



CHAPTER ccxl.

An Act for authorising the Terrington and Walpole Tramroad Company to extend their Tramroad to Wisbech and for other purposes. A.D. 1890.
[18th August 1890.]

WHEREAS by the Terrington and Walpole Tramroad Act 1889 (in this Act called "the Act of 1889") the Terrington and Walpole Tramroad Company (in this Act called "the Company") were incorporated with a share capital of 24,000*l.* and power to borrow on mortgage not exceeding 6,000*l.* and were empowered to make the tramroads in the county of Norfolk therein described :

And whereas the extension of the tramroads so authorised to Wisbech and the construction of the tramroads herein-after mentioned would be of public and local advantage and it is expedient that the Company be authorised to made and maintain the same and to apply their corporate funds and raise additional capital and borrow further moneys for the purposes of this Act :

And whereas plans and sections showing the lines and levels of the tramroads proposed to be constructed and by this Act authorised 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 respective clerks of the peace for the counties of Norfolk and Cambridge 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 and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited for all purposes as the Terrington and Walpole Tramroads Act 1890. Short title.

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Change of
name of
Company.

2. Subject to the provisions of Part IV. of the Companies Clauses Act 1863 and from and after the passing of this Act the name of the Company instead of being the name "Terrington and Walpole Tramroad Company" shall be the "Terrington and Wisbech Tramroad Company."

Incorporation of
general Acts.

3. The provisions of the Companies Clauses Consolidation Act 1845—

With respect to the distribution of the capital of the Company into shares ;

With respect to the transfer or transmission of shares ;

With respect to the payment of subscriptions and the means of enforcing the payment of calls ;

With respect to the forfeiture of shares for nonpayment of calls ;

With respect to the remedies of creditors of the Company against the shareholders ;

With respect to the borrowing of money by the Company on mortgage or bond ;

With respect to the conversion of the borrowed money into capital ;

With respect to the consolidation of the shares into stock ;

With respect to the making of dividends ;

With respect to the giving of notices ; and

With respect to the provision to be made for affording access to the special Act by all parties interested :

The Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 :

The Lands Clauses Acts :

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 : A.D. 1890.

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.

4. 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 : Interpretation.

“Mechanical power” includes steam electrical or any other mechanical power ; 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 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.

5. 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 roads approaches 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. Power to make tramroads.

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

A tramroad (No. 1) 1 mile 6 furlongs and 5·25 chains or thereabouts in length wholly in the county of Norfolk commencing in the parish of Walpole St. Peter by a junction with the

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Tramroad No. 2 authorised by the Act of 1889 and terminating in the parish of West Walton in the north-eastern portion of the property numbered 612 in that parish on the Ordnance map scale 1-2500:

A tramroad (No. 2) 3 miles 2 furlongs and 1·4 chains or thereabouts in length commencing by a junction with the Tramroad No. 1 by this Act authorised at its termination and terminating in the parish of Wisbech St. Peter in the Isle of Ely and county of Cambridge at or about the southern end of the property numbered on the said Ordnance map 959 in that parish.

As to crossing of public roads.

6. With respect to the crossing on the level of the public roads numbered respectively on the deposited plans 5 in the parish of Walpole St. Peter 20 and 48 in the parish of West Walton 14 in the parish of Wisbech St. Peter and the public road numbered as aforesaid 59 in the parish of West Walton and 1 in the parish of Walsoken the following provisions shall have effect (that is to say):—

- (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 aforesaid 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.

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7. With respect to the crossing of the public bank foreland and footpath numbered on the deposited plans 16 in the parish of Wisbech St. Peter the following provision shall have effect (that is to say):—

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As to crossing of foot-paths &c.

In case the said bank foreland and footpath shall be crossed by the tramroad at a lower level than the existing top level of the same bank at the point of crossing the Company shall erect and maintain at all times across the tramroad and centrally in the line of the same bank and footpath a good and sufficient footbridge having a footway throughout its length of not less width in the clear than six feet and properly fenced on both sides for the convenience of foot passengers passing along the top of the said bank or the said footpath and so that such foot passengers may at all times be enabled to pass over the tramroad by means of such footbridge.

With respect to the crossing on the level of the public footpath numbered on the deposited plans 20 in the parish of Wisbech St. Peter the following provision shall have effect (that is to say):—

The Company shall erect and maintain at all times a suitable and proper gate across the same footpath on each side of the tramroad and shall make and lay down a suitable and proper floor or footway across the tramroad level with the top of the rails on the tramroad for the convenience of foot passengers along the same footway and across the tramroad.

8. 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 tramroads 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.

9. The Company may (and in the case of the road numbered on the deposited plans 64 in the parish of West Walton) shall divert and alter the roads within the limits delineated on the deposited plans in

Diversion of roads.

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the manner shown on the said plans. And the Company shall divert the road numbered on the deposited plans 37 in the parish of Walpole St. Peter so that the same when diverted shall cross the line of the tramroad at right angles and shall also divert the road numbered on the deposited plans 5 in the parish of West Walton between the point at which it is shown on the deposited plans as intended to be crossed by the Tramroad No. 1 and its junction with the road numbered on those plans 1 in the said parish so as to join the said last-mentioned road to the northward of the tramroad and when and so soon as each respective diversion of road is made to the satisfaction of two justices and is open for public use the Company may stop up and cause to be discontinued so much of the existing road as will be rendered unnecessary by such diversion and when and so soon as the said portion of road is stopped up all rights of way over the same shall cease.

Correction of errors in deposited plans and books of reference.

10. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands 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 mis-statement 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 mis-stated or wrongly described and such certificate shall be deposited with the clerks of the peace for the several counties in which the lands affected thereby shall be situate and a duplicate thereof shall also be deposited with the parish clerks of the several parishes in which such lands are situate and such certificate and duplicate respectively shall be kept by such clerks of the peace and parish clerks 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.

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

Purchase of lands by agreement.

12. 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 purpose of their undertaking and

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may hold any lands not exceeding three 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 lands purchased or acquired by agreement under the powers of this section.

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13. 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.

Agreements with adjoining owners &c.

14. 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:

Restriction on taking houses of labouring class.

The expression "labouring class" in this section includes mechanics artisans 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.

15. 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 rent-charges 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 easements &c. by agreement.

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

16. 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 eight hundred and seventy pounds Two and three-quarters per cent. Consolidated Stock has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas the sum of eight hundred and forty-seven pounds fourteen shillings and tenpence part of the said sum of eight hundred and seventy pounds stock is equal in value to five per centum upon the amount of the estimate in respect of the tramroads by this Act authorised and the sum of twenty-two pounds five shillings and twopence the remainder of the said sum of eight hundred and seventy pounds is equal in value to five per centum upon the amount of the estimate in respect of a certain other tramroad originally proposed to be authorised by this Act but which was struck out of the Bill for this Act during its progress through Parliament Be it enacted that notwithstanding anything contained in the said Act the said sum of eight hundred and forty-seven pounds fourteen shillings and tenpence stock which sum is herein-after referred to as 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 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 tramroads by this Act authorised open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the said 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 said 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 of the tramroads so opened bears to the entire length of the tramroads by this Act authorised the High Court 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.

17. If the Company do not previously to the expiration of the period limited for the completion of the tramroads by this Act

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authorised 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 said 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 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 the 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.

18. On the application of the depositors at any time after the passing of this Act the High Court may and shall order that the said sum of twenty-two pounds five shillings and twopence stock the remainder of the said sum of eight hundred and seventy pounds stock so deposited as aforesaid over and above the deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or as they shall direct.

Providing
for release
of part of
deposit
money.

19. If the tramroads by this Act authorised be not completed within three years from the passing of this Act then on the expiration

Period for
completion of
tramroads.

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Extending certain powers of Act of 1889 to tramroads.

20. The provisions of sections 42 to 47 both inclusive and of sections 49 and 59 of the Act of 1889 shall extend and apply to the tramroads by this Act authorised and to the Company with respect thereto as fully and effectually as if the said tramroads had been authorised by the said Act of 1889 and for the purposes of tolls rates and charges and duties and for all other purposes whatsoever the tramroads by this Act authorised shall be deemed to be part of the tramroads of the Company authorised by the Act of 1889.

Provisions for protection of the Postmaster-General.

21. Section 48 of the Act of 1889 is hereby repealed and in the event of any of the tramroads of the Company being worked by electricity the following provisions shall have effect:—

1. The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

2. (a) Before any electric line is laid down or any act or work for working the tramroads by electricity 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 the work shall give written notice to the Postmaster-General specifying the course of the line 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 :

(b) 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 arbitration :

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 :
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 and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
7. The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

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8. Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party 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:

9. Nothing in this section contained shall be held to deprive the Postmaster-General of any of his existing rights to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

For the protection of the works of the South of England Telephone Company Limited.

22. For the protection of the South of England Telephone Company Limited its successors and assigns (in this section called "the telephone company") the following provisions shall have effect in the event of any tramroads of the Company being worked by electricity otherwise than by electrical power carried along with the carriages (that is to say) :—

(1.) The Company shall so construct their electric circuits and other works of all descriptions and shall so work the tramroad in all respects as to prevent any injurious interference by induction or otherwise with the electric circuits from time to time used or intended to be used by the telephone company for the purpose of telephonic communication or with the currents in such circuits Provided that this sub-section shall only apply if reasonable and proper precautions have been taken in the erection or laying down of such last-mentioned circuits to insulate and protect them from external electrical influences and if they have not been erected or laid down in unreasonably close proximity to the lines or works of the Company The reasonable cost of alterations in existing works of the telephone company so as to make them comply with this proviso shall if required by the telephone company be borne by the Company and in case of dispute the amount of such cost shall be settled by arbitration as herein-after provided :

(2.) Seven days before commencing to lay down any electric line or to supply electricity through any electric line in any manner whereby the work of telephonic communication through any wires or lines belonging to the telephone company and lawfully laid down or placed in any position by them may be injuriously affected the Company shall unless otherwise agreed with the telephone company give to that company notice in writing specifying the course nature and gauge of such electric line and

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the amount and nature of the current intended to be sent along the same and the Company shall conform with such reasonable requirements as may from time to time be made by the telephone company for the purpose of preventing the communication through such wires or lines from being injuriously affected as aforesaid :

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- (3.) If any difference arises between the Company and the telephone company with respect to anything in this section contained such difference 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 and the telephone company were companies within the meaning of that Act :
- (4.) Nothing in this section shall apply to repairs or renewals of any electric line so long as the course nature and gauge of such electric line and the amount and nature of the current sent along the same are not altered.

23. Section 64 of the Act of 1889 is hereby repealed and the tramroads and works of the Company shall for the purposes of the conveyance of Her Majesty's mails and generally in relation to the rights powers and privileges of Her Majesty's Postmaster-General be deemed to be a railway and the enactments relating to the conveyance of mails by railway and to the rights powers and privileges conferred upon the Postmaster-General in relation to telegraphs shall apply to the tramroads and to the Company as if the tramroads were railways and the Company were a railway company :

As to carrying mails by Company.

The expression " mails " in this section 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.

24. Sections 87 88 and 89 of the Railways Clauses Consolidation Act 1845 shall extend and apply to the tramroads of the Company and to the Company and for the purposes thereof the said tramroads shall be deemed to be a railway and the Company to be the owner of a railway.

Extending provisions of Railways Clauses Act to Company.

25. The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or may raise under the Act of 1889.

Power to apply existing funds.

26. The Company (in addition to any capital which they are by the Act of 1889 authorised to raise) may from time to time for the purposes of this Act and other the general purposes of the Company (being in any case purposes to which capital is properly applicable) raise by the creation and issue of new ordinary or new preference

Power to raise additional capital.

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shares or stock or partly by ordinary and partly by preference shares or stock any sum or sums not exceeding thirty-six thousand pounds Provided that not more than twenty-four thousand pounds of such additional capital shall be raised by preference shares or stock and that the dividend on any such preference shares or stock shall not exceed the rate of six pounds per centum per annum.

Shares not to be issued until one fifth paid.

27. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share be paid in respect thereof.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

28. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the original capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

29. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

30. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Sections of Act of 1889 applied to new share capital.

31. The provisions of the sections of the Act of 1889 numbered 9 to 16 both inclusive shall apply to the ordinary shares or stock in the additional capital by this Act authorised to be raised in as full and complete a manner as if those clauses were incorporated with and formed part of this Act.

Power to borrow.

32. In addition to any sum which by the Act of 1889 they are authorised to borrow the Company may in respect of the additional capital of thirty-six thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking or by debenture stock subject to the provisions of section 19 of the Act of 1889 any sum not exceeding in the whole nine thousand pounds and

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of that sum they may from time to time borrow any sums not exceeding three thousand pounds in respect of each twelve thousand pounds of their capital but no part of any of such sums of three thousand pounds shall be borrowed until shares for so much of the additional capital in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of such portion of additional 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 part 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 portion of additional 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 bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

33. The principal moneys secured by all mortgages granted by the Company in pursuance of the Act of 1889 before the passing of this Act and subsisting at the passing hereof shall during their continuance have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Existing mortgages to have priority.

34. The provisions of the Act of 1889 as to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act.

Repealing provisions as to appointment of a receiver.

35. 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

For appointment of a receiver.

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Act, 1890.

A.D. 1890. application for a receiver is made shall not be less than one thousand pounds in the whole.

Priority of mortgages.

36. 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 rentcharge 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.

Application of moneys.

37. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act and of the Act of 1889 to which capital is properly applicable.

Damages and charges in case of dispute to be settled by court of summary jurisdiction.

38. In all cases wherein damages or charges are by this Act or any Act incorporated herewith 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 nonpayment thereof or any dispute respecting the same shall be ascertained and determined by a court of summary jurisdiction.

Recovery and application of penalties &c.

39. 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.

Railway and Canal Traffic Acts &c. to apply.

40. Section 65 of the Act of 1889 is hereby repealed and 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. A.D. 1890.
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41. 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.

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

43. 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. Provision as to general Tramroad Acts.

44. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to 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 exerciseable by the Queen's Majesty Her heirs or successors. Saving rights of the Crown.

45. 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 For protection of the Norfolk Court of Sewers.

[Ch. ccxl.] *Terrington and Walpole Tramroads* [53 & 54 VICT.]
Act, 1890.

A.D. 1890. of Sewers for the county of Norfolk commonly called "the Norfolk Court of Sewers."

Saving rights
of the Commis-
sioners of
Sewers for the
hundred of
Wisbech and
parts adjacent.

46. And be it enacted that nothing in this Act contained shall extend or be construed to extend to affect alter abridge interfere with or take away any of the rights privileges or powers of the Commissioners of Sewers for the hundred of Wisbech and parts adjacent.

Costs of Act.

47. 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.

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