



**CHAP. cxlii.**

An Act to give further time for the completion of Brean Down Harbour, and for the compulsory purchase of lands for the Brean Down Docks ; and for other purposes. A.D. 1869.

[26th July 1869.]

**W**HEREAS by "The Brean Down Harbour Act, 1862," (in this Act called "the Harbour Act,") the Brean Down Harbour Company (in this Act called "the company") were incorporated for making a pier or jetty and harbour at Brean Down in the county of Somerset, but the exercise of the powers of that Act for the execution of the works thereby authorized, shown on the deposited plans therein referred to, is by that Act (section 29) limited to seven years from the passing thereof: 25 & 26 Vict.  
c. xxix.

And whereas by "The Brean Down Harbour Railways Act, 1865," the company were authorized to make a railway (in this Act called "the Brean Railway") from a point near the north-western extremity of Brean Down to the Bristol and Exeter Railway: 28 & 29 Vict.  
c. cxxii.

And whereas by "The Bristol and Exeter Railway Act, 1866," (section 13,) the Brean Railway and works authorized by "The Brean Down Harbour Railways Act, 1865," and all the rights, powers, and authorities of the company (in that Act called "the harbour company") incident to or affecting the same (except the powers of raising money by shares or by borrowing conferred by the last-mentioned Act), were transferred to and vested in the Bristol and Exeter Railway Company (in this Act called "the railway company"), and (section 18) certain sections of "The Brean Down Harbour Railways Act, 1865," relating to the raising of capital and borrowing of money by the company, were repealed, and (section 22) certain articles of agreement, a copy whereof is set forth in the schedule to the Act now in recital, were confirmed, and made binding on the railway company and the company: 29 & 30 Vict.  
c. cxv.

[Ch. cxlii.] *The Brean Down Harbour and Docks* [32 & 33 VICT.]  
Act, 1869.

A.D. 1869. — And whereas by the eighth of those articles it was agreed that the company (therein called "the Brean company") should complete the construction of the Brean Down Harbour within the time limited by their Act of incorporation :

31 & 32 Vict.  
c. lxxv. And whereas by the "Bristol and Exeter Railway Act, 1868," (after reciting, amongst other matters, that the Brean Down Harbour was commenced some years since, but by reason of storms and other causes no effective progress had been made with the works,) the time for completion of the works of the Brean Railway was (section 18) extended for three years from the passing of the Act now in recital (which occurred on the twenty-fifth day of June one thousand eight hundred and sixty-eight); and it was (section 22) provided, that if before the expiration of two years from the passing of the Act now in recital the pier or jetty and other works authorized by the Harbour Act should not appear to have been so substantially and efficiently constructed and to have made such satisfactory progress that there existed a reasonable probability of the same respectively being and continuing to be made available for the efficient landing and shipment of goods, and the resort of vessels thereto, by the time by the Act now in recital limited for the completion of the railway, then the railway company should not be required to commence and complete the Brean Railway, and the powers of the railway company for the construction of the Brean Railway should be entirely suspended until the said pier or jetty and works should have made such satisfactory progress as aforesaid :

And whereas it is expedient that the time limited by the Harbour Act for the completion of the works thereby authorized be extended, and that the said articles of agreement be varied accordingly :

29 & 30 Vict.  
c. ccxxviii. And whereas by "The Brean Down Dock Act, 1866," (in this Act called "the Dock Act") the company were authorized to make and maintain docks on the river Axe, and a road to connect the docks with other roads on the eastern side of that river, and (section 18) the period for the exercise of the company's powers for the compulsory purchase of lands for the purposes of the Act now in recital was limited to three years from the passing of the Act now in recital :

And whereas it is expedient that that period be extended :

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and

[32 & 33 Vict.] *The Brean Down Harbour and Docks* [Ch. cxlii.]  
Act, 1869.

with the advice and consent of the Lords Spiritual and Temporal, A.D. 1869.  
and Commons, in this present Parliament assembled, and by the  
authority of the same, as follows; (that is to say,)

1. This Act may be cited for all purposes as "The Brean Down Harbour and Docks Act, 1869." Short title.

2. Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," is (except where expressly varied by this Act) incorporated with and forms part of this Act. 26 & 27 Vict. c. 92. incorporated.

3. The several words and expressions to which by the Acts in whole or part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context; the expression "the company" means the Brean Down Harbour Company; the word "lands" extends to messuages, lands, tenements, and hereditaments of any tenure; and in the incorporated Part II. of "The Railways Clauses Act, 1863," the word "railway" means the works by the Harbour Act and the Dock Act respectively authorized; and the expression "court of competent jurisdiction," or any other like expression in this Act or in any Act in whole or in part incorporated with this Act, shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the expression "superior courts" includes county courts in all cases where the amount of the debt or demand is within the jurisdiction for the time being of county courts. Same meanings to words in incorporated Acts and this Act.

4. The powers of the company for the construction of the works authorized by the Harbour Act may be exercised within two years, but shall not be exercised after the expiration of two years from the passing of this Act. Extending period for completion of harbour works.

5. If the works authorized by the Harbour Act shall not be completed within the period limited by this Act for the construction thereof, then on the expiration of that period the powers of the company for making and completing those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Time limited for exercise of powers.

6. In the eighth of the articles of agreement, a copy of which is set forth in the schedule to "The Bristol and Exeter Railway Act, 1866," the expression "the time limited by their Act of incorporation" shall mean the time by this Act limited for the completion of the works by the Harbour Act authorized, and those articles and "The Bristol and Exeter Railway Act, 1866," shall be read and have effect accordingly. Recited agreement adapted to extended time.

[Ch. cxlii.] *The Brean-Down Harbour and Docks* [32 & 33 VICT.]  
*Act, 1869.*

A.D. 1869.

Extending  
period for  
compulsory  
purchase for  
docks, &c.

7. The powers of the company for the compulsory purchase of lands for the purposes of the Dock Act may be exercised within three years but shall not be exercised after the expiration of three years from the passing of this Act.

Company not  
exempt from  
provisions of  
general Acts  
relating to  
harbour and  
shipping.

8. Nothing in this Act shall exempt the company, or their harbour, pier, jetty, or docks, from the provisions of "The Merchant Shipping Act, 1854," or any other general Act relating to shipping, or from any present or future general Act relating to harbours, piers, or docks, or to tolls, dues, and charges on shipping or goods carried in ships, or the audit of the accounts thereof, or to pilotage, or from any future revision or alteration, under the authority of Parliament, of the tolls, dues, and charges by the recited Acts authorized to be taken in respect of the harbour, pier, jetty, or docks, or of the limits of the harbour.

Expenses of  
Act.

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