ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. ix.

An Act to extend the Powers of the Act relating to the *Yeovil* Branch of the *Bristol and Exeter* Railway, and to authorize a Deviation in the Line of such Branch Railway. [28th *May* 1852.]

WHEREAS the *Bristol and Exeter* Railway Company were incorporated by an Act 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* Bridgwater *in the County of* Somerset *and* Tiverton *in the County of* Devon, and by virtue of such Act, and of divers other Acts of Parliament, have constructed the *Bristol and Exeter* Railway, and various Branches connected therewith: And whereas by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to the* Bristol and Exeter *Railway, and to authorize the Formation of a Junction Railway and several Branch Railways connected with the same*, the said Company were authorized to construct, amongst other Branch Railways and Works, a Branch Railway from and out of the *Bristol and Exeter* Railway in the Parish of *North Petherton*, and terminating in the Parish of *Yeovil* in the County of *Somerset*, and herein-after referred to as the *Yeovil* Branch Railway: And whereas

6 & 7 W. 4. c. 36.

8 & 9 Vict. c. 155.

the *Bristol and Exeter* Railway Company have constructed a Portion of the said *Yeovil* Branch Railway: And whereas the Time for the Completion of the said *Yeovil* Branch Railway limited by the said Act of the Ninth Year of the Reign of Her present Majesty, and enlarged by a Warrant of the Commissioners of Railways, will expire on the Thirty-first Day of *July* One thousand eight hundred and fifty-two, and the Time within which the Powers for the compulsory Purchase of Lands and Houses for the Purpose of making the said *Yeovil* Branch Railway may be exercised has already expired, and it is expedient that such compulsory Powers of Purchase should be revived in respect of the Lands upon a Portion of the Line, and herein-after referred to, and that the Period limited for constructing the Works should be extended, except so far as respects any Lands or Works in the County of *Dorset*: And whereas it is expedient that Power should be given to the *Bristol and Exeter* Railway Company to make a Deviation in the Line of the said *Yeovil* Branch Railway, commencing at or near a Field distinguished on the Plans herein-after referred to as deposited in the Year One thousand eight hundred and forty-four by the Number 59, in the Parish of *Stoke Saint Gregory*, and terminating by a Junction with the Main Line of the *Bristol and Exeter* Railway in the Parish of *Lyng*: And whereas no Works whatever have been commenced upon that Portion of the *Yeovil* Branch Railway in lieu of which such Deviation is intended to be made: And whereas it is also expedient that some of the Provisions of the recited Acts should be amended and enlarged, and that the *Bristol and Exeter* Railway Company should be enabled to complete the said *Yeovil* Branch Railway; 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, as follows; (that is to say,)

Bristol and Exeter Railway Acts not to be altered, except, &c.

I. That, except as by this Act expressly enacted, nothing in this Act contained shall be deemed to alter, amend, or vary the Provisions of the several Acts relating to the *Bristol and Exeter* Railway.

Extending Time for the Purchase of Lands.

II. That the Powers of the said recited Act of the Ninth Year of the Reign of Her present Majesty, for the compulsory Purchase or taking or using of Lands for the Purpose of making so much of the Line of the said *Yeovil* Branch Railway and Works as, according to the Plans and Sections of the said Branch, and Books of Reference thereto, deposited with the Clerk of the Peace for the County of *Somerset* in the Year One thousand eight hundred and forty-four, are situate on that Part of the authorized Line between the Turnpike Road leading from *South Petherton* to *Ilchester* (and which Turnpike Road

Road is in the Parish of *Martock* in the County of *Somerset*, and is numbered 89 on the said deposited Plans of the said Branch Railway,) and the Commencement of the intended Deviation herein-after mentioned in the Parish of *Stoke Saint Gregory* in the said County of *Somerset*, at or near a Field numbered 59 on the deposited Plans of the said Branch Railway in such Parish, shall be and the same are hereby revived, and such Powers shall continue in force until the Thirty-first Day of *January* One thousand eight hundred and fifty-four, and after such Day the Powers by the said Act of the Ninth Year of the Reign of Her present Majesty and this Act granted for the compulsory Purchase of Lands for the Purpose of making the said *Yeovil* Branch Railway shall cease to be exercised.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

III. That the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said recited Acts or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands which shall be taken or used for the Purpose of making the said *Yeovil* Branch Railway or Works by the said recited Act of the Ninth Year of the Reign of Her present Majesty authorized, and in respect of which Lands the Powers of compulsory Purchase are by this Act revived, or which may be injuriously affected by the Construction of such *Yeovil* Branch Railway or Works, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage, if any, sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time hereby authorized.

Existing Contracts and Notices to take Lands not to be affected.

IV. That nothing herein contained shall in anywise prejudice or affect any Contracts entered into or Notices given by the said Company before the passing of this Act, for purchasing, taking, or using any Lands, which, under the said Act of the Ninth Year of the Reign of Her present Majesty, such Company is entitled to purchase, take, or use, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

Period for Completion of Works extended.

V. That the Time limited by the said recited Act of the Ninth Year of the Reign of Her present Majesty for the Completion of the said *Yeovil* Branch Railway and Works connected therewith shall (except as respects any Works which might under the Powers of such Act have been made in the County of *Dorset*) be extended until the Thirty-first Day of *January* One thousand eight hundred and fifty-five, and on the Expiration of such extended Period the

Power

Power of the said recited Act and this Act granted to the Company for making the *Yeovil* Branch Railway shall cease to be exercised, except as to so much of such Branch as shall then be completed, and except as to the Deviation or new Line of Railway hereby authorized to be made.

Recited Act to be construed as if the extended Periods given by this Act had been originally granted.

VI. That the Powers of the recited Act of the Ninth Year of the Reign of Her present Majesty, for the compulsory Purchase of Lands, and for the making and Completion of Works, which are by the Provisions of this Act extended for a further Period of Time, may be exercised by the Company in the same Manner as if such further Periods respectively had been originally granted in the said recited Act with reference to such compulsory Purchase of Land or Completion of Works, as the Case may be.

Power to construct Works according to deposited Plans.

VII. And whereas Plans and Sections of the proposed Deviation or substituted Line of Railway by this Act authorized, showing the Lines and Levels thereof, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land through which such intended Deviation or substituted Line of Railway is intended to pass, have been deposited with the Clerk of the Peace for the County of *Somerset*: Be it enacted, That it shall be lawful for the said Company to make and maintain the Deviation or substituted Line of Railway herein-after particularly described, with all proper Works, Stations, Approaches, and Conveniences connected therewith, in the Line 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 Lands as shall be necessary for such Purposes.

Describing new Line of Railway.

VIII. That the said new or substituted Line of Railway shall commence at or near a Field numbered 59 in the Parish of *Stoke Saint Gregory* aforesaid upon the said Plans deposited in the Year One thousand eight hundred and forty-four, and pass from, in, through, and into the several Parishes of *Stoke Saint Gregory*, *North Petherton*, *Durston*, and *Lyng*, or some of them, in the County of *Somerset*, and terminating by a Junction with the Main Line of the *Bristol and Exeter* Railway in the said Parish of *Lyng*.

Describing Works to be abandoned.

IX. That the said Company shall abandon such Portion of their *Yeovil* Branch Railway as now authorized as lies between the Commencement of the said intended Deviation at or near the said Field numbered 59 in the Parish of *Stoke Saint Gregory* aforesaid and the present authorized Junctions with the *Bristol and Exeter* Railway in the said Parish of *North Petherton*, and which Part of the Line so intended

intended to be relinquished is authorized to be made from, in, through, or into the Parishes of *Stoke Saint Gregory*, *Lyng*, and *North Petherton*, and all the Powers, Authorities, and Privileges by the said recited Act of the Ninth Year of the Reign of Her present Majesty granted to the Company for the Construction, Maintenance, or Use of the said Portion of the *Yeovil* Branch Railway so required to be abandoned shall from and after the passing of this Act cease and determine.

Compensation to be made where Contracts have been entered into or Notices given.

X. That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portion of Railway so to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Portion of the said *Yeovil* Branch Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the said Lands Clauses Consolidation Act contained.

Power to cross certain Road on Level.

XI. That it shall be lawful for the Company to construct the new or substituted Line of Branch Railway hereby authorized across and upon the Level of the public Road numbered on the deposited Plans 48 in the Parish of *Stoke Saint Gregory*.

Company to erect a Station or Lodge where Road crossed on the Level.

XII. 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 before-mentioned Road shall be crossed on a Level; 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 Board of Trade; and if the 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.

Board of Trade may require Bridge to be erected, instead of level Crossing.

XIII. That it shall be lawful for the Board of Trade, if it shall appear to such Board necessary for the Public Safety, at any Time, either before or after the said new or substituted Line of Branch Railway hereby authorized to be made shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry the herein-before mentioned Road either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such Works as under the Circumstances of the Case shall appear to the said Board the best adapted for removing or diminishing the Danger arising from such level Crossing.

Provisions of 8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

XIV. 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 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 expressly varied or altered, be incorporated with and form Part of this Act.

Period within which Lands are to be purchased.

XV. That the Powers of the Company for the compulsory Purchase of Lands for the Purpose of constructing the Deviation or substituted Line of Railway authorized by this Act shall not be exercised after the Thirty-first Day of *January* One thousand eight hundred and fifty-four.

Period for Completion of the Works.

XVI. That the Deviation or substituted Line of Railway, and Works connected therewith, hereby authorized, shall be completed by the Thirty-first Day of *January* One thousand eight hundred and fifty-five, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls on Deviation Railway.

XVII. That the Company may from Time to Time demand and receive, for or in respect of the new or substituted Line of Railway as authorized

authorized by this Act, the same Tolls and Charges as are by the said recited Act of the Ninth Year of the Reign of Her present Majesty authorized to be demanded and received for or in respect of the *Yeovil* Branch Railway.

Application of existing Capital.

XVIII. That the Company may apply to the Purposes by this Act authorized so much of the Monies raised and authorized to be raised under the Powers of the several Acts relating to the Company, or any of them, as now remains unappropriated, or is not specially applicable to other Purposes.

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

XIX. That it shall not be lawful for the Company, out of any Money by the said recited Acts authorized to be raised for the Purposes of such 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, &c. 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. c. 57.; and 14 & 15 Vict. c. 64.

XX. 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 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 another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their said Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Company and Railways so far as the same shall be applicable thereto.

Nothing to exempt Railways from Provisions of future General Acts.

XXI. That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made, or the said Company, from the Provisions of any General Act

Act relating to such Acts, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Short Title.

XXII. That in citing this Act in other Acts of Parliament, and in all legal Instruments and in other Documents, it shall be sufficient to describe it as "The *Bristol and Exeter* Railway (*Yeovil* Branch) Act), 1852."

Expenses of Act.

XXIII. That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

Interpretation of Terms.

XXIV. That the Term "the Company" or "the said Company" in this Act shall mean the *Bristol and Exeter* Railway Company; and the Expression "*Yeovil* Branch Railway" shall mean the Railway from the *Bristol and Exeter* Railway to the Parish of *Yeovil* by the recited Act of the Ninth Year of the Reign of Her present Majesty and by this Act authorized to be made.

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