the said gates shall cause the same to be closed as soon as such engines carriages or trucks shall have passed through the same and shall be liable to a penalty not exceeding forty shillings for every default in so doing :
- (4.) The tramroad at the points of crossing shall consist of a single line of rails or not more than a double line of rails if a second line be approved by the Board of Trade :
- (5.) Section 5 of the Railways Clauses Act 1863 shall apply to the said level crossings as if the tramroad were a railway within the meaning of that Act.

31. The Company shall fence off the tramroads from the adjoining lands not taken by them and (subject to any agreement made with any owner lessee or occupier of such lands) shall construct and maintain such gates passages culverts and drains over under or by the side of the tramroads as shall be necessary for making good the interruption caused by the tramroad to the use or drainage of or access to lands through which the same will be made and shall construct proper watering places for cattle in cases in which the cattle of any person occupying lands adjoining the tramroads are by the construction thereof deprived of access to their present watering places and shall construct the necessary watercourses or drains for conveying water to such new watering places and if any question arise as to the works to be constructed or maintained by the Company under the provisions of this section the same shall be determined by two justices.

As to accommodation works.

32. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands

Correction of errors in deposited

A.D. 1889.
plans and
books of
reference.

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

Period for
compulsory
purchase of
lands.

33. 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.

Purchase of
lands by
agreement.

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

Agreements
with adjoining
owners
&c.

35. The Company may from time to time enter into and carry into effect agreements and arrangements with the owners lessees or occupiers of any lands adjoining or near to the tramroads or any part thereof with reference to the construction and maintenance by the Company or by such owners lessees or occupiers of sidings junctions works and conveniences for the accommodation or benefit of such owners lessees or occupiers on the lands so owned by leased to or occupied by them or on the lands of the Company and the Company may from time to time apply their corporate funds and revenues for the purposes of such agreements or arrangements.

36. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers :

A.D. 1889.
Restriction
on taking
houses of
labouring
class.

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

37. 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 required for the purposes of this Act (not being an easement of water) 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 agree-
ment.

38. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the Tramroad No. 1A by this Act authorised and the junction thereof with the Bourn and Lynn Railway of the Midland and Great Northern Railway Companies so far as such tramroad is situate on the lands of those companies shall unless with the previous consent of the Midland and Great Northern Railway Companies (herein-after referred to as "the two companies") in writing under their respective common seals be exercised only subject to and in accordance with the following provisions :—

For the
protection
of the Mid-
land and
Great
Northern
Railway
Companies.

(1.) The Company shall not without in every case the previous consent of the two companies in writing under their respective common seals take use enter upon or interfere with the said railway or any land railway siding or other work connected therewith except only so far as shall be necessary for the purpose of making and maintaining the said tramroad as the same is according to this Act to be constructed :

Limiting
interference
with land
&c.

A.D. 1889.

Company
to acquire
easement
only.

(2.) With respect to any land of the two companies which the Company is by this Act authorised to take use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the two companies may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :

(3.) The junction with the said railway at or near the Terrington Station thereof shall be effected at such point and in such manner and according to such mode of construction as shall be reasonably approved of by the chief engineers for the time being of the two companies before the commencement of the work :

Traffic
not to be
obstructed.

(4.) The Company shall not in any manner in the execution of their said junction obstruct or interfere with the free uninterrupted and safe use of the said railway or any traffic thereon :

Compensa-
tion for
injury.

(5.) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors or otherwise any railway siding or other work of the two companies shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the two companies or either of them may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction And if any interruption or delay shall be occasioned to the traffic of or upon any such railway siding or other work of the said railway or of the two companies by reason of any of the matters or causes aforesaid the Company shall pay to the two companies all costs and expenses to which those companies may be thereby put as well as full compensation for all loss and inconvenience sustained by them by reason of any such interruption or delay such costs expenses and compensation to be recoverable with full costs by the two companies or either of them from the Company in any court of competent jurisdiction :

Junction to
be main-
tained.

(6.) The Company shall at all times maintain the said junction in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said engineers for

the time being of the two companies And if and whenever the Company fail so to do the two companies or either of them may make and do in and upon as well the lands of the Company as their own lands all such works and things as the two companies or either of them may reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by the two companies or either of them from the Company in any court of competent jurisdiction :

A.D. 1889.

(7.) If any difference shall arise between the Company and the two companies or their respective engineers as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Arbitration.

39. 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 six hundred and fifty-seven pounds two pounds fifteen shillings per centum consolidated stock being equal to five per centum upon the amount of the estimate in respect of the tramroads has been transferred into the name of 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 which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be 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 survivor or survivors 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 tramroads open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the tramroads 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 tramroads 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

Deposit money not to be repaid except so far as tramroads are opened.

A.D. 1889. — of the tramroads so opened bears to the entire length of the tramroads the High Court of Justice in England shall on the application of the depositors 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.

40. If the Company do not previously to the expiration of the period limited for the completion of the tramroads complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramroads 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 have been repaid or transferred and 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 or transferred 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. A.D. 1889.

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

42. The tramroads shall be constructed with two rails on the gauge of four feet eight and a half inches and shall where laid in or across a street or road be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the street or road and notwithstanding anything in section 34 of the Tramways Act 1870 contained to the contrary carriages trucks or engines constructed for use upon railways may be used on the tramroads. Gauge and mode of formation of tramroads.

43. The rails of the tramroads where laid in or across a street or road shall be of such construction and laid in such a manner as the Board of Trade may approve. As to rails of tramroads.

44. The tramroads shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade. Inspection by Board of Trade.

45. If and whenever after the passing of this Act any road authority alters the level of any street or road across which any part of the tramroads 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 street or road as altered. Tramroads to be kept on level of surface of roads.

46. No engine truck or carriage shall be driven or propelled upon or along the tramroad at a greater speed than ten miles per hour unless the Board of Trade on the application of the Company and after notice to the road authorities having jurisdiction over the roads crossed by the tramroads at any time sanction a higher maximum rate of speed which that Board are hereby empowered to do. Limiting speed.

47. The carriages and trucks used on the tramroads may be moved by mechanical power and the Company may use and employ locomotive engines for that purpose provided that every engine used by the Company on the tramroads shall if it use coal or other similar fuel be so constructed as to consume so far as practicable its own smoke and shall be fitted with such mechanical appliances for preventing the motive power of such engine from Use of mechanical power to be subject to regulations of Board of Trade.

A.D. 1889. — 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 and with an indicator by means of which the speed shall be shown.

Provision for
protection
of the Post-
master-
General.

48. In the event of the tramroads of the Company being worked by electricity the following provisions shall have effect:—

(1.) It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the tramroads by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said Act or work:

(2.) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a Company within the meaning of that Act:

(3.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(4.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognizance of the case that the

immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

A.D. 1889.

(5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(6.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

41 & 42 Vict.
c. 76.

49. Every carriage used on the tramroads for the conveyance of passengers shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

For safety of
passengers.

50. The Company may acquire hold and use patent or other rights or licences or authorities (not being exclusive) under letters patent for the use of any invention relative to any improved method for the propelling driving or drawing of carriages and trucks upon tramways or tramroads by mechanical power.

Power to
acquire
patent rights
&c.

51. The Company may demand and take for every passenger travelling upon the tramroads or any part thereof including the use of the tramroads and of the carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding two pence per mile in the case of first class passengers and one penny per mile in the case of second class passengers and for the purposes of this section the fraction of a mile beyond an integral number of miles shall be deemed a mile.

Tolls for
passengers.

52. The Company at all times after the opening of the tramroads for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good

Cheap
fares for
labouring
classes.

A.D. 1889. Friday and bank holidays always excepted) at such hours not being later than six in the morning or earlier than six in the evening respectively as the Company think most convenient for artizans mechanics and daily labourers at fares not exceeding one half-penny per mile the Company nevertheless not being required to take any fare less than one penny and the Company shall be liable to a penalty not exceeding twenty shillings for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section unless prevented by circumstances over which they have no control Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Passengers
luggage.

53. Every passenger travelling upon the tramroads may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

List of tolls
to be ex-
hibited.

54. Notwithstanding anything in section 45 of the Tramways Act 1870 a list of the tolls and charges by this Act authorised to be taken in respect of the tramroads for passengers including the cheap fares for the labouring classes and which shall be charged by the Company from time to time shall be exhibited in a conspicuous place inside each of the carriages used for the conveyance of passengers upon the tramroads and the provisions of sections 93 94 and 95 of the Railways Clauses Consolidation Act 1845 shall extend and apply to the tramroads and tolls as if the tramroads were a railway.

Tolls for
animals
goods &c.

55. The Company may demand and take in respect of any animals goods minerals parcels articles or things conveyed by them on the tramroads including the use of the tramroads waggons and trucks and motive power and every other expense incidental to such conveyance (except a reasonable sum for loading or unloading and for delivery and collection of goods minerals parcels and other things and any other service incidental to the business of a carrier where any such service is performed by the Company) any tolls or charges not exceeding the rates per mile following:—

Animals.

In respect of animals conveyed on the tramroads—

For every horse mule or other beast of draught or burden four-pence:

For every ox cow bull or head of cattle threepence :	A.D. 1889.
For every calf pig or sheep one penny halfpenny :	—
For every lamb or other small animal three farthings :	
In respect of goods conveyed on the tramroads—	Goods.
For all coals culm cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton twopence :	
For all timber deals staves iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stone for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway or tramway chairs and plates per ton twopence halfpenny :	
For all sugar grain corn flour hides dye-woods and metals (except iron) nails anvils vices and chains and for light iron castings per ton threepence :	
For cotton wools drugs manufactured goods earthenware and all other wares coke charcoal merchandise fish vegetables and all other articles matters or things not otherwise specially classed herein per ton fourpence :	
For every carriage of whatever description having two wheels sixpence :	
For every carriage of whatever description having four wheels one shilling.	
56. With respect to small parcels not exceeding in weight one hundredweight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls and charges not exceeding the following (that is to say) :—	Tolls for small parcels and single articles of great weight.
For any parcel not exceeding seven pounds in weight threepence :	
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivpence :	
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence :	
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence :	
For any parcel exceeding fifty-six pounds and not exceeding one hundredweight such sum as the Company may think fit :	
Provided that no parcel under fifty-six pounds in weight exceed four feet in length or measure more than twelve cubic feet Provided also that articles sent in large aggregate quantities although	

A.D. 1889.

made up in separate parcels (such as bags of sugar coffee meal and the like) shall not be deemed small parcels but that term shall apply only to single articles in separate packages :

For the carriage of any boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the Company may think fit not exceeding two shillings per ton per mile :

For the carriage of any single piece of timber stone or machinery or other single article the weight of which including the carriage exceeds eight tons such sum as the Company may think fit.

Regulations
as to tolls on
tramroads.

57. For animals goods minerals articles or things conveyed on the tramroads for a less distance than two miles the Company may demand tolls and charges as for two miles :

A fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton (except in the case of small parcels) the Company may demand tolls according to the number of quarters of a ton in such fraction and if there 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 determined according to the imperial avoirdupois weight :

With respect to stone and timber fourteen cubic feet of stone 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 :

With respect to bulky articles or goods the Company shall have the option of charging per ton measurement reckoning at the rate of fifty cubic feet to the ton.

As to mode
of payment
&c. of tram-
road tolls.

58. The tolls and charges by this Act authorised to be demanded and taken by the Company in respect of the tramroads shall be paid at such times and places and to such persons upon or near to the tramroads and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of tolls appoint and the provisions of section 97 of the Railways Clauses Consolidation Act 1845 with respect to the detention and sale of goods on default of payment of tolls due therefor shall extend and apply to the tolls for goods by this Act authorised and to the Company in respect thereto.

59. In addition to the regulations for the purposes mentioned in section 46 of the Tramways Act 1870 the Company may from time to time in accordance with the provisions of that section and of section 47 of that Act make regulations for regulating the loading and unloading receipt and delivery of animals and goods and other things the weights which any trucks or carriages may carry and generally for the user and working good order and management of the tramroads and the provisions of the said Act of 1870 with respect to regulations and the enforcement thereof shall extend and apply to such regulations.

A.D. 1889.
Regulations.

60. Where under the provisions of the Tramways Act 1870 and this Act any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 or of any Act or rules whereby the same has been or may be modified or superseded shall apply in every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provisions
as to arbi-
tration.

61. With respect to notices and to the delivery thereof by or to the Company the following provisions shall have effect viz. :—

Form and
delivery of
notices.

(1.) Every notice shall be in writing or print including lithograph or partly in writing and partly in print and if given by the local or road authority shall be sufficiently authenticated by being signed by their surveyor or clerk :

(2.) Any notice to be delivered to or by the Company to or by the local or road authority may be delivered by being left at the principal office of the local or road authority or of the Company as the case may be or by being sent by post in a registered letter addressed to their respective clerk or surveyor at their principal office and every such letter shall be deemed to be received by the local or road authority or by the Company as the case may be on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

62. In all cases wherein damages or charges are by this Act directed or authorised to be paid and the manner of ascertaining the amount thereof is not specified or provided for such amount in case of non-payment thereof or any dispute respecting the same shall be ascertained and determined by two justices.

Damages
and charges
in case of
dispute to
be settled
by justices.

63. All offences under this Act and all penalties and forfeitures damages charges tolls and costs inflicted imposed or ordered to be paid or payable under or by virtue of this Act may be taken cognizance of or recovered under the provisions of the Summary Jurisdiction Acts.

Recovery
and appli-
cation of
penalties
&c.

A.D. 1889.
Carrying
mails by
Company.

64.—(1.) The Company if required by the Postmaster-General shall perform with respect to the tramroad all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows:—

(A) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Company in or upon any carriage (that is to say):—

(i) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

(B) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(C) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger:

(D) If the Company carry goods as well as passengers and parcels the enactments relating to conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramroad were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such

[52 & 53 VICT.] *Terrington and Walpole Tramroads* [Ch. ccxi.]
Act, 1889.

as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

A.D. 1889.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified in writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

65. The provisions of the Railway and Canal Traffic Act 1854 and of the Railway and Canal Traffic Acts 1873 and 1888 shall apply to the Company as if they were a railway or canal company and to the tramroads as if they were a railway or canal. Provided that the time within which the revised schedule of maximum rates and charges prescribed by the 24th section of the said Act of 1888 shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Railway
and Canal
Traffic Acts
&c. to apply.

66. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him. Provided always that 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.

67. 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

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

[Ch. ccxi.] *Terrington and Walpole Tramroads* [52 & 53 VICT.]
Act, 1889.

A.D. 1889. Company to construct any other tramroad or to execute any other work or undertaking.

Provision
as to general
Tramroad
Acts.

68. Nothing herein contained shall be deemed or construed to exempt the tramroad from the provisions of any general Act relating to tramroads which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Act.

For protec-
tion of the
Norfolk
Court of
Sewers.

69. Nothing in this Act contained shall take away lessen interfere with or prejudice 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."

Costs of
Act.

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

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.