# CHAPTER clxviii.

An Act to extend and amend the powers of the Mayor Aldermen and Burgesses of the city of Bristol as to the taking of Dues and Charges for the use of their Docks and to make further provisions for the accommodation of the Trade of the port of Bristol and for other purposes. A.D. 1881.

[11th August 1881.]

WHEREAS the Mayor Aldermen and Burgesses of the city of Bristol (herein-after called "the Corporation") are conservators of the port and harbour of Bristol extending from Hanham Mills on the River Avon to the mouth of the said river at Kingroad and thence down the River Severn and the Bristol Channel from Kingroad westward to the islands called the Stipe or Steep Holmes and the Flat Holmes and the Corporation are also conservators of the rivers and creeks within the said port:

And whereas the Corporation have from time immemorial received a rate or duty of wharfage cannage and plankage for goods landed on or shipped from the quays and wharves within the said port and city of Bristol and also a rate or duty of anchorage and moorage for all ships and other vessels anchoring or mooring at such quays and wharves which rates and duties were fixed by the Local and Personal Act forty-seven George the Third session two chapter thirty-three (which Act is herein-after referred to as "the Wharfage Act"):

And whereas (at the passing of the Act next herein-after recited) the Corporation were possessed of or claimed to be entitled to certain dues called "town dues" payable to them on certain goods wares and merchandise exported from or imported into the port of Bristol and at the same date the mayor of Bristol was possessed of or claimed to be entitled to certain tolls or duties called "mayor's dues" on vessels above sixty tons coming from any port or place without the port of Bristol and below the said islands and brought up the River Avon to any place being part or parcel of the said port:

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And whereas by the Local and Personal Act six George the Fourth chapter two hundred and one (herein-after referred to as "the Town Dues Act") the scale of town dues and mayor's dues scheduled to that Act was substituted for the town dues and mayor's dues theretofore payable:

And whereas by the Local and Personal Act one Victoria chapter eighty-five (herein-after referred to as "the Encroachment Act") the Corporation were authorised to demand a fee on all vessels arriving at certain quays and places within the said city:

43 Geo. 3. c. cxl.

And whereas by an Act passed in one thousand eight hundred and three the Bristol Dock Company were incorporated and that company was authorised under the powers of that Act and of subsequent Acts amending and extending the same to convert a portion of the tidal Rivers Avon and Frome at Bristol into a floating harbour and to construct docks at Bristol and to make a new tidal cut for the River Avon and to levy certain tolls rates and charges by that Act prescribed:

11 & 12 Vict. c. xliii.

And whereas by the Bristol Dock Act 1848 (herein-after referred to as "the Act of 1848") the said Acts relating to the said dock company were repealed but the company were re-incorporated and were authorised to sell and transfer to the Corporation who were thereby authorised to purchase the said undertaking of that company in consideration of the payment to the said company of a perpetual yearly rentcharge of six thousand seven hundred and seventy-three pounds nine shillings and eightpence and the Corporation were by that Act authorised upon the completion of such transfer to levy rates and dues on vessels entering and goods wares and merchandise brought into the port of Bristol:

And whereas in pursuance of that Act the said undertaking was forthwith sold and transferred and now belongs to the Corporation:

And whereas it is expedient that the Corporation be authorised to demand dues in respect of vessels which ply within the Corporation docks for hire or are used therein or remain for a longer time than is by this Act fixed in that behalf:

And whereas it is expedient that the Corporation be empowered to provide warehouses (free and bonded) and sheds known as transit sheds and other appliances and conveniences for the conduct and accommodation of the trade of the said port and to discharge unload and load cargo from and into vessels in the said port or to arrange with shipowners and others therefor:

And whereas it is expedient that the Corporation be empowered to license tug boats for the towing of vessels to from and within the Corporation docks:

And whereas it is expedient that the powers of the Corporation for and in relation to the user and the conduct of the business of their said docks and port be in divers ways extended and that their former Acts be in divers particulars amended:

29 & 30 Vict. c. cxlviii. 36 & 37 Vict. c. lxvi.

And whereas by the Bristol Harbour Railway Act 1866 and the Bristol Harbour Railway Act 1873 (in this Act called "the Harbour Railway Acts") powers were granted to the Great Western and Bristol and Exeter Railway Companies to construct on the side of the floating harbour a wharf depôt under the powers of the Bristol Harbour Railway Act 1866 and a new wharf under the powers of the Bristol Harbour Railway Act 1873 but the Corporation were by those Acts authorised (if they should so elect) to construct those respective works and to borrow for the purpose the respective sums of fifty thousand pounds and sixty thousand pounds:

And whereas the Corporation elected to construct and have constructed the said wharf depôt and new wharf:

And whereas it is expedient that the whole debts and liabilities of the Corporation contracted on capital account for and in relation to the said port be consolidated and that they be authorised to borrow further moneys and for those purposes to create and issue debenture stock:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-sixth day of October one thousand eight hundred and eighty after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the "Bristol Mercury" a local paper published or circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the revenue of the dock estate and the borough fund:

And whereas such resolution was published twice in the said "Bristol Mercury" and has received the approval of one of Her Majesty's Principal Secretaries of State:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the twenty-fifth day of January one thousand eight hundred and eighty-one being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the city by resolution in the manner provided in the Third Schedule of the Public

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Health Act 1875 consented to the promotion of the Bill for this Act:

38 & 39 Vict. c. 55.

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) :—

## Part I.—Preliminary.

Short title.

**1.** This Act may be cited as the Bristol Dock Act 1881.

Short titles of certain of the recited Acts.

**2.** Such of the herein-before recited Acts as are described in the first column of the First Schedule to this Act may be respectively cited by the short title set opposite to those Acts respectively in the second column of the said schedule.

Incorporation of general Acts.

**3.** The following Acts and parts of Acts (that is to say) :—

10 & 11 Vict. c. 27.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 16.

The Harbours Docks and Piers Clauses Act 1847;

The Lands Clauses Consolidation Acts 1845 1860 and 1869 except the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking;

The provisions of the Commissioners Clauses Act 1847 relating to mortgages except section eighty-four;

so far as they are respectively applicable for the purposes of and not varied by or inconsistent with the provisions of this Act are incorporated with and form part of this Act and subject as aforesaid the provisions of the Harbours Docks and Piers Clauses Act 1847 so incorporated shall extend and apply to the quays Provided that sections sixteen to nineteen both inclusive of the last-mentioned Act shall not be in force unless the Board of Trade in writing require.

Interpretation.

**4.** In this Act (except where otherwise expressed or implied)—

Terms to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction:

"The recited Acts" means the Acts specified in the First Schedule to this Act;

"The port" means the port of Bristol;

"The Corporation docks" means and includes so much of the port as lies to the eastward of the ferry on the River Avon

from Shirehampton to Pill together with all basins docks and waters of the Corporation within those limits;

"The Corporation dock works" or "works" mentioned in conjunction with "the Corporation docks" means and includes all lands wharves quays backs depôts landing-stages jetties warehouses sheds buildings erections railways tramways sidings trucks barges machinery gear apparatus appliances and conveniences of the Corporation used appropriated or provided for the purposes of or appurtenant to the Corporation docks;

"Quays" means and includes the quays wharves backs depôts yards and landing-places of which the Corporation are the owners;

"Dues" includes all tolls rates duties fees and charges of every description payable to the Corporation under the recited Acts or this Act;

"Dock revenue" includes all dues rents and moneys (other than borrowed moneys) payable to the Corporation in any way on account of the dock estate or Corporation dock works;

"Articles" "goods" respectively means and includes all goods wares merchandise commodities matters and things in respect of which the Corporation may for the time being demand dues;

"Animals" includes horses mules asses bulls oxen cows heifers calves pigs sheep lambs and goats;

"Cargo" includes articles and animals;

"Vessels" includes ships trows barges and craft of every class and description however propelled;

"Company" includes a corporation;

"Borough fund" means the borough fund of the city of Bristol;

"Borough rate" means the borough rate of the city;

"Stock" and "debenture stock" respectively mean Bristol Corporation dock debenture stock created and issued under the powers of this Act.

In the Commissioners Clauses Act 1847 for the purposes of this Act—

"The Commissioners" means the Corporation;

"Rates" means dock revenue.

In this Act and for the purposes of this Act in enactments incorporated herewith the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a simple contract debt and not a debt or demand

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created by statute and the term "superior courts" shall include any court of competent jurisdiction.

Act to be executed by the council.

**5.** This Act shall be carried into execution by the Corporation acting by the council and according and subject to the Municipal Corporations Acts and such of the provisions of the recited Acts as are in force and as amended by this Act and (subject to the provisions of this Act) with all the rights powers privileges exemptions and authorities conferred by those Acts respectively on the Corporation and on the council and the officers agents and servants of the Corporation as though the provisions of this Act were provisions of those Acts respectively.

## Part II.—Dues &c.

License fees on vessels in harbour &c.

**6.** The Corporation may demand and take for all vessels remaining in any part of the Corporation docks other than alongside of a private wharf for a longer time than that specified in the Second Schedule to this Act and for all vessels used in the Corporation docks the license fees in that behalf specified in that schedule in respect of such vessels and such fees shall be in addition to any dues to which such vessels may be liable under all any or either of the recited Acts or this Act.

Craneage rates.

**7.** The Corporation may demand and take for the use of any steam hydraulic or other crane supplied by them the respective rates specified in that behalf in the Third and Fourth Schedules to this Act and the regulations with respect to cranes and the user thereof in those schedules contained shall have effect and any person who commits any breach of any or either of such regulations shall be liable to a penalty not exceeding five pounds over and above any damages which may be recoverable by the Corporation or any person or company for loss or injury consequent on such breach and the rates hereby authorised shall be deemed to be in substitution for the rates specified in the Second Schedule to the Wharfage Act and that schedule is hereby annulled.

Power to Corporation to reduce and again increase rates &c.

**8.** Notwithstanding anything contained in the recited Acts or any or either of them the Corporation may by resolution reduce below the maximum thereby prescribed and again increase and so from time to time as they deem expedient all or any one or more of the dues leviable by them thereunder or under this Act on or in respect of all or any one or more of the articles or animals and on or in respect of any vessels on or in respect of which the Corporation are by the recited Acts or any or either of them or this Act authorised to demand and take any dues Provided that in any increase they do not exceed the maximum prescribed by statute

for such dues Provided also that all rates on the same description of articles and animals and on vessels coming from the same port shall at all times be charged without favour or partiality and without regard to the country place or person to whom they belong or may be consigned Such resolution shall be advertised once in each of two successive weeks in a newspaper published in the city of Bristol and shall have effect from and after the date named in that behalf in such resolution and subsequent to the date of the second advertisement thereof.

Remission of rates.

**9.** The Corporation if and when they think fit may remit or return the whole or any part of any dues in respect of any vessel or cargo shown to their satisfaction to have been wrecked spoiled damaged or injured.

If unnecessary delay Corporation may discharge vessels.

**10.** Whenever in the opinion of the harbour-master any unnecessary or inconvenient delay shall take place in the discharging or loading of any vessel in any part of the Corporation docks other than alongside of a private wharf arising either from the inadequacy or improper conduct of the persons machinery or gear employed for that purpose or from the negligence or default of the master agent or other person in charge of such vessel or of the owner or consignee of the cargo or any part of the cargo of such vessel the harbour-master may employ a sufficient number of persons to discharge unload or load or assist in the discharging unloading landing or loading of such vessel and the Corporation may recover in any court of competent jurisdiction from the owner or agent of such vessel or the consignee of the cargo as the case may be the reasonable cost thereby incurred. The master or other person in charge of any vessel who shall not when required so to do cause the deck of such vessel to be properly cleared of any articles or things which may impede the discharge or loading of the cargo of such vessel shall be liable to a penalty not exceeding fifty pounds.

## Part III.—Transit Sheds and Warehouses.

Power to Corporation to provide and declare transit sheds.

**11.** The Corporation may provide transit sheds on or (with the consent of the Commissioners of Customs) adjacent to any of the quays for the reception of goods on such plan and of such dimensions as they think fit subject nevertheless as to plans and dimensions and in all other respects to the approval of the Commissioners of Customs and may subject to such approval as aforesaid make and declare any of the existing sheds on the said quays or any parts of such sheds to be transit sheds and may from time to time subject to such approval as aforesaid repair renew alter discontinue or remove the same and the same shall be part of their

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docks and they may keep all their transit sheds provided with all requisite apparatus and conveniences for weighing and measuring goods and may demand and take for the use of such sheds apparatus and appliances such rents and charges as they may from time to time fix.

Deposit of goods in transit sheds.

**12.** The master or owner of or the agent for any vessel lying at or in and using the Corporation docks or the owner of any of the cargo of such vessel on the quay adjoining to which any transit shed may have been erected and opened for the reception of goods may with the permission of the Corporation or the superintendent of the transit sheds and subject to such regulations as the Commissioners of Customs may deem necessary for the security of the Revenue and to the regulations contained in the Fifth Schedule to this Act cause such goods or any part thereof upon giving due notice to the proper officer of Customs to be landed and deposited in such transit shed without previously making any entry thereof and such goods 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 Provided always that nothing herein shall affect or limit the rights or obligations of the said master agent or owner of the said vessel or the owner of the goods under the contract made for the carriage thereof with respect to the mode time or place of delivery or landing thereof.

Power for Corporation to make Customs entries on neglect of owner &c.

**13.** If any goods deposited in a transit shed are not within twenty-four hours from the commencement of the discharging of the vessel bringing such goods duly entered with the custom-house the Corporation may on the next ensuing or any succeeding day cause the same to be entered at the custom-house and having obtained the proper Customs authority for so doing may cause the same to be forthwith weighed or measured and for that purpose may remove unpile repile cooper or repair the same and perform any other work requisite thereto and after the goods have been passed by the proper officer of Customs they shall cease to be considered as on board the vessel whence they were landed and shall be at the risk costs and charges of their owner but under and subject to all liens and charges that attached thereto on board the vessel.

Corporation may enter goods if not

**14.** If the cargo of any vessel lying at any quay shall not for the space of three days from the day on which such vessel shall

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have been reported at the custom-house be duly entered with the Customs and the landing order lodged with the proper officer of the Customs the Corporation may on the requisition of the shipmaster or shipowner or of the agent of such shipmaster or shipowner or without such requisition if and when the despatch of business is hindered by reason of such vessel not being so reported cause a landing entry to be made of such cargo or of so much thereof as shall not have been entered and passed as aforesaid (such goods being such as by law may be warehoused) and may land such goods and warehouse or otherwise take charge of the same and the Corporation may retain the goods as security for the payment of the Customs duties (if any) to which they may be subject and of the rents rates and charges payable thereon to the Corporation and also of the freight dead freight demurrage salvage or other charges due by the owners of such goods when any notice to detain the same therefor shall have been given.

entered by owner or consignee.

**15.** The Corporation shall make reasonable charges for work and labour done by them in relation to any goods which they enter as aforesaid and may retain the same as security for the payment of the Customs duties and of the Corporation's charges and the Corporation may if they think fit also detain the same for rent freight lien or other charges claimed in respect thereof in case they have notice in writing to do so.

Power to Corporation to charge for service and to detain &c.

**16.** Goods entered by the Corporation as aforesaid shall not be liable to seizure or forfeiture by reason of any inaccuracy in the entry thereof if it shall appear to the satisfaction of the Commissioners of Customs that such inaccuracy was not intentional or caused by wilful or culpable neglect.

Goods not liable to seizure for inaccurate entry.

**17.** The regulations set forth in the Fifth Schedule to this Act shall subject to the approval of the Commissioners of Customs be enforced respecting the transit sheds for the time being belonging to the Corporation but the Corporation may from time to time if and as they think fit subject to such approval as aforesaid revoke amend or add to those regulations or any of them such revocation amendment or addition before coming into force to be allowed and confirmed as provided by the Board of Trade.

Regulations for transit sheds.

**18.** The Corporation may provide upon and around any of the quays such and so many warehouses of such dimensions and of such height and with such and so many vaults and cellars and of such materials and in such manner and form in all respects as they shall deem proper and may from time to time alter vary and remove the same and also may fit up adapt and use for the said purpose any existing warehouses or buildings now belonging to or

Corporation may erect or adapt warehouses on quays.

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which may be hereafter acquired by the Corporation which warehouses shall thereupon be subject to all the provisions and entitled to all the privileges herein regarding warehouses which might be erected under the authority of this Act.

Power to appoint superintendent of warehouses and transit sheds.

**19.** The Corporation may from time to time appoint a superintendent of the warehouses and a superintendent of the transit sheds who shall respectively take the charge and management of the same respectively on behalf and under the direction of the Corporation and upon such appointment being made they shall publish in one or more newspapers published in Bristol a notice of the name of such superintendents respectively and the place where they are to transact the business of their respective offices and all notices or other documents which are hereby required to be given to the Corporation with respect to the transit sheds or warehouses or the business connected therewith respectively if addressed to the Corporation and left at the said place of business of the proper superintendent during the usual business hours shall be deemed to be given to the Corporation.

Power to appoint interim superintendent.

**20.** The Corporation also may from time to time appoint an interim superintendent to act in place of the superintendent in case of his absence and all such appointments of an interim superintendent shall be forthwith notified in one or more of the newspapers published in Bristol and the notice shall specify the name of such interim superintendent and the duration of his appointment should such be limited in point of time.

Superintendent and interim superintendent to give security.

**21.** Before the superintendent or interim superintendent shall enter upon the duties of his office the Corporation shall take such security as they may think sufficient for the due and faithful execution thereof.

Same person may be superintendent &c. of both warehouses and transit sheds.

**22.** The Corporation may appoint the same person to be superintendent and the same person to be the interim superintendent of the warehouses and of the transit sheds.

Power to appoint weighers and recorders of weights and others and to pay salaries and wages.

**23.** The Corporation may from time to time appoint license and employ weighers and recorders of weights in connexion with the powers by this Act conferred on them as warehouse keepers and may pay such salaries and wages to the superintendents and interim superintendents and such remuneration to the said weighers and recorders of weights as to them shall seem proper and they may also from time to time fix the remuneration to be paid to such parties when and if employed by parties other than the Corporation.

Provision as to huts &c. for

**24.** The provisions of the Harbours Docks and Piers Clauses Act 1847 as to providing huts and weighing materials for the

officers of the Revenue and imposing penalties for not providing the same and for allowing the same to fall into disrepair shall apply to the warehouses erected adapted or to be acquired or leased by the Corporation under the provisions of this Act.

Revenue officers.

**25.** Subject to the provisions of any Act for the time being in force and the regulations of the Commissioners of Customs or Inland Revenue with respect to approval and otherwise in relation to warehouses the Corporation may at their discretion use as a Customs or Excise warehouse any warehouse belonging to or leased by them or any part of such warehouse.

Warehouses to be used as Customs or Excise warehouses.

**26.** The Corporation may within the limits of the Corporation docks act as warehouse keepers on payment by the owners of goods warehoused and deposited or the person in charge of such goods of such fair and reasonable rents or charges as may from time to time be fixed by the Corporation Provided always that the Corporation shall not be entitled to act as aforesaid or make such charges if and so long as the owners of such goods are themselves ready and willing to perform such acts.

Power to take rents and charges.

**27.** The Corporation may require previous to any goods being warehoused by them as aforesaid that the said goods shall be weighed by weighers and recorders appointed by them and they shall be entitled to make such reasonable charges in respect of such weighing as they may from time to time fix.

Goods to be warehoused by Corporation to be previously weighed &c.

**28.** All rents and charges payable under this Act to the Corporation in respect of perishable goods shall be paid at or before the expiration of two days and in respect of any goods not of a perishable nature at or before the expiration of three calendar months next after the cargoes of the vessels importing the same respectively shall have been completely discharged or unloaded into any warehouse of the Corporation or next after such goods respectively shall have been brought into any such warehouse and at the expiry of every six months thereafter so long as the goods shall remain in the warehouse or previously to the removal of the same from such warehouse which shall first happen.

Rents &c. for goods when to be paid.

**29.** In case default shall be made in payment of any rents or charges in respect of goods it shall be lawful for the Corporation first paying the Customs duties (if any) to retain and sell the goods or any part thereof and after retaining the amount of such duties to retain and pay in the first place the rents and charges so unpaid as aforesaid including the expenses of such sale and in the next place the freight due on such goods (in case the Corporation shall

Corporation may sell goods for payment of rent and charges or may bring action.

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have received notice that such freight has not been paid) paying the surplus (if any) and also delivering such of the said goods as shall remain unsold (the rents and charges due in respect thereof having been discharged as aforesaid) to the person entitled thereto upon demand Provided always that it shall be lawful for the Corporation either in lieu of selling such goods or notwithstanding such sale if the produce of such sale shall be insufficient to recover the amount of such rents and charges or the balance thereof as the case may be which shall be due to them by action or claim to be brought or made in any court of competent jurisdiction.

Goods warehoused to remain subject to freight.

**30.** All goods warehoused by the Corporation or deposited in any of their warehouses by any person having or claiming an interest in such goods or by the owner or master of the vessel out of which the same may have been warehoused or by any person interested in the freight of such vessel or entitled to or claiming the benefit of any other claim or lien whatsoever to which the goods were subject while the same were on board and before the warehousing thereof shall continue liable to such and the same claim or lien for freight and also to all other claims or liens whatsoever in favour of the owner or master of such vessel or of any other person interested in such goods or in the freight of the same or entitled to or claiming the benefit of any other claim or lien thereon as such goods were liable to whilst the same were on board such vessel and before the warehousing thereof.

Notice may be given to Corporation to detain goods until freight &c. be satisfied or deposit made.

**31.** If notice in writing to detain such goods shall be given to the Corporation by such owner or master or other person interested as aforesaid previously to the warehousing thereof being completed the Corporation shall detain and keep such goods in their warehouses until such claims or liens together with all rates rents and charges to which the same shall have become subject or liable shall be paid or until such rates rents and charges shall be paid and a deposit equal in amount to the demand made by the owner or master of the vessel or other person interested as aforesaid for or on account of any such claim or lien as aforesaid shall have been made by such owner master or other person interested as aforesaid which deposit the Corporation shall receive and hold in trust until the amount due in respect of such claim or lien shall have been tendered or satisfied when upon proof thereof being given to the Corporation to their satisfaction and payment made to them of all rates rents and charges (if any) due upon such goods such deposit shall be returned upon demand to the person by whom the same was made or to his executors administrators or assigns.

Deposit to be considered as made in payment of claim.

**32.** Such deposit shall be considered as made in payment of the claim or lien in respect of which such deposit shall have been made and the Corporation on the expiration of ten days next after such deposit shall have been made and in case notice in writing to retain the amount of such deposit shall not in the meantime have been given to the Corporation by some person claiming to be entitled to such goods shall (out of so much of the said deposit as shall remain after deducting and retaining the rates rents and charges (if any) then due to the Corporation on the goods in respect of which such deposit shall have been made and all other expenses (if any) incurred by the Corporation in respect thereof) pay to the master or owner of the vessel from which such goods shall have been warehoused or other person entitled to or interested in such claim or lien the amount of his claim or lien and the payment so made by the Corporation shall release and discharge them from all claims and demands whatsoever in respect of so much of such deposit as they shall have paid to such master owner or other person interested as aforesaid.

Transfer of goods in transit shed detained for freight.

**33.** The Corporation may (but only with the consent of the collector of Customs for the port when such consent is requisite) transfer from any warehouse or shed to any other shed or warehouse any goods deposited in such first-mentioned shed or warehouse and detained therein for payment of freight.

Freight not to be affected by removal.

**34.** No removal of goods from any shed or warehouse to any other shed or warehouse shall prejudicially affect any lien for freight attaching to such goods.

Notice to have effect for thirty days only unless action be brought.

**35.** Such notice to the Corporation to retain the amount of any such deposit as aforesaid shall not continue to operate or have effect for a longer period than thirty days from the service thereof unless some action claim suit or other proceeding for determining the title or liability to the claim or lien in respect of which such deposit shall have been made or the right to or the ownership of such deposit shall in the meantime be actually commenced and notice in writing thereof served on the Corporation.

Power of sale if deposit be not made.

**36.** If such deposit shall not be made within ninety days next after any such goods shall have been warehoused and in case notice to detain such goods shall have been given as aforesaid the Corporation may sell all or any part of such goods and may out of the proceeds thereof in the first place pay the duties (if any) payable to the Commissioners of Customs or Inland Revenue and also retain and pay the rents rates and charges payable to the Corporation and the expenses of such sale and in the next place may pay the

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freight and other claims or liens to which such goods may be liable paying the overplus (if any) to the person entitled thereto on demand.

Power of sale not to be exercised until after notice.

**37.** No such sale shall be made by the Corporation until ten days previous notice in writing of such claim or lien thereon as aforesaid and of the intention to sell the said goods for satisfaction thereof shall have been given to the owner thereof if his name and residence or place of business shall appear on the manifest of the cargo or shall have been entered in the books of the warehouse in which such goods shall have been deposited by sending such notice in a registered letter by post to such residence or place of business and if such owner shall not be known then until ten days after such notice shall have been inserted once in some newspaper published in London and one or more newspapers published in Bristol and also posted in the custom-house of Bristol and in the Bristol Exchange and the Corporation shall not sell a greater portion of such goods than shall in their judgment be sufficient to cover the amount of the said duties rents charges and expenses and of such claim or lien as aforesaid.

Notice to detain goods must be given.

**38.** Notice to detain goods for payment of freight or any other claims or liens to which such goods were liable whilst on board any vessel and before the warehousing thereof shall not be available unless the same shall be given to the Corporation before the warehousing thereof shall have been completed.

Preserving rights of parties at common law.

**39.** Nothing in this Act contained shall be held to take away limit prejudice or affect any power of the shipmaster or shipowner or other party having claims and liens for freight dead freight demurrage salvage average or other charges in respect of or relating to goods imported into or unshipped at the port to enforce and secure such claims and liens in conformity with the contract express or implied under which such claims and liens arise: Provided that the Corporation shall not be in any manner responsible for or affected by the invalidity of any such alleged claim or lien.

Power for Corporation to insure against fire.

**40.** The Corporation may if they think fit insure from loss or damage by fire their sheds and warehouses and the contents thereof or any of them but they shall not be under any obligation to do so.

Corporation not to be liable for loss by fire &c.

**41.** The Corporation shall not under any circumstances or in any case whatever be answerable or accountable for or be liable to make good any loss or damage which may happen to any goods or to any vessel or to any property of any description by fire theft storm or tempest or from any civil commotion or by the act of the

Queen's enemies or other inevitable accident or from any other cause not arising directly from the default or neglect of the Corporation.

Delivery warrants.

**42.** With respect to the giving of certificates and warrants by the Corporation for the delivery of goods the following provisions shall have effect (that is to say) :

Corporation may give certificates of deposited goods and warrants for delivery of goods.

1. The Corporation 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 quays or sheds of the Corporation specially appropriated for the purpose or entitled to any goods so warehoused or deposited may if the Corporation think fit issue and deliver to him a certificate in a form approved by the Corporation of the goods so warehoused or deposited or a warrant in a form approved by the Corporation for the delivery of the goods so warehoused or deposited or any part thereof to be respectively specified in the warrant ;

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

2. 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 Corporation have notice in writing and all rates rents charges and expenses payable to the Corporation with respect to the warehousing or depositing of the goods or for services performed by the Corporation in respect thereof are paid or discharged.

Warrant not to be given till certificate given up.

3. Before a warrant for the delivery of all or any of the goods specified in any certificate is issued by the Corporation 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 Corporation shall issue to the person so delivering up the certificate a new certificate with respect to the goods not specified in the warrant ;

Effect of certificate or warrant.

4. Every such certificate or warrant for delivery 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 ;

Notice of effect of certificate or warrant to be endorsed thereon.

5. Every such certificate or warrant shall state on the face thereof the effect of the last preceding sub-section and that the certificate or warrant is issued under the powers of this Act ;

6. The Corporation may charge for each certificate or warrant any sum not exceeding two shillings.

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Lands &c. for transit sheds and warehouses.

**43.** For the purpose of providing transit sheds and warehouses (whether free or bonded) the Corporation may exercise the following powers and the following provisions shall have effect (that is to say):—

1. They may by agreement purchase or take by way of exchange any lands warehouses or buildings in the neighbourhood of the Corporation docks or works;
2. They may on any such lands and on any lands now belonging to them erect fit up and maintain transit and other sheds and warehouses with all necessary conveniences and appliances;
3. They may sell let on lease or otherwise dispose of any such lands for the erection thereon by any person or company of such sheds and warehouses;
4. They may erect fit up and maintain such sheds and warehouses;
5. They may hold use or let such sheds and warehouses and may appropriate them or any of them to and for the use of certain trades persons or companies upon such terms and conditions as may be agreed on between the contracting parties;
6. They may enter into and fulfil contracts and agreements with any person or company for and in relation to the exercise of the powers of this section either by the Corporation alone or jointly with any such person or company;
7. All transit sheds and bonded warehouses shall be erected or provided only with the consent and subject to the regulations of the Commissioners of Customs.

## Part IV.—Steam Tugs.

Corporation may license steam tugs.

**44.** For the better navigation of the Corporation docks and for the use and accommodation of vessels frequenting the same the Corporation may from time to time license steam tugs or other power belonging to any person and the masters of such tugs or other power and for such period and on such terms and conditions as they may think fit Provided that if the Corporation exercise the powers of this section all efficient steam tugs or other power at present plying within the Corporation docks and all competent masters thereof shall be entitled to receive licenses Provided also that if any dispute arise between the owner of any such steam tug or other power or any such master and the Corporation with respect to the refusal by the Corporation of any such license such dispute shall be settled by the Board of Trade.

Corporation to fix rates for steam tugs.

**45.** The Corporation may from time to time by byelaw fix such rates or charges as appear to them reasonable for or in respect of the use of such steam tugs or other power licensed by them as they think fit Provided that such rates and charges may be revised by the Board of Trade from time to time at intervals of two years from the passing of this Act upon the requisition of the Corporation or of the owners of fifteen steam tugs or other power licensed to tow vessels under the preceding section.

Penalty for using or employing steam tugs without the license of the Corporation.

**46.** Every person who without the license of the Corporation first applied for and obtained shall use or employ any steam tug or other power for towing vessels within the Corporation docks except such as shall be provided by a person having their license and be in charge of a licensed master shall for every such offence be liable to a penalty not exceeding ten pounds.

Penalty for steam tugs plying without a license.

**47.** If the master or other person having the command of any steam tug or other power shall within the Corporation docks tow any vessel with any unlicensed steam tug or other power or without himself having a license in that behalf he shall for every such offence be liable to a penalty not exceeding five pounds.

## Part V.—Byelaws.

Additional byelaws.

**48.** In addition to the powers of making byelaws contained in the Harbours Docks and Piers Clauses Act 1847 or in any other enactment enabling the Corporation to make byelaws or regulations they may from time to time make such byelaws and regulations as they think fit for all any or either of the following purposes (that is to say):

For prohibiting removing and regulating the placing of any matters or things in the Corporation docks which could tend to obstruct or impede the navigation therein;

For regulating the use of and the moving of carriages waggons and trucks along the rails sidings and turntables of the Corporation in and along the quays;

For regulating the conduct of the owners masters and crews of vessels propelled by steam with respect to the rate of speed at which they may proceed within the Corporation docks or any part or parts thereof respectively and for requiring such vessels to stop or slow their engines at such times and places as the Corporation may require;

For regulating the towing of vessels within the Corporation docks the size and number of vessels to be towed in one train or by one or more tug boats the speed at which tug boats shall

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proceed whether towing or not the order and manner in which the towage shall be given and the duties and conduct of all persons employed in or upon tug boats;

For regulating the terms and conditions of the granting of licenses for tug boats and to the masters thereof;

For regulating the conduct of all persons employed in or in connexion with or using or resorting to any part of the Corporation docks or works not now being the property of the Bristol and Portishead Pier and Railway Company;

For regulating the terms and conditions of and the payments to be made for the granting of any licenses under the powers of this Act;

For the prevention of cruelty in the shipping unshipping landing and removal of animals;

For fixing the rents rates tolls duties and charges for and for regulating the use of warehouses sheds depôts quays railways tramways sidings trucks cranes barges machinery and appliances and labour provided by the Corporation;

For fixing the rates to be charged for hire and use of tug boats and for the towing of vessels;

For preventing the smoking lighting or burning of tobacco or any herb or substance in or on any quays warehouses sheds or works of the Corporation;

The provisions of the Harbours Docks and Piers Clauses Act 1847 shall extend and apply to all byelaws and regulations which do not solely relate to the Corporation or their officers or servants but no such byelaws or regulations nor any byelaws made by the Corporation under that Act shall have any force or effect unless and until the same be confirmed by the Board of Trade;

The penalties imposed by any such byelaw for any breach thereof shall be in addition to any damages recoverable by the Corporation or by any person or company for any loss or injury to them or him or to their or his property consequent on such breach.

## Part VI.—Finance.

Power to borrow.

**49.** The Corporation in addition to any sums they are already authorised to raise by any Act relating to the port of Bristol may from time to time or at any time borrow and re-borrow at interest on security of the dock revenue borough fund and borough rate any sums not exceeding the following sums for the following purposes (that is to say):

For paying the costs charges and expenses preliminary to and of and incidental to the preparing of applying for obtaining and passing of this Act the sum requisite for such purpose;

For the general purposes of the Corporation docks to which capital is properly applicable the sum of forty-four thousand pounds.

Repayment of moneys borrowed on mortgage.

**50.** The Corporation shall pay off all moneys borrowed by them under the powers of this Act by way of mortgage as follows (that is to say):

Either by yearly or half-yearly instalments provided that when the repayment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys of which such instalment or instalments form part shall in every year amount to the same sum;

Or by means of a sinking fund in accordance with the provisions herein-after contained.

Power to issue debenture stock.

**51.** The Corporation may from time to time resolve that any portion of their debt contracted for the purposes of the port and harbour of Bristol or the Corporation docks and then subsisting on security of outstanding mortgages or bonds of the Corporation not exceeding an amount to be defined in and by such resolution may be converted into stock of the Corporation of like amount either by agreement with the holders of such mortgages or bonds or by paying off the same respectively when due and issuing stock of a corresponding amount instead of re-borrowing the sums so paid off and may also from time to time resolve that the whole or any part of any rentcharge (payable by the Corporation for the like purposes) to be defined in and by such resolution may by agreement with the holders thereof or upon the terms prescribed by the Act or instrument creating the same be converted into stock after a rate not exceeding twenty-five years purchase of such rentcharge and may also from time to time resolve that the whole or any part to be defined in and by such resolution of the moneys which the Corporation have authority to raise for the purposes of the Corporation docks by borrowing under the powers of any or either of the recited Acts or the Harbour Railway Acts or this Act or any other Act passed in this present or any future session of Parliament or which they may be authorised to raise for the said purposes under the sanction of one of Her Majesty's Principal Secretaries of State or of the Lords Commissioners of Her Majesty's Treasury and which shall not then have been raised shall or may be raised by the creation

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and issue of stock of corresponding amount and the stock when so created shall be termed " Bristol Corporation Dock debenture stock."

Debenture stock.

**52.** The Corporation shall create and issue stock under and in accordance with the following provisions (that is to say) :—

1. The stock shall bear such fixed interest not exceeding the rate of four pounds per centum per annum in perpetuity as the Corporation by the resolution creating the same shall determine;
2. The interest shall be payable half-yearly on the first day of May and the first day of November or if either of such days fall on a Sunday or a day observed as a public holiday at the Bank of England then on the following day and shall be paid either at the bankers of the Corporation or at the option of the stockholder by cheque payable to him or his order at such bankers and sent by post to his last registered address the day before that on which such interest shall become due;
3. The interest on the stock shall be a charge on the dock revenue borough fund and borough rates;
4. The Corporation shall keep a book to be called " the register of Bristol Corporation Dock debenture stockholders " and in such book shall be fairly and distinctly entered from time to time the names of the several corporations and the names and addresses of the several persons and companies respectively entitled to stock together with the amount of the stock to which such holders shall be respectively entitled and the surnames or corporate names of such holders shall be placed in alphabetical order and every holder (and if such holder be a corporation the clerk or agent of such corporation) may at all convenient times peruse such books gratis and may require a copy thereof or of any part thereof and for every hundred words so required to be copied the Corporation may demand a sum not exceeding sixpence;
5. The receipt in writing of the corporations and persons entered in the said register their successors executors administrators or assigns shall be a sufficient and effectual discharge to the Corporation for any moneys due to such persons and corporations as and when they shall respectively become payable and if any shareholder by reason of infancy or lunacy is unable to give an effectual receipt the receipt in writing of the guardian or committee of his estate shall be in like manner a sufficient and effectual discharge to the Corporation;

6. The stock shall in all respects both at law and in equity be substituted for and represent the securities in exchange for which the same shall be granted as aforesaid and the several parties to whom such stock shall be issued shall be possessed thereof upon the same trusts and subject to the same powers provisions charges and liabilities as those upon and to which their respective securities were immediately before such exchange thereof held and subject and such stock shall accordingly pass or be affected by any will or other instrument disposing of or affecting such securities and every testamentary disposition affecting such securities shall be held to apply to the whole or a proportionate amount of the stock substituted therefor as the case may be;

7. The Corporation shall on demand deliver to each holder of stock a certificate under their common seal stating the amount of stock held by him and the certificate may be in the form in the Sixth Schedule to this Act annexed or to the like effect and for such certificate the Corporation may demand any sum not exceeding two shillings and sixpence;

8. The certificate of any stock shall be admitted in all courts as primâ facie evidence of the title of the holder thereof to the stock therein specified;

9. If the certificate of any stock be worn out or damaged then on its being produced to the Corporation they may order it to be cancelled and thereupon they shall issue a similar certificate to the person then entitled to the certificate so worn out or damaged or if any such certificate be lost or destroyed then on proof thereof to the satisfaction of the Corporation and on the giving to them of such reasonable indemnity as they may require they shall issue a similar certificate to the person then entitled to the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made by the Corporation in the register of stock and for every such substituted certificate the Corporation may demand any sum not exceeding two shillings and sixpence;

10. Stock shall be and be transmissible and transferable as personal estate;

11. All stock shall rank equally and without priority on account of the date of the creation or issue thereof.

Certificate to be demanded before interest recoverable.

**53.** The Corporation shall not be bound to pay the interest of any stock until the person entitled thereto shall have demanded a certificate thereof and no such interest in arrear and not wrongfully withheld by the Corporation shall bear interest.

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Transfer of stock.

**54.** With respect to the transfer of stock the following provisions shall have effect (that is to say):

1. Stock may be transferred in any amount not being less than one pound and every such transfer shall be by deed duly stamped in which the consideration shall be truly stated and such deed may be according to the form in the Sixth Schedule to this Act annexed or to the like effect;
2. The Corporation shall keep a book to be called "the register of transfers of Bristol Corporation Dock debenture stock" and every such deed of transfer when duly executed shall be delivered to and be kept by the Corporation and they shall enter a memorial of every such deed of transfer in such book and shall indorse such entry on the deed of transfer (such indorsement to be signed by the town clerk or such other officer of the Corporation as they may depute for that purpose) and shall on demand deliver a new certificate to the transferee and for every such entry of a deed of transfer with such indorsement and with or without such certificate may demand any sum not exceeding two shillings and sixpence and on the request of any transferee an indorsement of the transfer to him shall be made on the certificate of the stock transferred instead of a new certificate being granted and such indorsement being signed by the town clerk or such other officer as aforesaid shall be considered in every respect the same as a new certificate and until such deed of transfer be so delivered to the Corporation the transferee shall not be entitled to receive any part of the interest on the stock transferred;
3. The Corporation may close the register of transfers for any period not exceeding fourteen days before the first day of May and the first day of November yearly and any transfer made during the time when that register is closed shall as between the Corporation and the transferee but not otherwise be deemed made after that time;
4. If any stock become transmitted in consequence of the death or bankruptcy of any holder thereof or in consequence of the marriage of a female holder thereof or by any lawful means other than by a transfer according to the provisions of this Act such transmission shall (if so required by the Corporation) be authenticated by a declaration in writing as by this Act provided and until the transmission be so authenticated any person claiming by virtue thereof shall not be entitled to receive any interest or any part of the stock transmitted;

5. Every such declaration shall state the manner in which and the party to whom the stock is transmitted and shall be made and signed by some credible person before a justice or before a commissioner to administer oaths in Her Majesty's High Court of Justice in England and such declaration shall be left with the Corporation and thereupon they shall enter the name of the person entitled under such transmission in the register of transfers and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence;

6. If the transmission be by virtue of the marriage of a female stockholder the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof and shall declare the identity of the wife with the holder of the stock and if the transmission be by virtue of any testamentary instrument or by intestacy the probate of the will or the letters of administration or an official extract therefrom shall with the declaration be produced to the Corporation who shall upon such production in either of those cases make an entry of the declaration in the register of transfers and for every such entry the Corporation may demand any sum not exceeding two shillings and sixpence.

Corporation not to regard trusts.

**55.** The Corporation shall not be bound to see to the execution of any trust whether express or implied or constructive to which any stock may be subject and the receipt of the party in whose name any such stock stands in the said register or of the legal personal representative of such party shall from time to time be a sufficient discharge to the Corporation for any money payable in respect of such stock notwithstanding any trusts to which it may then be subject and whether or not the Corporation have had notice of such trusts and the Corporation shall not be bound to see to the application of the money paid upon such receipt.

Dividends in case of infancy &c. of a joint stockholder.

**56.** Where stock is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for the receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses The Corporation before acting on the letter of attorney may require proof to their satisfaction of the alleged infancy or unsoundness of mind by the declaration of competent persons under the Statutory Declarations Act 1835 or in such other manner as they may require.

5 & 6 Will. 4. c. 62.

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Dividend warrants by post.

**57.** The Corporation may from time to time make arrangements for payment of dividends on stock by sending warrants through the post.

39 & 40 Vict. c. 81.

Every warrant so sent by post shall be deemed a cheque within the meaning assigned to the same term in the Crossed Cheques Act 1876.

Effect of posting a warrant.

**58.** Where a holder of stock desires to have his dividend warrants sent to him by post he shall make a request for that purpose to the Corporation in writing signed by him and in a form approved by the Corporation and shall give to the Corporation an address in the United Kingdom or in the Channel Islands or the Isle of Man to which the letters containing the warrants are from time to time to be sent.

The posting by the Corporation of a letter containing a dividend warrant addressed to a holder of stock at his request under this Act at the address given by him to the Corporation shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the said holder of stock himself.

Right to stock certificates to bearer in respect of stock.

**59.** Subject to the provisions of this Act with respect to trustees and to the conditions herein-after mentioned every person inscribed in the said transfer books as entitled to stock may obtain from the Corporation a certificate or certificates of title to his stock or to part thereof transferable by delivery and with coupons annexed entitling the bearer of the coupons to the dividends payable in respect of that stock or part of stock (which certificate is herein-after referred to as a "stock certificate to bearer") and for every such certificate the Corporation may demand a fee not exceeding five shillings.

Restriction as to trustees taking stock certificates to bearer or coupon.

**60.** A trustee shall not apply for or hold a stock certificate to bearer or coupon unless he is authorised so to do by the terms of his trust and any contravention of this section by a trustee shall be deemed to be a breach of trust but this section shall not impose on the Corporation any obligation to inquire whether a person applying for or holding a stock certificate to bearer or coupon is or is not a trustee or subject them to any liability in the event of their granting a stock certificate to bearer or coupon to a trustee or dealing with a trustee as the holder of a stock certificate to bearer or coupon or invalidate any stock certificate to bearer or coupon if granted.

General provisions as to stock certificates to bearer.

**61.** No stock certificate to bearer shall be granted in respect of any sum of stock not being fifty pounds one hundred pounds two hundred pounds five hundred pounds or one thousand pounds :

(A) The coupons annexed to a stock certificate to bearer shall comprise the dividends to be payable in respect of the stock described in such stock certificate during a limited period At the expiration of such period fresh coupons shall be issued by the Corporation for a further limited period and so for successive periods during the continuance in force of such stock certificate but the Corporation may if they think fit in lieu of issuing fresh coupons in respect of a stock certificate to bearer give in exchange a fresh stock certificate to bearer with coupons annexed;

(B) Coupons shall be payable on presentation at the bankers of the Corporation at the expiration of three clear days from the day of presentation;

(C) The payment to the bearer of any coupon of the amount expressed therein shall be a full discharge to the Corporation from all liability in respect of that coupon and the dividend represented thereby;

(D) If any stock certificate to bearer or coupon issued under this Act is lost or destroyed the Corporation may grant a new stock certificate to bearer or coupon on receiving indemnity to their satisfaction;

(E) A stock certificate to bearer shall entitle the bearer to the stock therein described and shall be transferable by delivery;

(F) When any stock certificate to bearer in respect of any stock is outstanding the stock represented thereby shall cease to be transferable in the transfer books;

(G) The bearer of a stock certificate to bearer may on delivery of such certificate and of all unpaid coupons belonging thereto to the Corporation and on compliance with any regulations made under this Act require to be entered in the transfer books as a holder of the stock described in such stock certificate and thereupon that stock shall be re-entered in the name and with the address required by the bearer of such stock certificate and become transferable in the transfer books and the interest thereon shall thenceforth be payable as if no stock certificate to bearer had been issued in respect thereof.

Save in so far as relates to the mode of transfer and payment of dividends thereon any stock described in a stock certificate to bearer issued under this Act shall be a charge on the same securities and be subject to the same provisions as to redemption and (save in so far as such stock certificate is a negotiable security) shall be subject to the same incidents in all respects as if it had continued registered in the transfer books as stock transferable therein.

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Interest on stock recoverable by suit.

**62.** If the interest of any debenture stock or any part of such interest thereof being payable be not paid upon demand thereof in writing made to the Corporation by the holders thereof such holders may sue for and recover the same with full costs of suit in any court of competent jurisdiction.

Receiver may be appointed if arrears remain unpaid for the time prescribed.

**63.** If within one month after the interest on any stock or any part thereof has become payable and after demand thereof in writing it be not paid the holder thereof without prejudice to his right to sue for the amount in arrear in any court of competent jurisdiction may if his debt alone amount to the sum of fifty pounds or if his debt does not amount to that sum he may in conjunction with other stockholders and mortgagees whose debts being so in arrear after demand as aforesaid shall together with his debt amount to the said sum require the appointment of a receiver by an application to be made as in this Act provided.

Mode of appointment of receiver.

**64.** Every application for a receiver shall be made to the Chancery Division of the High Court of Justice in a summary way by motion or petition without the issue of a writ and the said Division may if it think fit on such application appoint a receiver on such terms and conditions and with such powers as it may think fit and such receiver shall have the same powers of collecting receiving recovering and applying the moneys liable to the payment of interest on the stock and of assessing raising and recovering all rates for the obtaining of such moneys as the Corporation or any officer thereof may have and shall apply all such moneys after payment of expenses and costs under the direction of the said Chancery Division for the purposes of and in conformity with this Act The said Chancery Division may at any time discharge such receiver and shall have full jurisdiction over him and the applicant and all persons interested in the acts of the receiver in the same manner and to the same extent as if such receiver had been appointed by the said Chancery Division in an action duly instituted.

Corporation may redeem debenture stock.

**65.** The Corporation may by agreement with any of the stockholders at any time if they think fit redeem or purchase any portion of the stock at a price not exceeding twenty-five years purchase and when any portion is so redeemed or purchased an entry of the redemption or purchase thereof shall be made in the register of stockholders and thereupon such redeemed or purchased portion shall be wholly extinguished.

Saving rights.

**66.** Nothing in this Act shall in anywise prejudice or affect the rights of the holders of the said rentcharge authorised by the Act of 1848 or of mortgages or bonds of the Corporation and all the

stock to be created as aforesaid shall be subject to the said rent-charge and to the mortgages and bonds existing at the date of the resolution creating the stock.

Restricting exercise of borrowing powers.

**67.** After the conversion of any such mortgages or bonds into stock or after any money shall have been raised by the Corporation by the issue of stock it shall not be lawful for the Corporation to issue mortgages or bonds or any other securities for the amount so converted or raised or again to borrow the same but the powers of borrowing by the Corporation shall to that extent be extinguished.

Priority of stock not to be affected by time of creation thereof.

**68.** No holder of any portion of stock shall have any priority or preference by reason of the creation or issue of such portion of stock before the creation or issue of any other portion of stock.

Application of money raised.

**69.** When any stock has been created and issued under this Act in order to raise any portion of a loan authorised by any existing Act the money raised thereby shall be deemed to have been borrowed under and shall be applied for the purposes to which such loan is legally applicable.

Further provisions as to stock certificate.

**70.** If the certificate of any stock bear the common seal of the Corporation it shall not be necessary for any person or body to inquire whether the moneys mentioned in the certificate are within the borrowing powers of the Corporation.

Consent of trustees of *incapacitated* persons &c. to conversion.

**71.** Any person who holds any security granted by the Corporation before the passing of this Act and who is one of the persons enabled by the Lands Clauses Consolidation Act 1845 section seven to sell land under that Act may in the manner and to the extent in the said section provided consent to any arrangement authorised by this Act for the conversion of such security into stock and to the payment of such security before the time limited for the payment thereof.

Sinking fund.

**72.** With respect to the setting apart of sinking funds the following provisions shall have effect (namely):—

In order to discharge such portion of the principal moneys borrowed under the powers of this Act as is repayable by means of a sinking fund and to redeem the stock created under this Act for the conversion of any principal moneys which are required to be discharged by means of sinking funds instalments appropriations or annual repayments the Corporation shall in every year after the respective dates herein-after in that behalf prescribed out of the dock revenue borough fund and borough rate appropriate and set apart as a sinking fund which may be accumulated in the hands of the bankers of the Corporation and which so soon as the same shall have amounted

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to the sum of five thousand pounds shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of any rentcharge payable by the Corporation or of mortgages debentures debenture stock or annuity certificates granted or issued under any Act under which the Corporation are authorised to borrow money such sums of money as will with the accumulations thereof in the way of compound interest at four pounds per centum per annum be sufficient after payment of all expenses to pay off such principal moneys so borrowed within sixty years from the time of borrowing the same and to redeem such stock (at a capitalised value to be taken for this purpose at the rate of twenty-five years purchase) within the time limited for repayment of the principal moneys represented thereby.

The appropriation for the said sinking funds shall commence at the following dates (that is to say) :—

For repayment of moneys borrowed under the powers of this Act on the first day of January next following the date of such borrowing;

For redemption of stock so created for the conversion of the principal moneys so required to be discharged on the first day of January next following the date of the creation and issue thereof:

Provided as follows (that is to say) :

Every sinking fund existing at the date of such conversion shall be transferred to the corresponding sinking fund to be accumulated under this Act for the like purpose;

The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys and the redemption of the stock for the repayment or redemption of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys or stock to which such sinking fund is applicable are discharged or redeemed a sum equal to the interest produced by the sinking fund or part thereof so applied or of the stock so redeemed Provided also whenever and so long as the yearly income arising from any sinking fund shall be equal to the annual interest of such principal moneys then outstanding and to be paid off by means of such fund the Corporation may in lieu

of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto;

Any rentcharge mortgages debentures debenture stock or annuity certificates granted or issued by the Corporation and in or upon which they shall invest any sinking fund shall upon such investment be ipso facto cancelled.

Corporation may retain in hand a portion of annual sums set apart for repayment of principal moneys by instalments.

**73.** In order that the Corporation may the more conveniently appropriate to the repayment of such of their debts as are not repayable by sinking funds the sums annually set apart as required for that purpose the Corporation may from time to time retain those sums in the hands of their bankers to the amount at any one time of not exceeding five thousand pounds in the whole.

Annual return to Board of Trade with respect to sinking fund.

**74.** The town clerk of Bristol shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or any interest thereon have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such town clerk shall be liable to a penalty of not exceeding twenty pounds If it appear to the Board of Trade by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Act the Board of Trade may by orders direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Board of Trade out of the High Court of Justice and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments in respect of moneys borrowed under the Local Loans Act 1875.

38 & 39 Vict. c. 83.

Power to re-borrow.

**75.** If the Corporation pay off any moneys otherwise than by means of a sinking fund or by instalments appropriations or annual

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repayments or out of the proceeds of the sale of land acquired under the powers of any of the recited Acts or out of other moneys properly applicable on capital account they may re-borrow the same and so from time to time provided that the time for the repayment of any money so re-borrowed shall not be extended beyond the unexpired portion of the term for which the original loan was sanctioned.

Power to borrow under Local Loans Act 1875. 38 & 39 Vict. c. 83.

**76.** The Corporation may if they think fit borrow any moneys which they are by any of the recited Acts authorised to borrow and which they have not borrowed under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another. Any moneys borrowed in manner by this section authorised for any of the purposes of any or either of the recited Acts by the Corporation shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of such last-mentioned Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875. Every such loan shall be discharged within the time prescribed in that behalf by the Act authorising such loan and such discharge or any part thereof shall be effected by means of a sinking fund if the Corporation shall so think fit Provided always that if the Corporation at any time think fit to form any such sinking fund all sums paid into the same shall be as soon as may be invested by the Corporation in the manner in which sinking funds are by this Act authorised to be invested.

Forms in schedule sanctioned.

**77.** The forms set forth or referred to in the Sixth Schedule to this Act may mutatis mutandis be used by the Corporation with respect to any moneys borrowed under the powers of the Local Loans Act 1875.

Forgery &c. of transfers of stock &c.

**78.** For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign chapter ninety-eight "to consolidate and amend the statute law of England and Ireland relating to indictable offences by forgery" all stock shall be deemed to be capital stock of a body corporate within the meaning of that Act and for the purposes of the Forgery Act 1870 the terms "stock certificate" and "coupon" in the said Act shall be deemed to include a stock receipt and a stock certificate to bearer and a coupon under this Act.

33 & 34 Vict. c. 58.

Expenses of executing Act.

**79.** All expenses incurred by the Corporation in carrying into execution the powers and provisions of this Act (except such of

those expenses as are to be paid out of borrowed moneys) shall be deemed to be expenses properly incurred in carrying into effect the provisions of the Bristol Dock Act 1848.

## Part VII.—Miscellaneous.

Lands &c. acquired form part of corporate estates.

**80.** All lands at any time acquired and all buildings at any time erected or provided by the Corporation for the purposes of the port shall form part of the corporate estates of the Corporation.

Recovery of rates.

**81.** The provisions for the time being in force with respect to the recovery by the Corporation of rates tolls duties dues and charges payable to them shall extend and apply to all rates dues duties rents and charges which they may demand and take under the powers of this Act and all such rates dues duties tolls and charges may be recovered by the Corporation in any court of competent jurisdiction.

Costs of Act.

**82.** The costs charges and expenses preliminary to and of and incidental to the preparing of applying for and the obtaining and passing of this Act shall (subject to the provisions of the Act 35 and 36 Victoria chapter 91 section 6) be paid by the Corporation out of the revenue of the dock estate and the borough fund or out of moneys borrowed by them for that purpose under this Act.

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# SCHEDULES referred to in the foregoing Act.

## THE FIRST SCHEDULE.

### Recited Acts.

| | |
|---|---|
| 47 George III. sess. 2, c. 33. | The Bristol Wharfage Act 1807. |
| 6 George IV. c. 201. | The Bristol Town Dues Act 1825. |
| 1 Victoria, c. 85. | The Bristol Encroachment Act 1837. |
| 11 & 12 Victoria, c. 43. | The Bristol Dock Act 1848. |
| 28 Victoria, c. 33. | The Bristol Dock Act 1865. |

## THE SECOND SCHEDULE.

### License Fees for Vessels.

For every sea-going vessel which shall remain in the Corporation docks for any period exceeding one lunar month after entering the same a sum not exceeding one penny per register ton per week to the expiration of the second lunar month and not exceeding twopence per ton register for every week after the expiration of such second month and any week entered on but not completed shall be deemed a week.

For every vessel not being a sea-going vessel and not used bonâ fide for carrying cargo to and fro in the Corporation docks a sum not exceeding twopence per ton burthen per lunar month for any period after the expiration of one lunar month after the date of the entering therein of such vessel and any month entered on but not completed shall be deemed to be a month.

For every barge lighter or trow employed bonâ fide in carrying cargo to and fro in the Corporation docks and not having a carrying capacity exceeding forty tons two guineas per annum and a further sum of one guinea per annum for each additional ten tons of carrying capacity and any lesser number of tons than ten tons shall for this purpose be deemed to be ten tons.

For every steam passenger vessel plying for hire or used for the conveyance of passengers in the Corporation docks any sum not exceeding twenty pounds per annum.

## THE THIRD SCHEDULE.



N.B.—The Corporation reserve to themselves the right in every case to determine which of the following three classes of rates shall be adopted.

The following rates are for the use of the crane only. A further charge may be made by the Corporation for the use of any gear supplied by the Corporation.

All labour in connexion with the use of the crane shall be at the entire risk responsibility and expense of the person by whom the crane is hired.

### Rates for Cranes other than Steam or Hydraulic Cranes.

#### Class (A).

*If engaged for the Vessel for any period not exceeding three working Days.*

| | | £ | s. | d. |
|---|---|---|---|---|
| For vessels not exceeding 50 tons register - - | per day | 0 | 7 | 6 |
| For vessels exceeding 50 but not exceeding 100 tons register - - - - - | per day | 0 | 10 | 0 |
| For vessels exceeding 100 but not exceeding 150 tons register - - - - - - | per day | 0 | 15 | 0 |
| And so on for every 50 tons or part of 50 tons register - | per day | 0 | 5 | 0 |

The time to be occupied for a crane engaged for the vessel shall not exceed one day for every one hundred tons register.

#### Class (B).

*If engaged by the Day.*

| | £ | s. | d. |
|---|---|---|---|
| For each day or part of a day - - - - | 0 | 10 | 0 |

A crane engaged by the day shall be deemed to be engaged for the whole working time which shall elapse between the time when the vessel is berthed alongside the crane and the time of its leaving such berth.

#### Class (C).

*If engaged for portions of a Cargo.*

| Article. | | s. | d. |
|---|---|---|---|
| Anchors - - - - - | Ton | 0 | 2 |
| Bacon beef and other provisions - - - | Ton | 0 | 2½ |
| Boats large - - - - - | Each | 1 | 0 |
| Ditto small - - - - - - | Each | 0 | 6 |
| Cables - - - - - | Ton | 0 | 2 |
| Carriages 4-wheeled in cases - - - - | Each | 1 | 0 |
| Ditto not in cases - - - - | Each | 0 | 6 |
| Ditto 2-wheeled in cases - - - - | Each | 0 | 6 |

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| Article. | | | |
|---|---|---|---|
| | | *s.* | *d.* |
| Carts and waggons 4-wheeled - - - | Each | 1 | 0 |
| Ditto 2-wheeled - - - - | Each | 0 | 6 |
| Castings and light machinery - - - | Ton | 0 | 3 |
| Coal - - - - - - - | Hhd. | 0 | 1 |
| Dyewoods - - - - - | Ton | 0 | 2½ |
| Empty casks - - - - - - | Score | 0 | 2 |
| Hoops per score of bundles containing 30 hoops each - | Score | 0 | 1 |
| Iron and ores - - - - - - | Ton | 0 | 2 |
| Lime - - - - - | Hhd. | 0 | 1 |
| Mahogany - - - - - - | Ton | 0 | 3 |
| Millstones marbles blocks machinery or any single lift exceeding 1 ton but not exceeding 2 tons - - | Lift | 1 | 0 |
| Millstones marbles blocks machinery or any single lift exceeding 2 tons but not exceeding 3 tons - - | Lift | 3 | 0 |
| Millstones marbles blocks machinery or any single lift exceeding 3 tons but not exceeding 4 tons - - | Lift | 4 | 0 |
| Millstones marbles blocks machinery or any single lift exceeding 4 tons but not exceeding 5 tons - - | Lift | 6 | 0 |
| Millstones marbles blocks machinery or any single lift exceeding 5 tons - - - - | Special Arrangement. | | |
| Molasses - - - - - - | Ton | 0 | 2½ |
| Ochre - - - - - - | Ton | 0 | 2 |
| Oil - - - - - - - | Ton | 0 | 2½ |
| Rum - - - - - - | Pun. | 0 | 2 |
| Salt - - - - - - - | Hhd. | 0 | 1 |
| Sugar - - - - - - | Ton | 0 | 2½ |
| Stone - - - - - - - | Ton | 0 | 1 |
| Tallow - - - - - - | Ton | 0 | 2½ |
| Timber - - - - - - | Ton | 0 | 2 |
| Tobacco - - - - - - | Hhd. | 0 | 2 |
| Wine - - - - - - - | Butt | 0 | 2 |
| Articles weighing less than 1 ton not before enumerated | Ton | 0 | 2 |
| Articles of the same class as above in smaller quantities will be charged a proportionate rate. | | | |

The above rates shall be charged for each hoist of the same article. The minimum charge when a crane is engaged for a portion of a cargo shall be one shilling. When the amount payable according to the above rates does not amount to more than one shilling for every hour or part of an hour for which the crane has been engaged the charge for every hour or part of an hour after the first hour for which the crane has been engaged reckoning from the time the crane handles are given out until they are returned shall be one shilling.

## THE FOURTH SCHEDULE.

### Regulations Conditions and Rules for use of Steam and Hydraulic Cranes.

1. Application for the use of a steam crane shall be made in writing to the traffic manager of the Corporation to whom at the time of entry there shall be paid a deposit of one pound ten shillings for the thirty-five ton steam crane and ten shillings for each of the smaller cranes.

2. The amount shall be forfeited if the crane applied for be not employed when and as arranged for.

3. The Corporation will provide a competent crane man to work the engines of the steam cranes but all other labour in connexion with the use of the cranes shall be at the entire risk responsibility and expense in all respects of the person for whom the crane is hired.

4. All rates and charges for the use of the cranes shall be payable by the applicant immediately after using the cranes but the Corporation at their option may require that a deposit sufficient to cover all the crane rates and charges shall be paid at the time of entry for the crane and unless by special agreement the following shall be the rates for the use of the steam cranes.

5. For landing or shipping by the thirty-five ton steam crane at Prince's Wharf of machinery engines boilers castings and other packages or articles For each ton or part of a ton per hoist five shillings All necessary use of the crane from the lifting of a piece of machinery or other article off its carriage until stowed or adjusted in the vessel or from the lifting of a piece of machinery or other article from the vessel until placed on its carriage shall be included in one hoist.

If the amount of hiring at the above rates for any single day (consisting of the usual working hours) during which the crane is employed do not amount to four pounds then the charge for such day shall be four pounds and in proportion for a shorter period down to half a day but no charge to be less than for half a day.

For every hour earlier or later than the usual working hours four shillings in addition to the rates in the foregoing table.

No article exceeding thirty-five tons shall be lifted by the thirty-five ton steam crane.

The minimum charge for the use of the steam crane for one hoist shall be two pounds and any hoist which shall occupy more than half a day shall be paid for by time.

For landing or shipping by the small steam crane. For each ton or part of a ton per hoist (as before interpreted) fourpence. If the amount of hiring at the above rate for any single day (consisting of the usual working hours) during which the crane is employed do not amount to one pound fifteen shillings then the charge for the day shall be one pound fifteen shillings and so in proportion for a shorter period but the charge for any single employment of the crane shall not be less than fifteen shillings.

The minimum charge for the use of any small steam crane for one hoist shall be fifteen shillings and any hoist which shall occupy more than half a day shall be charged for by time.

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In addition to the above rates sixpence per hour shall be paid for each man engaged at any steam crane and provided by the Corporation whilst the crane is in use and for every hour earlier or later than the usual working hours two shillings and sixpence in addition for each such man.

No article exceeding two tons shall be lifted with the long jib and no article exceeding four tons shall be lifted with the short jib by the thirty-five ton crane.

The Corporation will in every case hold the hirer of the crane responsible for true and accurate weights.

Persons after using any crane shall deliver it over to the traffic manager in as good order and condition as when received and to his satisfaction unless cause can be shown to the Corporation that any damage done has not been occasioned through any default or neglect of the person using the crane.

The regulations conditions and rules as to steam cranes shall extend and apply mutatis mutandis to and in relation to hydraulic cranes.

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## THE FIFTH SCHEDULE.

### REGULATIONS FOR TRANSIT SHEDS.

1. When any vessel that will require a transit shed berth is expected to arrive at the Corporation docks notice in writing shall be given by the owner agent or consignee of the vessel to the superintendent of transit sheds twenty-four hours at least before the vessel is to enter the harbour. The notice must specify the quantity and description of cargo to be discharged and the time when the vessel is expected to arrive. Upon getting such notice the superintendent shall assign a berth to the vessel if there be one vacant and the vessel may immediately on her arrival take up the berth so assigned to her but always subject to the orders of the superintendent.

2. All vessels entering for transit sheds shall at the time of reporting at the custom-house pay to the Corporation at the rate of one penny per ton of cargo intended to be discharged.

3. All goods discharged into or placed in such transit sheds shall be piled or stored therein in such manner as the superintendent with the approval of the proper officer of Customs shall direct in order that the space in the sheds may be economised as much as practicable and that as much facility as possible may be given for Customs examination weighing and removal of the goods.

4. No gunpowder mineral oils esparto grass tar or any other dangerous goods whatsoever shall be placed or stored in the sheds.

5. The following time from the berthing of the vessel at the transit shed shall be allowed for discharging her cargo viz.:

Brandy and spirits 120 tons per day;

Wines 150 tons per day;

General and mixed cargoes 300 tons per day;

6. After the expiration of the time allowed the vessel for discharging the shipowner and owner of the goods or one of them shall cause the goods to be

examined by the Customs and to be removed from the sheds so that the aggregate quantity so removed shall in case of the following goods be at not less than the following rates (that is to say):—

Brandy and spirits 15 tons per day per hundred tons (or under) landed;
Wines 30 tons per day per hundred and fifty tons (or under) landed;
Currants 50 tons per day per three hundred tons (or under) landed;
Raisins 25 tons per day per one hundred tons (or under) landed;

And in the case of any goods not liable to duty within twenty-four hours from the time of landing of such goods (Sundays and Customs holidays excepted) and in the event of the goods or any part thereof not being removed within the time above mentioned the owner or agent for the ship or the owner or consignee of the goods at the option of the Corporation shall pay to the Corporation dues at the rate of sixpence per ton for each day that the goods or any part thereof shall not be removed within the time above prescribed And in the event of the goods or any part thereof not being removed within the period of two days after the expiry of the prescribed time or if passed by the Customs within twenty-four hours of such passing the superintendent shall have power at the risk and expense of such owner agent consignee or owner to remove the same if not duty paid goods to a bonded warehouse in Bristol or if duty paid or free goods to a free goods warehouse there.

7. Where goods may be removed under the provisions of this Act enabling the Corporation to make Customs entries on neglect of owner so to do the superintendent may at the risk and expense of the owner or consignee remove the same (being first duly entered at the custom-house) if not duty paid goods to a bonded warehouse and if duty paid or free goods to a free goods warehouse.

8. Where in regard to any goods lying in the transit sheds notice in writing is given in terms of law to the Corporation or the superintendent that such goods are to remain in such sheds subject to a lien for freight or other charges payable to the shipowner the person giving such notice shall specify therein such goods by their marks and numbers or in some other manner sufficient to enable the Corporation or the superintendent easily to identify the goods referred to in the notice and the person giving the notice shall be responsible to the Corporation for the expense of watching the same and shall undertake the risk of the said goods while they remain in the shed subject to the said notice The times at which dues shall begin to be payable on such goods and when it shall be in the power of the superintendent to remove the same to a warehouse shall be regulated by articles 6 and 7.

9. The Corporation may at their discretion reduce or altogether remit the transit shed dues under any circumstances which in their judgment may make such reduction or remission reasonable.

10. The Corporation shall not be liable for any loss damage or injury to any goods placed in the sheds arising from fire water or theft or from the removal of the goods by unauthorised persons.

## THE SIXTH SCHEDULE.

### Form of Certificate of Debenture Stock.

Bristol Corporation Dock Debenture Stock.

Certificate No. Amount £

Registered No.

This is to certify that of so registered in the books of the Mayor Aldermen and Burgesses of the city of Bristol as the proprietor of £ sterling Bristol Corporation Dock debenture stock created by virtue of the Bristol Dock Act 1881 bearing interest at the rate of £ per centum per annum payable half-yearly on the first day of July and the first day of January in each year the first payment to be made on the day of next.

Given under the common seal of the Mayor Aldermen and Burgesses of the city of Bristol this day of

Note.—This stock certificate must be deposited with the deed of transfer whether for the whole or any portion thereof before a new certificate can be issued in exchange.

All certificates will bear the common seal of the Corporation.

### Form of Transfer of Debenture Stock.

Bristol Corporation Dock Debenture Stock.

£

I of in consideration of the sum of pounds paid to me by of do hereby transfer to (herein-after called the transferee) the sum of Bristol Corporation Dock debenture stock with all interest due and to become due thereon to hold unto the transferee his executors administrators and assigns subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee do hereby agree to take the said debenture stock subject to the same conditions.

As witness our hands and seals this day of in the year of our Lord one thousand eight hundred and eighty

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