CHAPTER lxxix.

An Act to confer further Powers on the Bristol and Portishead Pierand Railway Company; and for other purposes. A.D. 1877.

[12th July 1877.]

WHEREAS by "The Bristol and Portishead Pier and Railway Act, 1863," (in this Act called "the Act of 1863,") the Bristol and Portishead Pier and Railway Company, (in this Act called "the Company") were incorporated and authorised to make a pier in the parish of Portbury, in the county of Somerset, and a railway from that pier to the Bristol and Exeter Railway at Bedminster, and a branch railway to Portishead, and for the purposes aforesaid to raise the sum of two hundred thousand pounds by shares and sixty-six thousand six hundred pounds by borrowing: 26 & 27 Vict. c. cvii.

And whereas by "The Bristol and Portishead Pier and Railway Act, 1866," (in this Act called "the Act of 1866,") the site of the said pier was altered, and the Company were authorised to construct n lieu of the said pier a pier and other works connected therewith extending along Portishead Pill into the River Severn (the time for the completion of which was limited by section fourteen to seven years from the passing of that Act), and to raise an additional capital of sixty thousand pounds in shares and twenty thousand pounds by borrowing: 29 & 30 Vict. c. lxxxviii.

And whereas by "The Portishead Docks Act, 1871," (in this Act called "the Act of 1871,") the Company were authorised to construct docks at Portishead Pill, and for that purpose to raise an additional share capital of one hundred and ninety-five thousand pounds, and to borrow an additional sum of sixty-five thousand pounds, and the mayor, aldermen, and burgesses of the city of Bristol (herein-after called "the corporation") were empowered by that Act to subscribe to the undertaking thereby authorised, and it was provided (section sixty-two) that if the corporation should so subscribe, then the capital of such undertaking should be a separate capital (applicable only for the purposes of such undertaking), and 34 & 35 Vict. c. cxlii.

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that a separate board of directors should be constituted for the management thereof, to consist of ten persons, of whom five were to be from time to time appointed by the corporation, and the remaining five were to be elected by the Company from among the shareholders:

And whereas by the Act of 1871 (section seventy-five) provision was made in case the docks should not be completed and opened for public use within the time therein mentioned, and the corporation should have subscribed to the construction thereof, that certain payments should be made to them by five of the then directors of the Company named in that section, and that until the first ordinary meeting of the Company held after those liabilities were satisfied the said named directors or their successors should continue in office, and that the existing provisions as to the retirement by rotation of directors of the Company be until that date suspended:

And whereas two Acts have been passed relating to lands in the manor and parish of Portbury, whereof one was passed in the thirty-eighth year of the reign of King George the Third, and is intituled "An Act for dividing, allotting, and enclosing certain moors, "commons, or waste lands lying within the manor and parish of "Portbury, in the county of Somerset," and the other was passed in the forty-ninth year of the same reign, and is intituled "An Act to "explain and amend an Act passed in the thirty-eighth year of His "Majesty for enclosing lands in the manor and parish of Portbury, in "the county of Somerset," which last-mentioned Act is in this Act referred to as "the Act of 1809:"

38 G. 3. c. xxxii.

49 G. 3. c. ci

And whereas under the Act of 1809 the commissioners, acting in execution of the powers thereof, are empowered and required to maintain the bank of earth or sea wall and other works therein mentioned, for the protection of the common therein referred to and called Portbury Wharf, containing two hundred and fifty-eight acres or thereabouts:

And whereas by the Act of 1871 (section forty) the Company were authorised, at any time before the twenty-fifth day of July one thousand eight hundred and seventy-four, to vest in themselves any portion or portions of the said sea wall forming the boundary of any lands then or thereafter to be acquired by them, and any part of the warth lying between the portions of the sea wall so vested and the sea, and (section forty-one) to substitute for the portions of the sea wall so vested any other sufficient works, and they were required (section forty-two) to maintain the portions of the sea wall vested in them and such substituted works in condition effectually to protect from the sea all the lands then protected by such wall:

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36 & 37 Vict. c. xlvi.

And whereas by "The Bristol and Portishead Pier and Railway Act, 1873," (in this Act called "the Act of 1873,") the Company were authorised to raise an additional share capital of sixty thousand pounds (to form part of the capital authorised by the Act of 1863 and the Act of 1866) and to borrow twenty thousand pounds; and the Company were also, by section four of that Act, authorised to enter into agreements with any companies or persons owning, hiring, or using steam vessels for the conveyance by such vessels of traffic coming from or destined for any of the works or undertakings of the Company:

And whereas the Company have completed and opened for public use the said railways and a large portion of the said pier, and have also nearly completed the said docks:

And whereas the time limited by the Act of 1866 for the construction of the pier and works thereby authorised was by the Act of 1873 (section five) extended to the eleventh day of June one thousand eight hundred and seventy-eight, and it is expedient that it be further extended:

And whereas by the Act of 1871 (section fourteen), in order to protect the lands of Sir John Henry Greville Smyth, Baronet, the corporation, and other proprietors situate in certain parishes in the county of Somerset, provision was made (among other things) to secure the drainage thereof by the construction of a culvert or drain and other works as therein mentioned to the satisfaction of the respective engineers of the commissioners of sewers for the county of Somerset, the said Sir John Henry Greville Smyth, and the corporation:

And whereas the Company, as well the better to carry out the objects of the said section fourteen as for the greater convenience of their docks undertaking, have by agreement between the said engineers, and with the consent and concurrence of the said Sir John Henry Greville Smyth, the said commissioners of sewers, and the corporation, constructed a culvert or drain, with floodgates, bridges, roads, banks, and other works, differing somewhat in position from those defined by that section, and it is expedient that the Company be authorised to maintain the said works so constructed, and that certain of the provisions of that section be altered:

And whereas it is expedient that the Company be authorised to construct the culverts or drains and works herein-after mentioned, and inasmuch as certain of those works will be constructed on portions of the said warth not now vested in the Company, it is expedient that provision be made for vesting in the Company certain other portions of the sea wall and warth not now vested in them:

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And whereas plans and sections showing the lines and levels of the works authorised by this Act, and plans showing the lands and property to be taken under the powers thereof, and a book of reference to those plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of all such lands, 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 book of reference:

And whereas the Company are indebted for the purposes of their undertaking in various sums to their contractors, bankers, and others, and in order to discharge such debts it is expedient that the Company be authorised to raise additional capital by the issue of guaranteed shares and stock to have priority over the existing preference and ordinary shares of the Company, and to appropriate such capital in paying off the said debts:

And whereas upwards of nine tenths in value of the holders of preference shares of the Company have respectively assented to the Bill for this Act:

And whereas it is expedient that the separate undertakings of the Company be under the direction and management of separate boards of directors, and that the members of the board which shall have the direction and management of the pier and railway undertaking be elected solely by the shareholders holding the capital of the Company applicable to that undertaking, and that the elective members of the board which shall have the direction and management of the dock undertaking be elected solely by the shareholders holding the capital of the Company applicable to that undertaking:

And whereas by virtue of an agreement set forth in Schedule D. to the Act of 1863, and confirmed by that Act (section sixty-five), and by virtue of the amalgamation of the undertaking of the Bristol and Exeter Railway Company with the undertaking of the Great Western Railway Company effected by "The Great Western and Bristol and Exeter Railway Companies Amalgamation Act, 1876," the said agreement as altered by the last-mentioned Act is made binding on the Great Western Railway Company and they now work and maintain the railways of the Company, and it is expedient that the powers of the Company with respect to steam vessels under the Act of 1873 be extended to the Great Western Railway Company and the traffic coming from or destined for their undertaking:

39 & 40 Vict. c. lxxiv.

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and

with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Bristol and Portishead Pier and Railway Company's Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The following Acts and portions of Acts; namely,

"The Lands Clauses Acts, 1845, 1860, and 1869;"

The provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof, and also section sixteen (works to be executed);

"The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869,"

so far as the same respectively are applicable for the purposes of and not varied by or inconsistent with this Act, are hereby incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several terms and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, or by the herein-before recited Acts, have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

In "The Railways Clauses Consolidation Act, 1845," for the purposes of this Act—

The expression "the railway" shall mean any work authorised or done under the powers of this Act, and the limits prescribed by section thirty-two of "The Railways Clauses Consolidation Act, 1845," for the entry on lands for temporary purposes shall be ten yards;

And the expression "superior courts" or "courts of competent jurisdiction," or other like expression in this Act or in any Act incorporated with 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.

Time for completing pier extended.

4. The time limited by the Act of 1866 and the Act of 1873 for the construction and completion of the pier is hereby further extended until the eleventh day of June one thousand eight hundred and eighty.

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Powers as to works, &c. according to deposited plans.

5. Subject to the provisions of this Act, the Company may, in the lines and situations and upon the lands in that behalf shown on the deposited plans and described in the book of reference, and according to the levels shown on the deposited sections, construct and maintain the following culverts or drains and works, and do the following things wholly in the county of Somerset; (namely,)

They may maintain the following work already constructed by them in the parishes of Portishead and Portbury; (that is to say,)

A culvert or drain (Number 1) commencing by a junction with the Old Portishead Stream at a point therein four hundred and ten yards or thereabouts, measured in a south-easterly direction from the White Lion Inn, and terminating at a point one hundred and thirty-three yards or thereabouts short of the present point of discharge of the said stream on the seashore:

In connexion with the foregoing work they may maintain—

The diversion through the said culvert or drain (Number 1) of the stream known as the Old Portishead Stream, which formerly flowed into the Portishead Pill:

They may construct and maintain the following works; (that is to say,)

A culvert or drain (Number 2) in the parishes of Portbury and Easton-in-Gordano, otherwise Saint George, commencing at the Eastern Outfall Hatch of the stream flowing into the River Severn at Fastings Gout or Chapel Pill, and terminating by a junction with the before-mentioned culvert or drain (Number 1) at the before-mentioned point of termination thereof:

A culvert or drain (Number 3) in the said parishes of Portishead and Portbury, commencing at the termination of the culvert or drain (Number 1), and terminating at or near the entrance from the sea to the lock now being constructed by the Company:

They may divert the following streams; (that is to say,)

The stream called Fastings Gout into and through the said culverts or drains (Number 2 and Number 3); and

The Old Portishead Stream into and through the culvert or drain (Number 3):

They may maintain, until they shall have completed the works authorised by the Act of 1871, the following work; (that is to say,)

An existing culvert or drain constructed by them wholly in the said parish of Portbury, commencing at the before-mentioned termination of the culvert or drain (Number 1), and terminating on the seashore:

And they may in connexion with that work maintain—

The existing diversion through the culvert or drain so to be maintained of the said Old Portishead Stream:

And the Company may, in connexion with the foregoing works or any of them, maintain all existing, and construct and maintain all necessary and convenient, new cuts, banks, drains, pipes, outfalls, hatches, penstocks, sluices, walls, arches, machinery, works, and appliances, and may enter upon, take, and use such of the lands shown on the deposited plans and described in the book of reference as may be necessary for the several purposes in this section mentioned, or any of them, and may from time to time enter upon, take, use, and enclose all or any of the roads, lanes, ways, passages, sea banks, sea walls, warths, and waste lands shown on the deposited plans and included in the book of reference; provided that in diverting the said stream called Fastings Gout the Company shall make sufficient provision for the supply of water to the washing pool, watering places for cattle, ditches, and water fences now provided with water by the overflow at the said outfall hatch, and that the diversion shall commence outside and below the said outfall hatch.

Certain provisions of recited Acts to extend to works below high-water mark.

6. All the provisions of the Company's Acts with respect to works below high-water mark shall extend to the construction, extension, alteration, and repair of any works below high-water mark authorised by this Act.

Provisions as to maintenance and repair of works affecting the railway of the Company worked by the Great Western Railway Company.

7. The Company from time to time, in maintaining or repairing the culvert or drain (Number 1), where it passes under the railway of the Company which is worked, maintained, and managed by the Great Western Railway Company, shall maintain, repair, or alter the same to the reasonable satisfaction of the principal engineer for the time being of the Great Western Railway Company, and so as not in any way to injuriously affect or interfere with the said railway, and if and whenever the Company fail to do so, the Great Western Railway Company may make or do in and upon as well the lands of the Company as the lands occupied by them, the Great Western Railway Company, all such works and things as they reasonably think requisite in that behalf, and the sum from time to time reasonably expended in that behalf shall be repaid to the Great Western Railway Company by the Company, and in default of payment the amount may be recovered, with full costs, by the

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Great Western Railway Company in any court of competent jurisdiction: Provided always, that the Company on the one hand, and the Great Western Railway Company on the other hand, may from time to time enter into and carry into effect agreements for the maintenance, repair, or alteration of any such work at the expense of the Company: Provided further, that all works to be done by the Great Western Railway Company (if any), or required by them to be done by the Company, under this section shall be subject to the reasonable approval of the engineer to the commissioners of sewers, and shall be executed to his reasonable satisfaction at the expense of the Company, and if any difference arises between the respective engineers of the Company, the Great Western Railway Company, and the said commissioners, or any two of them, touching anything to be done or not to be done under this section, such difference shall be determined by an engineer to be agreed on between the parties in difference, or in default of agreement to be appointed by the President for the time being of the Institution of Civil Engineers.

Power to deviate vertically or laterally.

8. In making the said works and improvements the Company may deviate vertically to any extent not exceeding seven feet from the levels defined on the deposited sections, and may deviate laterally to any extent within the limits of deviation defined on the deposited plans, and the Company may deviate beyond the last-mentioned limits with the consent of the persons through whose lands any such deviation is proposed to be made; and the Company shall at the point of junction between the said drains (Numbers 1 and 3) deviate from the lines shown on the said deposited plans so far as shall be necessary to make the said junction by a curve instead of an angle, and the water of the said culvert or drain (Number 2) shall be carried into the culvert or drain (Number 3) outside the outfall hatch of drain (Number 1), so as effectually to prevent the waters of the said drain (Number 2) flowing back into the said drain (Number 1), and the said culvert or drain (Number 3) shall have an outfall outside the outer gates of the dock now being constructed by the Company.

Powers for compulsory purchases limited.

9. The powers of the Company for the compulsory purchase of houses, lands, tenements, and hereditaments shall not be exercised after the expiration of three years after the passing of this Act.

Period for completion of works.

10. On the expiration of seven years from the passing of this Act the powers hereby granted to the Company for constructing the works hereby authorised shall cease to be exercised, except as to so much of the said works as shall then be completed.

Lands of Sir John Henry Greville Smyth only to be taken for certain purposes.

11. The Company shall not, without the consent of the said Sir John Henry Greville Smyth, his heirs or assigns, enter upon, take, or use any of the lands of the said Sir John Henry Greville Smyth numbered 32, 34, 35, 36, 37, and 38 on the deposited plans for the parish of Portbury (except so much thereof as may be necessary for the construction and maintenance of the works mentioned in sub-sections one and two of the said section fourteen of the Act of 1871), nor any part of the lands numbered respectively 1, 2, 3, 9, 10, 17, 18, 25, and 26 on those deposited plans which is situate outside the limits of deviation marked thereon.

Sea wall, &c. may be vested in Company.

12. The Company may at any time before the twenty-fifth day of July one thousand eight hundred and eighty, by deed poll under their seal, vest in the Company all or so much of the Portbury sea wall and embankment, and of the lands and warth under the jurisdiction of the sea wall commissioners, and shown on the deposited plans and described in the book of reference, as is situate in the said parish of Portbury and as is not now vested in the Company, and also a strip of the warth in the said parish of Easton-in-Gordano, otherwise Saint George, shown on the deposited plans and described in the book of reference, and being fifty yards wide or thereabouts, situate on the right bank of the said stream, known as Fastings Gout or Chapel Pill, and extending from the Eastern Outfall Hatch to the seashore: Provided always, that the portion of sea wall and warth so to be vested in the Company shall be clearly defined on a plan to be endorsed on the said deed, and that immediately after the execution of such deed a duplicate thereof and of the said plan be delivered by and at the cost of the Company to the sea wall commissioners, which duplicate shall be admitted in evidence in all courts whatsoever: Provided also, that the Company shall use and employ the said sea wall, embankment, and warth, which they shall acquire under the provisions of this Act for the purposes only of making and maintaining the said culvert or drain (Number 2) hereby authorised, and the works connected therewith, and of maintaining, enlarging, and improving the said sea wall, or adding thereto other protections against the sea, and not for any other purposes, and the limitation of user herein provided for shall be deemed to be an obligation imposed on the Company by this Act: Provided also, that the vesting in the Company of the said Portbury sea wall and warth, in the said parish of Portbury, or of the said strip of warth in the said parish of Easton-in-Gordano, otherwise Saint George, under this enactment shall not prejudice or affect any rights therein of the owners or occupiers of adjoining lands, or of the lord or lords of the manor, or of the possessors of

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rights of common, or any claims to be made and established by them respectively in respect thereof, but all such rights and claims shall, in default of agreement, be settled under and according to the provisions of "The Lands Clauses Consolidation Act, 1845," for settling cases of disputed compensation: Provided also, that the Company shall not use the powers conferred on them by this Act so as to prevent or obstruct the enclosure or drainage of the waste or warth known as Saint George's Warth, or any portion thereof not purchased and used by them for the purposes of this Act.

Certain provisions of Act of 1871 as to sea wall, &c. extended to this Act.

13. The provisions of the following sections of the Act of 1871; (that is to say,)

Section forty-one (power to use present sea wall on substituting other works in its stead):

Section forty-two (Company to maintain sea wall and substituted works):

Section forty-three (sea wall commissioners empowered to ascertain that sea wall and works properly maintained by Company):

Section forty-four (Company liable for consequences of any default on their part in fulfilment of obligations imposed upon them by Act):

Section forty-five (application of moneys received by sea wall commissioners from Company):

Section forty-seven (annual inspection by sea wall commissioners of works):

Section forty-eight (notice to Company by sea wall commissioners):

Section forty-nine (as to settlement of disputes between Company and sea wall commissioners):

Section fifty (meetings of sea wall commissioners):

shall mutatis mutandis apply in respect of the portion of sea wall, lands, and warth when under the powers of this Act vested in the Company, save that the time for inspection provided for in the said section forty-seven shall be in the month of July or such other month as the sea wall commissioners shall appoint: Provided always, that nothing in this enactment shall prejudice, lessen, affect, or interfere with or be construed to lessen, prejudice, affect, or interfere with any of the rights, powers, duties, or responsibilities of the sea wall commissioners under the Act of 1809.

As to section 14 of the Act of 1871.

14. And with respect to section fourteen (for protection of Sir John Henry Greville Smyth, Baronet, and others) of the Act of 1871, the following provisions shall have effect; (that is to say,)

1. The said culvert or drain (Number 1) by this Act authorised to be maintained, and the several works constructed by the Company for the purpose of carrying into effect the provisions of that section, and the said culverts or drain (Number 2) and (Number 3) by this Act authorised to be constructed, and all works necessary therefor or connected therewith, shall be deemed to be works constructed in conformity with and in fulfilment of that section, and shall (so far as the same are not already constructed) be constructed to the satisfaction of the engineer of the commissioners of sewers for the county of Somerset, and until the said docks shall be opened for public use shall be maintained by the Company to the satisfaction of such engineer, and in case of difference to the satisfaction of an engineer to be appointed as in sub-section eight of the said section fourteen mentioned, and after the said docks shall have been so opened, the said culverts or drains (Number 1), (Number 2), and (Number 3), and all works necessary therefor or connected therewith, shall be maintained to the satisfaction of the said commissioners of sewers in accordance with the provisions contained in sub-section ten of that section: Provided always, that the Company shall not be liable to make good any damage to the said works occasioned by the wilful or negligent acts or defaults of any person or persons under the control or supervision of the said commissioners and not under the control or supervision of the Company:

2. Except as herein-before provided, nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the rights, privileges, powers, or authorities of the commissioners of sewers for the county of Somerset by virtue of their commission, and the general laws relating to sewers or otherwise; but such rights, privileges, powers, and authorities of the same commissioners, except as aforesaid, shall remain, continue, and be in full force and effect in all respects whatsoever.

Company may present a person for appointment as a representative on the commission of sewers.

15. The Company may from time to time, by an instrument in writing under their common seal, present for approval some person to be (if approved) appointed to represent the Company on the said commission of sewers of the county of Somerset, and may from time to time revoke such presentment and make a new presentment in lieu thereof, and the person so presented shall, until such presentment be revoked, be deemed to be a person duly qualified for

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appointment, and if appointed may, until such presentment be revoked, act as a commissioner of sewers for the said county.

Company and Great Western Railway Company may enter into agreements with owners of steam and other vessels.

16. The Company or the Company and the Great Western Railway Company may from time to time enter into and carry into effect agreements with any companies or persons owning, hiring, or using any steam or sailing vessels as to the conveyance by any such vessels of traffic, and the through booking of traffic respectively coming from or destined for, or carried over or landed at, or discharged in or upon, any of the works or undertakings of the Company or of the Great Western Railway Company, and as to the conduct of such traffic and the collection and delivery thereof, and the payments to be made and the conditions to be performed with respect to such traffic, and as to the collection, division, and appropriation of the revenue arising therefrom, and the division of the expenses incurred in connexion therewith.

As to payments to corporation under sections 26 and 27 of the Act of 1871.

17. And whereas by sections twenty-six and twenty-seven of the Act of 1866 it was provided that the Company should pay to the corporation (subject to any agreement which might from time to time be made between them) certain sums in that Act mentioned in respect of vessels using the said pier, or any jetty, wharf, embankment, or other work of the Company, and for certain goods landed thereon from any vessel; and whereas by sections twenty-six and twenty-seven of the Act of 1871 it was provided that the Company should pay to the corporation (unless it should be otherwise agreed between them) certain sums in that Act specified in respect of vessels entering the docks, and in respect of the goods mentioned in Schedule B. to that Act imported into or landed at the docks; and whereas it is expedient that further provisions be made for and with respect to the settlement of such several payments: Therefore, the following provisions shall have effect; (that is to say,)

The Company and the corporation may from time to time enter into and carry into effect agreements for releasing in whole or in part, reducing, compounding for, or commuting all or any payments which for the time being the Company may be liable to make to the corporation under or by virtue of the hereinbefore mentioned sections, or any or either of them, or under or by virtue of any agreement made under the powers of the Act of 1866 or the Act of 1871, and for the time being subsisting between the Company and the corporation; and may from time to time repeal, vary, or modify any agreements made under the powers of this section, and make other agreements in lieu thereof:

If within three years after the opening of the docks for public use no such agreement as aforesaid shall have been entered into between the Company and the corporation for the settlement of all the several payments so as aforesaid to be made by the Company to the corporation, such settlement shall be made and the terms thereof shall be determined by arbitration under and according to the provisions of "The Railway Companies Arbitration Act, 1859," as though the Company and the corporation were two railway companies:

The award made upon such arbitration shall be deemed an agreement between the Company and the corporation, and may be repealed, varied, or modified by the consent of both parties accordingly:

From and after the date of any agreement or valid award made under the provisions of this section, sections twenty-six and twenty-seven of the Act of 1866, and sections twenty-six and twenty-seven of the Act of 1871, shall be and the same are hereby repealed:

From and after the date of any agreement or valid award, it shall not be lawful for the corporation, under or by virtue of any charter, Act of Parliament, prescription, usage, or otherwise, to levy or collect any tolls, duties, dues, rates, or charges on or in respect of any goods, passengers, animals, minerals, articles, wares, merchandise, or commodities which shall be landed at or imported into the dock or works of the Company, nor for or in respect of any ship or vessel which shall enter into or use such dock or works, except as may be provided by any such award or agreement:

Notwithstanding such repeal, no goods which shall be imported into the dock or works of the corporation at Bristol in any ship or vessel coming from any port not being a port in the United Kingdom shall be deemed to be coastwise goods by reason of such ship or vessel having previously entered into or used the docks of the Company:

The said repeal shall not affect the validity, invalidity, effect, or consequence of anything then already acquired or accrued, or any debt owing to the corporation by the Company or other person, or any penalty incurred, or any remedy or proceeding in respect of such right or debt or penalty, or the proof of any past act or thing.

As to directors.

18. From and after the opening of the docks for public use as provided for in section seventy-five of the Act of 1871, the directors to be elected by the shareholders of the Company (other than the

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corporation) to manage the affairs of the undertaking by that Act authorised shall be elected only by the shareholders (other than the corporation) holding shares in the separate capital applicable to that undertaking, and sub-section five of the said section seventy-five shall be read and construed accordingly; and the directors to be elected to manage the undertaking by the Act of 1863 and the Act of 1866 authorised shall be elected solely by the shareholders holding shares in that undertaking, and the provisions of those Acts respectively with respect to the election of directors of the Company shall be read and construed accordingly.

Power to raise additional capital by the issue of guaranteed shares or stock.

19. The Company may raise any additional sum or sums of money not exceeding in the whole the sum of sixty thousand pounds by the creation and issue of guaranteed shares or stock to bear interest after the rate of four pounds ten shillings per centum per annum, and to rank before any preference shares or stock which they have already issued or are authorised to issue.

As to amount of new shares.

20. Any new shares issued under the powers of this Act shall be of a nominal value of not less than ten pounds.

New shares not to be issued until one-fifth part thereof paid up.

21. The Company shall not issue any new share, nor shall any such 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.

Calls.

22. One fifth of the amount of a new share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls.

Receipt in case of persons not being sui juris.

23. If any money be 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.

As to share capital under Act of 1866.

24. The share capital of sixty thousand pounds authorised by the Act of 1866, and issued by the Company as preference capital, shall rank next after the guaranteed shares or stock to be issued under the powers of this Act.

Residue of capital to be ordinary.

25. The residue of the capital authorised to be issued by the Company shall be issued as ordinary capital.

Power to borrow in respect of additional capital.

26. In addition to any moneys which the Company are authorised to borrow by the recited Acts, they may from time to time borrow on mortgage in respect of the additional capital of sixty thousand pounds by this Act authorised to be raised by guaranteed shares or stock any sums not exceeding in the whole twenty thousand pounds, and the Company may, as each sum of fifteen thousand

pounds of such additional capital has been issued and accepted, and one half the amount of each sum has been paid up, borrow on mortgage in respect of each sum of fifteen thousand pounds any sum or sums not exceeding in the whole five thousand pounds, but in no case shall any part of the said respective sums be borrowed until shares for so much of the said portion of the additional capital as is to be raised by means of shares are issued and accepted, and one half of such portion is paid up, and the Company shall 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 shares for the whole of such portion in respect of which such borrowing powers are sought to be exercised have been issued and accepted, and that one half of such portion has been paid up, and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and also, if such capital is raised by shares, 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.

Application of moneys.

27. All additional moneys to be raised under the powers of this Act, either by shares or stock or by borrowing, shall be applied by the Company in payment of the debts of the Company other than debts payable out of revenue, and in payment of the interest on such debts, and the surplus (if any) shall be applied to the general purposes of their undertaking authorised by the Acts of 1863 and 1866.

Funds of former Acts may be applied for this Act.

28. The Company may apply for the purposes of this Act such of their existing funds, and of any moneys they are still authorised to raise, as may not be required for the purposes for which they were so authorised to be raised.

New capital to form part of general capital.

29. Subject to the provisions of this Act, the additional capital created under this Act shall for all purposes form part of the capital of the Company authorised to be raised under the Acts of 1863 and 1866; provided that the creation and issue of such addi-

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tional capital shall in no way affect or interfere with the operation of section sixty-two (new capital to be separate capital) of the Act of 1871, or with the rights, claims, and privileges of the shareholders in the separate capital of the dock undertaking.

Great Western Railway Company may guarantee interest on debentures, &c.

30. And whereas the Great Western Railway Company (hereinafter called "the Great Western Company") now work the railway of the Company under an agreement scheduled to the Act of 1863, and modified and confirmed by the Act of 1866 and by the Act of 1871, and also by "The Great Western and Bristol and Exeter Railway Companies Amalgamation Act, 1876," and under the provisions of the said agreement the Great Western Company receive the tolls, fares, and other revenues of the said railway, and retain to themselves a certain per-centage thereof; and whereas it is expedient that the Great Western Company be empowered to guarantee the interest on the existing debenture debt of the Company, amounting to eighty thousand pounds, and on the money to be borrowed under the provisions of this Act, and also the dividend on the whole or such portion, as they may think fit, of the guaranteed capital to be issued under the powers of this Act: Therefore, the following provisions shall have effect; (that is to say,)

The Great Western Company may guarantee and secure the payment of all or any portion of the interest payable by the Company on their existing debenture debt, and on any money by this Act authorised to be raised by mortgage or by the creation and issue of debenture stock, and may also guarantee and secure the payment of a dividend not exceeding four and half per centum per annum on all or any portion of the guaranteed shares or stock to be issued under the powers of this Act: Provided always, that such guarantee shall be subject and without prejudice to any mortgages or bonds now charged on or attaching to the undertakings of the Great Western Company, or to any interest thereon, and to any guarantees, preferences, or priorities in payment of interest or dividend on any shares or stock heretofore granted by the Great Western Company:

The Great Western Company may from time to time pay any sum or sums of money they may be called on to pay under the provisions of this section, and may each half year, in addition to the per-centage retained by them under the provisions of the said agreement, retain out of their receipts on account of the traffic of the railway of the Company such sum or sums of money as they may in that half year be called on to pay under the provisions for guarantee contained in this Act, and if in

any half year such receipts be insufficient for the payment of such sum or sums, they may from time to time, out of the receipts of any or every subsequent half year, retain the amount of such deficiency or deficiencies, and so recoup themselves any and every sums or sum, with interest thereon after the rate of five pounds per centum per annum:

The Company and the Great Western Company may from time to time enter into and carry into effect any contract or agreement with reference to the provisions of this section or any of them, or incidental thereto.

Existing mortgages to have priority.

31. All mortgages granted by the Company in pursuance of the powers of the Act of 1863 or the Act of 1866 before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

32. The interest of all debenture stock at any time after the passing of this Act created and issued by the Company under the Acts of 1863 and 1866 and this Act shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company under those Acts or this Act, or any of them, and shall have priority over all principal moneys secured by such mortgages, and notice of this section shall be endorsed on all such mortgages.

Saving rights of Crown under Crown Lands Act.

33. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of "The Crown Lands Act, 1866," and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Saving rights of the Crown in the foreshore.

34. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Great Western Railway Company.

35. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, privileges, or authorities of the Great Western Railway Company.

For protection of Post Office telegraphs.

36. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General and not situate upon the Company's railway or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply; (that is to say,)

(Notice to be given before interfering with telegraphs.)

Before the Company alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto; and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway. If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires to be provided by the Company at their own expense to the satisfaction in all respects of the Postmaster General:

(Compensation by Company to Postmaster General, and penalty.)

Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General causing any interruption of or impediment to postal telegraphic communication; and the

Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

(Saving for Telegraph Act and agreements.)

Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General or of the Company under or by virtue of "The Telegraph Act, 1868," or any agreement between the Company and the Postmaster General.

Interest not to be paid on calls paid up.

37. 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."

Deposits for future Bills not to be paid out of capital.

38. 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.

Railway not exempt from provisions of present and future general Acts.

39. Nothing herein contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorised to be taken by the Company, or of the rates for small parcels.

Expenses of Act.

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

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