ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. xlvii.

An Act to amend and enlarge the Powers and Provisions of the Acts relating to the *Bristol* and *Exeter* Railway. [19th *May* 1840.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from* Bristol *to* Exeter, *with Branches to the Towns of* Bridgewater *in the County of* Somerset *and* Tiverton *in the County of* Devon: And whereas an Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making several Branches in the County of* Somerset *from the Line of the* Bristol *and* Exeter *Railway, and for amending the Act relating to such Railway:* And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be altered, amended, and enlarged; but the same cannot be effected without the Aid and 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, That the said recited Acts, and all the Powers, Authorities, Penalties, Forfeitures, Rules, Remedies, Directions, Articles, Matters, and Things therein contained (except so far as the same are varied, altered, or repealed), shall be good, valid, applicable, and effectual for carrying this Act into execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted expressly and at length in the Body

6 & 7 W. 4. c. 36.

1 & 2 Vict. c. 26.

Powers of recited Acts extended to this Act, except as hereby altered.

of this Act; and this Act, and the Powers and Provisions herein contained, shall extend and apply to the said recited Acts, and to the Powers, Authorities, Penalties, Forfeitures, Rules, Remedies, Directions, Articles, Matters, and Things in such Acts respectively contained.

Company empowered to purchase the Interest in Lands the Purchase whereof may have been omitted by Mistake.

II. And be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which, under the Provisions of the said recited Acts, or either of them, they were authorized to purchase, and which shall be permanently required for the Purposes of the said Railway, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which Estate, Right, or Charge the said Company shall have failed or omitted duly to purchase, or to pay Satisfaction or Compensation for, then, and whether the Period granted for the Purchase of Land shall have expired or not, the said Company shall remain in the undisturbed Possession of such Lands, provided the said Company shall, within Six Calendar Months after Notice of such Estate, Interest, or Charge, in case the same shall not be disputed by the said Company, or in case the same shall be disputed, then within Six Calendar Months after the Right to such Estate, Interest, or Charge shall have been finally established by Law in favour of the Party claiming the same, purchase or pay Compensation or Satisfaction for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Mesne Profits which would have accrued to such Parties respectively in respect of such Lands during the Interval between the Entry of the Company thereon and the Establishment of such Claim or Right as aforesaid, if the said Company had not entered on such Lands, so far as such Mesne Profits may be recoverable in Law or Equity, as the Case may be, such Purchase Money, Compensation, or Satisfaction to be agreed on or awarded and paid in like Manner as, according to the Provisions in the said first-recited Act contained, the same respectively would have been agreed on or awarded and paid in case the said Company had purchased such Estate, Right, or Interest before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

III. And be it further enacted, That in estimating any Compensation to be given for any such Lands, or any Estate or Interest in the same, or for any Mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Land, Estate, or Interest, and Profits, without regard to any Improvements or Works made on the said Lands by the said Company, and as though the said Railway had never been constructed.

Corporations, Trustees, &c. may sell and convey Lands to the Company.

IV. And be it further enacted, That it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, whether capacitated or incapacitated, or to be found or not to be found, and for

for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of the said recited Acts or this Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuique Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, to contract for, sell, release, and convey to the said Company any Lands which may be required to be taken or used for the Purposes of this or the said recited Acts, or to agree for the Amount of any Compensation payable under the Provisions of the said recited Acts or this Act; and all Contracts and Agreements heretofore made with and Conveyances executed by any such Parties as are hereby authorized to contract for, sell, and convey Lands as aforesaid shall be valid and effectual for the Purpose of vesting the said Lands in the said Company.

Penalty on entering Lands before Purchase.

V. And be it further enacted, That, save as herein-after provided, if the said Company, or any of their Contractors, shall wilfully enter upon and take possession of any Lands, except for the Purposes and according to the Provisions in the said recited Acts or this Act mentioned, without the Consent of the Person in Receipt of the Rents or of the Occupier thereof, or without having made or tendered Payment for the same in manner directed by the said recited Acts, the said Company shall forfeit and pay to the Party in Possession or in Receipt of the Rents of such Lands the Sum of Ten Pounds over and above the Amount of any Damage done to the said Lands by reason of such Entry and taking possession thereof as aforesaid, such Penalty and Damage respectively to be recovered before any Two or more Justices of the Peace in Petty Sessions assembled for the District in which the said Lands, or any Part thereof, may be situate; and if the said Company or their Contractors shall, after Conviction in such Penalty as aforesaid, continue in the unlawful Possession of the said Lands, after a reasonable Time allowed them for removing therefrom, the said Company shall be liable to forfeit and pay the Sum of Ten Pounds for every Day they or their Contractors may so remain in Possession as aforesaid, such Penalty to be recoverable in like Manner by the Party in Possession or in the Receipt of the Rents of the said Lands: Provided always, that nothing herein contained shall be held to subject the said Company to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or tendered the Compensation agreed on or awarded to be paid in respect of the said Lands to any Person, whether legally entitled to receive the same or not, or shall have deposited the same incorrectly; provided further, that it shall be in the Discretion of the said Justices in any Case to mitigate the said Penalties, or any of them, as they may think proper: Provided also, that, after Notice of this Provision shall be given by the said Company to any of their Contractors, the said Company shall be entitled to recover from such Contractors any Penalty in which they may thereafter be convicted in consequence of the Acts of such Contractors, or their Servants, Agents, or Workmen, done after such Notice, without the express Authority of the said Company.

To facilitate the Enfranchisement of Lands of

VI. And whereas under the Powers contained in the first-recited Act the said Company have already purchased and may hereafter purchase,

Copyhold Tenure.

purchase, for the Purposes of the said Railway, Lands of Copyhold or Customary Tenure, or in the Nature thereof, and by reason of the Inability, Neglect, or Refusal of the Person or Persons entitled to or interested in such Lands to make a good or sufficient Title or an effectual Surrender of the same to the said Company, or otherwise, it has been necessary and it may hereafter be necessary for the said Company to take possession of such Lands, and to pay the Value thereof or the Consideration for the same into the Court of Exchequer, under the Provisions for that Purpose contained in the said Act: And whereas it is expedient that the said Company shall in such Cases be entitled thereupon to be admitted to and to receive an Enfranchisement of such Lands; be it therefore enacted, That in all Cases where the said Company have as aforesaid purchased or shall hereafter purchase any Land of Copyhold or Customary Tenure, or in the Nature thereof, and which they are by the said recited Acts or this Act, or any of them, authorized to purchase, for the Purposes of the said Railway, and in consequence of any such Inability, Neglect, or Refusal as herein-before mentioned have already paid or shall hereafter pay the Value thereof, or the Purchase or Consideration for the same, into Court as aforesaid, then and in every such Case the same Lands, and the Customary Fee and Inheritance thereof, or other Customary Estate therein, shall be and be considered to be well and effectually vested in the said Company, in like Manner as if the same had been duly surrendered to the said Company by the Corporations and Persons in réspect of whose Interests such Purchase Money or Consideration Money had been paid, and all Persons claiming or entitled in Trust for them, and as if the said Company had been admitted to the same accordingly; and the said Company shall thereupon, or at any Time afterwards, be entitled or enabled to receive or take an Enfranchisement or Enfranchisements of the same Lands, under and in pursuance of the Powers in the said first mentioned Act contained, in the same or the like Manner and with the same or the like Effect as if they had been so admitted as aforesaid: Provided always, that the said Company shall, within Three Calendar Months after being required so to do, pay to the Lord or Lady for the Time being of the Manor or Manors respectively of which the respective Lands aforesaid are Parcel such Recompence or Satisfaction in respect of the Fines, Heriots, and Services of such Lands as shall be agreed upon or ascertained and settled in the Manner mentioned and provided in the Act aforesaid on the Admission of the said Company to any Lands of Copyhold or Customary Tenure; and the Lord or Lady for the Time being of such Manor or Manors as aforesaid shall thereupon, at the Expence of the said Company, cause or permit an Entry of the Title of the said Company to the respective Lands aforesaid to be entered on the Court Rolls of the Manor or Manors respectively of which the same Lands are Parcel.

Repealing Clause as to Compensation to be made for temporary Damage.

VII. And whereas the said first-recited Act contains certain Provisions for enabling the said Company, after such Notice as thereby required, to enter upon and take temporary Possession of Lands adjoining or lying near to the said Railway and Works, for the Purposes therein particularly mentioned, without having previously made any Payment, Tender, or Investment of Money as referred to by the said Act, provided the said Company should, if required, enter

enter into such Bond as therein referred to, and agree for the Payment of a fixed annual Rent, and make Compensation and Satisfaction to the Owner of such Land for the permanent Damage and Injury (if any) which might be done to the same, and separate and set apart so much of the Lands so required to be used from the other Lands adjoining thereto as in the said Act particularly mentioned: And whereas it is expedient that the said several Provisions should be repealed, and others substituted in lieu thereof; be it therefore enacted, That the several Provisions in the said first-recited Act contained to the Effect herein-before mentioned or referred to shall be and they are hereby repealed.

Power to take temporary Possession of Land without previous Payment of Price.

VIII. And be it further enacted, That, subject to the Provisions herein-after contained, the said Company may and they are hereby empowered, at any Time or Times before the Expiration of the Period by the said recited Acts limited for the Completion of the said Railway, and without making any previous Payment, Tender, or Deposit, to enter or continue upon the Lands of any Person or Corporation not being more than Two hundred and fifty Yards distant from the Centre of the said Railway, and not being a Garden, Orchard, Park, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, and not being nearer to any Mansion House belonging to the Owner of the said Lands than Five hundred Yards, and upon any existing private Roads not being more than Five hundred Yards distant from the Centre of the said Railway, and to use the said Lands for the Purposes of permanently depositing Spoil thereon, or of taking Earth or Soil by Side Cuttings therefrom, or of obtaining Materials for the Formation of the Railway therefrom, or forming Roads or Approaches thereon to and from or over or under the said Railway, or of occupying the said Lands during the Construction or Repair of the said Railway, and for these Purposes, or any of them, to lay or deposit on the said Lands, or to work or manufacture thereon, any Earth, Clay, Gravel, Sand, Stones, Bricks, Slates, Timber, Lime, or other Things, or to dig, cut, get, take, remove, and carry away out of or from such Lands, or any Part thereof, any Soil, Gravel, Clay, Sand, Stone, or other Things which can or may be got or found thereon, and to manufacture the same, and to use the said existing private Roads, the said Company giving Notice to the Owners and Occupiers of such Lands, and making Compensation in manner after mentioned.

Company to give Notice previous to such temporary Possession.

IX. And be it further enacted, That before entering upon any such Lands the said Company shall, in case the same are required for Spoil Banks or for Side Cuttings, or for obtaining Materials for the Construction or Repair of the said Railway (except in Cases of Accident to the said Railway requiring immediate Reparation), give Six Weeks Notice of their Intention to enter upon the same for such Purposes to the Owners and Occupiers thereof, in such Manner as Notices of Proceedings before Juries are required to be given by the first-recited Act; and in case the said Lands are required for any of the other Purposes herein-before mentioned, the said Company shall, except as in the Cases aforesaid, give Ten Days Notice in manner aforesaid of such their Intention to the said Owners and Occupiers; and in either Case the said Company shall,

if required, separate and set apart the said Lands from the other Lands adjoining thereto: Provided always, that if the said Lands are required for any of the Purposes in respect of which a Notice of Six Weeks is herein-before provided, it shall be in the Power of the Owner of the Lands therein referred to, within Fourteen Days after Service of such Notice, to object to the said Company making use thereof on the Ground that other Lands lying contiguous thereto, and which the said Company is authorized to take under the Provisions of the said recited Acts or this Act, might be more beneficially occupied for such Purpose by the said Company; and in such Case, if the said Company shall refuse to occupy such other Lands in lieu of the Lands referred to by them in the said Notice, it shall be lawful for any Two Justices assembled in Petty Sessions for the District where the said Lands wholly or in part lie, on the Application of the said Owner, to summon the said Company and the Owner of such other Lands to appear before them at any Time, not being more than Fourteen Days, after such Application, nor less than Seven Days from the Service of such Summons on the said Company and the said Owner or his Agent, and on Hearing of the Parties to determine summarily which of the said Lands shall be occupied by the said Company for such Purposes as aforesaid, and to authorize the said Company to occupy the same accordingly: Provided also, that before entering upon any such Lands as shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials as aforesaid, the said Company shall, if required by the Owner thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, find Two sufficient Persons who shall enter into a Bond to such Owner in a Penalty of the Amount of One hundred Pounds *per* Acre, conditioned for the Payment of such Compensation as may become payable in respect of the same in manner herein-after mentioned, such Sureties to be approved of by Two Justices of the Peace for the District in which the same Lands, or any Part thereof, shall be situate, in case the Parties differ about the same.

Owners of Lands may compel Company to purchase Lands so temporarily occupied.

X. And be it further enacted, That where the said Company shall, in virtue of the Powers herein-before conferred on them, enter upon or continue in the Possession of any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining Materials for the Construction or Repair of the said Railway therefrom, it shall be in the Power of the Person or Corporation by the said recited Acts or this Act capacitated to sell and convey the said Lands, and of the Occupier thereof, at any Time during the Possession of the same by the said Company, to require the said Company to purchase the said Lands, and their Rights and Interests therein, by serving a Notice in Writing on the said Company setting forth the Particulars and Amount of their Claim in respect thereof, and the said Company shall thereupon be bound to purchase the said Lands and Rights and Interests therein accordingly; and the Value of such Lands, and the Compensation payable therefor to the said Owner and Occupier, shall, in case of Difference, be settled and ascertained in like Manner as in the said first-recited Act is provided with respect to the Purchase of Lands required for the Purposes of that Act: Provided always, that in case the Amount so claimed shall not exceed the Sum of One hundred Pounds, the same shall,

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in case of Dispute, be settled and ascertained by Two or more Justices of the Peace in like Manner as Damages to a small Amount are by the said first-recited Act required to be ascertained and determined.

Provision as to fixing Compensation for Ground temporarily occupied.

XI. And be it further enacted, That where the said Company shall not be required to purchase the said Lands, and in all other Cases where they shall enter upon or continue in the temporary Possession of Lands in virtue of the Powers herein-before granted, they shall be obliged, within One Month after their Entry upon such Lands if not already entered upon, and within One Month after the passing of this Act if the same have been already entered upon, upon being required so to do by a written Notice setting forth the Particulars and Amount of his Claim, to agree with the Occupier of the said Lands for the Payment of the Value of any Crop or Dressing that may be thereon, and with the Owner or Occupier thereof for the Payment of an annual Sum by way of Rent for and during their Occupation thereof, and shall also, within Six Calendar Months after they have ceased to occupy the said Lands, and not later than Six Calendar Months after the Expiration of the Time by the said recited Acts and this Act limited for the Completion of the said Railway, upon being required by the Owner and Occupier of the said Lands by a written Notice setting forth the Particulars and Amount of their Claim, agree with such Owner and Occupier for the Payment of any permanent Damage or Injury that may have been done to the said Lands in the Exercise of the Powers herein-before granted; and the Amount of such permanent Damage, or the Value of any Crop or Dressing that may be on the said Lands, and the Rent payable in respect thereof for and during the Company's Possession, shall, in case of Difference, be settled and ascertained in like Manner as herein-before provided with respect to Land which the said Company may be required to purchase as herein-before mentioned.

Authentication of Notices, &c.

XII. And be it further enacted, That all Notices or Demands by or on behalf of the said Company or the Directors thereof, which have been or may hereafter require to be given to any Person or Corporation or to the Proprietors of the said Company, shall be and be deemed and taken to be good, valid, and effectual to all Intents and Purposes if signed by the Chairman or Deputy Chairman or any Secretary or Clerk for the Time being of the said Company, and may be in Writing or in Print, or partly in Writing and partly in Print, any thing in the said recited Acts or otherwise to the contrary notwithstanding.

Power to take Offices on Lease or otherwise.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Company and they are hereby authorized to purchase, hire, or take any Lands or Buildings adjoining to or at a Distance from the said Railway for the Purpose of Offices, Warehouses, or other Conveniences, or for the Purpose of erecting thereon Offices or other Buildings for the Purposes of the said Railway, in Fee Simple or on Building Lease, or as Tenants for a Term of Years or from Year to Year, and for that Purpose to enter into all such Arrangements, Contracts, Deeds, Covenants, and other Instruments as they may be advised are necessary, and to affix the Seal

Seal of the said Company to any of such Instruments, which shall thenceforth be binding upon the said Company and their Successors; and that the said Company may also at their own Expence erect and build upon or contract for the Erection upon such Land so to be purchased, hired, or taken as aforesaid such Offices or Buildings for the Use of the said Company as shall to them seem meet and desirable, and shall have full Power and Authority at any Time or Times afterwards to sell or in like Manner to let and dispose of the same, or any Part thereof, as they may think proper, and again to purchase, hire, or take other Buildings or Lands for the like Purposes, and to erect and build thereon as aforesaid, and to resell or relet the same, and to execute all proper Deeds and Conveyances respecting the same, as the said Company may deem advisable or expedient.

Time enlarged for completing the Railway and Branches.

XIV. And be it further enacted, That the Times limited by the said recited Acts for the making and completing the said Railway and Branch Railways, and for the Sale of superfluous Lands, shall be extended and enlarged for the further Term of Three Years, to be computed from the Expiration of the respective Times for those Purposes granted by the said recited Acts.

If Railway and Branches are not completed within the extended Period, the Powers given by the Acts to cease.

XV. And be it further enacted, That if the said Railway and Branch Railways shall not be made and completed (unless prevented by inevitable Accident) within the said extended Period of Three Years hereby granted for the Completion of the same, all the Powers, Authorities, and Privileges given by the said recited Acts and this Act for the making and Completion of the said Railway and Branch Railways shall cease and determine, save only and except as to so much of such Railway and Branch Railways as shall have been declared and certified to have been completed before the Expiration of the said Period by the Justices of the Peace of the County of *Somerset* and County of *Devon*, or either of them, in Quarter Sessions assembled, within such Time after the Expiration of such Period, and in such Manner, as is required with respect to the Works authorized by the said Acts.

Power to lease Railway.

XVI. And whereas the Great Western Railway communicates with the said *Bristol* and *Exeter* Railway at or near *Bristol*, and it is expedient that the Great Western Railway Company and the *Bristol* and *Exeter* Railway Company shall be empowered to enter into any Contract or Agreement for working or using the said last-mentioned Railway; be it therefore enacted, That it shall be lawful for the said *Bristol* and *Exeter* Railway Company, with the Approbation of Three Fifths at least of the Votes of the Proprietors of the said Company present in Person or by Proxy at any General or Special General Meeting of the said Company, to demise or lease, for such Consideration or annual Rent as they shall think proper, the Railway, Branch Railways, and other Works by the said recited Acts authorized to be made, or any Part thereof, unto the said Great Western Railway Company, for any Term which shall be agreed upon, not exceeding Fourteen Years from the Commencement of such Lease; and the said Great Western Railway Company are hereby authorized, if they think proper, with the Approbation of any General or Special General Meeting of such last-mentioned Company, to enter into and accept such Lease; and every such Lease shall be

valid and effectual, and shall entitle the said Great Western Railway Company to the free Use and Enjoyment of the said *Bristol* and *Exeter* Railway, and the Branches and other Works connected therewith, or the Part or Parts thereof respectively comprised in such Lease; and during the Continuance of any such Lease all the Powers, Privileges, and Authorities granted to and which are or might be held, used, exercised, and enjoyed by the said *Bristol* and *Exeter* Railway Company or the Directors thereof, or their Officers, Agents, or Servants, under or by virtue of the said recited Acts and this Act, shall in like Manner and to the same Extent in all respects apply to and be held, used, exercised, and enjoyed by the said Great Western Railway Company and the Directors thereof, their Officers, Agents, and Servants, under the same Regulations and Restrictions as are granted or imposed by the said recited Acts and this Act upon the said *Bristol* and *Exeter* Railway Company; and it shall be lawful for the said Great Western Railway Company and the said *Bristol* and *Exeter* Railway Company to make and enter into such Contract or Agreement for effecting the Purposes aforesaid, and for otherwise working and using the said Line, and for the Maintenance and Repair of the said Railway, Branch Railways, and other Works, or any Part thereof, as they the said Companies may deem advisable; and every such Contract may contain a Covenant or Agreement for the Settlement by Arbitration of any Difference which may arise between the said Two Companies, and such other Covenants, Clauses, Provisoes, and Conditions as the said Parties may mutually agree upon.

Expences of Taxation of Costs by whom to be defrayed.

XVII. And be it further enacted, That in all Cases in which any Costs, Charges, and Expences payable, or which, under the Acts herein-before referred to relating to the said Railway, or any of them, are directed to be paid, by the said Company, shall be taxed by the Master or other proper Officer of the Court of Exchequer under any Order of the said Court (and any such Order may, if necessary, be made on Petition or on Motion or other summary Application), the Amount at which such Costs, Charges, and Expences shall be so taxed as aforesaid, together with the Costs and Expences attending the Taxation of the same, and of or occasioned by the Order or Orders referring the same for Taxation, shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences, the Subject of any such Order, shall be disallowed or taxed off; and in every Case in which One Sixth Part of the said Costs, Charges, and Expences shall be disallowed or taxed off as aforesaid all the Costs and Expences of obtaining such Order or Orders of Reference as aforesaid, or a proportionate Part of the Costs and Expences of obtaining the Order or Orders of Reference as aforesaid, so far as the same relates to the Payment of Costs, such Proportion to be settled by the Master, together with all the Costs and Expences of or attending the Taxation of the Costs, Charges, and Expences under such Order or Orders as aforesaid, shall be paid or borne by the Person or Persons claiming such Costs, Charges, and Expences; and the Amount to be paid by such Person or Persons as aforesaid shall be paid to the said Company, on Demand, or, if Circumstances will admit, shall be deducted by the Master of the said Court from the Amount of the Costs payable by the said Company, who shall certify the same

accordingly, or otherwise may be retained by the said Company out of any Monies payable by them to or on account or on behalf of such Person or Persons as aforesaid.

Company may buy up Shares.

XVIII. And be it further enacted, That it shall be lawful for the said Company, if they shall deem it expedient, out of any surplus Monies or otherwise, to buy up any Share in the said Undertaking which shall be offered for Sale, and the Share so bought shall merge in the said Undertaking.

Forfeited Shares which cannot be sold may merge in the Company.

XIX. And whereas certain Provisions are contained in the said first-recited Act with regard to the Sale of Shares in the said Undertaking which may have been declared forfeited by reason of the Non-payment of Calls due thereon: And whereas it is expedient that Provision should be made for the merging in the said Company of Shares so forfeited as herein-after mentioned; be it therefore enacted, That in all Cases where any Share shall have been or shall hereafter be declared forfeited by the Directors of the said Company, and such Declaration of Forfeiture has been or shall hereafter be confirmed at a General or Special General Meeting of the said Company in manner required by the said first-recited Act, and Notice shall be given by the said Company in the *London Gazette*, and in One Newspaper of each County through which the said Railway is intended to be made, of such Forfeiture or intended Forfeiture, and that in case the Arrears of Calls and Interest due thereon shall not be paid within the Space of One Calendar Month from the Publication of such Notice that such Share will become merged in the said Company, then, in case such Arrears and Interest shall not be paid within such last-mentioned Period, and the Market Price of Shares in the said Company in the City of *Bristol* and in *London* shall then or at any Time thereafter be less than the Arrears of Calls and Interest due in respect of such Share, the same Share shall absolutely merge in the said Undertaking; and a Declaration in Writing made by some credible Person not interested, before any Justice of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating that a Sum of Money sufficient to pay the Arrears of Calls and the Interest due in respect of such Share could not be obtained for the same according to the Market Price of Shares in the City of *Bristol* or in *London*, shall be sufficient Evidence of the Facts therein stated, and the Proprietor of such Share shall, from and after the making of such Declaration, be precluded from all Right, Title, or Interest therein.

New Shares may be created in lieu of Shares bought up or merged.

XX. And be it further enacted, That in lieu and instead of any Shares which shall be so bought up or forfeited and merged as aforesaid it shall be lawful for the said Company, from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any General or Special General Meeting of the said Company, to create and issue new Shares of such Amount, and to demand such Price for the same, in such Manner as by the Order of any such Meeting shall be fixed and determined; and all such new Shares shall be deemed Personal Estate, and shall be transmissible and transferrable as such in the Manner provided and directed by the said first-mentioned Act in respect of the original Shares in the said Undertaking; and all Persons and Corporations

rations who shall become entitled to any such new Share or Shares, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking, and to be interested therein, and entitled to Dividends and Profits and to vote in respect thereof, in proportion to the Amount of such new Share or Shares; and to such new Shares and the Proprietors thereof shall apply all the Powers to make Calls and charge Interest thereon, to sue for Calls and Interest, to declare forfeited and to sell Shares in case of Non-payment of Calls, and all other the Powers, Provisoes, Indemnities, Remedies, Clauses, Matters, and Things contained in the said recited Acts or any of them with reference to the original Shares in the said Undertaking and the Propietors thereof, except as to the Time of making Calls for the said new Shares, and the Amount of such Calls, which Calls the Directors of the said Company are hereby empowered to appoint to be of such Amount and payable at such Times as they may think fit, and save so far as any other of such Powers, Provisoes, Indemnities, Remedies, Clauses, Matters, or Things are hereby expressly varied or altered; and the several Proprietors of such new Shares are hereby and shall be united to and incorporated with the said *Bristol* and *Exeter* Railway Company: Provided always, that the Proprietors of such new Shares shall be entitled only to such Number of Votes in respect thereof as the Amount of Stock represented by such Shares would have entitled them to had they been original Shareholders in the said Undertaking; and no Proprietor shall be entitled to any Vote unless possessed of some Share or Shares representing One hundred Pounds at least of the Capital Stock of the said Company.

For reducing the Number of Directors.

XXI. And be it further enacted, That when by Death or Resignation, or any other Cause than that of going out by Rotation, as provided for by the said first-recited Act, the Number of Directors shall at any Time be reduced below Sixteen (and so often as the same shall happen), it shall not be necessary for the remaining Directors to proceed to fill up such Vacancy previous to the General Meeting of the said Company which will be held in the Month of *February* or *March* then next ensuing; and if it shall appear to any such Meeting that it is inexpedient to fill up the said Vacancy, and such Meeting shall come to a Resolution to that Effect, then and in that Case, and when and so often as the same shall happen, the Number of Directors of the said Company shall be and remain reduced accordingly; and all the Acts of the said Directors, when so reduced in Number shall, to all Intents and Purposes, be valid and effectual, as if the Number of the said Directors had not been reduced: Provided always, that during such Time as the Number of Directors shall, under the Provisions herein contained, be less than the Number authorized by the said first-recited Act, the Number to go out of Office by Rotation at the General Meetings of the said Company in the Month of *February* or *March* shall be Three; and in case (with reference to the Provision that the Directors who have been longest in Office shall go out) any Difficulty shall arise from the Alteration in the total Number of the Directors, then it shall be determined by the said Directors by Lot among themselves which of the Directors whose Turn it would have been to go out by Rotation shall go out of Office: Provided also, that at no Time shall the whole Number of

Directors

Directors be reduced, under the Provisions herein-before contained, to a less Number than Twelve; provided also, that it shall be lawful for the said Company, at any future General Meeting, to be held in the Month of *February* or *March*, after such Reduction, to order and direct the Number of Directors to be again increased to any Number not exceeding the Number authorized by the said first-recited Act.

Repealing present Quorum of Directors.

XXII. And be it further enacted, That so much of the said first-recited Act as requires Eight Directors at the least to be present in order to constitute a Meeting and to act as Directors of the said Company shall be and the same is hereby repealed.

Five Directors to be a Quorum.

XXIII. And be it further enacted, That there shall be Five Directors at the least present in order to constitute a Meeting of Directors, either before or after any such Reduction in the whole Number of Directors as by this Act authorized, and that Five Directors shall be competent to act at any Meeting of Directors.

Power to appoint an Inspecting Director.

XXIV. And be it further enacted, That nothing in this or the said recited Acts contained shall be deemed or construed to prevent the said Directors from nominating and appointing any one of their own Body to be an Inspecting Director of the said Company, and from Time to Time to remove him from such Office of Inspecting Director, and upon any Vacancy to appoint another in his Stead, and from Time to Time to delegate and confide such Powers and Authorities to such Inspecting Director as they may think proper, and to allow to such Inspecting Director such Proportion as they may think proper of any Sum of Money that may be fixed by any General Meeting of the said Company as a Remuneration to the said Directors for their Services on behalf of the said Company.

Enabling the Company to advance the Rate of Interest upon Amounts paid in advance.

XXV. And whereas by the said-first recited Act the several Proprietors for the Time being of the said Undertaking are empowered, whether before or after any Call paid in respect of any Shares held by them respectively, to pay in advance, to such Person as the said Directors shall appoint, the respective Sums of Money by them respectively subscribed for, or such Part or Proportion thereof as may be wanting, over and above the Amount, if any, actually paid in respect of such Shares, to make up the full Sum of One hundred Pounds in respect of each such Share, and the said Company are thereby required to pay Interest at such Rate, not exceeding Four Pounds for every One hundred Pounds by the Year, upon the Principal Monies so paid in advance as aforesaid, as the Subscriber paying such Sum in advance and the Directors for the Time being of the said Company may agree upon: And whereas it is expedient that the said Company should be enabled to increase the Rate of Interest to be paid by them under the said Provision from Four Pounds *per Centum* to Five Pounds *per Centum*; be it therefore enacted, That it shall and may be lawful for the said Company, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any General or Special General Meeting of the said Company, and they are hereby empowered, to pay Interest at such Rate not exceeding the Rate of Five Pounds for every One hundred

Pounds by the Year upon the Principal Monies which shall have been paid in advance in respect of any Shares of and in the said Undertaking under the Power for that Purpose in the said first-recited Act contained, as the Subscriber paying such Sum in advance and the said Company may agree upon.

Powers of Recovery and Forfeiture of Shares not to be prejudiced.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or affect any of the Powers and Authorities by the said recited Acts given to the said Company, or the Directors thereof, for compelling Payment of the Calls due upon the Shares in the said Undertaking, or for the Forfeiture of such Shares, or for the Recovery of the Arrears of Calls and legal Interest thereon (except as is herein expressly enacted).

Company may allow Interest upon Amounts paid on Shares.

XXVII. And whereas the Sum of Twenty-five Pounds *per Centum* and upwards has been paid on a large Portion of the Shares in the said Undertaking; be it further enacted, That it shall be lawful for the said Directors, with the Consent of any General or Special General Meeting of the said Company, or otherwise with the Consent of the greater Part in Number and Value of the Proprietors for the Time being of the said Company, to pay and allow to the Proprietors of Shares on which the Sum of Twenty-five Pounds *per Centum* or upwards has been or shall be paid Interest not exceeding Five Pounds *per Centum per Annum* upon the Amount so paid from the Time at which such Twenty-five Pounds *per Centum* shall have been so paid, such Interest to accrue, and be paid at such Times and Places as the said Directors shall appoint for that Purpose; and such Payment of Interest shall continue until a General or Special General Meeting of the said Company shall otherwise order and determine: Provided always, that no Interest shall accrue to the Proprietor of any Share in the said Undertaking upon any Call which shall be in arrear during the Period of such Call being so in arrear; provided also, that from the Period at which any Dividend shall be declared payable on any Share in the said Undertaking the Owner of such Share shall cease to receive any Interest on the Calls paid in respect of such Share.

Repealing recited Act 1 Vict. c. 26. s. 30., respecting the Charges by the Company for Carriages.

XXVIII. And whereas it is enacted by the said secondly-recited Act, that, except when otherwise specially provided for, the Rates or Tolls and Charges to be taken and made for the Use of the said Railway, or for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by them, should at all Times be charged equally to all Persons, and after the same Rate or Manner throughout the whole of the said Railway as therein mentioned, and that no Reduction or Advance in any of such Rates, Tolls, or Charges should be confined to any particular Part of the said Railway: And whereas it is expedient that the said Enactment should be repealed, and such other Provision made in lieu thereof as herein-after mentioned; be it therefore enacted, That the said Enactment so contained in the said secondly-recited Act shall be and the same is hereby repealed.

Rates of Carriage to be charged equally.

XXIX. And be it further enacted, That the Charges by the said recited Acts, or either of them, authorized to be made for the Carriage

riage of any Passenger, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per* Mile, or *per* Ton per Mile, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, passing on the same Portion of the Line only, and under the same Circumstances; and no Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made, either directly or indirectly, in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway as aforesaid.

Company to keep separate Accounts of Tolls and Charges, to be open for the Inspection of Overseers of Poor.

XXX. And be it further enacted, That the Company shall keep an Account of all Tolls received by them, showing the gross Amount of the Receipts in respect of such Tolls received in each and every Calendar Month in each Year, and if the Company carry for their own Benefit any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, or Things, they shall keep a separate Account showing the Amount of the Tolls received or which would have been received by the Company in each and every Calendar Month in each Year in respect of such Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, or Things, if the same had been carried by any other Party, and an Account showing the Amount of Tolls or Sums which shall have been actually received by the Company for the Carriage of the same; and during the first Fourteen Days of *February* and *August* in each Year the Overseers of the Poor of every Parish through which the Railway shall pass may inspect such Accounts for the Half Year then preceding, and expiring on the Thirtieth Day of *June* or the Thirty-first Day of *December*, as the Case may be; and if the Company wilfully neglect to keep such Accounts, or prevent the Inspection thereof, they shall forfeit to each Overseer who shall demand such Accounts or either of them, and who shall be refused the Inspection of the same or either of them, for every Failure to keep such Accounts, Thirty Pounds, and for every Day during which the Failure to permit such Inspection may continue the Sum of Ten Pounds *per* Day; and such Penalties shall be recoverable by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, and shall be applied for the Benefit of the Poor of the Parish within which any such Failure shall occur.

For preventing Frauds on the Carriers on the Railway.

XXXI. And be it further enacted, That if any Person who has personally, or by some other Party, at any Time taken a Place or Seat or paid the Fare or been booked for the Purpose of being carried in, upon, or by any of the Coaches or Carriages of the said Company, or of any other Company or Person using the said Railway, from one Place to another Place, shall knowingly and wilfully refuse or neglect to quit such Coach or Carriage on arriving at the Point to which he has paid his Fare or been booked or taken his Place or Seat, or shall knowingly and wilfully ride and proceed or attempt to ride or proceed on the said Railway, in the same or in any other Coach or Carriage, to a Place more distant than that to which he shall have so taken a Place or Seat or paid the Fare or been booked,

booked, without previously paying or tendering to the said Company, or other Company or Person as aforesaid, the additional Fare or Price of Carriage to such more distant Place, or if any Person shall at any Time hereafter knowingly and wilfully ride and be in any of the said Company's Coaches or Carriages, or in any Coaches or Carriages belonging to any other Company or Person using the said Railway, without having previously paid or tendered to the said Company, or other Company or Person aforesaid, his Fare, or the Charge for his Carriage, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings, with Costs, to be recovered and applied in the same Way as any other Penalty or Forfeiture under the said recited Acts or either of them.

Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace.

XXXII. And be it further enacted, That the said Company shall and they are hereby required, in each and every Year, so soon as the said Railway shall be open to the Public, to cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied under or by virtue of this or the said recited Acts for the Year ending on the Thirtieth Day of *June*, or some other convenient Day, in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County or City and County within which the Chief Office of the said Company for the Management of such Funds shall be situate, on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

Bye Laws to be allowed before being valid.

XXXIII. And be it further enacted, That no Bye Law which the said Company may have heretofore made under the Authority of the said recited Acts (except such as may relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants,) shall be valid or binding for a longer Period than Six Months from the passing of this Act; nor shall any Bye Law, except as aforesaid, which may hereafter be made by the said Company, be valid or binding unless the same shall be allowed by some Judge of One of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace of the County of *Somerset* or County of *Devon*, or by the Recorder of the City and County of *Bristol* at some Quarter Sessions of the Peace holden before him, which said Justices or Recorder are hereby authorized and required, on the Request of the said Company, to examine into the Bye Laws which may be tendered to him or them for that Purpose by the said Company, and to allow of or disallow the same as to him or them may seem meet; and all Penalties which may be imposed by virtue of any such Bye Laws shall be so framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid: Provided always, that no such Bye Laws shall be

be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers circulating in each of the Counties of *Somerset* and *Devon* One Month at least before the Hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the said Company Ten Days before the Hearing of such Application, may, by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Nature of Objection.

For the Punishment of Persons obstructing the Railway, or guilty of Misconduct thereon.

XXXIV. And be it further enacted, That if any Person shall wilfully or maliciously do or omit to do any Act, by which Act or Omission the Life or Limb of any Person passing along or who shall be otherwise upon the said Railway, Branch Railways, or the Works thereof respectively shall be or might be injured or endangered, every such Person so offending, and every Person counselling, aiding, or assisting therein, shall be deemed guilty of an Offence against this Act, and being convicted thereof, upon the Oath of One or more Witnesses, before any Two or more of Her Majesty's Justices of the Peace for the County or Place wherein the said Offence shall be committed, who are hereby authorized and required, upon Complaint to them made upon Oath, to take cognizance thereof, and to act summarily in the Premises, every such Offender shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, to be recovered and applied in like Manner as Penalties imposed by the said recited Acts, or either of them, are directed to be recovered and applied, and in default of Payment thereof shall, in the Discretion of such Justices, be imprisoned, with or without hard Labour, for any Term not exceeding Three Calendar Months, or, being indicted and convicted of any such Offence as aforesaid before any Court of Quarter Sessions or Court of Assize, shall, at the Discretion of such Court, be imprisoned, with or without hard Labour, for any Period not exceeding Two Years.

Expences of Act how to be paid.

XXXV. And be it further enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act shall be paid and defrayed by the said Company out of the Money already raised or received or out of the Money to be raised or received by them under the Authority of the said recited Acts or this Act.

Railway not to be exempt from Provisions of any general Act.

XXXVI. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Acts authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Public Act.

XXXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.