



CHAPTER cciv.

An Act for making a Pier and Harbour at Brean Down on the Bristol Channel and a Railway to connect the same with the Great Western Railway ; and for other purposes. A.D. 1889.
[26th August 1889.]

WHEREAS the construction of a pier or jetty so as to form a harbour at Brean Down on the Bristol Channel and of a railway to connect the same with the Great Western Railway would be of public and local advantage :

And whereas the persons herein-after named with others are willing at their own expense to carry the undertaking into execution if incorporated into a company for that purpose :

And whereas it is expedient that the company so to be incorporated and the Great Western Railway Company be authorised to enter into and carry into effect working and other agreements as herein-after provided :

And whereas plans and sections showing the lines and levels of the pier or jetty and railway by this Act authorised 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 the powers of this Act were duly deposited in the month of November last with the clerk of the peace for the county of Somerset and are herein-after referred to respectively as the originally deposited plans sections and books of reference :

And whereas since the introduction of the Bill for this Act into Parliament it has been considered expedient that the pier or jetty should be extended (but within the limits of deviation shown on the originally deposited plans and sections) beyond the point shown as its termination on the last-mentioned plans and sections so as to increase the size of and the accommodation to be afforded by the proposed harbour and amended plans and sections showing the line and levels of the pier or jetty as so proposed to be lengthened

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A.D. 1889. were on the twenty-fourth day of July one thousand eight hundred and eighty-nine deposited with the clerk of the peace for the county of Somerset and are herein-after referred to as the amended plans and sections :

And whereas by the Brean Down Harbour Act 1862 a company was incorporated for making a pier and harbour at Brean Down on the Bristol Channel and the following Acts were subsequently passed amending that Act (that is to say) :—

The Brean Down Harbour Railways Act 1865 ;

The Brean Down Dock Act 1866 ;

The Brean Down Harbour and Docks Act 1869 :

And whereas no works have been executed under the powers of any of the said Acts (in this Act referred to as “the recited Brean Down Acts”) and the company incorporated as aforesaid have long since ceased to exist except in name and it is expedient that the said Acts be repealed and that the company incorporated as aforesaid be dissolved :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen’s most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Brean Down Harbour and Railway Act 1889.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 (save so far as any of the clauses and provisions thereof respectively are expressly excepted or varied by this Act) are incorporated with and form part of this Act Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as may from time to time be required by the Board of Trade.

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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 for the purposes of this Act—

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Interpretation.

The expression "the Company" means the Company incorporated by this Act:

The expression "the undertaking" means the undertaking by this Act authorised:

The expression "the railway" means the railway by this Act authorised:

The expression "the pier or jetty" means the pier or jetty by this Act authorised:

The expression "the harbour" means the harbour which will be formed by the construction of the pier or jetty:

The expression "the Merchant Shipping Acts" means and includes the Merchant Shipping Act 1854 and the Acts amending the same:

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

4. Sir John E. Eardley Wilmot Baronet James Herman de Ricci Philip Hordle Stevens Thomas Bend Wilson Thomas John Perrett and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the pier or jetty and railway and other works by this Act authorised and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Brean Down Harbour and Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Company incorporated.

5. Subject to the provisions of this Act the Company may make and maintain in the line or situation and according to the levels shown on the amended plans and sections the pier or jetty hereinafter described for the purpose of forming and so as to form a harbour and in the line or situation and according to the levels

Power to make works.

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A.D. 1889. — shown on the originally deposited plans and sections the railway and other works herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the originally deposited books of reference as may be required for the purposes of the undertaking. The works herein-before referred to and authorised by this Act will be situate in the county of Somerset and are—

A pier or jetty at Brean Down in the county of Somerset commencing at or about high-water mark on the north side and near the western end of Brean Down and running thence into the Bristol Channel for about three hundred and seventy-four yards north and thence eastward for about one hundred and fifty yards; and

A railway (four miles four furlongs and 0·90 chains or thereabouts in length) commencing at or near the commencement of the pier or jetty and terminating by a junction with the Bristol and Exeter Railway of the Great Western Railway Company.

Power to
make sub-
sidiary
works.

6. The Company may subject to the provisions of this Act from time to time make and maintain in connexion with the above-mentioned works or any or either of them all necessary and convenient slips slipways shipping places wharves warehouses custom houses staiths jetties landing places stages cranes drops dolphins buoys beacons lighthouses moorings and other works vessels and conveniences for or in connexion with the pier or jetty and harbour and stations sidings approaches works and conveniences for or in connexion with the railway.

Limits of
deviation.

7. In constructing the works by this Act authorised the Company may subject to the provisions of this Act deviate laterally from the line of the pier or jetty as shown on the amended plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the pier or jetty as shown on the amended sections to any extent not exceeding five feet upwards and ten feet downwards. Provided that no deviation of any such works within the limits of deviation shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade and may deviate from the line of the railway as shown on the originally deposited plans to any extent not exceeding the limits of deviation shown on the last-mentioned plans.

8. Notwithstanding anything herein or in the incorporated Acts A.D. 1889.
 contained it shall not be lawful for the Company or any person Not to take
 acting under or in execution of this Act to enter upon occupy lands or in-
 or use either permanently or temporarily any of the lands works terfere with
 or property of the Great Western Railway Company or in any railway of
 manner to alter vary or interfere with the railway of that company Great
 or the works of or connected therewith without the consent of the Western
 Great Western Railway Company under their common seal save Railway
 only for the purposes of effecting the junction by this Act authorised Company
 and the Great Western Railway Company may at any time or except for
 times hereafter should it be necessary for them to do so at their the purpose
 own expense alter or remove such junction and substitute a new of a junction.
 junction therefor but so as such alteration or removal or substituted
 junction shall not stop the traffic of the railway by this Act autho-
 rised or unnecessarily interfere therewith or cause increased expense
 to the Company in the working or maintenance of the junction
 or the substituted junction as the case may be or the signals works
 and conveniences connected therewith.

9. The Company may with the consent in writing of the Board Power to
 of Trade maintain and improve from time to time the harbour maintain
 which will be formed by the construction of the pier or jetty and harbour and
 may with the like consent from time to time dredge excavate scour dredge &c.
 deepen and preserve the bed and shore of the Bristol Channel for
 the purposes of such harbour and for forming and maintaining
 channels and approaches thereto.

10. The Company may appropriate or dispose of the material As to ma-
 dredged or excavated by them from time to time Provided that terial
 no material shall be deposited below the line of high water of dredged by
 ordinary spring tides without the consent in writing of the Board Company.
 of Trade.

11. The Company shall at the outer extremity of their works Company
 below high water exhibit and keep burning from sunset to sunrise to exhibit
 such lights (if any) as the Corporation of the Trinity House of lights.
 Deptford Strond shall from time to time direct.

If the Company 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.

12. The Company shall on or near the works below high-water Lights on
 mark hereby authorised during the whole time of their construction works.
 exhibit and keep burning at their own expense every night from
 sunset to sunrise such lights (if any) as the Board of Trade from
 time to time require or approve If the Company fail to comply

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A.D. 1889. 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.

Abatement
of works
abandoned
or decayed.

13. If any of the works constructed by the Company 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 Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Survey of
work by
Board of
Trade.

14. 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 Company on in over through or across tidal lands or tidal waters or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Capital.

15. The capital of the Company shall be three hundred and forty-eight thousand pounds in thirty-four thousand eight hundred shares of ten pounds each.

Shares not
to be issued
until one
fifth paid.

16. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

17. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in
case of
persons not
sui juris.

18. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to
divide
shares.

19. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called

“ preferred half share ” and the other shall be called “ deferred half share ” but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share. A.D. 1889.

20. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided. Dividends on half shares.

21. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company. Dividends on preferred shares to be paid out of the profits of the year only.

22. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it. Half shares to be registered and certificates issued.

23. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share. Terms of issue to be stated on certificates.

24. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of Forfeiture of preferred shares.

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A.D. 1889. — calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred shares not to be cancelled or surrendered.

25. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

26. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Power to borrow.

27. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole one hundred and sixteen thousand pounds and of that sum they may borrow not exceeding in the whole twenty-nine thousand pounds in respect of each eighty-seven thousand pounds of their capital but no part of any such sum of twenty-nine thousand pounds shall be borrowed until the whole eighty-seven thousand pounds of capital in respect of which it is to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations 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 Provided always that no money shall be

borrowed by the Company under the powers of this Act until the railway hereby authorised shall have been completed. A.D. 1889.

28. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. 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 two thousand pounds in the whole. For appointment of a receiver.

29. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

30. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable. Application of moneys.

31. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

32. The number of directors shall be seven but the Company may from time to time reduce and again increase the number of directors but so that the number shall never be less than three nor more than seven. Number of directors.

33. The qualification of a director shall be the possession in his own right of not less than fifty shares. Qualification of directors.

34. The quorum of a meeting of directors shall be three. Quorum.

35. Sir John E. Eardley Wilmot Baronet James Herman de Ricci Philip Hordle Stevens Thomas Bend Wilson Thomas John Perrett and two other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either First directors.

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continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for altering the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for
extra-
ordinary
purposes.

36. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding twenty acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for
compulsory
purchase of
lands.

37. The powers of the Company 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.

Power to
divert a road
as shown on
deposited
plans.

38. The Company may divert the public highway numbered on the deposited plans 33 in the parish of Brean and 1 in the parish of Berrow in the manner shown upon the deposited plans and sections and when the new portion of road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and so soon as the said road is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

Power to
take ease-
ments &c. by
agreement.

39. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water

required for the purposes of this Act in over 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. A.D. 1889.

40. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans 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.

41. The Company from time to time may grant leases for any terms which they think fit not exceeding ninety-nine years of any of the lands of the Company not required or likely to be required for the purposes of the works by this Act authorised to any persons corporations or companies (such corporations or companies being capable at law to accept such leases) who shall covenant to improve such lands by laying out money in the construction or erection of warehouses sheds houses or other buildings or conveniences thereon calculated to promote the business of the harbour and they may also grant to such lessees the use during their respective leases of such quay room and wharfage room and other easements as may be requisite or convenient for the purpose of the trade or business to be carried on in or at the warehouses buildings or works to be erected or constructed by such lessees Provided always that nothing in this section shall limit or restrict the provisions of section 33 of the Harbours Docks and Piers Clauses Act 1847 herewith incorporated. Power to grant building and improved leases.

42. Every such lease shall be made without fine and may be made with and subject to such exceptions reservations yearly or other rents or payments covenants conditions powers and provisions whatsoever as the parties thereto mutually agree on Provided Terms and conditions of such leases.

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Company
not to be
bound to sell
lands.

43. Anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding the Company shall not be bound to sell or dispose of any lands which may be included in any such lease or the reversion thereof.

For protec-
tion of rights
of the War
Department.

44. With a view of providing against any interference with the fire of the guns from the Brean Down Battery the following provisions shall have effect:—

- (1.) No buildings or erections shall be placed upon the pier with the exception of a lighthouse at the north-eastern extremity thereof the plan and elevation of which shall be previously submitted to and approved by Her Majesty's Principal Secretary of State for the War Department together with such cranes moveable or otherwise as may be necessary for carrying on the business of the Company on the pier and in the harbour:
- (2.) No buildings or erections in connexion with the harbour within the limits of deviation shown upon the deposited plans shall be erected unless and until plans and elevations thereof have been submitted to and approved by the said Principal Secretary of State:
- (3.) Any works constructed or buildings erected in contravention of this section may be at any time taken down or removed by or by order of the said Principal Secretary of State without compensation.

Railway
deposit fund
not to be
repaid ex-
cept so far
as railway
opened.

45. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of eight thousand one hundred and forty-seven pounds two pounds fifteen shillings per centum consolidated stock whereof two thousand nine hundred and ninety-six pounds (herein-after referred to as "the railway deposit fund") represents five per centum upon the amount of the estimate in respect of the railway authorised by this Act and the balance whereof (herein-after referred to as "the harbour deposit fund") represents four per centum upon the amount of the estimate originally deposited in Parliament in respect of the works other than the railway authorised by this Act has been deposited with the

Paymaster-General for and on behalf of the Supreme Court of A.D. 1889.
Judicature in England in respect of the application to Parliament
for this Act Be it enacted that notwithstanding anything contained
in the said Act the railway deposit fund shall not be paid or trans-
ferred to or on the application of the person or persons or the
majority of the persons named in the warrant or order issued in
pursuance of the said Act or the survivors or survivor of them
(which persons survivors or survivor are or is in this Act referred
to as "the depositors") unless the Company shall previously to the
expiration of the period limited by this Act for completion of the
railway open the same for the public conveyance of passengers.

46. If the Company do not previously to the expiration of the Application
period limited for the completion of the railway complete the same of deposit.
and open it for the public conveyance of passengers then and in
every such case the railway deposit fund shall be applicable and
after due notice in the "London Gazette" shall be applied towards
compensating any landowners or other persons whose property has
been interfered with or otherwise rendered less valuable by the
commencement construction or abandonment of the railway or any
portion thereof or who have been subjected to injury or loss in
consequence of the compulsory powers of taking property conferred
upon the Company by this Act and for which injury or loss no
compensation or inadequate compensation has been paid and shall
be distributed in satisfaction of such compensation as aforesaid in
such manner and in such proportions as to the High Court of Justice
in England may seem fit and if no such compensation is payable or
if a portion of the railway deposit fund has been found sufficient to
satisfy all just claims in respect of such compensation then the
railway deposit fund or such portion thereof as may not be required
as aforesaid shall either be forfeited to Her Majesty and accordingly
be paid or transferred to or for the account of Her Majesty's
Exchequer in such manner as the Court thinks fit to order on the
application of the Solicitor to Her Majesty's Treasury and shall be
carried to and form part of the Consolidated Fund of the United
Kingdom or in the discretion of the Court if the Company is insol-
vent and has been ordered to be wound up or a receiver has been
appointed shall wholly or in part be paid or transferred to such
receiver or to the liquidator or liquidators of the Company or be
otherwise applied as part of the assets of the Company for the
benefit of the creditors thereof Provided that until the railway
deposit fund has been repaid or retransferred to the depositors or
has become otherwise applicable as herein-before mentioned any
interest or dividends accruing thereon shall from time to time and

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Release of
harbour
deposit fund.

47. On the application of the depositors or the majority of them at any time after the passing of this Act the Court may and shall order that the harbour deposit fund and the interest and dividends thereon shall be paid or transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

Period for
completion
of works.

48. If the respective works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the respective works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Limits with-
in which
harbour
master may
exercise his
authority

49. The limits of the harbour and within which the powers of the harbour master for the regulation of the harbour shall be exercised (in this Act called "the harbour limits") shall be the pier or jetty and the quays and other works and premises of the Company and all lands and water within two hundred yards from any part of the works and for the purposes only of section 52 of the Harbours Docks and Piers Clauses Act 1847 shall include the approaches by water to the harbour within eight hundred yards from the eastern end of the pier or jetty.

Rates pay-
able on
vessels using
the harbour.

50. The Company may from time to time demand and take for or in respect of vessels entering using or departing from the harbour the pier or jetty or any works of the Company any sum not exceeding the rates mentioned in the First Schedule to this Act annexed (herein-after referred to as "harbour tonnage rates") and such harbour tonnage rates shall be payable by the masters or other persons in charge of such vessels and shall be paid at the time of such vessels entry inwards or clearance or discharge outwards but so as that no vessel shall be subject or liable to the payment of such rates or any of them more than once for the same voyage.

Remission of
portion of
harbour
rates.

51. Provided that the Company may from time to time confer exemptions from such portion as they think fit of the harbour tonnage rates where the vessel does not exceed one hundred tons burden Provided that every such exemption shall be made equally to all persons in respect of all vessels falling within the same class or description.

Exemption
from rates
and dues.

52. Provided always that except as is otherwise expressed in the said First Schedule the Company shall not demand or take any rate on any vessel driven into the harbour by stress of weather and not

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loading or unloading any part of the cargo thereof or unloading the same only for the purpose of necessary repairs to the vessel or on any of the goods therein. A.D. 1889.

53. The Company from time to time may demand and take for all animals or goods specified in the Second Schedule to this Act annexed which shall be shipped unshipped or transhipped in the harbour or at the pier or jetty or any works of the Company any sum not exceeding the several rates in the said schedule specified with respect to those goods respectively (in this Act called the "goods rates") and as regards all animals or goods so shipped unshipped or transhipped which are not specified in the said schedule the Company may demand and take in respect of the same rates equal to the goods rates from time to time payable in respect of animals or goods so specified which are as nearly as may be of like nature package and quantity and the goods rates shall be payable by the owner or consignee of the goods. Rates on goods, &c.

54. Where any goods liable to any of the aforesaid goods rates are placed on any of the public wharves of the Company and remain there more than three days the Company at any time after the expiration of such three days may require the owner to remove the same from the public wharf and to pay such reasonable rent as the Company from time to time appoint in that behalf for every day during the whole or any part of which the goods remain on the public wharf after the expiration of the three days and if the goods be not forthwith removed or if the owner thereof cannot be found the Company may remove the goods to some place of safety. Rents for goods liable to rates remaining on public wharves more than three days.

55. The Company from time to time may demand and take in respect of the user of cranes lifts and other machinery and whether the same are upon any public wharf or not such reasonable sums as they from time to time appoint in that behalf and those sums shall be payable by the owners of the goods in respect of which the cranes lifts or machinery are used. Craneage &c. rates.

56. The Company from time to time may demand and take such reasonable charges as they from time to time appoint in that behalf for services rendered by them in respect of any machinery or apparatus in shipping unshipping landing re-landing housing unhousing weighing trimming coopering sampling piling unpling watching loading unloading repairing protecting collecting and delivering goods and for any other services with respect to goods shipped or unshipped or warehoused or deposited at the harbour pier or jetty or works for which services any specific rate is not prescribed by this Act. Charge for service by Company at the harbour &c.

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Power to vary the rates.

57. The Company may from time to time vary the rates by this Act authorised or any of them respectively in such manner as they may think expedient by reducing or raising the same Provided that such rates do not in any case exceed the amounts authorised by this Act and provided also that the rates be at all times charged equally to all persons in respect of the same description of vessel performing a voyage between the harbour pier or jetty or works of the Company and the same port or ports and loading or unloading the same description of goods.

As to calculating fractional part of rates.

58. If any rate by this Act authorised to be levied shall when increased or reduced as herein-before provided contain a fractional part of a penny such fractional part of a penny shall be reckoned one penny.

Power for Company to remit rates.

59. The Company if and when they think fit may remit or return the whole or any part of any rates in respect of any vessel or goods shown to their satisfaction to have been wrecked spoiled or damaged and may remit or return the whole or any part of any rates under any other similar circumstances which in their judgment make the remission or return reasonable and just so as the claim for the remission or return be made and substantiated to the satisfaction of the Company within such time as under the circumstances they deem reasonable Provided that every such remission or return shall be made equally to all persons in respect of all vessels or goods under the same circumstances.

Rates for repairing slips, &c.

60. The Company may from time to time demand and take for the use of their warehouses sheds and buildings and of their repairing slips such rates and sums respectively as the Company shall from time to time reasonably appoint.

Officers of Board of Trade to have free access to harbour without payment of toll.

61. All officers of the Board of Trade being in the execution of their duty shall have free ingress and egress into and out of the harbour and the works and premises of the Company and through the entrance of the same and also freely to pass with their vessels and boats through the water communications of the harbour works and premises at all times without payment of any toll or sum for so doing.

Provision in case of failure of owners or consignees to pass entries at Custom House.

62. In order to remedy any inconvenience from the failure of the owners or consignees of vessels or their cargoes to make or pass due entries at the Custom House the Company may in respect of the cargo or any part of the cargo of any vessel within the harbour and works or within the rating limits for which the owner or consignee shall fail to pass an entry within seven days next

after the day on which the vessel is reported at the Custom House pass an entry on the next ensuing working day after the expiration of such seven days and may subject to the Customs laws and regulations land all such cargo and as regards any part thereof which can by law be warehoused warehouse the same and the expense of any such entry shall be paid to the Company by the owner or consignee of the cargo so landed and be recoverable as rates payable to the Company in respect thereof Provided that in any case where prior to the expiration of such seven days as aforesaid the despatch of business is hindered by failure to pass an entry the Company may exercise the right conferred by this section at the expiration of forty-eight hours after the day on which the vessel is reported at the Custom House. A.D. 1889.

63. The Company may erect transit sheds on any of their quays or lands for the reception of goods on such plan and of such dimensions as they shall think fit and may from time to time alter or remove the same and the Company shall keep all such transit sheds provided with all requisite weighing materials and apparatus and other conveniences for weighing and measuring goods and shall keep all such transit sheds weighing materials apparatus and conveniences in good repair. Power to erect transit sheds.

64. The master or owner of any vessel lying in and using the harbour or the owner of all or any part of the inward cargo of such vessel may cause such cargo or any part thereof without previously making any entry thereof upon giving due notice to the proper officer of Customs to be landed and deposited in a transit shed of the Company and such cargo or such part of such cargo so landed and deposited in such transit shed shall for all purposes be considered as still on board the vessel from whence the same shall have been landed and shall be removable only from such transit shed in the same manner and by the same process in all respects as the same might by law have been removed from such vessel in case the same were still actually on board thereof. Deposit of goods in transit sheds.

65. If any goods which shall have been deposited in any transit shed shall not within forty-eight hours from the day on which such goods shall have been deposited therein be duly entered with the Customs and the order for landing having been lodged with the proper officer of Customs be also weighed or measured so that the same may be passed by the landing waiter the Company may on the next ensuing day cause such goods to be entered at the Custom House and having obtained the proper Customs authority for so doing may cause the same goods to be forthwith weighed or If owner &c. of goods deposited in transit sheds neglect to make Customs entries the Company may make same.

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measured so that they may be passed by the landing waiter and any entry which may be so made by the Company shall be made according to the marks numbers packages qualities or quantities of such goods and after such goods shall have been passed by the landing waiter they shall cease to be considered as still on board the vessel from whence they may have been landed and shall thenceforth be at the risk costs and charges of the owner thereof but under and subject to all liens and charges which may have attached thereto on board such vessel.

Company may employ persons to weigh &c. goods.

66. In every such case as last aforesaid the Company may employ such persons as they shall think fit to weigh or measure such goods as they may be desirous to have passed by the landing waiter and for such purpose to remove unpile repile cooper or repair the same goods and to perform any other work requisite thereto for all which labour and work the Company may make reasonable charges and may retain such goods as security for the payment of the Customs duties and of the said charges and also of the freight lien and other charges due thereon or claimed in respect thereof in case notice to detain the same for such freight lien and other charges shall have been given to them Provided that nothing herein contained shall prevent the owner of such goods from employing any persons he may think proper for any of the purposes aforesaid.

Goods not liable to seizure for inaccurate entry.

67. Goods so entered by the Company as aforesaid shall not be liable to seizure or forfeiture by reason of any unintentional inaccuracy in the entry thereof.

Goods may remain in transit sheds one day after passing landing waiter free of charge.

68. No charge shall be made for the use of any transit shed in respect of any goods deposited therein unless they shall remain therein longer than one day after the same shall have passed the landing waiter and if upon the expiration of such one day any of such goods shall not have been removed the owner thereof shall be liable to pay to the Company for the goods so remaining for the said one day after the passing thereof by the landing waiter and for every entire subsequent day during which any of such goods shall remain in such transit shed a rent at the rate of one month's rent that would have been payable for such goods had the same been warehoused in the warehouses of the Company and remained there one month and such goods shall not (unless with the consent of the Company) be removed from the transit shed until such rent (if any) and all other charges in respect of such goods shall have been paid and rent shall accrue and go on notwithstanding the exercise of any right of lien by the Company Provided that the Company may at their discretion reduce or altogether remit such rent under any

special circumstances which in their judgment may make such reduction or remission reasonable. A.D. 1889.

69. If any goods which shall have been deposited in any transit shed shall be permitted to remain therein for the period of seven days after the same shall have passed the landing waiter it shall be lawful for the Company to warehouse such goods in any warehouse whether belonging to the Company or not which may be approved by the Commissioners of Her Majesty's Customs as sufficiently secured for the warehousing of bonded goods and the Company or other the persons having the care or control of the warehouse in which such goods shall be stored shall retain the same goods as a security for the payment of the Customs duties to which they may be subject and of the rents rates and charges payable thereon to the Company and to the owners of such warehouse and also of the freight due on such goods upon any notice to detain the same for such freight.

Goods if left in transit sheds seven days after passing landing waiter may be warehoused.

70. If the Customs duties on any goods so landed be not paid within six months after the day on which the vessel importing the goods is reported at the Custom House the Company may if they think fit pay such duties and may sell the goods or any part thereof to satisfy the amount of the duties so paid rendering on demand the surplus (if any) of the proceeds of the sale and the unsold goods (if any) after deducting any rates rents charges and expenses due and payable to the Company in respect thereof to the owner or consignee of the goods Provided that if a price cannot be obtained for the goods equal to the full amount of the Customs duties payable thereon and the charges of sale the goods shall be effectually destroyed or otherwise sold and disposed of in such manner for such purposes and under such regulations as the Commissioners of Customs from time to time direct.

Power to sell goods so landed for payment of duties.

71. If default be made in payment to the Company of any rent or charge with respect to any goods at on or in the harbour pier or jetty quays yards warehouses or other works of the Company the Company (first paying the Customs duties and Inland Revenue duties if any due and payable thereon) may detain and sell the goods or any part thereof and after retaining the amount so paid may retain for themselves the rent or charges so due and payable to them and the expenses of detention and sale rendering on demand the surplus (if any) of the proceeds of sale and such (if any) of the goods as remain unsold to the person appearing to them to be entitled thereto Provided that the Company if they do not sell

Power for Company to recover rents and charges for goods by sale &c.

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Restrictions as to time of sale by Company for recovery of charges. **72.** Provided that (except with respect to goods of a perishable nature which in the judgment of the Company would be materially lessened in value by being retained by them) the Company shall not so sell any goods until after the expiration of six months from the time at which the goods are unshipped or delivered at their harbour pier or jetty quays yards warehouses or other works.

Sale of perishable goods for freight. **73.** The Company may if they think fit sell any goods of a perishable nature deposited and lodged with them at any time when in their judgment the goods would be materially lessened in value by being retained by them and whether or not they have notice of the non-payment of freight claimed on the goods or notice to retain the same.

Application of proceeds of sale of perishable goods for freight. **74.** When the Company so sell any such perishable goods they shall apply the proceeds of the sale so far as they suffice in the first place in payment of the Customs duties and Inland Revenue duties (if any) payable in respect of the goods and in the next place in payment of the rates rents and charges due and payable to the Company in respect thereof and the expenses of the sale rendering on demand the surplus (if any) of the proceeds and the unsold goods (if any) to the person appearing to them to be entitled thereto.

Company may give certificates of deposited goods and warrants for delivery of goods. **75.** The Company from time to time at the request of any person warehousing or depositing any goods in any warehouse or upon or in any of the piers quays or yards of the Company specially appropriated for the purpose or entitled to any goods so warehoused or deposited may if the Company think fit issue and deliver to him a certificate in a form approved by the Company of the goods so warehoused or deposited or a warrant in a form approved by the Company for the delivery of the goods so warehoused or deposited or any part thereof to be respectively specified in the warrant.

Effect of certificate or warrant. **76.** Every such certificate or warrant shall be deemed to be a document of title to the goods specified therein and shall be transferable by indorsement and any holder of such certificate or warrant whether the person named therein or the indorsee thereof shall have the same right to the possession and property of such goods as if they were deposited in his own warehouse.

77. Every such certificate or warrant shall state on the face thereof the effect of the preceding section and that it is issued under the powers of this Act.

Effect to be stated on face of certificate or warrant.

78. No such warrant for delivery shall be given unless and until all liens and claims for freight and all other liens or claims whatsoever to which the goods were liable while on board any vessel and before the warehousing or depositing of the same and of which the Company have notice in writing and all rates rents charges and expenses payable to the Company with respect to the warehousing or depositing of the goods or for services performed by the Company in respect thereof are paid or discharged.

Warrant not to be given till freight rates &c. paid.

79. Before a warrant for the delivery of all or any of the goods specified in any certificate is issued by the Company the certificate shall be delivered to them to be cancelled. Provided that if the warrant be for the delivery of part only of the goods the Company shall issue to the person so delivering up the certificate a new certificate with respect to the goods not specified in the warrant.

Warrant not to be given till certificate given up.

80. All certificates delivery warrants transfer certificates and other documents relating to goods in the custody of the Company or to the management of the business of their harbour pier or jetty warehouses or other works or conveniences being signed and issued by any officer duly authorised in that behalf shall be effectual in law and binding on the Company and all other parties interested without any other signature and without any seal.

Warrants &c. signed by duly authorised officers sufficient.

81. In addition to the byelaws which under the provisions with respect to the byelaws to be made by the undertakers of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act the Company may from time to time make alter and repeal the Company may also from time to time make alter and repeal such byelaws as they think fit for all or any of the following purposes (that is to say) :—

Power for Company to make byelaws as to harbour pier quays &c.

For assigning and appropriating to any vessel or vessels or to any trade or trades any or any part of their pier or jetty quays yards and works :

For preventing any part of the pier or jetty quays yards and works of the Company specially appropriated by them for any particular trade business or purpose being used for any other purpose so as to prevent or interfere with its user for the purpose for which it is so appropriated :

For regulating the times and manner of paying and the places for payment of the rates rents and charges payable to the Company :

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For preventing the exhibition or placing on the pier or jetty or any of the quays of the Company of any goods for sale other than such goods as the Company from time to time think fit to be permitted to be sold there and other than perishable articles landed on the quays and sold within forty-eight hours of their being landed :

For preventing persons from playing or loitering about in and upon the unenclosed quays and open sheds of the Company to the obstruction of the business of the Company or to the risk or damage of any of the goods there :

For providing that the pier or jetty and the quays and wharves and works of the Company upon which goods are usually landed shall be used only for the purposes of the business of the Company and the harbour pier or jetty and works connected therewith :

For regulating the discharging depositing and measuring of timber at and in and from the harbour pier or jetty quays yards and works of the Company :

For directing regulating or preventing the user of fires candles and lamps within the harbour and upon the pier or jetty or quays or on board of any vessel being within the harbour limits :

For preventing the smoking and lighting of tobacco or any herb or other substance whatsoever in any such vessel or in the harbour or upon the pier or jetty or any of the quays and works or within the harbour limits or upon or within any lands of the Company :

For regulating the supply and unshipping loading and unloading removal and disposal of ballast or things used as ballast within the harbour.

Confirmation
of byelaws.

82. The byelaws from time to time after the passing of this Act made by the Company except such as relate solely to the Company or their officers or servants shall be subject to the provisions of the Harbours Docks and Piers Clauses Act 1847 but no such byelaws nor any byelaws to be made by the Company under the Harbours Docks and Piers Clauses Act 1847 shall have any force or effect unless and until the same be confirmed by the Board of Trade.

Power to ap-
point meters
and weighers.

83. The Company may appoint and license a sufficient number of persons to be meters and weighers within the harbour limits.

Dredge
boats &c.

84. The Company may from time to time purchase hire provide and use such vessels worked by steam or otherwise machinery and

apparatus as they think fit for dredging scouring and deepening the harbour and so much of the Bristol Channel as they are by this Act authorised to dredge excavate scour and deepen.

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85. The Company may from time to time purchase hire provide and use all such ballast lighters steam engines piling engines diving bells and other vessels machinery implements and apparatus as they think requisite for any of the purposes of this Act and may make such reasonable charges for the use of the same as they think fit.

Ballast
lighters &c.

86. The Company may from time to time purchase or hire and let and take charges and remunerations for steam tugs and other towing power and may also from time to time license such number of steam tugs or other such power belonging to any person for such period and on such terms and conditions as they may think fit and may from time to time fix such rates and charges as appear to them reasonable for or in respect of the use of such steam tugs or other power and such rates and charges shall be paid by the owner master agent manager or other person having charge of the vessel obtaining assistance of such steam tugs or other power to the Company or to their lessee or to the owner of such steam tugs or other power if licensed by them as the case may be and such rates and charges shall be due and payable whether such steam tugs or other power shall be actually employed or not provided the assistance thereof shall have been required and shall in consequence of such requisition have been tendered by the master or other person having the command of such steam tugs or other power.

Company
may provide
and license
tugs.

87. The Company may from time to time demand and take in respect of every passenger landing or embarking at or from the pier or jetty any sum not exceeding fourpence.

Pier tolls.

88. The Company may demand and receive from every person for each time of using or being upon the said pier or jetty such person not having landed thereon nor being about to embark therefrom nor being employed in landing or embarking any animals goods commodities matters or things thereon or therefrom any sum not exceeding twopence.

Tolls for
pedestrians
on pier.

89. The Company from time to time may demand and take such reasonable rates as they from time to time appoint in that behalf to be paid in different parts of the harbour for the removal of ballast from and into vessels in the harbour and such rates shall be payable to the Company by the master or owner of every vessel which discharges or loads any ballast in the harbour in respect of the

Ballast rates.

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Saving rights of Crown under Crown Lands Act.

90. 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 20 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving rights of the Crown in the fore-shore.

91. Save as is in this Act otherwise expressly provided nothing contained in this Act shall authorise the Company 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 Her heirs or successors.

Provision for Merchant Shipping Acts and general Acts.

92. Nothing in this Act contained shall exempt the dock or the Company from the provisions of the Merchant Shipping Acts or any general Acts relating to harbours or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the harbour rates or duties by this Act authorised.

Tolls :

93. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say) :—

For passengers :

In respect of passengers and animals conveyed on the railway—

Class 1. For every person conveyed in a first-class carriage per mile threepence :

Class 2. For every person conveyed in a second-class carriage per mile twopence :

Class 3. For every person conveyed in a third-class carriage per mile one penny :

For animals :

Class 4. For every horse mule ass or beast of draught or burden conveyed in or upon any carriage per mile threepence :

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Class 5. For every ox cow bull or head of neat cattle conveyed in or upon any carriage per mile threepence: A.D. 1889.

Class 6. For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage per mile one penny:

In respect of goods conveyed on the railway—

For goods.

Class 7. For all coals coke culm slack cannel cinders lime limestone sand clay (except fireclay) chalk dung compost and all sorts of common manure and all undressed materials for the repair of highways clay ironstone and iron ore per ton per mile one penny halfpenny:

Class 8. For all pig iron bar iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise guano and artificial manures undressed stones for building pitching and paving bricks tiles common slates fireclay charcoal bats copper tin lead and other ores per ton per mile one penny halfpenny:

Class 9. For all sugar grain corn flour potatoes hides (dried and salted) dyewoods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop iron sheet iron and chains per ton per mile threepence:

Class 10. For lace furs silk drapery millinery china glass cotton wool manufactured goods drugs and all other wares merchandise fish articles matters or things per ton per mile fourpence:

In respect of carriages conveyed on the railway—

Class 11. For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform belonging to the Company if having more than two wheels per mile sixpence and if only two wheels per mile threepence and for every additional quarter of a ton up to four tons which any such carriage weighs one penny halfpenny per mile in addition if such carriage have more than two wheels and one penny per mile in addition if the same have only two wheels.

94. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand or take for or in respect of goods articles matters or things persons or animals comprised in any of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in Tolls for carriages &c.

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A.D. 1889. — connexion with the class in which such goods articles matters or things persons or animals are respectively comprised (to wit):—

For class 1 for each person per mile one penny :

For class 2 for each person per mile three farthings :

For class 3 for each person per mile one halfpenny :

For class 4 for each animal per mile one penny :

For class 5 for each animal per mile one penny :

For class 6 for each animal per mile one halfpenny :

For class 7 per ton per mile one penny :

For class 8 per ton per mile one penny :

For class 9 per ton per mile one penny :

For class 10 per ton per mile one penny :

For class 11 for each carriage per mile twopence.

Tolls for
propelling
power.

95. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations
as to tolls.

96. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—

Short
distances.

For all passengers animals or goods conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles :

Fractional
parts of a
mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile :

Fractional
parts of a
ton.

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

General
weight.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight :

Weight of
stone and
timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

97. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say):—

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Tolls for
small parcels
and articles
of great
weight.

For the carriage of small parcels on the railway—

For any parcel not exceeding seven pounds in weight threepence :

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence :

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence :

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence :

For any parcel exceeding fifty-six pounds such sum as the Company think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single articles in separate packages.

For the carriage of any single article the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand and take any sum not exceeding sixpence a ton a mile :

For the carriage of any single article the weight of which with the carriage exceeds eight tons the Company may demand and take any sum they think fit.

98. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls for the use of the railway and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):—

Maximum
rates for
passengers.

For every passenger conveyed in a first-class carriage the sum of threepence per mile :

For every passenger conveyed in a second-class carriage the sum of twopence per mile :

For every passenger conveyed in a third-class carriage the sum of one penny per mile.

99. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway including the tolls for the use of the railway and the waggons or trucks and locomotive power and for every other expense incidental

Maximum
rates for
animals and
goods.

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A.D. 1889. to the conveyance except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier (where any such service is performed by the Company) shall not exceed the following sums (that is to say):—

Class 4. For each animal fourpence per mile :

Class 5. For each animal threepence per mile :

Class 6. For every calf or pig one penny halfpenny per mile and for every other small animal three farthings per mile :

Class 7. One penny halfpenny per ton per mile :

Class 8. Twopence per ton per mile :

Class 9. Threepence per ton per mile :

Class 10. Fourpence per ton per mile :

Class 11. For every carriage if having more than two wheels and not weighing more than one ton sixpence and one penny halfpenny for every additional quarter of a ton and if having only two wheels fourpence per mile and one penny for every additional quarter of a ton.

Tolls for
separate
waggons.

100. Provided also that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge the aggregate of the tolls to be paid for such waggon or truck capable of containing six oxen or twenty-five sheep and not containing more than that number shall not exceed ninepence per mile.

Passengers
luggage.

101. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Terminal
station.

102. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing
charges not
to apply to
special
trains.

103. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

104. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals and goods (other than small parcels) by passenger trains.

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Company may take increased charges by agreement.

105. Section 24 of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company but only as regards the rates and charges proposed to be taken by the Company in respect of the railway by this Act authorised as if it were one of the companies to which the provisions of the said enactment in terms applied. Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Application of provisions of Railway and Canal Traffic Act 1888 as to revision of railway rates.

106. The Company and the Great Western Railway Company may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into and carry into effect vary and rescind agreements and arrangements with respect to the following purposes or any of them (that is to say):—

Working agreements.

The maintenance use and working by the Great Western Railway Company of the railway of the Company or any part or parts thereof respectively :

The regulation collection transmission and delivery of traffic passing over or coming from or destined for the undertakings of the contracting companies or either of them :

The fixing levying collection payment appropriation and apportionment of tolls rates and charges :

The supply under any agreement for the railway of the Company being worked and used by the Great Western Railway Company of rolling stock and plant necessary for the purposes of any such agreement : and

The employment of officers and servants for the conveyance and conduct of the traffic and all incidental matters and for or with reference to any of the other objects of this Act.

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Confirming
agreement
with William
Wyndham.

107. The agreement between the promoters of the Bill for this Act of the one part and William Wyndham of the other part as set forth in the Third Schedule to this Act is hereby confirmed and made binding on the Company and the said William Wyndham and full effect may and shall be given thereto Provided that in the event of the Company not having completed the purchase of the lands of the said William Wyndham required by them within a period of three years from the passing of this Act all the powers of the Company over or with respect to any lands of the said William Wyndham shall absolutely cease and determine.

Tolls on
traffic con-
veyed partly
on the rail-
way and
partly on
other
railways.

108. During the continuance of any working agreement to be entered into under the provisions of the last preceding section of this Act the railways of the Company and of the Great Western Railway Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railways of the Great Western Railway Company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway of the Company and partly on the railways of the Great Western Railway Company.

Saving for
Postmaster-
General.

109. Nothing in any agreement made under the authority of this Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time 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 undertaking of the Company is owned leased or worked by the Great Western Railway Company and as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Power to
Company to
pay interest

110. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the

Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

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—
on capital
during
construction.

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed twenty-one thousand seven hundred and fifty pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company have power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this 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.

111. The recited Brean Down Acts are hereby repealed and the company incorporated by the Brean Down Harbour Act 1862 is hereby dissolved.

Repeal of
Brean Down
Harbour
Act 1862 &c.

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Deposits for
future Bills
not to be
paid out of
capital

112. 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 to any application of Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Saving
rights of the
Crown.

113. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to 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 Her heirs or successors.

Provision
as to general
Railway
Acts.

114. Nothing in this Act shall exempt any company in this Act mentioned or the railway of any such company 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 any such Company.

Costs of
Act.

115. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act.

A.D. 1889.

FIRST SCHEDULE.

THE HARBOUR TONNAGE RATES.

RATES ON VESSELS ENTERING USING OR DEPARTING FROM THE HARBOUR.

	<i>s.</i>	<i>d.</i>
For every vessel under the burden of fifteen tons, per ton - - - - -	0	4
For every vessel of the burden of fifteen tons and under fifty tons, per ton - - - - -	0	6
For every vessel of the burden of fifty tons and under one hundred tons, per ton - - - - -	0	8
For every vessel of the burden of one hundred tons and under one hundred and fifty tons, per ton - - - - -	0	10
For every vessel of the burden of one hundred and fifty tons and upwards, per ton - - - - -	1	0
All lighters from any vessel in the roads shall be exempted from rates, but if the vessel do not enter the harbour every lighter shall pay for each trip, per ton - - - - -	0	2
All boats entirely open landing or taking on board goods or dried or salted fish, each - - - - -	0	6
All drave or large boats entering the harbour or precincts thereof with fresh fish, each - - - - -	0	4
For every vessel remaining in the harbour more than one calendar month for every ton register measurement - - - - -	0	1
And every fraction of a calendar month over and above one calendar month shall be considered as one calendar month.		

SECOND SCHEDULE.

RATES ON GOODS OR ANIMALS SHIPPED OR UNSHIPPED AT THE HARBOUR.

	<i>s.</i>	<i>d.</i>
Ale, beer, porter, or cyder, per 3 doz. bottles hamper - - - - -	0	1½
per barrel of 36 gallons - - - - -	0	1
per hogshead of 54 gallons - - - - -	0	2
per butt of 108 gallons - - - - -	0	4
per 3 doz. quarts hamper - - - - -	0	2
Alabaster, per ton - - - - -	0	2
Alum, per cwt. - - - - -	0	1

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	s.	d.
Anchors, per cwt.	0	1
Anvils, per cwt.	0	1
Apples and pears, per bushel	0	1
Ashes of all sorts, per ton	1	0
Aquafortis, per cwt.	0	1
Arrowroot, per cwt.	0	2
Arsenic, per cwt.	0	2
Alkali, per ton	1	4
Asphaltum, per cwt.	0	2
Bark (oak) per ton	1	0
Bacon or hams, per cwt.	0	1
Beef or pork, per ton	0	8
Barilla, per ton	1	4
Bottles of all sorts, per gross, twelve dozen	0	6
Brass, per cwt.	0	1
Bricks, bearers, or tiles, per thousand	0	8
Brimstone, per cwt.	0	1
Bristles, per cwt.	0	2
Brushes, per dozen	0	1
Burr for millstones, per cwt.	0	0½
Bags and bed sackings, per ton	0	1
Butter, per firkin not exceeding 56 lbs. weight	0	0½
Bales and trusses of silk, linen, or woollen, under one cwt.	0	2
Ditto above one cwt. per cwt.	0	1½
Bells, per cwt.	0	2
Blubber, per cwt.	0	0½
Barley, pearled, per cwt.	0	2
Barrows, each	0	2
Baskets, per dozen	0	2
Bast ropes, per cwt.	0	2
Berries of all sorts, per cwt.	0	2
Biscuit and bread, per cwt.	0	2
Blacking, per cwt.	0	2
Bones and hoops, per ton	1	0
Bone dust, per ton	1	0
Books, per cwt.	0	2
Boots and shoes, per cwt.	0	2
Bronzes, per cwt.	0	2
Cables and cordage, tarred or not, per ton	1	4
Candles, per cwt.	0	1
Cannon, per cwt.	0	1
Balls, per cwt.	0	1
Casks, empty, viz. :—		
Pipes, each	0	2
Hogsheads, each	0	1
Barrels, each	0	0½
other casks, each	0	0½

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	s.	d.
Eggs, per thousand	0	4
Empties, boxes, chests, hampers, &c., each	0	1
Essences and extracts of all sorts, per cwt.	0	2
Feathers, per cwt.	0	4
Fish, per ton	0	8
Ditto per barrel not exceeding 2 cwt.	0	1
Flax, per ton	1	4
Flour or meal, per ton	0	8
Furniture, in cases or packages, per cubic foot	0	1
Flints, per ton	0	6
Flocks, per cwt.	0	2
Fruit, per cwt.	0	1
Glass, per cwt.	0	1
(plate) per cwt.	0	1½
(window) per cwt.	0	1
Glue, per cwt.	0	2
Groceries: Almonds		
Cinnamon		
Currants		
Cloves		
Figs		
Mace		
Nutmegs		
Pepper		
Pimento		
Plums		
Prunes		
Raisins		
Ginger		
Dates		
Liquorice		
Sugar candy		
Sugar, refined or raw.	See	Sugar.
Gunpowder, per cwt.	0	2
Gun stocks, per hundred	1	0
Gum of all sorts, per cwt.	0	2
Guano of all sorts, per ton	1	0
Gelatine, per cwt.	0	2
Grapes, per cwt. in packages	0	2
Gypsum, per ton	0	4
Grease, per cwt.	0	1
Greaves, per cwt.	0	1
Hair of all sorts, per cwt.	0	1
package containing less than one cwt.	0	1
Hardware, per cwt.	0	1
Hats, per package not exceeding in weight 1 cwt.	0	1
Hemp, per ton	1	0

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	s.	d.	A.D. 1889.
Hides, each, wet or dry	0	0½	—
Hoops, per bundle not exceeding 2 cwt.	0	1	
Honey, per barrel, 42 gallons	1	0	
Hops, per cwt.	0	2	
Horns, per cwt.	0	1	
Hampers, containing 1 dozen bottles	0	1	
2 ditto	0	2	
3 ditto	0	3	
4 ditto	0	4	
5 ditto	0	5	
6 ditto	0	6	
Hay, per ton	1	0	
Hellebore, per cwt.	0	2	
Indigo, not exceeding one cwt., per cwt.	0	2	
Iron, pig, cast, or old, per ton	0	8	
Bar, bolt, and rod, per ton	1	4	
Ballast, per ton	0	4	
Isinglass, per cwt.	0	2	
Ink, per cwt.	0	2	
Iodine, per cwt.	0	2	
Indian rubber, per cwt.	0	2	
Junk, per ton	0	4	
Juices, per cwt.	0	2	
Jute, per ton	0	10	
Laths, per ton	0	8	
Lead, per ton	1	4	
Shot, per cwt.	0	0½	
White and paints, per cwt.	0	0½	
Black, per cwt.	0	0½	
Leather and leather shreds, per cwt.	0	1	
Lemons and oranges, per box exceeding 1 cwt. but not exceeding 2 cwt.	0	1	
Lemons and oranges, per box not exceeding 1 cwt.	0	0½	
Lard, per cwt.	0	2	
Lignite, per ton	0	4	
Limes, per ton	0	4	
Lime, per ton	0	4	
Litharge, per cwt.	0	1	
Marble, per ton	1	0	
Margarine, per quarter cwt.	0	1	
Matting, per package not exceeding 4 cwt.	0	4	
Millstones, per cwt.	0	0½	
Molasses, per cwt.	0	0½	
Mops, per dozen	0	1	
Mustard, per ton	1	6	
Macaroni and vermicelli, per cwt.	0	2	
Manna and manna croop, per cwt.	0	2	

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	s.	d.
Nails, per cwt.	0	1
Nuts, per cwt.	0	0½
Naphtha, per cwt.	0	2
Nitre, per cwt.	0	2
Oakum and tow, per ton	1	0
Ochre, per cwt.	0	0½
Oil, viz.—Linseed, per cwt.	0	1
Rape, per cwt.	0	1
Sperm, per cwt.	0	1
Salad, per cwt.	0	1½
Turpentine } per cwt.	0	1
Vitriol }	0	1
Oil, not otherwise enumerated, per cwt.	0	1
Oilcake, per cwt.	0	1
Onions, per bushel	0	0½
Ores,—Copper, iron, lead, and other ores, per ton	0	8
Paper, per cwt.	0	1
Pelts, per cwt.	0	1
Pewter, per cwt.	0	1
Pipes (tobacco), per gross	0	1
Pitch and tar, per ton	0	8
Plaster of Paris, per ton	1	0
Potatoes, per ton	0	4
Potash, per ton	2	0
Pickles, per cwt.	0	2
Porcelain, per cwt.	0	1
Quicksilver, per cwt.	0	6
Rags, per ton	1	0
Rice, per cwt.	0	1
Rosin, per cwt.	0	0½
Rushes, per cwt.	0	0½
Sail cloth, per cwt.	0	1
Salt, per ton	0	4
Saltpetre and other salts, per cwt.	0	1
Seeds, viz. :—		
Hemp } per quarter	0	3
Clover }		
Grass }		
Vetches }		
Rye }		
Flax, per cwt.	0	2
Canary, per cwt.	0	1
All other seeds, per cwt.	0	1
Skins, per ton	0	6
Slates—Duchesses, large or small, per 1,200	0	6
Countesses	0	4
Ladies	0	4

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							s.	d.	A.D. 1889.
Slates—Doubles	-	-	-	-	-	-	0	2	
Scantle	-	-	-	-	-	-	0	2	
Common or small	-	-	-	-	-	-	0	1	
Unsize rag	-	-	-	-	-	-			
Half rag	-	-	-	-	-	-			
Queen or sized rag	-	-	-	-	-	-			
Slab	-	-	-	-	-	-			
Block	-	-	-	-	-	-	0	4	
Westmoreland rag	-	-	-	-	-	-			
Imperial or milled	-	-	-	-	-	-			
Welsh or rag square	-	-	-	-	-	-			
Other sorts	-	-	-	-	-	-			
Soap, in chests or hogshead, per cwt.	-	-	-	-	-	-	0	1	
							0	1	
Soda, per ton	-	-	-	-	-	-	1	4	
Spirits. See Wines.									
Starch, per cwt.	-	-	-	-	-	-	0	1	
Steel, per cwt.	-	-	-	-	-	-	0	1	
Stones, grinding, per cwt.	-	-	-	-	-	-	0	0½	
Stone—Portland	-	-	-	-	-	-			
Bath	-	-	-	-	-	-			
Beer	-	-	-	-	-	-			
York	-	-	-	-	-	-			
Whitby	-	-	-	-	-	-			
Rolling	-	-	-	-	-	-			
Trough	-	-	-	-	-	-			
Moor	-	-	-	-	-	-	0	6	
Grave	-	-	-	-	-	-			
Step	-	-	-	-	-	-			
Paving	-	-	-	-	-	-			
Gutter	-	-	-	-	-	-			
Kerb	-	-	-	-	-	-			
Granite	-	-	-	-	-	-			
Limestone, per ton	-	-	-	-	-	-	0	0½	
Snuff, per cwt.	-	-	-	-	-	-	0	1	
Sugar, refined, packed, per cwt.	-	-	-	-	-	-	0	2	
raw, per cwt.	-	-	-	-	-	-	0	1	
Sago, per cwt.	-	-	-	-	-	-	0	2	
Shumach, per cwt.	-	-	-	-	-	-	0	2	
Spelter, per cwt.	-	-	-	-	-	-	0	2	
Sulphur, per cwt.	-	-	-	-	-	-	0	2	
Superphosphate of all sorts, per ton	-	-	-	-	-	-	1	0	
Straw, per ton	-	-	-	-	-	-	0	6	
Tallow, per ton	-	-	-	-	-	-	1	0	
Tea, per one hundred and thirty lbs. chest	-	-	-	-	-	-	0	3	
per eighty lbs. chest	-	-	-	-	-	-	0	2	
per forty lbs. chest	-	-	-	-	-	-	0	1	

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	s.	d.
Tin, in boxes, per cwt.	0	1
ware, per cwt.	0	2
Tobacco, per cwt.	0	2
Tongues, dried, per cwt.	0	1
Treenails or hummels, per thousand	0	4
Twine and thread, per ton	2	0
Tapioca, per cwt.	0	2
Vinegar, per pipe of one hundred and twenty gallons	0	4
per hogshead of sixty-three gallons	0	2
per barrel of thirty gallons	0	1
Valonia, per ton	1	0
Varnish, per cwt.	0	2
Vermicelli, per cwt.	0	2
Wax, per cwt.	0	1
Whalebone, per ton	2	6
Whiting, per cwt.	0	0 $\frac{1}{2}$
Wine and spirits, per pipe of one hundred and twenty gallons	1	0
per hogshead of one hundred and three gallons	0	9
per puncheon of ninety gallons	0	6
per quarter pipe of thirty gallons	0	3
per case or hamper containing three doz. bottles	0	2
Wood, square, per fifty cubic feet	0	4
Round, per forty cubic feet	0	4
Deals, planks, and boards, per six hundred and fifty superficial feet	0	6
Lathwood, per two hundred and ten cubic feet	0	6
Lignum vitæ, per cwt.	0	2
Mahogany bulk, per fifty cubic feet	0	4
Spars, masts, &c., per fifty cubic feet	0	4
Staves, per one hundred and twenty	0	1
Wool, per cwt.	0	2
Wire, per cwt.	0	1 $\frac{1}{2}$
Yarn of all sorts, per ton	2	0
Zinc, per cwt.	0	1
All other goods not particularly enumerated in the above table:		
Light goods, per five cubic feet	0	1
Heavy goods, per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified a proportion of the respective rates shall be charged.

THE THIRD SCHEDULE.

A.D. 1889.

ARTICLES OF AGREEMENT made and entered into the eleventh day of July one thousand eight hundred and eighty-nine between SIR JOHN EARDLEY EARDLEY WILMOT of 13 Thurloe Square in the county of Middlesex Baronet JAMES HERMAN DE RICCI of 50 Cornwall Gardens in the county of Middlesex Esquire PHILIP HORDLE STEVENS of 4 Finsbury Circus in the City of London Esquire THOMAS BEND WILSON of 61 Cannon Street Manchester in the county of Lancaster Esquire and THOMAS JOHN PERRETT of Fairlawn House Weston-super-Mare in the county of Somerset Esquire of the one part and WILLIAM WYNDHAM of Dinton in the county of Wilts Esquire of the other part.

WHEREAS the parties hereto of the first part are the promoters of the said Bill And whereas a large part of the land required for the works to be authorised by the said Bill belongs to the said William Wyndham absolutely And whereas if the said Bill do pass into law the said William Wyndham's powers of dealing with his said land would be seriously abridged and prejudiced and considerable damage would be caused to him thereby And whereas the said William Wyndham has presented a petition to the Honourable the House of Commons against the Bill and in order to induce him to withdraw from all opposition to the said Bill before Parliament the said promoters have proposed to enter into the agreement herein-after contained and the said William Wyndham has consented to such proposal Now therefore these presents witness that in consideration of the premises and for the considerations herein-after appearing It is hereby mutually agreed between the said parties hereto of the first part (herein-after called the promoters) for themselves jointly and severally and for their respective heirs executors and administrators on the one hand and the said William Wyndham for himself his heirs executors administrators and assigns on the other hand as follows (that is to say) :—

1. If the pending Bill do pass into an Act and the Company thereby incorporated be duly launched the said Company shall purchase all the land of the said William Wyndham which they shall require for the undertakings thereby authorised and before taking possession pay to the said William Wyndham his heirs executors or administrators or deposit in the usual manner the purchase money for the same at the rate of 200*l.* for every acre and so in proportion for each part of an acre The land required or occupied by the tunnel herein-after mentioned shall be paid for at the same rate.

2. The Company shall only purchase and take so much land belonging to the said William Wyndham as is actually required for the jetty or pier and railway to be authorised by such Act and between the commencement of the railway and the commencement of the tunnel shown on the deposited plans in the parish of Brean the centre line of railway marked on such plans shall not be deviated from to the south or south-west.

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3. The Company shall not purchase or take any land of the said William Wyndham lying within a distance of one hundred feet of the Pill to the north-east of the lands numbered 11 and 12 on the deposited plans or purchase or take any land of the said William Wyndham lying within a distance of one hundred feet from the buildings marked on the said plans and numbered thereon 4 in the parish of Brean except for the purpose of making an approach road to the siding herein-after mentioned.

4. The Company shall be entitled to take and use free of cost the stone which they shall get in making the necessary cuttings and tunnellings for the construction of the pier or jetty or railway but for all other stone that may be required and that shall be taken from the land of the said William Wyndham they shall pay at the rate of sixpence per ton. As regards the land in or through which the tunnel shown on the deposited plans in the parish of Brean will be constructed the Company shall not purchase or acquire any surface rights and they shall not be entitled to any stone or other minerals in or under any land purchased by them for such tunnel except only such stone or other minerals as shall be necessary to be dug or carried away in constructing such tunnel twenty-six feet wide and thirty feet high.

5. The Company shall on or before the opening of the railway for public traffic make a good and sufficient siding at a spot to be agreed on not more than two hundred and fifty yards from the road leading to Brean Down Farm together with the necessary road approaches between such siding and the said road leading to Brean Down Farm and will upon the opening of the railway provide all necessary accommodation for loading and unloading goods and stock thereat and for carriage of the same upon the railway. And further until a passenger station shall be constructed and opened for traffic at or near the same spot will allow the tenants of the said William Wyndham and members of their families as well as persons in charge of goods or stock to travel in the guards vans or other suitable place attached to the trains carrying such goods or stock.

6. The bridge for carrying the railway over the said road leading to Brean Down Farm shall be constructed with an archway sixteen feet high and twenty-five feet wide.

7. The Company shall make and maintain a cattle creep ten feet high and twelve feet wide under the railway in the field numbered 11 on the deposited plans in the parish of Brean at a point to be approved by the said William Wyndham and also make and maintain on the railway five field gates and necessary level crossings at points to be approved by the said William Wyndham for the use of the said William Wyndham and his tenants and their servants and others.

8. The Company shall make good all gates and gateways watercourses ponds and drinking places which may be injured or affected by the undertakings of the Company or by severance or otherwise and shall make and maintain all necessary culverts drains archways and supports in connexion therewith and make and provide the necessary gates gateways and bridges and a properly levelled communication between the field numbered 11 on the deposited plans to the south-west of the line of railway and the said road leading to Brean Down Farm.

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A.D. 1889.

9. The Company shall compensate the said William Wyndham and his tenants for all temporary damage to roads or lands during construction of the undertakings and the Company or the parties hereto of the first part shall within one month after the passing of the Bill into an Act and the bringing out of the Company thereby authorised pay to the said William Wyndham the sum of one hundred pounds towards his costs and expenses in connexion with the Bill and this agreement.

10. The Company shall construct a good stone wall of similar length character and dimensions to the stone wall now surrounding an orchard or garden near to the said road leading to Brean Down Farm which orchard or garden will be taken for the purposes of the railway the wall so to be constructed being erected at a site to be named by the said William Wyndham within one hundred yards of the existing orchard or garden.

11. The said William Wyndham shall withdraw from all further opposition to the said Bill.

12. This agreement shall if Parliament so thinks fit be scheduled to and confirmed by the Bill and made binding on the Company and the said William Wyndham and is made subject to such alterations as Parliament may think fit to make therein and if any material alteration is made therein it shall be competent for either party to withdraw such agreement from the Bill.

As witness the hands of the said parties the day and year first above written.

Signed sealed and delivered by the within-named J. E. Eardley Wilmot J. H. de Ricci and P. H. Stevens in the presence of

FRAS. E. BAXTER

12 Victoria Street Westminster
 Solicitor

J. E. EARDLEY WILMOT.

L.S.

J. H. DE RICCI.

L.S.

P. H. STEVENS.

L.S.

Signed sealed and delivered by the within-named Thomas John Perrett in the presence of

WILLIAM HY. WEBLY
 Chemist and Druggist
 2 Fairlawn Buildings
 Weston-super-Mare

THOMAS JOHN PERRETT.

L.S.

Signed sealed and delivered by the within-named Thomas Bend Wilson in the presence of

WILLIAM BOSWORTH
 37 Petworth Street Cheetham
 Manchester

THOMAS BEND WILSON.

L.S.

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Act, 1889.

A.D. 1889.

Signed sealed and delivered by the
within-named William Wyndham
in the presence of

DAVID DARLING

Bailiff

Dinton

Wilts

W. WYNDHAM.

L.S.

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