ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. clix.

An Act for making a Railway from the Port of *Bristol* to the Old Channel at the Mouth of the River *Avon*, together with a Pier in the said River; and for other Purposes.

[17th *July* 1862.]

WHEREAS the making of a Railway from the Port of *Bristol*, to commence at or near the Point where the *Hotwell Road* in the Parish of *Clifton* passes the Pier of the intended Suspension Bridge over the River *Avon*, and to terminate in the Parish of *Westbury-upon-Trym* in the County of *Gloucester* on the Shore of the Old Channel at the Mouth of such River, and a Pier or Jetty into the said River from the Terminus of the said intended Railway, would be of great local and public Advantage: And whereas Plans and Sections of the intended Railway and Pier or Jetty showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through or upon which the same are intended to be made, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerks of the Peace for the County of the City of *Bristol* and the County of *Gloucester*: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry the said Undertaking into execution if authorized by Parliament

so to do, and are desirous of being incorporated into a Company (in this Act called "the Company") for that Purpose: And whereas the several Objects of this Act cannot be obtained 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,)

8 & 9 Vict. cc. 16. 18. and 20., 10 & 11 Vict. c. 27., and 23 & 24 Vict. c. 106. incorporated.

1. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and "The Harbours, Docks, and Piers Clauses Act, 1847," (save as to such Parts thereof respectively as are expressly varied or excepted by this Act,) shall be incorporated with and form Part of this Act: Provided always, that the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to Life Boats, and with respect to keeping a Tide and Weather Gauge, shall not be in force under or for the Purposes of this Act, unless and until and except only so far as the Lords of the Admiralty, by Notice in Writing under the Hand of the Secretary of the Admiralty to the Company, require the Company to conform either wholly or in part to those Provisions respectively.

Interpretation of Terms.

2. In construing the incorporated Acts in connexion with this Act the Expression "the Undertaking" and the Expression "the Railway" in "The Railways Clauses Consolidation Act, 1845," respectively mean the Railway by this Act authorized and the Works connected therewith, but not the Pier or Jetty, nor the Works connected therewith; the Expression "the Undertakers" in "The Harbours, Docks, and Piers Clauses Act, 1847," shall mean the Company by this Act incorporated; and in all those Acts the Term "Superior Courts," and the Term "Courts of competent Jurisdiction" shall respectively include any County or other Court having by Law Cognizance of the Action; and in this Act the Expression "the Undertaking" includes as well the Railway by this Act authorized and the Works connected therewith as the Pier or Jetty by this Act authorized and the Works connected therewith, unless there be in the Subject or Context hereof anything repugnant to or inconsistent with such Construction.

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

3. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, or other Meanings be expressly assigned to them by this Act.

Short Title.

4. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Bristol Port* Railway and Pier Act, 1862."

5. The

Subscribers incorporated.

5. The Persons following, (that is to say,) *Henry Danby Seymour* M.P., the Honourable *Standish Prendergast Vereker*, *Howard Kennard*, *William Rose*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway, Pier or Jetty, and Works hereby authorized; and such Company shall be incorporated by the Name of "The *Bristol Port* Railway and Pier 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 incorporated Acts contained.

Capital.

6. Whereas the Estimate of the Expense of making the Railway is Eighty-five thousand Pounds, and of erecting the Pier or Jetty is Forty thousand Pounds: Therefore the Capital of the Company for the Purposes of the Railway shall be Eighty-five thousand Pounds, and for the Purposes of the Pier or Jetty Forty thousand Pounds, making an aggregate Capital of One hundred and twenty-five thousand Pounds.

Shares.

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

Calls.

8. The greatest Amount of any One Call which the Company may make on the Shareholders shall be Two Pounds for each Share, 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.

9. The Company may from Time to Time borrow on Mortgage any Sums not exceeding, in respect of their Capital of Eighty-five thousand Pounds for the Purposes of the Railway, Twenty-eight thousand Pounds, and not exceeding, in respect of their Capital of Forty thousand Pounds for the Purposes of the Pier or Jetty, Thirteen thousand Pounds.

Restrictions on borrowing.

10. No Money shall be so borrowed under the Powers of this Act until the whole of the respective Capital in respect of which the same is hereby authorized to be borrowed is subscribed for or taken, and One Half thereof is 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

that all that respective Capital is subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subcribers or their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Application of Capital.

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

Arrears may be enforced by Appointment of a Receiver.

12. The Mortgagees of the Company whose Mortgages represent the said Sum of Twenty-eight thousand Pounds, or the Proportion thereof herein-after prescribed, and also (as a separate and independent Power) the Mortgagees of the Company whose Mortgages represent the said Sum of Thirteen thousand Pounds, or the Proportion thereof herein-after prescribed, may enforce the Payment of the Arrears of Interest or the Arrears of Principal and Interest due on their respective 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 be, if their Mortgages represent Part of the said Sum of Twenty-eight thousand Pounds, not less than Five thousand Pounds in the whole, and if their Mortgages represent Part of the said Sum of Thirteen thousand Pounds, not less than Two thousand Pounds in the whole.

First and other Meetings.

13. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act.

Number and Qualification of Directors.

14. The Number of the Directors shall be Seven, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

First Directors.

15. The Honourable *Standish Prendergast Vereker*, *Henry Danby Seymour* M.P., *Philip William Skynner Miles*, *Henry Hurry Goodeve*, *Frederick William Green*, *William Rose*, and *Howard Kennard* shall be the First Directors of the Company.

Owner of Kingsweston Estate for the Time being to appoint a Director.

16. *Philip William Skynner Miles* Esquire, now Tenant for Life of the *Kingsweston* Estate, during his Life, and after his Decease the Person who from Time to Time is beneficially entitled in possession to the *Kingsweston* Estate, and holds the same by Inheritance under the Limitations contained in the Will of *Philip John Miles* deceased, the late Owner thereof, if and when that Person is of full Age, shall be One of the Seven Directors; but if and when the Person so beneficially entitled is a Minor

or

or under any other Incapacity, then the sole or the senior Trustee of the Power of Sale created by that Will shall be One of the Seven Directors; or if and when there is no such Trustee, then a Person from Time to Time appointed in Writing under the Hand of the Guardian, Committee, or Husband of the incapacitated Person, and delivered to the Company, shall be One of the Seven Directors: Provided that the Clauses and Provisions of this Act and of "The Companies Clauses Consolidation Act, 1845," with respect to the Election, Retirement from Office, and Rotation of Directors, shall not apply to the said *Philip William Skynner Miles*, or any such Director so appointed: Provided also, that the Powers of the Directors shall not be dependent on there being any such Director, and that the Acts of every Person admitted and acting *de facto* as a Director under this present Clause shall be valid without Proof of his Title as such Owner, Trustee, or Appointee respectively.

As to Continuance in Office of the First Directors.

17. The First Directors shall continue in Office until the First Ordinary Meeting of the Company in the Year One thousand eight hundred and sixty-three, and at that Meeting the Shareholders present, personally or by Proxy, may either continue in Office the First Directors or any of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the First Directors being eligible for Re-election; and at the First Ordinary Meeting of the Company in the Year One thousand eight hundred and sixty-four, and at their First Ordinary Meeting in every subsequent Year, 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 of the Companies Clauses Consolidation Act, 1845, and of this Act, in that Behalf; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue Directors until others are elected in their Stead, as in the Companies Clauses Consolidation Act, 1845, provided.

Quorum.

18. A Quorum of a Meeting of Directors shall be Four.

Power to construct Railway according to deposited Plans.

19. Subject to the Provisions in this and the Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the Railway, with all proper Works, Stations, Approaches, and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels described on those Sections, and to enter upon, take, and use such of those Lands as shall be necessary for such Purposes.

Power to construct Pier or Jetty.

20. Subject to the Provisions in this and the Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the Pier or Jetty in the Situation and upon the Lands delineated upon the

the said Plans and described in the said Books of Reference, and according to the Levels described on the Sections, and to make and maintain all such Works and Conveniences as they may think necessary for the Purposes of the said Pier or Jetty, and to enter upon, take, and use such of the said Lands as they shall deem necessary for the Purposes thereof.

Description of Works.

21. The Works by this Act authorized comprise the following; (that is to say,)

1. The making and maintaining of a Railway commencing in the Parish of *Clifton* in the City and County of the City of *Bristol*, at or near where the *Hotwell Road* passes the Pier of the intended Suspension Bridge over the River *Avon*, and terminating in the Parish of *Westbury-on-Trym* in the County of *Gloucester*, on the Shore of the Old Channel at the Mouth of the River *Avon*, near to the new North Landing Slip opposite *Dumball Island*:
2. The constructing and maintaining of a Pier or Jetty commencing at or near the intended Terminus of such Railway, and extending thence into the Old Channel of the River *Avon*, with Power to dredge and deepen on each Side and in front of such Pier or Jetty, and to deepen the Low-water Channel between the same and the River *Severn*.

Works in Westbury-on-Trym for Accommodation of Bristol and South Wales Union Railway Company.

22. Whereas a Bill has been introduced into Parliament for authorizing the *Bristol and South Wales Union* Railway Company to make and maintain an Extension Railway from the authorized Line of the *Bristol and South Wales Union* Railway to the Corporation Pier or Landing Slip at the Mouth of the River *Avon* opposite to *Dumball Island*, and so much of that proposed Extension Railway as is proposed to be made in the Parish of *Westbury-on-Trym* passes over the same Lands or in the same Direction as so much of the Railway by this Act authorized as is to be made in that Parish: Therefore, if that Bill be passed into a Law, and the Company and the *Bristol and South Wales Union* Railway Company so agree, the Company may make and maintain on Lands acquired by the Company in the Parish of *Westbury-on-Trym* such lateral Deviations of the Line of the Railway by this Act authorized (within the Limits of Deviation shown on the Plans deposited for the Purposes of this Act), and such Sidings and other Works and Conveniences whatsoever for facilitating the working and using of the Railways and Works of the Two Companies or either of them, and the Conduct of the Traffic thereon, and for the Convenience of the Two Companies respectively, as the Two Companies from Time to Time agree on; and the Terms and Conditions to be observed with respect to the making, maintaining, working, and using of their respective Works and Conveniences in that Parish, and the Expenditure thereon and in relation thereto, and all incidental Matters, may be determined by Arbitration or otherwise as the Two Companies from Time to Time agree.

23. The

Company empowered to lay down mixed Gauge.

23. The Company may lay down and maintain on the Railway and Works by this Act authorized the necessary Rails and Apparatus so as to admit of the Passage along the same of Engines and Carriages, whether the same be adapted to the Broad Gauge or to the Narrow Gauge.

Diverted Towing-path to be kept in repair by the Company.

24. Whereas for the Purpose of making the Railway and Works by this Act authorized it may be necessary in certain Places to divert Portions of the Towing-path on the Right Bank of the River *Avon*: Therefore the Company shall and they are hereby required in any such Case to make and construct such Portions of substituted Towing-path in a substantial and workmanlike Manner, and for ever thereafter to maintain the same in good Repair, such Construction and Maintenance being to the reasonable Satisfaction of the Engineer for the Time being of the Mayor, Aldermen, and Burgesses of the City of *Bristol* (herein called the Corporation), the Conservators of the said River.

For maintaining Towing-path alongside River Avon.

25. Whereas the Railway, as laid down on the deposited Plans herein referred to, is proposed to be carried at certain Points in close Proximity to the existing Towing-path along the Right Bank of the River *Avon*: Therefore, if after the Construction of such Railway, and by reason of the Action of the Water of the said River or otherwise upon the Banks thereof, there be not left alongside the said River a Space of Land beyond the Boundary Fence of the Property of the Company, of the Width of Eighteen Feet at the least, applicable to the Purposes of a Towing-path, the Company shall and they are hereby required at their own Expense to make and execute such Works in such River, and between such Boundary Fence and such River, as shall be necessary for the Purpose of making, maintaining, and preserving such Towing-path; and the Company are hereby authorized and empowered to exercise all Powers and Authorities which may be necessary or convenient for that Purpose: Provided always, that the Company shall not be required to keep in repair for a longer Space than Twelve Months after the Construction thereof the Surface of any of the Roadways along the Portions of Towing-path which may from Time to Time be so made, diverted, or constructed by them as aforesaid.

As to Construction of Works affecting Watercourses, &c. herein named.

26. All Works to be constructed under this Act affecting the Watercourses or Sea Bank now under the Jurisdiction of the Commissioners of Sewers for the Lower Level of the County of *Gloucester* shall, so far as they affect the same, be executed to the reasonable Satisfaction of the Engineer for the Time being of the said Commissioners.

Not to interfere with Property of Clifton Bridge Com-

27. It shall not be lawful for the Company, without the written Consent of the *Clifton* Suspension Bridge Company, to take or use any Lands situate within a Distance of Thirty Yards, measured laterally, from the centre Line of the Bridge authorized by the *Clifton* Suspension Bridge Act,

pany without Consent.

Act, 1861, as laid down in the deposited Plans referred to in such last-mentioned Act, except for the Purpose of diverting the Turnpike Road No. 6 in the Parish of *Clifton*, and altering the present Levels thereof in the Manner shown in the deposited Plans and Sections referred to in the Preamble to this Act: Provided that nothing in this Act contained shall extend to authorize any Act by the Company which may interfere with or prejudicially affect the Works authorized by the said *Clifton* Suspension Bridge Act, 1861.

Working Plans to be submitted to Admiralty before commencing.

28. Previously to commencing to construct any Part of the Railway or of the Pier or Jetty below High-water Mark the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of such Part of the Railway or of the Pier or Jetty for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Part of the Railway or of the Pier or Jetty shall be constructed only in accordance with such Approval; and when any Part of such Railway or of the Pier or Jetty shall have been commenced or constructed below High-water Mark, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Part of the Railway or the Pier or Jetty shall be commenced or completed, or be altered or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty may order local Survey at Expense of the Company.

29. If at any Time or Times the said Lord High Admiral or the said Commissioners shall deem it expedient to order a local Survey and Examination of any Works of the Company below High-water Mark, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned may be re-

30. If any Work to be constructed by the Company in the tidal Water, or if any Portion of the Work which affects any such Water or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the said Lord High Admiral or the said Commis-

Commissioners to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs.

moved by Admiralty at Expense of Company.

31. Where the Railway courses the North Bank of the River *Avon* the Railway and other Works shall not deviate on the Southern or Western Side thereof from the continuous centre Line of Way marked on the Plans deposited at the Admiralty without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

Line on River Bank not to be deviated without Consent of Admiralty.

32. If any Deviation which requires the previous Consent of the said Lord High Admiral or the said Commissioners be made without such Consent, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate every such Deviation or any Part thereof; and the Cost of every such Abatement shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Unauthorized Deviations may be abated.

33. Where the Railway courses the North Bank of the River *Avon*, and cuts off or will cut off Access between the Land and Water, the Company shall, during the Formation of the Line of Railway and from Time to Time thereafter, make and for ever maintain, and allow to be used by all Persons and at all Times free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the said Lord High Admiral or the said Commissioners shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of the Secretary of the Admiralty: Provided always, that the Company shall not be required to make such Footways or Carriageways in such a Manner as would prevent or obstruct the working or using of the Railway, nor to make any such Footways or Carriageways over any Lands for the Use of Owners and Occupiers who shall have agreed to receive and shall have been paid Compensation for the Severance of such Lands from the Shore: Provided also, that the Expense of making and maintaining such Footways or Carriageways shall be defrayed by the Body or Persons interested in the Shore for whose Benefit or Convenience such Crossing shall be required, and if any such Carriageway be made across the Railway on the Level then the Manner of making and watching such level Crossing shall

For preserving Access to the Water.

shall be subject to the Approval of the Board of Trade; and all Expenses attending the watching of such level Crossing shall in like Manner be paid by the Body or Persons interested in the Shore for whose Benefit or Convenience such level Crossing shall have been made.

Company may deviate Line in passing through Lands of Merchant Venturers.

34. The Company, in making the Railway through the Lands and Premises numbered 12, 13, 14, 15, 16, 17, 18, 18a, and 19 on the said Plans in the Parish of *Clifton*, shall not (without the Consent of the Corporation for that Purpose first had and obtained) construct the same nearer than Sixty Feet from the Water or River Face of the Wall of a certain Building, No. 18a in such Parish; and it shall be lawful for the Company, in carrying such Railway through such Lands and through the Lands numbered 8, 8a, 20, 21, 22, 22a, 23, 25a, 27, and 28, in the same Parish, and Numbers 1 and 3 in the Parish of *Westbury*, with the Consent in Writing of the Owners of such Lands, to deviate from the Levels of the Railway as referred to the Datum Line described on the Sections deposited with the said Plans to any Extent not exceeding in any Place Thirteen Feet, anything in this Act or the several Acts of Parliament incorporated therewith to the contrary notwithstanding.

As to Compensation for Black Rock Quarry.

35. If by reason of the Construction of the Railway and Works of the Company the Stone Quarry in the Parish of *Westbury-upon-Trym*, called the *Black Rock Quarry*, and belonging or claimed to belong to the Corporation, cannot be as safely and profitably worked as if the same Railway and Works had not been constructed, the Company shall compensate the Owners of such Quarry for any Damage or Loss so occasioned by the Company; and all Questions as to the Existence and actual or probable Amount of any such Damage or Loss, and as to the Amount or Mode of Satisfaction of such Compensation, shall be settled by Arbitration pursuant to the Provisions in that Behalf of the said "Lands Clauses Consolidation Act, 1845."

Provision in case "the OldChannel" and "the Swash" in the River Avon should be closed.

36. And whereas the Corporation, who are Conservators of the River *Avon*, contemplate certain Works in or affecting the same River, and having for their Object the Improvement of the Navigation thereof unto or towards the City of *Bristol*, and the Effect of such Works might be to close or materially impede the Access for Vessels to the Pier or Jetty hereby authorized: Be it therefore enacted, That nothing in this Act contained shall prejudice the Power of the Corporation to effect such Improvements, or shall prejudice any Application by them to Parliament for Power to effect the same or in relation thereto: Provided that if, by reason of any Act or Work of the Corporation, the Access to the said Pier is closed or materially impeded, the Corporation shall provide for the Company Land whereon to construct, and the Company may construct thereon accordingly, another Pier or Jetty, with the necessary Approaches by Railway thereto, in substitution for the Pier or Jetty

and

and Approaches hereby authorized; and the said Land shall be situated at the Spot at which the public Benefits intended to be effected by the Works hereby authorized can, consistently with such Works of Improvement, be effectually obtained: Provided also, that the extended or diverted Railway and the substituted Pier or Jetty to be constructed on the said Land shall, when made, form Part of the Undertaking of the Company; and the Traffic along, to, and from the same respectively shall be subject to the same Rates, Tolls, and Charges as the Portion of Railway and Pier for which the same may be substituted was subject or liable to: And provided, lastly, that the Land on which the Portion of Railway and Pier which shall be so superseded are constructed shall, in the Case of such Substitution, become the Property of the Corporation.

Limiting Power of taking Land belonging to the Society of Merchant Venturers in Bristol.

37. The Company shall not, without the Consent in Writing of the Owner thereof, enter upon, take, or use any Land claimed to belong to the Master, Wardens, and Commonalty of the Society of Merchant Venturers in *Bristol* (who are herein-after called "the said Society"), for the Purpose of any Side Cutting, Deposit of Soil, quarrying of Stone, or providing Materials for the Construction of the Line of Railway.

Compensation for Loss in working Rocks belonging to the Society of Merchant Venturers in Bristol.

38. If by reason of the Construction of the Railway, or the Exercise by the Company of any of the Powers of this Act, or of any Act incorporated herewith, any Stone Quarry or Rock claimed to belong to the said Society, or in which they have an Interest, cannot at any Time be as profitably worked, and the Produce removed therefrom, as if the Railway had not been constructed, the Company shall compensate the Owners of such Stone Quarry or Rock, and all Persons having any Right or Interest in the same, for all Loss or Damage occasioned to them by the Construction of or working the Railway, or the Exercise of any such Powers as aforesaid; and all Questions as to any Interference with the profitable working of such Stone Quarry or Rock, and the Removal of the Produce therefrom, and the Compensation to be paid in respect of any such Loss or Damage, shall be settled by Arbitration as shall be or shall have been agreed upon between the Company and the said Society, or, in default of such Agreement, pursuant to the Provisions in that Behalf with respect to the Settlement of Disputes by Arbitration of "The Lands Clauses Consolidation Act, 1845."

An Opening Bridge to be made, if required, to communicate with Sea Mills Dock.

39. If and whenever the Owner or Occupier of *Sea Mills* Dock in the Parish of *Westbury-on-Trym* requires to have the User of the Dock for the building, repairing, or accommodating of Ocean-going Steamers or other Vessels of not less than One thousand Tons Burden, and the same Dock shall have been enlarged or shall be in the course of Enlargement so

so as to become of adequate Capacity in that Behalf, the Company, on being thereunto requested in Writing by him or by his Trustees or Guardian, or otherwise on his Behalf, may and shall make and maintain in that Part of the Railway which will be made across the Dock, or the Entrance thereof, or the Approach thereto from the River *Avon*, an Opening Bridge, with an Opening of such Width not exceeding Sixty Feet in the Clear as may be in like Manner required, with all requisite Works and Conveniences connected therewith proper for the working thereof, and sufficient for the due working of the same Bridge and the Passage of Vessels through the same, and the Company shall at all reasonable Times open the Bridge so as to afford full and free Passage to and from the Dock for all Vessels required to be taken into or out of the Dock.

Regulations as to Use of Bridge.

40. The Company shall be subject to and shall abide by all such Rules and Regulations with respect to the opening and shutting of the Bridge and the Passage of Vessels there as the Board of Trade from Time to Time make; and if the Company fail to employ a proper Person to superintend the opening and shutting of the Bridge, or to observe or abide by any Rule or Regulation, the Company shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a Penalty of Ten Pounds for every Day the Offence continues after the Penalty of Twenty Pounds is incurred.

Level Crossings.

41. Subject to the Provisions of this Act, the Company may carry the Railway (with not more than a Single Line of Way while the Railway consists of a Single Line, and with not more than a Double Line of Way when it consists of a Double Line) across and on the Level of the Roads numbered on the Plans deposited for the Purposes of this Act, as follows; that is to say,

Description of Road.	Parish.	No. on deposited Plans.
Public Highway - -	Westbury-on-Trym -	81
Road - - -	Westbury-on-Trym -	101
Highway - - -	Westbury-on-Trym -	105
Public Highway - -	Westbury-on-Trym -	112

As to shunting on level Crossings.

42. It shall not be lawful for the Company in shunting Trains to pass any Train over the level Crossings, or to allow any Train, Engine, Carriage, or Truck to stand across the same.

Company to erect a Lodge where Road crossed on Level.

43. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain a 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

lations with regard to the crossing of 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 to maintain any such Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Lodge, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridge instead of level Crossing.

44. The Board of Trade (if it shall appear to them necessary for the public Safety 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 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 such level Crossings.

Inclination of Turnpike Road in Westbury.

45. It shall be lawful for the Company to make the Turnpike Road numbered on the said Plans 56 in the Parish of *Westbury-on-Trym*, when altered for the Purposes of this Act, of an Inclination not steeper than One Foot in Twenty Feet.

Land for additional Stations, &c.

46. The Quantity of Land to be purchased by the Company for extraordinary Purposes as mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Three Acres.

Powers for compulsory Purchases limited.

47. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

48. The Railway and the Pier or Jetty shall be completed within Five 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 and Pier or Jetty, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway and Pier or Jetty as shall then be completed.

Power to alter Engineering Works.

49. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company, in the Construction of the Railway, may deviate from the Line or Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work

as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to them, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby; provided that nothing herein shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

Deposit in Court of Chancery in respect of the Railway to be forfeited to the Crown in a certain Event.

50. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Seven thousand two hundred and seventy-two Pounds Fifteen Shillings Stock in the New Three Pounds *per Centum per Annum* Bank Annuities, purchased for the Sum of Six thousand eight hundred Pounds, being Eight *per Centum* on the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been transferred into the Name of the Accountant General of the Court of Chancery in *England*, pursuant to the same Act, in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said last-recited Act, the said Sum of Stock so transferred as aforesaid, or the Dividends of such Sum, 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 Survivor or Survivors of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway hereby authorized to be made, either open the 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 Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares for the Purposes of the Railway, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of such Capital; and if the said Period shall expire before the 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 Stock transferred as aforesaid, and the 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

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 Sum of Six thousand eight hundred Pounds shall have been executed by the 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 Six thousand eight hundred Pounds if the 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 Company have paid up One Half of the Amount of the Capital of Eighty-five thousand Pounds by this Act authorized to be raised by means of Shares or the Purposes of the Railway, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of such Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Stock, and the Dividends thereof, shall be paid and transferred 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 Survivor or Survivors 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 Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Stock and the 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.

Tolls.

51. It shall be lawful for the Company to levy and demand Rates, Tolls, and Duties for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on Goods, &c.

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

Class 1. For all Coals, Coke, Ironstone, Iron Ore, Pig Iron, Rod Iron, Bar Iron, Sheet Iron, Hoop Iron, Plates of Iron, Slabs, Billets, and Rolled Iron, Limestone, Lime, Bricks, Salt, Sand, Cinders, Slag and Stone, One Penny Halfpenny *per* Ton *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum of One Halfpenny *per* Ton *per* Mile:

Class 2. For all Dung, Compost, and all Sorts of Manure, and for all undressed Materials for the Repairs of public Roads or Highways, and for heavy Iron Castings, including Railway Chairs, and for all Culm, Charcoal, and all Stones for building, pitching, and paving, all Tiles, Slates, and Clay, One Penny Halfpenny *per* Ton *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum of One Halfpenny *per* Ton *per* Mile:

Class 3. For all Fireclay, Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, and for light Castings, Twopence *per* Ton *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum of One Halfpenny *per* Ton *per* Mile:

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per* Ton *per* Mile Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum of One Halfpenny *per* Ton *per* Mile:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform not belonging to the Company, Sixpence *per* Mile:

And a Sum of One Penny Farthing *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which such Carriage may weigh.

Tolls for Passengers and Cattle.

In respect of Passengers and Animals conveyed in Carriages on the Railway, as follows:

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

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

For every Ox, Bull, Cow, or Neat Cattle conveyed in or upon any Carriage, Twopence *per* Mile; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

For every Calf or Pig, Sheep or Lamb, or other small Animal, conveyed in or upon any Carriage, One Penny *per* Mile; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Halfpenny *per* Mile.

Tolls for propelling Power.

52. The Toll which the Company may demand for the Use of Engines or other Power for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger, or for each Ton of Goods

Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to Tolls.

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

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

For a Fraction of a Mile beyond Three Miles or beyond any greater Number of Miles the Company, with respect to Passengers, may demand Tolls as for One Mile, and with respect to Animals, Minerals, and Goods may demand Tolls and Charges in proportion to the Number of Quarters of a Mile contained in such Fraction, and for this Purpose a Fraction of a Quarter of a Mile shall be deemed a Quarter of a 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 in proportion for any smaller Quantity.

Tolls for small Parcels and single Articles of great Weight.

54. And with respect to small Packages and single Articles of great Weight carried upon the Railway, or any Part thereof, notwithstanding the Rate of the Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels the Company may demand any Sum which they think fit, not exceeding the Rates following:

Not exceeding in Weight Seven Pounds, Threepence; exceeding Seven and not exceeding Fourteen Pounds, Fivepence; exceeding Fourteen and not exceeding Twenty-eight Pounds, Sevenpence; exceeding Twenty-eight and not exceeding Fifty-six Pounds, Ninepence; exceeding Fifty-six and not exceeding Five hundred Pounds, such Sum as they think proper:

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 Eightpence *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.

Maximum Rate of Charges for Passengers.

55. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway and of Carriages and for locomotive Power, and for every other Expense incidental to such Conveyance, shall not exceed the following Sums:

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

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 Halfpenny *per* Mile.

Maximum Rates of Charge for Cattle, Goods, &c.

56. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rate of Charge to be made upon the Railway by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expense incidental to such Conveyance (except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such 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:

For Articles included in Class 1, One Penny Halfpenny *per* Ton *per* Mile:

For Articles included in Class 2, One Penny Three Farthings *per* Ton *per* Mile:

For Articles included in Class 3, Threepence *per* Ton *per* Mile:

For Articles included in Class 4, Fourpence *per* Ton *per* Mile:

For every Carriage not weighing more than One Ton, Sixpence *per* Mile, and so in proportion for every additional Quarter of a Ton *per* Mile:

For every Horse, or other Beast of Draught or Burden before classed with Horses, the Sum of Fourpence *per* Head *per* Mile:

For every Ox or Neat Cattle before classed therewith, the Sum of Threepence *per* Head *per* Mile:

For Calves, Pigs, and small Animals before classed therewith, the Sum of One Penny Halfpenny *per* Head *per* Mile.

57. No

As to Stations to be considered Terminal Stations.

57. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Restriction as to Charges not to apply to Special Trains.

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

Company may take increased Charges by Agreement.

59. Provided always, That nothing herein contained shall be held to prevent the Company from taking any increased Charges, over and above the Charges by this Act 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 of such Goods (except small Parcels) by Passenger Trains, or in respect of the Conveyance of such Parcels by Express Trains, or by reason of any other special Service performed by the Company in relation thereto.

Passengers Luggage.

60. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Rates for Use of Pier.

61. It shall be lawful for the Company to demand and take for every Person using the Pier or Jetty, or landing or embarking in any Boat or Vessel at or from the Pier or Jetty, or lading or unlading thereat any Goods, Articles, Animals, Matters, or Things, any Sum or Sums not exceeding the Rates following; (that is to say,)

For every Passenger, inclusive of his Luggage, Sixpence:

For every Coach, Chariot, Phaeton, or other such like Carriage drawn by Two or more Horses, One Shilling and Sixpence:

For every Gig or Carriage drawn by One Horse, One Shilling:

For every Waggon, Cart, Van, or other such Carriage, One Shilling and Sixpence:

For every Horse or Mule, Ninepence:

For every Ox, Bull, or Cow, Sixpence:

For every Ass or Calf, Threepence:

For every Dog, Sheep, Lamb, or Pig, One Penny Halfpenny:

Meat and Fish, Fruit and Vegetables, *per* Hamper, Basket, or Sack, Threepence:

All Corn, Flour, Grain, Seeds, Potatoes, and all other Articles, Goods, Wares, or Merchandise not before enumerated, *per* Hundredweight Threepence:

For every Boat or Vessel making fast to the Pier or Jetty, remaining there for more than One Quarter of an Hour, One Farthing *per* Ton for every Quarter of an Hour during which the Vessel was so made fast thereto:

Provided nevertheless, that as to any Boat or Vessel which for the Preservation or Safety thereof shall necessarily make fast to the Pier or Jetty by reason of any Accident or by Stress of Weather, such last-mentioned Toll shall not be payable in respect of the Time during which such Necessity shall continue, but which Exemption by reason of Accident shall not under any Circumstances apply to any Boat or Vessel for any longer Time than Twelve Hours; and any Dispute or Question as to the Existence or Continuance of such Necessity shall be determined by the Harbour Master of the Port of *Bristol* for the Time being, who shall have all the Authorities of a sole Arbitrator appointed by all Parties interested.

Cranes, Weighing Machines, &c.

62. It shall be lawful for the Company to erect or provide such Cranes, Weighing and other Machines, Conveniences, Weights, and Measures upon the Pier or Jetty to be constructed or maintained by them under the Provisions of this Act as they may think necessary for loading, unloading, measuring, and weighing any Goods, Articles, or Things landed at or delivered from such Pier, Jetty, or Landing Place, of which Cranes, Weighing and other Machines, any Person or Persons shall, subject to the Regulations established by the Company, be entitled to have the Use and Benefit who may have Occasion so to do; and the Company (in addition to the other Sums which they are by this Act empowered to demand) may demand, receive, and take for the Use thereof the Rates or Charges following; that is to say,

For the Use of Crane and Labourage on each Piece of Goods, any Sum not exceeding Two Shillings for each and every Ton, and so on in proportion for a less Quantity than a Ton:

Which Rates are to include the Labourage of Persons to be provided by the Company to work the said Cranes at all reasonable Times.

Tolls and Rates to be charged equally.

63. The Tolls, Rates, and Charges to be taken upon or in respect of the Railway, and also the Rates and Charges to be taken upon or in respect of the Pier or Jetty, shall be charged equally and after the same Rate to all Persons under the like Circumstances; and no Reduction or Advance in any Tolls, Rates, or Charges to be taken upon or in respect of the Railway shall be made in favour of or against any Passengers, Animals, or Goods by reason of their having used or not having used the Pier or Jetty; and no Reduction or Advance in any Rates or Charges to be taken upon or in respect of the Pier or Jetty shall be made in favour of or against any Passengers, Animals, or Goods by reason of their having used the Railway, or not having used any Part thereof.

64. The

Limits of Pier.

64. The prescribed Limits within which the Pier Master appointed under the Provisions of this or the incorporated Acts may exercise the Powers of such Act or Acts shall extend over any Lands or Water situate within a Distance of Two hundred and sixty Feet measured from any Part of the said Pier or Jetty, but shall be confined to the Removal of Wrecks or similar Obstructions, and to the Control of Vessels resorting to the said Pier or Jetty.

Terms of Sale of Undertaking to Corporation of Bristol.

65. If hereafter authorized by Parliament so to do, the Corporation shall be at liberty to purchase the Undertaking hereby authorized upon the following Terms; *viz.*,

Such Purchase shall not be made after the Expiration of Ten Years from the passing of this Act:

The Corporation shall give to the Company not less than Six Months Notice of their Intention to purchase, and at the Expiration of such Notice shall pay to the Company by way of Purchase Money the actual Amount which shall then have been expended by them, or for or in respect of which the Company shall be liable for the Purposes of their Undertaking under the Powers of this Act, together with an Addition of Ten *per Centum* upon such actual Amount, and a further Payment in the Nature of Interest upon the same actual Amount at the Rate of Five Pounds *per Centum per Annum* from the respective Times at which the Monies so expended shall respectively have been paid by the Company; but from such last-mentioned Payment shall be deducted the Amount of any net Earnings of the Undertaking which shall have become available for the Payment of Interest and Dividends upon borrowed and subscribed Capital respectively: Provided nevertheless, that if the Parties shall agree, or if, in the event of Difference between them, it shall be decided by Arbitration pursuant to the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845," that the fair Value of the Undertaking shall be in excess of the Purchase Money herein-before provided, then, in addition thereto, and at the same Time, or as soon afterwards as such Excess shall have been ascertained, either by Agreement or Arbitration, the Corporation shall pay to the Company the Amount of such Excess:

After such Purchase Money shall have been fully paid the Undertaking shall be conveyed by the Company to and at the Expense of the Corporation, and all the Powers and Privileges of the Company in relation thereto shall be thereby and thenceforth transferred to the Corporation in like Manner as if the Corporation had been originally authorized to carry the Undertaking into effect, and the Company shall be discharged from subsequent Liability in respect thereof:

The Purchase Money so to be paid shall be applied by the Company in satisfaction of the Debts and Liabilities thereof, and of the Costs

and Expenses incidental on their Part to the Sale and Transfer of the Undertaking and the winding-up the Affairs of the Company, and the net Surplus thereof shall be divisible between the Shareholders of the Company in proportion to their respective Shares; and in the event of any Persons interested in that Behalf being unknown or absent from the United Kingdom, or under Disabilities, or otherwise incapable of giving an effectual Discharge, or of there being any contested Rights in relation to any such Shares, the respective Amounts payable in respect of the Shares of the same Persons, or as to which there shall be any such Dispute, may be paid by the Company into the Bank of *England*, to be administered by the High Court of Chancery, pursuant to the Statute for the Time being in force for the Relief of Trustees, and the Company shall thenceforth be discharged from all Liability in respect of the Monies so paid, and after the Affairs of the Company shall have been so wound up the Company shall be dissolved.

Power to Corporation of Bristol to sell Land on a Rentcharge.

66. It shall be lawful for the Corporation to dispose of absolutely their Interest in any Lands, Houses, or Hereditaments which the Company may require for the Purposes of the Undertaking, and to sell and convey their Interest in such Lands, Houses, and Hereditaments, or any Part thereof, in consideration of an annual Rentcharge or annual Rentcharges payable by the Promoters of the Undertaking; and the Powers of the Promoters of the Undertaking for borrowing shall not be reduced by reason of such Rentcharge or Rentcharges, notwithstanding the Fifth Section of "The Lands Clauses Consolidation Acts Amendment Act, 1860."

Interest not to be paid on Calls paid up.

67. 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 him 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.

Saving Rights of Corporation.

68. Nothing in this Act contained shall invalidate or prejudicially affect any Rights, Powers, Duties, or Privileges of the Corporation either in their corporate Capacity, or as the Local Board of Health, or as the Docks Committee for the City of *Bristol*.

Saving Rights of Commis-

69. Nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the Rights, Privileges,

Privileges, Powers, or Authorities of the Commissioners of Sewers for the Lower Level of the County of *Gloucester* 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 shall remain, continue, and be in full Force and Effect. sioners of Sewers for the Lower Level of Gloucester.

70. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors. Saving Rights of the Crown.

71. 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 the Company's Capital.

72. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better or 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 authorized by this Act to be taken upon the Railway, or of the Rates for small Parcels conveyed thereon. Railway not exempt from Provisions of present and future General Acts.

73. Nothing in this Act contained shall be deemed or taken to exempt the Pier or Jetty or the Company from the Provisions of any General Act relating to Piers or Dues on Shipping, or on Goods carried in Ships, or to Pilotage, or to Lights, Buoys, and Beacons, and the Rights and Privileges of the General Lighthouse Authorities, which may be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, Pier or Jetty not exempt from Provisions of future General Acts.

ment, of the Tolls, Rates, Dues, or Duties by this Act authorized upon or in respect of the Pier or Jetty.

Expenses of Act.

74. All the Costs, Charges, and Expenses of and attending the passing of this Act, or preparatory or incident thereto, shall be paid by the Company.

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