



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. lx.

An Act to authorize certain Alterations of the Line
of the *Wilts, Somerset, and Weymouth* Railway.
[25th June 1847.]

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from the Great Western Railway to the City of Salisbury and Town of Weymouth, with other Railways in connexion therewith, to be called "The Wilts, Somerset, and Weymouth Railway:"* And whereas another Act was passed in the last Session of Parliament, intituled *An Act to authorize certain Alterations and Extensions of the Line of the Wilts, Somerset, and Weymouth Railway:* And whereas it is expedient that some Parts of the Lines of Railway authorized by the said Acts should be altered: And whereas the *Wilts, Somerset, and Weymouth* Railway Company are desirous of carrying into effect the said Alterations, if authorized by Parliament so to do: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of the "*Lands Clauses Consolidation Act, 1845,*" and of the "*Railways Clauses Consolidation* 8 & 9 Vict. c. 53.
9 & 10 Vict. c. 313.
8 & 9 Vict. cc. 18. and 20. incorpo-

[*Local.*] 9 I

rated with
this Act.

solidation Act, 1845," shall respectively, so far as the same are applicable, and except in so far as the same may be inconsistent with the Provisions herein-after contained, be incorporated with and form Part of this Act.

Extending
Powers of
recited Acts
to this Act.

II. And be it enacted, That all the Provisions contained in the said recited Acts, so far as the same are now unrepealed and in force, and except such as are inapplicable to the Purposes of this Act, or are inconsistent with the Provisions of the said Lands Clauses Consolidation Act, or of the said Railways Clauses Consolidation Act, shall extend to this Act, and to the several Objects and Purposes thereof, as fully and effectually as if the same Provisions were re-enacted in this Act with reference to such Objects and Purposes.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in Pleadings or in legal Instruments, it shall be sufficient to use the Expression "The *Wilts, Somerset, and Weymouth* Railway Deviation Act, 1847."

Power to
alter Rail-
way.

IV. And be it enacted, That it shall be lawful for the said *Wilts, Somerset, and Weymouth* Railway Company to alter the Line or Lines of Railway authorized to be made by the said first-recited Act, and to construct the new or altered Line of Railway next herein-after mentioned, (that is to say,) a Railway commencing in or near a certain Field numbered 2 in the Parish of *Pitcombe* in the County of *Somerset* on the Plans referred to in the said first-recited Act, and terminating at or near a Field numbered 1 in the Parish of *Rodden* in the said County of *Somerset* in the Plans referred to in the said secondly-recited Act; and it shall also be lawful for the said Company to alter the Line or Lines of Railway authorized to be made by the said secondly-recited Act, and to construct the new or altered Line of Railway next herein-after-mentioned, (that is to say,) a Railway commencing in or near a Field numbered 125 in the Parish of *Bradford* in the County of *Wilts* on the Plans referred to in the last-mentioned Act, and terminating in the same Parish at or near the *Avon Cliff* Aqueduct of the *Kennet and Avon* Canal.

Power to
abandon
Parts of
Lines autho-
rized by
recited Acts.

V. And be it enacted, That the said new or altered Lines of Railway shall be and become Part of the Undertaking of the *Wilts, Somerset, and Weymouth* Railway, and shall as such be subject to the several Provisions of the said recited Acts relating thereto as extended to this Act, and the Company shall abandon the Formation of so much of the Line or Lines of Railway authorized to be made by the said recited Acts respectively as by reason of the Alterations therein by this Act authorized may in the Judgment of the said Company be rendered unnecessary.

Railway to
be made
according to
deposited
Plans.

VI. And whereas Plans and Sections of the said new or altered Lines of Railway, showing the Direction and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerks of the Peace for the Counties of *Somerset* and *Wilts*; be it enacted,

enacted, That subject to the Powers of Deviation in the said Railways Clauses Consolidation Act contained, the said new or altered Lines of Railway shall be made according to the Lines and Levels thereof as defined on the said Plans and Sections, and, subject to the Provisions in this and the said recited Acts as extended to this Act contained, it shall be lawful for the said Company to enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Books of Reference as shall be necessary for the Purposes of such new or altered Lines.

VII. And be it enacted, That it shall be lawful for the Company, if they think fit, to carry the said first-mentioned new or altered Railway across and on the Level of the Road numbered on the Plans deposited as herein-before mentioned, as follows, (that is to say,) 75 *a* in the Parish of *Frome Selwood*. Power to cross certain Roads on the Level.

VIII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway crosses the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, 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 shall continue after such Penalty of Twenty Pounds shall have been incurred. Station or Lodge to be erected at Points of crossing, and to be subject to the Regulation of the Commissioners of Railways.

IX. And be it enacted, That in carrying the several Roads, numbered as herein-after mentioned on the Plans deposited as aforesaid, over, under, or across the Railway, it shall be lawful for the Company to make the Inclinations of the said Roads such as or not steeper than those herein-after mentioned; *viz.* Regulating the Inclinations and Approaches to certain Bridges.

No. on Plan.	Parish.	Description in Reference.	Proposed Inclination.
7	Pitcombe - -	Parish Road -	1 in 9 and Level.
17	Do. - -	Do. - -	1 in 20.
26	North Brewham -	Do. - -	1 in 20.
40	Witham Friery -	Do. - -	1 in 20 on the East Side, and Level on the West Side.
58	Do. - -	Do. - -	1 in 30 on the West Side, and 1 in 25 on the East Side.

X. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchase of Land limited.

XI. And

Period for
Completion
of Works.

XI. And be it enacted, That the said new or altered Lines of Railway by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Lines of Railway as shall then be completed.

Gauge of
new or
altered Lines
of Railway.

XII. And be it enacted, That the said new or altered Lines of Railway shall be constructed upon the same Gauge as the *Wilts, Somerset, and Weymouth* Railway.

As to Con-
struction of
Railway
under the
Kennet and
Avon Canal
near Avon
Cliff Aque-
duct.

XIII. And whereas the altered or new and extended Line of Railway from at or near *Kingston House* in the Parish of *Bradford* in the County of *Wilts* to the *Great Western* Railway in the Parish of *Bathampton* in the County of *Somerset*, authorized to be made by the herein-before recited Act passed in the last Session of Parliament, is intended to be carried under the *Kennet and Avon* Canal near to a certain Aqueduct called the *Avon Cliff* Aqueduct in the said Parish of *Bradford*; be it therefore enacted, That in making and forming the said Railway under the said Canal near to the said Aqueduct the Railway Company shall and they are hereby required to construct and form the said Railway, and the Works necessary for carrying the same under the said Canal, in such Manner and Way only as shall be agreed upon by the Engineer for the Time being of the Company of Proprietors of the *Kennet and Avon* Canal Navigation and the Engineer of the said Railway Company, or, in case of any Difference between them, as shall be directed by an Engineer to be appointed by the President for the Time being of the Institution of Civil Engineers in *London*, such Reference to be at the Expence of the said Railway Company, but so nevertheless that the Depth of Water over the said Railway at the Place of passing under the said Canal shall not in any event be less than Six Feet, measuring from the Top-water Level of the said Canal as marked on the said *Avon Cliff* Aqueduct, and so nevertheless that the Waterway, Towing Paths, Banks, Piers, Walls, Foundations, and other Works of the said Canal shall not in any way be diminished in Width, Depth, or Strength as at present existing; and the said Railway Company shall and they are hereby required for ever hereafter to maintain and keep all and singular the Works, of what Nature or Kind soever, in or about or connected with the passing of the said Railway under the said Canal, as herein-before mentioned, or in any Manner thereby rendered necessary or proper for the said Canal, in good and substantial Repair and Condition, and from Time to Time and at all Times hereafter well and effectually to preserve the said Canal, and the Towing Paths, Banks, Piers, Arches, Walls, Foundations, and Works thereof, entire and free from Injury or Damage by means or in consequence of the passing of the said Railway under the said Canal at the Place aforesaid.

As to the
Passage of
the Railway
under the
Dundas
Aqueduct.

XIV. And whereas such altered or new and extended Line of Railway is also intended to be carried under the said *Kennet and Avon* Canal in the Parish of *Claverton* in the County of *Somerset*, as shown on the Plan and Section of the said Railway deposited with the Clerk of the Peace of the said County of *Somerset*, through and by means
of

of Two several Arches at present existing in a certain Aqueduct called the *Dundas* Aqueduct, by which said Aqueduct the said Canal is carried over the River *Avon* in the said Parish of *Claverton*; be it therefore enacted, That in making and forming the said Railway under the said Canal at the Place aforesaid the said Railway Company shall not in any way interfere or meddle with the said Aqueduct, or any of the Walls, Foundations, or other Part of the said Aqueduct, or of any of the Banks, Towing Paths, or other Works of the said Canal, without the Leave, Licence, and Approbation of the Engineer for the Time being of the said Company of Proprietors of the *Kennet and Avon* Canal Navigation, in Writing under his Hand, first had and obtained; and the said Railway Company shall and they are hereby required, from Time to Time and at all Times hereafter, to make good, repair, and amend all and singular the Injury and Damage whatsoever which the said Aqueduct, or any of the Arches, Piers, Walls, Foundations, or other Parts thereof, or the Banks, Towing Paths, or other Works of the said Canal, may sustain or suffer in consequence or by means of the passing of the said Railway under the said Canal at the Place aforesaid.

XV. And be it enacted, That nothing in this Act or in any of the said recited Acts contained shall authorize the said *Wilts, Somerset, and Weymouth* Railway Company, without the Consent in Writing of the Company of Proprietors of the *Kennet and Avon* Canal Navigation first had and obtained, to obstruct, stop up, or impede any Water, Waterway, Stream, or Feeder leading to, from, across, over, under, into, or out of the said *Kennet and Avon* Canal, or other Works belonging thereto, except as in the said recited Acts or in this Act, or any of them, is specially provided or authorized, or, without such Consent as aforesaid, to enable the said Railway Company, except as aforesaid, in any Manner to alter, remove, or disturb any of the Viaducts, Aqueducts, Piers, Arches, Walls, Foundations, or Embankments of the said Canal, or to alter the Line or Level of the said Canal or of the Towing Paths thereof, or to obstruct the Navigation of the same or any Part thereof, or to interfere with, damage, or take any of the Wharfs, Towing Paths, Locks, Side Ponds, Bridges, Banks, or other Works of or belonging to the said Company of Proprietors of the *Kennet and Avon* Canal Navigation, or to take away, alter, or divert any Road belonging to the said Company of Proprietors, unless the said Railway Company shall have previously made another good and as convenient Road for the said Company of Proprietors in lieu thereof, or to alter, diminish, prejudicially affect, or take away all or any of the Privileges, Powers, or Authorities vested in or enjoyed by the said Company of Proprietors.

For preventing Obstruction to *Kennet and Avon* Canal.

XVI. And be it enacted, That if in the Construction of the said altered or new and extended Line of Railway, or by reason of any Accident in the Execution of any of the Works connected therewith, or by reason of the bad State of Repair of any such Works, or of any of the Slopes, Banks, or Walls of the said Railway, it shall happen that the said *Kennet and Avon* Canal, or the Towing or Foot Path thereof, or any Part thereof, shall be so obstructed as that Boats, Barges, or other Vessels navigating or using the said Canal shall be

Penalty for obstructing *Kennet and Avon* Canal.

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impeded

impeded in their Passage, or shall not be able at all Times freely and uninterruptedly to pass along the same, then and in every such Case the said Railway Company shall pay to the said Company of Proprietors of the *Kennet and Avon* Canal Navigation, as or by way of liquidated or ascertained Damages, the Sum of Five Pounds for each and every Hour during which such Impediment or Obstruction shall continue, and so in proportion for any Number of Half Hours during which such Impediment or Obstruction shall continue; and in case such Obstruction shall continue beyond Twenty-four consecutive Hours, or shall have been occasioned by any wilful Act on the Part of the Persons or Servants employed by the said Railway Company, then and in every such Case the said Railway Company shall pay to the Company of Proprietors of the *Kennet and Avon* Canal Navigation the Sum of Ten Pounds for each and every Hour during which the Impediment or Obstruction shall continue, as or by way of liquidated or ascertained Damages, and so in proportion for any Number of Half Hours during which Time any such Impediment or Obstruction shall continue; and in default of Payment of the said Sum or Sums, as the Case may be, or any Part thereof, on Demand made on the Treasurer or Secretary of the said Railway Company, the said Company of Proprietors of the *Kennet and Avon* Canal Navigation may sue for and recover the same, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case in any of the Superior Courts: Provided also, that nothing herein contained shall extend to prevent the said Company of Proprietors of the *Kennet and Avon* Canal Navigation from recovering against the said Railway Company any special Damage that may be sustained by them by means or on account of any of the Acts or Defaults of the said Railway Company, in respect of which the lowest Amount of the said liquidated Damages is so to be ascertained as aforesaid, although the latter may exceed the Amount of such liquidated Damages, and they are hereby authorized to sue for and recover such special Damages accordingly; but in any Case where the liquidated Damages hereinbefore imposed shall have been paid by the said Railway Company, and any Action for special Damages shall be afterwards brought as last above mentioned, then the said liquidated Damages so paid shall be deemed and considered as Payments made on account of such special Damage, and Credit shall be given by the Court before whom such Action shall be tried for all Monies so paid by the said Railway Company, and the same shall be deducted from the Amount of Damages to be recovered by the said Company of Proprietors of the *Kennet and Avon* Canal Navigation; and in case the Amount of Damages so to be recovered shall not exceed the liquidated Damages so paid, then and in such Case Judgment shall be given for the said Railway Company; and no Action shall be maintainable by the said Company of Proprietors of the *Kennet and Avon* Canal Navigation against the said Railway Company for any such liquidated or ascertained Damages after Judgment shall have been obtained by them for any special Damages in respect of the Act or Default for which such liquidated Damages would have been recoverable.

Tolls.

XVII. And be it enacted, That it shall be lawful for the said Company to demand and receive, in respect of the Use of the new or altered

altered Lines of Railway by this Act authorized, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the maximum Tolls and Charges limited by the said first-recited Act.

XVIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by the said recited Acts, or any other Act relating to the said Railway Company, authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Company not to deposit Money raised under this Act for the Purpose of any other Act.

XIX. And be it enacted, That the several Powers contained in the said Acts firstly and secondly herein-before recited, with regard to the Sale or Lease to the *Great Western* Railway Company of the Railways by such Acts authorized, and to the Sums which such Company are by such Acts empowered to subscribe towards the Construction of the same, and the raising by them of the Capital requisite for such Purposes or any of them, shall extend and be applicable to the new or altered Railways by this Act authorized; and any Contract or Agreement now subsisting between the said *Great Western* Railway Company, and the said *Wilts, Somerset, and Weymouth* Railway Company, made under the Authority of any General Meeting of the said *Great Western* Railway Company, with reference to any of the Matters last aforesaid, shall extend and be applicable to the new or altered Railways by this Act authorized.

Power for *Great Western* Railway Company to subscribe towards new Lines, or to purchase or rent the same.

XX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament*; and for other Purposes in relation to Railways; and Two other Acts were passed in the Session held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled, respectively, *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company, so far as the same shall be applicable thereto.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating

Railways to be subject to Provisions of future general Acts.

relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this and the said recited Act.

Public Act.

XXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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