CHAPTER cclv.

A.D. 1884

An Act to enable the mayor aldermen and burgesses of the city of Bristol to purchase the undertakings of the Bristol Port and Channel Dock Company the Bristol Port and Channel Dock Warehouse Company Limited and the Portishead Warehouse Company Limited and the dock undertaking of the Bristol and Portishead Pier and Railway Company and for other purposes.

[14th August 1884.]

WHEREAS the mayor aldermen and burgesses of the city of Bristol (in this Act 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 are also conservators of the rivers and creeks within the said port:

And whereas the Corporation are by virtue of the Bristol Dock Act 1848 owners of the docks of the said city (in this Act called "the City Docks"): 11 & 12 Vict. c. xliii.

And whereas the Corporation by the Bristol Dock Act 1865 (in this Act called "the Act of 1865") obtained further powers for the improvement of the River Avon and the City Docks:

And whereas the Corporation have under statutory authority expended large sums of money in increasing the accommodation of the City Docks and in widening deepening straightening and generally improving the navigation of the River Avon and the said port of Bristol:

And whereas by the Bristol and Portishead Pier and Railway Act 1863 the Bristol and Portishead Pier and Railway Company (in this Act called "the Portishead Company") were incorporated and authorised among other works to make a pier at Portishead in the county of Somerset near to the mouth of the River Avon: 26 & 27 Vict. c. cvii.

A.D. 1884.

34 & 35 Vict. c. cxlii.

And whereas by the Portishead Docks Act 1871 (in this Act called "the Act of 1871") the Portishead Company were authorised to construct at Portishead a dock and works connected therewith and it was provided by that Act that the Corporation might subscribe thereto any sum not exceeding one hundred thousand pounds and that if they elected so to do the said dock and works should be constituted a separate undertaking (in this Act called "the Portishead Docks") with a separate share and loan capital and it was also by the said Act provided that the Corporation should be at liberty if they should be thereafter authorised by Parliament so to do to purchase the said undertaking on certain terms thereby prescribed but not after the twenty-fifth day of July one thousand eight hundred and seventy-four except with the consent of that company which term was further extended to the first day of July one thousand eight hundred and seventy-six by the Bristol and Portishead Pier and Railway Act 1873:

36 & 37 Vict. c. xlvi.

And whereas the Corporation have subscribed the said sum of one hundred thousand pounds but did not within the said period elect to purchase the said undertaking:

27 & 28 Vict. c. ccxli.

And whereas by the Bristol Port and Channel Dock Act 1864 (in this Act called "the Act of 1864") the Bristol Port and Channel Dock Company (in this Act called "the Avonmouth Company") were incorporated and authorised to construct at but within the mouth of the River Avon on the Gloucestershire side thereof docks and other works and the like powers of subscription to and purchase of that undertaking were by that Act conferred on the Corporation neither of which powers they have elected to exercise:

38 & 39 Vict. c. xxxv.

And whereas by the Bristol Port and Channel Dock Act 1875 powers were conferred on the Avonmouth Company with respect to the providing of warehouses and they were authorised among other things to raise capital (and if they so thought fit as a separate capital) for the purpose and to dispose of lands to any person or company for the erecting thereon of warehouses:

40 & 41 Vict. c. lxv.

And whereas by the Bristol Port and Channel Dock Act 1877 (in this Act called "the Act of 1877") the Avonmouth Company were authorised to construct at the said docks (and if they thought fit as a separate undertaking) graving docks and works connected therewith:

And whereas the Bristol Port and Channel Dock Warehouse Company (Limited) (in this Act called "the Avonmouth Warehouse Company") have erected warehouses and buildings at and in connexion with the Avonmouth Docks:

41 & 42 Vict. c. lix.

And whereas by the Bristol Port and Channel Dock Act 1878 (in this Act called "the Act of 1878") the Avonmouth Company

were authorised to purchase the undertaking of the Avonmouth Warehouse Company:

And whereas by the Bristol Port and Channel Dock Act 1880 the Avonmouth Company were authorised to make certain additional works as part of their dock undertaking and to lease or let the warehouses in the event of the undertaking of the Warehouse Company being so transferred: 43 & 44 Vict. c. xlix.

And whereas by the Bristol Port and Channel Dock Company (Extension of Time) Act 1882 (in this Act called "the Act of 1882") the time within which the Avonmouth Company were by the Act of 1877 authorised to construct at the Avonmouth Docks graving docks and works connected therewith was extended: 45 & 46 Vict. c. viii.

And whereas by the Bristol Port and Channel Dock Act 1883 (in this Act called "the Act of 1883") further powers were conferred on the Avonmouth Company with reference to the creation of debenture stock: 46 & 47 Vict. c. lxxv.

And whereas the Portishead Company and the Avonmouth Company have constructed their said respective docks and works and the same are respectively open to the use of the public:

And whereas the Portishead Company were by section fifty-six of the Act of 1866 authorised to lease lands for the erection thereon of warehouses and granaries in connexion with the business and objects of the company:

And whereas the Portishead Company leased certain of the said lands for the purpose of the erection thereon of such warehouses and the same have been erected:

And whereas the Portishead Company have leased to the Portishead Warehouse Company Limited (in this Act called "the Portishead Warehouse Company") certain other of the said lands for the purpose of the latter company erecting a granary thereon:

And whereas the Portishead Warehouse Company are or claim to be entitled to the whole leasehold interest in the said first-mentioned lands and in the said warehouses erected thereon:

And whereas the Portishead Warehouse Company hold the said warehouses and granary (being their whole undertaking) subject to a condition now in force to sell the same to the Portishead Company:

And whereas the Portishead Warehouse Company have relet the said warehouses to the Portishead Company:

And whereas it would tend to the prosperity of the said port and to the benefit of the said city if the said undertakings were vested in the Corporation:

And whereas the Corporation have agreed with the Avonmouth Company and the Avonmouth Warehouse Company for the purchase

A.D. 1884.

of their respective undertakings and with the Portishead Company for the purchase of their dock undertaking and of the Portishead Warehouse undertaking upon the terms set forth in this Act and it is expedient that the several purchases be carried into effect:

And whereas the Avonmouth Company have issued under the authority of their said Acts debenture stock of the amounts set forth in the Third Schedule to this Act:

And whereas upwards of three-fourths in value of the holders of the debenture stock of the Avonmouth Company have assented in writing to the Bill for this Act:

44 & 45 Vict. c. clxviii.

And whereas under the powers of the Bristol Dock Act 1881 the Corporation have created and issued Bristol Corporation Dock debenture stock bearing interest after the rate of three-and-a-half per centum per annum for the purposes of the conversion thereinto of their dock loans and it is expedient that they be authorised to create and issue such further amount of that stock as shall be requisite for the purposes of this Act:

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 of the city at a meeting held on the fifth day of February one thousand eight hundred and eighty-four after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the Bristol Mercury a local newspaper 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 borough rate:

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 of the city at a further special meeting held in pursuance of a similar notice on the nineteenth day of February one thousand eight hundred and eighty-four 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 passed in the manner provided in the Third Schedule of the Public Health Act 1875 as to the passing of resolutions of owners and ratepayers consented to the promotion of the Bill for this Act:

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):— A.D. 1884.

Short titles.

1. This Act may be cited as the Bristol Dock Act 1884 and this Act and the Act of 1848 and the Act of 1865 and the Act of 1881 may be cited together as the Bristol Dock Acts 1848 to 1884.

Interpretation.

2. In this Act unless the context otherwise requires—

"The companies" means and includes the Avonmouth Company the Portishead Company and the Avonmouth Warehouse Company;

"The Avonmouth Docks" "the Avonmouth undertaking" respectively mean and include all the lands acquired by the Avonmouth Company for the purposes of their undertaking except such of them as have been sold to the Great Western and Midland Railway Companies or to the Avonmouth Warehouse Company and all buildings easements undertaking fixed machinery real and personal property rights powers privileges and authorities of the Avonmouth Company except any moneys securities for money or debts due or belonging to the Avonmouth Company;

"The Avonmouth Warehouse undertaking" means and includes all the lands acquired by the Avonmouth Warehouse Company for the purposes of their undertaking and all buildings easements undertaking fixed machinery real and personal property rights powers privileges and authorities of the Avonmouth Warehouse Company except any moneys securities for money or debts due or belonging to the Avonmouth Warehouse Company;

"The Portishead Docks" "the Portishead undertaking" respectively mean the dock undertaking of the Portishead Company and include the lands acquired by the Portishead Company for the purposes of their dock undertaking and all buildings easements fixed machinery real and personal property rights powers privileges and authorities of or held exercised or enjoyed by the Portishead Company in relation to the Portishead Dock and the Portishead Warehouse undertaking except any moneys securities for money or debts due or belonging to the Portishead Company;

"The Portishead Warehouse undertaking" means and includes all the lands acquired by the Portishead Warehouse Company for the purposes of their undertaking and all buildings easements undertaking fixed machinery real and personal property rights powers privileges and authorities of the Portishead Warehouse Company;

A.D. 1884.

"The undertakings" means the Avonmouth undertaking the Portishead undertaking and the Avonmouth Warehouse undertaking;

"The Avonmouth Acts" means the Acts specified in Part I. of the First Schedule to this Act;

"The Portishead Acts" means the Acts specified in Part II. of the said First Schedule;

"Dock revenue" means and includes all tolls rates duties rents dues charges and moneys payable to the Corporation on account of revenue in any way under the recited Acts or otherwise in relation to the Dock Estate or to the undertakings transferred to them under the powers of this Act;

"Borough fund" and "borough rate" respectively mean the borough fund and borough rate of the city of Bristol;

"Corporation stock" means Bristol Corporation Dock debenture stock;

"The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and any Acts amending the same or otherwise relating to municipal corporations in England.

Act to be executed by council.

3. This Act shall be carried into execution by the Corporation acting by the council of the said city and according to the Municipal Corporations Acts and (subject to the provisions of this Act) the Acts for the time being affecting the Corporation as owners of the City Docks and of the undertakings by virtue of this Act transferred to the Corporation and with all the rights powers privileges exemptions and authorities conferred by those Acts respectively on the companies and on the Corporation and on the council and the officers agents and servants of the Corporation with respect to matters provided for by or comprised in those Acts respectively and (subject to the provisions of this Act) as nearly as may be in all respects as if the powers duties exemptions and property vested in imposed on or enjoyed by the Corporation by or under this Act were vested in imposed on or enjoyed by them by or under those Acts respectively.

The companies to sell their undertakings to the Corporation.

4. The Corporation shall purchase and the companies respectively shall sell and transfer to the Corporation their respective undertakings as by this Act defined.

The undertakings of the companies respectively shall be conveyed to the Corporation by them and as to the said lands for an estate in fee simple in possession subject as to such of the lands of the Portishead Company as are demised by the said leases to the Portishead Warehouse Company or their predecessors in title to such of the said leases as are subsisting on the first day of September one thousand eight hundred and eighty-four and subject as to the lands

of the Avonmouth Company and the Avonmouth Warehouse Company to any leases and agreements for leases granted or entered into by the said companies or either of them and subsisting on the said first day of September and subject to any easements and restrictive covenants or stipulations affecting the last-mentioned lands or any of them and subject to all rentcharges issuing out of or payable in respect of the said lands or any of them.

Provision as to transfer of the Portishead Warehouse undertaking.

5. The Portishead Company shall within three months after the passing of this Act acquire the Portishead Warehouse undertaking under and in accordance with arrangements existing between those two companies and shall thereupon transfer the same to the Corporation subject to any ground rents payable by the Portishead Warehouse Company to the Portishead Company in respect of such of the lands on which the said warehouses and granary are or will be erected as belong to the Portishead Company as part or in right of their pier and railway undertaking but free as between the two companies or either of them on the one part and the Corporation on the other part from all other debts liabilities and obligations and the Portishead Warehouse Company shall on the request of the Corporation and of the Portishead Company or either of them join in the conveyance to the Corporation of the Portishead Warehouse undertaking The provisions of the sections of this Act the marginal notes whereof are respectively "Transfer of undertakings by deed" and "Deeds &c. to be delivered to Corporation" shall extend and apply mutatis mutandis to such transfer.

Vesting subject to rentcharges.

6. Every sale by this Act authorised shall be subject to all ground and other rents reserved in respect of the land upon which any building transferred to the Corporation under such sale is situate where such land is not itself actually sold and transferred to the Corporation under such sale and also to all rentcharges for land taken under the powers of any Act of Parliament relating thereto for the purposes of the undertaking transferred and such of the said rentcharges as are payable to the Corporation in respect of land so taken from them shall not merge but shall continue to be paid by the Corporation out of the dock revenue to the credit of the borough fund of the said city.

Consideration for sale.

7. As the consideration for the sale of the undertakings the Corporation shall issue to three directors of each of the several companies to be nominated in that behalf by the respective companies or to such persons as the said directors direct Corporation stock of the amounts and in the manner herein-after mentioned (that is to say) :—

On the first day of September one thousand eight hundred and eighty-four;

A.D. 1884.

To the Avonmouth Company as a first instalment the sum of two hundred and ninety thousand pounds;

To the Avonmouth Warehouse Company the sum of one hundred and sixty thousand pounds; and

To the Portishead Company as a first instalment the sum of one hundred and seventy-five thousand pounds;

And on the transfer of the Portishead Warehouse undertaking to the Corporation a further or second instalment to the Portishead Company of fifty thousand pounds;

And (subject to deduction as hereinafter provided) on the first day of September one thousand eight hundred and eighty-nine—

To the Avonmouth Company as a second instalment the sum of seventy-five thousand pounds; and

To the Portishead Company as a third instalment the sum of twenty-five thousand pounds;

And subject to the proviso herein-after mentioned on the first day of September one thousand eight hundred and ninety-one to the Avonmouth Company as a third instalment the sum of twenty-five thousand pounds Provided always that unless the Corporation shall within six months after the said first day of September be satisfied that the Avonmouth Company has accurately estimated the amount recoverable in future from the Midland Railway Company and the Great Western Railway Company for services to be rendered at the dock at the rate of two thousand two hundred and forty pounds for a year calculated upon the basis of services and traffic equivalent to those for the year one thousand eight hundred and eighty-three a sole arbitrator to be appointed by the Board of Trade shall determine whether or not the Avonmouth Company has over-estimated the said amount and if so to what extent and in the event of the said arbitrator finding and determining that the Avonmouth Company has over-estimated the said amount then and in such case the said third instalment shall be proportionately reduced.

As to liabilities of the companies before day of sale.

8. Subject to the provisions of this Act all debts liabilities and pecuniary obligations of the Portishead Company so far as regards their dock undertaking and the Portishead Warehouse undertaking and of each of the others of the companies so far as regards the undertaking of that company which immediately before the said first day of September or in the case of the Portishead Warehouse undertaking immediately before the execution of the deed transferring that undertaking to the Corporation are due and payable by the companies respectively shall notwithstanding such transfer be paid and discharged by such company but subject and without

prejudice to the apportionment as between such company and the Corporation (if necessary) of any outgoings due and payable by such company or of any rents or rentcharges due and payable or accruing due and payable by or from such company.

Business of the several companies to be carried on until 1st September 1884.

9. The businesses of the companies respectively shall be carried on in the ordinary course until the said first day of September but such companies shall not except with the consent of the Corporation under the hand of their dock secretary enter into any contract except such as may be necessary for the carrying on of the said businesses respectively until the said day nor execute any works nor expend any moneys on capital account except in so far as may be necessary for the completion of works in progress at the passing of this Act or for which contracts shall have been signed before the sixteenth day of February one thousand eight hundred and eighty-four.

Transfer of undertakings by deed.

10. The sale of each of the undertakings shall be carried into effect by a deed duly stamped and truly stating the consideration which deed may be in the form set forth in the Second Schedule to this Act or to the like effect with such variations and additions as circumstances require and on the execution of that deed the undertaking (as by this Act defined) of the company executing the same shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation as from the said first day of September subject and according to the provisions of this Act and thenceforth the Corporation in their own name and for their own benefit shall have and hold that undertaking Provided always that the Corporation shall within three months after the execution of each such deed produce the same to the Commissioners of Inland Revenue duly stamped as aforesaid and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the Corporation with full costs of suit and all costs and charges attending the same.

Consideration for loose plant and stores.

11. The locomotive and dredging engines cranes tug boats barges boats buoys crabs weighing machines winches measures sifting machines tarpaulins hurdles battens sacks planks trestles tables tools lamps and office furniture and all other moveable plant and stores which on the said first day of September belongs to the companies respectively (but with respect to the Portishead Company only such as are used for carrying on the dock undertaking and the Portishead Warehouse undertaking) shall on that day pass to and become the property of the Corporation and the value thereof (subject to any deduction therefrom as herein-after provided) shall within two months from that day be paid in cash by the Corporation

A.D. 1884.

to the companies respectively and any question which may arise as to what should or should not be included in such loose plant and stores or as to the value of that which is to be included or otherwise with reference thereto shall be settled by arbitration under the provisions of the Railways Clauses Consolidation Act 1845.

Corporation may deduct any sums paid by them for debts, &c.

12. If the Corporation become liable to make any payment in respect of any debt or liability other than the said rentcharges or to answer any claim for money or for or in respect of any merchandise goods articles or things by reason of deficiency defect intermixture or damage thereof made on any of the companies or the Portishead Warehouse Company or for any costs charges or expenses incurred in relation to any such debts liabilities or claims the Corporation may deduct the amount of such payment together with interest thereon at the rate of five pounds per centum per annum from the date of such payment from the second and third instalments of stock to be issued to the company on whose behalf such payment was made Provided that if in the case of any of the companies any such payments have been made or the amounts thereof have been ascertained but not paid at the date when any cash sum is payable to such company the Corporation may if they think fit deduct such payments or amounts (as the case may be) from such cash sum so far as the same will extend in lieu of deducting the same from such second and third instalments.

The Corporation shall as soon as may be after the receipt of such claim as aforesaid give to that one of the companies affected thereby notice thereof in writing by registered letter addressed to the secretary to such company and sent to their office and shall not satisfy such claim until the expiration of seven days after such notice has been sent and if within such seven days the said company give notice in writing to the Corporation that they desire to contest such claim such company shall be at liberty to take proceedings for the purpose and until the termination of such proceedings no payment shall be made by the Corporation in respect thereof Provided that when any such notice is given by a company the said company shall indemnify the Corporation against all damages and expenses in respect of such claim and proceedings and that any such damages and expenses if paid by the Corporation shall be deemed to be a claim for money which they have been required to answer on behalf of such company within the meaning of the foregoing provisions of this section.

Until all merchandise goods articles and things in charge of the companies respectively as warehousekeepers and the custody of which shall have passed to the Corporation on the said first day of

September shall have been delivered to the persons entitled thereto or shall have been tallied and ascertained to the satisfaction of the Corporation and that one of the companies in whose charge such merchandise goods articles or things were prior to that day that company shall at their own cost employ an inspector to tally the deliveries thereof by the Corporation and if the goods shall not have been delivered within a period of six months from that day then an account of quantity shall be taken and an examination of condition shall be made at the joint expense of such company and the Corporation.

Certain moneys to belong to respective companies.

13. The companies respectively shall be entitled to retain all book debts and moneys which on the said first day of September shall be standing to their respective credit at any bank or elsewhere or which shall be otherwise due or payable to them respectively on any account whatsoever.

Revenue to 1st September 1884 to belong to respective companies.

14. All revenue of the respective undertakings due on the said first day of September together with an apportioned part of such revenue accrued but not then payable shall belong to the respective companies.

Saving for contracts made and proceedings pending, &c.

15. Nothing in this Act shall prejudicially affect :—

1. Any purchase sale conveyance covenant contract deed act or thing which before the passing of this Act has been made entered into executed or done ;
2. Any debt or money demand or any right or cause of action or suit or other remedy of for or against any of the companies or any other body or any person ;
3. Any action claim suit prosecution proceeding or thing commenced by or against any of the companies before the passing of this Act.

Rates, &c. due to companies to be paid to the Corporation.

16. From and after the said first day of September and subject to the terms and conditions of this Act all moneys accruing but not then payable to the companies respectively on any account whatsoever shall be payable to and may be collected and recovered by and in the name of the Corporation but shall be subject to apportionment as herein-before provided.

Deeds, &c. to be delivered to Corporation.

17. All the deeds muniments of title maps awards agreements contracts instruments vouchers and documents relating to the lands and undertakings transferred and all books entries accounts delivery warrants and other documents relating to the then current business of such undertaking other than the minute books of any company whose undertaking is so transferred shall be delivered to the Corporation at the time of the issue by the Corporation of the first instalment of stock and the Corporation shall thereafter have access

A.D. 1884.

to and be entitled to take extracts from any such minute books and of the production thereof in any court of justice and on the dissolution of any one of the companies (other than the Portishead Company) such minute books and all other books and papers of or relating to that company shall be delivered to the Corporation and on the dissolution of the Portishead Company the minute books and all other books and papers relating to the dock undertaking shall be delivered to the Corporation.

Books, &c. to remain evidence.

18. From and after the said first day of September all books and documents of or concerning the companies respectively or of the Portishead Warehouse Company which if this Act had not been passed would have been admitted in evidence shall be admitted in evidence as if this Act had not been passed.

Officers of the companies continued.

19. All officers and servants of the companies respectively who were in office immediately before the sixteenth day of February one thousand eight hundred and eighty-four and who shall desire to pass into the service of the Corporation as from the said first day of September shall hold and enjoy their respective offices and employments together with the salaries and emoluments on the said sixteenth day of February thereunto annexed until they shall resign such offices or be removed therefrom by the Corporation and shall be subject and liable to the like conditions obligations pains and penalties and to the like powers of removal rules restrictions and regulations in all respects whatsoever as if they had been appointed to their respective offices by the Corporation prior to that date.

Receipt of the three directors to be sufficient discharge for stock issued.

20. So far as the consideration for the sale is by the issue of Corporation stock the receipt of the three directors of the company to whom or by whose direction the same is issued under the provisions of this Act shall be evidence of the issue of the said stock and shall constitute an effectual discharge to the Corporation for the stock therein expressed to be issued and from all liability claims or demands in respect thereof.

Certificate of Bank to be sufficient discharge so far as consideration is by money payment.

21. Any moneys to be paid by the Corporation to any of the companies may be paid into the Bank of England to the credit of such company and the certificate of the cashier of the Bank of England of the payment into the Bank of the said money under the provisions of this Act by the Corporation (which certificate the cashier of the Bank is hereby authorised and required to give) shall be evidence thereof and constitute an effectual discharge to the Corporation for the money therein expressed to be paid and from all liability claims or demands in respect thereof.

Directors may sell the stock.

22. The directors of each of the companies may if they see fit from time to time sell any Corporation stock issued to the three

directors of such company as aforesaid at the best price obtainable therefor and the proceeds thereof shall be applied in the manner hereinafter provided or they may transfer the same or any part thereof to any shareholder or creditor of that company willing to take the same.

Application of stock and moneys.

23. All Corporation stock issued to any of the companies as aforesaid or (as the case may be) all moneys so paid into the Bank or receivable by the companies respectively may be received by the directors of such company and shall be applied by them in the manner set forth in the Fourth Schedule to this Act subject to the provisions in the next section contained for the application and distribution under and subject to the orders and directions of the High Court of Justice of the stock and moneys so issued and paid to the Portishead Company Provided that such Corporation stock or moneys so issued paid to or distributed amongst the creditors stockholders and shareholders of any of the companies shall be received by such creditors stockholders and shareholders respectively in full satisfaction and discharge of all claim or interest which they respectively have as creditors stockholders or shareholders respectively of such company in respect of the undertaking transferred and the Corporation shall hold such undertaking freed and discharged as between the Corporation and such company from all debts and liabilities of such company and the Portishead Company shall also hold the Portishead Pier and Railway undertaking freed and discharged from all claims or demands whatsoever on the part of any of the holders of mortgages affecting the dock undertaking or of the creditors or any of the proprietors of shares or stock or of any other person or persons in respect of any debts or liabilities of the Portishead Company in respect of their dock undertaking or of any shares or stock of that undertaking.

Application of moneys by Portishead Company under directions of Chancery Division.

24. It shall be lawful for the Portishead Company and the directors thereof if they shall think fit to elect that the application and distribution of the moneys receivable by such company under this Act shall be made under and subject to the orders and directions of the High Court of Justice and if the said company and the directors thereof shall so elect the following provisions shall have effect:—

(1.) All moneys received as the proceeds of the sale of Corporation stock issued to the said company as herein provided and all other moneys received by such company and available for the purpose of being applied and distributed in the manner set forth in the Fourth Schedule to this Act shall and may be lodged in the Chancery Division of the High Court of Justice (in this section referred to as "the Court") to the credit of a matter entitled "In the matter of the Portishead Dock undertaking"

A.D. 1884.

(which money is herein-after referred to as "the money lodged in the matter of the Portishead Dock undertaking") and subject to the provisions of this Act shall be applied and dealt with under the orders of the Chancery Division of the Court;

(2.) Every application for an order dealing with the money lodged in the matter of the Portishead Dock undertaking shall be made to a judge of the said Chancery Division in the chambers of the said judge and subject to the provisions herein contained all enactments and rules for the time being in force relating to summonses procedure and orders in chambers in the said Chancery Division shall have effect with respect to applications under this section;

(3.) The money lodged in the matter of the Portishead Dock undertaking shall be applied and dealt with under the orders of the Court to the purposes and in the order of priority set forth in the Fourth Schedule to this Act;

(4.) It shall be stated in the notice to be published by the Portishead Company in the newspapers pursuant to the provisions of this Act or in such notice as the Court may for the purpose order that all persons having any charge lien or incumbrance other than a rentcharge affecting the Portishead Dock undertaking or the Portishead Warehouse undertaking or having any claim against the Portishead Company or the Portishead Warehouse Company in respect of the said undertakings or either of them shall within six months or such longer period as the Court shall direct from the first insertion of the notice herein-before referred to (herein-after referred to as "the prescribed period") send in particulars in writing of their claims or demands addressed as in the said notice prescribed in order that the same may be satisfied and discharged. All claims and demands whatsoever herein referred to of which the Portishead Company shall not have received notice in writing within the prescribed period shall as against such company be barred and the rights of all persons therein or thereunder shall as against such company absolutely cease and determine;

(5.) Until the expiration of the prescribed period no payment shall be made to the holders of stock in the Portishead Dock undertaking under the provisions of this Act but payments may nevertheless be made forthwith under the first second third and fourth provisions of the said schedule or any or either of such provisions of the amounts of the claims debts and demands of all persons whose claims debts or demands under such provisions or either of them shall appear either by statements in the books of the Portishead Company or by resolution of the

directors of such company or otherwise to have been or be admitted by the directors of such company;

(6.) It shall be lawful for the Court upon application to be made for that purpose in the manner herein-before provided by the directors of the Portishead Company to order that such sum as the Court shall think necessary and sufficient shall be set aside out of the money lodged in Court in the matter of the Portishead Dock undertaking for the purpose of meeting any claims against the Portishead Company in respect of the said undertakings which the directors of such company may dispute and thereupon an order may be made directing such part of the money lodged in the matter of the Portishead Dock undertaking as shall be named for the purpose in such order to be placed to a separate account in the matter of the Portishead Dock undertaking to be entitled the "Creditors' Disputed Claims Account";

(7.) After such order has been made and such money as aforesaid has been placed to the said "Creditors' Disputed Claims Account":—

(A) All payments to be made in satisfaction and discharge of any such disputed claims as are mentioned in this and the last preceding subsection shall be ordered to be made out of the money so placed as aforesaid to the "Creditors' Disputed Claims Account" and not out of any other part of the money lodged in the matter of the Portishead Dock undertaking;

(B) It shall be lawful for the Court to order that the whole of the residue of the money lodged in the matter of the Portishead Dock undertaking be dealt with applied and divided pursuant to the provisions set forth in the said Fourth Schedule to this Act in all respects as if the said disputed claims had been satisfied and discharged;

(C) No person whose claim has been disputed as aforesaid shall be entitled on establishing his claim to receive any payment out of any part of the money lodged in the matter of the Portishead Dock undertaking or out of any other funds or property of the Portishead Company except out of the money placed to the said "Creditors' Disputed Claims Account";

(8.) After the satisfaction and discharge out of the money standing to the "Creditors' Disputed Claims Account" of such of the disputed claims and demands upon the Portishead Company made within the prescribed period as shall have been established to the satisfaction of the Court it shall be lawful for the Court

A.D. 1884.

to order that any balance of money remaining to the credit of the "Creditors' Disputed Claims Account" shall be paid out and applied and divided pursuant to the provisions set forth in the said Fourth Schedule to this Act in all respects as if the same were a balance which remained after satisfying the purposes mentioned in the first second third and fourth provisions of the said schedule;

(9.) All statutory enactments and rules for the time being in force with respect to the proof allowance and disallowance of creditors' claims under judgments and orders of the Chancery Division of the Court shall (subject to the provisions of this Act) apply to the proof allowance and disallowance of such of the claims of and demands made upon the Portishead Company as the directors of such company shall dispute;

In the event of the Portishead Company and the directors thereof electing to have the application and distribution of the moneys receivable under this Act made under the provisions of this section any provisions contained in this Act relating to the same subject matter as is dealt with by this section and inconsistent therewith shall so far as the same relate to the Portishead Company and so far as the same may be inconsistent with the provisions of this section be deemed to be superseded by the provisions of this section.

Corporation stock and moneys when distributed to be subject to same trusts, &c. as debts, &c. of companies.

25. All Corporation stock or moneys so issued paid to or distributed among the creditors stockholders and shareholders of the several undertakings shall be subject and liable to the same trusts powers provisions declarations agreements charges liens and incumbrances as immediately before the distribution affected such debts stock and shares and so as to give effect to and not revoke any deed testamentary disposition or other instrument affecting such debts stock and shares and any such deed testamentary disposition or other instrument shall take effect with reference to the amount of Corporation stock or money substituted for any such debts stock or shares respectively.

Executors, &c. empowered to give receipts.

26. All trustees executors administrators and all guardians and committees of the estates of infants idiots or lunatics in whose respective names any stock or share of the respective undertakings is or shall be standing may give effectual and conclusive receipts for the Corporation stock or money which may under the provisions herein-before contained be paid or transferred to them and every such receipt shall be a sufficient discharge to the companies respectively and shall release them and the directors and officers thereof from all obligation in respect of the Corporation stock or money for or in respect of which such receipt shall be given and in respect of the application thereof.

Cases in which undistributed assets may be paid into court.

27. The directors of the companies respectively after the expiration of six months from the completion of the transfer may and at the expiration of twelve months from such completion shall pay into the High Court of Justice Chancery Division any part of the money received for the sale or as the proceeds of any stock issued for the sale or of any other assets of the respective undertakings which may then remain undistributed for the following reasons (that is to say):—

(1.) By reason of the same not having been claimed by any person entitled thereto;

(2.) By reason of any person or persons claiming the same not having shown to the satisfaction of such directors a sufficient title thereto;

(3.) By reason of the person claiming the same being under any disability or incapacity and no person competent to give an effectual receipt for the same having claimed the same on behalf of such person.

Further provision as to undistributed assets.

28. All moneys to be from time to time paid into Court under this Act may and shall be paid into the Chancery Division of the High Court of Justice according to the provisions of the Acts from time to time in force for the relief of trustees and shall be paid to an account ex parte the undertaking in respect of which the same is paid.

Directors to give certificates of second and third instalments of stock payable to any person.

29. The directors of the Portishead Company as to the third instalment issuable to that company and the directors of the Avonmouth Company as to the second and third instalments issuable to that company of Corporation stock shall deliver to each person entitled to any portion of such instalments respectively a scrip certifying that such person or his executors administrators or assigns is entitled to receive the portion of stock mentioned therein subject to any deduction to be made therefrom by reason of any deduction to be made by the Corporation under the provisions of this Act and when the liability to such deduction shall have ceased each such person shall be entitled on delivering up of the aforesaid scrip to receive from such directors or from the Corporation if they so agree a scrip certifying that such person or his executors administrators or assigns is entitled to receive the portion of stock mentioned therein free of all deductions.

Companies books evidence as to shareholders.

30. The several persons who on the said first day of September appear in the transfer books of any of the companies to be proprietors of shares in the capital of that company or their respective executors administrators or assigns shall be considered to be shareholders thereof and entitled to share in the consideration accordingly.

A.D. 1884.

Eventual dissolution of companies.

31. As soon as conveniently may be after the issue to the Avonmouth Company or the Avonmouth Warehouse Company of their last instalment of stock such company shall proceed to wind up their affairs and the directors of that company then in office and the survivors and survivor of them shall continue without re-election to hold the office of directors until the affairs of that company shall be wound up and so soon as they shall have wound up their affairs they shall by virtue of this Act be dissolved and cease to exist.

The city docks and the undertakings transferred to constitute one undertaking.

32. Subsections 7 8 and 10 of section 14 sections 41 42 43 44 48 and 49 of the Portishead Docks Act 1871 and sections 7 and 14 of the Bristol and Portishead Pier and Railway Company's Act 1877 shall apply to and be binding on the Corporation in relation to the Portishead undertaking and such subsections and sections shall be read as if the name of the Corporation were substituted therein for that of the company subject to the provisions of this Act. The City Docks and the undertakings so transferred shall for all purposes be deemed to be one and the same undertaking and the provisions of the several Acts relating to the City Docks and to the Avonmouth undertaking and the Portishead undertaking respectively shall subject to the provisions of this Act extend and apply to all those several undertakings alike Provided that when any dues or rates shall have been paid in respect of any vessel or goods entering or imported into or departing from the Avonmouth Docks or the Portishead Docks or the Port of Bristol under any one of the said Acts no such dues or rates shall be charged in respect of such vessel or goods under any other of the said Acts.

Application of the Companies Acts, &c. to the Corporation.

33. From and after the said first day of September all the rights powers privileges and authorities of the Avonmouth Company under the Avonmouth Acts and under any enactment for the protection of that company or the Avonmouth undertaking and of the Portishead Company under such of the provisions of the Portishead Acts as relate to the Portishead Docks and under any enactment for the protection of the Portishead Company in relation to the Portishead Docks and of the Avonmouth Warehouse Company and of the Portishead Warehouse Company shall be by virtue of this Act transferred to and vested in the Corporation and those Acts and enactments shall be read and have effect as if the Corporation had been therein named instead of the company whose undertaking is so transferred subject nevertheless and according to the provisions of this Act and to the following exceptions and provisions (namely):—

(1) Section 46 of the Bristol Port and Channel Dock Act 1864;

Section 46 of the Bristol Port and Channel Dock Act 1877;

Sections 26 27 28 62 to 67 (both inclusive) and 75 76 and 77 of the Portishead Docks Act 1871; and

Section 18 of the Bristol and Portishead Pier and Railway Company's Act 1877 shall be repealed;

(2.) The provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 incorporated with the Avonmouth Acts or with the Portishead Acts shall not apply to the Corporation;

(3.) None of the provisions of the Avonmouth Acts or of the Portishead Acts in any manner relating to the share or loan capital of those companies or to payments to the Corporation or to the constitution meetings or directors of those companies shall apply to the Corporation.

Corporation to uphold and work docks, &c.

34. The Corporation shall at all times after the said first day of September duly maintain and uphold the Avonmouth Docks and the Portishead Docks respectively and the entrances to the same and all the gates quays wharves buildings warehouses cranes machinery and appliances thereof and the dock railways and sidings and the junctions thereof with other railways and all other works conveniences and accommodation in good efficient working order and condition for the good and effective working of the traffic of the said docks and for the ready and convenient transfer of any of such traffic to and from the railways having connexion with the said docks respectively and shall at all times fairly and effectually work and use the Avonmouth Docks and the Portishead Docks respectively and the works buildings machinery and appliances thereof and deal with the traffic thereat and erect buildings and provide and employ all proper officers servants machinery and plant tools and appliances lights stores and materials and make and provide and do all other things necessary and proper for rendering the said docks fully available and convenient for public use and for the reception accommodation protection storage loading unloading transfer and delivery of all traffic whatsoever at to upon and from the same and shall afford to all merchants shipowners brokers agents servants labourers and others the same access privileges facilities and accommodation and upon the same terms and conditions in every respect as is for the time being afforded in any other public dock within the port of Bristol belonging to or under the control of the Corporation so as fairly to encourage and develop the traffic of the said docks and so that in every respect the traffic in to and from the said docks shall be as effectually conveniently and economically carried on as at any such other public dock.

Corporation to afford facilities for traffic.

35. The Corporation so far as they are able so to do without interfering with the convenient working and general traffic of the

A.D. 1884.

Portishead Docks shall if required by the Great Western Railway Company (herein-after referred to as the Great Western Company) and on terms to be agreed afford all necessary requisite and proper facilities for the transfer of goods merchandise and other traffic from the said docks and from vessels therein to the warehouses storehouses and storage places provided or erected on lands of the Great Western Company adjoining the said docks or which may be hereafter erected or provided on such lands including if necessary tunnels subways or overways from the dock quays and wharves under or over the dock lands and warehouses Provided always that before commencing the erection or construction of any such warehouse or structure for or in respect of which it may be intended that the facilities aforesaid shall be required the Great Western Company shall give to the Corporation three months notice in writing of such intention indicating the site of such intended warehouse or structure and generally the nature of the facilities to be required and if before the expiration of the said three months the Corporation shall elect for themselves to construct erect or provide the proposed warehouse or structure then the Great Western Company or the Portishead Company shall grant to the Corporation a lease for sixty years renewable on the same terms and conditions as the lease so as aforesaid granted by the Portishead Company to the Portishead Warehouse Company of the site so indicated and thereupon the Corporation shall with all reasonable speed construct erect provide and complete the required warehouse or structure with all proper and sufficient and convenient fittings machinery and appliances access and facilities for the reception manipulation and protection of goods and merchandise and the transfer thereof to and from the quays and wharves and the shipping in the said docks and to and from the railways and sidings in connexion therewith and shall pay to the Great Western Company a ground rent at the rate annually of one shilling for every square yard of the area of such site And if the parties shall fail to agree as to the plans specifications nature or extent of the proposed building or as to the machinery or appliances thereof or the facilities to be provided in connexion therewith or as to the terms and conditions or any other matter or thing relating thereto the question in dispute shall be decided by arbitration in manner herein-after mentioned.

Corporation to afford facilities for traffic passing to or from terminal stations, &c.

36. The Corporation in respect of traffic passing to or from the terminal stations of the railways at Avonmouth and Portishead respectively shall afford all due and reasonable facilities for the convenient working of such traffic and shall make no charge in respect of the said traffic other than the dues which they may be for the time being authorised to charge in respect of the dock

undertakings respectively except a reasonable sum for any services rendered by the Corporation at the request of the companies or either of them in respect of such traffic on their railways or sidings at such docks or either of them Provided always that the provisions of this section shall not affect or be construed to affect the rights of the Avonmouth Company under the provisions of the section of this Act the marginal note whereof is "Consideration for sale" or the estimate of the amount or the calculation or the services and traffic in the said section respectively mentioned or referred to.

Corporation not to carry on dangerous or noxious traffic.

37. The Corporation shall not do establish or carry on any dangerous noxious or offensive act operation trade or traffic which may be reasonably calculated to interfere with the due fulfilment of the enactments contained in the three immediately preceding sections or with the traffic of the pier and railway undertaking of the Portishead Company and in respect of such trade and traffic they shall at the Avonmouth Docks and the Portishead Docks adopt the same regulations and precautions in every respect as are for the time being in force at any other public dock within the port of Bristol belonging to or under the control of the Corporation.

As to tolls and dues at docks.

38. The charges dues tolls and rates to be levied or taken at upon or in respect of the Avonmouth Docks or the Portishead Docks and the traffic thereof and the labour and services and accommodation thereat rendered by or on behalf of the Corporation shall not be in any case greater either separately or together than the charges dues tolls and rates taken for the time being in respect of the like traffic at any other public dock within the port of Bristol Provided always that it shall be lawful for the Corporation to levy or take in respect of vessels entering within the port of Bristol from foreign countries and using the City Docks rates of tonnage less by not exceeding two pence halfpenny per ton register than they would for the time being levy or take in respect of vessels of the like description using the Avonmouth Docks or the Portishead Docks Provided also that with respect to the Portishead Docks such differential rate shall not be produced by increasing during a period of eight years from the first day of July one thousand eight hundred and eighty-four the rates of tonnage now levied and taken at the Portishead Docks unless with the consent of the Great Western Railway Company.

Great Western Railway Company to use a certain wharf.

39. From and after the said first day of September the Great Western Railway Company shall be entitled free of toll and charge to have a right of way over and the use of the wharf and landing-place lying between the landward end of the pier and the entrance

A.D. 1884.

to the Portishead Docks together with all appliances thereon for pier and railway purposes but so as not to interfere with the convenient access to the said docks nor with the proper and efficient use of the said wharf for the purposes of the dock undertaking Provided always that it shall not be lawful for the Great Western Railway Company to use the said wharf for the loading or unloading of any vessel.

Grain, &c. not to be loaded, &c. at pier without consent of Corporation.

40. After the said first day of September the Great Western Company shall not use the said pier nor permit the same to be used for the loading or unloading of grain or merchandise traffic coming from or going to foreign parts other than perishable or coaching traffic or traffic requiring expedition except with the previous consent of the Corporation under their common seal.

Arbitration.

41. Where any difference other than a difference as to the necessity for any extension of the dock area or walls arises between the Corporation and any of the companies as to whether the provisions of this Act are being duly carried into effect such difference shall be referred to the arbitration of an arbitrator to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers and any such arbitrator may award full compensation to any party for any loss or damage which they may have sustained through the default of any other party to such reference and may subject as aforesaid determine any other matters arising upon such reference and direct by which of the parties to such reference the costs and expenses thereof shall be borne and every such award shall be final and binding on all the parties to such reference.

Any submission to arbitration under this section may be made a rule of the High Court of Justice on the application of any party thereto.

Corporation may charge for services in unshipping.

42. The Corporation may from time to time make such reasonable charges as they think fit for trucks barges planks gear and labour supplied for and for services rendered by them in respect of shipping unshipping transhipping landing relanding housing unhousing weighing measuring marking tareing coopering sampling piling unpiling watching insuring loading unloading bargeing removing portering and delivering of cargo and for any other service with respect to cargo shipped unshipped warehoused or deposited at or removed to or from any docks or works for the time being belonging to the Corporation and the Corporation may render any such services when they think proper and may provide such barges trucks planks gear machinery appliances and labour as may be necessary for effecting the purposes aforesaid Provided that not-

withstanding anything herein contained any person or company may employ their own agents servants and labourers with their ordinary gear to perform any service or labour in or on the said docks or works for or in respect of any cargo in which such persons or company are interested Provided further that whatever facilities may be afforded by the Corporation at any one of the said docks for any person or company in respect of any cargo in which such person or company are interested performing by their own agents servants and labourers with their ordinary gear any services or labour as aforesaid shall be equally afforded by the Corporation at any other of the said docks and on the same terms and conditions in every respect Provided also that as regards the articles mentioned in the Third and Fourth Schedules respectively of the Bristol Dock Act 1881 the Corporation shall not demand or take for the use of the cranes in those schedules mentioned any sums exceeding those specified in those respective schedules nor shall they make at any other of the said docks as regards the said articles any higher charge for the use of cranes than those specified in the said schedules respectively.

Powers to Corporation to create additional stock.

43. The Corporation may and shall create and issue such an amount of Corporation stock as will suffice for the following purposes (that is to say):—

For the issue to the three directors of the companies respectively or as they may respectively so as aforesaid direct of the amounts of Corporation stock issuable to or as so directed by them respectively;

For paying the costs charges and expenses payable by the Corporation preliminary and of and incidental to the preparing applying for obtaining and passing of this Act;

For paying the cash sums so as aforesaid payable to the companies respectively including any costs properly incurred in relation thereto;

And the Corporation may also for the general purposes of the docks undertaking of the Corporation to which capital is properly applicable create and issue any additional amount of Corporation stock not exceeding the sum of two hundred and fifty thousand pounds The provisions of sections 52 to 78 both inclusive of the Bristol Dock Act 1881 shall extend and apply to and in relation to the Corporation stock created and issued under the powers of this Act as if such stock were issued under the powers of the Act of 1881.

Borrowing power to be exerciseable for actual sum raiseable.

44. Every power of the Corporation to issue stock shall be construed to authorise them to create and issue stock from time to time to such nominal amounts as in the aggregate will according to

A.D. 1884.

the price of issue produce the actual amount of money for the time being lawfully raiseable by the Corporation under that power or some portion of that actual amount.

Holding of Corporation stock by trustees.

45. Trustees or other persons for the time being authorised to invest money in the mortgages debentures or debenture stock of any railway or other company shall unless the contrary is provided by the instrument authorising the investment have the same power of investing that money in Corporation stock (other than stock for the time being represented by a stock certificate to bearer) as they have of investing it in the mortgages debentures or debenture stock aforesaid.

Expenses.

46. The expenses incurred by the Corporation in or about the creation and issue of any portion of Corporation stock including any sum paid by them for composition for stamp duty thereon and any other expenses being in their judgment properly chargeable to capital shall be deemed money raiseable under the power in exercise whereof that portion of stock is issued.

Application of dock revenue.

47. Section 57 (directing rates to be reduced) and section 64 (limitation of amount of borough rate) of the Act of 1848 are hereby repealed as from the transfer day and from and after that date the Corporation shall apply the dock revenue in manner following (that is to say):—

First. In payment of the costs charges and expenses of and incidental to the collecting and recovering of the dock revenue;

Secondly. In payment of the working and establishment expenses and cost of maintenance of the City Docks and of the undertakings transferred and of executing the powers of the several Acts relating thereto respectively including this Act;

Thirdly. In payment of the interest on moneys borrowed by the Corporation under the Acts relating to the City Docks prior to the Act of 1881;

Fourthly. In payment of the interest or dividend on the stock raised under the powers of the Act of 1881 and of this Act;

Fifthly. In providing the requisite instalments or sinking funds in accordance with the Act of 1881;

Sixthly. In repaying to the borough fund any moneys which may have been expended thereout to meet any deficiency in the dock revenue;

Seventhly. In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in or upon any securities in or upon which the Corporation are for the time being authorised to invest any sinking fund and

accumulating the same at compound interest until the fund so formed shall amount to ten thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Corporation from the City Docks and the undertakings transferred or to meet any extraordinary claim or demand at any time arising against them in respect thereof and so that if that fund be at any time reduced it may thereafter be again restored to the like sum and so from time to time;

The surplus (if any) in any one year shall be paid by the Corporation to the credit of the borough fund.

Expenses of execution of Act.

48. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except such of them as are to be paid out of borrowed money) shall be paid out of the dock revenue and any deficiency shall be met by the borough fund and borough rate.

As to investing of sinking funds.

49. The Corporation may invest any sinking fund they are directed to provide in or upon any securities in or upon which trustees are for the time being authorised to invest trust moneys and in or upon any mortgage bond debenture debenture stock annuity rentcharge rent or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation (including the Corporation) or of any other local authority within section thirty-four of the Local Loans Act 1875.

Power to redeem Corporation stock.

50. Notwithstanding anything in section sixty-five of the Act of 1881 the Corporation may by agreement with the holder of any Corporation stock redeem or purchase the same or any portion thereof at any time at any price not exceeding thirty years purchase and any stock so redeemed shall be forthwith cancelled by the Corporation and all dividends thereon not already accrued shall be and the same are by virtue of this Act extinguished.

Saving rights of Portishead pier and railway.

51. Except as by this Act specially provided nothing in this Act shall prejudice abridge alter or affect any of the powers rights or privileges of the Portishead Company as regards their pier and railway undertaking.

Saving rights of the Great Western Railway Company.

52. Except only as is by this Act expressly provided nothing in this Act contained shall take away lessen prejudice or alter any of the estates rights interests powers privileges or authorities of the Great Western Railway Company.

Costs of Act.

53. All the costs charges and expenses incurred by the Corporation preliminary and of and incidental to the preparing of and applying for obtaining and passing of this Act shall be paid by the Corporation out of the dock revenue and the borough fund or out of Corporation stock to be created for that purpose.

A.D. 1884.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Part I.—The Avonmouth Acts.

The Bristol Port and Channel Dock Act 1864.
The Bristol Port and Channel Dock Act 1871.
The Bristol Port and Channel Dock Act 1872.
The Bristol Port and Channel Dock Act 1874.
The Bristol Port and Channel Dock Act 1875.
The Bristol Port and Channel Dock Act 1877.
The Bristol Port and Channel Dock Act 1878.
The Bristol Port and Channel Dock Act 1880.
The Bristol Port and Channel Dock Company (Extension of Time) Act 1882.
The Bristol Port and Channel Dock Act 1883.

Part II.—The Portishead Acts.

The Portishead Docks Act 1871.
The Bristol and Portishead Pier and Railway Act 1873.
The Great Western and Bristol and Exeter Railway Companies Amalgamation Act 1876.
The Bristol and Portishead Pier and Railway Company's Act 1877.
The Portishead Docks Act 1878.
The Portishead Docks Act 1880.
The Great Western and Portishead Railway Companies Act 1884.

THE SECOND SCHEDULE.

Form of Transfer of Undertaking.

In pursuance and subject to the provisions of the Bristol Dock Act 1884 the Company in consideration of do hereby convey their undertaking unto the Mayor Aldermen and Burgesses of the City of Bristol and their successors to hold the same unto them their successors and assigns and they the said Mayor Aldermen and Burgesses do hereby accept the same accordingly.

In witness whereof the parties hereto have hereto set their respective common seals this day of one thousand eight hundred and eighty

THE THIRD SCHEDULE.

Act authorising the Borrowing.	Amount issued.	Rate of Interest.
Bristol Port and Channel Dock Act 1864 Bristol Port and Channel Dock Act 1871	£98,300	£5 per cent.
Bristol Port and Channel Dock Act 1877	£29,870	£6 „
Bristol Port and Channel Dock Act 1878	£145,424 (A stock)	£6 „
Bristol Port and Channel Dock Act 1880	£24,850 (B stock)	£6 „
Bristol Port and Channel Dock 1883	£14,540 (special stock)	£6 „

THE FOURTH SCHEDULE.

APPLICATION OF STOCK AND MONEY BY THE COMPANIES RESPECTIVELY.

PART I.

Mode in which the money and Corporation stock receivable by the Avonmouth Company under or in pursuance to this Act shall be applied.

First. In payment of the costs incurred by the Avonmouth Company and the Avonmouth Warehouse Company in relation to the negociation of the sale and purchase by this Act confirmed and the passing of the Act and the carrying of the same into effect.

Secondly. In paying interest on all the debenture stocks of the Avonmouth Company and the debenture stock of the Avonmouth Warehouse Company up to the said first day of September and in paying any arrears of interest due upon the guaranteed shares of the Avonmouth Warehouse Company or any of them up to the first day of October one thousand eight hundred and eighty-one.

Thirdly. In paying or allotting to the respective persons who on the said first day of September shall be registered holders of debenture stocks issued by the Avonmouth Company under that company's Acts of 1864 1871 1877 and 1883 Bristol Corporation stock at par representing the full amounts of debenture stock held by such respective persons.

Fourthly. In paying or allotting to the respective persons who on the said first day of September shall be registered holders of debenture stock A of the Avonmouth Company Bristol Corporation stock at par representing eighty per cent. of the amounts of debenture stock A held by such respective persons.

Fifthly. In paying or allotting to the respective persons who on the said first day of September shall be registered holders of debenture stock B of the Avonmouth Company Bristol Corporation stock at par representing sixty per cent. of the amounts of debenture stock B held by such respective persons.

A.D. 1884.

Sixthly. In rateable payment of the ordinary debts of the Avonmouth Company and the Avonmouth Warehouse Company to the intent that the last-mentioned company may receive the sum of one hundred and sixty thousand pounds clear of all deductions in discharge of all claims against the Avonmouth Company by virtue of the guaranteed interest and dividend or otherwise howsoever.

Seventhly. If the Avonmouth Company in general meeting so resolve in making to any officer or servant of the Avonmouth Company or the Avonmouth Warehouse Company (other than servants at weekly wages) who shall lose his office or situation by reason of the sale of the undertaking of the said companies or either of them such compensation as shall be approved by such meeting; and

Lastly. The surplus after making the payments or allotments aforesaid shall be rateably distributed amongst the respective persons who at the date of distribution shall be the registered holders of ordinary stock or preferred or deferred stock of the Avonmouth Company according to the amounts of stock held by such persons respectively.

Any of the registered holders aforesaid entitled to receive Bristol Corporation stock may by arrangement with the Avonmouth Company receive cash in lieu of such Corporation stock.

Part II.

Mode in which the sum of one hundred and sixty thousand pounds Bristol Corporation stock receivable by the Avonmouth Warehouse Company shall be applied.

The sum of ninety thousand pounds shall be allotted to and amongst the persons who on the said first day of September shall be the registered holders of the debenture stock of the Warehouse Company rateably and in proportion to the holdings of such respective persons; and

The sum of seventy thousand pounds shall be allotted to and amongst the persons who on the said first day of September shall be the registered holders of the shares of the Warehouse Company rateably and in proportion to the holdings of such last-mentioned persons.

Part III.

Mode in which the Money and Corporation Stock receivable by the Portishead Company under or in pursuance to this Act shall be applied.

First. In paying and satisfying all unpaid purchase money (if any) for land taken by the Portishead Company for the Portishead Dock undertaking and the costs of the vendors and purchasers in acquiring and enfranchising lands and in acquiring the undertaking of and in satisfying all claims liabilities and obligations against the Portishead Warehouse Company.

Secondly. In paying the costs charges and expenses incurred by the Portishead Company in relation to the negociation of the sale and purchase by this Act confirmed and the passing of this Act and the carrying the same into effect.

Thirdly. In paying off and redeeming at par the mortgages and debenture stocks affecting the Portishead Dock undertaking and the interest thereon

according to their several priorities or if the holders are willing to accept the same in transferring to them stock sufficient for that purpose.

Fourthly. In paying to the other creditors of the Portishead Company the amount of their respective debts so far as they affect or are chargeable against the Portishead Dock undertaking or if the creditors are willing to accept the same in transferring to them stock sufficient for that purpose.

Fifthly. In paying to the holders of five per centum preference stock of the Portishead Dock undertaking the amounts of such stock or in transferring to them stock sufficient for that purpose.

And the balance shall be divided among the holders of ordinary shares and stocks of the Portishead Dock undertaking rateably according to the amounts of their holdings.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1884.