



CHAPTER ciii.

An Act to enable the Mayor Aldermen and Burgesses of the City of Bristol to construct for the purposes of their Dock Undertaking Railways and other Works in connexion with the Harbour Railway of the Great Western Railway Company and to confer powers on that Company with reference to the construction maintenance and use of certain of the said Railways and the conveyance of traffic to and from their Harbour Railway and for other purposes. A.D. 1897.
[15th July 1897.]

WHEREAS the mayor aldermen and burgesses of the city of Bristol (in this Act called "the Corporation") are conservators of the port and harbour of Bristol (in this Act called "the port") extending from Hanham Mills on the River Avon to the mouth of that river at Kingroad and thence down the River Severn and the Bristol Channel from Kingroad westward to the islands called respectively "the Stipe Holmes" otherwise "the Steep Holmes" and "the Flat Holmes" and are also conservators of the rivers and creeks within the said port :

And whereas the Corporation became by virtue of the Bristol Dock Act 1848 owners of the docks in the said city in this Act referred to as "the city docks" : 11 & 12 Vict.
c. xliii.

And whereas under the powers of the Bristol Port and Channel Dock Act 1864 the Bristol Port and Channel Dock Company who were thereby incorporated constructed at but within the mouth of the River Avon a dock known as and in this Act called "the Avonmouth Dock" with various works and appliances connected therewith : 27 & 28 Vict.
c. ccxli.

And whereas under the powers of the Portishead Docks Act 1871 the Bristol and Portishead Pier and Railway Company constructed a dock and pier and works connected therewith at Portishead near the mouth and left bank of the River Avon : 34 & 35 Vict.
c. cxlii.

A.D. 1897. And whereas under the powers of the Bristol Dock Act 1884
 47 & 48 Vict. (in this Act called "the Act of 1884") the Corporation acquired
 c. cclv. the undertakings rights powers and privileges of the said companies
 and also certain warehouses and conveniences erected at and in
 connexion with the said docks by the Bristol Port and Channel
 Dock Warehouse Company (Limited) and the Portishead Warehouse
 Company (Limited) :

29 & 30 Vict. And whereas under the powers of the Bristol Harbour Railway
 c. cxlviii. Act 1866 the Bristol Harbour Railway Act 1869 and the Bristol
 32 & 33 Vict. Harbour Railway Act 1873 the Great Western Railway Company
 c. lxiii. (in this Act called "the company") and the Bristol and Exeter
 36 Vict. Railway Company constructed from the goods lines of the company
 c. lxvi. at Bristol to a wharf on the floating harbour a railway known as
 and in this Act called "the harbour railway" which railway
 39 & 40 Vict. became by virtue of the Great Western and Bristol and Exeter
 c. lxxiv. Railway Companies Amalgamation Act 1876 vested in the
 company :

And whereas the city docks comprise among other conveniences
 a large tidal basin known as Cumberland Basin with wharves on
 and adjacent thereto at which large quantities of cattle and goods
 are transhipped and the transhipment thereof would be greatly
 facilitated and the use and convenience of the said basin and
 wharves would be greatly increased by an extension of the harbour
 railway and it is expedient that such extension and the branch
 railways opening bridge and new wharves and roads connected
 therewith herein-after described should be authorised :

And whereas it is expedient that the company be authorised as
 to certain of the said works to subscribe towards their construction
 and as to other of the said works to make and maintain the same :

And whereas it is expedient that the Corporation and the
 company be authorised to enter into agreements for and in relation
 to the use management and maintenance of certain of the railways
 by this Act authorised and the interchange and conveyance of traffic
 coming from or destined for the respective undertakings of the
 contracting bodies :

And whereas it is expedient that further powers should be
 conferred upon the Corporation for the borrowing of money :

44 & 45 Vict. And whereas in the Bristol Dock Act 1881 (in this Act called
 c. clxviii. "the Act of 1881") provisions are contained enabling the
 Corporation to issue Bristol Corporation Dock Debenture Stock and
 those provisions were amended and extended by the Act of 1884
 49 & 50 Vict. and the Bristol Dock Act 1886 (in this Act called "the Act of
 c. xcvi. 1886") and the Corporation have issued stock thereunder :

And whereas by the Bristol Dock Act 1893 (in this Act called "the Act of 1893") the Corporation were authorised to create and issue a further amount of stock but none has been created or issued under the powers of that Act :

A.D. 1897.

56 & 57 Vict.
c. clxxxiv.

And whereas it is expedient that the other provisions contained in this Act be sanctioned :

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

And whereas the Corporation have caused estimates to be prepared for the purchase of land for and for the execution of the works by this Act authorised to be constructed by the Corporation after allowing for the subscription of the company thereto and the amount of such estimates is one hundred and sixty thousand three hundred and ninety pounds :

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council of the city at a meeting held on the twenty-third day of September one thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Western Daily Press a newspaper published or circulating in the city (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the revenue arising from the dock estate and the borough fund of the city :

And whereas such resolution was published twice in the said newspaper and has received the approval of one of Her Majesty's Principal Secretaries of State :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the first day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the city by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines and levels of the railways new roads and other works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under

A.D. 1897. — the powers of this Act were duly deposited with the clerks of the peace for the counties of Gloucester and Somerset and are herein-after respectively referred to as the deposited plans sections and books of reference :

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) :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Bristol Dock Act 1897 and this Act and the Bristol Dock Acts 1848 to 1893 may be cited together as the Bristol Dock Acts 1848 to 1897.

Act divided into Parts.

2. This Act is divided into Parts as follows (that is to say) :—

Part I.—Preliminary.

Part II.—Works &c.

Part III.—Lands.

Part IV.—Rates &c.

Part V.—Transit sheds and warehouses.

Part VI.—Finance.

Part VII.—Powers to Great Western Company.

Part VIII.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts (that is to say) :—

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 and Part I. (Construction of a Railway) and Part III. (Working Agreements) of the Railways Clauses Act 1863 ;

The Harbours Docks and Piers Clauses Act 1847 ; and

The provisions of the Commissioners Clauses Act 1847 relating to mortgages (except section 84) ;

so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act Provided that sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be in force unless the Board of Trade so require.

Interpretation.

4. In this Act unless the subject or context otherwise requires—

“ The city ” means the city and county of Bristol ;

“ The Corporation ” means the mayor aldermen and burgesses of the city whether acting under the provisions of the

Municipal Corporations Acts or in the execution of the Acts relating to the port and harbour of Bristol; A.D. 1897.

“The council” means the council of the city;

“The dock estate” means and includes the docks for the time being of the Corporation and the real and personal property railways piers quays works and appliances acquired appropriated or provided by them for the purposes thereof;

“The recited Acts” means the Acts recited in the preamble to this Act;

“The port” means the port of Bristol;

“Dock revenue” includes all dues and rents payable to the Corporation on account of the dock estate;

“Vessels” includes ships trows barges and craft of every class and description however propelled;

“The opening bridge” means the bridge to carry Railway (No. 1) across the River Avon;

“The footbridge” means the footbridge by this Act authorised to be constructed across the River Avon;

“Borough fund” and “borough rate” respectively mean the borough fund and borough rate of the city:

Terms to which meanings are assigned in the recited Acts or in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless otherwise interpreted in this Act or there be something in the subject or context repugnant to such construction:

In enactments incorporated with this Act—

“The company” or “the undertakers” mean the Corporation or the Great Western Railway Company as the case may be;

“Court of competent jurisdiction” and “superior courts” or any other like expression shall have effect as if the debt or demand with respect to which the expression is used was a common simple contract debt and not a debt or demand created by statute and shall include any court of competent jurisdiction:

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

The expressions “the railway” and “the centre of the railway” shall respectively mean not only the railways and the centres of the railways by this Act authorised but also the bridges and wharves respectively by this Act authorised and the centres of those respective works:

A.D. 1897.

In the Commissioners Clauses Act 1847 for the purposes of this Act—

“The Commissioners” means the Corporation;

“The clerk to the Commissioners” means the town clerk.

Execution
of Act by
Corporation.

5. This Act shall subject as therein otherwise provided be carried into execution by the Corporation acting by the council.

PART II.

WORKS &c.

Powers for
and in
relation to
the con-
struction of
works.

6. Under the powers and subject to the provisions of this Act there may be constructed and maintained in the lines and according to the levels shown on the deposited plans and sections the railways roads wharves bridges and other works shown on the deposited plans among which are the following principal works (that is to say):—

Work (A) A railway (No. 1) 1 mile 1 furlong 7 chains or thereabouts in length commencing in the parish of Long Ashton in the county of Somerset by a junction with the Bristol and Portishead Railway of the company at a point about 1 chain north of the bridge carrying the Long Ashton Road over that railway and terminating in the parish of South Bristol in the city and county of Bristol by a junction with the harbour railway of the company:

Work (B) A railway (No. 2) 2 furlongs 9 chains or thereabouts in length wholly in the parishes of South Bristol and North Bristol commencing in the said parish of South Bristol by a junction with Railway No. 1 at a point therein about 2 chains westward of the entrance from Cumberland Road to the yard of the Corporation known as “Underfall Yard” and terminating in the parish of North Bristol on the southern side of the Southern Entrance Lock to Cumberland Basin:

Work (C) A railway (No. 3) 3 furlongs 1 chain in length wholly in the said parish of Long Ashton commencing by a junction with Railway No. 1 at a point about three chains north of its said point of commencement and terminating on the bank of the River Avon:

Work (D) A railway (No. 4) 4 furlongs 5 chains in length wholly in the said parish of South Bristol commencing by a junction with the said harbour railway at a point therein about 14 chains east of the termination thereof and terminating about 5 chains north-east of the northern end of the eastern boundary of Underfall Yard:

A.D. 1897.

Work (E) A railway (No. 5) 4.54 chains in length wholly in the said parish of South Bristol commencing by a junction with Railway No. 4 at its termination and terminating about 10 yards north-east of the northern end of the eastern boundary of Underfall Yard :

Work (F) A railway (No. 6) 1 furlong in length wholly in the said parish of South Bristol commencing by a junction with Railway No. 4 at a point therein about 3 chains east of the eastern end of Sydney Row and terminating at a point about 4 chains west of the western end of Sydney Row :

Work (G) An opening bridge across the River Avon wholly in the said parishes of South Bristol North Bristol and Long Ashton commencing in the said parish of South Bristol at a point about 5 chains north-east of the footbridge over Colliter's Brook and terminating in the said parish of North Bristol at a point about 6 chains south-west of the south-east corner of the transit shed known as the Cork Shed :

Work (H) A road wholly in the said parishes of South Bristol and North Bristol commencing in the said parish of South Bristol by a junction with Coronation Road at a point about 8 chains measured along that road south-west from the lane leading thereout to Vauxhall Ferry crossing the River Avon on the opening bridge and terminating in the said parish of North Bristol at a point about 1 chain south-east of the south-eastern corner of the said transit shed :

Work (I) A road wholly in the said parish of North Bristol commencing by a junction with the lastly described road (Work H) at a point south-west of the south-eastern corner of the said transit shed and terminating by a junction with Avon Crescent Road at a point therein about 8 chains measured along that road in a westerly direction from the said entrance to Underfall Yard :

Work (J) An opening footbridge across the River Avon wholly in the said parish of South Bristol commencing at a point in Coronation Road about 7 yards (measured along that road) east of the said lane leading to Vauxhall Ferry and terminating at a point in Cumberland Road about 5 chains east of the said entrance to Underfall Yard :

Work (K) A wharf or quay wholly in the said parish of South Bristol abutting on the floating harbour and commencing at a point about 4 chains east of Mardyke Ferry and terminating at a point about 5 chains east of the said eastern boundary of Underfall Yard :

A.D. 1897.

Work (L) A wharf or quay wholly in the said parish of South Bristol abutting on the floating harbour commencing at the termination of the lastly described wharf or quay and terminating at the eastern boundary of Underfall Yard :

Work (M) A wharf or quay wholly in the said parish of Long Ashton abutting on the River Avon at the termination of Railway No. 3 and extending about 40 yards north-west and about 40 yards south-east of the point of termination of that railway.

Arrange-
ments
between the
Corporation
and the
company.

7. The following provisions with respect to the construction and maintenance of such of the works by this Act authorised as are referred to in this section shall subject to the provisions of this Act have effect (that is to say) :—

- (1) In this section "the plan" means a plan signed in duplicate by John Martin McCurrich on behalf of the Corporation and by James Charles Inglis on behalf of the company and which shall be deposited as to one copy with the town clerk and as to the other copy at the principal office of the company :
- (2) The company shall construct and maintain in accordance with the plan all that portion of Railway No. 1 which is not formed on the opening bridge and such portion of the said railway shall vest in the company :
- (3) The Corporation shall grant to the company free of cost such a perpetual and exclusive easement in and over so much of the land (including the towpath by the side of Cumberland Road) belonging to or under the control of the Corporation as is necessary for the construction of the said portion of Railway No. 1 but except as aforesaid all lands required for such construction shall be provided and acquired by and at the cost of the company :
- (4) The Corporation shall at their own cost provide the necessary land for and shall construct in accordance with the plan the said opening bridge (Work G) and shall lay a double line of rails to continue Railway No. 1 across the River Avon and a double junction at each end of the said bridge to connect the rails laid on the said bridge with the portions of the said railway on each side of the said river and the Corporation shall also construct on the said opening bridge and dedicate to public use a road and footways to connect the road on the south side of Cumberland Basin with the new road (Work H) :
- (5) The said opening bridge shall vest in and be the property of the Corporation and they shall maintain the whole structure thereof and the said public road and footways thereover but the company shall maintain the permanent way of the said railway

thereover and the rails and junctions thereon and shall have a perpetual and exclusive right of user of the said rails and junctions as part of the said Railway No. 1 :

- (6) The company shall pay to the Corporation towards the cost of the construction of the said opening bridge the sum of eighteen thousand pounds one moiety thereof to be paid within twelve months after the commencement of the said bridge and the other moiety to be paid forthwith after the completion thereof and the company shall annually pay to the Corporation on demand a moiety of the annual cost of the maintenance of the structure of the said bridge other than the road and footway over the same :
- (7) In case of accident to the structure of the opening bridge causing any interruption to the traffic of Railway No. 1 thereover and necessitating immediate repair the company may execute such repairs as may be necessary to restore such structure and the reasonable cost of such repairs shall be borne and paid by the company and the Corporation in equal moieties but without prejudice to any question as to the cause of such accident or the liability for or in relation thereto :
- (8) The company shall erect and maintain an efficient fence for the fencing off Railway No. 1 from Cumberland Road and the Corporation shall repay to the company one moiety of the cost of such erection :
- (9) The company shall reinstate any portion of Cumberland Road which may be interfered with by the execution of any of the works to as good condition as before it was so interfered with and shall widen the said road to the eastward of Gas Ferry Road in accordance with the plan :
- (10) The Corporation shall construct in accordance with the plan a towpath in substitution for so much of the towpath as may be interfered with by the construction of Railway No. 1 with proper fences on either side thereof and shall maintain the whole of the towpath and fences between the river and the said railway :
- (11) In order to give access from Cumberland Road to the towpath the Corporation may construct two foot-bridges over the Railway No. 1 at such places and according to such plans as may be agreed upon or failing agreement as may be settled by arbitration in manner in this section provided :
- (12) The Corporation shall provide the land for and shall construct and maintain Railway No. 2 with all necessary signals and conveniences incident to its junction with Railway No. 1 The working and management of such signals and

A.D. 1897.

conveniences shall be under the exclusive control of the company and a moiety of the expense of such working and management shall at the end of every half year be paid by the Corporation to the company :

(13) The Corporation may if they think fit construct Railway No. 3 and in such case shall construct and maintain at its junction with Railway No. 1 all necessary signals and conveniences incident to that junction The working and management of the said signals and conveniences shall be under the exclusive control of the company and the expense of such working and management shall at the end of every half year be paid by the Corporation to the company :

(14) The Corporation shall construct and maintain all such storing and shunting sidings in connexion with Railway No. 2 as shall be necessary or convenient for accommodating and facilitating cattle coal and other traffic and also the like storing and shunting sidings in connexion with Railway No. 3 if constructed by the Corporation :

(15) The Corporation may if they think fit provide the land for and construct and maintain the said wharf on the floating harbour (Work K) in accordance with the plan with a deep water frontage along the whole length thereof of not less than twenty-two feet and a stacking yard for timber and shall construct Railway No. 4 and Railway No. 6 to connect the said wharf and yard respectively with the harbour railway :

(16) The company shall at all times bring down and take away as may be necessary empty trucks and convey on or over Railway No. 1 and the harbour railway and over any railway constructed upon the said wharves to or from any vessels lying thereat or to and from the said stacking yard or any other premises contiguous thereto and connected therewith all merchandise and live stock of every description to or from stations which can be reached by the company at the same charge (exclusive of any charge made by the Corporation for the use of any railway to be constructed by the Corporation as herein provided) as they for the time being convey the like traffic under the like circumstances to or from their harbour railway :

(17) The company shall upon the completion of the works to be constructed under this section collect wood traffic from the north side of the floating harbour and convey it to the destination to which it may be consigned on lines owned by or leased to or in connexion with the Great Western Railway at a charge not exceeding by sixpence per ton the sum charged

by them for the conveyance of wood traffic from the aforesaid stacking yard : A.D. 1897.

- (18) The company shall be at liberty to run over and use with their engines waggons officers and servants any of the railways made by the Corporation under the powers of this Act including those connecting the wharf with the harbour railway free of charge by the Corporation and shall convey on or over Railway No. 1 all traffic consigned to or from the wharves and premises or any of them served by the railways constructed by the Corporation from or to all stations which cannot be reached by the company at rates to be fixed by the Railway Commissioners in case of difference :
- (19) The company shall at all times convey on or over Railway No. 1 all traffic consigned to or from the wharves and premises or any of them served by the railways made by the Corporation to or from stations which can be reached by the company at the same charge as they convey for the time being the like traffic under the like circumstances to or from the harbour railway and in like manner convey on to any storage sidings provided by the Corporation all coal mineral and other traffic intended for shipment at the docks of the Corporation or at the intended coal tip on Wharf (Work M) and remove all empty waggons from those sidings at the same charge as they for the time being convey or remove (as the case may be) similar traffic on to or from the sidings of the harbour railway Provided always that none of the provisions in this subsection contained shall impose upon the company any obligation to work traffic over rails laid on a curve having less than a five chain radius :
- (20) The Corporation shall work all coal mineral and other traffic including empty waggons between the said storage sidings and the tip and over all lines constructed by them in accordance with the provisions of this section the rails on which are laid on a curve having less than a five chain radius and the Corporation shall collect from the traders direct any charges payable by them for services rendered to them by the Corporation and pay to the company for any services rendered by the company in the working of any traffic (other than coal or mineral traffic to the said storage sidings) over the railways to the said coal tip and to the Irish cattle pens twenty-five per cent. of any charges the Corporation may make for the use of those respective railways in respect of such traffic and the Corporation may make and collect reasonable charges for such use :

A.D. 1897.
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- (21) The company may make and collect a reasonable local charge for the conveyance by them of all traffic which may arise and terminate upon any of the railways to be constructed under this Act by the Corporation and pay to the Corporation such proportion of such charges as may be agreed upon or failing agreement determined by arbitration in manner in this section provided :
- (22) The company shall not work engines on Railway No. 1 at a higher rate of speed than eight miles an hour :
- (23) The company shall pay all rates imposed and leviable by any rating authority in respect of Railway No. 1 including the part thereof on the opening bridge and the Corporation shall pay all such rates if any in respect of that bridge except such portion as forms part of the said railway :
- (24) The towpath opening bridge the Railway No. 2 the wharf and stacking yard with the railways thereon respectively shall (so far as conveniently may be) be constructed contemporaneously with the construction of Railway No. 1 :
- (25) The Railway No. 2 and all works to be executed by the Corporation in accordance with the provisions of this section and the Railway No. 3 if constructed shall be so executed in accordance with plans sections and specifications agreed on between the engineer of the Corporation and the principal engineer of the company and to the reasonable satisfaction of such engineers and all lines of rails constructed by the Corporation over which the company are bound or authorised to work traffic shall be maintained to the reasonable satisfaction of the principal engineer of the company :
- (26) The company shall pay to the Corporation the sum of seventeen thousand five hundred pounds in respect of the easement to be acquired by them in and over the land belonging to the Corporation required for the construction of the said railway and in respect of the works to be executed by the Corporation in accordance with the provisions of this section :
- (27) If any difference arise between the Corporation and the company or their respective engineers touching the meaning of this section or anything to be done or not to be done or any money to be paid thereunder such difference shall unless otherwise in this section expressly provided be settled by arbitration under and according to the provisions of the Railway Companies Arbitration Act 1859 as if the Corporation were a railway company.

8. In the event of the River Avon or any part of it below the bridge known as "Bath Road Bridge" being converted into a floating dock and the Corporation desiring in order to provide quay or shed accommodation alongside of such river to use any of the land over which they shall have granted an easement to the company for the construction of Railway No. 1 and on which that railway shall have been constructed the following provisions shall have effect (that is to say):—

A.D. 1897.

Provisions
for altering
Railway
No. 1 if
river con-
verted into
a floating
dock.

(1) If the Corporation shall have obtained the necessary statutory powers in that behalf and shall at their own expense on land to the north of Railway No. 1 have constructed between the junction of Railway No. 1 with the harbour railway of the company and the said opening bridge a new railway having the same length of double line between those points as Railway No. 1 then has and shall grant to the company a perpetual and exclusive easement in and over the land forming the site of the said new railway the Corporation may by notice in writing in that behalf require the company to abandon so much of Railway No. 1 as lies between the said points and to substitute the said new railway therefor and to release to the Corporation any easement granted by them to the company in and over the said land for Railway No. 1:

(2) In the event of the Corporation exercising the option hereby reserved to them they shall upon receipt of notice from the company to that effect grant at the cost of the company an easement over such additional quantity of land as may be necessary to enable the substituted line to be constructed throughout as a double line the company paying to the Corporation such sum as may be agreed for such additional easement any difference as to the sum to be paid for such last-mentioned easement to be determined by arbitration in the manner in the last preceding section provided. The company shall also bear the extra cost of the construction of the substituted line as a double line where but for this provision it would be constructed as a single line and thereupon the substituted line shall be constructed throughout as a double line:

(3) The Corporation may (if duly authorised in that behalf) at their own cost provide access (by level crossings or otherwise at the option of the Corporation) for vehicular and passenger traffic across the said new railway to the river so converted at such points as may be agreed on between the Corporation and the company or as in default of agreement shall be settled by arbitration:

A.D. 1897.

(4) The company shall not work engines on the said new railway at a higher rate of speed than four miles an hour.

Power
to make
subsidiary
works.

9. The Corporation may subject to the provisions of this Act make erect place and maintain all entrances cuts channels locks dams basins graving-docks slips trenches gates sluices culverts arches sewers drains embankments towing-paths walls jetties landing-places dolphins moorings buoys staiths groynes quays wharves yards offices warehouses sheds buildings machinery cranes lifts drops tips railways tramways rails junctions sidings turntables signals roads approaches works engines machinery and appliances which may be necessary or convenient for or incidental to the before-mentioned works or any of them :

Provided that no dredging or other works below high-water mark shall be commenced without the consent in writing of the Board of Trade having been previously obtained.

Power to
cross certain
towpath on
the level.

10. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Corporation or the company as the case may be may in the construction of Railway No. 1 carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the towpath numbered on the deposited plans 187 in the parish of North Bristol.

Limits of
deviation.

11. In constructing the works by this Act authorised the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the said sections to any extent not exceeding three feet upwards and three feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Lights on
works
during
construction.

12. The Corporation shall on or near the works hereby authorised below high-water mark during the whole time of their construction exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade require or approve If the Corporation fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Corporation
to exhibit
lights.

13. The Corporation shall at the outer extremity of their works where constructed on the banks of the River Avon exhibit and

keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall direct. If the Corporation fail to comply with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

A.D. 1897.

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14. The Corporation shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

Works
below high-
water mark
not to be
commenced
without
consent of
Board of
Trade.

15. In case of injury to or destruction or decay of the works on in over or through tidal lands or tidal waters or any part of such works the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall be directed by the Corporation of Trinity House of Deptford Strond and shall apply to the Trinity House for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision
against
danger to
navigation.

16. If any of the works constructed by the Corporation under the powers of this Act on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

Abatement
of works
abandoned
or decayed.

A.D. 1897.

Survey of
works by
Board of
Trade.

17. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal waters or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Corporation.

With respect
to the bridge
across the
Avon.

18. With respect to the opening bridge (Work G) across the River Avon the following provisions shall have effect (that is to say) :—

- (1) The bridge shall be an opening bridge of a span of not less than eighty-five feet on the square :
- (2) The motive power for opening and closing the bridge shall be provided by and at the cost of the Corporation and the bridge shall be worked by them in conformity with the regulations in this section. The moiety of the net cost of such working including the wages of the men employed in relation to such working shall be repaid by the company to the Corporation :
- (3) The bridge shall be kept closed across the said river except at such times as it shall be necessary to open the same for the passage of vessels but a vessel requiring to pass through the same shall not be detained for any longer time than shall be sufficient to allow any engines carriages and trucks approaching the bridge to cross the same and to allow of the opening of the bridge thereafter and subject as aforesaid the Corporation shall control the opening and closing of the bridge subject to such reasonable regulations as shall be from time to time agreed on between the Corporation and the company or in case of difference shall be settled by the Board of Trade :
- (4) No regulation for or in relation to the opening or closing of the said bridge shall have any effect unless and until it shall have been confirmed by the Board of Trade :
- (5) Previously to commencing the bridge the Corporation shall deposit at the office of the Board of Trade plans and sections and working drawings thereof for the approval of the said Board such approval to be signified in writing under the hand of one of the secretaries or assistant secretaries of the said Board and the bridge shall be constructed only in accordance with such approval and when the bridge shall have been commenced or constructed below high-water mark it shall not be lawful for the Corporation at any time to alter or extend

the same or to deviate the same vertically without obtaining previously to making any such alteration extension or deviation the like consent or approval and if the bridge shall be commenced or completed or be altered extended deviated or constructed contrary to the provisions of this Act it shall be lawful for the Board of Trade to abate alter and remove the same and to restore the site thereof to its former condition at the cost and charge of the Corporation and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable accordingly with costs of suit :

- (6) The bridge shall not deviate from the continuous centre line of way marked on the plans sections and working drawings without the previous consent of the Board of Trade to be signified in writing in manner aforesaid and then only in such manner as may be mentioned in such consent :
- (7) If at any time or times it shall be deemed expedient by the Board of Trade to order a survey and examination of the bridge below high-water mark or of the intended site thereof the Corporation shall defray the costs of every such survey and examination and the amount thereof shall be a debt due to the Crown from the Corporation and if not paid upon demand may be recovered as a debt due to the Crown with costs of suit or may be recovered with costs as a penalty is or may be recovered from the Corporation :
- (8) During the construction of the bridge and always after its completion the Corporation shall cause to be hung out or exhibited thereat every night from sunset to sunrise a light or lights to be kept burning by and at the expense of the Corporation for the navigation and safe guidance of vessels and such light or lights shall be exhibited and the position thereof from time to time altered by the Corporation in such places and manner and shall be of such description and may be so used as the Board of Trade shall by writing in manner aforesaid require or approve :
- (9) The Corporation shall immediately on the completion of the bridge provide and always thereafter maintain in good repair and working order on the abutments thereof a tide scale in such manner as the Board of Trade shall by writing in manner aforesaid require or approve :
- (10) All signalmen signals and appliances employed or used for at or in connexion with the bridge shall be provided by and at the cost—

Of the Corporation so far as the bridge is employed or used for navigation purposes or for carriage or foot passenger traffic ; and

A.D. 1897.

Of the company so far as the bridge is employed or used for railway purposes.

With respect to the footbridge across the Avon.

19.—(1) The provisions of the section of this Act the marginal note whereof is "With respect to the bridge across the Avon" except subsections (1) (3) and (10) of that section shall extend and apply mutatis mutandis to and in relation to the opening footbridge across the River Avon (Work J).

(2) The footbridge shall be kept closed across the river except at such times as it shall be necessary to open the same for the passage of vessels and shall be opened and closed subject to such reasonable regulations as the Corporation shall prescribe.

(3) All signalmen signals and appliances employed or used for at or in connexion with that bridge shall be provided by and at the cost of the Corporation.

Power to stop up streets &c.

20. The Corporation may stop up and discontinue for public traffic and extinguish all rights of way over—

The towing-path numbered on the deposited plans 48 in the parish of South Bristol; and

The roadway numbered on the deposited plans 95 in the same parish:

And the site and soil of the said towing-path and roadway so stopped up shall be wholly and absolutely vested in the Corporation and they may appropriate the same to their own purposes.

Power to alter levels of roads &c. communicating with new road &c.

21. The Corporation may alter the level of any road or street communicating with any new road by this Act authorised for the purpose of causing such new road to communicate more conveniently therewith.

In cases where the Corporation put in force this enactment they shall be liable to pay to any person injuriously affected thereby compensation which shall be recoverable in manner provided by the Public Health Act 1875.

Temporary stoppage of streets &c.

22. The Corporation may temporarily stop up a street road or court and prevent all persons from passing along or using the same for any reasonable time during the construction of any work by this Act authorised to be constructed by the Corporation but the Corporation shall make provision for access for foot passengers to houses having an entrance to such street road or court.

Certain of the works to be and form part of the dock estate of the Corporation.

23. All works constructed by the Corporation under this Act (except the public road and footways over Work G and Works H I and J) and all lands acquired or appropriated by the Corporation for the purposes thereof shall form part of the dock estate and subject to the provisions of this Act the Corporation shall have and may exercise and enjoy in over upon and in relation

thereto the same rights powers and privileges as if the same had respectively immediately before the passing of this Act formed part of that estate. A.D. 1897.

24. The said public road and footways over Work G and the respective Works H I and J shall vest in the Corporation as the urban sanitary authority. Certain other of the works to vest in the urban sanitary authority.

25. For the protection of the Bristol Gas Company (in this section called "the gas company") the following provisions shall have effect (that is to say):— For the protection of the Bristol Gas Company.

(1) Nothing in this Act contained shall deprive the gas company of the powers and privileges conferred upon them by any Act or Acts of Parliament of laying down and maintaining as occasion may require and repairing renewing and altering any mains or pipes in and under any part of the streets or roads upon over or under which the railways authorised by this Act will be made or under any street road or court which may be temporarily stopped up during the construction of the works by this Act authorised :

(2) Every work which may in any way interfere with or affect or be situate over any main or pipe of the gas company or any private service pipe of any person supplied with gas by the gas company shall be executed in accordance with a plan and section (showing the nature of the work proposed) to be submitted to the gas company for their approval not less than ten days previously to the commencement of such work and if the gas company do not within ten days after such submission signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and every such work shall be executed under the superintendence and to the reasonable satisfaction (so far as it may interfere with or affect or be situate over such main pipe or private service pipe) of the engineer of the gas company :

(3) The engineer of the gas company shall if the gas company so think fit have the exclusive direction and management of and may at the reasonable cost in all things of the Corporation execute all such works as may be reasonably necessary for the diversion removing raising refixing sinking or otherwise altering the position of and restoring any mains or pipes valves or other machinery of the gas company or of any private service pipe of any person supplied with gas by the gas company which it may be necessary to divert remove raise refix sink alter or restore by reason of the execution by the

A.D. 1897.

Corporation of any of the powers of this Act and for preventing any interruption to the supply of gas by the gas company or any obstruction or increased expense to the gas company in the repair or renewal of such mains or pipes :

- (4) All costs charges and expenses reasonably incurred by the gas company or their engineer under the provisions of this section including the reasonable costs charges and expenses of and in relation to any superintendence which may be necessarily required of any works of the Corporation under the provisions of this section in that behalf shall be paid by the Corporation to the gas company on demand and in case of default may be recovered by the gas company in any court of competent jurisdiction :
- (5) If by reason of the exercise of the powers of this Act any increased length of gas mains or pipes be rendered necessary the same shall be provided and laid by the gas company at the reasonable cost of the Corporation and if the gas company at any time by like reason incur any additional cost in repairing or altering any gas main or pipe such additional cost shall be repaid to the gas company by the Corporation :
- (6) Whenever by the appropriation or destruction of property by this Act authorised to be acquired by the Corporation or by the stopping up of any street or road authorised by this Act to be stopped up any gas mains or pipes of the gas company (except pipes inside such property) shall be rendered unnecessary the Corporation shall pay to the company the cost of an equivalent length of gas main or pipe and of laying the same down and of the works required for the discontinuance of the gas mains or pipes rendered unnecessary and the gas mains or pipes so rendered unnecessary shall become the property of the Corporation :
- (7) In case the gas company at any future time require to lay any main or pipe in any road or street crossed by or crossing any work constructed under the powers of this Act the Corporation shall free of charge give to the gas company all reasonable facilities for carrying out the work subject to the gas company making reasonable compensation to the Corporation for any damage they may sustain by the execution of such work such compensation in case of difference to be determined by arbitration in manner herein-after provided :
- (8) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned or sustained by any act or omission of the Corporation or by the acts of their contractors agents workmen or servants or

any person in the employ of them or any or either of them in the execution of the powers of this Act the Corporation shall pay to the gas company the value of the gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction and the Corporation shall also be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company (including injury and loss by explosion) through by reason of or consequent on any such act or omission of the Corporation or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Corporation will effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of any such act or omission :

A.D. 1897.

- (9) If any difference arise between the Corporation and the gas company touching this section or anything to be done or not to be done or any moneys to be paid thereunder such difference shall be determined by an engineer to be appointed (unless otherwise agreed on between the parties) on the application of either party by the President for the time being of the the Institution of Civil Engineers and subject as aforesaid the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall extend and apply to the determination of such difference.

26. For the protection of the Bristol Waterworks Company (in this section called "the water company") the following provisions shall have effect (that is to say) :—

For the
protection of
the Bristol
Waterworks
Company.

- (1) At least fourteen days before the commencement of any work in pursuance of the powers of this Act which may in any way interfere with or affect or be situate over any main pipe or work of the water company or any private service pipe of any person supplied with water by the water company a plan and section (showing the nature of the work proposed) shall be submitted to the water company together with particulars of the mode of executing such work and of protecting such main pipe or work and if within fourteen days from such submission the water company disapprove of the said plans sections or particulars or make any further requirements such work shall not be commenced until the plans sections and particulars have been agreed or settled by arbitration. Provided that if the water company do not within fourteen days after such submission signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved

A.D. 1897.
—

thereof Every such work shall be constructed in accordance with the plan and section and particulars approved agreed or settled as aforesaid and shall (so far as it may interfere with or affect or be situate over such main pipe work or private service pipe or be within three feet of such main pipe or work) be executed under the superintendence and to the reasonable satisfaction of and in such manner as shall reasonably be required by the engineer of the water company :

- (2) Before the construction of the Railways Nos. 1 and 3 or either of them over or within twelve feet of the main pumping pipe of the water company situate in Ashton Meadows is commenced the Corporation or the company as the case may be shall construct and complete to the reasonable satisfaction of the engineer of the water company and thereafter maintain and keep in good and proper repair culverts or subways with all necessary manholes or other works for affording access to such culverts or subways over the site of such main pumping pipe Each such culvert or subway shall be of not less internal dimension than five feet by four feet six inches and the plans sections and particulars thereof shall be submitted to the water company three months before the commencement of the respective railway and the water company may and shall have access to such culverts or subways at all times for the purpose of relaying repairing and inspecting the existing and laying relaying repairing and inspecting new or additional mains and pipes therein :
- (3) In the construction of the bridges for carrying the Cumberland Road and the roads leading from the Cumberland Road to the gas works ferry and the Canada Wharf respectively over the railways authorised by this Act provision shall be made to the reasonable satisfaction of the engineer of the water company for carrying the mains and pipes in those respective roads and any further lines of pipes which the water company may in future require to lay down over the respective bridges in such manner as to protect the same from frost accident or injury :
- (4) Any mains or pipes of the water company which shall be raised diverted sunk or altered shall be relaid at such depth as may be reasonably required by the water company for protecting such pipes from frost accident or injury and wherever any railway will be constructed in any street over any mains or pipes of the water company such mains or pipes shall be laid in split tubes or protective casings or otherwise protected as the engineer of the water company shall reasonably direct :

A.D. 1897.

- (5) The engineer of the water company shall if the water company so think fit have the exclusive direction and management of and may at the reasonable cost in all things of the Corporation execute all such works as may be reasonably necessary for the diversion removing raising refixing sinking or otherwise altering the position of and restoring or protecting any mains or pipes or other works of the water company or any private service pipe of any person supplied with water by the water company which it may be necessary or expedient to divert remove raise refix sink alter restore or protect by reason of the execution of any of the powers of this Act and for preventing any interruption to the supply of water by the water company or any obstruction or increased expense to the water company in the repair or renewal of such mains pipes or works :
- (6) All costs charges and expenses reasonably incurred by the water company or their engineer under the provisions of this Act including the reasonable costs charges and expenses of and in relation to any superintendence or watching by the water company or their engineer or officers of any works by this Act authorised by which any water apparatus of the water company may be interfered with or affected shall be paid by the Corporation to the water company on demand and in case of default may be recovered by the water company in any court of competent jurisdiction :
- (7) If any interruption whatsoever in the supply of water by the water company shall be occasioned by the Corporation or the company or by the act of any of their contractors agents workmen or servants or any person in the employ of them or any of them either during the construction or subsequent maintenance of the works by this Act authorised the Corporation or the company as the case may be shall indemnify and compensate the water company in respect of all damage or loss which they may sustain by reason or in consequence of such interruption and such compensation may be recovered by the water company in any court of competent jurisdiction :
- (8) If by reason of the exercise of the powers of this Act any increased length of water mains or pipes or any additional valves or apparatus be rendered necessary the same shall be provided and laid by the water company at the reasonable cost of the Corporation and if the water company at any time by like reason or by reason of the existence in any street of any work by this Act authorised incur any additional cost in laying down repairing or altering any main or pipe or valve or

A.D. 1897.

apparatus such additional cost shall be repaid to the water company by the Corporation and may be recovered by the water company in any court of competent jurisdiction :

- (9) In case the water company at any future time require to lay repair inspect or renew any main or pipe in any street on or under which any railway is constructed or is in course of construction under the powers of this Act the Corporation shall free of charge give to the water company all reasonable facilities for carrying out the work :
- (10) Whenever by the appropriation or destruction of property by this Act authorised to be acquired or by the stopping up of any street authorised by this Act to be stopped up any water mains pipes or works of the water company (except pipes inside such property) shall be rendered unnecessary the Corporation shall pay to the water company the cost of an equivalent length of water main pipe or work and of laying the same down and of the works required for the discontinuance of the water mains pipes or works rendered unnecessary and the water mains pipes or works so rendered unnecessary shall become the property of the Corporation :
- (11) No part of Railway No. 1 or any railway to be constructed in lieu thereof by the Corporation or any works connected therewith westward of the point at which the said Railway No. 1 crosses the Cumberland Road shall be constructed over the site of or within one and a half yards of any mains or pipes of the water company laid in and along that road prior to the construction of the respective railway :
- (12) Subject to the provisions of this section sections 18 to 23 of the Railways Clauses Consolidation Act 1845 incorporated with this Act shall extend and apply as well to and in the case of any alteration or diversion of a street in pursuance of the provisions of this Act as to and in the case of the railways by this Act authorised :
- (13) Nothing in this Act contained shall deprive the water company of the powers conferred upon them by any Act or Acts of Parliament of laying down and maintaining as occasion may require and repairing renewing and altering any mains or pipes in and under any part of the streets upon over or under which the railways authorised by this Act will be made or under any street which may be temporarily stopped up during the construction of the works by this Act authorised but the water company shall restore and make good any work by this Act authorised which may be interfered with by them in the exercise of such powers Provided that the water company

shall not lay down any new main or pipe (except so far as may be reasonably necessary) longitudinally beneath and along the line of any railway by this Act authorised :

A.D. 1897.

(14) In and for the purposes of this section the word "street" shall have the meaning assigned to it by the Waterworks Clauses Act 1847 and the expression "the Corporation" shall in regard to any works which may under the powers of this Act be constructed by the company be deemed to include the company :

(15) If any difference arise between the Corporation or the company and the water company touching this section or anything to be done or not to be done or any moneys to be paid thereunder such difference shall be determined by an engineer to be appointed (unless otherwise agreed on between the parties) on the application of either party by the President for the time being of the Institution of Civil Engineers and subject as aforesaid the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall extend and apply to the determination of such difference.

PART III.

LANDS.

27. Subject and according to the provisions of this Act the Corporation and the company or either of them with the consent of the other may respectively enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as they may respectively require for the construction and maintenance of the works by this Act authorised to be constructed by them respectively.

Power to
take lands
for works.

28. Subject and according to the provisions of this Act the Corporation in addition to the other lands which they are authorised to acquire under the powers of this Act may enter upon take and use compulsorily or by agreement for extension of their docks and for the purposes of their dock undertaking all or any of the lands herein-after described and shown on the deposited plans (that is to say) :—

Power to
acquire
additional
lands.

(1) Certain lands in the said parish of South Bristol bounded on the northern side by the floating harbour on the eastern side by a line commencing at the point of commencement of the said wharf or quay (Work K) and terminating at the east end of the road in front of Sydney Row on the southern side by that road and on the western side by a timber yard in the occupation

A.D. 1897.

of Messrs. Taylor and Low Brothers situate south of Canada Wharf :

- (2) Certain lands in the said parish of South Bristol bounded on the northern side by the floating harbour on the eastern side by the eastern boundary of the said timber yard behind the Canada Wharf on the southern side by Cumberland Road and on the western side by the fence commencing at or near Cumberland Road at a point about 146 yards measured along that road in an easterly direction from the entrance to Underfall Yard and terminating at the towpath of the floating harbour at a point about 106 yards north-east of the northern end of the eastern boundary of Underfall Yard :
- (3) Certain lands in the said parish of South Bristol bounded on the northern side by the floating harbour on the eastern side by the said western boundary of the lastly described lands on the southern side by Cumberland Road and on the western side by the eastern boundary of Underfall Yard :

Provided that if the Corporation enter upon take or use any portion of the lands belonging to Henry Arthur Daniel they shall if so required by him in writing take the whole of such lands.

Owners may
be required
to sell parts
only of
certain
lands and
buildings.

29. And whereas in the construction of the works by this Act authorised or otherwise in exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans may be sufficient for the purposes of the Corporation and that such portion or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

- (1) The owners of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term “ the owner ” and the said properties are herein-after referred to as “ the scheduled properties ” :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably

A.D. 1897.

and properly incurred by him in consequence of such notice or such portion of such costs charges and expenses as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey a part only of any property.

Corporation
empowered
or may be
required to
underpin or
otherwise
strengthen
houses near
works.

30. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act to be constructed by the Corporation injury to the houses and buildings within one hundred feet of any of such works it may be necessary to underpin or otherwise strengthen such houses and buildings Therefore the Corporation at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Every such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the council house of the city :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall

prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building : A.D. 1897.

- (5) The cost of the reference shall be in the discretion of the referee :
- (6) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :
- (10) Nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act 1845.

31. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

32. The Corporation may (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any lands not exceeding in the whole four acres or any easement right or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which persons other than the grantors have Power to acquire additional lands by agreement.

A.D. 1897. — an interest) which shall be deemed necessary by the Corporation but nothing in this Act shall exempt the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land or in exercise of any easement so taken.

Consideration for such acquisition.

33. The consideration for any such acquisition may be either money land or works or a mixed consideration of money land and works and on any exchange the Corporation may give or take any money for equality of exchange.

Power to take easements &c. by agreement.

34. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

As to taking houses of the labouring class.

35.—(1) The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish not being within an urban district ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire :

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act :

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of

A.D. 1897. — the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) The Corporation shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(9) For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Provisions of certain sections of this Act applied to company.

36. The provisions of the several foregoing sections of this Act the marginal notes whereof are respectively—

Power to make subsidiary works ;

Owners may be required to sell parts only of certain lands and buildings ;

Corporation empowered or may be required to underpin or otherwise strengthen houses near works ;

Period for compulsory purchase of lands ;

Power to take easements &c. by agreement ;

As to taking houses of the labouring class ;

shall extend and apply mutatis mutandis to and in relation to the company in relation to such of the works by this Act authorised as shall under the authority of this Act be constructed by them :

Provided that in the said section the marginal note whereof is "As to taking houses of the labouring class" there shall be substituted for subsection (6) of the said section the following provision (that is to say) :—

(6) For the purpose of carrying out any scheme under this section the company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297

of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands beyond the metropolis by the company for the purposes of any scheme under this section in the same manner in all respects as if the company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

A.D. 1897.

37. The Corporation may appropriate and use for any of the purposes of this Act any lands for the time being vested in them and not forming part of their dock estate but before so appropriating or using the same they shall cause the same lands to be valued by some independent and competent surveyor and the amount of such valuation shall be applied in the same manner as the proceeds of the sale of such lands would have been applied had the same been sold by the Corporation. Provided that nothing in this Act shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for any such appropriation or use as would require such approval under the Municipal Corporations Act 1882 or any other general Act.

Corporation
may use
their own
lands for
purposes of
this Act.

PART IV.

RATES &c.

38. The Corporation may demand and take for the use of any of the Railways Nos. 2 to 6 such reasonable tolls as they think fit. Railway No. 1 shall for the purposes of tolls rates and charges be deemed part of the Bristol Harbour Railway.

Tolls on
railways.

39. The Corporation may in addition to any other sums which they are by this or any other Act authorised to demand charge—

Charges on
shipment and
weighing of
coals &c.

For the shipment by the Corporation of coal coke or culm by means of drops tips or staiths shipping machines or appliances or other machinery works or conveniences any sum not exceeding threepence per ton ;

For the weighing by the Corporation of coals coke or culm including the use of the weighing machines any sum not exceeding one halfpenny per ton ;

For the use in other cases of staiths drops tips shipping machines or appliances or other like machinery works or conveniences such reasonable rates as the Corporation from time to time determine ;

Section 30 (Charges on shipment and weighing of coals &c.) of the Act of 1893 is hereby repealed.

40. The charge for the use of steam hydraulic and other cranes erected under the provisions of this Act and the regulations for the

Craneage
rates.

A.D. 1897. — user and working thereof respectively shall be those prescribed by the Act of 1881 with respect to the like machinery respectively.

Rates for
use of other
appliances.

41. The Corporation may charge for the use of any tramways machinery and appliances provided by them at any of the works by this Act authorised other than steam hydraulic or other cranes such reasonable rates as they from time to time appoint.

Power to
Corporation
to give
exemption
from rates.

42. The Corporation may confer exemptions from such portion as they think fit of any rates Provided that every such exemption shall be made equally to all persons in respect of all vessels falling within the same class or description carrying the same description of cargo and in the like circumstances.

Power to set
apart and
appropriate
berths &c.

43. The Corporation may as they think fit set apart and appropriate to the exclusive use of any particular trade or vessels any berths at or adjoining any land belonging to the Corporation and in their occupation and in addition to the other rates they are authorised to demand and take may for such exclusive appropriation or use demand and take such reasonable charges and make such regulations as they from time to time think fit No person or vessel shall make use of any berth so set apart or appropriated without the consent of the Corporation under the hand of their harbour master and any person knowingly offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding ten pounds for every day during any part of which such offence shall continue after notice not to use such berth and the harbour master may order such person and any such vessel to be removed and the provisions of section 58 of the Harbours Docks and Piers Clauses Act 1847 shall extend and apply mutatis mutandis to and in relation to any such vessel.

PART V.

TRANSIT SHEDS AND WAREHOUSES.

Power to
Corporation
to provide
and declare
transit sheds.

44. The Corporation may on any quays or wharves constructed under the powers of this Act and on any part of the banks of the River Avon belonging to them and in their occupation and on any lands acquired or appropriated by them under those powers provide transit sheds for the reception of goods on such plan and of such dimensions as they think fit subject nevertheless as to plans and dimensions and in all other respects to the approval of the Commissioners of Customs and may from time to time subject to such approval repair alter renew discontinue or remove the same and the same shall be part of their dock estate and they may keep.

the said transit sheds provided with all requisite appliances and conveniences for weighing and measuring goods and may demand and take for the use of such sheds apparatus and appliances such rents and charges as they from time to time fix. A.D. 1897.

45. The provisions of Part III. (Transit Sheds and Warehouses) of the Act of 1881 applicable to transit sheds and warehouses respectively shall extend and apply mutatis mutandis to transit sheds and warehouses respectively erected or provided under the provisions of this Act. Part III.
(Transit
Sheds and
Warehouses)
of the Act of
1881
incorporated.

PART VI.

FINANCE.

46. The Corporation may for such of the following purposes as are properly payable out of capital create and issue stock not exceeding in amount three hundred and fifty thousand pounds (that is to say):— Power to
create and
issue stock.

For payment of the costs of this Act as herein-after defined such a sum as may be necessary for that purpose;

For the works by this Act authorised to be constructed by the Corporation one hundred and sixty-four thousand four hundred pounds;

For the general purposes of their dock undertaking one hundred and fifty thousand pounds:

The provisions of sections 52 to 78 of the Act of 1881 sections 44 to 49 of the Act of 1884 and section 40 of the Act of 1893 shall extend and apply to and in relation to such stock created and issued under the powers of this Act and in construing those sections for the purposes of this section the expression "this Act" whensoever used in any of those sections shall be construed to include this Act:

Provided as follows:—

The Corporation shall redeem or make provision for the redemption of so much of the stock as is issued for defraying the costs of this Act within any period not exceeding five years after the date of the issue of stock and for the redemption of all other stock issued under the powers of this Act within any period not exceeding sixty years after the date of such issue:

The first payments to the sinking fund for the redemption of stock shall be as follows (that is to say):—

As to stock issued for defraying the costs of this Act on or before the first day of November one thousand eight hundred and ninety-eight;

A.D. 1897.

As to stock issued for the other purposes by this Act authorised on or before the first day of November in the year next following the issue of such stock :

The accumulation for the sinking fund for the redemption of stock shall be by way of compound interest at a rate not exceeding three pounds per centum per annum :

The Corporation shall not invest any sinking fund established for the redemption of stock created and issued under the powers of this Act in or upon any security granted created or issued by the Corporation or upon any security transferable by delivery.

Extending
provisions as
to redemp-
tion to stock
authorised
by the Act
of 1893.

47. The provisions of section 39 of the Act of 1893 shall extend and apply to and in relation to all stock authorised to be created and issued under the powers of that Act.

Power to
re-borrow.

48. The Corporation may from time to time borrow at interest on mortgage any money necessary for repaying any principal moneys borrowed under the powers of this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can re-borrow at a lower rate of interest and so toties quoties Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act prescribed and that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan Provided also that the Corporation shall not re-borrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale of land or out of premiums or fines on leases.

For pro-
tection of
lenders.

49. A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or of any part thereof.

Priority of
existing
mortgages.

50. Nothing in this Act shall prejudicially affect any charge subsisting at the passing of this Act (by way of mortgage or otherwise) on the corporate estates or on any undertaking or fund of the Corporation or on any tolls rates or revenues receivable or leviable by them and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence of such charges have priority over any mortgage or charge granted or created under this Act on the same security.

51. The mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

A.D. 1897.
For appointment of receiver.

52. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Corporation not to regard trusts.

53. All moneys raised under the powers of this Act shall be applied solely to the purposes of this Act to which capital is properly applicable.

Application of money raised by stock.

54. All expenses incurred by the Corporation in the execution of this Act (except such of them as are properly chargeable to capital and are payable out of borrowed moneys and such of them as relate to the maintenance of the works vested in the Corporation as the urban sanitary authority) shall be paid out of the dock revenue and any deficiency therein shall be paid out of the borough fund and borough rate and all expenses incurred in the maintenance of the said works vested in the Corporation as the urban sanitary authority shall be paid out of the district fund and general district rate.

Expenses of execution of Act.

PART VII.

POWERS TO GREAT WESTERN COMPANY.

55. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

The distribution of the capital of the company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

Incorporation of parts of Companies Clauses Acts.

A.D. 1897.

The forfeiture of shares for non-payment of calls ;
 The remedies of creditors of the company against the shareholders ;
 The borrowing of money ;
 The conversion of the borrowed money into capital ;
 The consolidation of shares into stock ; and
 The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares)
 Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 except where varied by this Part of this Act are incorporated with and form part of this Part of this Act.

Power to
 enter into
 working
 agreements
 with
 company.

56. The Corporation on the one hand and the company with respect to Railways Nos. 2 to 6 on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended by the Railway and Canal Traffic Acts 1873 and 1888 enter into and fulfil agreements and arrangements with respect to the following purposes or any of them (that is to say):—

The use working management and maintenance of the said respective railways of the Corporation ;

The interchange collection transmission handling and delivery of traffic upon or coming from or destined for the said respective railways of the Corporation and the undertaking of the company ;

The supply and maintenance under any agreement for the said respective railways of the Corporation being worked and used by the company of engines stock and plant necessary for the purposes of such agreement ;

The fixing collection payment appropriation apportionment and distribution of tolls rates and charges income and profits arising directly or indirectly from the docks railways works and undertakings of the contracting bodies or either of them ;

The employment of officers servants and plant ; and

The appointment of a joint committee to carry into effect every or any such agreement.

Tolls on
 traffic con-
 veyed partly
 on the
 railways by
 this Act
 authorised
 and partly
 on the
 railways of
 the company.

57. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of any of the railways by this Act authorised by the company those railways and the railways of the company shall for the purposes of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railways by this Act authorised and partly on the railways of the company for a less distance than

three miles rates and charges may only be charged as for three miles and for every mile or fraction of a mile beyond three miles rates and charges as for one mile only and no other short-distance charge shall be made for the conveyance of passengers partly on the railways by this Act authorised and partly on the railways of the company.

A.D. 1897.

58. Subject to the provisions of this Act the Corporation and the company may enter into and fulfil contracts and agreements for or in relation to the execution or modification of any works affecting the company and the cost thereof and incidental thereto and the taking of any lands in or by which they may respectively be interested or affected.

Corporation and company may agree as to modification of works &c. affecting them.

59. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways of the Corporation and to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the railways of the Corporation are worked by the company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Saving for Postmaster-General.

60. The company from time to time by the order of any general meeting of the company may create and issue new shares or stock for such additional capital as they shall think necessary not exceeding one hundred thousand pounds exclusive of the other capital and other moneys which they are or may be authorised to create and issue or raise by this or any other Act or Acts of Parliament and the company may create and issue such new shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock as they may think fit.

Power to company to raise additional capital.

61. Notwithstanding anything contained in Part II. of the Companies Clauses Act 1863 the company may from time to time in issuing any portion of the additional capital by this Act authorised dispose of all or any of the shares or stock representing the same at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the company.

As to disposal of new shares or stock.

62. If the company after having created any new shares or stock under the provisions of this Act or any other Act or Acts of Parliament relating to the company or to any company

Power to cancel unissued shares or stock.

A.D. 1897. — amalgamated therewith determine not to issue the whole of the shares or stock created they may cancel the unissued shares or stock and may from time to time thereafter create and issue instead thereof other new shares or stock of an aggregate amount not exceeding the aggregate amount of the shares or stock so cancelled and in like manner the company may create and issue new shares or stock in lieu of any new shares or stock which may have been issued and redeemed or in lieu of any certificate entitling the holder to be registered in respect of shares or stock.

Shares not to be issued until one-fifth part thereof shall have been paid up.

63. The company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Except as otherwise provided new shares or stock to be subject to same incidents as other shares or stock.

64. Except as by or under the powers of this Act otherwise provided the capital in new shares or stock created by the company under this Act and the new shares or stock therein and the holders thereof respectively shall be entitled and subject to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the company and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the company.

Dividends on new shares or stock.

65. Every person who becomes entitled to new shares or stock of the company under this Act shall in respect of the same be a holder of shares or stock in the company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or stock.

Restriction as to votes in respect of preferential shares or stock.

66. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock of the company to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

67. Subject to the provisions of any Act already passed by which the company are authorised to create new shares or stock not already issued and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the company may be authorised to create and issue capital by new shares or stock the company may if they think fit create and issue new shares or stock of one and the same class for all or any part of the aggregate capital which they are by such other Act and this Act respectively

authorised to create and issue by the creation and issue of new shares or stock. A.D. 1897.

68. The company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to create and issue from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole thirty-three thousand pounds but no part thereof shall be borrowed until shares for so much of the said capital as is to be created by means of shares are issued and accepted and one-half of such capital is paid up and the company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of that capital have been issued and accepted and that one-half of that capital has been paid up and that not less than one-fifth part of the amount of each separate share in that capital has been paid on account thereof before or at the time of the issue or acceptance thereof or until stock for one-half of so much of the said additional capital as is to be created by means of stock is fully paid up and the company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same are issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Power to
company to
borrow.

69. The company may subject to the provisions of Part III. of the Companies Clauses Act 1863 create and issue debenture stock but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the company and shall have priority over all principal moneys secured by such mortgages.

Company
may issue
debenture
stock.

70. All mortgages or bonds granted before the passing of this Act by the company or by or in the name of any company whose undertaking is under the powers of any Act of Parliament purchased by the company or amalgamated with the undertaking of or vested in the company shall during the continuance of such mortgages or bonds and subject to the provisions of the Acts under which such

Mortgages
already
granted
by company
to have
priority.

A.D. 1897. mortgages or bonds were respectively granted have priority over all mortgages granted after the passing of this Act by the company. But nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the company.

Application
of moneys
raised by
company.

71. All moneys raised by the company under this Act whether by shares stock debenture stock or borrowing shall unless otherwise provided by this Act be applied only to the purposes of this Act to be carried into effect by the company and to the general purposes of the undertaking of the company being in every case purposes to which capital is properly applicable.

Power to
company to
apply surplus
moneys
to purposes
of Act.

72. The company may from time to time apply to all or any of the purposes of this Act to which capital is properly applicable any moneys from time to time raised by them and which are not by any of the Acts relating to the company made applicable to any special purpose or which being so made applicable are not required for the special purpose.

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

73. The company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the company to construct any other railway or to execute any other work or undertaking.

Provision as
to general
Railway
Acts.

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

Receipt in
case of
persons not
sui juris.

75. If any money is payable to a holder of shares or stock in or of a mortgage or debenture stock of the company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the company.

Interest not
to be paid by
company on
calls paid up.

76. No interest or dividend shall be paid out of any share or loan capital which the company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the company from paying to any shareholder such

interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. A.D. 1897.
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PART X.

MISCELLANEOUS.

77. The officers of the revenue shall at all times have access to all parts of the works during construction.

Officers of inland revenue to have access to works.

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

Saving rights of the Crown in the foreshore.

79. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Saving rights of the Crown under Crown Lands Act, 1866.

80. All the costs charges and expenses incurred by the Corporation preliminary to and of and incidental to the preparing of applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the dock revenue and the borough fund or out of stock to be created and issued for that purpose by virtue of the powers of this Act.

Costs of Act.

A.D. 1897.

The SCHEDULE referred to in the foregoing Act.

PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED BY
THE CORPORATION.

| Parish. | | Number on deposited Plans. |
|---------------|---|----------------------------------------------|
| Long Ashton | - | 2 4 9 10 11 11A 13 14 14A. |
| South Bristol | - | 32 34 48 94 95 96 98 99 100 104 105 106 107. |

Printed by EYRE and SPOTTISWOODE,
FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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