



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxxxi.

An Act for authorizing the making of Railways from the Railway of the *Somerset and Dorset* Railway Company at *Wells* to the Railway of the *Bristol and Exeter* Railway Company at *Yatton*, and Arrangements between those Companies in relation thereto ; and for other Purposes.

[14th July 1864.]

WHEREAS by “ The *Somerset and Dorset* Companies Amalgamation Act, 1862,” the *Somerset and Dorset* Railway Company (in this Act called “ the Company ”) were incorporated, being formed by the Amalgamation of the *Somerset Central* Railway Company and the *Dorset Central* Railway Company, and the Undertakings, Railways, Properties, and Works of those Two Companies respectively were vested in the Company : And whereas the making and maintaining of the Railways from the *Somerset and Dorset* Railway at *Wells* to the *Bristol and Exeter* Railway at *Yatton*, as herein-after described, would be of local and public Advantage : And whereas it is expedient that the Company be authorized to raise further Monies for the Construction of the intended Railways : And whereas it is expedient that the *Bristol and Exeter* Railway Company be authorized to subscribe for a certain Portion of the Capital requisite

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25 & 26 Vict.
c. ccxxv.

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for the Purposes of the intended Railways: And whereas Plans and Sections of the intended Railways showing the Lines and Levels thereof and the Lands in which the Railways are intended to be made, and Books of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands have been deposited with the Clerk of the Peace for the County of *Somerset*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books 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; (that is to say,)

Short Title. 1. This Act may for all Purposes be cited as "The *Cheddar Valley and Yatton Railway Act, 1864.*"

8 & 9 Vict.
cc. 18. & 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part One (relating to Construction of a Railway) and Part Three (relating to Working Agreements) of "The Railways Clauses Act, 1863," and Part One (relating to Cancellation and Surrender of Shares) and Part Two (relating to additional Capital) of "The Companies Clauses Act, 1863," (save so far as any of the Sections or Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act,) are incorporated with this Act.

Parts of
8 & 9 Vict.
c. 16. in-
corporated.

3. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares:

With respect to the Transfer or Transmission of Shares:

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls:

With respect to the Forfeiture of Shares for the Nonpayment of Calls:

With respect to the Remedies of Creditors of the Company against the Shareholders:

With respect to the borrowing of Money by the Company on Mortgage or Bond:

With respect to the Conversion of the borrowed Money into Capital:

With respect to the Consolidation of the Shares into Stock:

With respect to the Provision to be made for affording Access to the Special Act.

4. The

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4. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context; provided that the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act, 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, and the Words "Shares" and "Shareholders" include when requisite "Stock" and "Stockholders."

Same Meanings to Words in incorporated Acts as in this Act.

5. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use for the Purposes of their Undertaking under this Act such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think fit.

Power to take Lands compulsorily.

6. 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 after the passing of this Act.

Powers for compulsory Purchases limited.

7. The Company by Agreement from Time to Time may purchase any Quantity of Land not exceeding in the whole Five Acres for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Lands for extraordinary Purposes.

8. Subject to the Provisions of this Act, the Company may make and maintain the several Works by this Act authorized in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and so far as the Lines and Levels thereof are shown on the deposited Plans and Sections may make and maintain the same in accordance with the Lines and Levels so shown.

Power to make Works authorized by Act.

9. The several Works by this Act authorized to be made and maintained by the Company comprise the following Railways and Works, with all proper Stations, Approaches, Works, and Conveniences connected therewith; (that is to say,)

Works authorized by Act.

Railway (No. 1.), commencing by a Junction with the *Somerset and Dorset* Railway, near to the Passenger Platform of the *Wells* Station of that Railway, and terminating in *Tucker Street* in *Wells*:

Railway (No. 2.), commencing in the In-parish of *Saint Cuthbert, Wells*, by a Junction with the *Somerset and Dorset* Railway, and terminating in *Tucker Street* in *Wells*:

Railway (No. 3.), commencing by a Junction with the intended Railways (Nos. 1. and 2.) at or near to the Termination of those Railways, and terminating in the Parish of *Yatton* in the County of *Somerset* by a Junction with the *Bristol and Exeter* Railway near to the Station on that Railway at *Yatton*.

10. Subject

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Level
Crossings.

10. Subject to the Provisions of this Act, the Company may carry the several Railways by this Act authorized with not exceeding a double Line of Rails across and on the Level of the several Roads numbered on the deposited Plans as follows ; (that is to say,)

No. on Plan.	Parish.	Description of Road.
50	Rodney Stoke and Cheddar intermixed	Parish Road.
119	Cheddar - - - - -	Parish Road.

Inclination
of certain
Roads.

11. The Company may make the several Roads next herein-after mentioned, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads :

No. on Plan.	Parish.	Description of Road.	Intended Inclination of Road.
22	Westbury - -	Parish Road -	1 in 7.
9	Rodney Stoke -	Parish Road {	1 in 16 on one Side and level on the other.
92	Cheddar - -	Turnpike Road -	
10	Compton Bishop -	Parish Road -	1 in 25.
			1 in 14.

Period for
completing
Works.

12. The Railways by this Act authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act conferred on the Company with respect to the making of the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Penalty for
Non-com-
pletion of
Railways
within
Period
limited for
Completion
thereof.

13. After the Expiration of the Period by this Act limited for the Completion of the Railways, if they be not then completed, the Company shall be liable to a Penalty of Fifty Pounds a Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Railways are completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it appears by a Certificate, to be obtained from the Board of Trade, that the Company were prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control ; provided that the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Tolls on
Railways.

14. Subject to the Provisions of this Act and of the several Acts relating to the Company and applicable in that Behalf, the Company from Time to Time may demand and take in respect of the Railways by this Act authorized for all Passengers, Animals, and Things conveyed thereon, and for Carriages, Waggon, and Trucks respec-
tively

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tively conveying the same, and for Locomotive Engines or 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, Fares, Rates, and other Charges as by those Acts respectively they are authorized to demand and take for like Traffic Services and Matters on or with respect to the *Somerset and Dorset* Railway, and with and subject to the like Powers and Provisions.

15. Provided, That the maximum Charge to be made by the Company with respect to the Tolls, Fares, Rates, and Charges for the User of the Railways by this Act authorized, or any Parts thereof, and for Carriages, Waggon, and Trucks, and for Locomotive Engines or other Power, and every Expense incidental to the Conveyance of their Traffic thereon, shall not exceed the Sums in that Behalf limited by the several Acts relating to the *Somerset and Dorset* Railway and applicable in that Behalf; and the Railways by this Act authorized shall for all Purposes of the Tolls, Fares, Rates, and Charges be deemed to be Part of that Railway.

Maximum
Tolls to be
taken.

16. In estimating Tolls, Fares, Rates, or Charges the present Railway of the Company and the Railway by this Act authorized shall be deemed to be One continuous Line of Railway.

Railways to
be deemed
continuous
as to Tolls.

17. Nothing in this Act contained shall prevent the Company from taking any increased Charge over and above the Charges by this Act limited for the Conveyance of Carriages, Animals, or Things of any Description by Agreement with the Owners or Persons in charge of the same, either with respect to the Conveyance of the same (except small Parcels) by Passenger Trains, or by reason of any special Service other than the Conveyance of the same performed by the Company with respect to the same.

Company
may take
increased
Charges by
Agreement.

18. The Company on the one hand and the *Bristol and Exeter* Railway Company on the other hand, from Time to Time, if and when they think fit, may enter into and carry into effect all such Agreements and Arrangements with respect to any of the Purposes of this Act as the Two Companies from Time to Time think fit, and every such Agreement shall be a "Working Agreement" within the Meaning of Part Three (relating to Working Agreements) of "The Railways Clauses Act, 1863," incorporated with this Act.

Power for
Company
and Bristol
and Exeter
Railway
Company to
enter into
Agreements.

19. If and so long as the *Bristol and Exeter* Railway Company work the Railway, the Tolls, Rates, and Charges taken upon the Railway shall be the Tolls, Rates, and Charges which the *Bristol and Exeter* Railway Company are authorized to take upon their own Railway.

Tolls during
Contracts.

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Power to
raise addi-
tional Cap-
ital by new
Shares.

20. The Company from Time to Time may raise for the Purposes of this Act by the Creation and Issue of new Shares or new Stock, whether ordinary or preferential or both, any Capital not exceeding in the whole One hundred and seventy thousand Pounds, and the same shall be in addition not only to their present authorized Capital, but also to the Capital, if any, which by any other Act, if any, of the present Session of Parliament hereafter passed they are authorized to raise; provided that the Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Capital may
be raised as
separate
Capital.

21. Any Capital raised by the Company for the Purposes of this Act shall, if the Company and the *Bristol and Exeter* Railway Company so determine, be issued as a separate Capital, to be applied exclusively to, and to be dependent for Dividend upon, the Profits of the Extension Railway and Works by this Act authorized.

Power to
borrow on
Mortgage.

22. The Company from Time to Time may borrow on Mortgage for the Purposes of this Act any Sums not exceeding in the whole Fifty-six thousand Pounds: Provided that the Company shall not borrow on Mortgage any Part of that Sum until the whole of their Capital under this Act is subscribed for or taken, and One Half thereof is actually paid up, and until the Company shall prove to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for all such additional Capital are issued and taken *bonâ fide*, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares are *bonâ fide* held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under such Section shall be sufficient Evidence.

Priority of
existing
Mortgages.

23. All Mortgages granted by the Company before the passing of this Act, and now in force, shall during the Continuance thereof respectively have Priority over all Mortgages granted by the Company under this Act: Provided always, that if the Capital by this Act authorized be raised as a separate Capital, all Mortgages granted by the Company under the Provisions of this Act shall be charged exclusively on the Railways and Works by this Act authorized, and not upon any other Portion of the Railway of the Company.

Arrears may
be enforced
by Appoint-

24. The Mortgagees of the Company under this Act may enforce the Payment of the Arrears of Interest or of Principal and Interest due

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due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Five thousand Pounds.

ment of a Receiver.

25. All and every Part of the Monies by this Act authorized to be raised by the Company by Shares and by borrowing respectively shall be applied only to the Purposes of this Act, and the Company from Time to Time may apply for the Purposes of this Act any Monies now or hereafter belonging to them, or under the Control of their Directors, save only so far as the Application of any such Money is by any Act specially provided for and is required for the Purpose for which it is so made applicable.

Application of Monies.

26. The *Bristol and Exeter* Railway Company, with the Sanction of Three Fifths of the Votes of the Shareholders of such Company present, personally or by proxy, at some General Meeting of that Company specially convened, with Notice of the Object of the proposed Meeting, may from Time to Time subscribe for, take, and hold Shares or Stock in the Capital by this Act authorized to be raised not exceeding One hundred thousand Pounds.

Power to Bristol and Exeter Railway Company to subscribe.

27. It shall be lawful for the *Bristol and Exeter* Railway Company to apply towards that Subscription any of the Monies which they are already authorized to raise and which may not be required by them for the Purposes of their Undertaking.

Power to Bristol and Exeter Company to apply Funds for Purposes of Act.

28. The Agreement set out in the Schedule to this Act is hereby confirmed, and all the Provisions thereof shall be binding on the several Companies Parties thereto as fully and effectually, and shall, as to the same several Companies and all other Companies and Persons, have in all respects the same Force as if the same Provisions were expressly enacted in the Body of this Act.

Confirmation of Agreement in Schedule.

29. The several Railways authorized by this Act shall be constructed on the same Gauge as the now existing Gauge of the Main Line of the *Bristol and Exeter* Railway Company, and the Gauge of the said several Railways shall be from Time to Time altered by the Company at their own Expense, so that the Gauge thereof respectively may always be the same as the Gauge for the Time being of the Portion of the *Bristol and Exeter* Railway between *Bristol* and *Yatton*.

Gauge of Railways.

30. The Company shall not, out of any Money by this or any other Act authorized to be raised by them by Shares 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 that the Company from Time to Time may pay to any Shareholder such

Interest not to be paid out of Capital.

Interest

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Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

Deposit on
future Bills
not to be
paid out of
Capital.

31. The Company shall not, out of any Money by this or any other Act authorized to be raised by the Company by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any Railway, or execute any other Work or Undertaking.

Saving
Rights of
Companies.

32. Except only as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Privileges of the Company or of the *Bristol and Exeter* Railway Company.

Railway not
exempt from
Provisions
of present
and future
General
Acts.

33. Nothing in this Act contained shall exempt any Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act or any other Act relating to the respective Railways authorized, or the Rates for small Parcels thereby respectively authorized.

Expenses of
Act.

34. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be paid by the Company.

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SCHEDULE.

ARTICLES OF AGREEMENT made the Twenty-seventh Day of May 1864 between the BRISTOL AND EXETER RAILWAY COMPANY (hereafter in this Agreement called "the Bristol Company") of the one Part, and the SOMERSET AND DORSET RAILWAY COMPANY (hereafter in this Agreement called "the Somerset Company") of the other Part.

Whereas a Bill is pending in Parliament for authorizing the making of Railways from the Railway of the Somerset and Dorset Railway Company at Wells to the Railway of the Bristol and Exeter Railway Company at Yatton, and Arrangements between those Companies in relation thereto, and for other Purposes, the Short Title of which Bill when passed into an Act is proposed to be "The Cheddar Valley and Yatton Railway Act, 1864," and which Bill is hereafter in this Agreement called "the Yatton Bill," and as and when passed into an Act is hereafter in this Agreement referred to as "the Yatton Act:"

And whereas by the Yatton Bill in its present Form it is proposed to be enacted that the Somerset Company may raise for the Purposes of the Yatton Act and for the general Purposes of their Undertaking additional Share Capital not exceeding One hundred and seventy thousand Pounds:

And whereas it is intended that the whole of the said Sum of One hundred and seventy thousand Pounds should be made applicable exclusively for the Purposes of the Railways and Works to be authorized by the Yatton Act, and the Yatton Bill is intended to be amended accordingly:

And whereas on Petition for additional Provision Authority has been obtained for Insertion in the Yatton Bill of a Clause to empower the Bristol Company from Time to Time to subscribe for, take, and hold Shares or Stock in the said Capital of One hundred and seventy thousand Pounds to an Amount not exceeding One hundred thousand Pounds, and such a Clause is intended to be inserted in the Bill accordingly:

And whereas, with reference to such Subscription by the Bristol Company as aforesaid, and to the providing of the Residue of the said Capital of One hundred and seventy thousand Pounds, and to the Interests and Powers of the said Two Companies in relation to the Undertaking to be authorized by the Yatton Act, the said Two Companies are desirous of entering into such Arrangements as herein-after appear:

Now these Presents witness that it is hereby mutually agreed between and by the said Two Companies, for themselves respectively and their respective Successors, as follows; (that is to say,)

Article 1. The Bristol Company shall, within Six Calendar Months after the passing of the Yatton Act, subscribe for and take Shares or Stock in the Capital thereby authorized to the Amount of One hundred thousand Pounds.

Article 2. If within Six Calendar Months after the passing of the Yatton Act the Bristol Company, by Writing under the Hand of their Secretary, signify to

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the Somerset Company their Desire to subscribe for and take Shares or Stock to a further Amount, or to the full Amount of the Share Capital by the Yatton Act authorized, the Bristol Company shall be at liberty and shall be bound to do so.

Article 3. If at any Time within Six Calendar Months after the passing of the Yatton Act the Somerset Company, by Writing under the Hand of their Secretary, require the Bristol Company to subscribe for and take Shares or Stock to a further Amount, or to the full Amount of the Share Capital by the Yatton Act authorized, the Bristol Company shall be bound to do so.

Article 4. If within the Time and in the Manner aforesaid the Bristol Company signify their Desire to subscribe for and take Shares or Stock to the full Amount of the Capital aforesaid, or the Somerset Company require the Bristol Company to do so, then the Somerset Company shall at all Times and from Time to Time, at the Expense of the Bristol Company, do or join with the Bristol Company in doing all such lawful Acts and Things by way of Application to Parliament or otherwise as may be necessary or proper for enabling the Bristol Company to carry into effect their Desire aforesaid, or to comply with the Requirement aforesaid (as the Case may be), and as may be by the Bristol Company at any Time or from Time to Time reasonably required.

Article 5. Until the Bristol Company signify their Desire to subscribe for and take Shares or Stock to the full Amount of the Capital aforesaid, or the Somerset Company require the Bristol Company to do so, the Undertaking by the Yatton Act authorized shall be executed and managed by a Joint Committee, composed of Five Directors of the Bristol Company and Four Directors of the Somerset Company, to be nominated by the respective Companies; and such Joint Committee shall have and may exercise all the Powers vested in or exerciseable by the Directors of the Somerset Company by virtue of the Yatton Act or any Act incorporated therewith.

Article 6. If any Dispute arises between the Companies Parties to this Agreement, in course of the Execution or as to the Effect of this Agreement, the same shall be settled by Arbitration according to the Provisions of the "Railway Companies Arbitration Act, 1859."

In witness whereof the said Companies have hereunto caused their respective Common Seals to be affixed the Day and Year first above written.

Seal of the
Bristol and
Exeter Railway
Company.

Seal of the
Somerset and
Dorset Railway
Company.

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