ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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Works of the *Bristol and Exeter* Railway Company, and it is expedient that the Company of Proprietors of the said Navigation and Canal should be authorized to sell such Navigation and Canal, and that the said Railway Company should be authorized to purchase the same; and it is also expedient that some of the Provisions of the said Act of the Eighth Year of the Reign of His Majesty King *George* the Fourth should be repealed, altered, amended, or enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it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 in citing or referring to this Act in other Acts of Parliament, and in legal Instruments or Proceedings, or for any other Purpose, it shall be sufficient to use the Expression "The *Bristol and Exeter* Railway (*Glastonbury* Navigation and Canal Purchase) Act, 1848."

Short Title.

Power for Canal Company to sell Canal, &c. to the Bristol and Exeter Railway Company.

II. And be it enacted, That it shall be lawful for the said Canal Company to sell, transfer, and dispose of to the said *Bristol and Exeter* Railway Company, and the said last-mentioned Company are hereby authorized and required, with the Consent of at least Three Fifths of the Proprietors thereof present at a Meeting specially held for the Purpose, and called by Advertisement inserted for Four consecutive Weeks in the Newspapers of the several Counties within which such Railway is made, and held at a Period not less than Seven Days after the last Insertion of such Advertisement, to purchase the said Navigation and Canal called "The *Glastonbury* Navigation and Canal," or such Portions thereof as have been constructed, and the Reservoirs, Aqueducts, Towing Paths, Houses, and other Buildings, Wharfs, Works, Lands, Powers, Authorities, Easements, and Privileges, belonging to or vested in the said Navigation and Canal Company, and all other Property whatsoever, whether Real, Personal, or Mixed, of the same Company; and such Sale or other Disposition may be made subject to all or any Liabilities and Incumbrances charged upon or affecting the same Navigation and Canal and Premises, and which shall not be agreed to be discharged or provided out of the Purchase Money and other Funds of the said Navigation and Canal Company, and generally upon such other Terms and Conditions in every Particular, and with and subject to such Provisions and Stipulations as shall be or may have been agreed upon between the said Companies.

Mode of Payment of Purchase Money.

III. And be it enacted, That on the Completion of the said Sale and Purchase the said Railway Company shall pay to the Committee of Directors for the Time being of the said Navigation and Canal Company, for the Purposes herein-after expressed, the Purchase Money payable as the Consideration wholly or in part for such Sale and Purchase, or so much thereof as shall not have been agreed to be paid, and shall accordingly be applied or retained for or towards the Discharge of or Indemnity against all or any Liabilities and Incumbrances as aforesaid.

IV. And

As to the Conveyance of Canal to Railway Company.

IV. And be it enacted, That upon the Completion of the Sale and Disposition hereby authorized to be made by the said Navigation and Canal Company to the said Railway Company the said Navigation and Canal Company shall, by Deed under their Common Seal, and duly stamped for denoting the Payment of the proper Stamp Duty by Law payable in respect of such Purchase and the Conveyance thereunder, convey to the said Railway Company the said Canal, Works, Buildings, Lands, Rights, Powers, Privileges, and other Property whatsoever which may be or have been contracted to be sold and purchased as aforesaid, subject nevertheless to such Liabilities and Incumbrances, if any, subject to which the same shall have been so purchased, and also subject to the Terms upon which the same shall be so sold, and expressly including any Indemnity to be given by the said Railway Company to the said Navigation and Canal Company in respect of all or any Part of such Liabilities and Incumbrances as aforesaid; and from and after the Completion of such Purchase the same Navigation and Canal and other Premises comprised therein shall be vested in and thenceforth form Part of the Undertaking of the said Railway Company, and it shall be lawful for the same Company to pay such Purchase Money and the Costs and Expenses incidental to such Purchase out of the Funds and Property of the said Railway Company.

Notice of Execution of Conveyance to be given.

V. And be it enacted, That Notice of the Execution of the said Conveyance shall, within Twenty-one Days after the Date thereof, be inserted in the *London Gazette* and in a Newspaper usually circulated in the City and County of *Bristol* and in the County of *Somerset*, and within the same Period a Copy of such Conveyance, under the Common Seal of the said Navigation and Canal Company, shall be deposited at the several Offices of the Clerks of the Peace for the same Counties, and such Clerks of the Peace respectively shall receive and retain the same, and shall permit the Inspection thereof and the making Copies thereof or Extracts therefrom, in the like Manner and subject to the like Terms and Penalties as in an Act passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament*, are expressed in relation to the Documents respectively referred to in the same Act.

7 W. 4. & 1 Vict. c. 83.

Power to make Arrangements for the Satisfaction of the Liabilities, &c. of the Canal Company.

VI. And be it enacted, That, if the Parties shall so agree, it shall be lawful for the said Navigation and Canal Company to permit the said Railway Company, or any Trustees or Trustee or other Persons or Person who may be agreed upon between the Parties, to retain or otherwise appropriate from and out of the Purchase Monies of the said Navigation and Canal and other Property hereby authorized to be sold any Sum for the Satisfaction or by way of Provision for the Satisfaction of or Indemnity against any Liabilities and Charges upon or affecting the same Canal and Property, or any Part thereof, and any other Debts and Liabilities of the said Navigation and Canal Company, and the Expenses incidental to such Arrangement, and for or in respect of the Investment and Application of any such Fund

and

and the Income thereof, and to enter into any other Arrangements between the Parties in relation to the Premises.

Canal Company to receive all Monies due to them at the Time of Conveyance.

VII. Provided always, and be it enacted, That all Monies which at the Time of the Execution of the said Conveyance shall be in the Hands of the Bankers or other Agents of the Navigation and Canal Company on behalf of the same Company, or shall otherwise be in their Possession, and all Debts, Rates, Tolls, Rents, and Duties which shall be due to the same Company, shall, subject to any subsisting or future Agreement in relation thereto between the said Companies, belong and be reserved to the said Canal Company.

Powers, &c. of the Canal Company extended to the Railway Company.

VIII. And be it enacted, That all the Powers, Rights, Privileges, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Rules, Matters, and Things in the said recited Act relating to the said Navigation and Canal, or any other Act or Acts of Parliament respectively contained, and not since repealed, shall, with reference to the said Navigation and Canal, and other Premises to be so vested in the said Railway Company, and the Tolls, Rates, Duties, and Charges upon or in respect thereof or otherwise arising therefrom, and to such Works, Matters, and Things as have been or might have been made, done, or claimed under the same Acts respectively, by the said Navigation and Canal Company, in relation to the Undertaking, if this Act had not been passed, or the said Conveyance been executed, and save only so far as the same or any of them are inconsistent with the Provisions and Purposes of this Act, or are hereby specifically repealed or altered, and subject to the Provisions herein contained, be from and after the Execution of such Conveyance respectively, exercised, enjoyed, performed, and observed by and to be applied and applicable to the said Railway Company, their Directors, Officers, Agents, and Servants in every respect, and as fully and effectually to all Intents as if the Name of or a Reference to or comprehending the same Railway Company had in every Case been inserted in the same Acts respectively, instead of the Name of or a Reference to or comprehending the said Navigation and Canal Company.

Conveyances, &c. made in favour of the Canal Company to enure for the Benefit of or against the Railway Company.

IX. And be it enacted, That all Contracts, Conveyances, and all Mortgages, if any, made or entered into before the Execution of the said Conveyance to, with, or in favour of or by or on behalf of the said Navigation and Canal Company shall, from and after the Execution thereof, be and remain as valid and effectual in favour of or against and with reference to the said Railway Company as if the same Railway Company had been originally authorized to make, enter into, or accept the same respectively, and had accordingly been a Party to and executed the same, or had been respectively named or referred to therein, instead of the Navigation and Canal Company, but without Prejudice to any Agreement or Arrangement between the said Companies in relation to the Payment or Satisfaction out of the said Purchase Money or otherwise by the said Navigation and Canal Company of all or any of the Liabilities of the said Navigation and Canal Company, or in relation to the Indemnity in respect thereof of the said Railway Company.

X. And

Until Execution of Conveyance Canal Company to exercise Rights under the existing Acts.

X. And be it enacted, That, subject to the Provisions in this Act contained, all Rights, Obligations, Powers, Provisions, Bye Laws, Rules, Matters, and Things of or affecting or incumbent upon the said Navigation and Canal Company, or which the same Company might but for the passing of this Act have exercised, used, enjoyed, and enforced respectively, or ought to have performed and observed, including the Obligation to maintain the said Canal and other Works of the same Company, shall, until the Execution of the said Conveyance, remain and be of the same Force, Validity, and Effect for all Purposes, and shall be exercised, enjoyed, enforced, and observed by or against the same Company, and their Officers, Agents, Servants, and all other Persons, in like Manner as the same might or ought to have been in case this Act had not been passed, but without Prejudice to the Right of either Company to require and enforce the Completion of the Purchase at the Time agreed upon in that Behalf or afterwards, or to any Remedy for any Breach of such Agreement.

Actions, &c. not to abate.

XI. And be it enacted, That no Action, Suit, or Proceeding whatsoever commenced either by or against the said Navigation and Canal Company previously to the Time when the said Navigation and Canal and Premises shall become vested in the said Railway Company in respect of the same Navigation and Canal and Premises or any Part thereof shall abate or be discontinued or prejudicially affected by virtue or in consequence of the Provisions of this Act, but on the contrary the same shall continue and take effect as well in favour of as against the said Railway Company in the same Manner in all respects as the same would have continued and taken effect in favour of or against the said Navigation and Canal Company if this Act had not been passed; and that all Penalties by reason of any Offence against the Provisions of the said Acts relating to the said Navigation and Canal Company, or either of them, previously to the Transfer of the said Navigation and Canal to the said Railway Company, may be sued for, and all Offences which may have been committed before such Transfer against the Provisions of the said last-mentioned Acts, or either of them, may be prosecuted in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed.

Receipts of the Canal Company, &c. to be good Discharges.

XII. And be it enacted, That the Receipt or respective Receipts of the said Navigation and Canal Company, under their Common Seal, or of any Three of the Committee of Directors of the same Company, for the Purchase Money at which the said Navigation and Canal and Premises to be sold to the said Railway Company shall be so sold, or any Part thereof, or for or in respect of any Fund to be retained, invested, or appropriated pursuant to the Provisions hereof, or any Part thereof, or any other Monies payable to or in trust for the same Company, shall be a good and sufficient Discharge or good and sufficient Discharges to the said Railway Company and every other Person interested in that Behalf in respect of such Monies or Funds as shall be mentioned in such Receipt or Receipts, and the said Railway Company or other Person or Persons paying or applying such Money or Funds accordingly, and taking such Receipt or Re-

ceipts, shall not be bound to see to the Application thereof, or be answerable for any Loss or Misapplication thereof.

As to the Distribution of the Funds of the Canal Company.

XIII. And be it enacted, That the Monies which may be payable by the said Railway Company to the said Navigation and Canal Company as the Consideration for the Purchase of the said Navigation and Canal and Premises to be conveyed to the said Railway Company, and all other, if any, the Funds and Property of the said Navigation and Canal Company, shall be from Time to Time applied, under the Control and Superintendence of the Committee of Directors of the said Navigation and Canal Company, in the first place in the Payment of the Costs and Expenses incidental to the Sale, Receipt, and Conversion of the Property of the same Company, or which shall be incurred by such Company, or the Committee of Directors thereof, in carrying into effect the Provisions of this Act, and then, according to the due Order of Administration of the Assets and Funds of the Company, in or towards Payment of the Debts and Liabilities of the Company ascertained to be due at the Special Meeting of the Company held in the Month of *October* One thousand eight hundred and forty-six, and of any other Debts and Liabilities of such Company, or any Composition thereupon, except any Debts or Liabilities subject to which the Sale to the said Railway Company hereby authorized shall have been made; and such Payments shall be made in the same Order and Course of Priority as between any different Classes of Creditors in which their respective Debts would have affected the Navigation and Canal and Works of the Company if this Act had not been passed, and, subject to such Payments, the Monies arising from the Property of the said Navigation and Canal Company shall be paid and distributed, under the like Control and Superintendence, amongst the Proprietors for the Time being of Shares in the same Navigation and Canal Company.

Power for Trustees, &c. to act and give Receipts.

XIV. And be it enacted, That it shall be lawful for all Executors, Administrators, and all Committees of the Estates of Idiots or Lunatics, in whose respective Names any Shares in the Capital of the said Navigation and Canal Company are or shall be standing, or to or in whom any of the Bond or other Debts and Liabilities of the same Company are or shall be payable as aforesaid, or who in such respective Capacities as aforesaid, any or either of them, are or shall be entitled to the Receipt of the Dividends, Interest, or other Profits of any such Shares, Debts, and Liabilities respectively upon or with reference to the Distribution or Division of the Property and Funds of the said Navigation and Canal Company, to give effectual and conclusive Receipts and Discharges for the Monies to arise from or otherwise represent the Produce of such of the Shares in the Capital of the said Navigation and Canal Company, or to be payable in or towards the Discharge or Satisfaction of, or by way of Composition in respect of, such of the said Debts and Liabilities of the said Navigation and Canal Company as respectively are or may be vested in them, or as to which respectively they are or may be interested in such respective Capacities, and so as to release the said Navigation and Canal Company, and the Committee of Directors thereof, from all Obligation in respect of the Amount and Application of the

Monies in respect whereof any such Receipt or Discharge shall be given, and the same Persons respectively acting in their said several Capacities shall have full Power to ascertain, adjust, and admit the Amount so payable in respect of any such Shares, Debts, and Liabilities respectively, and in their Discretion to accept any Composition upon, or to waive or modify any Right or Claim in respect of any such Debts and Liabilities, and to enter into and to carry into effect the aforesaid or any other Arrangement concerning the said Shares, or the Produce thereof, and the said Debts and Liabilities, or concerning the Adjustment and winding up of the Affairs of the said Navigation and Canal Company, which they shall deem reasonable, and it shall also be lawful for them respectively to ascertain and adjust the relative Proportions in which the whole Amount of any such Debts and Liabilities shall be made up of Principal and Interest Monies, to apportion accordingly any Sum to be received in respect thereof, and generally to act, in relation to the said Shares, Debts, and Liabilities respectively, for all the Purposes of this Act as if the Persons respectively acting in the several Capacities aforesaid were absolutely and beneficially entitled to the same Shares, Debts, and Liabilities respectively.

Monies and Shares to be held for the same Trust as original Shares, &c. in Canal.

XV. And be it enacted, That the Monies to which any Proprietor of the said Navigation and Canal shall become entitled under this Act in respect of any Share in the said Navigation and Canal, and the Monies to arise from or be received in respect of any Debt or Liability of the said Navigation and Canal Company, shall respectively be held for the same respective Interests, and upon and for the same Trusts and Purposes, and shall respectively be subject to the same Powers and Provisions, and be charged and chargeable in the same Manner, for, upon, and subject to which respectively the Share in the Navigation and Canal or the Debt or Liability of the said Navigation and Canal Company in respect of which such Monies may have been paid shall at or immediately before the Time of such Payment respectively have been held.

Provisions as to Shares, &c. belonging to unknown or incapacitated Persons.

XVI. And be it enacted, That as concerning any Shares in the Capital of the said Navigation and Canal Company, or any of the Debts or Liabilities of the same Company, the Owner or Owners or the Person or Persons entitled to which shall not be known or cannot be found, or in respect of which no Claim shall be made and supported by Evidence satisfactory to the said Committee of Directors within Twelve Calendar Months next after the Completion of the Sale hereby authorized to the said Railway Company, or in respect of which there shall be no Person competent to receive and give an effectual Discharge for the Monies payable in respect thereof on the Distribution of the Funds of the said Navigation and Canal Company, it shall be lawful for the same Company to deposit, invest, and pay such Proportion or distinct Proportions of the Monies to arise from the Property of the same Company as shall correspond with or represent or be payable in respect of the same Shares and Debts respectively, in the Manner and subject to the Conditions contained in the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to

Parties

Parties having limited Interests or prevented from treating or not making Title, and the Monies so to be deposited, invested, and paid shall be applied in pursuance of the same Clauses, but at the Expense in all Things of the Person or Persons who shall be or shall claim to be entitled thereto, and not at the Expense in any Particular of the said Navigation and Canal Company.

Investment of such Monies.

XVII. Provided always, and be it enacted, That any Investment of such Monies, or the annual Income thereof, or of any preceding Investment thereof, may be made upon the Petition of the said Navigation and Canal Company, or of any Two of the Committee of Directors of the same Company, and at the Expense of the Trust Fund, and in any Case in which any such Monies may be lawfully paid by them to Two Trustees, such Trustees shall or may be appointed by the Navigation and Canal Company, or by or pursuant to a Resolution of the Committee of Directors thereof, and sanctioned by Two Justices, with such Provisions for the Appointment of new Trustees from Time to Time upon the Death, Retirement, Incapacity, or Unfitness to act of any Trustees or Trustee thereof for the Time being as may be thought expedient, and every such Deposit, Investment, or Payment shall conclusively discharge the said Navigation and Canal Company and the Committee of Directors thereof from all further Liability in respect of the Application of the Monies so deposited, invested, or paid, and be as effectual in their Favour as if the same Monies had been duly paid to a Person absolutely entitled thereto,

Money, until wanted for Distribution, may be invested in Exchequer Bills or Government Securities.

XVIII. And be it enacted, That in the meantime and until the said Purchase and other Monies to arise by the Sale and Disposition of the said Navigation and Canal and other Property of the said Navigation and Canal Company, or the Surplus thereof (as the Case may be), shall be applied or distributed in pursuance of the Provisions of this Act, the same, or so much thereof as the said Committee of Directors in their Discretion may think expedient, may be invested by them, and in the Name of any Three or more of them, in the Purchase of Exchequer Bills, or of any of the Stocks, Funds, or Government Securities of *Great Britain*, with Power to vary such Investments from Time to Time and to convert the same into Money in their Discretion, and such Monies and Investments, and the Interest and Dividends thereof, shall be subject to the Provisions of this Act in regard to the Money to arise from the Sale of the said Navigation and Canal.

Committee of Directors of the Canal Company to continue.

XIX. And be it enacted, That the Persons who shall so appear to be the Committee of Directors of the said Navigation and Canal Company, and their respective Successors, if any, to be appointed as herein-after mentioned, shall, after the Execution of the said Conveyance, be and continue the Committee of Directors of the said Navigation and Canal Company for the Purposes of this Act, and of carrying the same into effect, and shall for such Purposes have and be entitled to use and exercise the same or the like Powers of meeting and from Time to Time adjourning, and all such other Powers and Authorities necessary or expedient for the Purposes of this Act as

as the Committee of Directors for the Time being of the said Navigation and Canal Company would have been entitled to use or exercise under or by virtue of the said Act relating to the said Navigation and Canal Company in case this Act had not been passed and the said Conveyance had not been executed, but no particular Qualification shall, after the Execution of the said Conveyance, be necessary to enable any Person to act or be elected as a Member of such Committee of Directors.

Indemnity to the Committee.

XX. And be it enacted, That the respective Members for the Time being of the said Committee of Directors, any or either of them, shall not be charged with any other Monies than they respectively shall actually receive by virtue of this Act, and that no one or more of them shall be answerable or accountable for the other or others of them, or his or their Acts or Defaults; and that they respectively shall not be answerable for any accidental or involuntary Loss, or for any Loss, Damage, or increased Expense consequent upon any Exercise of the discretionary Powers hereby given to the said Committee.

Powers of Canal Company to continue until the Debts due to them are received.

XXI. And be it enacted, That after the Sale and Conveyance of the Navigation and Canal and other Hereditaments of the said Navigation and Canal Company, and until all the Debts and Monies due or thereafter to become due to the said Company shall have been received and recovered by the Committee of Directors for the Time being thereof, or shall have been released, extinguished, or finally abandoned by the same Committee, (as they are hereby empowered in their Discretion to do,) the said Navigation and Canal Company shall continue with the like Powers to use a Common Seal and to sue and be sued as they now have, and the said Committee of Directors for the Time being shall, after the Execution of the said Conveyance to the said Railway Company, have full Power to use such Common Seal, and to do and perform all other Acts and Things necessary or expedient to be done and performed for recovering and compelling Payment of the said several Monies respectively, and for otherwise carrying into effect the Purposes of this Act, so far as the same shall remain to be performed by the said Navigation and Canal Company.

After Sale, &c. of Navigation and Canal, Company to be dissolved.

XXII. And be it enacted, That after the Sale and Conveyance of the said Navigation and Canal and other Hereditaments of the said Navigation and Canal Company, and after all the Monies due and to become due to the same Company shall have been recovered and received by the said Committee of Directors for the Time being, or shall have been released, extinguished, or finally abandoned as aforesaid, and the several Acts, Deeds, Matters, and Things by this Act required to be done and performed by or under the Superintendence of the said Committee of Directors for the Time being shall have been respectively done and performed, the said Navigation and Canal Company shall be dissolved.

For regulating Tolls upon the Canal.

XXIII. Provided always, and be it enacted, That if at any Time Complaint shall be made to the Commissioners of Railways that the Amount

Amount of the Rates or Tolls received or claimable by the said Railway Company by virtue of this Act or of the said recited Navigation and Canal Act, for or in respect of the said Navigation and Canal, or any Part thereof, or of the several Vessels, or Articles, Matters, or Things, which shall be navigated, carried, or conveyed in, upon, or along the same or any Part thereof, is such as, with reference to the Rates or Tolls taken and Carriage charged upon the said Railway, to operate prejudicially to the Persons using the said Navigation and Canal, it shall be lawful for the said Commissioners from Time to Time when and as such Complaints shall be made to examine and inquire, or to appoint some competent Person to examine and inquire, into such Complaints and the Grounds thereof, and after such Examination had to make Regulations from Time to Time as the said Commissioners shall think fit, with respect to the Amount of all or any of the Rates or Tolls which shall be received or claimable by the said Railway Company for or in respect of the said Navigation and Canal, or any Part thereof, or of all or any of the Vessels, or Articles, Matters, or Things, which shall be navigated or carried or conveyed thereon, and by such Regulations to impose such Conditions and Restrictions with regard to the Amount of all or any of such Tolls or Rates as the said Commissioners shall think fit, having regard to the Tolls levied on the said Railway, and to the Difference of Tolls which it shall be lawful to levy on the said Navigation and Canal; and every such Regulation, on being published in the *London Gazette*, shall be binding upon the said Railway Company, and such Tolls or Rates as may be affixed thereby shall be recoverable by them until such Regulation shall be revoked or altered by the said Commissioners.

Tolls to be charged equally to all Persons.

XXIV. And be it enacted, That the Tolls upon the said Canal and all other Charges thereon made by the Railway Company shall be at all Times charged equally to all Persons and after the same Rate, whether *per* Mile or *per* Ton *per* Mile, or otherwise, in respect of all Goods, Wares, Merchandize, Articles, and Things of a like Description passing along the same Portion of such Navigation and Canal under the like Circumstances, and no Reduction or Advance in any of such Charges shall be made either directly or indirectly in favour of or against any particular Company or Person passing along or using or sending Goods, Wares, Merchandize, Articles, or Things along the same Portion of such Navigation and Canal under the like Circumstances.

Saving Rights of Commissioners of Sewers for Somerset.

XXV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Commissioners of Sewers for the County of *Somerset* given or reserved to them by virtue of the general Law relating to Sewers, or of a certain Act of Parliament passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for draining, preserving from Water, and improving certain low Lands and Grounds lying within the several Parishes or Chapelries of* North Wootton, Pilton, West Pennard, Baltonsborough, Barton Saint David, Butleigh, Street, Glaston Saint John, Glaston Saint

Benedict, Walton, Ashcot, Shapwick, Moorlinch, Catcott, Chilton, Edington, Cossington, Woolavington, Huntspill, East Brent, South Brent, Mark, Wedmore, Meare, Burnham, Badgworth, Biddisham, Chapel Allerton, Were, Puritan, Pawlet, Wookey, *and the Out-Parish of* Saint Cuthbert in Wells, *all in the County of* Somerset, or of the said recited Act of the Eighth Year of the Reign of His Majesty King *George* the Fourth, but all such Rights, Privileges, Powers, and Authorities of the said Commissioners shall remain, continue, and be in full Force and Effect.

Certain Provisions as to Limitation of Actions repealed.

XXVI. And whereas in and by the said Act of the Eighth Year of the Reign of His Majesty King *George* the Fourth it is enacted, that no Action, Suit, or Information shall be commenced against any Person or Persons for any thing done in pursuance of that Act, or in execution of the Powers and Authorities or the Orders and Directions thereby given or granted, after Six Calendar Months next after the Fact should have been committed, or in case there should be a Continuance of Damages after Six Calendar Months next after the doing or committing of such Damages shall have ceased, and every such Action, Suit, or Information should be laid or brought and tried in the County where the Cause of Action should have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit should or might plead the General Issue, and give that Act and the special Matter in evidence in any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of that Act, and if it should appear to have been so done, or if any Action, Suit, or Information should be brought before Thirty Days Notice should have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time so limited for bringing the same, or should be brought in any other County than as aforesaid, then and in every such Case the Jury should find for the Defendant or Defendants; and in such Case, or if the Plaintiff or Plaintiffs should become Nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, Suits, or Informations, after the Defendant or Defendants should have appeared thereto, or if any Verdict should pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff or Plaintiffs, the Defendant or Defendants should have Treble Costs, and should have such Remedy for the Recovery of the same as Defendant or Defendants had for Costs of Suit in other Cases by Law: And whereas it is expedient that such Provision should be repealed, be it enacted, That the said Provision shall be and the same is hereby repealed.

Penalty on Company for giving undue Preference.

XXVII. And be it enacted, That the Company, its Agents and Servants, shall not give any undue Preference to any Persons, Vessels, or Goods whatsoever, as against any other Persons, other similar Vessels, or other similar Goods whatsoever, as respects the Use of the said Navigation and Canal, or the Conveniences thereunto belonging; and in case the Commissioners of Railways shall, upon Complaint made to them, and after Ten Days Notice of such Complaint given by them to the Company of any alleged undue Preference made by the Company (such Notice specifying the undue Preference complained of), be of opinion that such alleged undue

Preference

Preference is really an undue Preference within the Meaning of this Act, and shall signify such Opinion in Writing to the Company, then, in case the Company, its Agents or Servants, shall, after Five Days from the Declaration of such Opinion by the said Commissioners, cause or permit any such undue Preference again to occur, the Company shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, to be recovered and applied in manner directed by the Companies Clauses Consolidation Act, 1845.

Canal to be kept open and in good repair by Railway Company.

XXVIII. And be it enacted, That the said Railway Company shall and they are hereby required and directed from Time to Time and at all Times from and after the passing of this Act to keep open and maintain the said Navigation and Canal, and every Part thereof, and all the Works and Wharfs thereto belonging, in as good Order and Condition as but for the passing of this Act the said Navigation and Canal Company would have been bound to do.

Commissioners of Railways may require Inconveniences and Evils to be remedied.

XXIX. And be it enacted, That if at any Time after the passing of this Act it shall appear to the Commissioners of Railways to be necessary for the Interests of the Public, it shall be lawful for the said Commissioners to require the said Railway Company to proceed forthwith to the Correction or Prevention of any Inconveniences or Evils by the Commissioners specified, and upon the Failure or Inability of the said Company to comply with the Requisitions of the said Commissioners within the Period of Six Months from the Date of such Requisition in the Particulars aforesaid, it shall be lawful for the said Commissioners to serve the said Railway Company with Notice to introduce into Parliament in the then existing Session, if Parliament should then be sitting, and if not in the then next ensuing Session, a Bill or Bills for amending this Act in such Particulars as aforesaid; and thereupon the said Railway Company shall, and they are hereby required to introduce such Bill or Bills, and duly to prosecute the same, in default whereof it shall be lawful for the said Commissioners to introduce or prosecute (as the Case may be) such Bill or Bills at the Expense of the said Railway Company.

Bye Laws, &c. relating to Canal Company to remain in force for Six Months.

XXX. And be it enacted, That all Rules, Bye Laws, Regulations, and Orders made under the Authority and according to the Directions of the said recited Act relating to the said Navigation and Canal, and which were in force immediately before the passing of this Act, shall continue to be in full Force and Effect with reference to the same Navigation and Canal, until the Expiration of Six Months from the passing of this Act, unless the same shall be sooner repealed, varied, or altered by the said Railway Company; and the said Rules, Bye Laws, Regulations, and Orders, and all Penalties and Forfeitures imposed by the said Bye Laws, shall be enforced, recovered, and applied by or in the Name of the said Railway Company in the same Manner, in all respects, as such Rules, Bye Laws, Orders, and Regulations might have been enforced, and such Penalties and Forfeitures might have been recovered and applied, in case the said Rules, Bye Laws, Regulations, and Orders, and the said Penalties and Forfeitures had been actually made and imposed by the said Railway Company under the Powers of this Act.

XXXI. And

Railway Company may make Bye Laws, &c. with respect to the Canal.

XXXI. And be it enacted, That it shall be lawful for the said Railway Company from Time to Time to make such Rules, Bye Laws, Regulations, and Orders relating to the said Navigation and Canal as they shall think fit, subject to the Provisions and Directions of the said recited Act relating to the said Navigation and Canal; and all such Rules, Bye Laws, Regulations, and Orders shall be subject to the same Provisions as are contained in an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for regulating Railways.*

Railways 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., 9 & 10 Vict. cc. 57. 105., and 11 & 12 Vict. c. 3.

XXXII. 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;* and another Act was passed in the present Session of Parliament, intituled *An Act to give further Time for making certain Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said *Bristol and Exeter* Railway Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway so far as the same shall be applicable thereto.

This Act to be subject to Provisions of any future general Act.

XXXIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Navigation and Canal from the Provisions of any general Act relating to this Act, or of any general Act relating to Canals, or relating to Canals amalgamated with Railways, or of any Act relating to the said Railway now in force, or which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Tolls, Rates, and Duties authorized to be taken by this Act.

Railway to be subject to Provisions of any future general Act.

XXXIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the *Bristol and Exeter* Railway Company 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 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 authorized by the said recited Acts or this Act.

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

XXXV. And be it enacted, That it shall not be lawful for the said Railway 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.

Interpretation of Act.

XXXVI. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include Corporation:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Railway," or "the said Railway," shall mean the *Bristol and Exeter* Railway, and Works connected therewith:

The Expression "the Railway Company," and "the said Railway Company," shall mean the *Bristol and Exeter* Railway Company, and their Successors and Assigns:

The Expression "the Navigation and Canal Company," and "the said Navigation and Canal Company," shall mean the Company of Proprietors of the *Glastonbury* Navigation and Canal:

The Word "Secretary" shall mean the Secretary for the Time being of the said Railway Company, and shall include the Word "Clerk."

Expenses of Act.

XXXVII. And be it enacted, That all the Costs, Charges, and Expenses connected with the passing of this Act, or of carrying the same into effect, shall be paid by the said Railway Company, or the Directors thereof, out of the first Monies that shall come to their Hands after the passing thereof, and of the incurring of such Costs, Charges, and Expenses, as the Case may be.

Public Act.

XXXVIII. 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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