

WHEREAS the Construction of a Railway from the *Wilts, Somerset, and Weymouth* Railway at *Witham Friary* near *Frome* to the City of *Wells* in *Somersetshire* would afford Railway Accommodation to an important District, having at present no such Convenience; and it is expedient to authorize the Company hereby incorporated to execute so much of the same Railway as lies between *Frome* and *Shepton Mallett* in the same County: And whereas Plans and Sections of the Railway, showing the Line and Levels thereof, with 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 said Railway will pass have been deposited with the Clerk of the Peace for the said County: And whereas the Persons herein named with others are willing at their own Expense to construct the said Railway, 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

[Local.] U u Advice

The East Somerset Railway Act, 1856.

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 :

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and 20. in-
corporated.

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

"The Com-
pany."

II. Where in this Act the Words "the Company" occur, the same shall mean the Company incorporated by this Act.

Short Title.

III. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *East Somerset Railway Act, 1856.*"

Subscribers
incorporated.

IV. The Right Honourable Viscount *Dungarvan*, Lord *Henry Thynne*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway hereby authorized ; and such Company shall be incorporated by the Name of "The *East Somerset Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

V. And whereas the estimated Cost of the Railway is Seventy-five thousand Pounds, the Capital of the Company shall be Seventy-five thousand Pounds.

Shares.

VI. The Number of Shares into which the Capital shall be divided shall be Seven thousand five hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

VII. Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and Two Third Parts of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share.

Power to
borrow on
Mortgage.

VIII. The Company may borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Twenty-five thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said

The East Somerset Railway Act, 1856.

said Capital or Sum of Seventy-five thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

IX. The Monies by this Act authorized to be raised, whether by Shares, Mortgage, or Bond, shall be applied only in carrying into execution the Objects and Purposes of this Act. Application of Capital.

X. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Three thousand Pounds in the whole. Arrears may be enforced by Appointment of a Receiver.

XI. It shall not be lawful for the Company out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by them 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.

XII. It shall not be lawful for the Company out of any Money by this Act authorized to be raised for the Purposes of such Act, 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. Deposit for future Bills not to be paid out of Company's Capital.

XIII. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of the Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* or *March*, and *August* or *September*, in every Year, and such Meetings may be held in *London* or *Shepton Mallett*. First and other Meetings.

XIV. Subject to the Provisions herein contained for reducing the Number of the Directors, the Number of Directors shall be Eight, Number and Qualification of Directors. and

The East Somerset Railway Act, 1856.

and the Qualification of a Director shall be the Possession in his own Right of Thirty Shares in the Undertaking.

Power to
reduce the
Number of
Directors.

XV. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Three.

Such Di-
rectors to
continue in
Office until
First Meet-
ing after
passing of
Act.

XVI. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body, and at the First Ordinary Meeting to be held in every Year thereafter, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained; and the several Persons elected at any such Meeting being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by "The Companies Clauses Consolidation Act, 1845," and by this Act, or either of them.

First Di-
rectors.

XVII. The Viscount *Dungarvan*, the Honourable *Henry Thynne*, commonly called Lord *Henry Thynne*, *Edward Charles Chetham Strode*, *John Moore Paget*, *James Curtis Somerville*, *Edmund Hugh Clerk*, *John Wason*, and *William Chester Berryman* the younger, Esquires, shall be the First Directors of the Company.

Quorum.

XVIII. A Quorum of a Meeting of Directors shall be Three.

Power to
make Rail-
way accord-
ing to depo-
sited Plans.

XIX. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Works, Approaches, and Stations, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on the said Sections, (subject, nevertheless, to the Provisions herein-after contained as to a Deviation in the Parish of *West Cranmore*,) and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Line to be
deviated in
the Parish

XX. And whereas the Line of Railway, according to the said deposited Plans, passes through Parts of the Estate of Sir *Edward Strode*

The East Somerset Railway Act, 1856.

Strode Knight, in the Parish of *West Cranmore*, and the said Sir *Edward Strode* is desirous that the said Line of Railway should be slightly altered in passing through his Estate: And whereas in the Month of *March* One thousand eight hundred and fifty-six a Plan and Section showing the Line and Level of such Deviation, and a Book of Reference to such Plan, containing the Names of the Owners and Occupiers of the Lands which may be required to be taken in making such Deviation, were deposited at the Office of the said Clerk of the Peace: And whereas such Owners and Occupiers consent to the said Deviation: Therefore the Company shall and they are hereby required to make and maintain the Railway in the Line and upon the Level shown upon the Plan so deposited in the Month of *March* One thousand eight hundred and fifty-six, and they may take and enter upon such of the Lands mentioned in the said Book of Reference as may be necessary in making the said Deviation.

of West
Cranmore,
through
Sir Edward
Strode's
Estate.

XXI. The Railway shall commence by a Junction with the *Wilts, Somerset, and Weymouth* Railway in the Parish of *Witham Friary*, pass through or into the Parishes of *Witham Friary, Upton Noble, Wanstrow, East Cranmore, West Cranmore, Doultling Pilton, Shepton Mallett*, and terminate in the last-mentioned Parish in a Field numbered 93 on the Plans before referred to.

Description
of proposed
Railway.

XXII. The public Roads numbered on the deposited Plans as follows, may be crossed on the Level; (that is to say,)

Certain
Roads may
be crossed
on a Level.

No. 1, in the Parish of *Witham Friary*; and

No. 41, in the Parish of *Shepton Mallett*:

and no more than One Line of Railway shall be laid down at the first level Crossing, and no more than Two Lines of Railway shall be laid down at the second level Crossing.

XXIII. 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 a 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 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 or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for any such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every

Company to
erect Station
or Lodge
where Roads
crossed on
the Level.

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Day

The East Somerset Railway Act, 1856.

Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges instead of level Crossings.

XXIV. The Board of Trade (if it shall appear to them necessary for the public Safety or Convenience at any Time either before or after the Railway hereby authorized to be made shall have been completed and opened for public Traffic) may require the Company within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a 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 any such level Crossing.

Regulating Inclination of certain Roads.

XXV. As regards the Roads herein-after mentioned the Company may make the Rate of Inclination of such Roads, when altered, as follows; that is to say,

No. on Plan.	Parish.	Description of Road.	Inclination.
32	Wanstrow - - -	Turnpike Road - - -	1 in 20.
70	Ditto - - -	Public Road - - -	1 in 16.

Land for extraordinary Purposes.

XXVI. The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in the said "Railways Clauses Consolidation Act" shall not exceed Three Acres.

Powers for compulsory Purchases limited.

XXVII. 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.

XXVIII. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing the Railway or otherwise in relation thereto shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Gauge of Railway.

XXIX. The Railway by this Act authorized shall be constructed on the Gauge of Seven Feet.

Money deposited, to be forfeited in

XXX. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty,

The East Somerset Railway Act, 1856.

Majesty, Chapter Twenty, the Sum of Five thousand six hundred and twenty-five Pounds has been deposited pursuant to the said Act in respect of the Application to Parliament for this Act, being Ten *per Centum* upon Three Fourths of Seventy-five thousand Pounds, the estimated Cost of the Railway: Be it enacted, That notwithstanding anything contained in the said recited Act, the said Sum of Five thousand six hundred and twenty-five 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 Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway 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 said 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 said Company shall either have opened the said Railway 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 Five thousand six hundred and twenty-five Pounds shall have been executed by the said 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 Five thousand six hundred and twenty-five Pounds, if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by

a certain
Event.

The East Somerset Railway Act, 1856.

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 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.

As to Junctions with Wilts, Somerset, and Weymouth Railway.

XXXI. All Communications between the Railway by this Act authorized and the *Wilts, Somerset, and Weymouth* Railway shall be effected in a substantial Manner by means of connexion Rails and Points of the Construction, and laid in the Manner most approved from Time to Time, and to the Satisfaction of the Engineer for the Time being of the *Great Western* Railway Company; and in case of any Difference arising as to the Mode of effecting such Communications, then the same shall be determined by a Referee to be appointed at the Cost of the Company by the Board of Trade on the Application of either Company.

Not to take Lands or interfere with the Works of the *Great Western* Railway Company without Consent.

XXXII. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands belonging to the *Great Western* Railway Company, or to alter, vary, or interfere with their Railway, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction and Intercommunication between the said Railway and the Railway hereby authorized, without the Consent in Writing of the said Company in every Instance for that Purpose first had and obtained.

Saving the Rights of that Company.

XXXIII. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the said *Great Western* Railway Company, otherwise than is herein expressly provided.

XXXIV. It

The East Somerset Railway Act, 1856.

XXXIV. It shall be lawful for the Company hereby incorporated from Time to Time to enter into and make such Contracts and Agreements with the *Great Western Railway Company*, and for the said *Great Western Railway Company* to enter into and make such Contracts and Agreements with the Company hereby incorporated, as shall be deemed expedient by and between the Companies respectively, for and with reference to the Use by the *Great Western Railway Company* of the Railway and Works by this Act authorized, or any Part thereof; and also with reference to the Rates, Tolls, and Charges to be charged by or between the said Companies for and in respect of any Traffic common to both Companies, and the Division and Apportionment between the said Companies of such Rates, Tolls, and Charges, and such Contracts and Agreements, from Time to Time to alter and vary as Occasion may require: Provided always, that any such Arrangement and Agreement shall not be made for a longer Period than Ten Years, and shall be subject to the Revision of the Board of Trade at the Expiration of every Ten Years from the making thereof.

Power to enter into Agreement with Great Western Railway Company for the Use of Line by that Company.

Limit of Agreement.

XXXV. 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 said Two Companies 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 Railways and Undertaking of the Company hereby incorporated, and of the Railways and Undertaking of the *Great Western Railway Company*, 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.

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

XXXVI. In estimating the Toll or Charge to be paid in respect of Articles or Persons conveyed partly upon the *Wilts, Somerset, and Weymouth Railway*, and partly upon the Railway by this Act authorized, during the Continuance in force of any such Agreement as aforesaid, the Distance traversed shall be reckoned continuously on both Railways, as if the said Railways were One Railway; and if the entire Distance traversed shall be less than Six Miles, the Railway by this Act authorized shall be considered as Part of the *Wilts, Somerset, and Weymouth Railway*.

During Agreement, Railways to be considered as One.

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XXXVII. It

The East Somerset Railway Act, 1856.

Power to
take Tolls.

XXXVII. It shall be lawful for the Company to demand and receive any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tolls for
Passengers
or Cattle.

First.—In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any Carriage, the Sum of Twopence *per* Mile; and if conveyed in or upon Carriages belonging to the Company, an additional Sum of One Penny *per* Mile:

For every Horse, Mule, and other Beast of Draught or Burden, Threepence *per* Mile; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

For horned Cattle the Sum of Twopence *per* Head *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum of One Penny *per* Mile:

For Calves, Pigs, Sheep, and small Animals, One Penny each *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum of One Halfpenny *per* Mile.

Tonnage on
Articles of
Merchan-
dise.

Second.—In respect of the Tonnage of all Articles conveyed upon the Railway, or any Part thereof, as follows:

For all Coals, Coke, Culm, Cannel, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Bullets, and rolled Iron, Limestone, Lime, Bricks, Salt, Sand, Fire Clay, Cinders, Slag, and Stone, *per* Ton *per* Mile, One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, Charcoal, Stones for building, pitching, and paving, Tiles, Slates, and Clay (except Fire Clay), and for Wrought Iron, not otherwise specifically classified 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 One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Iron Castings, *per* Ton *per* Mile Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For

The East Somerset Railway Act, 1856.

For Cotton and other Wools, Drugs, and manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* Threepence; 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, Sixpence *per Mile*:

And a like Sum of Twopence *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum of Twopence *per Mile*.

XXXVIII. 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, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken for the Use of the said Railway.

Tolls for
propelling
Power.

XXXIX. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers along the said Railway, including the Tolls for the Use of the said Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance as aforesaid, except Government Duty, shall not exceed the following Sums; (that is to say,)

Maximum
Rates of
Charges;

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per Mile*:

for Passen-
gers;

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*:

And with respect to the Conveyance of Goods, the maximum Rates of Charge to be made by the Company for the Conveyance thereof along the said Railway, including the Tolls for the Use of the said Railway, and Waggon or Trucks and locomotive Power, and every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services, or any of them, are or is performed by the Company, shall not exceed the following Sums; (that is to say,)

for Cattle,
Goods, &c.

For every Horse, Mule, and other Beast of Draught or Burden, Fourpence *per Mile*:

For

The East Somerset Railway Act, 1856.

For horned Cattle, the Sum of Threepence *per* Head *per* Mile :

For Calves, Pigs, Sheep, and small Animals, One Penny Halfpenny each *per* Mile :

For all Coal, Coke, Ironstone, and other Articles herein-before classed therewith, the Sum of Twopence *per* Ton *per* Mile :

For all Dung, Compost, and other Articles herein-before classed therewith, the Sum of Twopence *per* Ton *per* Mile :

For all Sugar, Grain, and other Articles herein-before classified therewith, the Sum of Threepence *per* Ton *per* Mile :

For all Cotton and other Articles herein-before classified therewith, the Sum of Fourpence *per* Ton *per* Mile :

And for every Carriage of whatever Description, not being a Carriage adapted and use for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence.

Regulations
as to the
Tolls.

XL. The following Provisions and Regulations shall be applicable to the fixing of such Tolls and Charges ; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Three Miles, the Company may demand Tolls and Charges as for Three Miles :

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls as for One Mile :

For a Fraction of a Ton, the Company may demand Toll according to the Number of 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, and so on in proportion for any smaller Quantity.

Tolls for
small Parcels
and Articles
of great
Weight.

XLI. And with respect to small Packages and single Articles of great Weight, be it enacted, That notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following ; (that is to say,)

For the Carriage on the Railway or any Part thereof of any Parcel not exceeding Seven Pounds in Weight, Fourpence :

For the Carriage of any Parcel exceeding Seven Pounds, but not exceeding Fourteen Pounds in Weight, Sixpence :

For

The East Somerset Railway Act, 1856.

For the Carriage of any Parcel exceeding Fourteen Pounds, but not exceeding Twenty-eight Pounds in Weight, the Sum of Eightpence :

For the Carriage of any Parcel exceeding Twenty-eight Pounds, but not exceeding Fifty-six Pounds in Weight, One Shilling :

And for the Carriage of any Parcel exceeding Fifty-six 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 of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages.

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 Company may demand such Sum as they think fit, not exceeding Sixpence *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.

XLII. 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 Weight for Third-class Passengers, without any Charge being made for the Carriage thereof. Passengers Luggage.

XLIII. Provided always, That nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto. Company may take increased Charges by Agreement.

XLIV. Provided also, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required upon the said Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the said Railway. Restriction as to Charges not to apply to Special Trains.

[*Local.*]

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XLV. Nothing

The East Somerset Railway Act, 1856.

Railway to
be subject to
present and
future Ge-
neral Acts.

XLV. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made or the Company from the Provisions of any General Act relating to such Act, or 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 and 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.

Saving
Rights of
Her Majesty
and of Duke
of Cornwall.

XLVI. 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, Soil, or Water, or any Rights in respect thereof belonging to Her Majesty 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.

Expenses of
Act.

XLVII. All Costs, Charges, and Expenses of and incidental to the obtaining of this Act and preparatory thereto shall be paid by the Company.

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