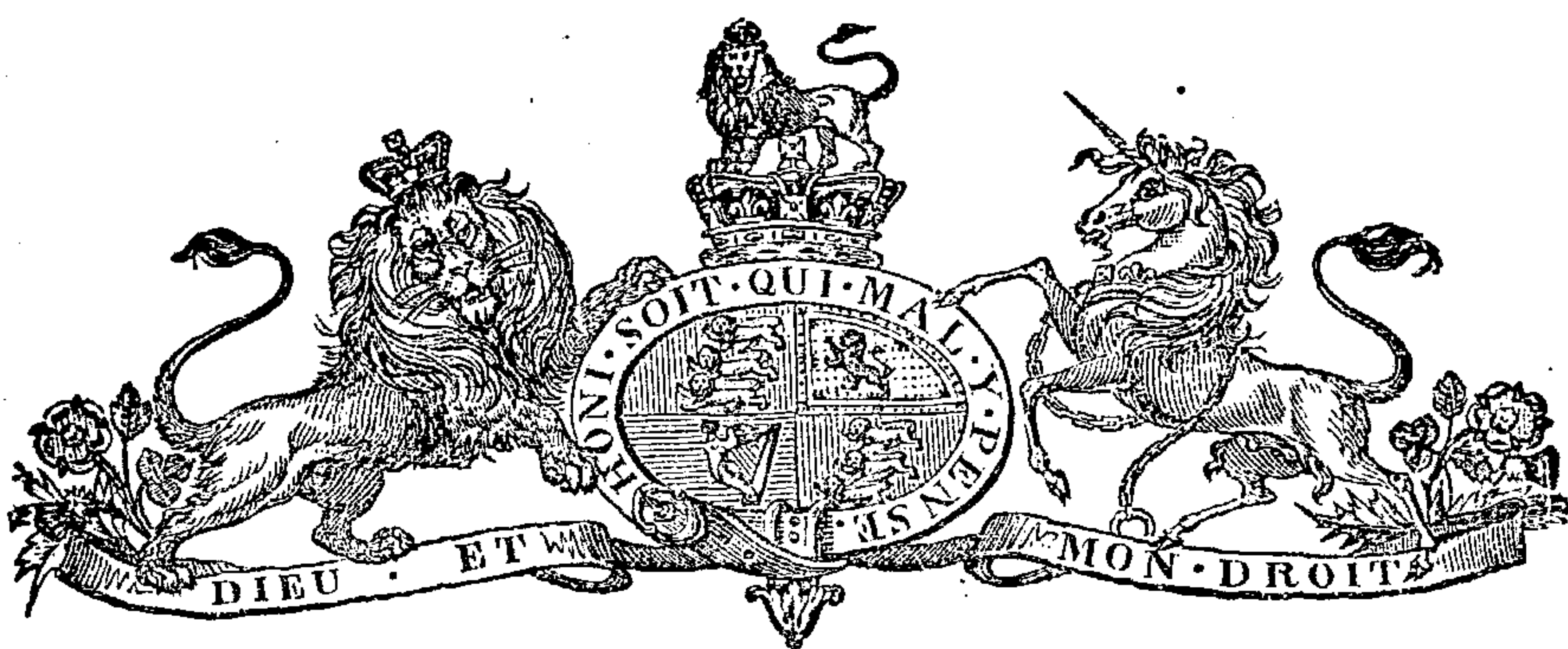




ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clxviii.

An Act for making a Railway from the *Great Western* Railway at *Radstock* to *Bristol*, together with Branches therefrom to *Camerton* and other Places ; and for other Purposes.

[21st July 1863.]

WHEREAS the making of Railways which would pass through important Parts of the County of *Somerset*, and would connect the *Great Western* Railway at *Radstock* with the City and Port of *Bristol*, together with Branches therefrom, which would communicate with *Camerton* in the same County, and with the Floating Harbour at *Bristol* respectively, would be of great local and public Advantage : And whereas Plans and Sections showing the Lines and Levels of the intended Railways and Tramway, and describing the Lands in and through which the same may be made, or which may be required for the Purposes of the Undertaking, with Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of those Lands, have been deposited with the Clerk of the Peace for the City and County of *Bristol*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans and Books of Reference : And

[*Local.*]

28 L

whereas

The Bristol and North Somerset Railway Act, 1863.

whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may be cited for all Purposes as "*The Bristol and North Somerset Railway Act, 1863.*"

8 & 9 Vict.
cc. 16. 18. &
20. and
23 & 24 Vict.
c. 106. incor-
porated. 2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," (save so far as the same are expressly varied or excepted by this Act,) shall be incorporated with and form Part of this Act.

Interpre-
tation of
Terms. 3. Where in this Act the Words "the Company" occur, the same means "the Company incorporated by this Act;" where the Word "Railway" occurs, the same includes the Railways and other Works and Conveniences connected therewith by this Act authorized; the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression, in this Act, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common simple Contract Debt, and not a Debt or Demand created by Statute, unless there be something in the Subject or Context repugnant to such Construction respectively.

Subscribers
incor-
porated. 4. *John Colthurst, Charles Mullins, Joseph Langford, Joseph Hill, George Feare, William Evans, James Thatcher, William Adlam, Joseph Cary, Robert Jameson, and Daniel Charles Wait*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their respective Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes of the Undertaking hereby authorized, and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Bristol and North Somerset Railway Company*," and by that Name shall be a Body Corporate with perpetual Succession, and shall have Power to purchase, acquire, take, hold, and dispose of Lands and other Property, and by Agreement any Easements, Interests, Rights, Powers, and Privileges in, over, and affecting the same, for the Purposes of the Undertaking, but subject to the Restrictions herein and in the incorporated Acts respectively contained.

Capital. 5. The Share Capital of the Company shall be Two hundred and seventy-five thousand Pounds.

6. The

The Bristol and North Somerset Railway Act, 1863.

6. The Number of Shares into which the said Capital shall be divided Shares. shall be Thirteen thousand seven hundred and fifty, and the Amount of each Share shall be Twenty Pounds.

7. Four Pounds *per* Share shall be the greatest Amount of any One Calls. Call which the Company may make on the Shareholders, and Two Months at least shall be the Interval between successive Calls; and Three Fourth Parts of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made on any One Share in any One Year.

8. The Company shall not, 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, pay any Interest or Dividend to any Shareholder on the Amount of any Call made in respect of any Share: Provided always, that nothing herein-before contained shall prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provision in that Behalf of "The Companies Clauses Consolidation Act, 1845." Interest not to be paid on Calls paid up.

9. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking. Deposits for future Bills not to be paid out of Company's Capital.

10. The Company may borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Ninety-one thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital shall have been subscribed for and One Half thereof shall have been actually paid up, and until they shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of such Justice under that Section shall be sufficient Evidence. Power to borrow on Mortgage.

11. The Monies authorized to be raised under this Act shall be applied only to the Purposes of this Act. Application of Capital.

12. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest or the Arrears of Principal and Interest due on such Arrears may be enforced by Appoint- Mortgages

The Bristol and North Somerset Railway Act, 1863.

ment of a
Receiver.

Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of such Receiver, in the event of the Interest or 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 not be less than Ten thousand Pounds in the whole.

First and
other Meet-
ings.

13. The First Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held in the Months of *February* and *August* in every Year.

Number and
Qualification
of Directors.

14. The Number of Directors shall not be more than Eight nor less than Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

First
Directors.

15. *John Colthurst, William Adlam, Joseph Cary, Daniel Charles Wait, Robert Jameson, Charles Mullins, and James Thatcher* shall be the First Directors of the Company.

First
Directors to
continue in
Office until
the First
Meeting
after passing
of this Act.

16. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office those Directors, or any Number of them, or may elect a new Body of Directors to supply the Place of such of those not continued in Office, the retiring Directors appointed by this Act being eligible as Members of such new Body.

Mode of
Election of
Directors.

17. At the First Ordinary Meeting to be held in every Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, 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 in "The Companies Clauses Consolidated Act, 1845," and in this Act contained; and the several Persons elected at such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in the Manner provided by the said "Companies Clauses Consolidated Act, 1845," and by this Act, or either of them.

Quorum of
Directors.

18. The Quorum of a Meeting of Directors shall be Five, and if the Number be less than Ten, the Quorum shall be Three.]

Newspaper
for Adver-
tisements.

19. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be a Newspaper published in the City and County of *Bristol*.

20. Subject

The Bristol and North Somerset Railway Act, 1863.

20. Subject to the Provisions in this Act and the incorporated Acts contained, it shall be lawful for the Company to make and maintain the Railways and Tramway by this Act authorized in the Lines and upon the Lands delineated on the said deposited Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands, and purchase by Agreement such Easements, Interests, Rights, Powers, and Privileges in, over, and affecting the same, as the Company may think expedient for any of the Purposes of this Act.

Power to
construct
Works
according to
deposited
Plans.

21. The Lines of Railway and Works by this Act authorized to be made and maintained by the Company comprise the following Railways and Tramway, with all proper and sufficient Sidings, Stations, Approaches, Buildings, Works, and Conveniences connected therewith; (that is to say,)

Railways,
Tramway,
and Works
authorized
by this Act.

Firstly, Railway (No. 1) commencing in the Parish of *Radstock* in the County of *Somerset*, and terminating in the Out-Parish of *Saint Philip and Jacob* in the County of the City of *Bristol*:

Secondly, Railway (No. 2) commencing in the said Parish of *Radstock* at or near the Commencement thereof, and terminating in the said Parish of *Radstock* by a Junction with the *Frome and Radstock* Branch of the *Wilts, Somerset, and Weymouth* Railway:

Thirdly, Railway (No. 3) commencing in the Parish of *High Littleton* in the said County of *Somerset*, from and out of the Railway (No. 1), and terminating in the Parish of *Camerton* in the same County:

Fourthly, Railway (No. 4) commencing in the said Out-Parish of *Saint Philip and Jacob*, from and out of the Railway (No. 2), and terminating in the same Parish by a Junction with the *Great Western* Railway:

Fifthly, a Tramway commencing in the said Out-Parish of *Saint Philip and Jacob*, from and out of the Railway (No. 1), at or near the Termination thereof, and terminating in the Parish of *Bedminster* in the City and County of *Bristol* at or near the Floating Harbour.

22. The Railways and Tramway hereby authorized shall be made and maintained on the same Gauge as the *Great Western* Railway.

Gauge of
Railways.

23. For the Purposes of the Tramway hereby authorized, the Company may use any Street, Roadway, Quay, Wharf, or Bank upon or along which the Tramway is shown on the deposited Plans and Sections as intended to be laid down; and the Word "Tramway" shall include Turn-tables.

Power to
use Streets,
&c. for Pur-
poses of
Tramway.

24. The Company (with the Permission of the Mayor, Aldermen, and Burgesses of the City of *Bristol* to be first obtained), or the said Mayor, Aldermen,

Power to
alter Lines
of Tramway

[*Local.*]

28 M

The Bristol and North Somerset Railway Act, 1863.

with Con-
sent of Cor-
poration.

Aldermen, and Burgesses, may from Time to Time alter the Line of the said Tramway; and the Company, with the like Permission of the said Mayor, Aldermen, and Burgesses, or the said Mayor, Aldermen, and Burgesses, may select such other as the Company and Mayor, Aldermen, and Burgesses may think the City of *Bristol* or the Safety of the Public shall require; and such Tramway shall be maintained, altered, and kept in complete Repair by the Company at their own Expense in all Things to the Satisfaction of the said Mayor, Aldermen, and Burgesses: Provided always, that the Party desiring to alter the same shall give to the other Party at least Six Weeks Notice of their Intention so to do, and shall accompany such Notice with a Plan or other sufficient Description of the Alteration proposed by them; and after the Expiration of such Notice it shall be lawful for the said Mayor, Aldermen, and Burgesses, or for the Company, at their own Expense respectively, to remove the said Tramway and alter the Position thereof: Provided always, that the substituted Tramway shall be as good and efficient in all respects as that which may have been removed, and the new Tramway shall become the Property of the Company, and shall be treated in all respects as though it was the Tramway for which it had been substituted; and all the Provisions in this Act contained for the Protection of the *Bristol* United Gaslight Company and the *Bristol* Waterworks Company respectively, and of their respective Works, shall extend and apply to every such substituted and new Tramway.

Power to
Corporation
to take up
Tramway
for certain
Purposes.

25. The said Mayor, Aldermen, and Burgesses, the *Bristol* United Gaslight Company, and the *Bristol* Waterworks Company respectively may from Time to Time, upon Twenty-four Hours Notice to the Company, take up or authorize and empower any Corporation or Person to take up any Part or Parts of the said Tramway laid down in the City and County of *Bristol* for the Purpose of making, repairing, altering, or widening any of the Drains for the Sewage of the same Parish and Town, or for cleansing, repairing, amending, and improving any Drain or Drains, or for laying, repairing, or altering any Gas, Water, or other Pipes or Mains whatsoever, or for any other Purpose in anywise connected with the same Parish and Town, or the Interest or Convenience of the Public, the said Mayor, Aldermen, and Burgesses, or such Corporation or Persons as aforesaid, at their or his own Expense replacing the Part or Parts of the Tramway for the Time being to be taken up in an effectual and proper Manner, and with all reasonable Despatch.

Penalty for
removing
Tramway
without
Authority.

26. If any Corporation or Person not having first obtained the Authority or Power of the said Mayor, Aldermen, or Burgesses, or of the said *Bristol* United Gaslight Company, or of the said *Bristol* Waterworks Company, shall take up or remove for the Purposes, or if any Corporation or Person shall wilfully damage or injure the said Tramway, or any Part thereof, they or he shall forfeit and pay a Sum not exceeding
Ten

The Bristol and North Somerset Railway Act, 1863.

Ten Pounds for such Offence, in addition to the Amount of Damage done, which may be recovered and applied in manner directed by "The Railways Clauses Consolidation Act, 1845."

27. It shall be lawful for the Company and all Persons whomsoever, with their own proper Waggon, Trucks, or other Carriages, such Waggon, Trucks, or Carriages being first approved as prescribed, to use such Tramway, and the Waggon, Trucks, and Carriages thereon shall be propelled and conveyed in such Manner, otherwise than by Locomotive Steam Engines, and at such Times and under such Restrictions in all respects as the said Mayor, Aldermen, and Burgesses shall from Time to Time by any Byelaw, Rule, or Order to be made by them under the Authority of this Act from Time to Time direct, such Restrictions to be based upon the Principle of rendering the Use of the same Tramway beneficial and advantageous to the Company, and all Persons having a Right to use the same, to the utmost Extent such Tramway is capable of.

Use of
Tramway.

28. The said Mayor, Aldermen, and Burgesses may make such Byelaws, Rules, or Orders for regulating the Use of the said Tramway, and for the preventing any Interruption in such Use, as the said Mayor, Aldermen, and Burgesses shall deem expedient, and may from Time to Time alter or annul such Byelaws, Rules, or Orders, or any of them, and other or others make, as Circumstances may require, and may set down and affix what pecuniary Penalties or Forfeitures shall be incurred by any Person or Corporation acting contrary to or evading such Byelaws, Rules, or Orders, or any of them, provided no such Penalty or Forfeiture shall exceed the Sum of Five Pounds for One Offence; and every Penalty or Forfeiture to be incurred as aforesaid shall and may be recovered and applied in manner directed by "The Railways Clauses Consolidation Act, 1845:" Provided always, that such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be recovered to order the whole or any Part of such Penalty to be recovered.

Power to the
Corporation
to make Bye-
laws for
regulating
Use of
Tramway.

29. No such Byelaws shall come into operation until the same shall be allowed by the Court of Quarter Sessions of the City and County of *Bristol*, and it shall be incumbent on the said Court, on the Request of the said Mayor, Aldermen, and Burgesses, to examine into the Byelaws which may be tendered to them for that Purpose, and to allow of or disallow the same, or any of them, as to such Court may seem meet: Provided always, that no such Byelaws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the City of *Bristol* Twenty-one Days at least before the Hearing of such Application, and any Party aggrieved by any such Byelaw, on giving Notice of the Nature of his Objection to the said Mayor, Aldermen, and Burgesses Ten Days before the Hearing

Byelaws to
be confirmed.

of

The Bristol and North Somerset Railway Act, 1863.

of such Application, may by himself, his Attorney or his Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

Copy of the proposed Byelaws to be open for Inspection.

30. For Twenty-one Days at least prior to any such Application for Confirmation of any such Byelaws a Copy of such proposed Byelaws shall be kept at the Office of the Town Clerk of the City of *Bristol*, and it shall be lawful for all Persons at all reasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the said Town Clerk with a Copy thereof, or any Part thereof, on Payment of Tenpence for every Hundred Words so to be copied.

Publication of Byelaws.

31. A Copy of every such Byelaw shall be painted on Boards or printed on Paper and affixed to Boards, and the Boards on which such Byelaws shall be painted or to which such Paper shall be affixed shall be affixed in the Office of the said Town Clerk and at the Office of the Company in *Bristol*, and such Boards shall be renewed from Time to Time, and shall be open to Inspection without Fee or Reward; and in case the said Town Clerk shall not permit the same to be inspected at all reasonable Times, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Byelaws to be binding on all Parties.

32. Such Byelaws, when so confirmed, published, and affixed, shall be binding upon and shall be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Proof of making Publication of Byelaws.

33. The Production of a written or printed Copy of the Byelaws, authenticated by the Signature of the Recorder of the City of *Bristol*, which shall have approved of the same, shall be Evidence of the Existence and due making up of such Byelaws in all Cases of Prosecution under the same, without adducing Proof of such Signature; and with respect to the Proof of the Publication of any such Byelaws, it shall be sufficient to prove that a Copy thereof was affixed in the said Town Clerk's Office.

Difference with Corporation of Bristol to be referred to Arbitration.

34. If any Difference shall arise between the Company and the Mayor, Aldermen, and Burgesses of the City of *Bristol* as to the Propriety of altering the Line of the said Tramway, or as to the Sufficiency thereof when altered, such Difference shall be settled by an Arbitrator to be appointed by the Board of Trade.

Inclination of Roads, &c.

35. In carrying the several Roads numbered as follows on the deposited Plans over, under, or across the Railway, the Company may make the Inclination of those Streets or Roads respectively as steep or not steeper than as follows; (that is to say,)

The Bristol and North Somerset Railway Act, 1863.

No. on Plan.	Parish.	Description of Road.	Inclination of Road.
RAILWAY No. 1.			
35 & 36	Radstock - - -	Turnpike Road -	1 in 22.
70	Midsomer Norton - -	Public Road -	1 in 12.
6	Clutton - - -	Public Road -	1 in 12.
29	Clutton - - -	Public Road -	1 in 18.
23 & 24	Chelwood - - -	Turnpike Road -	1 in 22.
23	Stanton Drew - -	Public Road -	1 in 15.
34	Stanton Drew - -	Turnpike Road -	1 in 27.
11	St. Thomas Pensford -	Public Road -	1 in 13.
12	Whitchurch - - -	Turnpike Road -	1 in 13.
17	Whitchurch - - -	Public Road -	1 in 18.
51	Brislington - - -	Public Road -	1 in 15.
RAILWAY No. 3.			
41 & 42	High Littleton - -	Turnpike Road -	1 in 15.
67	Timsbury - - -	Public Road -	1 in 9.
68	Timsbury - - -	Public Road -	1 in 11.
33	Timsbury - - -	Public Road -	1 in 7.
1	Camerton - - -	Public Road -	1 in 12.
70	Camerton - - -	Public Road -	1 in 15.

36. In carrying the Railway over the several Roads numbered on the said Plans as follows, the Company may make the Arches for carrying the Railway over the Roads respectively of Height or Span not greater than as follows; (that is to say,) Height and Span of Arches.

No. of Railway.	No. on Plan.	Parish.	Span.	Height.
2	13	Radstock - - -	30 Feet -	15 Feet 6 Inches.
2	35 and 36	Radstock - - -	30 „ -	15 „ 6 „
2	70	Midsomer Norton -	20 „ -	14 „ 0 „

37. In carrying the several Roads numbered respectively on the said Plans as follows over the Railway, the Company may make the Bridges of the following Dimensions; (that is to say,) Width of Bridges.

No. of Railway.	No. on Plan.	Parish.	Width between Parapets.
2	91	Clutton - - -	15 Feet.
2	2	Saint Thomas Pensford -	15 „
2	16	Stanton Drew - - -	15 „
2	29	Publow - - -	12 „
2	51	Brislington - - -	15 „
2	12	Saint Philip and Jacob -	15 „
2	30	Saint Philip and Jacob -	15 „
4	33	Timsbury - - -	12 „

The Bristol and North Somerset Railway Act, 1863.

Level
Crossings.

38. Subject to the Provisions of this Act the Company, in the Construction of the Railways by this Act authorized, may carry the same with a double Line of Railway only across and on the Level of the several Roads numbered on the said Plans as follows ; (that is to say,)

No. of Railway.	No. on Plan.	Parish.	Description of Road.
5	67	Saint Philip and Jacob	Public Road.
Tramway.	108	Saint Philip and Jacob	Public Road.
"	6	Temple - - -	Public Road.
"	3	Saint Mary Redcliffe	Public Road.
"	6	Bedminster - - -	Public Road.
"	9	Bedminster - - -	Public Road.

As to
shunting of
Trains.

39. It shall not be lawful for the Company in shunting Trains to pass any Train, Carriage, Engine, or Truck over any level Crossing, or to allow any Train, Carriage, Engine, or Truck to stand on such level Crossing.

Lodges to be
erected at
level
Crossings.

40. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain a Lodge at the Point where the Railway crosses any Road on the Level, and the Company shall be subject to and abide by all such Rules and Regulations with respect to the crossing of the Road on the Level, or with respect to the Speed at which Trains shall pass the Road, as are from Time to Time made by the Board of Trade ; and if the Company shall fail to erect and at all Times to maintain such Lodge, or to appoint a proper Person to watch or superintend the crossing at any such Point, or to observe or abide by any such Rule or Regulation, 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
Bridges
instead of
level
Crossings.

41. The Board of Trade, if it shall appear to them necessary for the public Safety, may, at any Time either before or after the Railway hereby authorized to be carried across any Road on the Level shall have been completed and opened for public Traffic, require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the Road either under or over the Railway, by means of a Bridge or Arch, instead of crossing it on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade best adapted for removing or diminishing the Danger arising from the level Crossing.

Specifying
certain
Works in
the City of
Bristol.

42. Notwithstanding anything in the said deposited Plans or Sections contained, certain of the Works within the City of *Bristol* shall be executed only in conformity with the following Provisions :

The

The Bristol and North Somerset Railway Act, 1863.

The Bridge carrying the Railway No. 4 over the Canal shall leave a Headway of not less than Ten Feet above the Level of the Floating Harbour, and shall be so constructed as that the Towing-path and Canal shall be included in One Span of not less than Fifty Feet in the Clear :

The Inclination of the Road Approaches on the upper Side of the proposed Bridge shall be not less than One in Thirty, and on the lower Side the Inclination shall not be less than One in Twenty, without interfering with the present Level of the Roadway under the Bridge carrying the *Great Western* Railway over the same Roadway :

The Bridge carrying the Tramway over *Totterdown Lock* shall have a clear Headway of not less than Eleven Feet Three Inches above the Level of the Floating Harbour, and shall be of such a Span as to allow a clear Passage of not less than Ten Feet on each Side of the Lock :

The Bridge crossing the Lock at *Bathurst Basin* shall be of such a Span as to allow a Passage of not less than Ten Feet on both Sides of the said Lock, provided that One Half of the Expense of constructing and maintaining the said Bridge shall be borne by the Corporation :

Where the proposed Tramway will pass along the Side of the River between the *Bath Road* and *Bathurst Basin Bridge*, the Road shall be widened at the Expense of the Company by means of a Retaining Wall on the Side of the River, to be constructed to the Satisfaction of the Corporation, and the said Tramway shall not, excepting with the Consent of the Corporation, and to such Extent as they shall in Writing under their Common Seal define, be constructed or maintained along the existing Road between the Points aforesaid :

All Bridges over the Docks of the Corporation, or over any of the Locks, Feeders, or Works connected with the said Docks, shall be Wrought-iron Girder Bridges, and shall, together with all other Works affecting the Works of the Corporation, be constructed to the reasonable Satisfaction of the Engineer of the Corporation ; provided that the Bridge proposed to be constructed over the River *Avon* need not be a Wrought-iron Girder Bridge.

43. The Bridges to be built by the Company for carrying the Railway over the several Streets within the City of *Bristol*, and the widening of any existing Bridges over any such Streets, shall be in accordance with Plans and Elevations to be submitted to and approved of by the said Mayor, Aldermen, and Burgesses, and signed by their Surveyor in testimony of such Approval.

Bridges and widening of Bridges over Streets to be built according to Plans approved by the Council.

44. Such

The Bristol and North Somerset Railway Act, 1863.

Pavements,
Sewers, &c.
to be made
good to the
Corporation
at the Ex-
pense of the
Company.

44. Such of the Streets within the said City, and such of the present and future Pavements, Flags, Sewers, Watercourses, Gas Pipes, Water Pipes, or Mains therein and thereon as shall or may be damaged or destroyed by the Company in or about and in consequence of the Execution of the Powers hereby given, shall be repaired, made good, and reinstated by the said Mayor, Aldermen, and Burgesses, or the *Bristol United Gaslight Company*, or the *Bristol Waterworks Company*, as the Case may be, and the Expenses of and attending the same shall be borne by the Company, and paid to the said Mayor, Aldermen, and Burgesses, or to the *Bristol United Gaslight Company*, or to the *Bristol Waterworks Company*, as the Case may be, on Demand thereof made to the Company, and in default of Payment the said Mayor, Aldermen, and Burgesses, or the said *Bristol United Gaslight Company*, or the said *Bristol Waterworks Company* shall and may sue for and recover the same from the said Company by Action in any Court of competent Jurisdiction.

Act not to
repeal or
alter certain
Provisions in
incorporated
Acts.

45. This Act or anything therein contained shall not further or otherwise than is in this Act expressly enacted repeal or alter any Provision in any Act incorporated with this Act relative to the raising, sinking, or altering the Position of any Watercourse, Water Pipe, or Gas Pipe, or any Work connected therewith, or for the Protection of any Company or Society whose Watercourses, Water Pipes, or Gas Pipes may be altered or removed under the Provisions of this Act.

Act not to
prejudice
Rights of
Corporation.

46. Provided always, That nothing in this Act contained shall extend or be deemed or construed to prejudice, alter, diminish, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the said Mayor, Aldermen, and Burgesses, or by the said *Bristol United Gaslight Company*, or by the said *Bristol Waterworks Company*, under any Act or Acts of Parliament now in force relating to the said City.

Power to
alter Engi-
neering
Works.

47. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railways may deviate from the Line 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, or they may 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 Alteration 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 the Board upon due Inquiry that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the

The Bristol and North Somerset Railway Act, 1863.

the Land in which the Alteration is intended to be made consent thereto, and also that the Safety and Convenience of the Public would not be diminished thereby: Provided, that nothing herein contained 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."

48. Nothing in this Act contained shall authorize the said Company to purchase or take permanently any of the Lands comprised in the said Books of Reference, and therein described as belonging to the Company of Proprietors of the *Somersetshire* Coal Canal Navigation, without the previous Consent of the said Company of Proprietors, but it shall be lawful for the said Railway Company nevertheless to construct their Railway across or over the said Canal, or any of the Tramways connected therewith, by means of Arches or by means of level Crossings, so as the said Company shall not thereby permanently deprive the said Company of Proprietors of the Ownership, Occupation, or Use of the Lands on which such Canal or Tramways rest.

Company not to take certain Property of the Somersetshire Coal Canal Navigation Company without Consent.

49. In all Cases in which the Railways hereby authorized to be made are laid down to cross the Tramways of the Company of Proprietors of the *Somersetshire* Coal Canal Navigation on a Level, the Tram Plates or Rails of the said Tramways shall not be permanently cut or altered so as in any way to impede or obstruct the free Passage of Waggons and Carriages along the said Tramways.

Mode of constructing level Crossings of Tramways.

50. In all Cases where the said Railways shall cross the said Tramways by means of Bridges or Arches, such Bridges or Arches shall be constructed with a clear Width of Twelve Feet and a clear Height of Sixteen Feet from the Tram Plates or Rail of the said Tramways to the Spring of the Arch of the said Bridges.

As to Construction of Bridges over Tramways.

51. If in consequence of any Diversion or otherwise any of the said Railways shall be carried across the said Canal at any Part thereof by means of a Bridge, such Bridge and every other Bridge which shall be carried over the said Canal or any Part thereof by the Company shall be constructed with a clear Width of Waterway Four Feet deep for the Canal of at least Fifteen Feet, and a clear Width of Towing-path of Six Feet, being a total Width of Twenty-one Feet in the Clear between the Abutments on a Line square with the Channel of the Canal, and that the Soffit of the Arch of the said Bridge shall not be less than Seven Feet above the Level of the present Towing-path, and that there shall be throughout the whole of such Arch or Bridge a clear Headway of not less than Seven Feet measured from the Level of the said Towing-path.

Dimensions of Bridge over Canal.

52. The Company shall and they are hereby required, during the Construction of the said Bridge and of the necessary Repairs and
[Local.] 28 O Renewals

Dimensions of temporary Works.

The Bristol and North Somerset Railway Act, 1863.

Renewals thereof, to leave an open and uninterrupted navigable Waterway in the said Navigation of not less than Twelve Feet in Width, and also a clear Height sufficient for laden and unladen Barges to pass along, with a good and sufficient Towing-path, so that the Horses shall pass uninterrupted along the same.

Penalty for
obstructing
Navigation.

53. If by reason or in execution of any of the Works by this Act authorized to be made, or by reason of the bad State of Repair of any such Works, or if by any Act or Omission of the Company or any of their Servants, Agents, or Workmen, the said Canal or the Towing-path thereof shall be obstructed, so that Boats, Barges, or other Vessels cannot pass along the same, or the said Tramways shall be so obstructed that Waggons or other Carriages cannot pass along the same, or in case the Space under the Bridges or any of them where the said Railway crosses the said Tramways or Canal shall be at any Time contracted so as to be less in Width or Height than is herein prescribed, then and in any of the said Cases the Company shall pay to the said *Somersetshire* Coal Canal Company, as or by way of ascertained Damages, the Sum of Two Pounds for every Hour during which the said Obstruction shall continue: Provided always, that if such Obstruction shall continue beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act on the Part of the Persons in the Employ of the Company, then and in every such Case the Company shall pay to the said *Somersetshire* Coal Canal Company the Sum of Five Pounds for every Hour during which such Obstruction shall continue as or by way of ascertained Damages; and in default of Payment of such respective Sums, or such a Proportion thereof as shall become due, on Demand made of the Secretary or any Officer of the Company, the said *Somersetshire* Coal Canal Company may sue for and recover the same, together with full Costs of Suit, against the said Railway Company by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and in case any Soil, Dirt, or Rubbish shall in the Construction of any of the Works of the Company fall into the said Canal or the said Tramway or Works connected therewith, or in case the said Bridges where the said Railways or any of them crosses the said Canal, Tramways, or Works, or the Approaches, Side Slopes, or Banks of the said Railway next to the said Canal, Tramway, or Works, or any of them, or any Part thereof respectively, shall not be kept in good and substantial Repair, and if the Company shall not within Seven Days after Notice in Writing of such Want of Repair given to their Secretary by the Clerk, Agent, or Engineer of the said *Somersetshire* Coal Canal Company, proceed to remove from the said Canal, Tramways, or Works the said Soil, Dirt, or Rubbish, or to make and complete with all reasonable Despatch the Repairs so required, or in case of any pressing Emergency, then it shall be lawful for the said *Somersetshire* Coal Canal Company to remove from the said Canal, Tramways, or Works the said Dirt, Soil, and Rubbish,

The Bristol and North Somerset Railway Act, 1863.

Rubbish, or to do the needful Repairs, as the Case may be, and to recover the Amount of the Expenses from the Company by Action of Debt or on the Case, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*: Provided also, that nothing herein or in the said recited Acts or either of them contained shall extend to prevent the said *Somersetshire* Coal Canal Company from recovering from the Company any special Damages that may be sustained by them on account of the Acts and Defaults of the Company, or in respect of which Penalties are by this or the said recited Acts or either of them imposed, beyond the Amount of such Penalty or Penalties, and they are hereby authorized to sue for and recover such special Damages accordingly; but in every Case where the Penalty or Penalties herein-before imposed shall have been paid by the Company to the said *Somersetshire* Coal Canal Company, and any Action for special Damages shall be brought as above mentioned, then the Penalty or Penalties so paid shall be deemed and considered as Payments on account of the said special Damages, and Credit shall be given by the Court before whom such Action shall be tried for any Sum or Sums of Money so paid by the Company, and the same shall be deducted from the Amount of Damages to be recovered by the said *Somersetshire* Coal Canal Company; and in case the Amount of Damages recovered shall not exceed the Sum or Sums so paid, then and in such Case Judgment shall be given for the Company, and no Action shall be maintained by the said *Somersetshire* Coal Canal Company against the Company for the Recovery of any Penalty or Penalties after Judgment shall have been obtained by them for any special Damage in respect of the said Act or Acts for which such Penalty or Penalties would then have been recoverable.

54. And for the Purpose of enabling the Company to obtain an effectual Assurance of such Lands and Hereditaments shown upon the deposited Plans and Books of Reference (being Parcel of the Possessions of the Duchy of *Cornwall*) as are required for the Works of the said Company, or which the Company shall be required to purchase, be it enacted, That it shall be lawful for the Duke of *Cornwall* for the Time being, or for any Three or more of the Council (if any) of such Duke of *Cornwall*, or of the special Commissioners or other Persons for the Time being having the general Superintendence and Management of the Revenues and Affairs of the said Duchy at any Time hereafter, and from Time to Time as Occasion shall require, by Deed under the Privy Seal of the Duke of *Cornwall* during such Time as the Duchy of *Cornwall* shall be held separately from the Crown, and while the Duchy of *Cornwall* is not held separately from the Crown under the Hands and Seals of such Three or more Commissioners or other Persons in the like Forms (*mutatis mutandis*) as are set forth in the Second Schedule to the Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to enable the Council* 7 & 8 Vict. of c. 65.

Enabling the making of Grants of Land and Hereditaments on the Part of the Duchy of Cornwall.

The Bristol and North Somerset Railway Act, 1863.

of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of Cornwall, to purchase other Lands, and for other Purposes, or in any other Form which may be deemed more convenient (such Deed to be enrolled by the Keeper for the Time being of the Records of the Duchy of Cornwall) to exercise the like Powers of Sale and Enfranchisement as were by the said last-mentioned Act vested in the Council of His Royal Highness *Albert Edward* Prince of Wales and Duke of Cornwall; and further that the Proceeds of any Sale or Enfranchisement made pursuant to this present Act shall from Time to Time be invested and dealt with in like Manner as by the said Act of the Seventh and Eighth Years of Her present Majesty is authorized or directed with respect to the Proceeds of Sales and Enfranchisements made pursuant to the said last-mentioned Act.

Saving
Rights of the
Duchy of
Cornwall.

55. Provided always, That nothing contained in this Act or in the several Acts incorporated herewith or herein mentioned or referred to shall extend to authorize the Company to take, use, enter upon, or interfere with any Land, Soil, or Water, Parcel of the Possessions of the Duchy of Cornwall, except so far as the said Company shall have previously become entitled under a Purchase or Enfranchisement pursuant to the special Powers of Sale and the Enfranchisement hereinbefore contained, or to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in respect of the Duchy of Cornwall, or in or by the Duke of Cornwall for the Time being.

Provision
for requiring
Lights to be
exhibited
during and
after Con-
struction of
Works,
according to
Directions of
Board of
Trade.

56. During the Construction of the Bridge over the River *Avon* and Works connected therewith, the Company shall exhibit, every Night from Sunset to Sunrise, a Light or Lights, to be kept burning by and at the Expense of the Company, for the Guidance of Vessels, and after the Completion of the Bridge the Company shall exhibit upon the Bridge, every Night from Sunset to Sunrise, a Light or Lights, to be kept burning by and at the Expense of the Company, for the Guidance of Vessels, which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed as the Board of Trade by Writing under the Hand of a Secretary or Assistant Secretary of the Board directs or approves, and in case the Company shall neglect to exhibit and keep any such Light burning as aforesaid, they shall for every such Neglect be liable to a Penalty not exceeding Ten Pounds.

Provision
respecting
Access to
the Shore

57. Where the Railway cuts off or will cut off Access between the Land and the River *Avon*, the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to Works for the Accommodation of

The Bristol and North Somerset Railway Act, 1863.

of Lands adjoining the Railway, shall apply as if the River *Avon* were such Lands as therein mentioned; and further, if the Seashore there belongs to Her Majesty in right of Her Crown, or if the Public have heretofore had Access from the Land to the River *Avon* there, then and in such Case 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 Board of Trade from Time to Time by Writing under the Hand of a Secretary or Assistant Secretary of the Board directs or approves.

under or
across the
Railway.

58. Where the Line courses the River *Avon* the Railway under the Works shall not deviate Riverwards from the continuous Centre Line of the Railway marked on the Plan deposited at the Board of Trade, even within the Limits of Deviation marked on that Plan, without the previous Consent of the Board of Trade (signified in Writing under the Hand of a Secretary or Assistant Secretary of the Board) or otherwise than in such Manner as may be mentioned in any such Consent. . If any Deviation is made contrary to the Provisions of the present Section the Board of Trade may abate and remove the same, or any Part thereof, and restore the Site thereof to its former Condition at the Expense of the Company, and the Amount of such Expense shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Provision
for prevent-
ing Devia-
tion of cer-
tain Works
without
Consent of
Board of
Trade.

59. If at any Time it is deemed expedient by the Board of Trade to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, 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 from the Company to the Crown, and be recoverable accordingly, with Costs, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Power to
Board of
Trade to
order a local
Survey at
Expense of
Company.

60. If any Work or Works to be constructed by the Company in, under, over, through, or across any tidal or navigable Water or River, or if any Portion of such Works which affects or may affect any such Water or River or Access thereto shall be abandoned or suffered to fall into Disuse or Decay, the Board of Trade may abate and remove the same or any Part thereof, and restore the Site thereof to its former Condition at the Expense of the Company, and the Amount of such Expense shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works
affecting
tidal Waters
abandoned
may be
removed by
Board of
Trade at
Expense of
Company.

[*Local.*]

28 P

61. Nothing

The Bristol and North Somerset Railway Act, 1863.

Saving
Rights of
the Crown.

61. 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 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.

Mode of
constructing
Railway
adjoining
Bristol and
South Wales
Union Rail-
way.

62. The Company in constructing the Railway fourthly herein-before authorized, and described on the deposited Plans as Railway Number 5, shall not, without the previous Consent of the *Bristol and South Wales Union* Railway Company under their Common Seal, deviate to the Westward of the Centre Line of the said Railway fourthly herein-before authorized so as to bring such Centre Line nearer to the Line of the *Bristol and South Wales Union* Railway, and shall not, without the like Consent, take Westward of that Centre Line between the Mark on the said Plans to denote the Distance of Four Furlongs Seven Chains and the Mark to denote the Distance of Five Furlongs One Chain, any greater Quantity of Land than is sufficient for the Construction of a single Line of Railway.

Land for ex-
traordinary
Purposes.

63. The Company may purchase by Agreement any Quantity of Land not exceeding Twenty Acres for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Powers for
compulsory
Purchases
limited.

64. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
opening
Railways.

65. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers of the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall be then completed.

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

66. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Forty-two thousand eight hundred Pounds New Three Pounds *per Centum* Reduced Annuities, purchased for the Sum of Forty thousand Pounds, has been transferred to the Court of Chancery

The Bristol and North Somerset Railway Act, 1863.

Chancery in respect of the Application to Parliament for this Act: And whereas the said Sum of Forty thousand Pounds is Eight Pounds *per Centum* on Five hundred thousand Pounds, the Amount of the Estimate of the Expense of the Railways originally sought to be authorized by this Act, but inasmuch as the Powers of this Act extend only to Lines of Railway between *Bristol* and *Radstock*, and the estimated Cost of the Undertaking authorized by this Act is only Two hundred and seventy-five thousand Pounds, the Sum required to be deposited in respect of such reduced Estimate is Twenty-two thousand Pounds, which Sum, if invested in New Three Pounds *per Centum* Bank Annuities on the Day on which the said Sum of Forty thousand Pounds was so invested, would have been equal in Value to Twenty-three thousand four hundred and eighty-five Pounds Stock: Therefore, if at any Time after the passing of this Act the Persons named in the said Warrant or Order, or the Survivors or Survivor of them, or the Majority of such Persons, or the Executors or Administrators of such Survivor, shall apply by Petition to the Court of Chancery for that Purpose, the said Court shall order the Sum of Nineteen thousand three hundred and fifteen Pounds, Part of the said Sum of Forty-two thousand eight hundred Pounds Stock, and a proportionate Part of the Dividends which shall at the Date of the Order have accrued in respect of the last-mentioned Sum of Stock, to be transferred and paid to the Parties or Party so applying, or to any other Person or Persons whom they or he may appoint in their Behalf, and the remaining Sum of Twenty-three thousand eight hundred and forty-five Pounds Stock, and the remaining Part of the Dividends accrued up to the Date of the said Order, and the future Dividends of the said Sum of Nineteen thousand three hundred and fifteen Pounds Stock, shall be held and disposed of by the said Court as by the said Act of the Ninth and Tenth Years of Her present Majesty is directed with reference to Stock transferred in pursuance of that Act, and the Dividend on such Stocks, in the same Manner in all respects as if the said Sum of Nineteen thousand three hundred and fifteen Pounds had been the entire Sum named in the said Warrant or Order and transferred into the Court of Chancery with respect to this Application; provided that, notwithstanding anything contained in the said recited Act, the said Sum of Twenty-three thousand eight hundred and forty-five Pounds, so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of that 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 Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the
Company

The Bristol and North Somerset Railway Act, 1863.

Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum of Twenty-three thousand eight hundred and forty-five Pounds, and the Interest and 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 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 said Sum of Twenty-three thousand four hundred and eighty-five 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 Twenty-three thousand four hundred and eighty-five Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons, or the Majority of Persons, named in such Warrant or Order as aforesaid, or the Survivors or Survivor 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 Money and the Interest or Dividends thereof would have been dealt with under this Act if no such Bond had been executed and deposited as aforesaid; and the Certificate of the Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to
take Tolls.

67. The Company may demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

In

The Bristol and North Somerset Railway Act, 1863.

In respect of the Tonnage of all Articles conveyed thereon, or upon any Part thereof, and included within the following Classes : Tonnage of Articles.

Class 1. For all Coals, Cinders, Compost, Dung, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding Three Farthings :

Class 2. For all Coke, Culm, Charcoal, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and light Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding One Penny; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding Three Farthings :

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding Three Farthings; and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding Three Farthings :

Class 4. For all Cotton and other Wools in Carriages, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company an additional Sum *per Ton per Mile* not exceeding One Penny; and if propelled by an Engine belonging to the Company a further Sum *per Ton per Mile* not exceeding Three Farthings :

Class 5. 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), *per Mile* not exceeding Fourpence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company an additional Sum *per Mile* not exceeding One Penny; and if propelled by an Engine belonging to the Company an additional Sum *per Mile* not exceeding One Penny; and the Sum of One Penny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

[Local.]

28 Q

In

*The Bristol and North Somerset Railway Act, 1863.*Tolls for
Animals.

In respect of Animals conveyed in Carriages upon the Railway, as follows :

Class 6. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence ; and if conveyed in or upon any Carriage belonging to the Company an additional Sum *per* Mile not exceeding One Penny ; and if such Carriage be propelled by an Engine belonging to the Company a further Sum *per* Mile not exceeding One Penny :

Class 7. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence ; and if conveyed in any Carriage belonging to the Company an additional Sum *per* Mile not exceeding One Halfpenny ; and if such Carriage be propelled by an Engine belonging to the Company a further Sum *per* Mile not exceeding Three Farthings :

Class 8. For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding One Halfpenny ; and if conveyed in or upon any Carriage belonging to the Company an additional Sum *per* Mile not exceeding One Farthing ; and if such Carriage be propelled by an Engine belonging to the Company a further Sum *per* Mile not exceeding One Farthing :

Tolls for
Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, as follows :

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence ; and if conveyed in or upon any Carriage belonging to the Company an additional Sum *per* Mile not exceeding One Penny ; and if such Carriage be propelled by an Engine belonging to the Company an additional Sum *per* Mile not exceeding One Penny.

Regulations
as to Tolls.

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

For Articles or Persons conveyed on the Railway for a less Distance than Three Miles the Company may demand as for Three entire Miles :

For a Fraction of a Mile beyond Three entire Miles, or beyond any greater Number of Miles, the Company may demand, in respect of Passengers, Tolls, and Charges, as for One Mile ; and in respect of Animals, Minerals, and Articles, 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

The Bristol and North Somerset Railway Act, 1863.

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 Weight, and so in proportion for any smaller Quantity.

69. And with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,) Tolls for small Parcels and Articles of great Weight.

For the Carriage of small Parcels on the Railway, as follows:

For any Parcel not exceeding Fourteen Pounds in Weight, Six pence;

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, Eightpence;

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, One Shilling;

And for any Parcel exceeding Fifty-six Pounds but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they may think fit:

Provided always, that Parcels 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 Terms shall apply only to single Parcels in separate Packages:

For the Carriage of any 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 any Sum *per Ton per Mile* not exceeding Sixpence:

For the Carriage of any Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand any Sum they may think fit.

70. Every Person travelling on 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. Passengers Luggage.

71. The maximum Rates of Charge to be made by the Company for the Conveyance upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive and every other Maximum Rates of Charge for Passengers.

The Bristol and North Somerset Railway Act, 1863.

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 forming Part of a mixed Train the Sum of One Penny Halfpenny *per* Mile.

Maximum
Charges for
Goods and
Animals.

72. The maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other 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 Duty or Business of a Carrier, where such Services or any of them are or is performed by the Company, shall not exceed the Amounts mentioned in the following Table ; (that is to say,)

For the Matters herein-before mentioned under Class 1, not exceeding One Penny Halfpenny *per* Mile :

For the Matters mentioned under Class 2, not exceeding Twopence *per* Mile :

For the Matters mentioned under Class 3, not exceeding Threepence *per* Mile :

For the Matters mentioned under Class 4, not exceeding Fourpence *per* Mile :

For any Carriage mentioned under Class 5, not weighing more than One Ton, not exceeding Sixpence *per* Mile ; and if weighing more than One Ton, not exceeding One Penny *per* Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton :

For everything mentioned under Class 6, not exceeding Fourpence *per* Mile :

For everything mentioned under Class 7, not exceeding Twopence Halfpenny *per* Mile :

For everything mentioned under Class 8, not exceeding One Penny *per* Mile.

Definition of
Terminal
Station.

73. 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

74. The Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to run upon the

The Bristol and North Somerset Railway Act, 1863.

the Railway, but shall apply only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

to Special
Trains,

75. Nothing herein contained shall be held to prevent the Company from taking any increased Charges over and above the Charges hereinbefore 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 by reason of any other special Service performed by the Company in relation to such Goods.

Company
may take
increased
Charges by
Agreement.

76. The several Junctions between the Railways by this Act authorized and the *Great Western* Railway shall be effected by means of Connexion Rails and Points of the Construction and laid in the Manner most approved by and to the reasonable Satisfaction of the Engineer of the *Great Western* Company.

Communica-
tions with
other Rail-
ways.

77. The Expense of those several Junctions respectively, and of all requisite Works for effecting the Junctions, and of all Repairs thereof respectively, shall be paid by the Company, and the Works for the Purpose shall on every Occasion be done to the reasonable Satisfaction of the Engineer of the respective Company owning the Railway with which the respective Junction is made.

Expense of
Junctions.

78. The *Great Western* Company from Time to Time may erect, maintain, and alter such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Pointsmen, and other Servants as the *Great Western* Company deem necessary for the Prevention of Danger to or Interference with Traffic at or near to the Junction between the Railway of the Company and the Railway of the *Great Western* Company, and the working and Management of the Signals, Works, and Conveniences, and the Control and Direction of the Watchmen, Pointsmen, and other Servants shall belong exclusively to the *Great Western* Company; and all the Costs and Expenses of erecting and maintaining such Signals, Works, and Conveniences, and the Wages of such Watchmen, Pointsmen, and other Servants, shall, at the End of every Half Year, be repaid by the Company to the *Great Western* Company, and in default of such Repayment the Amount of such Costs, Expenses, and Wages may be recovered from the Company by the *Great Western* Company in any Court of competent Jurisdiction.

As to Erec-
tion and
Expense of
Signals, &c.

79. Nothing in this Act contained shall authorize the Company to take or enter upon any of the Lands belonging to the *Great Western* Company,

Land of
Great West-
ern Company
not to be

[Local.]

28 R

Company,

The Bristol and North Somerset Railway Act, 1863.

taken without their Consent.

Company, or to alter or interfere with any Part of the Railway or Works of the *Great Western* Company further or otherwise than is necessary for the making and maintaining of the Company's Railway, and the convenient Junction thereof with the Railways of the *Great Western* Company as by this Act authorized, without in every Case the previous Consent of the *Great Western* Company.

Company not to take Property of the Bristol and Exeter Company.

80. Whereas the Tramway herein-before authorized will be laid down upon a Street in the City of *Bristol*, across which the *Bristol and Exeter* Railway is carried by means of a Viaduct: Be it hereby enacted, That nothing in this Act contained shall authorize the Company to take or enter upon any of the Lands belonging to the *Bristol and Exeter* Railway Company, or to alter or interfere with any Part of their Railway or Works.

Saving Rights of other Companies and Corporation of Bristol.

81. Except as is by this Act expressly provided, nothing herein contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities of the *Great Western* Company, or of the Company of Proprietors of the *Somersetshire* Coal Canal Navigation, or of the Mayor, Aldermen, and Burgesses of the City of *Bristol*.

Company not to take Lands belonging to the Midland Company.

82. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon or use, either permanently or temporarily, the Railway or any of the Lands belonging to the *Midland* Railway Company without the Consent in Writing in every Instance for that Purpose first had and obtained of the *Midland* Railway Company under their Common Seal.

Power to Corporation of Bristol to sell Land on Rentcharge.

83. It shall be lawful for the Corporation of *Bristol* to dispose absolutely of their Interest in any Lands, Houses, or Hereditaments which may be required for the Purposes of the Railways, Tramway, and Works by this Act authorized, 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 Company.

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

84. Nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to Railways, or to the better 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, or of the Rates for small Parcels.

85. All

The Bristol and North Somerset Railway Act, 1863.

85. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company. Expenses of Act.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1863.

