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VICTORIÆ REGINÆ.

Cap. cciv.

An Act to enable the *Salisbury and Yeovil* Railway Company to make a Railway to connect the *Salisbury and Yeovil* Railway with the *Somerset and Dorset* Railway, and to acquire additional Lands in the Parish of *Templecombe*; and for other Purposes. [16th July 1866.]

WHEREAS it is expedient that the *Salisbury and Yeovil* Railway Company (in this Act called "the Company") should be authorized to construct the Railway herein-after described for connecting the *Salisbury and Yeovil* Railway with the *Somerset and Dorset* Railway: And whereas it is expedient that the Company should be authorized to acquire additional Lands in the Parish of *Templecombe* in the County of *Somerset*, near the proposed Junction Railway, for the Purposes of their Undertaking: And whereas it is expedient that the Company, the *South-western* Company, and the *Somerset and Dorset* Railway Company (in this Act called "the *Somerset* Company") should be empowered to enter into Agreements as herein-after provided: And whereas Plans and Sections of the proposed Railway showing the Line and Levels thereof, and Plans of

[*Local.*] 31 F the

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the additional Lands which the Company are by this Act authorized to acquire, together with a Book of Reference to such Plans respectively containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the proposed Railway will be made or pass, and of the additional Lands above mentioned, have been deposited with the Clerk of the Peace for the County of *Somerset*, and those Plans and Sections and that Book of Reference are in this Act referred to as the deposited Plans, Sections, and Book of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "*The Salisbury and Yeovil Railway Act, 1866.*"

8 & 9 Vict.
cc. 18. & 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

2. "*The Lands Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" "*The Railways Clauses Consolidation Act, 1845,*" and Part I. (relating to Construction of a Railway) and Part. III. (relating to Working Agreements) of "*The Railways Clauses Act, 1863,*" are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "*the Railway*" or "*the Undertaking*" shall mean the Railway or Undertaking by this Act authorized, or any Part thereof; the Term "*Traffic*" shall have the Meaning assigned to that Term in and by "*The Railway and Canal Traffic Act, 1854;*" and the Expression "*Superior Courts*" or "*Court of competent Jurisdiction,*" or any other like Expression in this Act, or any Act wholly or partially incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Power
to make
Railway
according to
deposited
Plans.

4. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plans, and described in the deposited Book of Reference,

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Reference, as may be required for that Purpose. The Railway hereinbefore referred to and authorized by this Act is,—

A Railway Six Furlongs and Seven Chains in Length commencing in the Parish of *Templecombe* in the County of *Somerset* by a Junction with the *Salisbury and Yeovil* Railway, and terminating in the Parish of *Horsington* in the same County by a Junction with the *Somerset and Dorset* Railway.

5. Subject to the Provisions of this Act, the Company may from Time to Time enter upon, take, and use all or any Part of the Lands delineated on the deposited Plans, and described in the deposited Book of Reference, and on those Plans and in that Book respectively designated as “additional Lands.”

Power to take additional Lands.

6. The Company may apply for the Purposes of this Act any Monies raised or to be raised by them by Shares, Debenture Stock, or borrowing under the Powers of any other Act or Acts, and not required for the Purposes, if any, to which by such other Act or Acts such Monies are made specially applicable.

Application of existing Funds.

7. The Quantity of Land to be taken by the Company under the Authority of this Act for the extraordinary Purposes mentioned in “The Railways Clauses Consolidation Act, 1845,” shall not exceed Half an Acre.

Lands for extraordinary Purposes.

8. 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 Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

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

Period for Completion of Works.

10. The Company may make the Arch of the Bridge for carrying the Railway over the Turnpike Road, numbered on the deposited Plans 55, in the Parish of *Templecombe* of any Height not less than Fourteen Feet and Six Inches, and of any Span not less than Twenty-five Feet.

As to Dimensions of Arch on a certain Road.

11. After the Expiration of the Period by this Act limited for the Completion of the Railway, if the same be not then completed, the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recovered as a Debt due to the Crown, for every Day after the Period so

Penalty for Non-completion of Railway.

limited

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limited until the Railway shall be completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Tolls.

12. The Company may demand and take in respect of the Railway by this Act authorized for all Passengers, Animals, and Things conveyed thereon, and for Carriages, Waggons, and Trucks respectively conveying the same, and for Locomotive Engines and other Power, and for all Services performed by them thereon, and for all other Matters with respect to Traffic thereon, a like Amount of Tolls, Rates, and other Charges as by "The *Salisbury and Yeovil* Railway Act, 1854," the Company are authorized to demand and take for like Traffic, Services, and Matters on and with respect to the Railway by that Act authorized, and in like Manner, and with and subject to the like Powers and Provisions in all respects, as if the Railway by this Act authorized were Part of the Railway authorized by "The *Salisbury and Yeovil* Railway Act, 1854:" Provided always, that the maximum Charges to be made by the Company with respect to the Tolls, Rates, and Charges for the Use of the Railway by this Act authorized, or any Part thereof, and for Carriages, Waggons, and Trucks, and for Locomotive Engines or other Power, and any Expense incidental to the Conveyance of their Traffic thereon, shall not exceed the Sums in that Behalf limited by "The *Salisbury and Yeovil* Railway Act, 1854:" Provided also, that those maximum Charges shall not extend to any Passengers, Articles, or Things conveyed by any special or extra Train.

Power to enter into Traffic Arrangements with other Companies.

13. The Company on the one hand, and the *South-western* Company and the *Somerset* Company, or either of those Companies, on the other hand, from Time to Time may enter into and carry into effect Contracts and Agreements with respect to the following Purposes, or any of them; (that is to say,)

The Maintenance, Management, Working, and Use of the Railway by this Act authorized, and of the Junction thereof with the *Somerset and Dorset* Railway, and of the adjoining Portions of the last-mentioned Railway:

The Payment and Allowance by the *South-western* Company and the *Somerset* Company, or either of them, to the Company of Interest or Rent upon or in respect of the Expenditure or any Part of the Expenditure of the Company under this Act:

The Supply of any Rolling or Working Stock and of Officers and Servants for the Conduct of the Traffic upon the Railway:

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The fixing and Appropriation of the Tolls and Charges for such Traffic :

The Payment and Allowance by any or either of the contracting Companies to the other or others of them of Rents, Tolls, Charges, Rebates, and Drawbacks in respect of such Traffic :
And all incidental Matters.

14. During the Continuance of any Agreement to be entered into under the Provisions of this Act for the Use of the Railway by any other Company the Railway and the Railways of such other Company shall for the Purposes of Tolls and Charges be considered as One Railway ; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway and partly on the Railway of such other Company for a less Distance than Four Miles, Tolls and Charges may only be charged as for Four Miles ; and in respect of Passengers, for every Mile or Fraction of a Mile beyond Four Miles Tolls and Charges as for One Mile only ; and in respect of Animals and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Four Miles Tolls and Charges as for a Quarter of a Mile only ; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods partly on the Railway and partly on the Railway of such other Company.

Tolls on Traffic conveyed partly on the Railway and partly on the Railway of other Companies.

15. During any such Contract or Agreement for the Use of the Railway by any other Company Tolls and Charges not exceeding such as are by this Act authorized may be demanded and taken by such other Company upon or in respect of the Railway in accordance with the Terms and Stipulations of such Contract or Agreement.

Tolls may be taken by other Companies using the Railway under Agreement.

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

Interest not to be paid on Calls paid up.

17. The Company shall not, out of any Money by any Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Deposits for future Bills not to be made out of Capital.

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

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

Expenses of
Act.

19. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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