



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cv.

An Act to authorize the *East Somerset Railway Company* to extend their Railway from *Shepton Mallett* to *Wells*. [27th July 1857.]

WHEREAS by "The *East Somerset Railway Act, 1856*," 19 & 20 Vict. c. xvi. the *East Somerset Railway Company* (in this Act called "the Company") were incorporated for the making of a Railway from the *Wilts, Somerset, and Weymouth Railway* near *Frome* to *Shepton Mallett* in the County of *Somerset*: And whereas the Company are proceeding with the Construction of the said Railway, and it would be of great public Advantage if the same were extended to the City of *Wells* in the said County, there to join the Line which the *Somerset Central Railway Company* are authorized to construct to that City: And whereas Plans and Sections of the proposed Extension showing the Line and Levels thereof, and also Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the Extension will pass, were deposited in the Month of *November* One thousand eight hundred and fifty-six with the Clerk of the Peace for the said County: And whereas the estimated Expense of the said Extension is Fifty-five thousand Pounds: And whereas the *East Somerset Railway Company* desire to construct

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the said Extension, but they cannot do so without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

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

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

"The Extension."

II. Where the Words "the Extension" are used the same shall mean the Railway hereby authorized to be made.

Power to construct Extension according to deposited Plans.

III. The Company may, subject to the Provisions of this Act, make and maintain the Extension herein-after particularly described (with all proper Works, Stations, Approaches, and Conveniences connected therewith) in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing the Extension.

IV. The Extension (which will be wholly situate in the said County of *Somerset*) shall commence by a Junction with the authorized Line of the *East Somerset Railway* at its authorized Termination in the said Parish of *Shepton Mallett*, pass through or into the following Parishes and Places or some of them; (that is to say,) the Parish of *Shepton Mallett*, the Tything of *Ham*, the Parishes of *Pilton*, *Croscombe*, and *Dinder*, the Tything of *Worminster* (*St. Cuthbert*), and of *Dulcot* (*St. Cuthbert*), the Liberty of *St. Andrew* in the City of *Wells*, the Out-parish of *St. Cuthbert Wells*, the In-parish of *St. Cuthbert Wells*, *Wells*, and the City of *Wells*, and terminate in the said In-parish of *St. Cuthbert* by a Junction with the authorized Extension to *Wells* of the *Somerset Central Railway*.

Extension to form Part of Company's Undertaking.

V. The Railway hereby authorized shall form Part of the *East Somerset Railway*, and shall be constructed of the same Gauge as that Railway.

Level Crossings.

VI. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Extension to carry the same across and upon the Level of the public Roads numbered on the said deposited Plans as follows: Nos. 8 and 9 in the In-parish of *St. Cuthbert Wells*, both of which Roads shall be crossed at or near the Point of Junction

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Junction by one and the same level Crossing, and shall have but One Line of Railway laid down thereon.

VII. 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 before-mentioned Roads shall be crossed 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 such Roads on the Level, or with regard to the Speed at which the Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect and at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rules or Regulations 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 be continued after such Penalty of Twenty Pounds shall have been incurred.

Company to erect Station or Lodge at Point of Crossing, and abide by Rules, &c. of Board of Trade.

VIII. It shall be lawful for the Board of Trade, if it shall appear to them necessary for the public Safety, at any Time, either before or after the Extension shall have been completed and open for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Roads, or any or either of them, either under or over the Railway 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 shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossings or any or either of them.

Board of Trade may require Bridges in lieu of level Crossings.

IX. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company, further or otherwise than is hereby expressly provided, to alter, vary, or interfere with the *Somerset Central* Railway, or any of the Branches, Stations, or Works thereof, without the Consent in Writing of the *Somerset Central* Railway Company in every Instance for that Purpose first had and obtained, or to take or enter upon any of the Lands, Grounds, or Property belonging to the said *Somerset Central* Railway Company, or which they have Power under any Act of Parliament to purchase, and which may be necessary to be retained or purchased by the same Company for the Purposes of the *Somerset Central* Railway, or any Branch, Stations, or Works thereof respectively, and if any Difference shall arise as to the Lands, Grounds, or Property

For the Protection of the Somerset Central Railway.

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Property which it may be necessary for the said Company so to retain or purchase, such Difference shall be determined by the Board of Trade, or by an Arbitrator to be appointed by the Board of Trade, and the Company shall be empowered to take and use, or shall be restrained from taking and using, such Lands, Grounds, and Property, according to the Decision of the Board of Trade or of the Arbitrator so to be appointed by them.

How Communications with the said Railway to be made.

X. All Communications between the Railway by this Act authorized and the *Somerset Central Railway*, and all Works in or upon the said *Somerset Central Railway*, or upon the Property of the *Somerset Central Railway Company*, which may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Somerset Central Railway Company*, and in case of any Difference of Opinion as to the Mode of effecting such Junction, or as to the said Works, then such Difference shall be determined by the Board of Trade, or by an Arbitrator to be appointed by them as aforesaid, and the Costs of any such References as aforesaid shall be borne and paid by the said Parties or either of them in such Proportions as the Board of Trade or the Arbitrator so to be appointed by the Board of Trade shall determine.

Saving Rights of the said Company.

XI. Provided always, That nothing in this Act contained shall extend to prejudice, diminish, or take away, further or otherwise than as by this Act expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the *Somerset Central Railway Company*.

Land for extraordinary Purposes.

XII. The Company may purchase by Agreement any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Two Acres, in addition to the Land which they are at present authorized to purchase for such Purposes.

Powers for compulsory Purchases limited.

XIII. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XIV. The Extension shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Extension, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

XV. Whereas

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XV. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Three thousand Pounds, being One Tenth Part of the Amount required to be subscribed for the Extension, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Be it enacted, That notwithstanding anything contained in the said last-recited Act, the said Sum of Three thousand Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivor or Survivors of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Extension, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Extension for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Three thousand Pounds shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Three thousand Pounds, if the Company shall not, within the Time limited for the Completion of the Extension, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal

Deposit in Court of Chancery to be forfeited to the Crown in a certain Event.

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in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money and the Interest or Dividends thereof shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to raise additional Capital by new Shares.

XVI. It shall be lawful for the Company to raise by creating new Shares, in addition to the Sums of Money which they are already authorized to raise, any further Sum of Money not exceeding in the whole the Sum of Forty thousand Pounds.

New Shares to be considered as original Shares.

XVII. The Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

Limiting Calls.

XVIII. One Fourth of a Share shall be the greatest Amount of any One Call which shall be made in respect of such new Shares, and Three Months at the least shall be the Interval between successive Calls; and not more than Three Fourths of the Amount of any Share shall be called in any One Year.

As to Votes of Proprietors of new Shares.

XIX. The Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would

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would have entitled them to if they had been possessed of original Shares in the Company.

XX. The Dividends upon the Shares to be created under the Powers or to be issued for the Purposes of this Act shall be calculated upon the Amount of Calls paid thereon at the Time of the Declaration of such Dividend: Provided always, that no Dividend shall be declared or payable in respect of the Shares created or issued for the Purposes of this Act until the Extension shall have been opened for public Traffic Six Months.

How Dividends to be calculated.

XXI. After the whole of the Sums which the Company are by this Act authorized to raise by Shares shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for them to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any Ordinary or Extraordinary Meeting of the Company, provided that such Sums of Money do not exceed in the whole Thirteen thousand three hundred Pounds in addition to the Sums which they are already authorized to borrow.

Power to borrow on Mortgage.

XXII. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money, and the Conversion of borrowed Money into Capital, shall extend to the Money by this Act authorized to be borrowed.

Certain Powers of 8 & 9 Vict. c. 16. as to Money to be borrowed, extended.

XXIII. All and every Part of the Moneys by this Act authorized to be raised by Shares or by borrowing shall be applied only in carrying into execution the Objects and Purposes of this Act.

Money raised by this Act to be applied to Purposes thereof only.

XXIV. Provided always, That all Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of passing of this Act, shall during the Continuance of such Mortgages or Bonds have Priority over any Mortgage or Bond to be created under the Powers of this Act.

Former Mortgages and Bonds to have Priority.

XXV. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Subscription Contract to be valid.

XXVI. The Company may demand and receive for and in respect of the Extension the same Tolls and Charges as they are authorized to demand and receive by the said recited Act for and in respect of the Railway by that Act authorized, and the Extension shall for the

Tolls upon Extension.

Purposes

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Purposes of such Tolls and Charges be considered as Part of the *East Somerset Railway*.

Maximum
Tolls.

XXVII. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Traffic carried upon the Extension shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the said recited Act.

Application
of Moneys.

XXVIII. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Moneys which they are already authorized to raise, and which are not and will not be required for the Purposes of the Railway authorized by the recited Act.

Power to
enter into
Agreements
with other
Companies.

XXIX. It shall be lawful for the Company on the one hand, and the *Great Western Railway Company*, the *Bristol and Exeter Railway Company*, and the *Somerset Central Railway Company*, any or either of them, on the other hand, from Time to Time to enter into and make Contracts and Agreements for and with reference to the Use of the Extension and also of the Railway authorized by the recited Act, or any Part of the said Extension and Railway, and also with reference to the Rates, Tolls, and Charges to be charged by or between the Companies, Parties to any such Contract or Agreement, for and in respect of any Traffic common to both, and also as to the Collection, Division, and Apportionment of such Rates, Tolls, and Charges: Provided always, that any such Contract and Agreement shall be approved by the Board of Trade, and shall be subject to the Revision of the Board of Trade at the Expiration of every Ten Years from the making thereof.

Contract,
&c. not to
alter Tolls,
or to pre-
vent Lines
being used
by other
Companies.

XXX. Provided always, That no such Contract or Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the Companies, Parties thereto, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract or Agreement, be entitled to the Use and Benefit of the Railway or Railways to which it may relate, upon the same Terms and Conditions and on Payment of the same Tolls as they would have been in case no such Contract or Agreement had been entered into: Provided also, that the Board of Trade shall not approve any such Contract or Agreement without being satisfied that the same has been duly assented to by the Votes of Three Fifths of the Shareholders of the respective Companies Parties thereto in Special Meeting assembled for that Purpose.

Deposits for
future Bills
not to be

XXXI. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the
Purposes

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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 Company to construct any other Railway or execute any other Work or Undertaking.

paid out of
Company's
Capital.

XXXII. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Powers of borrowing, to pay Interest or Dividend to any Shareholder on account of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest not
to be paid on
Calls paid up.

XXXIII. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the recited Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said recited Act, and of the Rates for small Parcels.

Railways not
exempt from
Provisions of
present and
future Gene-
ral Acts.

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

Saving
Rights of
Duchy of
Cornwall.

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Expenses of
Act.

XXXV. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

Short Title.

XXXVI. In citing this Act for any Purpose it shall be sufficient to describe it as "The *East Somerset Railway (Extension to Wells) Act, 1857.*"

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