



CHAPTER clxix.

An Act to provide for the cancelling of a bond entered into under the Bristol Port Extension Railways Act 1864. A.D. 1888.

[7th August 1888.]

WHEREAS by the Bristol Port Extension Railways Act 1864 (in this Act called "the Act of 1864") the Bristol Port Extension Railway Company (in that Act and this Act called the Company) were incorporated and empowered to make and maintain the railways therein described to be wholly situate in the city and county of Bristol (in that Act and this Act called the railways) and (section 5) to raise a share capital of £480,000 and (section 7) to borrow not exceeding £160,000 and (section 60) the Company and the Bristol Port Railway and Pier Company (in that Act and this Act called the Port Company) the Great Western Railway Company the Midland Railway Company the Bristol and Exeter Railway Company and the Bristol and North Somerset Railway Company were authorised to enter into and carry into effect contracts and agreements with respect to the construction ownership maintenance management use and working of the railways and for other purposes and (section 63) the Port Company were authorised to subscribe to the capital of the Company to any extent not exceeding £50,000 and (sections 46 and 47) the respective periods limited for the compulsory purchase of lands and for the completion of the railways were three years and five years from the passing of the Act:

And whereas by the Act of 1864 (section 48) it is enacted as follows:—

“Whereas pursuant to the standing order of both Houses of
“Parliament and to an Act of the ninth year of Her present
“Majesty chapter twenty a sum of forty-two thousand four
“hundred and thirty pounds eighteen shillings and ninepence
“stock in the three pounds per centum consolidated bank

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“ annuities has been transferred into the name of the Accountant-
 “ General of the Court of Chancery in England pursuant to
 “ the said Act in respect to the application to Parliament for
 “ this Act : And whereas the said sum of forty-two thousand
 “ four hundred and thirty pounds eighteen shillings and nine-
 “ pence stock was purchased with the sum of thirty-eight
 “ thousand five hundred and six pounds one shilling and six-
 “ pence sterling which is eight per centum on four hundred
 “ and eighty thousand pounds the estimated expense of the
 “ railways by this Act authorised : Therefore notwithstanding
 “ anything contained in the said recited Act the said sum of
 “ stock so transferred as aforesaid in respect of the applica-
 “ tion for this Act or the dividends of such sum of stock shall
 “ not except upon the execution and deposit of such bond as
 “ herein-after mentioned be transferred or paid to or on the
 “ application of the person or persons or the majority of the
 “ persons named in the warrant or order issued in pursuance
 “ of the said Act or the survivors or survivor of them unless
 “ the Company shall previously to the expiration of the period
 “ limited by this Act for completion of the railways either
 “ open the railways for the public conveyance of passengers
 “ or prove to the satisfaction of the Lords of the Committee
 “ of Her Majesty’s Privy Council for Trade and Foreign
 “ Plantations that the Company have paid up one half of the
 “ amount of the capital by this Act authorised to be raised by
 “ means of shares and have expended for the purposes of this
 “ Act a sum equal in amount to such one half of the said
 “ capital and if the said period shall expire before the Com-
 “ pany shall either have opened the railways for the public
 “ conveyance of passengers or have given such proof as
 “ aforesaid to the satisfaction of the Lords of the said Com-
 “ mittee the said sum of stock transferred as aforesaid and
 “ the dividends thereof shall immediately from and after the
 “ expiration of the said period be forfeited to Her Majesty
 “ and be transferred and paid by the officer or person in
 “ whose name they shall then be deposited or invested
 “ to the account of Her Majesty’s Exchequer and when so
 “ transferred and paid shall be carried to and form part of
 “ the Consolidated Fund of the United Kingdom of Great
 “ Britain and Ireland ; Provided that at any time after the
 “ passing of this Act if a bond in twice the amount of the
 “ said sum of thirty-eight thousand five hundred and six
 “ pounds one shilling and sixpence sterling shall have been
 “ executed by the Company with one or more sureties such

“ bond to be prepared to the satisfaction of and such surety
“ or sureties to be approved by the Solicitor to the Lords
“ Commissioners of Her Majesty’s Treasury conditioned for
“ payment to Her Majesty Her heirs or successors of the
“ said sum of thirty-eight thousand five hundred and six
“ pounds one shilling and sixpence sterling if the Company
“ shall not within the time limited for completion of the
“ railways either open the railways for the public conveyance
“ of passengers or prove to the satisfaction of the Lords of
“ the said Committee that the Company have paid up one
“ half of the amount of the said capital by this Act authorised
“ to be raised by means of shares and have expended for the
“ purposes of the said Act a sum equal in amount to such one
“ half of the said capital and if such bond shall have been
“ deposited with the said Solicitor to the said Lords Com-
“ missioners then such sum of stock and the dividends thereof
“ shall be transferred and paid to or on the application of the
“ person or persons or the majority of the persons named in
“ such warrant or order as aforesaid or the survivors or sur-
“ vivor of them and it shall not be necessary to produce any
“ certificate of this Act having passed anything in the said
“ recited Act to the contrary notwithstanding and the moneys
“ to be recovered upon such bond shall be dealt with in like
“ manner as the said sum of stock and the dividends thereof
“ would have been dealt with under this Act if such bond had
“ not been executed and deposited as aforesaid and the certifi-
“ cate of the said Solicitor to the said Lords Commissioners
“ that such bond has been executed and deposited as aforesaid
“ and the certificate of the Lords of the said Committee that
“ such proof has been given to their satisfaction as aforesaid
“ shall respectively be sufficient evidence of the facts so
“ certified ” :

And whereas in pursuance of the said section 48 of the Act of 1864 a bond bearing date the twenty-ninth day of July 1864 was executed by the Company and Charles Waring (since deceased) and Henry Waring and deposited with and is now held by the Solicitor to Her Majesty’s Treasury :

And whereas the said Charles Waring died on the twenty-sixth day of August one thousand eight hundred and eighty-seven having duly made his will dated the sixth day of April one thousand eight hundred and eighty-six and thereby appointed his brothers William Waring and the said Henry Waring and his nephew John Arkle Waring to be the executors of that his will and the said will was duly proved by the said William Waring

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Henry Waring and John Arkle Waring on the twenty-ninth day of November one thousand eight hundred and eighty-seven in the Principal Registry in the Probate Division of the High Court of Justice :

And whereas no part of the capital authorised by the Act of 1864 was raised and except as to the execution of the said bond the Act of 1864 was not carried into effect and the powers thereby conferred of compulsory purchase of lands and of making and maintaining the railways have long since expired :

And whereas the objects of the railways were as appears by the preamble of the Act of 1864 to connect the Bristol Port Railway with the Bristol Floating Harbour and Docks and with the Great Western Railway the Midland Railway and the Bristol and Exeter Railway at Bristol :

And whereas by the Bristol Harbour Railway Act 1866 the Great Western Railway Company and the Bristol and Exeter Railway Company (in that Act called the two Companies) were empowered to make and maintain the railway (in that Act and this Act called the Harbour Railway) for connecting their respective railways with the floating harbour at Bristol and the Harbour Railway was accordingly constructed and now belongs to and is worked by the Great Western Railway Company :

And whereas by the Bristol Port Railway and Pier (Clifton Extension) Act 1867 (in this Act called the Clifton Extension Act 1867) after reciting that the railways thereby authorised connecting the existing railway of the Port Company with the Bristol and South Wales Union Railway and with the Bristol and Birmingham line of the Midland Railway would afford access for the traffic of the last-mentioned railways to the dock at the mouth of the River Avon authorised by the Bristol Port and Channel Dock Act 1864 and would also complete the communication between the Great Western Railway and the city of Bristol on the one hand and that dock on the other hand the Port Company were empowered to construct the two railways therein described (in this Act called the Clifton Extension) for the purpose of connecting their railway with the said Bristol and South Wales Union Railway now belonging to the Great Western Railway Company and with the Bristol and Birmingham line of the Midland Railway Company :

And whereas by the Great Western and Midland Railway Companies (Clifton and Bristol) Act 1871 (in this Act called the Act of 1871) the Clifton Extension Railway and all the rights powers and authorities of the Port Company incident to or affecting the same conferred by the Clifton Extension Act 1867 except as by the Act of 1871 otherwise provided were transferred to and

vested in the Great Western Railway Company and the Midland Railway Company jointly :

And whereas the Clifton Extension Railway except so much thereof as was authorised to be abandoned by the Act of 1871 has been constructed and is now worked by the Great Western and Midland Railway Companies who also work over and use the Bristol Port Railway from the point of junction therewith of the Clifton Extension Railway to the terminus thereof at Avonmouth :

And whereas by means of the Clifton Extension Railway and the junction railways which have been constructed by the Great Western and Midland Railway Companies respectively under the Act of 1871 and the Harbour Railway the Bristol Port Railway is connected with the Great Western Railway and the Midland Railway and the Bristol and Exeter Railway (now belonging to the Great Western Railway Company) at Bristol and with the Bristol Floating Harbour and Docks :

And whereas it is expedient and reasonable in the circumstances above mentioned that the sum of seventy-seven thousand and twelve pounds three shillings the amount of the said bond should be released and that the said bond should be cancelled as by this Act provided :

And whereas the objects 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 (that is to say) :—

1. This Act may be cited as the Bristol Port Extension Railways (Cancellation of Bond) Act 1888. Short title.

2. The sum of seventy-seven thousand and twelve pounds three shillings the amount of the bond dated the twenty-ninth day of July one thousand eight hundred and sixty-four entered into by the Company and Charles Waring (since deceased) and Henry Waring under the provisions of section forty-eight of the Act of 1864 is hereby released and the Solicitor to the Treasury shall deliver up to the said Henry Waring and the executors of the late Charles Waring or either of them the said bond in order to the cancelling thereof. Cancelling of bond.

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