



CHAP. lxxiii.

An Act to confer further powers upon the Great Western and the Bristol and Exeter Railway Companies with respect to the Bristol Harbour Railway and Depôt, and for other purposes. A.D. 1869.
[24th June 1869.]

WHEREAS by "The Bristol Harbour Railway Act, 1866," the Great Western and the Bristol and Exeter Railway Companies (called in this Act the "two companies") were authorized to construct a railway and wharf depôt at Bristol, to connect the existing railways of the two companies with the floating harbour there: 29 & 30 Vict.
c. cxlviii.

And whereas the said Act is being carried into execution by a joint committee acting under the provisions of such Act, and great progress has been made with the said railway and wharf depôt, but it is necessary that the time granted for their completion should be extended:

And whereas under the said Act the mayor, aldermen, and burgesses of the city of Bristol had power to elect and they have accordingly elected to provide the wharf depôt:

And whereas it is expedient, for the purposes of and in connexion with the said railway, that the two companies should have power to purchase the additional lands and to stop up and divert the roads shown upon the plans after mentioned:

And whereas plans showing the additional lands to be acquired, and plans and sections describing the line and levels of the road diversions, with a book of reference to the plans, have been deposited with the clerk of the peace for the city and county of Bristol, and are herein referred to as the deposited plans, sections, and book of reference:

And whereas the two companies have power under the said Act to raise capital for the purposes thereof by shares or stock and by borrowing, with the option of raising the share capital as a separate capital with the joint guarantee of the two companies of dividends at a rate not exceeding five per centum per annum:

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And whereas, in consequence of the election by the mayor, aldermen, and burgesses of the city of Bristol to provide the wharf depôt, the amount to be raised by the two companies by shares or stock was limited to the sum of one hundred and fifteen thousand pounds, and that sum has accordingly been raised as a separate guaranteed capital :

And whereas it is expedient that the limitation contained in the said Act as to the number of rails to be laid across Prince Street Bridge Road should be altered, and that the restriction contained in such Act against carrying passengers on the Harbour Railway should be removed :

And whereas the several purposes aforesaid cannot be accomplished 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, and 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 for all purposes as "The Bristol Harbour Railway Act, 1869."

8 & 9 Vict.
c. 18.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Part II. of "The Railways Clauses Act, 1863," are incorporated with and form part of this Act, except so far as inconsistent with or expressly varied by this Act.

Interpre-
tation of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings as in the Acts so incorporated ; the expression "the corporation" means the mayor, aldermen, and burgesses of the city of Bristol ; the expression "the recited Act" means "The Bristol Harbour Railway Act, 1866 ;" the expression "the joint committee" means the joint committee acting for the time being under the recited Act ; the expression "the railway" means the railway authorized by the recited Act ; and the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute, unless there be in any of the cases aforesaid something in the subject or context repugnant to such construction.

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4. The time granted by the recited Act for constructing and completing the Harbour Railway and works and wharf depôt is extended until the twenty-eighth day of June one thousand eight hundred and seventy-four.

Extending time for completion of railway and depôt.

5. If the railway shall not be completed within the period limited by this Act, then, on the expiration of such period, the powers by the recited Act and this Act granted to the two companies for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Time limited for completion of railway.

6. Subject to the provisions of this Act, the two companies may divert the roads shown upon the deposited plans in the lines and according to the levels shown upon the deposited plans and sections, and the two companies may enter upon, take, and use the lands and houses, or any of the lands and houses, described on the deposited plans and book of reference, and which they may require for the purposes of such road diversions.

Power to divert certain roads.

7. In addition to the other lands which the two companies are by this Act authorized to acquire, they may from time to time enter upon, take, use, and appropriate all or any of the lands, houses, and buildings delineated upon the deposited plans and described in the deposited book of reference herein-after mentioned; (that is to say,)

Two companies may acquire additional lands.

Certain lands and houses situate in Pipe Lane in the parish of Temple in the city and county of Bristol, adjoining and near to the goods yard of the Great Western Railway Company:

Certain lands and houses situate in Pile Street and Pump Lane in the parish of Saint Mary Redcliff, in the said city and county, and situate between Pile Street and Pump Lane on the one side and the authorized Bristol Harbour Railway on the other:

Certain lands and houses respectively situate at Redcliff Hill and Guinea Street in the said parish of Saint Mary Redcliff:

Certain lands and houses situate adjoining and near to the New Gaol and Prince Street Bridge Road, in the parish of Bedminster in the said city and county; but nothing in this Act contained shall authorize the two companies to enter upon, take, or use the properties in the said parish numbered respectively 60, 61, and 64 on the deposited plans.

8. If the Bristol and North Somerset Railway Company be unable to construct their tramway along the proposed diverted road in the parish of Bedminster, then the two companies shall afford all reasonable facilities to the said Bristol and North Somerset Railway Company for their laying down such tramway in and upon such

As to Bristol and North Somerset Railway.

A.D. 1869. — parts of the properties in the said parish numbered 63, 63a, and 65 upon the deposited plans as may be necessary, and all such facilities shall be afforded upon such terms and conditions as may be agreed upon, or as, in case of difference, shall be settled by arbitration.

Compensation for Pile Street Infant School, &c.

9. Within thirty days after the vicar and churchwardens for the time being of the parish of Saint Mary Redcliff shall have given notice in writing to the two companies that they the said vicar and churchwardens have entered into a contract for the purchase of a site for a new infant school, the two companies shall pay to the said vicar and churchwardens the clear sum of four thousand pounds, which shall be and be taken to be in full compensation for the taking by the two companies of the present infant school, land, and premises in Pile Street, and the adjoining residence of the schoolmistress (numbered 171 on the deposited plans), and for expenses of removal, and shall be applied by the said vicar and churchwardens for the purchase and conveyance of the new site, and construction and furnishing of a new infant school and residence for a schoolmistress, and for expenses of removal, and upon payment of such sum of four thousand pounds the vicar and churchwardens for the time being of the said parish of Saint Mary Redcliff, or other the person or persons in whom the said infant school, land, and premises, and schoolmistress's house, are now vested, shall execute a conveyance to the two companies of the before-mentioned premises, and which said conveyance shall be effectual to vest the said premises in the two companies for all the estate and interest of the conveying parties, and of their cestui que trusts therein, but subject to the next following section of this Act.

Postponing entry on school, &c.

10. Provided that the two companies shall not, otherwise than by agreement with the said vicar and churchwardens, enter upon, take, or use the present infant school in Pile Street, or the adjoining residence of the schoolmistress, until the expiration of two years from the passing of this Act.

For widening Pump Lane.

11. The two companies shall widen Pump Lane on its east side, in accordance with a plan signed by John Dent Dent, Esquire, the chairman of the committee of the House of Commons to which this Act was referred in its progress through Parliament, and which plan has been deposited with the clerk of the peace of the city and county of Bristol; and all the provisions of the Public General Act, first Victoria, chapter eighty-three, shall apply to such plan, and the deposit, reception, and keeping thereof, and to copies and extracts therefrom.

12. It shall not be lawful for the two companies, otherwise than under any agreement or agreements already entered into, to enter upon, purchase, take, or use the messuage or dwelling house, 61a in the said plans, and known as Number 1, Redcliff Hill, in the occupation of George Gardiner, or any part of the said messuage, or any of the offices or outbuildings thereof.

Protecting certain property of the trustees of Saint Mary Redcliff Church lands.

13. Any land acquired by the two companies within two hundred feet of the church of Saint Mary Redcliff shall be used only for traffic purposes, and the two companies shall not on any such land—

For preventing nuisances, &c.

(A.) Store or deposit, or permit to be stored or deposited, any petroleum, or any oils, substances, or products included in the Petroleum Acts, 1862 and 1868, or other dangerously inflammable, explosive, or offensive materials ;

(B.) Carry on or use, or permit to be carried on or used, any dangerous, noisy, or offensive works, proceedings, machinery, or implements, other than those usually carried on or used for traffic purposes in stations or station yards :

And for every breach of any provision of this section the two companies shall be jointly and severally liable to a daily penalty not exceeding twenty pounds while it continues, in addition to any damages recoverable in respect thereof.

14. When and so soon as the road diversions authorized by this Act have been made and opened to the public, the two companies may stop up in the parish of Bedminster the road leading from the west side of Guinea Street Bridge to Prince Street Bridge Road, and part of the road leading from Prince Street Bridge Road to the Floating Harbour, and appropriate the site of the said stopped-up roads for the purposes of the recited Act and this Act.

Power to stop up certain roads.

15. Section twenty-one of the recited Act shall extend and apply to all lands to be purchased by the two companies under the powers of this Act.

Extending recited Act to lands purchased under this Act.

16. The powers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers for compulsory purchases limited.

17. The two companies shall, not less than eight weeks before they take in any parish under the powers of this Act fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses ; and the two companies shall not take any such houses until they have obtained the certificate of a justice that it

Notice to be given of taking houses of labouring classes.

A.D. 1869. has been proved to his satisfaction that the two companies have made known their intention to take the same in manner herein-before required.

Period for completion of works.

18. The road diversions shall be completed within five years from the passing of this Act, and on the expiration of that period the powers granted by this Act to the two companies for making the road diversions, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Notice to be given to gas company and to waterworks company as to the removal of mains, &c.

19. If, in the execution of the works and powers hereby authorized, or any or either of them, the two companies shall have occasion to alter the level, direction, or situation of any dock, tramway, quay, street, road, or bridge, or to cause an interference with the access to any of the main or service pipes of the Bristol United Gaslight Company or the Bristol Waterworks Company, so as to render necessary or desirable the removal or the alteration of the position or level of any of the said main or service gas or water pipes, the two companies shall give ten days notice to the said gaslight company or the said waterworks company, as the case may be, of the intended alteration or interference by the two companies; and the said gaslight company or the said waterworks company shall forthwith make such removal or alteration as may be so rendered necessary or desirable as aforesaid, and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the two companies: Provided always, that this clause shall not (except as herein otherwise expressly provided) in any way diminish or prejudice the rights and privileges of the said gaslight company or the said waterworks company under this Act or any other Acts or Act.

Saving rights of gas company and water company.

20. Nothing in this Act contained shall interfere with the exercise by the Bristol United Gaslight Company or the Bristol Waterworks Company of the powers and privileges conferred upon them by any Acts or Act of Parliament of laying down and maintaining, and, as occasion may require, of repairing or altering, any mains or pipes in and under any of the public streets or thoroughfares upon which any railway or works may, under the authority of this Act, be made: Provided always, that the said gaslight company and the said waterworks company shall, except in cases of emergency as regards repairs and alterations, give seven days notice of every intended interference with any such railway or works, and shall in every case cause as little interference with such railway and works as may be, and also shall, with all reasonable despatch, and to the reasonable satisfaction of the two companies, replace the part or parts of the railway or works for the time being taken up

by the said gaslight company or the said waterworks company, as the case may be. A.D. 1869

21. Notwithstanding anything in the recited Act (section twenty-nine) contained to the contrary, the railway may be carried across Prince Street Bridge Road on the level with a double line of railway, although the railway may elsewhere consist of a single line; and so much of the recited Act as prohibits the conveyance of passengers on the railway is hereby repealed. Removal of restrictions as to crossing of Prince Street Bridge Road and conveyance of passengers.

22. The corporation, acting as the local board of health for the city of Bristol, may require, and the two companies shall thereupon, at their own expense, erect and construct, a bridge for foot passengers, of such dimensions and form as shall be reasonably approved of by the engineer of the corporation, over Prince Street Bridge Road where the railway will cross that road on the level. Providing for foot-bridge.

23. Either of the two companies may demand and receive in respect of passengers conveyed on the railway the same tolls, rates, and charges as they are entitled to demand and receive for the conveyance of passengers for six miles upon their own respective railways. Tolls for passengers.

24. Notwithstanding the extension of time granted by this Act for constructing and completing the Harbour Railway and works and wharf depôt, the corporation shall be entitled to receive from the two companies payment of the yearly sum of two thousand pounds to be paid by them to the corporation under the recited Act (section thirteen) so soon as the wharf depôt and works by the recited Act undertaken by the corporation shall be completed by them, and shall be ready for use, but such payment shall not commence earlier than the twenty-eighth day of June one thousand eight hundred and seventy-one. Saving annual payment to corporation.

25. The two companies and the corporation may enter into and carry into effect contracts and agreements for and in respect of the laying down of a tramway upon and along any of the quays of the Bathurst Basin; and the two companies may, upon such agreement being entered into, lay down, maintain, manage, work, and use such tramway, and all necessary works and conveniences connected therewith; but such tramway shall be subject in all respects to the control of the corporation, who may remove or require the removal of the tramway, if found inconvenient or useless, at their absolute discretion. Two companies and corporation may agree as to laying down tramways along Bathurst Basin Quays.

26. Paragraphs one, two, and three of the recited Act (section thirty) shall be extended to and be applicable to this Act, subject to Extending portions of recited Act.

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any necessary and reasonable deviations as respects paragraph one that the engineering details of the work may require, and as shall be approved of by the corporation under their corporate seal.

Extending
to this Act
certain other
sections of
recited Act.

27. Sections forty-one, forty-two, and forty-three of the recited Act, so far as they are applicable, shall extend and apply to and be incorporated with this Act.

Companies
may agree
for absolute
vesting of
land in only
one of them,
and as to
Bristol and
Exeter Rail-
way traffic.

28. Each of the two companies may enter into and carry into effect agreements with the other as to vesting in one of the companies alone any lands acquired by the two companies jointly or separately, or of any lands to be acquired by them under the powers of the recited Act or this Act respectively, and may execute all necessary conveyances or other deeds for effectually vesting such lands as aforesaid; and the two companies may agree as to the accommodation to be afforded for the transit of traffic from, to, or over the railway to and from the Bristol and Exeter Railway and the Great Western Railway, or either of them, and as to any rates, fares, or payments to be charged or made for or in respect of such traffic.

Power to
joint com-
mittee to
enter into
certain
agreements
with Great
Western
Railway
Company.

29. The joint committee and the Great Western Railway Company may carry into effect arrangements or agreements made between them as to the junction of the Harbour Railway with the Great Western Railway at Bristol, and in relation thereto and consequent thereupon.

Power to two
companies to
raise addi-
tional
capital.

30. The two companies may raise for the purposes of this Act, by the creation and issue of new ordinary shares or new ordinary stock, or new preference shares or new preference stock, at the option of the respective companies, any sum not exceeding in the whole fifty thousand pounds, in such proportions as the two companies mutually agree upon.

8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. in-
corporated.

31. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845"—

With respect to the distribution of the capital of the company into shares;

With respect to the transfer or transmission of shares;

With respect to the payment of subscriptions, and the means of enforcing the payment of calls;

With respect to the remedies of creditors of the company against the shareholders;

With respect to the borrowing of money by the company on mortgage or bond;

With respect to the conversion of the borrowed money into capital;

With respect to the consolidation of the shares into stock; A.D. 1869.
and

With respect to the provision to be made for affording access to the special Act by all parties interested :

and Parts I., II., and III. of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall apply to all shares and stock created, and to mortgages granted and money borrowed, under the powers of the recited Act and of this Act, by the two companies respectively, or by the two companies jointly.

32. The two companies respectively shall not issue any share or stock created under the authority of this Act, nor shall any such share or stock 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 or stock is paid up in respect thereof. Restrictions as to issue of shares.

33. The two companies respectively may, on the creation and issue of any preference shares or stock, under the powers of this Act, make such restrictions upon the right of voting in respect of or qualifications conferred by such preference shares or stock as they think fit. Power to restrict right of voting in respect of new preference shares.

34. If by any other Act passed in the present session of Parliament, whether before or after the passing of this Act, the two companies or either of them be authorized to raise any capital by new shares or stock, then, subject to the provisions of the other Act and this Act respectively, the company so authorized, if they think fit, may raise, by the creation and issue of new shares or stock of one and the same class, all or any of the aggregate capital which they are by the other Act and this Act respectively authorized to raise by the creation and issue of new shares or stock. Power to raise capital under any other Act of this session and this Act by new shares of one class.

35. If the two companies think fit they may raise the said sum of fifty thousand pounds in the same manner as and to form part of the separate capital raised under the recited Act, and subject to the same provisions as are contained in the forty-ninth section of the recited Act with respect to such separate capital. Companies may create stock.

36. Either of the two companies may, in addition to any other monies authorized to be borrowed by them under any previous Act, borrow on mortgage such sums of money as shall from time to time be authorized to be borrowed by any general or special meeting of the respective companies, not exceeding in the whole one-third part of the proportion contributed by such respective company under this Act, but no such money shall be borrowed until shares or stock for the whole of such proportion shall have been subscribed for, issued, and accepted, and one half thereof shall have been paid up, and

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until the respective 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 or stock for the whole of the said contribution of the respective company are issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share or portion of stock has been paid up on account thereof before or at the time of the issue or acceptance thereof, and that the whole of such shares and stock are taken in good faith, and are held by the subscribers or their assigns, those subscribers or their assigns being legally liable for the same; and upon production to such justice of the books of the respective company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proofs aforesaid have been given, which certificate shall be sufficient evidence thereof.

Power to borrow jointly.

37. If the two companies think fit to create separate capital, under the powers herein-before contained, it shall also be lawful for them to borrow jointly, on mortgage of their respective undertakings and of the railway, or of the railway alone, such sums of money, not exceeding one-third part of the capital hereby authorized to be raised by shares or stock, as shall from time to time be sanctioned by any general or special meetings of the respective companies, and the provisions and restrictions contained in the last preceding section with respect to the borrowing of money shall apply to the money by this section authorized to be jointly borrowed by the two companies.

Power to issue debenture stock.

38. The two companies may raise by the issue of debenture stock all or any part of the money which they are authorized by the recited Act and this Act to borrow on mortgage.

Existing mortgages to have priority.

39. All existing mortgages and bonds granted by the two companies respectively, under the powers of any former Acts relating to the companies respectively, shall during the continuance of such mortgages and bonds have priority over any mortgages to be granted by virtue of this Act.

Application of monies.

40. All monies raised by the two companies under the powers of this Act shall be applied only to the purposes of the recited Act and this Act.

Interest or dividend on calls not to be paid out of capital.

41. The two companies or either of them shall not, out of any money by this Act authorized to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the two companies or either of

them 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." A.D. 1869.

42. The two companies or either of them shall not, out of any money by this Act authorized 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 authorizing the two companies or either of them to construct any other railway, or to execute any other work or undertaking. Deposits for future bills not to be paid out of capital.

43. Nothing herein contained shall be deemed or construed to exempt the two companies or their railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorized by this Act. Railways not exempt from provisions of present and future general Acts.

44. All costs, charges, and expenses of and incident to the preparing and obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the joint committee out of the capital to be raised under the authority of this Act or the recited Act. Expenses of Act.

