ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. clxxv.

An Act to enable the *Chard* Canal and Railway Company to extend their Railway from *Ilminster* to *Chard*, all in the County of *Somerset*.

[9th *July* 1847.]

WHEREAS an Act was passed in the Fourth Year of the Reign of King *William* the Fourth, intituled *An Act for making a navigable Canal from the* Bridgewater and Taunton *Canal in the Parish of* Creech Saint Michael *in the County of* Somerset, *and terminating in the Parish of* Chard *in the same County, with a collateral Cut therein described*, and thereby a Company was incorporated under the Name of "The Company of Proprietors of the *Chard* Canal Navigation:" And whereas an Act was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act to enable the* Chard *Canal Company to raise further Monies, and to amend the Act relating to the same Canal:* And whereas an Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to the* Chard *Canal:* And whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to enable the* Chard *Canal Company to convert into a Railway the Portion of the* Chard *Canal from* Creech Saint Michael *to* Ilminster, *all in the County of* Somerset, and thereby

4 & 5 W. 4. c. 53.

3 & 4 Vict. c. 1.

4 & 5 Vict. c. 10.

9 & 10 Vict. c. 215.

thereby the Name of the said Company was changed to that of "The *Chard* Canal and Railway Company:" And whereas it is expedient that the *Chard* Canal and Railway Company should be empowered to extend their Railway from *Ilminster* in the said County of *Somerset* to *Chard* in the same County: And whereas it is expedient that the *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company should be enabled to purchase or take certain of the Twenty-five Pounds Shares by the said recited Acts and this Act authorized to be sold or disposed of, and that such Company should be enabled to purchase or lease, and the said *Chard* Canal and Railway Company to sell or let, the Undertaking by such Acts authorized, and that the said Two Companies should be authorized to amalgamate themselves together: And whereas it is expedient that the Powers and Provisions of the said recited Acts should be enlarged and amended; but the several Objects 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 all and every the Powers, Clauses, Provisions, Matters, and Things contained, either expressly or by Reference, in the said recited Acts or any of them, so far as the same have not heretofore been or are not by this Act repealed, altered, or otherwise provided for, and so far as the same are applicable, shall extend to this Act, and to the several Works hereby authorized to be constructed, and the Objects and Purposes of this Act, as fully and effectually in all respects as if the same Powers, Clauses, Provisions, Matters, and Things were repeated and re-enacted in this Act with reference to such Works, Objects, and Purposes.

Powers of recited Acts extended to this Act.

Title of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Chard* Railway Act, 1847."

Alteration of Name of Company.

III. And be it enacted, That the said Company shall from and after the passing of this Act be styled "The *Chard* Railway Company," and under that Name shall remain a Body Corporate, with perpetual Succession and a Common Seal, and sue and be sued, and shall have, keep, and retain all the Lands, Hereditaments, Property, Estates, Effects, Powers, Privileges, and Rights vested in, conferred upon, or acquired by them under the said recited Acts or any of them, and shall have Power to purchase and hold Lands, and to do all Things necessary for the Purposes of this and of the said recited Acts, within the Restrictions herein and in the said recited Acts contained.

Power to raise further Capital by Creation of Shares.

IV. And whereas the estimated Expence of making the said Extension Railway is Eighty thousand Pounds: And whereas the Company owe Principal Sums borrowed by them at various Times on Simple Contract, amounting together to the Sum of Forty-eight thousand six hundred and twenty-three Pounds Five Shillings and Eleven-pence, and they also owe for Interest thereon respectively from the Thirtieth Day of *June* One thousand eight hundred and

forty-six, and for Interest on Mortgage Debts, and for Principal Money of Debts contracted for the Purposes of the said recited Acts, and not bearing Interest, Monies amounting together to the Sum of Twenty-five thousand Pounds or thereabouts, and in order to pay the Sums so owing, and for other Purposes of the said recited Acts, a Sum of One hundred thousand Pounds or thereabouts will be required, besides the Sums by the said recited Acts authorized to be raised, and the said Sum of Eighty thousand Pounds; be it enacted, That it shall be lawful for the said Company, under the Resolution of any General Meeting or Meetings, ordinary or special, of the said Company, forthwith, or at any Time or Times hereafter, to raise, in addition to the Sums by the said recited Acts or any of them authorized to be raised, a further Capital of One hundred and eighty thousand Pounds, by creating Shares of Twenty-five Pounds each, and that the Provisions contained in the said lastly recited Act, and not hereby varied, as to the Sale or Disposition of the Twenty-five Pounds Shares therein mentioned, and as to such Shares in other respects, shall be deemed to apply to the Twenty-five Pounds Shares by this Act authorized to be created.

Repeal of Provision in last-recited Act as to Preference on *25l.* Shares.

V. And whereas by the said lastly recited Act it was enacted, that, notwithstanding the Provisions contained in the said first-recited Act, that all the Shareholders should be entitled to an equal proportionable Part of the net Profits of the said Undertaking, and notwithstanding the Provision contained in the said secondly recited Act as to a Preference being given to the Holders of the new Shares thereby authorized to be created, it should be lawful for the said Company, with the Consent of Three Fourths in Value of the Proprietors therein, at a Special General Meeting to be called in relation to the Issue or Sale of Twenty-five Pounds Shares, to declare absolutely and irrevocably that the Holders of Twenty-five Pounds Shares should so far have a Preference as that on every such Share there should be paid out of the net Profits of the whole and entire Undertaking, so far as the same would extend, such a Sum *per Annum* as to such Meeting should seem expedient, before any Payment should be made out of such Profits in respect of the Fifty Pounds Shares, or that the Holders of Twenty-five Pounds Shares should have such other Priority or Privileges as such Meeting should determine; provided nevertheless, that as between the Holders of the original Fifty Pounds Shares and the Holders of the Fifty Pounds Shares authorized to be created by the said secondly recited Act, the Proportion of Profits belonging to them should be subject to the Provisions of the said secondly recited Act as to giving a Preference to the Holders of Fifty Pounds Shares authorized to be thereby created: And whereas no Twenty-five Pounds Shares have yet been issued or taken: And whereas it is expedient that the said recited Enactment should be repealed, and that other Provisions should be substituted in lieu thereof; be it enacted, That the said recited Enactment be and the same is hereby repealed.

General Meeting may give a Preference on *25l.* Shares.

VI. And be it enacted, That it shall be lawful for the said Company, with the Consent of Three Fourths in Value of the Proprietors therein at a Special General Meeting to be called at any Time

Time or from Time to Time in relation to the Issue or Sale of Twenty-five Pounds Shares, to declare that the Holders or One or more Class or Classes of Holders of Twenty-five Pounds Shares shall so far have a Preference as that on every such Share of such Holders or Class or Classes there shall be paid out of the net Profits of the whole and entire Undertaking, so far as the same will extend, such a Sum *per Annum* as to such Meeting shall seem expedient, before any Payment shall be made out of such Profits in respect of the Fifty Pounds Shares, or any others of the Twenty-five Pounds Shares, or that the Holders or One or more Class or Classes of the Holders of Twenty-five Pounds Shares shall have such other Priority or Privileges as such Meeting shall determine; and it shall be lawful for the Company, at any Time or from Time to Time, with the like Consent and in the like Manner, before all the Shares shall be purchased or taken, to increase, decrease, vary, or alter the Amount or Rate of Preference or the other Priority or Privileges in respect of the Shares not purchased or taken, but so that the same be not in violation of any express Condition on which Shares shall have been previously purchased or taken, unless with the Consent of each Holder of such Shares; provided nevertheless, that as between the Holders of the original Fifty Pounds Shares and the Holders of the Fifty Pounds Shares by the said secondly recited Act authorized to be created the Proportion of Profits belonging to them shall be subject to the Provisions of the said secondly recited Act as to giving a Preference to the Holders of Fifty Pounds Shares thereby authorized to be created.

Interest not to be paid on Calls paid up.

VII. 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 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.

VIII. 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.

Protection to Mortgagees.

IX. And in lieu of and by way of Substitution for a Clause contained in the said lastly recited Act as to the Payment of Mortgage Debts to the Extent of Thirty-five thousand Pounds, or an Investment of

of that Sum, be it enacted, That it shall not be lawful for the said Company to fill up, stop up, discontinue the Use or Maintenance of, or prejudicially alter any Part of the said Canal, or to commence the Construction of any Part of the Railway and Works by the said lastly recited Act and this Act respectively authorized to be constructed, until the said Company either shall have paid or satisfied all the Mortgage Debts now owing by them, and which amount to Forty-six thousand Pounds, and the Interest thereof, or shall have invested the Sum of Forty-six thousand Pounds in the Purchase, in the Names of Four Trustees, of Three Pounds *per Centum* Consolidated Bank Annuities, Two of such Trustees to be named by the said Company, and the other Two by the Persons for the Time being entitled to the present Mortgages, or the greater Part in Number and Value of such Mortgagees, and the Sum of Stock which may be purchased shall be held upon the Trusts following; that is to say, if the Railway and Works by the said lastly recited Act and this Act repectively authorized to be constructed shall be completed within Five Years from the passing of this Act, then and in such Case, and immediately upon such Completion, the said Stock shall be held in trust for the said Company, to be transferred as they shall direct, but if there shall not be such Completion then the said Stock shall be sold, and applied towards the Payment of the Mortgage Debts now owing by the said Company, and the Interest thereof, but with such Priority in respect to the Mortgages made under the Powers of the said firstly recited Act as is mentioned in the said secondly recited Act.

General Meeting may consist of Proprietors of One hundred 50*l.* Shares.

X. And be it enacted, That at any General Meeting of the Company, ordinary or special, heretofore held or hereafter to be held, it shall have been and shall be sufficient that there shall have been or shall be present, in Person or by Proxy, Six Persons, being Proprietors in the aggregate of not less than One hundred Shares of Fifty Pounds each in the Undertaking, instead of Proprietors of Five hundred Shares, as provided for by the said first-recited Act.

Power to raise Money by Mortgage.

XI. And be it enacted, That when the whole of the Sum of Three hundred and seventeen thousand Pounds, being the aggregate Amount of the Sums of Fifty-seven thousand Pounds, Eighty thousand Pounds, and One hundred and eighty thousand Pounds, by the said recited Acts and this Act authorized to be raised as Capital, shall have been subscribed, and One Half thereof actually paid up, it shall be lawful for the Company to raise the further Sum of Sixty thousand Pounds, or any Part thereof, at any Time or Times, by way of Mortgage, in the same Manner as the Sums of Twenty thousand Pounds and Twenty-six thousand Pounds are by the said first and secondly recited Acts authorized to be raised on Mortgage, but so nevertheless that every or any Mortgage to be made under this Act be subject and postponed in the Order of Charge to the Mortgages already made in respect of the said Sums of Twenty thousand Pounds and Twenty-six thousand Pounds.

Evidence of Authority for borrowing.

XII. And be it enacted, That a Certificate of a Justice that the whole of the said Sum of Three hundred and seventeen thousand Pounds

Pounds shall have been subscribed, and One Half thereof actually paid, (which Certificate such Justice is hereby required to grant, on Application made to him by the Company, and on such Proof of the Fact as he may require,) and a Copy of the Order of any General Meeting of the Company authorizing the borrowing of Money on Mortgage, certified by Three of the Committee and by the Clerk of the Company, shall be conclusive Evidence of the Fact of the Capital required to be subscribed and paid up as aforesaid having been so subscribed and paid up, and of the Fact of the Order for borrowing Money having been made.

Power to Company to make Railway.

XIII. And be it enacted, That it shall be lawful for the said Company to make and maintain all or any Part of the Railway and Works herein-after mentioned; that is to say, a Railway commencing by a Junction with the Railway by the said lastly recited Act authorized to be made by the said Company, and such Junction to be in a certain Field in the Parish of *Ilminster* in the County of *Somerset* numbered 46*a* in the said Parish of *Ilminster* in the Plans of the said last-mentioned Railway referred to in the said lastly recited Act, and passing from, in, through, or into the several Parishes, Townships, and other Places of *Ilminster*, *Donyatt*, *Cricket Malherbie*, *Dowlish Wake* or *East Dowlish*, *West Dowlish*, *Knowle* otherwise *Knowle Saint Giles*, *Chaffcombe*, and *Chard*, all in the County of *Somerset*, and extending to and terminating in or near to a certain Pasture Field in the Parish of *Chard* in the County of *Somerset* in the Occupation of *Jonathan Hecks*, situate on the Eastward Side of and adjoining an Occupation Road leading from the Turnpike Road between *Chard* and *Crewkerne* to a Factory in the Occupation of *Benjamin Chaffey*, and also to certain Cottages in the respective Occupations of *Robert White*, *Alexander Cook*, *William Cook*, and *William Darby*, and also all proper and convenient Stations, Bridges, Wharfs, Warehouses, Workshops, Communications, Approaches, Erections, Works, and Conveniences connected with such Extension Railway.

Railway to be made according to deposited Plans and Sections.

XIV. And whereas Plans and Sections of the said Extension Railway showing the Line and Level thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through, in, or on which the same is intended to pass or be made and constructed, have been deposited with the Clerk of the Peace of the County of *Somerset*; be it enacted, That, subject to the Provisions and Restrictions in this Act, and in "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," respectively contained, it shall be lawful for the said Company to make and maintain the Railway and Works by this Act authorized to be made in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and (subject to the Provisions in the Railways Clauses Consolidation Act, 1845, contained,) according to the Levels defined in the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

XV. And

No Conveyance relating to Lands of Ecclesiastical Commissioners to be binding without their Assent.

XV. 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 said Parish of *Chard*, 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 Seal: Provided always, that nothing herein contained shall hinder or prevent or be construed to hinder or prevent the 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 provided by "The Railways Clauses Consolidation Act, 1845."

Certain Roads may be crossed on a Level.

XVI. And be it enacted, That in making the said Extension Railway it shall be lawful for the Company to construct the said Railway across and on the Level of the public Carriage Roads numbered respectively 59 and 148 in the said last-mentioned Plans in the said Parish of *Chard*.

Company to erect Lodges at level Crossings.

XVII. And be it enacted, That the Company shall erect and maintain at each of such Two level Crossings proper and sufficient Lodges for the Use of the Gatekeepers to be employed by the Company at such level Crossings respectively.

Commissioners may regulate Speed at level Crossings.

XVIII. And be it enacted, That it shall be lawful for the Commissioners of Railways to make such Rules and prescribe such Conditions in relation to the Speed at which and the Mode in which Engines, Trains, or Carriages shall proceed over such level Crossings as the Commissioners may deem expedient for the public Safety; and that the Company shall conform to such Rules and Conditions, and in default thereof shall be subject to a Penalty of Ten Pounds for every Breach of such Rules and Conditions.

Ilminster Turnpike Roads.

XIX. And be it enacted, That it shall not be lawful for the Company to construct the said Extension Railway, or the Railway by the said lastly recited Act authorized to be made, across and on the Level of the Turnpike Road numbered 49 in the said Plans in the said Parish of *Ilminster*; and that the Turnpike Road numbered 160 in the said Plans in the said Parish of *Ilminster*, between the Summit of the Bridge intended to be made for carrying the same Turnpike Road over the said Extension Railway and the Summit of the Bridge over the Canal, and numbered 161 in the said Plans in the said Parish of *Ilminster*, shall be made of one uniform and regular Ascent.

Inclination of Roads.

XX. And be it enacted, That in erecting any Bridge for the Purpose of carrying the said Extension Railway over any public Carriage Road, or for the Purpose of carrying any public Carriage Road over such

such Railway, the Descent or Ascent of the Road (as the Case may be) under or over such Railway shall be not more than according to the Rate of One Foot in Thirty Feet; and in erecting any Bridge for the Purpose of carrying the said Extension Railway over any Road other than a public Carriage Road, or for the Purpose of carrying any Road other than a public Carriage Road over such Railway, the Descent or Ascent of the Road under or over such Railway, as the Case may be, shall be made in conformity with the Regulations of "The Railways Clauses Consolidation Act, 1845."

Height and Span of Arches.

XXI. And be it enacted, That in erecting any Bridge for the Purpose of carrying the said Extension Railway over any Road, or for the Purpose of carrying any Road over such Railway, such Bridges shall be built in conformity with the Regulations of "The Railways Clauses Consolidation Act, 1845."

Land for extraordinary Purposes.

XXII. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes, in addition to the Quantity they are already authorized to take for such Purposes, shall not exceed Ten Acres.

Power for compulsory Purchase of Lands limited.

XXIII. 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.

Railway to be completed in Five Years.

XXIV. And be it enacted, That the Powers by the said lastly recited Act granted to the Company for executing the Railway and Works thereby authorized to be constructed shall be extended to the Expiration of Five Years from the passing of this Act; and that the Powers by the said lastly recited Act and this Act respectively granted for executing the Railways and Works, or otherwise in relation thereto respectively, shall cease to be exercised after the Expiration of Five Years from the passing of this Act, except as to so much of the said Railways and Works respectively as shall then be completed.

Enabling Company to stop up the Canal.

XXV. And be it enacted, That it shall be lawful for the said Company, if they shall think fit, and from Time to Time as they may think fit, to fill up, stop up, or discontinue the Use or Maintenance of all or any Part of the Canal, Inclined Planes, Locks, and Works by the said Three first-recited Acts respectively authorized to be made, and to adopt and apply the Site of the same respectively, or any Portion or Portions thereof respectively, or any other Lands of the Company, for the Purposes of the said Railway and Extension Railway, or any Part thereof, or any of the Works connected therewith, or for any other Purposes of the Undertaking, as the said Company shall think fit.

Discontinuance of the Use of any Part of the Canal for the

XXVI. Provided always, and it is expressly enacted, That in case the Company shall duly make under this Act an effectual Railway for the Transit of Passengers and Goods, commencing and terminating as aforesaid, then and in such Case the stopping up or Discontinuance

of

of the Use of so much of the *Chard* Canal as lies between the Junction of the said Extension Railway with the Railway by the said lastly recited Act authorized to be made and the Termination of the said Canal in the Parish of *Chard*, or any Part thereof, or of any Reservoirs, Feeders, Cuts, or Works connected therewith, or the Execution of any other of the Powers herein contained, shall not be deemed an Abandonment or Failure of the *Chard* Canal Undertaking, or any Part thereof, within the Meaning of any of the Provisions contained in the said recited Acts or any of such Acts.

Purposes of this Act not to be deemed an Abandonment.

XXVII. And whereas by the said first-recited Act it was provided, that if the said Canal, Cut, Reservoirs, and Works, or any Part thereof, should at any Time thereafter be abandoned and given up by the said Company, or after the same should have been completed should for the Space of Three Years cease to be used and employed as a Canal or for the Purposes of the Undertaking, then and in such Case, in the event of a total Abandonment or Failure, the Lands, Tenements, and Hereditaments so taken or used by the said Company for the Purposes of the said Act, or otherwise, in the event of a partial Abandonment or Failure, the Part thereof over which the Canal, Cut, Reservoirs, and Works, or any Part or Portion of such Canal, Cut, Reservoirs, or Works which should be so abandoned or given up by the said Company should pass or be made, should vest in the Owner or Owners of the Land adjoining that which should be so abandoned or given up; be it enacted, That nothing herein contained shall prejudice the Right or Claim of the Owner or Owners of the Lands adjoining the Main Reservoir situate in the said Parish of *Chard* adjoining the Road leading to *Chaffcombe* to such Reservoir, but that the Lands over which the Waters of such Main Reservoir flow within the Top-water Level of such Reservoir shall at the End of Three Years next after such Reservoir shall cease to be used or maintained as a Reservoir, or after any Part of such Lands shall be used by the said Company for any other Purpose, vest in the Owner or Owners of the Land adjoining the Lands over which such Reservoir is made.

Reserving Rights of LandOwners to the Main Reservoir.

XXVIII. And be it enacted, That in estimating the Charges for short Distances and fractional Parts of a Mile on the Two several Lines of Railway authorized to be constructed by the said lastly recited Act and this Act respectively the same Two Lines shall be considered as One Line.

As to Charges for short Distances, &c.

XXIX. And be it enacted, That the Restrictions contained in the said lastly recited Act 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 Railways by the said lastly recited Act and by this Act authorized to be made, but shall apply only to the ordinary Trains to be appointed from Time to Time by the said Company for the Conveyance of Passengers, or Passengers and Goods, upon their said Railways.

Restriction as to Charges not to apply to Special Trains.

XXX. And be it enacted, That nothing shall prevent the Company from taking any increased Charge, over and above the appointed

Company may take increased

Charges by Agreement.

Charges, 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 special Service performed by the Company in relation thereto.

Power to the Bridgewater and Taunton Canal, &c. Company to subscribe;

XXXI. And be it enacted, That it shall be lawful for the *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company to purchase or take Twenty-five Pounds Shares in the said Undertaking, by the said recited Acts and this Act respectively authorized, either in their own Names or in the Name or Names of any Person or Persons to be appointed by them.

and to raise Funds for that Purpose;

XXXII. And be it enacted, That for such Purpose it shall be lawful for the said *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company to raise all or any Part of the Money which they shall agree to advance as aforesaid by the Creation of new Shares in the Undertaking of the said *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company, of such Amounts and under such Conditions, and as to the Right of voting and other Privileges to be conferred on the Holders of such Shares, as the said *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company, at any Special General Meeting of the same Company to be convened for the Purpose, shall determine; or it shall be lawful for the same Company, if they think fit, to raise all or any Part of such Money by Mortgage, in the like Manner and under and subject to the same Provisions as the same Company are by all or any of the Acts relating to such Undertaking authorized to raise Money by Mortgage: Provided always, that the same Company shall not under this Provision raise any Money by Mortgage until the whole of their Capital shall be subscribed, and One Half thereof paid up, or by such Means increase the Amount which may be owing at any One Time on Mortgage beyond the Proportion of One Third of their then existing Capital.

or to purchase the Undertaking or any Interest therein.

XXXIII. And be it enacted, That it shall be lawful for the *Chard* Railway Company, under the Resolution of a Special General Meeting to be convened for the Purpose, to sell, and for the *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company, under the Resolution of a Special General Meeting to be convened for the Purpose, to purchase, the Undertaking by the said recited Acts and this Act respectively authorized, or any Share or Portion thereof, and either before or after the Completion of all the Works of the Undertaking, such Sale and Purchase to be made subject to the Mortgages, Contracts, Agreements, and Liabilities then affecting the Undertaking; and on the Completion of such Purchase (of which Completion a Deed of Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase or Consideration Money, under the respective Corporate Seals of the said Two Companies, shall be conclusive Evidence,) the Company so purchasing the same may have and hold the said Undertaking, or the Share or Portion thereof purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all the

Rights, Powers, and Privileges conferred by the said recited Acts and this Act respectively on the *Chard* Railway Company; and in the event of the whole Undertaking being purchased, then from and after the Completion of such Purchase the *Chard* Railway Company shall be dissolved and cease to exist, save and except as to the Distribution and Division of the Purchase Money amongst the Parties entitled thereto, and the general Settlement of the Affairs of such Company; and for the Purpose aforesaid it shall be lawful for the *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company, if they see fit, to raise by new Shares or Mortgage, in the like Manner as above mentioned, all or any Part of the Money agreed to be given for such Purchase, or requisite to complete the Undertaking purchased and enable them to work the same, provided the Amount to be raised by such new Shares shall not exceed the Amount of Capital by the said recited Acts and this Act respectively authorized to be raised for the Purposes of the said Undertaking, or a due Proportion thereof according to the Share or Portion which may be purchased, and that the Amount to be raised by Mortgage shall be subject to the aforesaid Restriction as to Mortgages.

Interest not to be paid on Calls to be made by the Bridgewater and Taunton Canal and Stolford Railway and Harbour Company.

XXXIV. And be it enacted, That it shall not be lawful for the said *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company, out of any Money by this Act or any other Act relating to the same 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 additional Capital by this Act authorized to be raised by the same Company: Provided always, that nothing herein-before contained shall be deemed to prevent the same 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.

Power to take a Lease of the Undertaking.

XXXV. And be it enacted, That it shall be lawful for the *Chard* Railway Company, under a Resolution of a Special General Meeting to be convened for the Purpose, to demise or lease to the *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company, and for the last-mentioned Company, under a Resolution of a Special General Meeting to be convened for the Purpose, to accept and take a Demise and Lease of the Undertaking by the said recited Acts and this Act authorized, or any Portion thereof, for such Term, and for such Rent, Reservation, or Consideration, and with and subject to such Covenants, Agreements, Stipulations, Conditions, and Provisions, as may be mutually agreed upon; and such Lease shall entitle the Lessees, and their Committee, Officers, Agents, and Servants respectively, to the free Use and Enjoyment during such Lease of the said Undertaking, or the Portion thereof to be leased, and of all the Powers, Privileges, and Authorities granted to, or which might be held, used, and enjoyed by the said *Chard* Railway Company, or their Committee, Officers, Agents, or Servants, in the like Manner and to the same Extent in all respects, and under the same Regulations and Restrictions.

XXXVI. And

Power to amalgamate the Management of the Two Companies.

XXXVI. And be it enacted, That it shall be lawful for the *Chard* Railway Company and the *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company, under Resolutions of Special General Meetings of the Two Companies respectively to be convened for the Purpose, to become so far amalgamated together as that all the Affairs of the Two Companies, except those Affairs for and relating to the Issue, Sale, or Disposition of new Shares, which are required to be done at General Meetings of the Proprietors, shall be respectively conducted and managed under General Meetings of the Proprietors of both Companies to be assembled in One Body, and by One Committee of Management to be appointed by such Meetings, but still the Affairs of each Company shall be so conducted and managed, save as herein mentioned, according to the Provisions of the Acts of Parliament relating to such Company: Provided always, that after such Amalgamation, in order to regulate the Number of Shares to form a Meeting of Proprietors, the Mode of voting, the Qualifications and Election of Committee-men, the Mode of calling and proceeding at Meetings of the Proprietors, and the Meetings of the Committee, and other Matters relating thereto, but not for the Purposes of the Transfer of Shares, or the declaring of Dividends, or the general Purposes of the Two Companies, not only shall the Capital Stock of both Companies be united together, but the Provisions of the Five several Acts of Parliament relating to the *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company shall be applicable and in force, but so that Two Shares of Fifty Pounds each, or Four Shares of Twenty-five Pounds each, in the Capital Stock of the *Chard* Railway Company, shall be deemed equivalent to One of the original Shares of One hundred Pounds each in the Capital Stock of the *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company: Provided always, that after such Amalgamation, and until the Period shall arrive for appointing a new Committee, the Members of the Committees of both Companies existing at the Time of such Amalgamation shall form One united Committee for the Management of the Affairs of both Companies; provided further, that Notice of such Amalgamation shall be inserted in the *London Gazette* and in some Newspaper published in the County of *Somerset*, and that such Notices shall be conclusive Evidence of the Amalgamation.

Power to amalgamate the Two Companies.

XXXVII. And be it enacted, That it shall be lawful for the said *Chard* Railway Company and the said *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company, under a Resolution of Special General Meetings of the said Companies respectively to be convened for the Purpose, to become wholly and entirely incorporated and consolidated into One Company, upon such Terms as may be mutually agreed upon, whereupon such united Company shall have, use, exercise, and enjoy all and every the Rights, Powers, and Privileges which the said Two Companies respectively immediately preceding such Incorporation and Consolidation had, used, exercised, and enjoyed; and of such Incorporation and Consolidation Notice shall be inserted in the *London Gazette* and in some Newspaper published in the County of *Somerset*, which Notices shall be conclusive Evidence of such Incorporation and Consolidation.

XXXVIII. Pro-

Powers of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

XXXVIII. Provided always, and be it enacted, That it shall not be lawful for the said *Chard* Railway Company, by virtue of the Powers herein-before contained, to sell or demise or lease, nor for the said *Bridgewater and Taunton* Canal and *Stolford* Railway and Harbour Company to purchase or to enter into or accept such Lease of the said Railways by the said lastly recited Act and this Act respectively authorized to be made, nor for the said Companies respectively, by virtue of the Provisions herein-before contained, to enter into and conclude the Amalgamation of the said Companies hereby authorized as aforesaid, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Completion of such Sale or Amalgamation or the Execution of such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up, and expended for the Purposes authorized by such Act or Acts respectively: Provided nevertheless, that this Enactment shall not apply, extend to, or affect the Powers herein-before contained for so far amalgamating the Two Companies as that all the Affairs of the Two Companies, except as herein-before mentioned, shall be conducted and managed as herein-before is particularly mentioned.

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.

XXXIX. 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 Tenth Year of the Reign of Her said Majesty, one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said 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 Railway and Company so far as the same shall be applicable thereto.

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

XL. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said 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 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 the said recited Acts or this Act.

Expences of Act.

XLI. And be it enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act, or incurred in connexion with or preparatory or in anywise relating or incidental thereto, shall be paid by the Company out of the Money received or to be received by them under the Authority of the said recited Acts or this Act.

Public Act.

XLII. 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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