



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. lxxxii.

An Act to enable the *Bristol and South Wales Junction Railway Company* to improve and maintain the *Aust* or *Old Passage Ferry* across the River *Severn*.
[2d July 1847.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway Communication between the City of Bristol and the proposed South Wales Railway in the County of Monmouth, with a Branch Railway therefrom*, whereby certain Persons were incorporated by the Name of "*The Bristol and South Wales Junction Railway Company*:" And whereas it is expedient that Power should be granted to the said *Bristol and South Wales Junction Railway Company* to improve and maintain the *Aust* or *Old Passage Ferry* across the River *Severn*, at the Termination of the said Branch Railway authorized to be constructed by the said Act, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of
[Local.] 12 M the

9 & 10 Vict.
c. 105.

Provisions of recited Act extended to this Act.

the same, That all the Provisions, Matters, and Things contained in the said recited Act shall be applicable to and extend to this Act, and to the several Purposes and Things hereby authorized, as fully and effectually as if the same Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes thereof, and particularly the Powers contained in the said recited Act enabling the Company to provide, use, and employ Vessels, and to convey Passengers, Animals, and Goods, and to demand Tolls for the Conveyance of Passengers, Animals, Carriages, and Goods across the Ferry by such Act authorized to be improved and maintained, shall extend, apply, and be applicable to the said *Aust* or *Old Passage Ferry* by this Act also authorized to be improved and maintained.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to describe it as "The *Bristol and South Wales Junction* Railway and *Aust Ferry* Act, 1847."

Power to improve and maintain *Aust* or *Old Passage Ferry*.

III. And whereas a Plan showing the Line or Situation of the said *Aust* or *Old Passage Ferry*, and the Lands now demised and held therewith, and a Book of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the same, have been deposited with the Clerk of the Peace of the County of *Gloucester*; be it enacted, That, subject to the Provisions in this and the said recited Act contained, it shall be lawful for the Company to take, improve, and maintain the said *Aust* or *Old Passage Ferry*, commencing in the Tything of *Aust* in the Parish of *Henbury* in the County of *Gloucester*, extending over the said River *Severn*, and terminating in the Hamlet of *Beachley* in the Parish of *Tidenham* in the said County of *Gloucester*, and to enter upon, take, and use such Lands for such Purpose.

Compulsory Powers to take Lands not to be exercised.

IV. Provided, always, and be it enacted, That nothing in this Act, or in the said recited Act, or in the Lands Clauses Consolidation Act, 1845, therein recited, contained, shall authorize the Company to purchase, take, use, improve, maintain, or interfere with the said Ferry, or any Lands described on the said Plan or referred to in the said Book of Reference, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Company to maintain Ferries.

V. And be it enacted, That the Company shall and they are hereby required to keep up, use, and maintain the Ferries by this and the said recited Act authorized to be improved and maintained as aforesaid.

Company not to give any undue Preference.

VI. And be it enacted, That the said Company, its Agents and Servants, shall not give any undue Preference to Persons, Animals, Carriages, or Goods which shall have passed or which shall be about to pass along the said *Bristol and South Wales Junction* Railway, or any Railway communicating therewith, as against other Persons, Animals, Carriages, or Goods of a like Nature, or to any Persons, Animals, Carriages, or Goods whatsoever, as against any other Persons, or other similar Animals, Carriages, or Goods whatsoever,

as

as respects the Use of the said Ferries, or of the Conveniences in connexion therewith, or as respects the Tolls to be taken by the Company, either as regards the Amount thereof or otherwise; and in case the said Company, its Agents or Servants, shall give any such undue Preference, the said Company shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

VII. And whereas the estimated Expence of purchasing the said *Aust* or *Old Passage Ferry* as aforesaid, and improving the same, is Thirty thousand Pounds; be it therefore enacted, That it shall be lawful for the Company to raise, by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the said recited Act, any further Sum of Money not exceeding in the whole the Sum of Thirty thousand Pounds.

Power to raise additional Money by Creation of new Shares.

VIII. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

New Shares to be subject to same Provisions as original Shares.

IX. And be it enacted, That if at the Time of the Creation of such new Shares the then existing Shares shall be at a Premium or of greater actual Value than the nominal Value thereof, the Sum so to be raised as aforesaid shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the then Shareholders in proportion to the existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid, and such Offer shall be made by Letter under the Hand of the Secretary, given to or sent by Post, addressed to each Shareholder, according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

If old Shares at Premium, new Shares to be offered to the Shareholders.

X. And be it enacted, That the said new Shares shall vest in and belong to the Shareholders who shall accept the same and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

Shares to vest in Parties accepting; otherwise to be disposed of to other Parties.

XI. And be it enacted, That if at any Time of the Creation of such new Shares as aforesaid the existing Shares be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner and on such Terms as the Company shall think fit.

If not at a Premium, to be issued as Company think fit.

XII. And

Power to
borrow on
Mortgage.

XII. And be it enacted, That, after the Sums by this and the said recited Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof shall have been actually paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Ten thousand Pounds, in addition to the Sum which they are by the said recited Act authorized to borrow.

Priority of
Mortgages
under former
Act.

XIII. And be it enacted, That all Mortgages already entered into or which may hereafter be entered into, under the Powers of the said recited Act, shall, during the Continuance or any Renewal or Re-issuing thereof, have Priority over every Mortgage granted under the Authority of this Act.

Interest not
to be paid on
Calls paid up

XIV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the 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 said 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.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's Ca-
pital.

XV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act, or any other Act relating to the said Railway Company, authorized to be raised for the Purposes of such Act or Acts 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 said Company to construct any other Railway or execute any other Work or Undertaking.

Company re-
quired, on
Requisition
of Post Office,
to convey
Her Ma-
jesty's Mails
across the
New Passage
Ferry, &c.

XVI. And whereas under and by virtue of the said recited Act the Company are authorized to improve and maintain a certain Ferry, the Line or Situation of which is shown on a Plan in the said Act referred to, commencing at or near the *New Passage House* in the said Parish of *Hanbury*, and terminating at or near the *Black Rock Passage House* in the Parish of *Portskewet* in the County of *Monmouth*, and which said Ferry is called or known by the Name of the *New Passage Ferry*; be it enacted, That it shall be lawful for the Postmaster General for the Time being, at any Time after the said *New Passage Ferry* and the said *Aust* or *Old Passage Ferry*, or either of them, shall be used by the Company for the Conveyance of Passengers or Goods, by Notice under his Hand delivered to the said Company, to require that the Mails, Mail Bags, or Post Letter Bags shall, from and after the Day to be named in any such Notice (being

not less than Twenty-eight Days from the Delivery thereof), be conveyed over the said Ferries or either of them, at such Hours or Times in the Day or Night as the Postmaster General shall direct, together with the Guards appointed and employed by the Post Master General in charge thereof, and any other Officers of the Post Office, and any Mail Coaches, Mail Carts, or Mail Carriages, and any Coachmen or Drivers employed in respect thereof, as the Postmaster General shall require; and thereupon the said Company shall, from and after the Day to be named in such Notice, and at such Hours or Times in the Day or Night as aforesaid, provide, use, and employ Vessels, with Engines or other moving Power, to the Satisfaction of the Postmaster General, for the Conveyance of all such Mails, Mail Bags, or Post Letter Bags as shall for that Purpose be tendered to them, or any of their Officers, Servants, or Agents, by any Officer of the Post Office, with the Guards in charge thereof, and any other Officers of the Post Office, and shall receive, take up, deliver, and leave the same Mails, Mail Bags, or Post Letter Bags, Guards, Mail Coaches, Mail Carts, or Mail Carriages, Coachmen, and Drivers, as aforesaid, at either Side of the said Ferries, on such Days, at such Hours or Times in the Day or Night, and subject to all such reasonable Regulations and Restrictions as the Postmaster General shall in that Behalf from Time to Time order and direct.

XVII. And be it enacted, That for the greater Security of the Mails and Letter Bags to be carried by such Vessels the said Company, and their respective Officers, Servants, and Agents employed in any such Vessels, or in or about the said Ferries, or the Management thereof, shall obey, observe, and perform all such reasonable Regulations respecting the taking up, Conveyance, Delivery, and leaving of such Mails, Mail Bags, and Post Letter Bags, Guards, and Officers of the Post Office, Mail Coaches, Mail Carts, and Mail Carriages, Coachmen and Drivers, as the Postmaster General, or such Officer of the Post Office as he shall nominate in that Behalf, shall in his Discretion from Time to Time give or make.

Company to observe the Regulations of the Postmaster General.

XVIII. And be it enacted, That the said Company, in lieu of any Rates or Tolls payable under the said recited Act or this Act, shall be entitled to such reasonable Remuneration (to be paid by the Postmaster General for the Conveyance of such Mails, Mail Bags, Post Letter Bags, Mail Guards, and other Officers of the Post Office, Mail Coaches, Mail Carts, Mail Carriages, Coachmen, or Drivers, as aforesaid,) as shall (either prior to or after the Commencement of such Service) be fixed and agreed on between the Postmaster General and the said Company, or, in case of Difference of Opinion between them, then as shall be determined by Arbitration, as herein-after provided, but so that the Services which may be required to be performed by the Postmaster General, or by such Officer of the Post Office as he in that Behalf shall nominate as aforesaid, be not suspended, postponed, or deferred by reason of such Remuneration not having been then fixed or agreed on between the said Postmaster General and the said Company, or by reason of the Award on any Reference to Arbitration not having been then made.

Proprietors of Ferry to receive Remuneration for conveying the Mails.

Services to be increased or diminished.

XIX. And be it enacted, That, notwithstanding any Agreement entered into between the Postmaster General and the said Company, or any Award to be made on any such Reference as aforesaid, fixing the Amount of Remuneration to be paid to the said Company for any Services to be rendered by the said Company as aforesaid, it shall be lawful and competent to and for the Postmaster General, by Notice in Writing given to the said Company, to require, from and after the Day to be named in any such Notice, not being less than Twenty-eight Days from the Delivery thereof, any Addition to be made to the Services in respect of which such Agreement shall be entered into or Award made; and in any such Case, and also in case of a Discontinuance of any Part of such Services, as herein-after provided, a fresh Agreement shall be entered into between the Postmaster General and the said Company, regulating the future Amount of Remuneration to be paid by the Postmaster General to the said Company for such increased or diminished Services, as the Case may be; or, if the Parties cannot agree on such Amount, the same shall be referred to Arbitration, in like Manner as herein-before is mentioned and herein-after provided as to any original Agreement, but so that nevertheless such increased or diminished Services shall not be suspended, postponed, or deferred by reason of the Amount of such increased or diminished Remuneration not having been then fixed or agreed on between the Postmaster General and the said Company, or by reason of the Award on any Reference to Arbitration to determine the Amount of such increased or diminished Remuneration not having been then made.

Services may be discontinued on Notice.

XX. And be it enacted, That it shall be lawful for the Postmaster General for the Time being and he is hereby authorized, at any Time during the Continuance of the Services aforesaid, to give to the said Company, by Writing under his Hand, Three Calendar Months previous Notice that such Services as aforesaid, or any Part thereof, shall cease and determine, and thereupon, at the Expiration of such Three Calendar Months Notice, the said Services, or such Part thereof as aforesaid, and the Remuneration for the same, shall cease and determine.

If Services discontinued without Notice, Compensation to be made.

XXI. And be it enacted, That it shall be lawful for the Postmaster General, at any Time during the Continuance of the Services aforesaid, by Notice in Writing under his Hand, absolutely to determine and put an end to the same or any Part thereof, without giving any previous Notice, or on giving any Notice less than Three Calendar Months in respect thereof, and thereupon the said Services shall cease and determine accordingly: Provided nevertheless, that in case the Postmaster General shall, without giving Three Calendar Months Notice as aforesaid, at any Time determine the Services to be required by the Postmaster General of the said Company, or any Part of such Services, without any Cause whatever, or for any Cause other than the Default by the said Company in the Performance of any of the Services to be required of them by the Postmaster General, or the Breach by the said Company of any of their Engagements with the Postmaster General, then and in any such Case the Postmaster General shall make to the said Company a fair Compensation for any

Loss thereby occasioned, the Amount whereof, in case the Parties differ about the same, shall be ascertained by Arbitration as herein-after mentioned.

XXII. And be it enacted, That if the said Company, or any of their respective Officers, Servants, or Agents employed in or about the said Ferries, shall refuse or neglect to carry or convey any Mails or Post Letter Bags, when tendered to them for such Purpose by the Postmaster General, or any Officer of the Post Office, or shall refuse to convey over their said Ferries any Mail Coaches, Mail Carts, or Mail Carriages, or Coachmen or Drivers, as herein-before provided, when so required by the Postmaster General, or shall refuse or neglect to receive, take up, deliver, and leave any such Mails or Post Letter Bags, Mail Guards, or other Officers of the Post Office, Mail Coaches, Mail Carts, or Mail Carriages, Coachmen or Drivers, at such Times, on such Days, or in such Nights, and subject to such Regulations as the Postmaster General shall from Time to Time reasonably direct or appoint, as herein-before provided, or shall not obey, observe, and perform all such Regulations respecting the Conveyance of the Mails, Mail Bags, and Post Letter Bags, Mail Coaches, Mail Carts, or Mail Carriages, Coachmen or Drivers, as the Postmaster General, or such Officer of the Post Office as he shall nominate in that Behalf, shall make for the Purposes aforesaid, then and in any such Case the said Company, and every Person who shall so offend in the Premises, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, to be recovered and recoverable in the Manner and Form particularly mentioned and expressed in an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws*, with reference to the pecuniary Penalties imposed by the Post Office Acts.

Penalty on Refusal or Neglect.

7 W. 4. & 1 Vict. c. 36.

XXIII. And be it enacted, That in all Cases in which the Postmaster General and the said Company shall not be able to agree on the Amount of Remuneration or Compensation to be paid by the Postmaster General to the said Company, for any Services performed or to be performed by the said Company, as herein-before mentioned, the same shall be referred to Arbitration, and be decided in like Manner as in and by an Act of Parliament made and passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*, is provided in respect of any Difference of Opinion between the Postmaster General and any Company of Proprietors of any Railway, as therein mentioned.

Remuneration for conveying the Mails to be settled by Arbitration, in case of Difference of Opinion.

XXIV. And be it enacted, That any Notice by the Postmaster General, or such Officer of the Post Office as he may nominate in that Behalf, and any other Notice, Summons, or Writ, or other Proceedings, at Law or in Equity, requiring to be served upon the said Company, may lawfully be served by delivering the same personally to any Officer, Servant, or Agent of the said Company, or by leaving the same at any Office or Station belonging to the said Company.

Service of Notices.

XXV. And

Interpreta-
tion of cer-
tain Terms.

XXV. And be it enacted, That the Terms "Mail Bags," "Post Letter Bags," "Postmaster General," and "Officer of the Post Office," used in this Act, shall be construed according to the respective Interpretations of such Terms contained in the said Act of the First Year of the Reign of Her present Majesty.

Railway to
be subject to
the Provi-
sions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
c. 57.

XXVI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways and Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament*; and for other Purposes in relation to Railways; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; be it enacted, That nothing in the said recited Act or this Act contained shall be held to exempt the Railway by the said recited Act authorized to be made from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railway.

Expences of
Act.

XXVII. And be it enacted, That all the Costs, Charges, and Expences of the obtaining and passing of this Act, or otherwise incidental thereto, shall be paid by the Company out of the Money received or to be received by them under the Authority of this and the said recited Act.

Public Act.

XXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.