

[36 VICT.] *The Bristol Harbour Railway Act, 1873.* [Ch. lxvi.]



CHAPTER lxvi.

An Act to authorise the Great Western and Bristol and Exeter Railway Companies to extend the Bristol Harbour Railway, and to make a new Wharf Depôt ; and for other purposes. A.D. 1873.
[16th June 1873.]

WHEREAS by “The Bristol Harbour Railway Act, 1866,” (in this Act called the Act of 1866,) the Great Western and the Bristol and Exeter Railway Companies (in this Act called “the two Companies”) were authorised to construct at the floating harbour at Bristol a wharf (in that Act and herein-after referred to as “the wharf depôt”), and to make a railway to connect the existing railways of the two Companies with the said floating harbour, and for those purposes to raise capital by shares or stock in such proportions as they might mutually agree upon, and by borrowing, with the option of raising the share capital as a separate capital, with the joint guarantee of the two Companies of dividends at a rate not exceeding five per centum per annum : 29 & 30 Vict.
c. cxlviii.

And whereas it was by the Act of 1866 (section six) provided that the mayor, aldermen, and burgesses of the city of Bristol (in this Act called “the Corporation”) might elect to provide the wharf depôt, in which case the amount to be raised by the two Companies by shares or stock was limited to the sum of one hundred and fifteen thousand pounds :

And whereas by “The Bristol Harbour Railway Act, 1869,” (in this Act called the Act of 1869,) the two Companies were authorised to raise an additional capital of fifty thousand pounds by shares or stock in such proportions as they might mutually agree upon, or so as to form part of such separate capital, and the borrowing powers of the two Companies were proportionately extended, and further powers were conferred upon the two Companies : 32 & 33 Vict.
c. lxiii.

And whereas the two Companies, acting by a joint committee under the provisions in that behalf contained in the said Act, have completed the said railway and opened the same for traffic :

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And whereas the Corporation elected to provide and have provided the wharf depôt, and the two Companies have raised the said sums amounting to one hundred and sixty-five thousand pounds as a separate guaranteed capital :

And whereas the extension of the said railway in the city and county of Bristol to a further point on the said floating harbour, and the providing of a new wharf for goods (in this Act called "the new wharf") at such floating harbour, would be of great public utility, and the two Companies are willing to undertake the construction of such extension and new wharf :

And whereas on the banks of the said floating harbour and beyond the point at which the said extension will terminate there are numerous wharves and yards used for the landing and storing of timber and various imported articles, and it is expedient that the two Companies be authorised to construct a railway or tramway and sidings, with the consent of the owners, lessees, and occupiers of the wharves and yards which would be traversed thereby, and with the consent of the road authority of any road which would be affected thereby, to connect the said wharves and yards with the said extension railway :

And whereas it is expedient that the Corporation have powers to provide the new wharf, and the Corporation and the two Companies have entered into an agreement for that purpose, which is set forth in the schedule to this Act, and it is expedient that such agreement be confirmed and carried into effect, and that the Corporation be enabled to exercise the powers conferred upon the two Companies in relation to the new wharf :

And whereas it is expedient that the two Companies be authorised for the purposes of and in connexion with the said extension of their railway and the new wharf to purchase the additional lands, and to stop up and appropriate the sites of the roads, footways, and paths shown on the plans herein-after mentioned, and to apply their existing funds for the purposes of this Act :

And whereas plans and sections showing the lines and levels of the railway authorised by this Act, and also a book 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 the powers of this Act, were duly deposited with the clerk of the peace for the city and county of Bristol, and are herein-after respectively referred to as the deposited plans, sections, and book of reference :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ;

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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: A.D. 1873.

1. This Act may be cited as the Bristol Harbour Railway Act, 1873. Short title.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," Provisions of general Acts herein named incorporated.

"The Railways Clauses Consolidation Act, 1845,"

"The Railways Clauses Act, 1863," and

"The Harbours, Docks, and Piers Clauses Act, 1847," except the provisions thereof with respect to the following matters; that is to say,

Life-boats,

Keeping a tide and weather gauge,

Buoys, lighthouses, and beacons,

are (except where varied by or inconsistent with this Act) incorporated with and form part of this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in construing this Act, and in construing for the purposes of this Act the Acts incorporated herewith, Interpretation of terms.

The expression "the harbour, dock, or pier" means the new wharf;

The expressions "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any other Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

4. Subject to the provisions of this Act, the two Companies may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railway and wharf herein-after described, with all proper stations, approaches, works, machinery, appliances, and conveniences connected therewith. The railway herein-before referred to and authorised by this Act is— Powers to make railway and new wharf according to deposited plans.

A railway three furlongs and nine chains in length, wholly in the parish of Bedminster in the city and county of Bristol, in extension of the Bristol Harbour Railway, commencing by a junction with the existing and authorised line about one chain west of the point where the said railway crosses Prince Street,

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Bridge Road, and terminating at a point near the western boundary of a field now in the occupation of Mr. William Watkins, at or near a private road leading from Cumberland Road to certain works known as the Great Western Steam Ship Yard or Works, or the Wapping Yard or Works.

The wharf herein-before referred to and authorised by this Act is—
A wharf situate in the said parish of Bedminster at and in the vicinity of the proposed termination of the railway as extended, upon the lands or any part of the lands delineated on the deposited plans and described in the deposited books of reference, and lying between the said floating harbour and Cumberland Road, in the said parish of Bedminster, and not required for the purposes of the said railway, with all necessary and convenient landing and shipping places, approaches, sidings, yards, sheds, warehouses, buildings, depôts for goods, banks, retaining walls, erections, machinery, and appliances for the landing, shipping, depositing, storing, and despatching of goods, minerals, and merchandise, which wharf, together with all the works connected therewith, are included under the expression the new wharf.

Power to
take lands.

5. Subject to the provisions of this Act, the two Companies may enter upon, take, and use all or any of the lands delineated upon the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act, and may stop up, alter, divert, and appropriate the sites of all roads and ways within the limits of deviation delineated on the said plans.

Powers for
compulsory
purchases
limited.

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

Lands for
extraordi-
nary pur-
poses.

7. The quantity of land to be taken by the two Companies for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed five acres.

Vesting of
lands for
purposes of
this Act in
the two
Companies
jointly.

8. All lands from time to time purchased for the purposes of this Act by the two Companies shall be conveyed to and vested in the two Companies jointly, and shall be for ever after held and enjoyed by them jointly for the purposes of this Act: Provided always, that the form of conveyance of lands prescribed by "The Lands Clauses Consolidation Act, 1845," may be used, with the requisite alterations thereof, for the conveyance of lands to the two Companies jointly.

Period for
completion
of works.

9. The extension railway by this Act authorised and the new wharf shall be completed within five years from the passing of this

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Act, and on the expiration of that period the powers by this Act granted to the two Companies for executing that railway and the new wharf, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. A.D. 1873.

10. If the two Companies fail within the period limited by this Act to complete the said extension railway, the two Companies shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until that railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per cent. on the estimated cost of that railway; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in section three of "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Paymaster General, on behalf of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the two Companies were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control. Penalty imposed unless the railway is opened within the time limited.

11. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the extension railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the two Companies by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid by the Solicitor of Her Majesty's Treasury, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of Application of moneys recovered by way of penalty.

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Penalties may be recovered against either of the two Companies. Certain provisions of Act of 1866 incorporated.

12. The penalty aforesaid may be enforced against either of the two Companies, but if either of them pay more than one half part of any such penalties the Company making such payment may recover the excess above one half from the other of such Companies.

13. The provisions contained in the following sections of the Act of 1866; (that is to say,)

Section 23. Joint committee;

Section 24. Bristol Joint Station Act to apply;

Section 25. Committee under Bristol Joint Station Act;

Section 37. Each Company may charge its own tolls;

Section 38. Use of harbour railway by the Companies;

Section 39. The two Companies to have equal rights in respect of harbour railway;

Section 40. Expenses, how to be borne;

Section 41. Contracts between the Companies inter se;

Section 42. Recovery of expenses from Companies;

Section 56. Notice to be given to gas and water companies;

Section 57. Saving rights of Bristol United Gaslight Company and Bristol Waterworks Company; and

Section 58. Arbitration;

shall apply, mutatis mutandis, to the undertaking by this Act authorised, and to the Companies and the joint committee, and shall be incorporated with and form part of this Act.

Tolls.

14. The two Companies may demand and receive for the use of the said extension railway and the harbour railway by any company or person other than the two Companies the same tolls, rates, and charges as the Great Western Railway Company are entitled to

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demand and receive in respect of the passage of traffic for three miles upon the London and Bristol line of that railway. A.D. 1873.

15. The two Companies respectively may from time to time apply for or towards any of the purposes of this Act any sums of money which, under the Act of 1866 and the Act of 1869 or either of those Acts, they have already raised or are authorised to raise, and which are not required for the purposes to which those moneys are by the said Acts respectively made specially applicable. Power to apply existing funds.

16. The agreement between the Corporation and the two Companies set forth in the schedule to this Act is hereby confirmed, and consequent thereon the following provisions shall have effect; (that is to say,) Agreement between Corporation and two Companies confirmed, and Corporation may exercise certain powers of the Act.

Such of the powers granted by this Act to the two Companies in relation to the new wharf as may be necessary to enable the Corporation to carry the said agreement into effect shall be and are hereby transferred to and may be exercised by the Corporation as fully and effectually as if the Corporation and not the two Companies had been authorised to exercise the powers so transferred:

The Corporation may apply from time to time towards the purposes of the new wharf any surplus revenue derived or to be derived from their dock estate, and also from time to time for the same purposes may borrow and take up on mortgage of the dock estate and of the several rates received by the Corporation under the respective names of the rates of wharfage, cannage, plankage, anchorage, and moorage, and the town and mayor's dues, such a sum of money as shall be required, not exceeding in the whole the sum of sixty thousand pounds, and such money may be so raised at any rate of interest not exceeding five pounds per centum per annum, and every such mortgage may be made by an instrument in the form contained in the schedule to the Bristol Dock Act, 1865, or to that or the like effect, and shall be executed by affixing thereto the corporate seal of the said city and county, and every such mortgage shall be effectual for securing to the person advancing the sum of money in such mortgage expressed to be advanced, his executors, administrators, or assigns, the repayment thereof, with interest for the same after such rate, and at such time and in such manner, as shall be provided in such mortgage, and the said mortgages shall be numbered in the order of succession in which they are granted, and copies or extracts of all such mortgages shall be kept by the secretary to the docks committee of the Corporation in a book to be provided for that purpose, and the persons to whom such mortgages or any transfers thereof shall be made,

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their executors and administrators, shall be creditors upon the dock estate and the said wharfage and other rates and dues thereby expressed to be mortgaged in an equal degree one with another, and shall not have any preference or priority other than is provided under the powers of this Act :

Provision
for payment
of interest
on mort-
gages.

For the purpose of paying and satisfying all principal moneys and interest from time to time due under the provisions of this Act, the Corporation from time to time may, and when necessary shall, pay by and out of the said surplus revenues of the dock estate and the said rates of wharfage, cannage, plankage, anchorage, and moorage, and town and mayor's dues, such sums of money as shall be from time to time necessary in that behalf, and shall apply the same accordingly, as if such principal moneys and interest were an expenditure necessarily incurred in carrying into execution with reference to the city of Bristol the provisions of the Act for the regulation of municipal corporations in England and Wales :

Persons
lending
money on
mortgage
not bound to
require proof
that notices
have been
given, &c.

No person lending money to the Corporation and taking a mortgage for securing repayment of the same, executed in manner directed by this Act and purporting to be made under the authority of this Act, shall be bound to require proof that the several provisions of this Act have been duly complied with ; and if the Corporation shall have executed a mortgage under this Act, then the Corporation shall be deemed to have had full powers to charge the estate and rates so mortgaged as aforesaid for repayment of the money so borrowed, with interest, notwithstanding any of the provisions of this Act may not have been complied with, and it shall not be competent for any ratepayer or other person to question the validity of any such mortgage as against the mortgagee on the ground that such provisions had not been complied with :

Sinking fund
for discharge
of moneys
borrowed
under this
Act.

And whereas the Corporation have borrowed and are empowered to borrow various sums of money for the purposes of "The Bristol Dock Act, 1848," "The Bristol Dock Act, 1865," "The Bristol Harbour Railway Act, 1866," and "The Portishead Docks Act, 1871," and in respect of the sums so borrowed and authorised to be borrowed the Corporation have not been by the said Acts or either of them required to provide a sinking fund, but it is expedient that with respect to moneys to be borrowed by the Corporation under the powers of this Act a sinking fund should be created for the discharge thereof: Therefore the Corporation shall every year after the expiration of two years from the passing of this Act appropriate and set apart out of the surplus

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revenue of the dock estate, and of the said rates of wharfage, cannage, plankage, anchorage, and moorage, and the town and mayor's dues, a sum equal to one fortieth part of the sums borrowed under the powers of this Act, and the said sinking fund shall from time to time be invested on such security as the Corporation think fit, until the same, together with the accumulations thereof, shall be of sufficient amount to pay off the principal debts created under the powers of this Act, or such part thereof as the Corporation shall think may from time to time be paid off, and the said sinking fund shall be applied in paying off such principal debts, and it shall not be lawful for the Corporation to reborrow any sums of money so paid off:

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The said secretary shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such secretary shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus, to be obtained by the Local Government Board out of the Court of Queen's Bench:

Annual
return to
Local
Government
Board with
respect to
sinking fund.

The annual rentcharge of six thousand seven hundred and seventy-three pounds nine shillings and eightpence created by "The Bristol Dock Act, 1848," and all mortgages granted by the Corporation before the passing of this Act and which shall be subsisting at the time of the passing thereof, and all

Rent-
charge of
6,773*l.* 9*s.* 8*d.*
and existing
mortgages
to have
priority.

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Power to
raise money
to pay off
sums bor-
rowed.

Saving
rights of
creditors of
Corporation.

Saving for
rights of
Corporation
to dues, &c.

Power to lay
tramway to
wharves by
agreement.

Saving
rights of the
Corporation,
&c.

mortgages which may be granted by the Corporation in pursuance of any statutory power existing at the passing of this Act, shall, during the continuance or the renewal of such mortgages, have priority over any mortgages to be created by virtue of this Act :

In every case in which any moneys shall have been borrowed under the powers of this Act, the Corporation may pay off the moneys so borrowed, and from time to time raise and borrow the moneys necessary for that purpose, and also repay the said last-mentioned moneys and the interest thereof under the powers of this Act, as if such moneys were borrowed under the powers firstly herein-before contained :

Nothing in this Act contained shall relieve the Corporation, or the dock estate, or the borough fund of the said city, from any debt or payment to which they are now liable, nor shall anything in this Act contained diminish or impair any right, lien, or remedy which the creditors of the Corporation now have or are entitled to by virtue of the recited Acts, or otherwise howsoever :

Nothing in this Act shall take away or prejudicially affect the right or power of the Corporation to levy, collect, and receive any of the rates and dues which may from time to time be payable to them under the provisions of "The Bristol Dock Act, 1848," or the aforesaid rates for wharfage, cannage, plankage, anchorage, and moorage, or the town and mayor's dues, or the fees and duties payable to the quay warden and water bailiff of the port of Bristol, or any other lawful rates and charges on shipping or goods.

17. The two Companies may make, lay down, construct, and maintain, and from time to time alter and remove, a tramway or railway, with sidings, junctions, turntables, and all necessary apparatus, to connect with the said extension railway the wharves and yards lying beyond the termination of that railway and between the floating harbour and Cumberland Road, upon such terms and conditions as may from time to time be agreed on between the two Companies and the owners, lessees, and occupiers of every wharf and yard in which any of the before-mentioned works will be executed : Provided always, that no such works shall be executed in, along, or across any public road without the consent of the Corporation first signified in writing under the hand of the town clerk of the said city.

18. Nothing in this Act contained shall invalidate or prejudicially affect any rights, powers, duties, or privileges of the Corporation or of their officers, either as conservators of the rivers Avon, Frome,

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and Severn within the port of Bristol, or in their corporate character of the mayor, aldermen, and burgesses of the city of Bristol, or as the sanitary authority, or as the docks committee for the said city, excepting in so far as those rights, powers, duties, or privileges are expressly varied by this Act, nor shall anything in this Act contained invalidate or prejudicially affect any of the powers now vested in or exercised by the Corporation, as owners of the port and docks of Bristol and conservators of the river Avon, to regulate, cleanse, dredge, and scour the floating harbour and docks or the river Avon. A.D. 1873.

19. The two Companies or either of them shall not, out of any money by this Act authorised to be applied, 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 two Companies or either of them to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

20. Nothing herein contained shall be deemed or construed to exempt the two Companies or their railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges or of the rates for small parcels authorised by the Act of 1866. Railways, &c. not exempt from provisions of present and future general Acts.

21. All costs, charges, and expenses of, incident, and preliminary to the preparing, applying for, and obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the joint committee out of the capital to be raised under the authority of the recited Acts of 1866 and 1869 or one of them. Expenses of Act.

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The SCHEDULE referred to in the foregoing Act.

HEADS OF AGREEMENT between the Mayor, Aldermen, and Burgesses of the city of Bristol (in these heads called the Corporation) of the one part, and the Great Western Railway Company and the Bristol and Exeter Railway Company (in these heads called the two Companies) of the other part.

1. The Corporation at their own expense to construct and provide in manner in these heads stipulated, on the land marked D and E on the plan annexed to the heads (in these heads called the plan), a new wharf for the exclusive use of the two Companies, and as regards the land marked D the two Companies are to provide the purchase money and pay the costs of sale and purchase.

2. The Corporation at their own expense to build a sufficient quay wall between the points marked Y and Z on the plan.

3. The Corporation at their own expense, by dredging or otherwise, to provide and maintain in front of and along the whole length of the quay wall aforesaid water of a depth of not less than twenty-two feet from float level, unless prevented by any unforeseen engineering difficulty from providing or maintaining that depth of water at any time at any point.

4. The Corporation at their own expense to raise the ground on the wharf up to the surface level.

5. The two Companies at their own expense to lay out the wharf when formed, and provide it and keep it provided with all appliances and accommodation requisite, the Corporation paying to them on that account such a sum of money as they would have been bound to have expended under the Act of 1866 for wharf purposes, on the lands marked A and B on the plan, the amount thereof to be determined in case of difference by arbitration.

6. The two Companies to purchase the land marked E on the plan, but if at any time the two Companies cease to use that land for wharf purposes, the Corporation to have the right of pre-emption of the same, at a price to be determined in case of difference by arbitration, such right of pre-emption to continue for twenty-four calendar months after notice given by the two Companies in writing under their respective common seals to the Corporation of the intention of the two Companies to cease to use that land for wharf purposes, the notice to be irrevocable. In determining the amount to be paid by the Corporation, the arbitrator shall take into consideration the amount expended by the Corporation in building the wharf wall, and the value thereby added to the land shall not be paid for by the Corporation. The purchase money for the land marked E and the costs of sale and purchase to be paid by the Corporation, and in case of difference to be settled by arbitration.

7. The two Companies to be at liberty to acquire the land marked F' on the plan and to become the owners thereof at any time within two years after the day of the date hereof, and if the two Companies so become owners thereof, they shall be at liberty to build a quay wall and keep the water to twenty-two feet as aforesaid, so as to allow of the land marked F' being used as a wharf in

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connexion with the lands marked D and E on the plan, but if the two Companies do not so elect to become the owners of the land marked F on the plan, then they shall give to the Corporation access to that land (if acquired by them) by or along the back part of the land marked E on the plan into Cumberland Road, but any land required for providing such access to be paid for by the Corporation. If the two Companies cease to use the lands marked D and F for wharf purposes the Corporation are to have the same right of pre-emption in respect of those lands as is herein-before reserved to them in respect of the land marked E. A.D. 1873.

8. The two Companies to obtain powers for discontinuing and to discontinue all rights of the public over the lands marked B, C, D, E, and F on the plan, but if it is found necessary to preserve the rights of the public in the footpath in front of the lands marked F and E on the plan, the footpath to be diverted at the lower end of the land marked F on the plan, and at the back part of the land marked G on the plan into Cumberland Road, provided the two Companies are able to give the requisite powers in that behalf over the lands marked F and G on the plan, and otherwise the footpath to be diverted at the lower end of the land marked F on the plan, and at the back part of the lands marked F and E on the plan into Cumberland Road.

9. A sufficient space for two lines of broad gauge rails with a curve of a radius of 1,000 feet, or as near thereto as may be, to be kept at the upper corner of the land marked C on the plan, in order to promote the convenient working of the lines of rails laid down or intended to be laid down by the two Companies, and to be used by them in connexion with an extension of the Bristol Harbour Railway, to be applied for in the session of Parliament 1873.

10. The land belonging to the two Companies at the back of the lands marked A, B, and C on the plan to remain as at present the property of the two Companies, with free access to the wharves on the lands marked A, B, and C on the plan, for the purposes of receiving and forwarding traffic, but the two Companies not to be deemed to be hereby empowered to lay down any rails on the lands marked A, B, and C on the plan except with the consent of the Corporation.

11. In consideration of the foregoing arrangements, the two Companies on the completion of the works undertaken by the Corporation on the lands marked D and E on the plan, including the quay wall and the water depth agreed on, to give up all their rights over the existing wharves on the lands marked A and B on the plan, and to convey to the Corporation absolutely the land marked C on the plan, the price to be determined in case of difference by arbitration.

12. The two Companies to give up forthwith on the passing of an Act for carrying these heads into effect the use of the wharf on the land marked A on the plan, but to retain all their rights over the wharf on the land marked B on the plan until the works undertaken by the Corporation on the lands marked D and E on the plan, including the quay wall and the water depth agreed on, are completed.

13. The rent of two thousand a year made payable by "The Bristol Harbour Railway Act, 1866," to commence at the expiration of six calendar months after the works undertaken by the Corporation on the lands marked D and E on the plan (including the quay wall and water depth agreed on) are completed and the payment by the Corporation to the two Companies of the amount stipulated in paragraph five of these heads, and not sooner.

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14. As soon as the Corporation have completed the shed in progress at the date of these heads on the land marked B on the plan, the Corporation are not to be bound to further repair or maintain the permanent way or machinery on that land.

15. The Bill requisite for carrying these heads into effect to be promoted by the two Companies and not to be opposed by the Corporation, and the expense thereof to be borne by the two Companies.

16. In case of unforeseen difficulties arising during the progress of the Bill the two Companies and the Corporation respectively to be entitled to cease to promote or not oppose the Bill.

17. The Bill as passed to contain a saving clause for the rights of the Corporation as conservators and otherwise, similar to section 59 of "The Bristol Harbour Railway Act, 1866."

18. All matters by these heads referred to arbitration, and all differences (if any) from time to time arising between the Corporation on the one hand and the two Companies on the other hand respecting the terms or effect of this agreement, to be conducted in accordance with "The Railway Companies Arbitration Act, 1859," as if the respective parties were each one railway company, and for that purpose these heads to be deemed a reference to arbitration in accordance with that Act.

19. These heads to be subject to confirmation by Parliament.

Dated this 22nd day of January 1873.

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