



CHAPTER ccxiii.

An Act to revive the powers and extend the time for the compulsory purchase of Lands for and to extend the time for the completion of the Pier or Jetty Railway and Works authorised by the Brean Down Harbour and Railway Act 1889. A.D. 1893.

[24th August 1893.]

WHEREAS by the Brean Down Harbour and Railway Act 1889 (herein-after referred to as "the Act of 1889") the Brean Down Harbour and Railway Company (herein-after referred to as "the Company") were incorporated and authorised to make a pier or jetty at Brean Down in the county of Somerset and a railway 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:

And whereas by the Act of 1889 the time for the compulsory purchase of lands was limited to three years and the time for the completion of the said pier or jetty and railway was limited to seven years from the passing of that Act which received the Royal Assent on the twenty-sixth day of August one thousand eight hundred and eighty-nine:

And whereas by section 107 of the Act of 1889 it was provided (inter alia) that in the event of the Company not having completed the purchase of the lands of William Wyndham required by them within a period of three years from the passing of the Act all the powers of the Company over or with respect to any lands of the said William Wyndham should absolutely cease and determine:

And whereas the powers for the compulsory purchase of lands for the purposes of the pier or jetty railway and works authorised by the Act of 1889 expired on the twenty-sixth day of August one thousand eight hundred and ninety-two and the period limited for the completion of the said pier or jetty railway and works will expire

A.D. 1893. on the twenty-sixth day of August one thousand eight hundred and ninety-six :

And whereas it is expedient that the powers of the Company for the compulsory purchase of lands should be revived and extended and that the provisions of the said section 107 of the Act of 1889 should be amended to the effect herein-after provided and that the time for completing the said pier or jetty railway and works should also be extended as herein-after provided :

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 for all purposes as the Brean Down Harbour and Railway Act 1893.

Incorporation of general Act.

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 and shall apply to the pier and jetty as well as to the railway and works authorised by the Act of 1889.

Interpretation.

3. In this Act the words and expressions to which meanings are assigned by the Act of 1889 and the Act partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Extension of time for compulsory purchase of lands.

4. The powers granted by the Act of 1889 with respect to the compulsory purchase of lands for the purposes of the pier or jetty railway and works authorised by that Act are hereby revived and extended and shall continue in force for and during a period of three years from the twenty-sixth day of August one thousand eight hundred and ninety-two Section 107 of the Act of 1889 shall be read and have effect as if the words "six years" were therein inserted instead of the words "three years."

Extension of time for completing pier and railway.

5. The time limited by the Act of 1889 for the completion of the works authorised by that Act is hereby extended for a period of two years from the twenty-sixth day of August one thousand eight hundred and ninety-six.

If works not completed within extended period

6. If the pier or jetty railway and works authorised by the Act of 1889 shall not be completed within the extended period granted by this Act then on the expiration of such period the powers by

the Act of 1889 and this Act conferred on the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

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powers to
cease.

7. The Company shall not under the powers of the Act of 1889 as extended by this Act 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 on the fifteenth day of December next before the passing of this Act or of the Act of 1889 were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which were not so occupied on the 15th day of December last but have been or shall be subsequently so occupied.

Restriction
on taking
houses of
labouring
class.

For the purposes of this section the expression "labouring class" 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.

8. Section 45 of the Act of 1889 is hereby repealed.

As to re-
payment of
deposit
money.

Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand nine hundred and ninety-six pounds being equal to five per centum upon the amount of the estimate in respect of the railway authorised by the Act of 1889 (which sum is herein-after referred to as "the deposit fund") has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for the Act of 1889 Be it enacted that notwithstanding anything contained in the said Parliamentary Deposits Act the deposit fund shall not be paid or transferred 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 last-mentioned 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 extended period limited by this Act for the completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the

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railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Providing
for release
of deposit
fund.

9. Section 46 of the Act of 1889 is hereby repealed.

If the Company do not previously to the expiration of the extended period limited by this Act for the completion of the railway authorised by the Act of 1889 complete the same and open it for the public conveyance of passengers or if a receiver has been appointed or the Company is insolvent or if the Company has been ordered to be wound up or the undertaking has been abandoned then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 the Act of 1889 as extended 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 may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall be paid or transferred to such receiver or to the liquidator of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends

accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors. A.D. 1893,

10. Nothing in this Act or in the Act of 1889 relating to the making of agreements for the working of the railway or undertaking of the Company or any part thereof by the Great Western Railway Company shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the Great Western Railway Company any larger number of telegraphic messages of that company free of charge than the Postmaster-General would have been bound to transmit had such working agreements not been authorised. Post Office telegraphs.

11. Nothing in this Act contained shall exempt the Company or their railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by the Act of 1889. Provision as to general Railway Acts.

12. 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. Costs of Act.

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