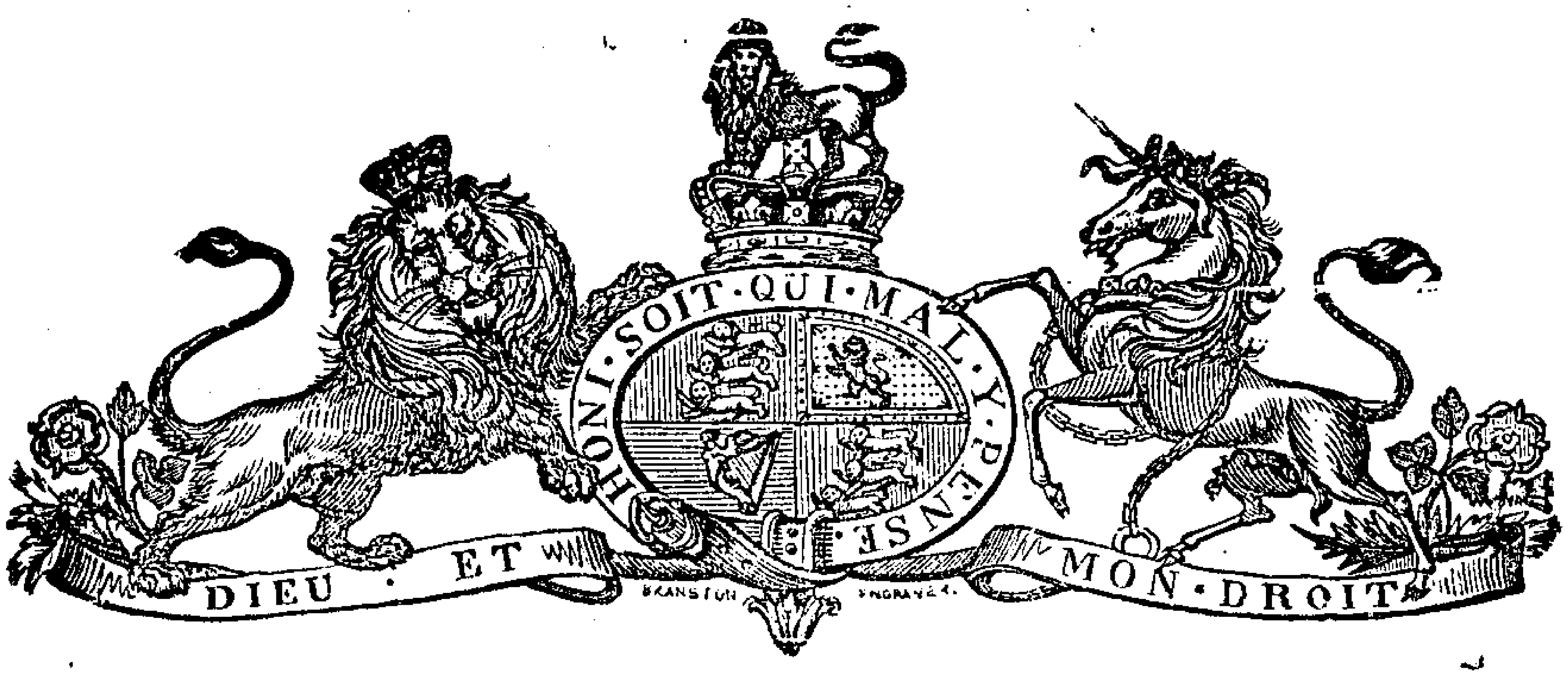


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxcii.

An Act to revive and amend the Powers of the Acts relating to the *Chard* Railway Company, to regulate the Capital of the Company, and to enable them to extend their authorized Railway into *Taunton*. [15th *August* 1853.]

WHEREAS an Act was passed in the Fourth Year of the Reign of King *William* the Fourth, intituled *An Act for* 4 & 5 W. 4.
making a navigable Canal from the Bridgewater and Taunton c. liii.
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,* whereby a Company was incorporated under the Name of "The Company of Proprietors of the *Chard* Canal Navigation," which Act was amended by an Act 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,* 3 & 4 Vict.
and to amend the Act relating to the same Canal, and by another Act c. i.
passed in the Fourth Year of the same Reign, intituled *An Act to* 4 & 5 Vict.
amend the Acts relating to the Chard *Canal:* And whereas in the c. x.
Session of Parliament held in the Ninth and Tenth Years of the same Reign an Act was passed, called "The *Chard* Canal and Railway 9 & 10 Vict.
c. ccxv.

10 & 11 Vict. c. clxxv.

Act, 1846," and another Act was passed in the following Session of Parliament, called "The *Chard* Railway Act, 1847:" And whereas by the last Two recited Acts the Company were empowered to convert their Canal into a Railway, the first of those Acts authorizing them to make a Railway from the *Bridgewater and Taunton* Canal in the Parish of *Creech Saint Michael* to *Ilminster*, and the other from thence to *Chard*, all in the County of *Somerset*: And whereas the Company have not commenced the said Railways, and the Time limited by the said Acts for the compulsory Purchase of Lands has expired, and it is expedient that further Time should be given for making the said Railways, and for that Purpose that the Powers of "The *Chard* Canal and Railway Act, 1846," and of "The *Chard* Railway Act, 1847," should be revived: And whereas the Convenience and Advantage of the Public will be promoted by the Company having Power to extend their Railways to *Taunton*: And whereas it is expedient that the Tolls authorized to be taken by the Two lastly recited Acts should be altered: And whereas the Company by the said recited Acts are authorized to raise as Capital by Shares the Sum of Three hundred and seventeen thousand Pounds: And whereas the total Amount of Capital which the said Company have already raised by Shares is Ninety-six thousand one hundred and seventy-five Pounds, or thereabouts, leaving the Sum of Two hundred and twenty thousand eight hundred and twenty-five Pounds to be raised by Shares: And whereas the Company by the said recited Acts are authorized to raise the several Sums of Twenty thousand Pounds, Twenty-six thousand Pounds, and Sixty thousand Pounds, by way of Mortgage: And whereas the said Company have raised the said Sum of Twenty thousand Pounds by Four several Mortgages of Five thousand Pounds each, all the said Four several Mortgages being made to One and the same Person, and each of the said Mortgages bearing Interest at the Rate of Five Pounds *per Centum per Annum*, and the Company have also raised the said Sum of Twenty-six thousand Pounds in several Sums by way of Mortgage, and respectively bearing Interest at the Rate of Five Pounds *per Centum per Annum*, but the said Sum of Sixty thousand Pounds or any Part thereof hath not yet been raised: And whereas the Company contemplate raising the said Sum of Two hundred and twenty thousand eight hundred and twenty-five Pounds in new Shares of Twenty-five Pounds each, for the Purposes of "The *Chard* Canal and Railway Act, 1846," "The *Chard* Railway Act, 1847," and of this Act, and also for the Purpose of discharging some Interest on the said Four several Mortgages for Five thousand Pounds each, and of discharging certain Simple Contract Debts owing by the said Company, namely, Sums amounting to the Sum of Forty-eight thousand six hundred and twenty-three Pounds Five Shillings and Elevenpence, in "The *Chard* Railway Act, 1847," particularly mentioned, and other Debts

The Chard Railway Act, 1853.

Debts contracted for the Purposes of the said recited Acts: And whereas a Suit has been instituted in the High Court of Chancery by *Daniel Fripp*, as Plaintiff, on behalf of himself and others in the same Interest, against the said Company and another, for the Appointment of a Manager of the Affairs, and a Receiver of the Tolls, Rates, and other Effects of the said Company, in which Suit, by an Order made by His Honour the Vice-Chancellor, Sir *William Page Wood*, dated the Twenty-ninth Day of *June* One thousand eight hundred and fifty-three, it was, amongst other things, ordered that such Receiver as aforesaid should be appointed: And whereas the said Suit is still pending, but no such Receiver as aforesaid has been appointed; and it is considered that it will be beneficial to the said Company and to all Persons interested in the Success thereof that the said Suit should not be prosecuted, or any further Proceedings taken therein; and the said *Daniel Fripp* has agreed, that upon Payment to him by the said Company of the Sum of Five hundred Pounds, in manner herein-after provided, in respect and full Discharge of his Costs and Expenses of and incidental to the said Suit, and on Investment by the said Company of the Sum of Forty-six thousand Pounds in manner herein-after provided for, the same should be dismissed: And whereas it is expedient that the Powers herein contained should be conferred upon the Company with respect to their Share Capital and their Mortgage and other Debts: And whereas the several Objects aforesaid cannot be accomplished 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:

8 & 9 Vict. cc. 18. & 20. incorporated.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

"The Company."

II. When in this Act the Expression "the Company" is used the same shall mean the *Chard* Railway Company.

Reviving Time for the Purchase of Lands.

III. The Powers of "The *Chard* Canal and Railway Act, 1846," for the compulsory Purchase or taking or using of Lands for the Purpose of making so much of the Railway and Works by that Act authorized as lies between the *Bridgewater and Taunton* Canal in the Parish of *Creech Saint Michael* and the Termination of the Railway in *Ilminster*, and the Powers of "The *Chard* Railway Act, 1847," for the compulsory Purchase, taking, or using of Lands for the Purpose of making the Railway and Works by that Act authorized, shall be and are hereby revived, and shall continue in force

force until the Ninth Day of *July* One thousand eight hundred and fifty-five.

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

IV. 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 said Lands, or in any Lands which may be injuriously affected by the Construction of the said Railways 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.

V. Provided always, That nothing herein contained shall in anywise prejudice or affect any Contract entered into or Notice given by the Company before the passing of this Act for the Purchase or taking of any Lands, 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.

Time extended for completing the Railways.

VI. The Time limited by "The *Chard* Railway Act, 1847," for the Completion of the said Railways, shall be and the same is hereby extended and enlarged for the Term of Three Years, to be computed from the Ninth Day of *July* One thousand eight hundred and fifty-four.

If Railway not completed, &c. within a limited Period, Dividends to be suspended.

VII. In case the Railway authorized to be constructed by virtue of the recited Acts shall not be completed and opened for public Traffic within the Period of Three Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Railway shall have been completed and opened for public Traffic.

Power to make Railway according to deposited Plans.

VIII. And whereas Plans and Sections describing the Line and Levels of the Railway and Works hereby authorized to be made, together with a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the same are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Somerset*: It shall be lawful for the Company to make and maintain the Railway herein-after mentioned, with

with all proper Works and Conveniences connected therewith, in the Line and according to the Levels shown upon the Plans and Sections and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, purchase, take, and use such of the said Lands as shall be necessary for such Purpose.

Describing Lines.

IX. The said Railway shall commence in the Parish of *Ruishton* otherwise *Riston* near the Bridge carrying the *Chard* Canal over the Road leading from *Ruishton* otherwise *Riston* to *Creech Saint Michael*, pass through the Parishes of *Ruishton* otherwise *Riston*, *Creech Saint Michael*, *West Monkton*, *Cheddon Fitzpaine*, and *Taunton Saint James*, all in the County of *Somerset*, and terminate at or near the *Taunton* Station of the *Bristol and Exeter* Railway Company in the said last-mentioned Parish.

Railway to form Part of Undertaking.

X. The Railway shall form Part of the Company's Undertaking.

Land for extraordinary Purposes.

XI. The Company may purchase any Quantity of Land for extraordinary Purposes, not exceeding Ten Acres, in addition to the Land which they are at present authorized to take for such Purposes.

Company required to make, &c. Portion of Railway authorized by 9 & 10 Vict. c. ccxv.

XII. The Company shall and they are hereby required to make and complete, simultaneously with the Railway and Works hereby authorized to be made, and for ever afterwards to maintain in good working Condition, that Portion of the Railway and Works by the *Chard* Canal and Railway Act, 1846, authorized to be made, which lies between the Railway hereby authorized to be made and the *Bridgewater and Taunton* Canal, which Portion is in the said Parish of *Creech Saint Michael*, together with proper Works and Conveniences, for the efficient and convenient Interchange and Transit of Traffic between and upon the said *Bridgewater and Taunton* Canal and the said several Railways respectively; and the same Portion of the Railway shall be made so that the Northern End thereof shall immediately adjoin to the *Bridgewater and Taunton* Canal.

As to Construction of Arch over Canal.

XIII. The Railway hereby authorized to be made shall be carried over the *Bridgewater and Taunton* Canal in the said Parish of *Taunton Saint James* by an Arch of the same Height and Span as the Arch by which the *Bristol and Exeter* Railway is carried over the said Canal in the same Parish.

Limiting Time for compulsory Purchase of Lands.

XIV. 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 Two Years from the passing of this Act.

Period for the Completion of the Works.

XV. The Works hereby authorized shall be completed within Three Years from the passing of this Act, 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.

Company to execute Bond for 3,750*l.* to be paid to Her Majesty in case Railway not completed within limited Period, &c.

XVI. Whereas the estimated Cost of constructing the Railway by this Act authorized is Twenty-five thousand Pounds: Be it enacted, That the Company shall, within Three Months after the passing of this Act, execute, and deposit with the Solicitor to the Lords Commissioners of Her Majesty's Treasury, a Bond in twice the Amount of the Sum of One thousand eight hundred and seventy-five Pounds (being One Tenth Part of Three Fourths of the said Sum of Twenty-five thousand Pounds), with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the said Solicitor to the said Lords Commissioners,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of One thousand eight hundred and seventy-five Pounds, if the Company shall not within the Time limited for the Completion of the Railway open the said Railway for the public Conveyance of Passengers; and the Monies to be recovered upon such Bond shall be paid into Her Majesty's Exchequer, and when so paid shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid shall be sufficient Evidence of the Fact so certified: Provided always, that if the Company shall fail to execute or deposit such Bond as aforesaid it shall be lawful for the Solicitor to the said Lord Commissioners to apply to the Court of Queen's Bench for a Writ of Mandamus to compel the said Company to execute and deposit such Bond as aforesaid, or otherwise to proceed against the said Company by Indictment or Information, as to such Solicitor shall seem meet.

Company to issue certain Preference Shares.

XVII. Pursuant to the Powers contained in the said recited Acts or some of them, the Company shall forthwith issue Six thousand two hundred and thirty-three Shares of Twenty-five Pounds each in the Capital of the said Company, amounting altogether to the Sum of One hundred and fifty-five thousand eight hundred and twenty-five Pounds, such Shares to be called "Five Pounds Ten Shillings *per Centum* Preference Shares," and to be offered to any Persons willing to take the same, and who will be bound to advance and pay the full Amount of Twenty-five Pounds on each such Share, or so much thereof as shall be required for the following Purposes only and no others; that is to say,

say, for the Purpose of paying the Costs, Charges, and Expenses of and incidental to the obtaining and passing of this Act, the Sum of Five hundred Pounds to the said *Daniel Fripp* in discharge of his Costs and Expenses aforesaid, and the Sum of Two thousand three hundred and seventy-five Pounds to the Owner of the said Four several Mortgages of Five thousand Pounds each, in satisfaction of Arrears of Interest due to him thereon respectively up to the Thirtieth Day of *April* One thousand eight hundred and fifty-three, and for the Purpose of paying such further Sum in satisfaction of Interest at the Rate of Four Pounds *per Centum per Annum* as may accrue due to him in respect of the same Four several Mortgages from the said Thirtieth Day of *April* One thousand eight hundred and fifty-three to the Twenty-sixth Day of *July* One thousand eight hundred and fifty-five, or to the Day on which the several Railways by "The *Chard* Canal and Railway Act, 1846," by "The *Chard* Railway Act, 1847," and by this Act respectively authorized to be made, shall be opened for Traffic, whichever event shall first happen, and also for the Purposes of acquiring Land for executing the Works of the said several Railways, and of making and bringing into working Condition the said several Railways, including the working Stock and Plant, and also to defray any Deficiency in the Earnings which may arise in the First Year after the said several Railways shall have been opened for Traffic to pay the Expenses of working, maintaining, and managing the said several Railways.

As to Reduction of Interest on Four Mortgages of 5,000*l.*

XVIII. Notwithstanding anything in the said Four several Mortgages of Five thousand Pounds each or either of them contained, the same several Mortgages shall bear Interest from the Thirtieth Day of *April* One thousand eight hundred and fifty-three at the Rate of Four Pounds *per Centum per Annum* only, and Ninety-five of the said Five Pounds Ten Shillings *per Centum* Preference Shares (such Ninety-five Shares respectively being deemed as having been paid up in full) shall be allotted to the said Owner of the said Four several Mortgages of Five thousand Pounds each, in full Satisfaction and Discharge of the said Sum of Two thousand three hundred and seventy-five Pounds, and of all Interest due in respect of the said Four several Sums of Five thousand Pounds each, up to the said Thirtieth Day of *April* One thousand eight hundred and fifty-three.

As to Reduction of Interest on 26,000*l.*

XIX. Notwithstanding anything in the several Mortgages for Sums which amount together to the said Sum of Twenty-six thousand Pounds, or in either of such Mortgages contained, each of the said several Mortgages shall bear Interest at the Rate of Four Pounds *per Centum per Annum* only on the Principal Sum thereby secured, such Interest to commence and accrue due from the Day whereon the said several Railways, by "The *Chard* Canal and Railway Act, 1846,"

1846," "The *Chard* Railway Act, 1847," and this Act respectively authorized to be made, or any One of such several Railways, shall be opened for Traffic: Provided nevertheless, that only One Half of such Interest, being at the Rate of Two Pounds *per Centum per Annum*, shall be claimed to be payable until after Dividends at the Rate of Five Pounds Ten Shillings *per Centum per Annum* shall from Time to Time have been declared and paid out of the net Profits of the said Undertaking upon Monies that shall be actually received and raised by the Company upon the said "Five Pounds Ten Shillings *per Centum* Preference Shares," for the Purposes herein-before particularly mentioned only, and for no other Purposes, (such Dividends being first payable at the Expiration of One Year after the Day on which the said several Railways shall be opened for Traffic,) and after Interest shall have been paid upon such Monies, if any, as shall be raised by the said Company upon Mortgage for the said several Purposes only; and that after such Dividends and Interest shall have been from Time to Time so paid, and subject thereto respectively, the remaining Half of the Interest on the said several Mortgages, amounting together to the said Sum of Twenty-six thousand Pounds, shall be claimed; but no further Interest on the said several Mortgages or either of them shall be claimed, the Provision hereby made being in full Satisfaction and Discharge of all Interest now due upon the same several Mortgages respectively, and which may become due thereon respectively up to the Day on which any One of the said several Railways shall be opened for Traffic.

Only One Half of such Interest to be paid until the Interest on the 5½ per Cent. Preference Shares be paid.

Mortgages not to be called in for Seven Years.

XX. It shall not be lawful for the Owner or Owners for the Time being of the said Four several Mortgages of Five thousand Pounds each, or for the Owners for the Time being of the said several Mortgages for Sums amounting together to the said Sum of Twenty-six thousand Pounds, or for any of such Owners respectively, to call in or require Payment of the Principal Sums secured by such Mortgages respectively, or any Part thereof respectively, until after the Expiration of Seven Years from the passing of this Act: Provided always, that the respective Owners of all the said several Mortgages shall have, for the Recovery of the Interest hereby secured to them, all the Rights, Powers, and Remedies given, reserved, and provided in that Behalf by the said several recited Acts or either of them.

In case the Company pay off Mortgages, Power to raise similar Sums.

XXI. Notwithstanding anything in this Act contained, in case and when and as the Company shall pay off any of the Principal Sums secured by the said several Mortgages for Five thousand Pounds each, and by the said several Mortgages for Sums amounting together to the said Sum of Twenty-six thousand Pounds, then and in every such Case it shall be lawful for the Company, at any Time or Times thereafter, again to raise on Mortgage, in lieu of the Principal

cipal Money so paid off by them, so much Money as they shall from Time to Time have paid off, and so from Time to Time as often as the same shall happen, in the same Manner as if no Stipulations or Provisions in relation to the said several Sums of Money, amounting altogether to the Sum of Forty-six thousand Pounds, had been contained in this Act.

Company to issue and allot certain Preference Shares to Simple Contract Creditors.

XXII. Pursuant to the Powers aforesaid the Company shall forthwith issue Two thousand six hundred Shares of Twenty-five Pounds each in the Capital of the said Company, amounting altogether to the Sum of Sixty-five thousand Pounds, such Shares to be called "Four Pounds *per Centum* Preference Shares," One thousand nine hundred and seventy-one of which Shares the Company shall allot to the several Simple Contract Creditors to whom the Company owe the said several Principal Sums amounting together to the Sum of Forty-eight thousand six hundred and twenty-three Pounds Five Shillings and Elevenpence, in the Proportions mentioned in the Schedule to this Act, the remaining Six hundred and twenty-nine of which said "Four Pounds *per Centum* Preference Shares," or such and so many of the same as the Company shall think fit to allot, the Company shall allot to the several Simple Contract Creditors to whom the Company owe Debts contracted for the Purposes of the said recited Acts, other than the said Sum of Forty-eight thousand six hundred and twenty-three Pounds Five Shillings and Elevenpence, all the said One thousand nine hundred and seventy-one and Six hundred and twenty-nine "Four Pounds *per Centum* Preference Shares" to be allotted as aforesaid, or so many of the said Six hundred and twenty-nine Shares as may be allotted by the said Company as aforesaid, respectively being deemed as having been paid up in full, and the Allotment of "Four Pounds *per Centum* Preference Shares" to the said several Simple Contract Creditors as aforesaid shall operate as a complete Discharge of the several Claims in respect of which such Shares shall be so allotted as aforesaid.

Division of the Profits of the Undertaking.

XXIII. After the passing of this Act the net Profits arising from the Undertaking of the Company shall, notwithstanding the Provisions and Enactments in the said several recited Acts contained as to the Application of the said Profits, be applied in manner following; that is to say,

In the first place, in Payment to the Owner or Owners for the Time being of the said Four several Mortgages of Five thousand Pounds each of Interest half-yearly at the Rate of Four Pounds *per Centum per Annum* from the Twenty-sixth Day of *July* One thousand eight hundred and fifty-five, or from the Day on which the said several Railways shall be opened for Traffic, whichever Event shall first happen:

Secondly, in Payment of Interest to the several Owners for the Time being of the said several Mortgages for Sums amounting together to the said Sum of Twenty-six thousand Pounds at the Rate of Two Pounds *per Centum per Annum* on the respective Principal Sums secured by the same several Mortgages, such Interest to commence and accrue due from the Day whereon any One of the said several Railways shall be opened for Traffic:

Thirdly, in Payment to the Holders for the Time being of the Six thousand two hundred and thirty-three "Five Pounds Ten Shillings *per Centum* Preference Shares" of Dividends at the Rate of Five Pounds Ten Shillings *per Centum per Annum* upon the said Ninety-five of such Shares herein-before directed to be allotted, and upon such Monies as shall be actually received and raised by the said Company upon the Remainder of the said Six thousand two hundred and thirty-three Shares, or any of such Shares, for the Purposes herein-before particularly mentioned only, but for no other Purposes, which said Dividends shall be first payable at the Expiration of One Year after the Day on which the said several Railways shall be opened for Traffic: Provided nevertheless, that the Holders of the said Six thousand two hundred and thirty-three "Five Pounds Ten Shillings *per Centum* Preference Shares," or of any of such Shares, shall not in any Case be entitled to any further Dividend than the said Five Pounds Ten Shillings *per Centum per Annum* upon such Monies as shall be actually received and raised by the said Company upon the same Shares respectively for the Purposes aforesaid:

Fourthly, in further Payment of Interest to the several Owners for the Time being of the said several Mortgages for Sums amounting together to the said Sum of Twenty-six thousand Pounds at the Rate of Two Pounds *per Centum per Annum* on the respective Principal Sums secured by the same several Mortgages, such Interest to commence and accrue due from the Day whereon any one of the said several Railways shall be opened for Traffic: Provided always, that the said Interest shall not become payable until after the yearly Payment of Five Pounds and Ten Shillings *per Centum* herein-before thirdly charged on the Revenues of the Company, and referred to in the Seventeenth Section of this Act, together with all Arrears of such yearly Payment, shall have been fully made:

Fifthly, in Payment to the Holders for the Time being of the "Four Pounds *per Centum* Preference Shares" which shall be allotted to the said Simple Contract Creditors of the Company of Dividends at the Rate of Four Pounds *per Centum per Annum*, which said Dividends shall be first payable at the Expiration of

One Year after the Day on which the said several Railways shall be opened for Traffic:

Sixthly, in Payment to the Holders for the Time being of the said "Four Pounds *per Centum* Preference Shares," and to the Holders of Ninety-five Shares of Fifty Pounds each which were created under the said secondly recited Act (the said Ninety-five Shares being all of the Shares created under the said Act which are now existing), of Dividends at the Rate of Two Pounds Ten Shillings for every Fifty Pounds, being at the Rate of Five Pounds *per Centum per Annum*, which said Dividends shall only be payable from the Time when there shall be any Surplus of the net Profits arising from the Undertaking of the Company after Payment of the Interest on Money which from Time to Time shall be owing by the Company on Mortgage, and of the Dividends thirdly and fifthly herein-before directed to be paid:

Seventhly, any Residue from Time to Time of the said Profits shall be divided, according to the Provisions of the said recited Acts, amongst the Holders of all the Shares in the Capital of the said Company, except the said "Five Pounds and Ten Shillings *per Centum* Preference Shares."

Company not to fill up, &c. any Part of Canal or commence Railway until certain Mortgage Debts are satisfied.

XXIV. Provided nevertheless, 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 said Railroads and Works by the said lastly recited Acts 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 Mortgages; and the Sum of Stock which may be purchased shall be held upon the Trusts following; that is to say, if the Railways and Works by the said lastly recited Acts and this Act respectively authorized to be constructed shall be completed for Traffic on or before the Ninth Day of *July* One thousand eight hundred and fifty-seven, 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

to the Mortgages made under the Powers of the said firstly recited Act as is mentioned in the said secondly recited Act.

Remedies of Mortgagees and Creditors to revive in certain Cases.

XXV. Provided always, That if before the Expiration of Twelve Calendar Months after the passing of this Act the Sum of One hundred and fifty-five thousand eight hundred and twenty-five Pounds at least be not taken in Shares of Twenty-five Pounds each, by Persons who shall be bound to advance and pay the whole of such Sum of One hundred and fifty-five thousand eight hundred and twenty-five Pounds, or so much thereof as may be required for the Purposes herein-before particularly mentioned, or if within Two Years after the passing thereof so much of the said Sum of One hundred and fifty-five thousand eight hundred and twenty-five Pounds as may be required for the said several Purposes shall not have been paid up, or if the said several Railways by "The *Chard* Canal and Railway Act, 1846," "The *Chard* Railway Act, 1847," and by this Act, authorized to be made, shall not be completed for Traffic on or before the Ninth Day of *July* One thousand eight hundred and fifty-seven, then and in either of such Cases all the Provisions herein contained with respect to the said Four several Mortgages of Five thousand Pounds each, and to the said several Mortgages for Sums amounting together to the said Sum of Twenty-six thousand Pounds, and also with respect to the said Simple Contract Creditors of the Company, shall be absolutely void and of no Effect, and all the Powers, Rights, and Remedies of the said several Mortgages and Creditors shall revive and remain as though this Act had not been passed.

Repeal of Tolls and Charges authorized by recited Acts.

XXVI. And whereas by the Two lastly recited Acts the Company are authorized to charge for the Use of their Railways, and for the Carriage of Passengers and Goods and Minerals thereon, certain Tolls, Rates, and Duties, subject to the Regulations and Restrictions in such Acts contained: And whereas it is expedient that such Tolls, Rates, and Duties should be altered: Be it enacted, That all the Provisions, Matters, and Things in the said Acts contained touching the Tolls, Rates, and Duties to be charged for the Use of the said Railways, or the Conveyance of Passengers, Goods, and Minerals thereon, shall be and the same are hereby repealed.

Tolls.

XXVII. It shall be lawful for the Company to demand, recover, and receive any Tolls for the Use of the Railways authorized to be made by the said Two lastly recited Acts and by this Act, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

In respect of the Tonnage of all Articles conveyed upon the Railways or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads

Roads or Highways, *per* Ton *per* Mile One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Coals, Coke, Culm, Charcoal, Cinders, and Fuel, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Sheet Iron, Hoop Iron, and all similar Descriptions of Wrought Iron, *per* Ton *per* Mile Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

For all Sugar, Salt, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For all Cotton, Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

And for every Carriage, of whatever Description, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Fivepence:

And a Sum of Twopence Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile of Twopence.

Tolls for Passengers or Cattle.

XXVIII. In respect of Passengers and Animals conveyed in Carriages upon the Railways, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile Twopence Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Threepence Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Penny:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile Twopence; and if conveyed in or upon any

any Carriage belonging to the Company, an additional Sum *per* Mile of One Penny:

For every Calf, or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Farthing.

Tolls for propelling Power.

XXIX. The Tolls which the Company may demand, recover, and receive for the Use of Engines for propelling Carriages on the Railways shall not exceed One Penny Farthing *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Maximum Rates of Charge for Passengers.

XXX. The maximum Rates of Charges to be made by the Company for the Conveyance of Passengers upon the Railways, including the Tolls for the Use of the Railways, and of Carriages, and for locomotive Power, and for every other Expense incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny Halfpenny *per* Mile.

For Cattle, Goods, &c.

XXXI. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charges to be made by the Company, including the Tolls for the Use of the Railways, and Waggons or Trucks, and locomotive Power, and every Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Fourpence Halfpenny *per* Mile:

For every Ox, Cow, Bull, or Head of Neat Cattle, the Sum of Threepence *per* Mile:

For every Calf, Pig, Sheep, or other small Animal, One Penny Farthing *per* Mile:

For all Dung, Compost, Salt for Agricultural Purposes, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, Threepence *per* Ton *per* Mile:

For all Coals, Coke, Culm, Charcoal, Cinders, and Fuel, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron and Bar Iron, the Sum of Threepence Halfpenny *per* Ton *per* Mile:

For

For Sheet Iron, Hoop Iron, and all similar Descriptions of Wrought Iron, Fourpence *per* Ton *per* Mile:

For all Sugar, Salt, Grain, Corn, Flour, Hides, Dyewoods, Earthen Ware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Fivepence *per* Ton *per* Mile:

For all Cotton, Wools, Drugs, and other manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, the Sum of Fivepence *per* Ton *per* Mile:

For every Carriage not weighing more than One Ton, the Sum of Eightpence *per* Mile:

Provided always, that the Company shall in no Case be required to convey on the Railways any Minerals or other Articles requiring a separate Truck or Waggon at a less Charge than Six Shillings.

Regulations as to maximum Rates and Charges.

XXXII. The following Regulations shall apply to such maximum Rates and Charges:

The Company shall be at liberty to fix a minimum Charge of Six Shillings to be taken for each Carriage, and of Three Shillings and Sixpence for every Horse, conveyed upon the Railways, notwithstanding the Charge for the Distance for which such Carriage or Horse respectively may be conveyed according to the Rates aforesaid may not amount to those Sums:

When Waggons are not provided by the Company for the Conveyance of Coal and the other Articles classed therewith, but by the Parties sending the same, a Reduction of One Eighth of a Penny *per* Ton *per* Mile shall be made from the before-mentioned Rates:

Provided always, that it shall be lawful for the Company to demand and take, in addition to the Tolls, Rates, and Charges which are herein-before authorized, a reasonable Sum for the loading, unloading, and covering, and for the Delivery and Collection of Goods, and other Services incidental to the Business of a Carrier, where such Services respectively shall be performed by the Company, and a further reasonable Sum for Warehousing and Wharfage, and for any other extraordinary Services which may be reasonably and properly performed by the Company in relation to such Goods.

Regulations as to the Tolls.

XXXIII. The following Provisions and Regulations shall be applicable to the fixing of such Tolls; that is to say,

For Articles or Persons conveyed on the Railways for a less Distance than Six Miles the Company may demand Tolls and Charges as for Six Miles:

For a Fraction of a Mile beyond Six Miles or beyond any greater Number of Miles the Company may demand Tolls and Charges as for One Mile:

For any Passenger conveyed along any Part of the Railways in a First-class Carriage, any fractional Part of Sixpence may be charged as Sixpence; and for any Passenger conveyed in a Second-class Carriage by any Train, any fractional Part of Fourpence may be charged as Fourpence:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XXXIV. And with respect to small Packages, and single Articles of great Weight, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carrirge (over the whole or any Part of the Line) of small Parcels not exceeding Seven Pounds in Weight, Threepence:

For any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Sixpence:

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Two Shillings:

For Parcels exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or any other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding Sevenpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, or which, on account of the Length thereof, may require more than One Carriage, the Company may demand such Sum as they think fit.

XXXV. Every

Passengers Luggage.

XXXV. Every Passenger travelling upon the Railways in a First-class Carriage may take with him his ordinary Luggage not exceeding One hundred and twelve Pounds in Weight, and every Passenger travelling in a Second-class Carriage may take with him his ordinary Luggage not exceeding Sixty Pounds in Weight, and every Passenger travelling in a Third-class Carriage may take with him his ordinary Luggage not exceeding Forty Pounds in Weight, without any Charge being made for the Carriage.

Restriction as to Charges not to apply to special Trains.

XXXVI. The Restriction as to the Charges to be made for Passengers shall not extend to any special or extra Trains that may be required to run upon the Railways, but shall apply only to the ordinary and express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railways.

Company may take increased Charges by Agreement.

XXXVII. Nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, other than small Parcels, by Passenger or other Trains, or by reason of any other special Service performed by the Company in relation thereto.

Saving Rights of the Duchy of Cornwall, &c.

XXXVIII. Nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, use, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty in right of the Duchy of *Cornwall*, without the Consent in Writing of Two or more of the principal Officers of the said Duchy, and which Consent such Principal Officers or any Two of them are hereby authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of the said Duke, testified in Writing under the Privy Seal of the said Duke, first had and obtained for that Purpose, or to prejudice, diminish, alter, or take away any of the Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

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

XXXIX. It shall not be lawful for the Company, out of any Money which they are at present authorized to raise, 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 Company to construct any other Railway or execute any other Work or Undertaking.

Railways, &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.

XL. 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 Fifteenth Year of the same Reign, 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 Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

XLI. Nothing herein contained shall be deemed or construed to exempt the Railways 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, 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 or the said recited Acts, or of the Rates for small Parcels.

Expenses of Act.

XLII. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or in connexion with or preparatory or in anywise relating or incident thereto, shall be paid and discharged by the Company.

Short Title.

XLIII. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Chard* Railway Act, 1853."

SCHE-

SCHEDULE.

	Number of Four Pounds per Centum Preference Shares.
To the Executors of John Cave, deceased - -	624
To Joseph Reynolds - - - - -	500
To William Cave - - - - -	160
To Isaac Cooke and Sons - - - -	400
To R. H. Whitty - - - - -	32
To Charles Snell Paris - - - -	9
To the Executors of Thomas Bonville Were, deceased -	18
To Miles and Company - - - -	228
	1,971

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