



CHAPTER ccliii.

An Act for incorporating the Bridgewater Railway Company and authorising them to make and maintain the Bridgewater Railway and for authorising arrangements between them and the London and South-western Railway Company and for other purposes. [18th August 1882.] A.D. 1882.

WHEREAS the making and maintaining of a railway from the Somerset and Dorset Railway at Edington to Bridgewater in the county of Somerset as by this Act authorised would be of public and local advantage :

And whereas the persons in that behalf in this Act named with others are willing at their own expense to carry the undertaking into execution on being incorporated into a Company with adequate powers for the purpose and it is expedient that they be incorporated accordingly and empowered to make and maintain the railway as by this Act provided :

And whereas it is expedient that the Company and the London and South-western Railway Company be authorised to enter into working and other agreements as by this Act provided :

And whereas it is expedient that the Company and all companies and persons lawfully using the railway of the Company be authorised to run into over and use the station works and conveniences in that behalf in this Act specified of the Somerset and Dorset Railway Company :

And whereas plans and sections showing the lines and levels of the railway and also books of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Somerset and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

[Ch. ccliii.] *Bridgewater Railway Act, 1882.* [45 & 46 VICT.]

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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 as the *Bridgewater Railway Act 1882.*

Incorporation of General Acts.

8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 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.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Company incorporated by this Act the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised and for the purposes of this Act 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 simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. John Parsons Alfred Peace Jasper Wilson Johns Joseph Browne Martin and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the *Bridgewater 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 of this Act.

Power to make railway.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the

deposited plans and sections the railway herein-after described with all proper stations sidings approaches junctions works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railway herein-before referred to and authorised by this Act is wholly situate in the county of Somerset and is—

A railway seven miles one furlong and four chains in length commencing in the parish of Edington by a junction with the main line of the Somerset and Dorset Railway at or near the Edington Station on that railway and terminating in the parish of Bridgewater in a field at or near the junctions of the main roads from Bridgewater to Bristol and from Bridgewater to Glastonbury and Wells with Monmouth Street.

6. The capital of the Company shall be one hundred and thirty-five thousand pounds in thirteen thousand five hundred shares of ten pounds each.

Capital and number and amount of shares.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Shares not to be issued until one-fifth part thereof shall have been paid up.

8. One-fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

9. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipts in case of persons not sui juris.

10. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half-shares of which one shall be called preferred half-share and the other shall be called deferred half-share but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of

Power to divide shares.

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Dividends
on half-
shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half-shares in manner following (that is to say)—First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half-share and the remainder (if any) in payment of dividend on the deferred half-share and the Company shall not pay any greater amount of dividend on the two half-shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends
on preferred
shares to be
paid out of
the profits
of the year
only.

12. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half-shares
to be regis-
tered and
certificates
issued.

13. Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half-share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of
issue to be
stated on
certificates.

14. The terms and conditions on which any preferred half-share or deferred half-share created under this Act is issued shall be stated on the certificate of each such half-share.

Forfeiture
of preferred
shares.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half-shares created under the authority of this Act and every such preferred half-share shall for that purpose be considered an entire share distinct from the corresponding deferred half-share and until any forfeited preferred half-

share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

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16. No preferred half-share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled or surrendered. Half-shares to be half-shares in capital.

17. The several half-shares under this Act shall be half-shares in the capital of the Company and every two half-shares whether preferred or deferred or one of each held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

18. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole forty-five thousand pounds but no part thereof shall be borrowed until the whole capital of one hundred and thirty-five thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Power to borrow.

19. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

For appointment of a receiver.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863

Power to create debenture stock.

A.D. 1882. but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the date of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First and subsequent meetings.

22. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Number of directors.

23. The number of the directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum of directors.

25. The quorum of a meeting of directors shall be three until the number of directors shall be reduced to three and then the quorum shall be two.

First directors—Election of directors.

26. John Parsons Alfred Peace Jasper Wilson Johns Joseph Browne Martin and one other person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor

having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1882.

27. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two acres. Lands for extraordinary purposes.

28. 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. Period for compulsory purchase of lands.

29. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements &c. by agreement.

30. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say): Power to cross certain roads on the level.

| No. on Deposited Plan. | Parish. | Description of Road. |
|------------------------|------------------------|----------------------|
| 3 | Chilton-super-Polden - | Public road. |
| 36 | Chilton-super-Polden - | Public road. |
| 12 | Bridgewater - | Public road. |

31. The Company may make the arches of the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion therewith (that is to say):— Height and span of bridge.

| No. on Deposited Plans. | Parish. | Description of Road. | Height. | Span. |
|-------------------------|------------------------|----------------------|---------|----------|
| 64 | Chilton-super-Polden - | Public road - | 15 feet | 20 feet. |

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With of
certain
roadway.

32. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the width herein-after mentioned in connexion therewith (that is to say):—

| No. on Deposited Plans. | Parish. | Description of Road. | Width of Roadway. |
|-------------------------|----------------|----------------------|-------------------|
| 1 | Cossington - - | Public road - - | 20 feet. |

Provision as to bridge over King's Sedgmoor drain.

33. The Company shall carry the railway over the King's Sedgmoor drain in the parish of Bawdrripp by means of a bridge with an arch which shall afford a clear waterway of not less than 28 feet span.

Provision as to station at Cossington.

34. The Company shall construct and for ever hereafter maintain in the fields or parcels of land numbered on the deposited plans 27 and 28 in the parish of Cossington and 2 in the parish of Woolavington or in some or one of those fields or parcels of land a fit and suitable stone or brick station with convenient approaches and proper goods sidings with facilities for loading and unloading timber coals and other goods and materials And the Company and any other company which may work the railway shall cause all trains to or from Bridgewater running in communication with the Somerset and Dorset Railway and stopping at Shapwick Station to stop also at Cossington Station.

Provisions for the protection of the London and South-western and Midland Railway Companies.

35. The junction between the railway by this Act authorised and the Somerset and Dorset Railway and all openings in the rails of the Somerset and Dorset Railway shall be made only at such point or points thereon respectively within the limits of deviation shown on the deposited plans and in accordance with such plans as to the manner and form of junction as the London and South-western Railway Company and the Midland Railway Company (herein-after called "the lessee companies") shall approve and should the lessee companies so require the junction shall be in the Edington Station by means of a side line and all communications and openings and all sidings side lines and works at or in connexion with the junction hereby authorised with the Somerset and Dorset Railway which may be made for the reception accommodation and delivery of the traffic of the Company whether on the land of the Company or the land of the Somerset and Dorset Railway Company or of the lessee companies shall be made by the lessee companies at the sole

expense of the Company and according to terms and conditions to be from time to time agreed on between the Company and the lessee companies and shall be for ever thereafter maintained and kept in good repair by the lessee companies at the expense of the Company. In the event of any difference arising between the Company and the lessee companies in regard to the matters aforesaid the same shall be settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers.

The lessee companies may from time to time erect such signals and conveniences incident thereto and appoint and remove such watchmen switchmen or other persons as may be necessary for the prevention of danger to or interference with the traffic going over the junction between the railway by this Act authorised and the Somerset and Dorset Railway and the working and management of the junction and all such signals and conveniences whether on lands of the Somerset and Dorset Railway Company or of the lessee companies or of the Company shall be under the exclusive management and regulation of the lessee companies and all the actual expenses necessarily incurred of making and maintaining the junction and such signals and conveniences the wages of such watchmen switchmen and other persons and all incidental current expenses shall be repaid by the Company to the lessee companies as regards the expense of erection on the completion thereof and as regards all such other expenses and wages at the end of every half-year and in default of such repayment within three calendar months after the same shall have become payable the lessee companies may at the expiration of twenty-one days after notice in writing shall have been given by the lessee companies to the Company remove the points forming the junction between the railway and the Somerset and Dorset Railway so as effectually to prevent the passage of trains thereover until such expenses and wages are paid and in addition the lessee companies may recover from the Company the amount of such expenses and wages in any court of competent jurisdiction provided that the Company shall on payment of such expenses and wages be at liberty forthwith to replace the points which may have been removed so as to enable trains to run over and through the same and the lessee companies shall give the Company every facility for the purpose.

No land belonging to the Somerset and Dorset Railway Company or the lessee companies shall be taken by the Company without the consent in writing of the Somerset and Dorset Railway Company and the lessee companies respectively under their respective common seals first had and obtained provided always that the

A.D. 1882. — Company may purchase and take from the Somerset and Dorset Railway Company and the lessee companies respectively and those companies shall if so required by the Company grant in perpetuity to the Company an easement or right of using for the purposes of the intended junction of the railway with the Somerset and Dorset Railway and for the purposes of the works and conveniences necessary in connexion with the said junction such parts of the lands of the Somerset and Dorset Railway Company or of the lessee companies as the case may be as are necessary for those purposes and the sum to be paid by the Company for the said easement whether an annual sum by way of rent or a sum in gross shall in case of difference be determined and from time to time on the application of either party readjusted by an arbitrator to be appointed in manner herein-before provided.

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 Somerset and Dorset Railway Company or of the lessee companies.

The Company shall pay to the lessee companies an annual sum equal to 5 per cent. upon the cost of any additions to the existing stations sidings works and conveniences on the Somerset and Dorset Railway at Edington inclusive of the provision of a loop line at that station which may from time to time in the opinion of the lessee companies be or become necessary for the accommodation of the traffic of the company and in case of difference as to the exact sum to be from time to time paid the same shall be settled by arbitration in manner herein-before provided Provided always that any works in connexion with such addition shall be executed by the lessee companies If the railway should be constructed as a single line of way the Company shall at or near to the point of junction with the Somerset and Dorset Railway construct a double line of way for a sufficient distance along the railway to provide adequate and sufficient space for a passing place for trains passing along the railway so that trains may pass each other on the railway without interrupting the passage of trains on the Somerset and Dorset Railway and any difference as to the sufficiency of such passing place shall be determined by arbitration in manner herein-before provided.

36. For the protection of the Great Western Railway Company in this section called the Great Western Company the following provisions shall have effect (that is to say) :—

- (1.) The Company shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of that Company or execute any works whatever under

For protec-
tion of Great
Western
Railway
Company.
Not to
enter on

over or affecting the same until the Company shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for twenty-eight days after the delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference by an engineer to be appointed by the Board of Trade.

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—
lands of
Great
Western
Company
until plans
of proposed
works
affecting
that Com-
pany
approved.

(2.) In constructing the railway by this Act authorised through or over the land and property of the Great Western Company the Company shall not deviate from the centre line shown on the deposited plans where the said railway crosses over the railway of the Great Western Company without the previous consent in writing of that Company under their common seal such consent not to be unreasonably withheld and the said railway where the same is intended to cross the main line of the Great Western Railway shall be carried over that railway and the works connected therewith by means of a girder bridge of not less than thirty-one feet span on the square and a headway of not less than sixteen feet and such crossing of the railway and works shall be effected in such a manner as not to injure the stability of the railway and works of the Great Western Company in any way whatever.

Construction
of railway on
land of
Great
Western
Company.

(3.) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the railway by this Act authorised over and adjacent to the Great Western Company's railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise.

Company to
pay to Great
Western
Company
expenses of
watchmen
during con-
struction of
works.

(4.) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and

Damages
sustained
by Great
Western
Company to
be repaid.

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expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or renewal or by means of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

Maintenance of works affecting railway of Great Western Company.

(5.) The Company shall at their sole expense at all times maintain the bridge and other works by which the said railway by this Act authorised shall be carried over the railway of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Company and if and whenever the Company fail so to do after one month's notice from the Great Western Company for that purpose or in case of urgency without any notice being required the Great Western Company may make and do in and upon as well the land of the Company as their own lands all such works and things as the Great Western Company shall think requisite in that behalf for insuring such repair and the sum from time to time certified by their engineer to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the Great Western Company from the Company in any court of competent jurisdiction.

Not to interfere with traffic on railway of Great Western Company.

(6.) In constructing and maintaining the railways by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the railway of the Great Western Company and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said railway of the Great Western Company so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Western Company the sum of £30 per hour during which any such obstruction or interference shall continue.

No land of Great Western Company to be taken except for certain work.

(7.) Except for the purpose of crossing the railway of the Great Western Company the Company shall not take or acquire any rights over any land of the Great Western Company and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use

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either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railway of that Company or with any of the works thereof further or otherwise than is necessary for the construction of the said crossing by this Act authorised. without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to use enter upon or interfere with the Company shall not purchase and take the same but the Company may purchase and take and the Great Western Company shall sell or grant accordingly on easement or right of using the same in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the Company shall pay to the Great Western Company by way of purchase and compensation for the rights and easement to be acquired under the provisions of the Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Consolidation Act 1845 relating to the purchase of lands other than by agreement.

(8.) If any dispute shall arise between the Great Western Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers in London the cost of the arbitration to be in the discretion of such arbitrator.

Arbitration.

Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights privileges or powers of the Great Western Company otherwise than is by this Act expressly provided.

Saving rights of Great Western Company.

37. Whereas pursuant to the standing Orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of six thousand pounds three per centum consolidated bank annuities being equal in value to five per centum upon the amount of the estimate in respect of the railway has been transferred into the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is in this Act referred to as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or

Deposit money not to be repaid except so far as railway is opened.

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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 survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

38. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks

fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the consolidated fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

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39. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for completion of works.

40. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say):

Tolls for passengers and animals.

In respect of passengers and animals conveyed on the railway:

For every person conveyed in or upon any carriage the sum of two pence per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one halfpenny per mile;

For every horse mule or other beast of draught or burden the sum of two pence per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per mile;

For every ox cow bull or head of neat cattle the sum of one penny halfpenny per head per mile and if conveyed in carriages belonging to the Company an additional sum of one halfpenny per mile;

For every calf or pig sheep lamb or other small animal one penny each per mile and if conveyed in carriages belonging to the Company an additional sum of one halfpenny per mile.

In respect of goods conveyed on the railway:

For all coals coke culm charcoal cinders dung compost and all sorts of manure lime and limestone and all undressed materials for the repair of public roads or highways and all iron stone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs bullets and rolled iron bricks sand and stone stones for building pitching and paving tiles

Tolls for goods.

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slates clay and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs 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 ;
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and 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 ;

For 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 :

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 carried or conveyed on a truck or platform belonging to the Company not exceeding sixpence per mile and one penny halfpenny per mile for every additional quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

41. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal and for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

42. The following provisions and regulations shall apply to the fixing of all tolls and charges under this Act (that is to say) :

For all passengers animals or goods conveyed on the railway for a less distance than four miles the Company may demand tolls and charges as for four miles ;

For a fraction of a mile beyond four miles or beyond any greater number of miles the Company may demand tolls and charges for passengers as for one mile and for animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile ;

For a fraction of a ton the Company may demand tolls according to the number of the 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 in proportion for any smaller quantity.

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43. With respect to small parcels not exceeding five hundred
pounds in weight and single articles of great weight notwithstanding
the rates prescribed by this Act the Company may demand and
take any tolls not exceeding the following (that is to say):

Tolls for
small parcels
and articles
of great
weight.

For the carriage of small parcels on the railway as follows:

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds but not exceeding four-
teen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding
twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds but not
exceeding fifty-six pounds in weight ninepence;

For any parcel exceeding fifty-six pounds but not exceeding
five hundred pounds in weight the Company may demand
any sum which they think fit.

Provided always that articles sent in large aggregate quantities
although made up in separate parcels such as bags of sugar coffee
meal and the like shall not be deemed small parcels but that term
shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight:

For the carriage of any one boiler cylinder or single 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 Com-
pany may demand any such sum as they think fit not
exceeding fourpence per ton per mile and if conveyed in or
upon a carriage provided by the Company a further sum not
exceeding threepence per ton per mile;

For the carriage of any single piece of timber stone machinery
or other single article the weight of which with the carriage
shall exceed eight tons the Company may demand such sum
as they think fit.

44. The maximum rates of charge to be made by the Company
for the conveyance of passengers upon the railway including the
tolls for the use of the railway and for carriages and locomotive
power and every other expense incidental to such conveyance shall
not exceed the following (that is to say):

Maximum
rates for
passengers.

For every passenger conveyed in a first-class carriage the sum of
threepence per mile;

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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 per mile.

Maximum rates for animals and goods.

45. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway including the tolls for the use of the railway and for waggons or trucks and for locomotive power and every other expense incidental to the conveyance (except a reasonable charge for loading or unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say) :—

For every horse mule or other beast of draught or burden fourpence per mile ;

For cattle threepence per head per mile ;

For calves pigs sheep lambs and small animals one penny each per mile ;

For all coal coke and other articles herein-before classed therewith one penny halfpenny per ton per mile ;

For all sugar grain and other articles herein-before classed therewith threepence per ton per mile ;

For all cotton and other articles herein-before classed therewith fourpence per ton per mile ;

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 carried or conveyed on a truck or platform belonging to the Company per mile sixpence and one penny for every additional quarter of a ton weight which such carriage may weigh.

Passengers luggage.

46. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred 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.

Terminal station.

47. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

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48. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Foregoing charges not to apply to special trains.

49. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Company may take increased charges by agreement.

50. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Classification table to be open to inspection and copies to be sold.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Terminal charges if any to be specified on application.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

36 & 37 Vict. c. 48.

51. The Company and the London and South-western Railway Company may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry

Agreements with South-western Company.

A.D. 1882. into effect agreements with respect to the following purposes or any of them (that is to say) :—

The management use working and maintenance by the contracting companies or either of them of the railway ;

The supply by the contracting companies or either of them under any agreement for the railway being worked, and used by them of any rolling or working stock necessary for the purposes of such agreement and of officers and servants for the conduct of the traffic on the railway ;

The payments to be made and the conditions to be performed with respect to the matters aforesaid ;

The interchange accommodation conveyance and delivery of the traffic coming from or destined for the respective undertakings of the contracting companies ;

The fixing and division between the contracting companies of the receipts arising from such traffic ;

The payments allowances rebates and drawbacks to be paid made or allowed by either of the contracting companies to the other of them for or on account of any of the matters to which the respective agreement relates.

Power to run into Edington Station.

52. The Company and all companies and persons lawfully using the railway may run into over and use with their engines and carriages waggon and trucks and their officers and servants and for the purposes of traffic of every description the station at Edington Road on the Somerset and Dorset Railway together with all lines of rails sidings buildings offices warehouses approaches water supplies telegraphs signals machinery works and conveniences on or connected or used with the said station and the Somerset and Dorset Railway Company and their lessees the London and South-western Railway Company and the Midland Railway Company shall afford all requisite facilities for the purpose.

Terms and conditions of running.

53. The terms and conditions on which the Company or such other companies as aforesaid shall be entitled to run into over and use the said station and the works and conveniences connected therewith shall be such terms and conditions as the Company on the one hand and the Somerset and Dorset Railway Company and their lessees the London and South-western Railway Company and the Midland Railway Company or any or either of them on the other hand from time to time agree on or as failing agreement between them are from time to time determined by arbitration in accordance with the Railway Companies Arbitration Act 1859.

22 & 23 Vict. c. 59.

Byelaws to be observed.

54. The Company and all other companies from time to time lawfully using the railway in running into over or using the said

station and the works and conveniences connected therewith in accordance with the provisions herein-before mentioned shall at all times observe the regulations and byelaws for the time being in force on the Somerset and Dorset Railway so far as such byelaws shall be applicable to the Company or such other companies as aforesaid.

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55. Where under the provisions of this Act traffic is conveyed partly on the railway of the Company and partly on the railway of any other company the railway of the Company and the railway of such other company shall for the purposes of short distance 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 of the Company and partly on the railway of any 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 of the Company and partly on the railway of any other company.

Tolls on traffic conveyed partly on railway of Company and partly on other railways.

56. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall 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

57. The Company shall not out of any money by this Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

Deposit for future bills not to be paid out of capital.

58. Nothing in this Act contained shall exempt the Company or the railway 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

Provisions as to general Railway Acts.

[Ch. ccliii.] *Bridgewater Railway Act*, 1882. [45 & 46 VICT.]

A.D. 1882. of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of
Act.

59. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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