ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

****

Cap. clxxxii.

An Act for enabling the *Somerset Central* Railway Company to construct Railways to *Wells* and to *Burnham*, and a Pier at *Burnham*, and to raise additional Capital, and for other Purposes.

[30th *July* 1855.]

WHEREAS by "The *Somerset Central* Railway Act, 1852," the *Somerset Central* Railway Company (in this Act called "the Company") were incorporated, and were authorized to make and maintain the *Somerset Central* Railway, and to raise a Capital of Seventy thousand Pounds in Three thousand five hundred Shares of Twenty Pounds each, and to borrow Twenty thousand Pounds on Mortgage or Bond, and were also authorized to accept a Transfer from the *Bristol and Exeter* Railway Company of the *Glastonbury* Navigation and Canal (in this Act called "the Canal"), and to appropriate the Canal, or such Part thereof as the Company should think fit, for the Purpose of constructing their Railway and Works: And whereas under that Act the *Bristol and Exeter* Railway Company were empowered to subscribe to and hold Shares in the Undertaking thereby authorized to any Extent not exceeding Thirteen thousand Pounds, and they have in pursuance thereof subscribed Ten

thousand Pounds: And whereas also under that Act the Canal hath been transferred and is now vested in and forms Part of the Undertaking and Property and Effects of the Company: And whereas the Company have made the said Railway, and have raised the whole of their Share Capital, and have borrowed on Bond the Sum of Twenty thousand Pounds, the whole whereof now remains unpaid: And whereas it is expedient that the Company be empowered to make and maintain the Railways, Pier, and other Works by this Act authorized, and to raise additional Capital for such Purposes: And whereas the making of the said Railways, Pier, and other Works will be beneficial to the Interests of the *Bristol and Exeter* Railway Company, and it is expedient that that Company be authorized to become Shareholders in the Undertaking to the further Extent and upon the Terms in this Act expressed: And whereas, in order to avoid Inconveniences arising from several Private Acts relating to the same Purposes being in force at the same Time, it is expedient that the recited Act be repealed, and that some of the Powers and Provisions thereof be amended and re-enacted or continued by this Act: And whereas such several Purposes cannot be effected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.

I. This Act may be cited for any Purpose as "The *Somerset Central* Railway Act, 1855."

Commencement of Act.

II. This Act shall commence to have effect on and from the Fourth *Tuesday* next after the passing thereof.

8 & 9 Vict. cc. 16., 18., & 20. incorporated.

III. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the same are not expressly varied by this Act, shall be incorporated with this Act: Provided always, that the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Election, Qualification, Retirement from Office, and Rotation of Directors, shall not apply to the Director or Directors appointed on behalf of the *Bristol and Exeter* Railway Company under or by virtue of the recited Act.

Same Meaning to Words, &c. in incorporated Acts and this Act.

IV. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

V. Subject

Recited Act repealed.

V. Subject to the Provisions of this Act, the recited Act is by this Act repealed.

Company to remain incorporated.

VI. Notwithstanding the Repeal of the recited Act, the Company shall, for the Purposes of this Act, and as from the passing of the recited Act, remain incorporated by the Name of "The *Somerset Central* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property, for the Purposes but within the Restrictions of this Act.

Company to remain entitled to Property.

VII. Notwithstanding the Repeal of the recited Act, the Company shall remain and be seised and possessed of and entitled to all the Lands, Railway Works, Canals, Navigations, Harbours, Buildings, Estates, Moneys, Property, Effects, Claims, and Demands whatsoever of or to which the Company are by virtue of the recited Act or otherwise howsoever, immediately before the Commencement of this Act, seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act were not assed.

Company to remain entitled to Rights under other Acts.

VIII. Notwithstanding the Repeal of the recited Act, the several lauses and Provisions whatever in favour of the Company contained in any Act or Acts other than the recited Act, and which immediately before the Commencement of this Act are in force, shall apply on and from the Commencement of this Act to the Company, and their Directors, Officers, and Servants, and shall remain and be in full Force accordingly, and they respectively may and shall accordingly and for the Purposes of this Act be entitled to, and have, exercise, and enjoy, all such Rights, Interests, Powers, Authorities, and Privileges, and be subject to such Obligations and Liabilities whatsoever, as, if this Act were not passed, they respectively, under and by virtue of the same, might be entitled to, or might have, exercise, or enjoy.

Notwithstanding Repeal of recited Act Sections in Schedule to remain in force.

IX. Notwithstanding the Repeal of the recited Act, the several Sections and Provisions thereof which are given in the Schedule to this Act annexed, so far as the same respectively are at the Commencement of this Act in force, shall remain and be in force, and this Act and the several Powers and Provisions thereof shall in all respects be subject and without prejudice to those Sections and Provisions respectively, and this Act or anything therein contained shall not in any Manner extend, restrict, alter, interpret, or affect those Sections and Provisions or any of them.

Conveyances, &c. to remain in force.

X. Notwithstanding the Repeal of the recited Act, all Purchases, Sales, Conveyances, Assignments, Leases, Mortgages, Bonds, Contracts,

tracts, Agreements, Securities, and other Acts and Things before the Commencement of this Act made, done, entered into, executed, or instituted under or by virtue of the recited Act, or with reference to the Purposes thereof, or otherwise concerning the Undertaking of the Company or any Part thereof, shall be as good, valid, and effectual to all Intents and Purposes whatsoever, for, against, and with reference to the Company, as if this Act were not passed, and may be proceeded on and enforced accordingly, and all which Contracts and Arrangements entered into by or on behalf of the Company for any of the Purposes of or with respect to their Undertaking shall be binding on and performed and observed by the Parties thereto, and shall be enforceable by the Company.

Actions not to abate.

XI. Notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the Commencement of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Company, in like Manner in all respects as the same would continue and take effect if this Act were not passed, and all Offences against the Provisions of the recited Act committed before the Commencement of this Act may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act were not passed.

As to Monies paid into the Bank of England, &c.

XII. Notwithstanding the Repeal of the recited Act, in every Case in which under the Provisions of that Act any Money was before the Commencement of this Act paid by the Company into the Bank of *England*, or to any Trustee or Trustees, as Purchase or Compensation Money, or on any other Account, such Money, or the Stocks, Funds, or Securities in or upon which the same is or shall be invested by the Order of the Court of Chancery or otherwise, and the Interest, Dividends, and annual Produce thereof, shall, after the Commencement of this Act, be applied and disposed of pursuant to that Act, and the Obligations of the Company under that Act with respect to such Moneys, Stocks, Funds, and Securities shall be performed and observed by the Company.

Shareholders to pay Calls.

XIII. Notwithstanding the Repeal of the recited Act, the several Persons and Corporations who immediately before the Commencement of this Act are the Shareholders of the Company, their Heirs, Executors, Administrators, Successors, and Assigns respectively, shall pay to the Company the Amount of their respective Shares, or so much thereof as at the Commencement of this Act is not paid to the Company, with all Interest (if any) due or to accrue due thereon, and shall so pay the same when and as the same is called up or otherwise

otherwise demanded by the Company, according to the Provisions of this Act.

Debts due to and by the Company to be paid to and by them.

XIV. Notwithstanding the Repeal of the recited Act, all Persons and Corporations who immediately before the Commencement of this Act owed any Sum of Money to the Company or to any Person on their Behalf shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Company; and all Debts, Moneys, and Liabilities which immediately before the Commencement of this Act were due or owing by or recoverable from the Company, or for the Payment and Satisfaction of which the Company are or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from or be satisfied by the Company.

Byelaws, &c. to remain in force.

XV. Notwithstanding the Repeal of the recited Act, all Byelaws, Resolutions, Orders, Notices, and Proceedings of the Company and the Directors thereof made and taken before the Commencement of this Act shall continue of full Force and Effect as if this Act were not passed, and such Byelaws may be enforced and all Penalties thereunder may be recovered accordingly.

Books to be Evidence.

XVI. Notwithstanding the Repeal of the recited Act, all Books, Certificates, Writings, and Documents by that Act directed or authorized to be kept or made, and which if this Act were not passed would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Present and future Rights and Liabilities under repealed Acts not to be affected.

XVII. Notwithstanding the Repeal of the recited Act, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered respectively under the recited Act shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without prejudice to everything so done and suffered respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done and suffered respectively; and the Company shall be responsible in respect of such Rights, Liabilities, Claims, and Demands in the same Manner and to the same Extent as the Company under the recited Act would have been responsible in respect of such Rights, Liabilities, Claims, and Demands if this Act had not passed: Provided always, that the Generality of the preceding Provision shall not be restricted by any of the other Clauses and Provisions of this Act.

Directors to remain in Office.

XVIII. Notwithstanding the Repeal of the recited Act, but subject to the Provisions of this Act, the several Persons who at the Commencement

mencement of the Act are Directors of the Company shall remain in Office, and shall retire from Office in the same Rotation as that in which they would retire if this Act were not passed.

Officers to continue.

XIX. Notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the Authority of that Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company until he be removed from such Office and Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and Penalties in all respects whatsoever as if he were appointed under this Act.

Capital.

XX. On and from the Commencement of this Act the Capital of the Company shall be One hundred and forty thousand Pounds in Seven thousand Shares of Twenty Pounds each.

Calls.

XXI. Three Pounds a Share shall be the greatest Amount of any One Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls in any Year on any Share.

3,500 Shares to be appropriated to existing Shareholders;

XXII. Three thousand five hundred of the Shares shall be appropriated to the several Corporations and Persons who at the Commencement of this Act are the Shareholders of the Company, and those Three thousand five hundred Shares are by this Act vested in those Shareholders respectively, after the Rate of One such Share for every One now existing Share in the now existing Capital of the Company held by them respectively, and shall be deemed paid up to the Extent to which those now existing Shares are at the Commencement of this Act respectively paid up.

and to be subject to the same Trusts as now existing Shares.

XXIII. Those Three thousand five hundred Shares shall be so vested in those Shareholders respectively upon the same Trusts and subject to the same Powers, Provisions, Declarations, Agreements, Charges, and Incumbrances upon or to which their respective Shares in the now existing Capital of the Company were immediately before the Commencement of this Act held or subject, and so as to give effect to and not to revoke any Will or other Instrument disposing of or affecting any such Shares.

As to Certificates of the 3,500 Shares.

XXIV. The Certificates of the Three thousand five hundred original Shares created under the recited Act, and existing at the Commencement of this Act, shall be the Certificates of the Three thousand five hundred Shares created by this Act which are to be substituted

substituted for those original Shares; and it shall not be obligatory on the Company to issue fresh Certificates of such substituted Shares, except in Cases where such Certificates are worn out or damaged, or lost or destroyed.

Disposal of the 3,500 Shares.

XXV. Subject to the Provisions of this Act, the Directors may dispose of the Three thousand five hundred remaining Shares in such Manner and Number, at such Times, and on such Terms and Conditions whatsoever as they from Time to Time determine: Provided always, that the Directors shall allot such of those Three thousand five hundred Shares as are subscribed for before the passing of this Act to the several Persons who have subscribed or shall subscribe for the same.

Power to borrow on Mortgage.

XXVI. The Company may borrow on Mortgage or Bond any Sum not exceeding in the whole, inclusive of the Money borrowed by the Company under the recited Act and at the Commencement of this Act remaining due, the Sum of Forty-three thousand Pounds, but any Part of that Sum exceeding Twenty thousand Pounds shall not be borrowed until the whole Three thousand five hundred new Shares are subscribed for and One Half thereof paid up.

Priority for existing Mortgages.

XXVII. Provided always, that all Mortgages or Bonds granted by the Company, and in force at the Commencement of this Act, shall, during the Continuance thereof, have Priority over all the Mortgages and Bonds granted under this Act.

Arrears may be enforced by the Appointment of a Receiver.

XXVIII. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize the Requisition for a Receiver shall be Five thousand Pounds.

Interest not to be paid on Calls paid up.

XXIX. The Company shall not, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls on his Shares: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him in anticipation of Calls as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845."

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

XXX. The Company shall not, out of any Money by this Act authorized to be raised for the Purposes thereof, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament from Time to Time in force is required to be deposited in respect

respect of any Application to Parliament for an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

Power for the Bristol and Exeter Railway Company to subscribe.

XXXI. The *Bristol and Exeter* Railway Company, in addition to the Sum authorized by the said recited Act to be subscribed by them, may for the Purposes of this Act be Shareholders in the Company to a further Extent not exceeding Ten thousand Pounds, and may apply for such Purposes any Capital in their Possession or Control, or which they have raised or are now authorized to raise by Shares or borrowing under the Provisions of any Act or Acts relating to that Company: Provided always, that no such Application of Capital shall take place unless the same be authorized by some Special General Meeting of the *Bristol and Exeter* Railway Company, and that such Money so to be subscribed shall not have been specifically appropriated for any other Purpose under the Acts of that Company.

Bristol and Exeter Railway Company may appoint a Person to Vote.

XXXII. So long as the *Bristol and Exeter* Railway Company continue by themselves Shareholders in the Company, the *Bristol and Exeter* Railway Company or the Directors thereof may appoint any Person (whether a Shareholder in the Company or not) to vote on behalf of the *Bristol and Exeter* Railway Company at Meetings of the Company, and may from Time to Time revoke any such Appointment, and appoint another Person in that Behalf, and such Person shall, during his Appointment, have the same Right of voting at such Meetings as he would have if the Shares in the Company for the Time being held by the *Bristol and Exeter* Railway Company were held by such Person in his own Right.

Appointment of such Person, &c.

XXXIII. Provided always, That every such Appointment or Revocation shall be in Writing, and under the Seal of the *Bristol and Exeter* Railway Company, or under the Hand of the Chairman for the Time being of the Directors of that Company, or under the Hand of the Secretary of that Company: Provided also, that neither the Person named in such Appointment nor the Person or Persons appointed by the Directors of the *Bristol and Exeter* Railway Company under the Provision in the Schedule to this Act annexed to be Directors of the Company in addition to the Directors appointed by the Shareholders, shall on behalf of that Company be entitled to vote at any Meeting upon any Question touching the Election of Directors, or touching any proposed Increase or Reduction of the Number of Directors, nor upon any Question touching any proposed Lease to the *Bristol and Exeter* Railway Company of the Railway and Works by the recited Act authorized.

XXXIV. Pro-

Application of Monies.

XXXIV. Provided always, That all and every Part of the Money raised by Shares or borrowed under this Act shall be applied only for the Purposes by this Act authorized.

Ordinary Meetings.

XXXV. The Ordinary Meetings of the Company shall be held half-yearly, on the First Day of *February* and the First Day of *August* in every Year, or within One Month before or after those Days respectively.

Number of Directors.

XXXVI. The Number of the Directors appointed by the Shareholders shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares; and the Qualification of a Director appointed by the Directors of the *Bristol and Exeter* Railway Company, under or by virtue of the recited Act, shall be his being a Director or Shareholder in the *Bristol and Exeter* Railway Company, or his being a Shareholder in the Company.

Candidate for Direction to give Notice.

XXXVII. No Person shall be capable of being appointed a Director of the Company by the Shareholders at any of the General Meetings of the Company unless Notice of his Intention or Consent to become a Candidate for such Office shall have been given to the Secretary of the Company in Writing Seven Days at the least prior to the Day of such Meeting.

Power to reduce the Number of Directors.

XXXVIII. The Company may from Time to Time reduce the Number of Directors appointed by the Shareholders, provided the reduced Number be not less than Five.

Quorum for Meetings of Directors.

XXXIX. The Quorum of a Meeting of Directors shall be Five Directors; provided, that if the Number of Directors appointed by the Shareholders shall be reduced to Five, then that a Quorum of Directors shall be Three.

Receipts on behalf of incapacitated Persons.

XL. If any Money be payable to any Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his respective Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Newspaper for Advertisements.

XLI. The Newspaper for Advertisements shall be a Newspaper published in the County of *Somerset*.

Company empowered to maintain existing Railway.

XLII. From and after the Commencement of this Act the Company may from Time to Time complete, repair, and maintain the *Somerset Central* Railway by the recited Act authorized, and the Works and Conveniences thereof: Provided always, that this Act shall not extend the Period for the compulsory Purchase of Lands, or for completing the Railway and Works by the recited Act respectively limited.

Power to take Lands for new Works.

XLIII. And whereas Plans and Sections showing the Line and Levels of the Railways, Pier, and other Works by this Act authorized to be made, and also Books of Reference to those Plans containing the Names of the Owners or reputed Owners, and Lessees or reputed Lessees, and Occupiers of the Lands which may be required for the Purposes of the same, have been deposited with the Clerk of the Peace for the County of *Somerset*: Therefore, subject to the Powers and Provisions of this Act, the Company may make and maintain the Railways, Pier, and other Works in the Line and Situation and in or upon the Lands delineated upon those Plans and described in those Books of Reference, and according to the Levels defined on those Sections, and may enter upon, take, and use such of those Lands as they think requisite for the Purposes of this Act.

Lands for extraordinary Purposes.

XLIV. The Company may by Agreement purchase and take for all extraordinary Purposes mentioned in the said Railways Clauses Consolidation Act any Quantity of Land not exceeding in the whole Fifteen Acres.

Powers for compulsory Purchases limited.

XLV. 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.

Railways and Works hereby authorized.

XLVI. The Railways, Pier, and other Works by this Act authorized are the following; (to wit,)

A Railway commencing by a Junction with the *Somerset Central* Railway at the Passenger Station of that Railway at *Glastonbury* in the United Parishes of *Saint John the Baptist and Saint Benedict* in *Glastonbury* in the County of *Somerset*, and terminating in or near a certain Field called or known by the Name of "White Horse Field," in the Occupation of *John Buck*, situate in the In-Parish of *Saint Cuthbert Wells* in the County aforesaid, and on the North-west Side of and adjoining the Turnpike Road leading from *Wells* to *Glastonbury*:

A Railway commencing by a Junction with the *Somerset Central* Railway at or near the Point where such Railway crosses the Turnpike Road leading from *Bridgewater* to *Cross* and *Bristol*, and terminating in or near a certain Piece of Garden or Arable Ground called "the Pen," in the Occupation of *Robert Board* or his Under-tenants, situate in the Parish of *Burnham* in the said County of *Somerset*, and near to or adjoining a Road or Way leading from the *Highbridge and Burnham* Road to the Sea Wall or Beach at *Burnham*, and which Road is near to the Custom House at *Burnham*:

A Railway from and out of the said lastly-described intended Railway, commencing by a Junction therewith in or near a certain Field

Field called or known by the Name of "Croft," situate in the said Parish of *Burnham* and County of *Somerset*, and which Field is on the West Side of the Road or Way leading from *Burnham* to *Highbridge*, and about Seven or Eight Chains therefrom, and terminating in such Parish at or near a Point at the Sea Wall or Beach aforesaid opposite to or near to a certain Field called or known by the Name of "Sandy Pen," in the Occupation of *Robert Board*, and about Five Chains North of the Custom House at *Burnham*:

And, in continuation of the last-mentioned intended Railway, a Pier or Jetty on Piles, not projecting more than One hundred Feet within High-water Mark at ordinary Spring Tides; also a paved Way to Low-water Mark, such paved Way not to be raised more than Two Feet above the Foreshore on which the same shall be placed, and not to be less than Fifteen Feet nor more than Thirty Feet in Width:

And those Railways, Pier, paved Way, and other Works shall be Part of the *Somerset Central* Railway.

Certain Roads may be crossed on the Level.

XLVII. Subject to the Provisions of this Act, the Company may carry the Railways across and on the Level of the several Roads numbered in the Plans deposited for the Purposes of the recited Act and this Act respectively as follows; (to wit,)

ROADS shown on the Plans deposited for the Purposes of the recited Act.

No. on Plan.	Parish.
12	Burnham.
44 a and 71	Huntspill.
9	Edington in the Parish of Moorlinch.
7	Shapwick.
4	Ashcot.

ROADS shown on the Plans deposited for the Purposes of this Act.

No. on Plan.	Parish.
25	Out-Parish of Saint Cuthbert Wells.
51	Burnham.

Company to erect a Station or Lodge at Points of Crossings, and abide by Rules, &c. of Board of Trade.

XLVIII. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or a Lodge at the Points where the Railways cross those Roads on the Level, or where the Railway by the recited Act authorized crosses any Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of those Roads respectively on the Level, or with regard to the

the Speed at which Trains shall pass those Roads respectively, as are from Time to Time made by the Board of Trade; and if the Company fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossings at any such Point or Station, or to abide by any such Rule or Regulation, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence continues after such Penalty of Twenty Pounds is incurred.

Board of Trade may require Bridges to be erected in lieu of level Crossings.

XLIX. The Board of Trade, if it appear to them necessary for the Public Safety, at any Time either before or after the Railways are completed and opened for public Traffic, may require the Company, within such Time as the Board of Trade appoint, and at the Expense of the Company, to carry any of those Roads respectively either under or over the Railway by the recited Act authorized, or the Railways by this Act authorized, by means of a Bridge or Arch in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case appear to the Board of Trade best adapted for removing or diminishing the Danger arising from any such level Crossing.

Period for Completion of Works.

L. The Railways, Pier, and other Works by this Act authorized shall be completed within Five Years after the Commencement of this Act, and on the Expiration of such Period the Powers of the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Gauge of Railway.

LI. The Railway by the recited Act authorized shall be maintained and worked, and the Railways by this Act authorized shall be constructed, maintained, and worked, upon the Broad Gauge of Seven Feet.

After Five Years from passing of Act no Dividend to be paid unless Railways are opened for Traffic.

LII. After the Expiration of Five Years from the passing of this Act, it shall not be lawful for the Company to pay any Dividend upon any Shares in the Capital of the Company (not being Shares upon which any fixed or guaranteed Dividend may be payable), unless and until the said Railways shall be opened for the Purposes of public Traffic.

Tolls.

LIII. The Company may demand any Tolls for the Use of the Railways, Pier, paved Way, and other Works by this and the recited Act authorized, not exceeding the following; (to wit,)

Tonnage on Articles of Merchandise.

In respect of the Tonnage of all Articles conveyed thereon, or upon any Part thereof, and included within the following Classes:

Class 1. For all Coals, Coke, Culm, Charcoal, and Cinders, Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all

all undressed Materials for the Repair of Roads or Highways, and all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Three Farthings:

Class 2. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

Class 3. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Fourpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

Class 4. And for every Carriage, of whatever Description, (not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton,) *per* Mile not exceeding Threepence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding One Penny Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Penny Halfpenny; and the Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding One Penny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton; and if propelled by an Engine belonging to the Company, a further Sum not exceeding One Penny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton:

Tolls for Animals, &c.

In respect of Animals conveyed in Carriages upon the said Railways, Pier, and paved Way, as follows:

Class 5. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile not exceeding

exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

Class 6. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, the Sum of Three Halfpence *per* Mile; and if conveyed in any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding Three Farthings; and if such Carriage be propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding Three Farthings:

Class 7. For every Calf or Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny, provided Six at least are carried; and it conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and it propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

Tolls for Passengers.

In respect of Passengers conveyed in Carriages upon the said Railways, Pier, and paved Way, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny:

And in respect of any Person landing upon or embarking from the said Pier or paved Way, the Sum of Twopence.

Regulations as to the Tolls.

LIV. The following Provisions and Regulations shall be applicable to the fixing of such Tolls; (to wit,)

For Articles, Animals, or Persons conveyed on the said Railways, Pier, or paved Way for a less Distance than Six Miles, the Company may demand Tolls and Charges as for Six Miles:

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, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so on in proportion for any smaller Quantity:

With

Tolls for small Parcels and Articles of great Weight.

With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may demand the Tolls following; (to wit,)

For the Carriage of small Parcels on the said Railways, Pier, and paved Way, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Eightpence:

For any Parcel not exceeding Fourteen Pounds in Weight, One Shilling:

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

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings and Sixpence:

And for Parcels exceeding Fifty-six Pounds in Weight, but not exceeding Five Hundredweight, the Company may demand any Sum which they think fit:

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, or any One Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand any Sum not exceeding One Shilling *per* Ton *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Fourpence; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Threepence:

For the Carriage of any One Boiler, Cylinder, or any single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they shall think fit.

Passengers Luggage.

LV. Every Passenger travelling upon the said Railways, Pier, and paved Way may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds for First-class Passengers, Eighty-four Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Officers of Customs to have Ingress and Egress to Pier.

LVI. It shall be lawful for all Officers of Customs, being in the Execution of their Duty, to have free Ingress and Egress to and from the said Pier and paved Way, and freely to pass over the same at all Times without Payment of any Rate or Charge for so doing.

LVII. The

Maximum Rates of Charges for Passengers.

LVII. The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the said Railways, Pier, and paved Way, including the Tolls for the Use of the Railways, Pier, and paved Way, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

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.

Maximum Charges for Goods and Animals.

LVIII. The maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railways, Pier, and paved Way, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, (except the loading and unloading of Goods when such Service is performed by the Company,) shall not exceed the Amounts following; (to wit,)

For the Matters mentioned under Class 1, not exceeding Threepence *per* Ton *per* Mile:

For the Matters mentioned under Class 2, not exceeding Fivepence *per* Ton *per* Mile:

For the Matters mentioned under Class 3, not exceeding Sixpence *per* Ton *per* Mile:

For any Carriage mentioned under Class 4 not weighing more than One Ton, not exceeding Sixpence *per* Mile, and if weighing more than One Ton, not exceeding Threepence Halfpenny *per* Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton above Two Tons:

For everything mentioned under Class 5, not exceeding Fourpence *per* Mile:

For everything mentioned under Class 6, not exceeding Threepence *per* Mile.

For everything mentioned under Class 7, not exceeding Twopence *per* Mile.

Restriction as to Charges not to apply to Special Trains.

LIX. The Restriction 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, Pier, and paved Way, but shall apply only to the ordinary Trains appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the said Railways, Pier, and paved Way.

Company may take increased

LX. This Act or anything therein contained shall not prevent the Company from taking any increased Charges over and above the Charges

Charges by Agreement.

Charges by this Act limited for the Conveyance of Goods of any Description by Agreement with the Owners or Persons in charge of such Goods, either by reason of any special Service performed by the Company in relation thereto, or in respect to the Conveyance of any Goods, other than small Parcels, by Passenger Trains, or in respect of the Conveyance of such Parcels by Express Trains.

Vessels in the Service of Her Majesty, &c. to be exempt from Payment of Toll, &c.

LXI. Nothing in this Act contained shall extend to charge with Rates or Duties, or to regulate or subject to any Control, any Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or any Member of the Royal Family, or in the Service of the Customs or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using the Pier or paved Way, and not conveying Goods for Hire, or any Packet Boat or Post Office Packet being a Packet Boat or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons employed in the Service of the Admiralty, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessel or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon, embarked, or delivered, or disembarked from the Pier or paved Way of the Company, or their Baggage; but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the Pier or paved Way, without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Admiralty may order a local Survey at Expense of Company.

LXII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of the Railway, or of the Pier, paved Way, or of any Works of the Company in, over, under, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

If Works affecting tidal Waters

LXIII. If any Railway, Pier, or paved Way to be constructed or laid down by the Company in, under, over, through, or across any tidal

are abandoned Admiralty may remove them at Expense of Company.

tidal or navigable Water or River, or if any Portion of any Railway, Pier, or paved Way which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Somerset Central Railway Company may lease Undertaking to Bristol and Exeter Railway Company.

LXIV. Subject to the Approval of the Board of Trade as hereinafter mentioned, the Company may grant, and the *Bristol and Exeter* Railway Company may accept, a Lease for any Term or Number of Years, not exceeding Ten Years, which may be agreed upon between the Companies, of all or any Part of the Undertaking of the *Somerset Central* Railway Company which was authorized by "The *Somerset Central* Railway Act, 1852;" and the Property for the Time being vested in such last-mentioned Company for the Purposes of that Undertaking, and all or any of the Tolls, Rates, and Duties which the Company is or may be empowered to raise and levy, and all or any of the Rights, Powers, and Privileges of which the Company is or may be or become possessed with reference to that Undertaking, at or under such annual or other Rents or for or in consideration of such Share of the gross or net Earnings or Profits, or for such Considerations, and with, under, and subject to such Powers, Provisoes, Stipulations, Conditions, and Agreements, as the Companies from Time to Time approve.

Duration of Lease; but to be approved by Board of Trade.

Lease not to affect Persons not Parties thereto.

LXV. No Lease of the *Somerset Central* Railway shall be for more than Ten Years, and no such Lease shall have any Operation until the same shall have been approved of by the Board of Trade; and no such Lease shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the Company shall for the Time being be authorized and entitled to demand and receive from any Person or any other Company; but all other Persons and Companies shall, notwithstanding any such Lease, be entitled to the Use and Benefit of the Railway, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Lease had been entered into: Provided always, that the said Board shall not approve such Lease without being satisfied that the same has been duly assented to by the Shareholders of the respective Companies Parties thereto in Special Meeting assembled for that Purpose.

Lease may be renewed with the

LXVI. At the Expiration of the said Lease the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies

panies respectively, and subject to the Approval of the Board of Trade, may enter into a further Lease of the *Somerset Central* Railway which was authorized by "The *Somerset Central* Railway Act, 1852;" provided, that before such Companies shall enter into any such further Lease they shall give Notice of their Intention to enter into such Lease by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in the County of *Somerset*, and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Lease, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Lease shall be valid at Law or in Equity until the same shall have been approved of by the Board Trade.

Approval of the Board of Trade, but public Notice to be given.

Lease inoperative until approved by the Board of Trade.

LXVII. None of the Powers and Provisions of this Act with respect to the Lease of the *Somerset Central* Railway by the *Bristol and Exeter* Railway Company shall have any Operation or Effect unless and until the Contracts and Arrangements intended to be made for such Purpose shall have been submitted to the Proprietors and approved of by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of the Companies Parties to such Lease specially convened for that Purpose.

Lease not to take effect unless approved by Three Fifths of the Shareholders.

LXVIII. Such Meetings shall be called by Advertisements inserted for Two successive Weeks in a Morning Newspaper published in *London*, and in some Newspaper in the County or Counties in which the principal Offices of the Companies Parties to such Lease are situate, the last of which Advertisements shall be published not less than Seven Days before such Meetings respectively, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Companies, in accordance with the Provisions of the Acts relating to the Companies.

Meetings, how to be convened.

LXIX. The several Sections and Provisions which are given in the Schedule to this Act annexed, in reference to the Company and to the Commissioners of Sewers for the County of *Somerset*, relating to the Railway by the recited Act authorized, shall be applied and be binding upon the Company, and the Commissioners of Sewers, with reference to the Construction of the Railways, Pier, and other Works authorized by this Act, so far as the same may be applicable.

Saving Rights of Commissioners of Sewers for County of Somerset.

LXX. Except as is provided by the recited Act in reference to the Undertaking thereby authorized, and as is also provided by this Act in reference to the Construction and Maintenance of the Railways, Pier, and other Works hereby authorized, this Act or anything therein contained shall not take away, lessen, prejudice, alter, or

Saving Rights of Corporation of Bridgewater under 8 & 9 Vict. c lxxxix.

or affect any of the Estates, Rights, Duties, Tolls, Dues, Privileges, Franchises, Powers, or Authorities of the Mayor, Aldermen, and Burgesses of the Borough of *Bridgewater* under the Act of the Eighth and Ninth Years of Her present Majesty, intituled *An Act for improving the Navigation of the River and Bay leading to the Borough of* Bridgewater, *for maintaining the present Bridge, and extending the Quays within the Borough, and for forming a Communication by Road and by Railway between the Quays and the* Bristol and Exeter *Railway*.

Railways not exempt from Provisions of present and future General Acts.

LXXI. This Act or anything therein shall not exempt the Railways and Works from the Provisions of any General Act relating to this Act, or of any General Act or any Act now in force or which may hereafter pass during this or any future Session of Parliament relating to Railways or to the better or more impartial Audit of the Accounts of Railway Companies now in force, or from any future Revision and Alteration under the Authority of Parliament of the Tolls for small Parcels and the maximum Rates of Fares and Charges by this Act authorized, or of the Rates for small Parcels by this Act authorized.

Expenses of Act.

LXXII. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

SCHE-

SCHEDULE referred to in the foregoing Act.

THE Sections of the Somerset Central Railway Act, 1852, which are to remain in full Force :—

Power for Bristol and Exeter Railway Company to subscribe and hold Shares.

SECTION IX. That the Bristol and Exeter Railway Company may be Shareholders in the Company to any Extent not exceeding Thirteen thousand Pounds; and that of such Sum of Thirteen thousand Pounds the Sum of Eight thousand Pounds shall be deemed the Purchase Money of the Canal, and Shares in the Company, the nominal Value of which shall amount to Eight thousand Pounds, shall be allotted to the Bristol and Exeter Railway Company in respect of such Canal, and the Sum of Five thousand Pounds, the Remainder of the Sum of Thirteen thousand Pounds, or such Part of such Sum of Five thousand Pounds as is or shall be authorized by any General or Special General Meeting of the Bristol and Exeter Railway Company, may be subscribed for and held by the Bristol and Exeter Railway Company.

Power for Bristol and Exeter Railway Company to appoint Two Directors.

SECTION XVI. That so long as the Bristol and Exeter Railway Company continue Shareholders in the Company to the Extent of Thirteen thousand Pounds, the Directors of the Bristol and Exeter Railway Company may appoint Two Persons qualified as herein-after mentioned to be Directors of the Company, in addition to the Directors appointed by the Shareholders, and that if at any Time the Bristol and Exeter Railway Company cease to be Shareholders in the Company to the Extent of Thirteen thousand Pounds, then and immediately thereupon One of the Directors appointed on their Behalf shall, on the Nomination of the Chairman of the Directors of the Bristol and Exeter Railway Company, retire from Office, and the Powers vested by this Act in such retiring Director, and in the Directors of the Bristol and Exeter Railway Company, to appoint Two such Directors shall respectively for ever cease, and the Directors of the Bristol and Exeter Railway Company shall thenceforth have Power to appoint only One such Director, and if at any Time the Bristol and Exeter Railway Company cease to be Subscribers towards and Shareholders in the Company to the Extent of Seven thousand Pounds, then and immediately thereupon the Directors or Director appointed on their Behalf shall retire from Office, and the Powers of this Act vested in such Directors or Director and in the Bristol and Exeter Railway Company to appoint such Directors, shall respectively for ever cease.

Powers of Directors.

SECTION XVII. That the Directors appointed on behalf of the Bristol and Exeter Railway Company shall retire from Office at the First Ordinary Meeting of the Company hereby incorporated in every Year, unless the Bristol and Exeter Railway Company, or the Directors thereof, shall appoint such Directors for a longer Period; and such Directors going out of Office shall be re-eligible, and (except as by this Act otherwise provided) such Directors shall have the same Powers and be subject to the same Provisions and Regulations as other Directors of the Company: Provided always, that the Directors of the Bristol

and Exeter Railway Company may remove by Vote any such Directors or Director so appointed, and when any Vacancy shall occur in the Directors or Director appointed by them may elect any other qualified Person in the Room of the Directors or Director occasioning such Vacancy; and in the event of any Director of the Bristol and Exeter Railway Company being unable, from Illness or Absence, to attend any Meeting or Meetings of the Directors of the Company, the Bristol and Exeter Railway Company, or the Directors thereof, may appoint another qualified Person in his Place as Director to attend such Meeting or Meetings for so long a Time as the Inability subsists.

Powers not dependent on Appointment by Bristol and Exeter Railway Company.

SECTION XVIII. That the Powers of the Directors to execute this Act shall not be dependent upon there being in Office any Director appointed by the Directors of the Bristol and Exeter Railway Company.

Notice of Appointments by Bristol and Exeter Railway Directors.

SECTION XIX. That the Secretary of the Bristol and Exeter Railway Company shall give Notice in Writing, to be sent by Post to or delivered at the Office of the Company hereby incorporated, of every Appointment, Removal, Resignation, or Disqualification of any Director of such last-mentioned Company, by or on behalf of the Bristol and Exeter Railway Company, as soon as conveniently may be after the Event therein certified has occurred, and such Notice shall (as between the Company and the Bristol and Exeter Railway Company) be conclusive Evidence of the Fact thereby certified.

As to Communications with Bristol and ExeterRailway.

SECTION XXVIII. That all Communications between the Railway and the Bristol and Exeter Railway by means of Connexion Rails and Points (as well as all such Openings in the Ledges or Flanges of the Bristol and Exeter Railway as may be necessary and convenient for effecting such Communications) shall be made and effected under the Approval, Direction, and Superintendence of the Engineer for the Time being of the Bristol and Exeter Railway Company, or other Person authorized by them for that Purpose, and at the Expense of the Company incorporated by this Act.

Crossing of Bristol and Exeter Railway on Level to be under Control of that Company.

SECTION XXX. And whereas it is intended that the Railway shall cross the Bristol and Exeter Railway on a Level at or near Highbridge, and it is essential that the entire Control of such level Crossing should be placed in the Bristol and Exeter Railway Company: Be it enacted, That such level Crossing shall be made in such Manner only as the Engineer of the Bristol and Exeter Railway Company shall determine, and the Company and their Officers and Servants in the Discharge of their Duties shall at all Times have the Right of crossing the Bristol and Exeter Railway, with or without their Engines and Carriages, at such level Crossing, free from all Tolls and Charges whatsoever: Provided always, that the Company, their Officers and Servants, shall be subject to such Regulations and Restrictions, as to the crossing of the Bristol and Exeter Railway there, and as to the Times and Mode of using such level Crossing, as may from Time to Time be made by the Directors of the Bristol and Exeter Railway Company; and the Station Master or other Officer of the Bristol and Exeter Railway Company shall have full Power to enforce such Regulations and Restrictions; and any Person who shall act contrary to the Orders of such Station Master or Officer, or who shall infringe any of the Regulations made by the Directors of the Bristol and Exeter Railway Company, shall be liable to a Penalty of Five Pounds for every such Offence, but such Penalty shall not exempt

exempt such Person from any other Penalty or Liability to Punishment for any such Offence: Provided always, that if the Board of Trade shall, upon the Application of the Company, be of opinion that any such Regulations and Restrictions are in any respect not required for the Safety of the Public, or the Protection of the Bristol and Exeter Railway, or the Prevention of any Injury or Interruption to or Interference with the Traffic along the Bristol and Exeter Railway, that Board may make such Alterations in the Regulations and Restrictions as may appear to them reasonable and proper, and the Regulations and Restrictions from Time to Time approved by that Board shall be observed accordingly.

Saving Rights of the Bristol and Exeter Railway Company.

SECTION XXXI. That, except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the Bristol and Exeter Railway Company, nor shall extend to authorize the Company in making and constructing or maintaining the Railway to take or enter upon any of the Lands belonging to the Bristol and Exeter Railway Company, or to alter, vary, or interfere with the Bristol and Exeter Railway or any of the Works thereof, without the Consent in Writing of the Bristol and Exeter Railway Company in every instance for that Purpose first had and obtained.

Company may take Transfer of Glastonbury Canal.

SECTION XLII. That the Bristol and Exeter Railway Company may and within Three Months after the passing of this Act shall make, and the Company may and shall accept, a Transfer of the Canal.

Form of Transfer.

SECTION XLIII. That the Transfer shall be by Deed duly stamped, in which the full Consideration shall be set forth, and may be in the Form in the Schedule to this Act or to the like Effect, with such Alterations therein or Additions thereto as the Circumstances of the Case or the Parties thereto require, and shall be under the respective Common Seals of the Two Companies.

Notice of Execution of Conveyance to be given.

SECTION XLIV. That Notice of the Execution of the Transfer shall within Twenty-one Days after the Date thereof be inserted in the London Gazette, and in a Somerset Newspaper, and within the same Period a Copy of the Transfer under the respective Common Seals of the Two Companies shall be deposited at the Office of the Clerk of the Peace for the County of Somerset; and such Clerk of the Peace shall receive and retain the same, and shall permit the Inspection thereof, and the making Copies thereof or Extracts therefrom, in the like Manner and subject to the like Terms and Penalties as by the Act of the Seventh of William the Fourth, and the First of Victoria, Chapter Eighty-three, is provided in relation to the Documents therein referred to.

Operation of Transfer.

SECTION XLV. That the Deed of Transfer shall when so executed be effectual to vest in the Company the Glastonbury Navigation and Canal, or such Portions thereof as have been constructed, and the Reservoirs, Aqueducts, Towing-paths, Houses, and other Buildings, Wharfs, Works, Lands, Powers, Authorities, Easements, and Privileges, belonging to and vested in the Bristol and Exeter Railway Company with respect to the Canal, and all other Property whatsoever, whether real, personal, or mixed, late of the Canal Company, transferred to the Bristol and Exeter Railway Company, with the Rights,

Members,

Members, and Appurtenants, (and which are in this Act called the Canal and Premises,) absolutely, according to the Tenure, Nature, and Quality thereof respectively, in the Company; and the Canal and Premises shall thenceforth form Part of the Undertaking and general Property and Effects of the Company, but subject and without prejudice to all Mortgages, Charges, Incumbrances, Claims, and Liabilities (if any) at the Time of the Transfer affecting the Bristol and Exeter Railway Company, or any of the Property thereof, in respect of the Canal and Premises.

Consideration for Transfer to be Shares in Company.

SECTION XLVI. That in consideration of the Transfer, the Company shall within One Month after the Transfer allot and issue to the Bristol and Exeter Railway Company, and that Company shall accept, Shares in the Company of the aggregate nominal Amount of Eight thousand Pounds, and the Shares so allotted to the Bristol and Exeter Railway Company shall be deemed fully paid up.

Liabilities of Bristol and Exeter Railway Company as to Canal, to be discharged by Company.

SECTION XLVII. That from and after the Transfer and subject to the Provisions of this Act, the Company shall be subject to and shall perform and conform and be liable to all Covenants, Conditions, Agreements, Duties, Liabilities, Debts, Charges, and Restrictions to which the Bristol and Exeter Railway Company, with reference to the Canal and Premises at the Time of the Execution of the Transfer, or but for this Act and the Transfer now are or shall or would become subject or liable, and shall indemnify the Bristol and Exeter Railway Company, their Estates and Effects, from all such Covenants, Conditions, Agreements, Divisions, Duties, Liabilities, Debts, Charges, and Restrictions, and all Costs, Charges, and Expenses by reason thereof, or of the Nonperformance or undue Performance thereof respectively.

Contracts, &c. to remain.

SECTION XLVIII. That from and after the Transfer, all Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities of or concerning the Canal and Premises, or any Part thereof, made or entered into before the Transfer to, with, in favour of, or by, for, or on behalf of the Bristol and Exeter Railway Company or any Person on their Behalf, or the Canal Company or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Company, and may be proceeded on and enforced, in the same Manner, to all Intents and Purposes, as if the Company instead of the Bristol and Exeter Railway Company, or the Canal Company, or such Person, had been Party to and executed the same, or had been named or referred to therein or privy thereto.

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

SECTION XLIX. That, subject to the Provisions of this Act, all the Powers, Rights, Privileges, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Rules, Matters, and Things in the first-recited Act or any other Act or Acts relating to the Canal respectively contained, and not since repealed, shall, with reference to the Canal and Premises so transferred to the Company, and the Tolls, Rates, Duties, and Charges upon or in respect thereof, or otherwise arising therefrom, and to such Works, Matters, and Things as have been or might have been made, done, or claimed under those Acts respectively by the Bristol and Exeter Railway Company in relation to the Canal and Premises if this Act had not passed or the Transfer been executed, be

be from and after the Transfer respectively exercised, enjoyed, performed, and observed by and be applied and applicable to the Company, their Directors, Officers, Agents, and Servants, in every respect and as fully and effectually to all Intents as if the Name of or a Reference to or comprehending the Company had in every Case been used in those Acts respectively, instead of the Name of or a Reference to or comprehending the Canal Company and the Bristol and Exeter Railway Company respectively.

Actions, &c. not to abate.

SECTION L. That any Action, Suit, or Proceeding whatsoever commenced either by or against the Bristol and Exeter Railway Company, in respect of the Canal and Premises before the Transfer thereof, shall not abate or be discontinued or be prejudicially affected by this Act or the Transfer, but on the contrary the same shall continue and take effect as well in favour of as against the Company in the same Manner in all respects as the same would have continued and taken effect in favour of or against the Bristol and Exeter Railway Company if this Act had not passed; and all Penalties by reason of any Offence against the Provisions of the Acts relating to the Canal or any of them before the Transfer may be sued for, and all Offences committed before the Transfer against the Provisions of those Acts or any of them may be prosecuted, in like Manner as if this Act had not passed and the Transfer had not been made; and the Court in which any such Proceeding is pending or any Judge may, on the Application in a summary Way of any Party thereto, cause the Name of the Company to be substituted for the Name of the Bristol and Exeter Railway Company as Party to such Proceeding, and the Name of the Company shall after any such Substitution be used in such Proceeding as if the Company instead of the Bristol and Exeter Railway Company had originally been Party thereto.

Power to abandon Canal as a Navigation.

SECTION LI. That after the Transfer the Company may from Time to Time abandon the Maintenance and Use as or for the Purposes of a Navigation or Canal of all or any Part of the Canal and Premises, and may from Time to Time deal with and dispose of the Parts so abandoned of the Canal and Premises as they think fit: Provided always, that in order to maintain the Harbour at Highbridge nothing herein contained shall authorize the Company to abandon the Maintenance and Use as a Navigation or Canal of that Portion of the Canal lying to the West of the Bridge carrying the Bridgewater and Bristol Turnpike Road over the Canal, but all Liabilities respecting the same Portion of the Canal, which before the passing of this Act attached to any Corporation or other Person or Persons shall remain in full Force and Effect, and those Liabilities respecting the same which before the passing of this Act attached to the Canal Company, or to the Bristol and Exeter Railway Company, shall be discharged by this Company: Provided also, that the Company shall from Time to Time and for ever hereafter, at their own Expense, maintain and keep in repair as and for the Purposes of Drainage, under the Jurisdiction of the Commissioners of Sewers for the County of Somerset, all such Parts of the Canal and Premises as the Canal Company were or the Bristol and Exeter Railway Company now are liable to maintain and keep in repair for such Purposes.

Tolls on Canal.

SECTION LII. That after the Transfer the Company may from Time to Time demand and take for or in respect of the Canal and Premises, or such Part thereof

thereof as is not so abandoned, or any Part thereof, and the Vessels and Things carried or conveyed on the Canal or any Part thereof, such Rates and Tolls as the Bristol and Exeter Railway Company might have taken if this Act had not passed.

Saving Rights of Commissioners of Sewers for Somerset.

SECTION LIII. That nothing herein contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the Commissioners of Sewers for the County of Somerset by virtue of the General Laws relating to Sewers, or the Powers or Provisions of any Act or Acts of Parliament heretofore passed for the better Drainage of any Lands within the County of Somerset, or otherwise, but such Rights, Privileges, Powers, and Authorities of the Commissioners shall remain, continue, and be in full Force and Effect; and all Bridges and other Works which shall be built, erected, or executed under the Provisions of this Act in, over, under, upon, or across any River, Rhine, Drain, or public Watercourse under the Jurisdiction of the Commissioners of Sewers, and all Works which shall be made under the Provisions of this Act for preventing the Sewage or Drainage of any Lands from being impeded, or for preventing the said Lands from being injured by the Influx of the Sea, shall in every respect be built, erected, and executed, if not previously agreed upon or consented to by the Commissioners of Sewers, as the same shall be determined on, at the Expense of the Company, by Two Engineers or their Umpire, to be appointed in manner directed by the "Railways Clauses Consolidation Act, 1845."

Notice of Commencement of Works to be given.

SECTION LIV. That the Company shall give Fourteen Days Notice to the Commissioners, their Clerk, Agent, or Surveyor, before they begin to build, erect, make, do, and execute such Works or any of them respectively.

Commissioners of Sewers not to impede Execution of Act.

SECTION LV. Provided always, That nothing herein contained shall extend or be construed to extend to enable the Commissioners of Sewers to interrupt or hinder the Execution of this Act, the Company from Time to Time making, erecting, and maintaining all such Bridges and other Works, and doing all such other Things as may be necessary and as may be lawfully required by the Commissioners under the Powers and Authorities vested in them by the Laws relating to Sewers, or the Powers or Provisions of any Act or Acts of Parliament heretofore passed for the better Drainage of any Lands within the County of Somerset, or by the Provisions of this Act to be made, erected, maintained, done, and executed for preventing the Drainage or Sewage of any Lands from being injured or impeded by means of the making and maintaining the Railway and other Works by this Act authorized to be made and maintained, or any of them, and for preventing the said Lands from being injured by the Influx of the Sea.

Provision for enlarged Waterway of Culverts, &c.

SECTION LVI. That in case where the proposed Railway shall cross any of the Drains, Sewers, or Rhines under the Jurisdiction of the Commissioners the Bridge, Archway, or Culvert constructed to carry the Railway over the Drains, Sewers, or Rhines shall have a sectional Area for Waterway not less than One Fourth larger than the Waterway of the nearest corresponding Culvert or Archway carrying any public Road or Drove over the said Drains, Sewers, or Rhines: Provided always, that the Company shall not be compelled to give this additional Waterway at the Places where the Railway

crosses the Canal or the River Brue, and that the Company shall not be limited in the Number of Spans or Openings by which the Railway shall be carried across the Canal or the River Brue; but the entire sectional Area for Waterway at the said last-mentioned Places, exclusive of the Piers by which such Spans or Openings are formed, shall not be less than it is at present.

Provision as to Diversion of Canal.

SECTION LVII. And whereas it is intended in the Construction of the Railway to divert the Canal or River in the Parishes of Burnham and Huntspill, or one of them, in a certain Field numbered 14 on the before-mentioned deposited Plans: Be it therefore enacted, That, after the said Diversion is made, it shall be under the Jurisdiction of the Commissioners, and shall be maintained by the several Parties now liable to maintain that Part of the Canal or River instead of which such Diversion is made, in such Proportions as may be determined by the Commissioners, and the Diversion shall in all other respects be deemed as much Part of the Canal or River as though it had originally formed Part thereof.

Provision cleansing the Canal and River Brue.

SECTION LVIII. That the Company shall from Time to Time, at their own Expense, cleanse, scour, and keep free from Weeds and all other Obstructions those Parts of the Canal or River which will be crossed by the Railway, and they shall also remove all Obstructions to the Drainage which may be caused by any of their Bridges, Culverts, or other Works.

Company to invest a Sum of Money in the Funds before interfering with Rivers or Drains under Jurisdiction of Commissioners of Sewers.

SECTION LIX. That the Company shall, before they shall construct the Railway across any of the Rivers or Drains under the Jurisdiction of the Commissioners of Sewers, invest in the Purchase of Stock in the Three Pounds per Centum Consolidated Bank Annuities, in the Name of the Treasurer of the County of Somerset for the Time being, upon trust to pay the Dividends arising therefrom to the Company as and when the same shall accrue due and be received, subject to the Provision herein-after contained, the Sum of Two hundred Pounds, which Stock when so purchased, and all other Stock which shall be purchased under the Provisions herein-after contained for that Purpose, shall be under and subject to the Order of the Commissioners of Sewers at any Court or Session of Sewers, and shall under such Order and Direction be from Time to Time sold and disposed of either in whole or in part, as Occasion shall require; and the Monies arising from every such Sale shall from Time to Time be applied and disposed of by the Commissioners of Sewers in and towards the Repair or Alteration of any of the Works hereby authorized to be made, which in the Judgment of such Commissioners shall or may in any way affect the Drainage or Sewerage of the County or the Defences thereof against the Influx of the Sea, and which shall or may in their Opinion require such Repair or Alteration, and also in Payment of such Satisfaction or Compensation as the Company or the Directors thereof may from Time to Time agree to make, or as at any Assessment of Damages before the Sheriff of the County of Somerset under the Provisions herein contained may be assessed to any Owner or Occupier of or Person interested in any Lands for any Damage which may be sustained by such Owner or Occupier or Person interested by reason of such Influx of the Waters of the Sea, or of the Overflow of Waters from the Drains, arising from the Failure or Insufficiency of any of the Works which shall be executed by the Company under the Provisions of this Act.

SECTION

If Stock sold, Company to replace the same.

SECTION LX. That if the whole or any Part of the said Bank Annuities shall at any Time be sold under the Direction of the Commissioners in manner herein-before mentioned, the Company shall and they are hereby required within Thirty Days to replace the said Sum of Two hundred Pounds, or such a Sum as, with the like Annuities then remaining in the Name of the Treasurer of the County of Somerset, shall make up the said Sum of Two hundred Pounds, to be applied and disposed of as herein-before mentioned.

Power for Commissioners of Sewers to call Special Meetings.

SECTION LXI. And whereas it may be necessary and expedient for the Purpose of this Act from Time to Time to convene Special Courts or Sessions of Sewers in and for the County of Somerset: Be it therefere enacted, That it shall be lawful for the Clerk of the Commissioners of Sewers and he is hereby required, at any Time, upon Application in Writing for that Purpose made to him under the Hand of the Clerk or Secretary for the Time being of the Company, to appoint a Time and Place for holding such Special Court or Session of Sewers, and such Special Court or Session of Sewers so to be appointed as aforesaid shall be a lawful Court or Session of Sewers, and shall be competent to execute all or any of the Powers vested in the Commissioners of Sewers by this Act: Provided always, that no such Special Court of Sewers shall be held as aforesaid until Fourteen Days public Notice thereof shall have been inserted by the Clerk of the Commissioners of Sewers in Two Newspapers printed or generally circulated in the County of Somerset.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1855.