



CHAPTER xl.

An Act to enable the Great Yarmouth and Stalham (Light) Railway Company to construct a new Railway and other works; and for other purposes. A.D. 1878.
[27th May 1878.]

WHEREAS it is expedient that the Great Yarmouth and Stalham (Light) Railway Company (in this Act called "the Company"), incorporated by the Great Yarmouth and Stalham (Light) Railway Act, 1876 (in this Act called "the Act of 1876"), should be empowered to make the new railway by this Act authorised and to raise money for the purpose: 39 & 40 Vict.
c. lxxxii.

And whereas plans and sections showing the lines and levels of the railway and works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Norfolk, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas it is intended that the railway to be authorised by this Act should be constructed and worked as a light railway, subject to the provisions respecting light railways contained in the Regulation of Railways Act, 1868:

And whereas it is expedient that the period limited by the Act of 1876 for the compulsory purchase of land and completion of the railway by that Act authorised should be extended: 31 & 32 Vict.
c. 119.

And whereas it is expedient to change the name of the Company:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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A.D. 1878. 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 Yarmouth and North Norfolk (Light) Railway Act, 1878.

Incorporation of general Acts. 2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,)

8 & 9 Vict. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;
c. 18. The Railways Clauses Consolidation Act, 1845; and
23 & 24 Vict. Part I. (relating to construction of a railway) of the Railways
c. 106. Clauses Act, 1863; and

32 & 33 Vict. The provisions of the Companies Clauses Consolidation Act,
c. 18. 1845, with respect to the following matters; (namely,)

8 & 9 Vict. The distribution of the capital of the Company into shares;
c. 20. The transfer or transmission of shares;
26 & 27 Vict. The payment of subscriptions and the means of enforcing the
c. 92. payment of calls;
8 & 9 Vict. The forfeiture of shares for nonpayment of calls;
c. 16. The remedies of creditors of the Company against the share-
holders;

The borrowing of money;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

26 & 27 Vict. Part I. (relating to cancellation and surrender of shares), Part II.
c. 118. (relating to additional capital), and Part III. (relating to debenture
stock) of the Companies Clauses Act, 1863.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the railway" means the railway by this Act authorised:

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand

with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute. A.D. 1878.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. Power to make railway according to deposited plans.

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

A railway (seven miles one furlong two chains and thirty links in length) commencing in the parish of Stalham, in the county of Norfolk, by a junction with the line of the Company authorised by the Act of 1876, and terminating in the parish of North Walsham, in the same county, at or near the south fence of the public road in the parish of North Walsham leading from North Walsham to Norwich, at a point ninety-five yards or thereabouts, measured along that road in an easterly direction, from the eastern parapet of the first bridge on the north side of the North Walsham Station which carries the East Norfolk Railway over the before-mentioned public road.

5. The railway and other works by this Act authorised shall for all purposes be part of the Company's undertaking. New works to be part of undertaking.

6. The Company from time to time may raise by the creation and issue of shares or stock such sums of money as they shall think necessary, not exceeding sixty thousand pounds, exclusive of the moneys which they are already authorised to raise, and the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock, as they may think fit. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds, nor shall any 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 shall have been paid in respect thereof. Power to raise additional money.

7. 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, forfeitures, Except as otherwise provided, new shares or stock to be

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A.D. 1878. liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing 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.

subject to same incidents as other shares or stock.

Dividends on new shares or stock. **8.** 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.

As to votes in respect of preferential shares or stock. **9.** 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.

New shares or stock raised under this Act and Act of 1876 may be of same class. **10.** Subject to the provisions of the Act of 1876 and this Act, the Company may, if they think fit, raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by the Act of 1876 and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Calls. **11.** One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris. **12.** If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage. **13.** The Company may, in respect of the additional capital of sixty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage for the purposes of this Act, and for the general purposes of their undertaking, any sum not exceeding in the whole twenty thousand pounds, but no part thereof shall be borrowed until shares for so much of the said additional capital 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 the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said 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 and paid up *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. A.D. 1878.

14. Every provision in the Act of 1876 whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money, or principal money and interest, shall be and the same is hereby repealed, but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole. For appointment of a receiver.

15. The Company may create and issue debenture stock, subject to the provisions of Part 3 of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Debenture stock.
26 & 27 Vict.
c. 118

16. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of the Act of 1876, and subsisting at the passing hereof, shall during the continuance of Former mortgages to have priority.

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Application of moneys.

17. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied only to the purposes of this Act and the general purposes of the Company.

Lands for extraordinary purposes.
 8 & 9 Vict. c. 20.

18. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed two acres.

Period for compulsory purchase of lands.

19. The powers of the Company for the compulsory purchase of lands under the powers of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

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

Power to take easements, &c. by agreement.
 8 & 9 Vict. c. 18.
 23 & 24 Vict. c. 106.

21. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

For protection of East Norfolk Railway Company.

22. Before the Company purchase, under the powers of this Act, the lands in the parish of North Walsham situate between the termination of the railway at North Walsham and the point shown on the deposited plans as indicating six miles three furlongs one chain from the commencement of the railway, and lying between the centre line of railway shown on the deposited plans and the boundary fence of the East Norfolk Railway, herein-after referred to as "the reserved lands," they shall give three months notice in writing to the East Norfolk Railway Company, and if the East Norfolk Railway Company within such period elect to take the reserved lands, the Company shall purchase the same in addition to any lands required for the purposes of their undertaking, and shall convey the reserved lands to the East Norfolk Railway Company, or as they shall direct, for the price or rate at which the Company may have paid for the reserved lands, and the same lands may be

held by the East Norfolk Railway Company for the purposes of their undertaking, and if any difference shall arise between the Companies with reference to the reserved lands the same shall be settled by an arbitrator to be appointed by the Board of Trade.

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23. The railway shall be constructed and worked as a light railway within the meaning and subject to the provisions of the Regulation of Railways Act, 1868.

Railway to be a light railway.
31 & 32 Vict. c. 119.
Power to cross certain roads on the level.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

24. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
3	Stalham	Public road.
35	Ditto.	Ditto.
22	East Ruston	Ditto.
53	Ditto	Ditto.
75	Honing	Ditto.
10	Worstead	Ditto.

25. In altering for the purposes of this Act the road next herein-after mentioned, the Company may make the same of any inclination not steeper than the inclination herein-after mentioned; (that is to say,)

Inclination of road.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
40	Worstead	Public road	1 in 15.

26. The Company may make the arches of the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned; (that is to say,)

Height and span of bridge.

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No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
21	Worstead	Public road	15 feet	25 feet.

Width of certain roadways.

27. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
40	Worstead	Public road	15 feet.
6	North Walsham	Ditto	12 feet.

Mode of constructing bridge over North Walsham and Dilham Canal.

28. The bridge for carrying the railway across the North Walsham and Dilham Canal shall have a clear and uninterrupted navigable waterway for vessels of 14 feet clear span, and the height or headway or distance between the surface of the said canal and the under part of the said bridge shall not in any place be less than eight feet.

Extending time for purchase of land.

29. The period limited by the Act of 1876 for the compulsory purchase and taking of lands shall, so far as relates to the railway thereby authorised, be extended and the said powers shall continue in force until the expiration of one year from the 27th day of June 1879.

Extending time for completion of railway.

30. The powers granted by the Act of 1876 for making the last-mentioned railway shall be enlarged and extended for a period of one year from the 27th day of June 1881; and if on the expiration of the extended period the said railway shall not be completed, the powers by the said Act or this Act granted for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

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

31. 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 two thousand three

hundred and seventy-one pounds sixteen shillings, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which persons, survivors, or survivor are or is in this Act referred to as the depositors, unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the fact therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

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32. If the Company do not previously to the expiration of the period limited for the completion of the railway, complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportion as to the Chancery Division of the High Court

Application
of deposit.

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of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that, until the deposit fund has been repaid to the depositors, or has become otherwise applicable as 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.

Tolls.

33. The Company may demand and take in respect of the use of the railway any tolls, rates, or charges not exceeding the tolls, rates, or charges which by the recited Act of 1876 the Company are authorised to demand and take.

Change of
name.26 & 27 Vict.
c. 118.

34. Subject to the provisions of Part IV. (relating to change of name) of the Companies Clauses Act, 1863, the name of the Company shall from and after the passing of this Act be "The Yarmouth and North Norfolk (Light) Railway Company."

Interest not
to be paid on
calls paid up.

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

8 & 9 Vict.
c. 16.Deposits for
future Bills
not to be
paid out of
capital.

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

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

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Railway, &c.
not exempt
from pro-
visions of
present and
future gene-
ral Railway
Acts.

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

Expenses of
Act.