

[13 & 14 GEO. 5.]      *West Somerset*      [Ch. xciv.]  
*Mineral Railway (Abandonment) Act, 1923.*



## CHAPTER xciv.

An Act for the abandonment of the undertaking and the winding-up and dissolution of the West Somerset Mineral Railway Company and for matters incidental thereto. [2nd August 1923.] A.D. 1923.

**W**HEREAS the West Somerset Mineral Railway Company (in this Act called "the Company") were incorporated by the West Somerset Mineral Railway Act 1855 and under that Act and the West Somerset Mineral Railway Act 1857 authorised to make and maintain a railway from Watchet Harbour to the Brendon Hills in the county of Somerset for the purpose of providing additional facilities for communication between the Brendon Hills where iron ore had then lately been found and the coal and iron districts in South Wales:

And whereas the said railway was completed from Watchet Harbour to the King's Brompton Road near to the Gupworthy Mine (a distance of about twelve miles) and the whole of such completed portion opened for goods and mineral traffic in or about the year one thousand eight hundred and sixty-three and part of the said completed portion from Watchet to the foot of the inclined plane at Coombrow (a distance of about six miles and five furlongs) was opened for passenger traffic in the year one thousand eight hundred and sixty-five:

And whereas by the West Somerset Mineral Railway (Working Arrangements) Act 1869 an agreement made between the Ebbw Vale Company Limited of the first part Charles King Anderson Francis Philips and Robert Longsdon of the second part the Ebbw Vale Steel Iron and Coal Company Limited (in this Act called "the

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A.D. 1923. working company”) of the third part and the Company of the fourth part bearing date the twelfth day of December one thousand eight hundred and sixty-eight was confirmed and made binding on the companies and persons parties thereto :

And whereas by the said agreement provision was made for the working of the railway of the Company and the traffic thereon by the working company as from the twenty-fifth day of March one thousand eight hundred and sixty-eight during the term of fifty-one years and the half of another year :

And whereas owing to changes in the conditions of iron and steel making and to the development of richer ores elsewhere the Brendon Hill mines became unremunerative and the working of the said mines was abandoned :

And whereas the working company discontinued the working of the portion of the railway between Coombrow and King’s Brompton Road in the year one thousand eight hundred and eighty-three and the said portion of railway has not since been worked :

And whereas the working company continued to work the lower portion of the railway between Watchet and Coombrow for passenger and general merchandise traffic from the year one thousand eight hundred and eighty-three to one thousand eight hundred and ninety-eight thereby incurring a very heavy annual loss :

And whereas pursuant to an agreement made between the working company of the one part and the Company of the other part bearing date the eighteenth day of October one thousand eight hundred and ninety-eight the working company discontinued the working of the said lower portion of the railway on the eighth day of November one thousand eight hundred and ninety-eight and the same has not since been worked :

And whereas in the month of January one thousand nine hundred and seventeen the Minister of Munitions in exercise of his powers under the Defence of the Realm Consolidation Act 1914 and the regulations issued thereunder took possession of and removed the rails and other railway material forming the track of the railway of the Company :

And whereas the issued capital of the Company consists of three thousand two hundred and fifty preference shares of ten pounds each and four thousand two hundred and fifty ordinary shares of ten pounds each the whole of

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which has been fully paid up and the Company have raised by the issue of debenture stock the sum of thirty thousand pounds: A.D. 1923.

And whereas it is expedient that the undertaking of the Company be abandoned that the lands and other property acquired by or vested in them be sold or disposed of or otherwise dealt with as by this Act provided that their affairs be wound up and that they be dissolved and that the provisions of this Act with reference to the matters aforesaid be enacted:

And whereas the purposes 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 King'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:—

1. This Act may be cited as the *West Somerset Mineral Railway (Abandonment) Act 1923.* Short title.

2. In this Act—

“The Company” means the *West Somerset Mineral Railway Company*;

“The Act of 1855” means the *West Somerset Mineral Railway Act 1855*;

“The Act of 1857” means the *West Somerset Mineral Railway Act 1857*;

“The railway” means the railway and the works connected therewith constructed under the authority of the Act of 1855 and the Act of 1857;

“The signed plans” means the plans signed in duplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred of which plans one copy has been deposited in the Parliament Office in the House of Lords and the other copy has been deposited in the Private Bill Office of the House of Commons;

“The county council” means the county council of Somerset.

Interpretation.

A.D. 1923.

Abandonment of railway.

3. As from the passing of this Act the Company shall abandon and relinquish the railway.

Power to sell lands &c.

4. Subject to the provisions of this Act the lands and property of every description vested in or belonging to the Company may be sold or disposed of by the Company as a whole or in lots in such manner in all respects and at such time or times and upon such terms and conditions and to such person or persons as the Company may deem expedient and the purchase moneys shall be assets of the Company.

Winding up of Company.

5. From and after the passing of this Act the Company shall continue to exist only for the purposes of winding up their affairs and they shall accordingly proceed with all convenient speed subject to the provisions of this Act to sell and dispose of all lands and to collect and convert into money all other property vested in the Company or in any person in trust for them and the moneys so received and all other assets (if any) of the Company shall be applied in accordance with the provisions of the section of this Act of which the marginal note is "Distribution of assets."

Directors.

6. For the purposes of this Act Frederick Pring Robert Sidney Herbert Richard Davies Holman Fred Stephens and Harry Milner Willis the existing directors of the Company and the survivors or survivor of them shall continue in office as such directors without re-election and they or a majority of them shall have full power and authority to carry into effect the purposes of this Act and to take all necessary steps and proceedings for that purpose Provided that if the number of directors be reduced by death resignation or otherwise below three before the completion of the winding-up of the Company the continuing directors or director shall from time to time choose a shareholder or shareholders of the Company to fill the vacancy or vacancies so caused.

Notice to be given of claims.

7. Within six months after the passing of this Act the Company shall cause to be published once in the London Gazette and once in each of two successive weeks in some one and the same newspaper circulating in the county of Somerset a notice requiring all parties having claims upon the Company to furnish the same forthwith



and in any event on or before a day to be named in the notice not being less than one month after the date of the last publication of the notice and the Company shall on the expiration of the time named in the notice for furnishing such claims be at liberty to distribute the assets of the Company in accordance with the provisions of this Act having regard only to the claims of which the Company then have notice. A.D. 1923.

8.—(1) The Company shall within three months after the passing of this Act pay to the county council the sum of one thousand five hundred and eighty-nine pounds to the rural district council of Dulverton the sum of one thousand one hundred and forty pounds and to the rural district council of Williton the sum of seven hundred and seventy-one pounds in lieu and discharge of the liability to which the Company would have been subject but for the passing of this Act to keep in repair bridges (and the roadways (if any) over the same) level crossings approaches fences gates walls embankments and other works constructed or used by the Company for or in connection with the carrying of roads over or under the railway the carrying of the railway across roads on the level the sustaining of highways and the sustaining of the railway at the side of highways within the area subject to the jurisdiction of the said councils respectively. For protection of road authorities.

(2) In every case where a main road or a highway is carried over the railway by means of a bridge the road authority may if they think fit remove such bridge and fill up the site thereof and it shall be lawful for the road authority at any time within two years from the passing of this Act to enter upon the lands of the Company coloured green on the signed plans adjacent to each such bridge and to take materials therefrom for use in such filling up Provided that in the execution of the powers hereby granted the road authority shall do as little damage as may be to the said lands coloured green.

(3) In every case where the railway is carried over a main road or a highway by means of a bridge the road authority shall with all reasonable speed take down such bridge to such level as the road authority deem proper and it shall be lawful for the road authority at any time within two years from the passing of this Act to enter upon the lands of the Company coloured green on the signed plans

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A.D. 1923. adjacent to each such bridge to deposit and spread thereon any surplus materials and soil resulting from such taking down Provided that in the execution of the powers hereby granted the road authority shall do as little damage as may be to the said lands coloured green.

(4) As and from the passing of this Act the several pieces or parcels of land coloured red on the signed plans and forming the sites of bridges carrying main roads and highways over the railway shall by virtue of this Act be transferred to and vested in the road authority responsible for the repair and maintenance of such main roads and highways respectively.

As to yard  
and sea wall  
at Watchet.

9. The Company shall convey to the county council free of cost and the county council shall take within three months after the passing of this Act all that yard and sea wall formed by the Company on the south-western side of the harbour of Watchet which said yard is coloured pink and which said sea wall is coloured blue on the signed plans and on the completion of such conveyance the Company shall pay to the county council the sum of one hundred pounds and the said county council shall at all times thereafter maintain and keep the said sea wall in good and proper condition and repair.

For pro-  
tection of  
Great  
Western  
Railway  
Company.

10. The Great Western Railway Company shall have the right to pass drainage from their railway and property as heretofore through the culverts and drains shown coloured yellow upon the plan signed by Sir Robert Elliott Cooper K.C.B. on behalf of the Company and by William Wylie Grierson on behalf of the Great Western Railway Company and shall be at liberty at all reasonable times to enter upon the lands now belonging to the Company within nine feet of the said culverts and drains for the purpose of keeping the same in repair.

Distribution  
of assets.

11. The whole of the assets of the Company shall be distributed as follows and in the following order:—

First In payment of the costs charges and expenses referred to in the final section of this Act:

Secondly In payment of the proper costs of the Company in connection with the realisation and distribution of their assets and the winding-up of the Company in accordance with the provisions of

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this Act and of all debts and liabilities incurred by them on revenue account during the winding-up: A.D. 1923.

Thirdly In payment and discharge of all debts and liabilities of and other moneys owing by or accrued due from the Company on revenue account at the date of the passing of this Act:

Fourthly In payment to the county council and the rural district councils of Dulverton and Williton of the sums of money payable to them respectively under the provisions of the sections of this Act of which the marginal notes are "For protection of road authorities" and "As to yard and sea wall at Watchet":

Fifthly In payment rateably to the proprietors of debenture stock of the Company of the principal money paid up in respect of such stock together with interest thereon at the rate of five per centum per annum down to the date of payment but so that principal shall be paid before interest:

Sixthly In payment of all other debts and liabilities of the Company (if any).

And the Company shall pay and distribute the balance of the assets (if any) then remaining in their hands rateably to and among the several persons who at the date of the passing of this Act are the registered holders of shares in the capital of the Company or to their respective executors administrators and assigns in proportion to the nominal amount of the capital held by them respectively.

12. It shall be lawful for all trustees executors administrators and all guardians and committees of the estate of infants idiots or lunatics in whose respective names any share in the Company shall be registered or having any claims against the Company to give effectual and conclusive receipts for the money which may under the provisions of this Act be payable to them and any such receipt shall be a sufficient discharge to the Company and shall release them and their officers from all obligations in respect of the application of the money for which such receipt shall be given. Receipts by persons under disability.

13. If at the expiration of three months from the completion of the realisation of the lands and property vested in the Company any money remains undistributed Payment of money into court.



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A.D. 1923. — in the hands of the Company either because the directors of the Company have been unable after diligent inquiry to ascertain the person to whom such money ought to be paid or by reason of the same not having been claimed by any person entitled thereto or by reason of any person claiming the same not having shown to the satisfaction of the directors a sufficient title thereto or by reason of the person claiming the same being under any disability or incapacity and no person competent to give an effectual receipt for the same having claimed the same on behalf of such person the Company shall forthwith pay the same to the credit of His Majesty's Paymaster-General on behalf of the Chancery Division of the High Court and every such payment into court shall conclusively discharge the Company from all further liability with respect to the money so paid and any person afterwards showing to the satisfaction of the court that he is entitled thereto may obtain payment thereof out of court accordingly.

Dissolution  
of Company  
and repeal  
of Acts.

**14.** When the whole of the lands and property vested in the Company or in any person in trust for them have been realised and distributed or dealt with in accordance with the provisions of this Act and the affairs of the Company are by a resolution of the directors declared to be wound up the Company shall be by virtue of this Act dissolved and shall thenceforth cease to exist and the Act of 1855 the Act of 1857 and the West Somerset Mineral Railway (Working Arrangements) Act 1869 shall be from the date of such resolution wholly repealed.

Expenses  
of Act.

**15.** All costs charges and expenses of and preliminary and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company out of any assets in their hands.

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