ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. lxxvii.

An Act to enable the *Bristol and Exeter* Railway Company to make a Branch Railway from the *Bristol and Exeter* Railway in the Parish of *Bleadon* to the City of *Wells*, the Town of *Glastonbury*, and the Parish of *Street*, all in the County of *Somerset*. [22d *July* 1848.]

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: (6 & 7 W. 4. c. 36.) And whereas several other Acts were passed in the First, in the Third, in the Fourth and Fifth, in the Eighth and Ninth, and in the Ninth and Tenth Years of the Reign of Her present Majesty, relating to the *Bristol and Exeter* Railway, and for authorizing the Construction of certain Branches therefrom: And whereas the making of a Railway to commence by a Junction with the Line of the *Bristol and Exeter* Railway in the Parish of *Bleadon* in the County of *Somerset*, and to terminate in the Parish of *Street* in the same County where it is intended to form a Junction with an intended Line of Branch Railway from the *Bristol*

and Exeter Railway near *Taunton* to *Castle Cary*, would be of great public Advantage; and it is expedient that Power should be given to the *Bristol and Exeter* Railway Company to construct such Branch Railway: And whereas it is expedient that some of the Powers and Provisions of the said Acts should be amended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lands Clauses Consolidation Act, 1845, and so much of the Railway Clauses Consolidation Act, 1845, as relates to the Construction of Railways, the temporary Use of Lands during the Construction of Railways, to the taking of Lands for additional Stations, to the Mode of crossing of Roads and Construction of Bridges, to the Construction of Arches, Culverts, and Works, for the Protection and Accommodation of Lands adjoining the Railways, and to the working of Mines under and near to Railways, shall respectively, except so far as the same may be by this Act otherwise provided for, and except such of the Provisions thereof as may be inconsistent with the Provisions herein contained, be incorporated with and form Part of this Act.

8 & 9 Vict. cc. 18. & 20. extended to this Act.

Certain Provisions of recited Acts extended to this Act.

II. And be it enacted, That all the Provisions, Matters, and Things contained in the said recited Acts relating to the *Bristol and Exeter* Railway, or any of them, so far as the same are now unrepealed, and except such as have expired by Effluxion of Time, or are inapplicable to this Act, or inconsistent with or provided for by the said Lands Clauses Consolidation Act, or with or by such of the Clauses and Provisions of the said Railway Clauses Consolidation Act as are made applicable to this Act, shall extend to this Act, and to the several Purposes and Things hereby authorized, as fully and effectually as if the same Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes hereof.

Power to make Branch Railway.

III. And be it enacted, That it shall be lawful for the *Bristol and Exeter* Railway Company to make and maintain a Branch Railway, to commence by a Junction with the Line of the *Bristol and Exeter* Railway at or near the Southern Bridge in the *Uphill* Cutting in the Parish of *Bleadon* in the County of *Somerset*, passing from, in, through, or into the several Parishes, Townships, and extra-parochial or other Places of *Uphill*, *Bleadon*, *Loxton*, *Biddisham*, *Compton Bishop*, *Weare*, *Axbridge*, *Cheddar*, *Nyland* and *Batcombe*, *Cheddar* and *Rodney Stoke* intermixed, *Rodney Stoke*, *Westbury*, the Out-Parish of *Saint Cuthbert Wells*, *Wookey*, the In-Parish of *Saint Cuthbert Wells*, *Meare*, the united Parishes of *Saint John the Baptist* and *Saint Benedict*, *Glastonbury*, and *Street*, or some of them, in the said County of *Somerset*, and to terminate in the said Parish of *Street* at or near the Turnpike Road leading from *Street* to *Walton* where it is intended to form a Junction with an intended Line of Branch Railway from the *Bristol and Exeter* Railway at or near *Durston* near *Taunton*

Taunton to *Castle Cary* in the said County of *Somerset*, together with all proper Works and Conveniences connected therewith and Approaches thereto.

Power to make Branch Railway according to deposited Plans.

IV. And whereas a Plan and Section of the said Branch Railway showing the Line and Levels thereof, and also a Book of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerk of the Peace for the County of *Somerset*: Be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the said Branch Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Power to cross certain Road on a Level.

V. And be it enacted, That the following public Road, described in the deposited Plans by the Number herein-after mentioned, may be crossed on the Level; that is to say, Number 45 in the In-Parish of *Saint Cuthbert Wells*.

Company to erect Station or Lodge at Points where Roads cross on a Level, and to abide by Rules, &c. of Commissioners of Railways.

VI. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the Railway shall cross on the Level the before-mentioned Road; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Saving Rights of Ecclesiastical Commissioners for England.

VII. And whereas certain Lands or Premises to which the Ecclesiastical Commissioners for *England* are entitled or in which the said Commissioners are interested, situate and being in the In-Parish of *Saint Cuthbert Wells* and the Out-Parish of *Saint Cuthbert Wells*, or some Part of the said Lands or Premises, are proposed to be taken or affected under the Powers of this Act: Be it hereby enacted, That no Bargain, Arrangement, Contract, Agreement, or Conveyance, either now made or to be made, between the said Company, or between any Person or Persons on their Behalf, and any other Person or Persons, in any way relating to the said Lands or Premises, shall be binding at Law or in Equity upon the said Commissioners, without their Assent being first thereto had, to be signified under their

Common

Common Seal: Provided always, that nothing herein contained shall hinder or prevent or be construed to hinder or prevent the *Bristol and Exeter* Railway Company from proceeding to take such Lands and Premises as aforesaid under the compulsory Powers of this Act or the Acts therein recited, upon giving Notice of their Intention so to do to the said Commissioners, and to all other necessary Parties in manner by the said recited Act provided.

As to Inclinations of certain Carriage Roads.

VIII. And be it enacted, That where the Level of any public Carriage Road shall be altered in making the Branch the Ascent of such Road for the Purpose of carrying the same under or over the Railway shall not be steeper than One Foot in Thirty Feet, except in the following Cases, in which the Inclinations following may be made by the Company:—

No. on Plan.	Parish.	Inclination to which Road may be altered.
30	Bleadon - - - -	1 in 20.
49 a	Bleadon - - - -	1 in 20.
33	Cheddar - - - -	1 in 20.
2 a	Nyland and Batcombe - -	1 in 20.
50	Cheddar and Rodney Stoke intermixed -	1 in 20.
81	Cheddar and Rodney Stoke intermixed -	1 in 20.
6	Rodney Stoke - - -	1 in 20.
68	Westbury - - - -	1 in 20.
42	Out-Parish of St. Cuthbert Wells, Division No. 1. - - - -	1 in 20.
6	Out-Parish of St. Cuthbert Wells, Division No. 2. - - - -	1 in 20.
39	Out-Parish of St. Cuthbert Wells, Division No. 3. - - - -	1 in 20.
65	Do. do. - - -	1 in 20.
47	United Parishes of St. John the Baptist and St. Benedict, Glastonbury -	1 in 20.
68	Do. do. - - -	1 in 20.
88	Do. do. - - -	1 in 20.

For Protection of Commissioners of Sewers.

IX. And whereas the Works by this Act authorized may affect some of the Rivers, Rhines, Drains, or Watercourses under the Jurisdiction of the Commissioners of Sewers for the County of *Somerset*: And whereas in an Act passed in the present Session of Parliament, intituled "The *Bristol and Exeter* Railway (*Taunton and Castle Cary* Branch) Act, 1848," certain Provisions are contained respecting the Works to be made by the Company in connexion with the Sewers and Lands under the Jurisdiction of the said Commissioners of Sewers, and the Sum of One thousand Pounds is by such Act directed to be invested in Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, to be applied by the Commissioners of Sewers as therein mentioned: And whereas it has been agreed that the said Sum of One thousand Pounds should be applicable also to the Works by this Act authorized: Be it therefore enacted, That all the Provisions, Matters, and Things contained in the said lastly-recited Act with reference

reference to the Commissioners of Sewers, and to the Works to be done by the Company in connexion with Sewage and Drainage, and over which any Authority or Control is given to the said Commissioners of Sewers, shall be applicable to this Act, and to the Works of a similar Nature to be constructed by virtue of this Act, in the same Manner as if the same Provisions, Matters, and Things had been re-enacted in this Act; and the Sum of One thousand Pounds, to be invested in pursuance of the said Act, or any Part thereof, may be applied and disposed of by the Commissioners of Sewers to the Repair and Alteration of Works to be constructed under this Act, in the same Manner, for the like Purposes, and to the same Extent as such Sum or any Part thereof may be applied and disposed of by the Commissioners of Sewers by virtue and in pursuance of the said Act.

Compulsory Purchase of Lands limited.

X. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XI. And be it enacted, That the said Branch Railway shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the recited Acts granted to the Company for executing the said Branch Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Branch Railway as shall then be completed.

Gauge of the Branch Railway.

9 & 10 Vict. c. 57.

XII. And whereas the said Branch Railway by this Act authorized is intended to communicate with the *Bristol and Exeter* Railway, already constructed upon the Broad Gauge of Seven Feet, and it is expedient, in conformity with the Provisions of an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*, specially to define the Gauge upon which the said Branch Railway is to be constructed: And whereas it is also expedient that Provision should be made in order that the said Branch Railway may be worked continuously with the said *Bristol and Exeter* Railway upon the said Broad Gauge of Seven Feet: Be it therefore enacted, That the said Branch Railway shall be constructed and maintained and worked upon the said Broad Gauge of Seven Feet, and upon no other Gauge.

Limiting Charges for Conveyance Passengers.

XIII. And be it enacted, That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Branch Railway than Three-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Two-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance: Provided always, that if any such Passenger be con-

veyed for a less Distance than Four Miles it shall be lawful for the said Company to demand and receive Tolls as for Four Miles.

Limiting Charge for Conveyance of Goods.

XIV. And be it enacted, That it shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things herein-after mentioned, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, (except a reasonable Charge for the Expense of loading and unloading, where such Service is performed by the Company,) than the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and Salt, and all undressed Materials for the Repair of public Roads or Highways, the Sum of One Penny Halfpenny *per* Ton *per* Mile:

For all Coals, Coke, Culm, Charcoal, Cinders, building, pitching, and paving Stones, dressed, Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig, Bar, Rod, Hoop, Sheet, and all other similar Descriptions of Wrought Iron and Castings not manufactured into Utensils or other Articles of Merchandize, the Sum of One Penny Three Farthings *per* Ton *per* Mile:

For all Sugar, Grain, Corn, Flour, Dyewoods, Earthenware, Timber, Staves and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Three-pence *per* Ton *per* Mile:

For all Cotton and other Wools, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, the Sum of Four-pence *per* Ton *per* Mile.

Passengers Luggage.

XV. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight and Six Cubic Feet in Dimension for First-class Passengers, Sixty Pounds in Weight and Five Cubic Feet in Dimension for Second and Third Class Passengers, without any Charge being made for the Carriage of such Luggage: Provided always, that it shall be lawful for the Company to demand and receive a reasonable Sum for any Excess either in Weight or Bulk over and above such respective Weights and Bulks.

Foregoing Charges not to apply to Special Trains.

XVI. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Train that may be required to be run upon the said Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Company may take increased Charges by Agreement.

XVII. Provided further, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charges, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other

other special Service performed by the said Company in relation thereto.

Power to raise additional Sum of Money by Creation of new Shares.

XVIII. And whereas the estimated Expense of making the said Branch Railway is Two hundred and thirty thousand Pounds, and the Company are desirous also of raising a further Sum of Money for the Purpose of purchasing Engines and Carriages for working the said *Bristol and Exeter* Railway upon the Termination of the existing Lease thereof, and for other Purposes connected therewith: Be it enacted, That it shall be lawful for the Company to raise by the Creation of new Shares in the said Company, in addition to the Sum of Money which they are by the said recited Acts authorized to raise, any further Sum of Money not exceeding in the whole the Sum of Five hundred and fifty thousand Pounds, and such Sum shall be applied only in the Construction of the said Branch Railway and for the Purposes aforesaid.

New Shares to be considered same as original Shares.

XIX. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls for such additional Capital, and the Amount of such Calls respectively, which it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit: Provided always, that the greatest Amount of any One Call which the Company may make on such new Shares shall not exceed the Rate of Ten Pounds *per Centum* upon the Amount of such Shares, and that there shall be an Interval of Two Calendar Months at least between the Time fixed for the Payment of One Call and the Time fixed for the Payment of the next succeeding Call.

Preferential Dividends on Shares.

XX. And be it enacted, That it shall be lawful for the Directors of the Company to divide the Capital so to be raised by the Creation of new Shares into Shares of such an Amount as will conveniently allow the same to be appropriated according to the Order of a General or Special General Meeting of the Company, and the Proprietors of such Shares shall be entitled to be paid out of the general Revenue of the Company, and in priority of the general Dividends made by the Company, a Rate of Dividend to be fixed by the Company at such Meeting not exceeding Six Pounds *per Centum per Annum* upon the Amount paid up upon such new Shares, and such fixed Dividends shall be payable half-yearly at the same Time as the ordinary Dividends of the Company: Provided always, that the Proprietors of any such new Shares may by Writing under their respective Hands, delivered on or before the First Day of *July* Eighteen hundred and fifty-five, at the Office of the Secretary of the Company, declare their respective Option to accept, from and after the First Day of *January* Eighteen hundred and fifty-six, in respect of any such new Shares, Dividends in common and rateably with the Proprietors of other Shares in the Company instead of such fixed Dividends, and from and for ever after the First Day of *January* Eighteen hundred and

fifty-six

fifty-six such fixed Dividend shall wholly cease to be payable in respect of those of such new Shares as to which such Option shall be declared, and the Proprietors of the same Shares shall receive Dividends thereon in common and rateably with the Proprietors of the Shares in the Company in respect whereof such fixed Dividend shall not be payable.

Existing Guarantees not to be affected.

XXI. And be it enacted, That any Guarantee of Dividend which may be granted in respect of such new Shares in pursuance of the Powers of this Act shall not prejudice or affect any Guarantee of Dividend or Interest which may have been granted by the said Company by or in pursuance of any Act of Parliament passed prior to the passing of this Act.

As to voting in respect of new Shares.

XXII. And in respect to the Votes at Meetings of the Company, be it enacted, That in respect of new Shares of less nominal Amount than One hundred Pounds each the Votes of any Proprietor of such new Shares shall be determined by the Number of One hundred Pound Shares into which the Amount of Capital represented by such new Shares held by him shall be capable of being divided.

Power to borrow Money on Mortgage.

XXIII. And be it enacted, That, after the whole of the Capital by this and the recited Acts authorized to be created shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred and eighty-three thousand Pounds: Provided always, that all and every Part of such Sum of Money so to be borrowed shall be applicable only to the Objects and Purposes by this Act authorized.

Sums raised under former Acts to have Priority.

XXIV. And be it enacted, That all Sums raised by Mortgage or Bond under the recited Acts shall have Priority over the Sums authorized to be raised by Mortgage or Bond under this Act.

Interpretation of Act.

XXV. And be it enacted, That in this Act whenever the Words "the Company" are used the same shall be held to mean the *Bristol and Exeter* Railway Company; Words importing the Plural Number shall include the Singular, and Words importing the Singular Number shall include the Plural; and Words importing the Masculine Gender shall include Females; and the Word "Lands" shall be held to include Lands, Tenements, Buildings, and Hereditaments of every Tenure and Description.

Interest not to be paid on Calls paid up.

XXVI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the

Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

XXVII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

XXVIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively, *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Branch Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Branch Railway and Company, so far as the same shall be applicable thereto.

Railways to be subject to Provisions of future general Acts.

XXIX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway or Branch Railway by this or the recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expenses of Act.

XXX. And be it enacted, That all the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act or otherwise incidental thereto shall be paid by the Company out of the Money received or to be received by them under the Authority of this and the said recited Acts.

Short Title.

XXXI. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe

describe it as "The *Bristol and Exeter* Railway (Branch from *Bleadon* to *Wells*, *Glastonbury*, and *Street*) Act, 1848."

Public Act. XXXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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