CHAPTER ccli.

An Act for conferring further powers on the Somerset and Dorset Railway Company for the construction of Works, and otherwise in relation to their Undertaking; and for other purposes. [5th August 1873.] A.D. 1873.

WHEREAS by "The Somerset and Dorset Railway (Extension to the Midland Railway at Bath) Act, 1871," (in this Act called "the Bath Extension Act,") the Somerset and Dorset Railway Company (in this Act called the Company) were authorised (section 4) to make and maintain a railway (No. 1), commencing by a junction with the Somerset and Dorset Railway and terminating by a junction with the Mangotsfield and Bath branch of the Midland Railway, and a railway (No. 2), commencing by a junction with Railway No. 1 and terminating by a junction with the Bristol and North Somerset Railway, (which Railways Nos. 1 and 2 are in this Act referred to as the Bath extension,) and (section 5) to raise, for the purposes of the Bath extension, a further sum by shares, not exceeding three hundred and sixty thousand pounds, and (section 19) to borrow, for the purposes of the Bath extension, not exceeding one hundred and twenty thousand pounds: 34 & 35 Vict. c. ccv.

And whereas the Company are proceeding with the making of the Bath extension, and have raised and expended large sums of money for the purposes thereof:

And whereas the Company are desirous, and it is expedient that they be authorised, to make and maintain the railways and execute the works by this Act authorised:

And whereas it is expedient that the Company be authorised to purchase, for purposes of their undertaking, additional lands in the parishes of Radstock and Midsomer Norton:

And whereas it is expedient that the Company be authorised to raise further moneys for the purposes of this Act:

And whereas it is expedient that other provisions be made with respect to the Company:

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And whereas plans and sections of the railways and works by this Act authorised showing the lines and levels thereof, and plans of the lands which may be taken for the purposes of this Act, and also books of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for the county of Somerset, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act 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:

Short title.

1. This Act may be cited as "The Somerset and Dorset Railway Act, 1873."

Provisions of general Acts herein named incorporated.

2. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of borrowed money into capital, the consolidation of shares into stock, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested, and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expressions "the railway" and the "the undertaking" mean respectively the railways and the undertaking by this Act autho-

rised; the expression "the colliery branch" means the "Nettle Bridge branch railway" by this Act authorised; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make railways and works according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways and works herein-after described, with all proper stations, approaches, sidings, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose: Provided always, that it shall not be lawful for the Company to enter upon, take, or use any lands not being public roads or highways for the purposes of the Nettle Bridge branch, except by agreement with the owners, lessees, and occupiers thereof, but nothing herein contained shall prevent or interfere with the carrying of that railway across any public road or highway. The railways and works herein-before referred to and authorised by this Act are,—

First. A railway (Nettle Bridge branch), one mile five furlongs six chains in length, commencing in the parish of Binegar by a junction with the Bath extension at the road leading from Shepton Mallet to Bristol, and terminating in the parish of Midsomer Norton in a field situate on the south side of and adjacent to the mine or pit called or known as the Strap Pit of the Downside Colliery Company:

Secondly. A railway (Wells junction), five chains and eleven yards in length, wholly situate in the parish of St. Cuthbert, Wells, commencing by a junction with the main line of the Company in the Wells passenger station near the western end of the passenger platform, and terminating by a junction with a siding of the Cheddar Valley and Yatton line of the Bristol and Exeter Railway Company in the yard of the Wells station of that company:

Thirdly. An alteration and raising of the levels of so much of the railway (No. 1) authorised by the Bath Extension Act as lies between the point shown on the plans deposited with the clerk of the peace for the county of Somerset, for and referred to in that Act, and indicating fourteen miles and seven furlongs from the commencement of that railway and the point on those plans indicating fifteen miles five furlongs and three

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chains from such commencement; and the carrying of that railway across and on the level of the road numbered on those plans 156, in the parish of Radstock, in lieu of and in substitution for carrying that road over the railway:

Fourthly. An alteration and widening of the bridge by which the Bristol and North Somerset Railway is carried over the tramway belonging to the Company, in the parish of Midsomer Norton:

Fifthly. An alteration of the line and levels of the tramway of the Company in the parish of Midsomer Norton between a point three hundred yards or thereabouts on the eastern side and a point two hundred and twenty yards or thereabouts on the western side of the bridge by which the Bristol and North Somerset Railway is carried over that tramway; and an alteration of the line and levels of the branch tramway of the Company in the same parish, leading to the Old Welton Colliery, for a distance of one hundred and fifteen yards from its junction with the main tramway:

And the railways and works executed under the authority of this Act shall, for the purposes of tolls and charges, form part of the undertaking of the Company, and it shall be lawful for the Company to demand and receive such tolls and charges in respect of each and every description of traffic upon the railways as by "The Somerset and Dorset Railway Companies Amalgamation Act, 1862," the Company are entitled to demand and receive with respect to their other railways.

Power to Company to raise additional capital.

5. The Company may from time to time raise (in addition to the capital which they are now authorised to raise) by the creation and issue of new shares in the undertaking of the Company, any further capital not exceeding sixty thousand pounds, and all new shares to be created under this Act are herein-after comprised under the name of the "colliery branch shares."

Shares not to issue until one fifth paid up.

6. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to divide shares.

8. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present, in person or by proxy, at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in the capital by this Act authorised to be raised into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share;" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

9. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

10. Each preferred half share shall be entitled, out of the profits of each year, to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares to be registered and certificates issued.

11. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued; and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be deli-

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vered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

12. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

13. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled, &c.

14. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

15. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Application of divisible profits of colliery branch.

16. Subject to the provisions of this Act, the profits of the colliery branch applicable to dividend from time to time shall be applied, in the first instance, in payment of dividend on the colliery branch shares, until a dividend of such amount (not exceeding six per centum per annum) as the Company, with the sanction of three fifths of the votes of the shareholders present, personally or by proxy, at any extraordinary meeting convened with notice of this purpose, shall attach to those shares before the issue thereof, shall have been paid on the total amount from time to time paid up on those shares, and (subject thereto, and also subject to such dividend on such (if any) additional capital for any purposes of or in connexion with the colliery branch as Parliament may hereafter sanction), the residue of those profits shall fall into and become part of the general profits of the Company.

Colliery branch shares not to participate in general profits.

17. The holders of colliery branch shares shall not in respect thereof have or be entitled to any interest or dividend out of any profits of the Company except the profits of the colliery branch.

For ascertaining divisible profits.

18. The Company shall keep separate accounts of all receipts and payments from, for, or on account of the colliery branch; and the balance of the gross receipts of the colliery branch which shall remain, after deducting for expenses of working and management such a proportion (not less than fifty per centum per annum) of such gross receipts as shall be determined by any meeting of the Company before the issue of any colliery branch shares, and also after deducting all interest on debenture stock or borrowed money for the time being secured or attaching upon the colliery branch, and all rates, rents, and taxes payable on or in respect of the colliery branch, shall, for the purposes of this Act, be deemed the profits of the colliery branch applicable to dividend.

Power to borrow on mortgage.

19. The Company may from time to time borrow on mortgage, for the purposes of the colliery branch, on the sole security of the colliery branch, and the profits as aforesaid arising therefrom, any sum not exceeding in the whole twenty thousand pounds, but no part thereof shall be borrowed until the whole capital of sixty thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies) that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of receiver.

20. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver of the colliery branch, and the tolls and charges arising therefrom. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

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Rights of mortgagees.

21. The mortgages and debenture stock from time to time granted or created and issued by the Company under this Act shall only comprise and affect the undertaking upon which the same are charged, and the mortgages and debenture stock granted or created and issued, or to be granted or created and issued, by the Company under any Act other than this Act shall not comprise or affect the colliery branch undertaking.

Debenture stock.

22. The Company may, in lieu of the whole or any part of the sum which they are herein-before authorised to borrow on mortgage on the security of the colliery branch and the profits thereof, create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but, notwithstanding anything therein contained, the interest of all such debenture stock created and issued by the Company shall rank pari passu with the interest of all such mortgages granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

23. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Lands for extraordinary purposes.

24. The quantity of land to be taken by agreement by the Company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres.

Powers for compulsory purchases limited.

25. 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.

Power to cross certain roads on the level.

26. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of the "Railways Clauses Act, 1863," contained, in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
	Nettle Bridge Branch.	
21	Chilcompton - - -	Public.
1	Midsomer Norton - - -	
5	Midsomer Norton - -	Public.
9	Midsomer Norton - - -	Public.
	Alteration of Road at Radstock.	
25	Radstock - - - -	Turnpike.

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Power to cross certain goods lines on the level.

27. The Company may in the construction of the Wells junction carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the goods lines of the Company in the parish of Saint Cuthbert, Wells, as shown on the deposited plans and sections.

All trains passing over Wells junction to stop at adjoining stations.

28. All trains passing to and from the Cheddar Valley line of the Bristol and Exeter Railway Company over the Wells junction shall stop at the stations belonging to the Company and the Bristol and Exeter Railway Company respectively situate at Wells.

Provision as to working of Wells junction.

29. With respect to the working of the Wells junction, the following provisions shall have effect; that is to say,

(1.) The Board of Trade may make such orders and regulations with reference to the working of the Wells junction (including the speed at which trains shall pass over the same), as that Board may from time to time think fit, and the Company and all other companies working or using the Wells junction shall comply with all such orders and regulations:

(2.) The Board of Trade may from time to time require the Company and all other companies working or using the Wells junction to adopt and apply such improvements in the working thereof as experience may from time to time suggest, having regard to the greater security of the public and advantage to the traffic, and the Company and such other companies as aforesaid shall, with all reasonable despatch, comply with any order made by the Board of Trade for carrying out such improvements:

(3.) Any company which makes default, or, in the opinion of the Board of Trade, is guilty of any delay in complying with any order, regulation, or requirement of the Board of Trade made under this enactment, shall for such default incur a penalty not exceeding five hundred pounds, and a further penalty not exceeding one hundred pounds for every day during which the default continues.

Certain sections of Bath Extension Act to apply to this Act.

30. Subject to the provisions of this Act, sections 33, 35 to 41, both inclusive, 44, 45, and 59 of the Bath Extension Act shall, as far as applicable, extend and apply to the works authorised by this Act as fully and effectually as if those sections were re-enacted in this Act.

Widening of Bristol and North Somerset

31. The works authorised by this Act shall, between a point distant 20 chains from and on the Bristol side of the bridge carrying the Bristol and North Somerset Railway over the Company's tram-

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Railway between certain points not to be prevented.

way in the parish of Midsomer Norton, and the turnpike road at Radstock, be so constructed by the Company as not to prevent or interfere with any future widening by the Bristol and North Somerset Railway Company of their railway sufficient for three lines of railway between the before-mentioned points: Provided that the company last named shall, on receiving two months previous notice in writing from the engineer or secretary of the Company before they commence any of their works between the said points, state in writing under the hand of their engineer upon which side of their existing railway such widening is intended to be made by them.

Bridge of Bristol and North Somerset Railway if altered by Company to be of certain dimensions.

32. In altering and widening, under the powers of this Act, the bridge by which the Bristol and North Somerset Railway is carried over the tramway belonging to the Company in the parish of Midsomer Norton, the Company shall reconstruct or enlarge such bridge completely in all respects, so that the same will be sufficiently wide to enable the Bristol and North Somerset Railway Company to construct three lines of railway thereupon, and so that there shall not be less than thirty-six feet on the square between the parapet walls of such reconstructed or enlarged bridge.

Disputes to be settled by arbitration.

33. If any dispute or difference respecting the matters mentioned in either of the two last preceding sections shall arise between the Company and the Bristol and North Somerset Railway Company, the same shall be referred to the decision of Mr. Thomas Elliott Harrison, civil engineer, or, him failing, to an arbitrator to be appointed by the president for the time being of the Institute of Civil Engineers.

Provision for construction of bridge under railway at Radstock.

34. The Company shall construct and maintain a bridge under the railway at a point adjoining where the same crosses the road numbered on the deposited plans 25, in the parish of Radstock, and such bridge shall be of at least fifteen feet span and nine feet in height.

Saving rights under Act of 34 G. 3. c. 86.

35. Except as is by this Act otherwise expressly provided, nothing contained in this Act shall take away, diminish, alter, prejudice, or affect any rights, privileges, or powers given by an Act passed in the 34th year of the reign of George the Third, intituled "An Act for making and maintaining a navigable canal, with cer- "tain railways and stone roads from several collieries in the county "of Somerset, to communicate with the intended Kennet and Avon "Canal in the parish of Bradford in the county of Wilts," to the owners and occupiers of lands or hereditaments adjoining the said canal, or who had a right to any way over or through the lands or hereditaments used for making the said canal, as to the erection of gates, bridges, and other accommodation works.

Provision as to substitution of tramways for those abandoned.

36. If the Company abandon, discontinue, or interfere with any tramway or tramways, or any part thereof, to any existing pit or pits west of the point marked on the deposited plans of the Bath extension 17 miles, and which tramways either directly or indirectly form a communication between any such existing pit or pits and any railway or siding of the Great Western Railway Company, or the tramway of the Countess of Waldegrave, or any tramway which might directly or indirectly form a communication between any such existing pit or pits and the Bristol and North Somerset Railway when constructed, they shall, before such abandonment, discontinuance, or interference, substitute and thereafter maintain at their own expense a tramway or tramways equally convenient, as far as practicable, for the conveyance of traffic to and from the railways of the said companies, or either of them, and the said tramways of the said Countess.

Power to take easements, &c. by agreement.

37. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Colliery branch to be worked in an efficient manner.

38. After the opening of the colliery branch for public traffic the Company will work that railway and convey traffic thereon in a proper manner, and so as fairly to accommodate and develope the traffic of the district to be served by that railway; in case any difference shall arise between the Company and any of the holders of colliery branch shares with respect to the working or nonworking or insufficient working by the Company of the colliery branch, or otherwise in relation thereto, whereby the holders of colliery branch shares deem themselves to be injuriously affected, such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party, and such arbitrator shall have full power to settle and determine any such difference, and to order the Company to do or to abstain from doing all such acts, matters, and things as he shall think fit, and to make such order with respect to the costs of such arbitration as he shall think just; in case the Company make default in complying with any of the requirements of any such order within the time thereby prescribed, then and in

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every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding fifty pounds for every day (after the first) during which such default shall continue.

Deposit money not to be repaid until line opened, or half of the capital paid up and expended.

39. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, the sum of three thousand two hundred and seven pounds three per centum consolidated bank annuities, being equal in value to the sum of two thousand nine hundred and fifty pounds, being five per centum upon fifty-nine thousand pounds, the amount of the estimate in respect of the undertaking originally proposed to be authorised by the Bill for this Act, has been transferred pursuant to the said Act in respect of the application to Parliament for this Act: And whereas a portion of the undertaking originally proposed is not now authorised by this Act, and the amount of the estimate of the undertaking is fourteen thousand pounds, five per centum upon which is seven hundred pounds: Be it therefore enacted, that, notwithstanding anything contained in the said recited Act, so much of the said stock so transferred as aforesaid in respect of the application for this Act as was at the time of the transfer equal to the sum of seven hundred pounds (and which is hereafter referred to as the transferred stock), shall not be transferred to or on the application of the persons named in the warrant or order issued in pursuance of the said Act, or the survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said transferred stock shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

40. The said transferred stock shall be applicable, and after due notice in the London Gazette shall be applied, towards compensat-

ing any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways, or any of them, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said transferred stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said transferred stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said transferred stock has been repaid or retransferred to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the persons named in such warrant or order as aforesaid, or the survivor of them.

Release of balance of stock.

41. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of Her present Majesty, chapter 20, or the survivor of them, or their or his executors or administrators, by petition in a summary way at any time after the passing of this Act, the High Court of Chancery may and shall order that so much of the said stock transferred as aforesaid as was at the time of the transfer equal to the sum of two thousand two hundred and fifty pounds, and the interest and dividends thereof, shall be paid and transferred to the person or persons so applying, or to any other person or persons whom he or they may appoint in that behalf.

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Period for completion of works.

42. If the railway and works by this Act authorised are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway and works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to purchase additional land for general purposes.

43. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may from time to time enter upon, take, and use for purposes connected with their undertaking all or any of the lands situate in the parishes of Radstock and Midsomer Norton delineated on the deposited plans and described in the deposited books of reference: Provided always, that it shall not be lawful for the Company to purchase or take any of the land numbered 3 in the parish of Midsomer Norton on the deposited plans for the additional lands within fifty feet of the centre line of the Bristol and North Somerset Railway, except for the approach of the tramway to the bridge under that railway.

Saving the rights of the Duchy of Cornwall.

44. Nothing contained in this Act shall extend to authorise the Company to take, use, enter upon, or interfere with any land, soil, or water, or any rights in respect thereof, belonging to Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, without the consent in writing of some two or more of such of the regular officers of the said duchy, or of such other persons as may be duly authorised under the provisions of "The Duchy of Cornwall Management Act, 1863," section thirty-nine, to exercise all or any of the rights, powers, privileges, and authorities by the said Act made exerciseable, or otherwise for the time being exerciseable, in relation to the said duchy, or belonging to the Duke of Cornwall for the time being, without the consent of such Duke, testified in writing under the seal of the Duchy of Cornwall, first had and obtained for that purpose, or to take away, diminish, alter, prejudice, or affect any property, 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.

Saving rights of debenture stockholders.

45. Anything in this Act contained, and anything to be done thereunder, shall in no wise alter, prejudice, or affect any of the rights, interests, powers, or privileges of the debenture stockholders under the Company's scheme of arrangement, or the Bath Extension Act.

Saving rights of the Somersetshire Coal Canal Navigation.

46. Nothing in this Act contained shall extend to authorise the Company to take, use, enter upon, or interfere with any lands, soil, water, or other property, rights, or privileges belonging to the Company of Proprietors of the Somersetshire Coal Canal Navigation, or any rights in respect thereof, or any rights vested in the said company of proprietors under their Act or Acts of Parliament, without the consent in writing of the said company of proprietors under their common seal first had and obtained.

Interest not to be paid on calls paid up.

47. The Company shall not, out of any money by this Act or any Act relating to the Company authorised to be raised by calls, debenture stock, or borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of capital.

48. The Company shall not, out of any money by this Act or any Act relating to the Company authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

49. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, by any Act relating to the Company authorised.

Expenses of Act.

50. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company out of moneys to be raised under the powers of this Act and the Bath Extension Act, and not otherwise.

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