CHAPTER lxv.

An Act for authorising the Bristol Port and Channel Dock Company to construct a Graving Dock and other Works, and to raise further Money; and for other purposes. A.D. 1877.

[28th June 1877.]

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 Company") were incorporated for the purpose of making and maintaining a dock or basin and other works connected therewith at or near the mouth of the River Avon on the Gloucestershire side of that river, and the Company were empowered to raise by shares two hundred and ninety-five thousand pounds and by borrowing on mortgage ninety-eight thousand three hundred pounds: 27 & 28 Vict. c. ccxli.

And whereas the following Acts have also been passed relating to the Company and their undertaking; (that is to say,)

"The Bristol Port and Channel Dock Act, 1871," (in this Act called "the Act of 1871,") extending the time limited by the Act of 1864 for the construction of the works thereby authorised;

"The Bristol Port and Channel Dock Act, 1872," (in this Act called "the Act of 1872,") authorising the Company to make an alteration of the entrance lock to the Company's dock or basin and to divide their shares into preferred and deferred half shares;

"The Bristol Port and Channel Dock Act, 1874," (in this Act called "the Act of 1874,") further extending the time for the completion of the said works;

And "The Bristol Port and Channel Dock Act, 1875:"

And whereas it is expedient that the Company be authorised to construct the graving dock, piers, and other works herein-after described, and, if they so think fit, to constitute the said graving

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dock a separate undertaking of the Company, with a separate and distinct capital, proprietary, and borrowing powers:

And whereas the Company have completed their authorised dock, but have for the purposes thereof, and especially by reason of the recent failure and subsidence of part of the works, for the restoration of which a large outlay became necessary, incurred liabilities in excess of their authorised capital and borrowing powers, and a further expenditure is also necessary for incidental works, conveniences, and appliances within or connected with the dock; and it is expedient that the Company be authorised to raise money for providing for such liabilities and expenditure:

And whereas the Company have not created or issued any preference shares or preference stock:

And whereas by the Act of 1864 it was provided (section 46) that the Company should pay to the mayor, aldermen, and burgesses of the city of Bristol, (therein and herein-after called "the corporation,") unless the Company and the corporation should otherwise agree, in respect of vessels entering the dock of the Company, or delivering passengers, animals, goods, or minerals at or upon or using any wharf, pier, jetty, embankment, or other work of the Company, and in respect of certain goods imported into the dock or landed on any wharf, pier, jetty, embankment, or work of the Company, certain tonnage or other rates or sums therein specified:

And whereas it is expedient that the Company and the corporation be empowered to enter into and carry into effect agreements for releasing, reducing, compounding for, or commuting the payments so required to be made by the Company to the corporation, and that further provisions be made for and in relation to the settlement of such payments in default of any such agreement being so entered into:

And whereas part of the site of the Company's docks and works and lands connected therewith were purchased by the Company from Philip William Skynner Miles, Esquire, being or claiming to be tenant for life thereof (herein-after referred to as "the vendor"), in consideration of an annual rentcharge, and upon other terms and conditions appearing in the heads of arrangement, a copy whereof is set forth in the schedule to this Act:

And whereas the solicitors who acted on behalf of the Company and of the vendor are now dead, and although it is known that a surveyor on behalf of the vendor, and the engineer and solicitor for the Company, and also the directors of the Company, were satisfied that the said rentcharge was a proper and sufficient consideration for the lands so purchased by the Company, and although the said

rentcharge also fulfilled the conditions prescribed in such cases by the 4th section of "The Lands Clauses Consolidation Acts Amendment Act, 1860," yet no evidence exists that two surveyors were formally nominated in manner provided by the 9th section of "The Lands Clauses Consolidation Act, 1845," by the Company and the vendor respectively, or that they made a formal valuation settling the amount of the said rentcharge:

And whereas for the purpose of quieting the title of the Company to the said lands, and of insuring to the Company and to the vendor the benefit of the said heads of arrangement, it is expedient that those heads of arrangement be confirmed and effect given thereto:

And whereas it is expedient that such further provision be made as is in this Act contained with reference to the Company and their undertaking:

And whereas plans and sections of the graving dock, piers, and works by this Act authorised, with a book of reference to the plans, were duly deposited with the clerks of the peace for the county of Gloucester and for the city and county of Bristol, and are hereinafter referred to as the deposited plans, sections, and book of reference:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Bristol Port and Channel Dock Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; namely,

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

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The making of dividends;

And the provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to the cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Harbours, Docks, and Piers Clauses Act, 1847," (except so much of section 12 thereof as renders necessary the consent of the person to whom the conservancy of the navigable river shall belong,) are (subject to the provisions of this Act) incorporated with and form part of this Act: Provided always, that the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to lifeboats and with respect to keeping a tide and weather gauge, shall not affect the Company unless and until and then only so far as the Board of Trade by notice in writing direct.

Interpretation of terms.

3. Terms and expressions to which by any of the Acts wholly or in part incorporated herewith meanings are attached have in this Act the same respective meanings; and in this Act or any Act wholly or in part incorporated herewith the expression "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Power to make works, &c. according to deposited plans.

4. The Company may make and maintain the works hereinafter mentioned, and so far as those works are shown on the deposited plans and sections they shall, subject to the provisions of this Act, make the same in the situations and lines, and according to the levels shown on those plans and sections, and for those purposes they may enter upon, take, and use all or any of the lands delineated on the said plans and described in the deposited book of reference. The works herein-before referred to and authorised by this Act are—

(*a.*) A graving dock commencing at or near the west corner of the Company's dock, and terminating at a point about one hundred and forty feet below high-water mark of ordinary spring tides in the River Avon, together with an entrance lock for connecting the graving dock with the Company's dock:

(*b.*) A pier (No. 1) extending for about four hundred and fifty feet westward from the north-eastern river wall at the entrance to the lock of the Company's dock:

(*c.*) A pier (No. 2) extending for about one hundred and fifty feet north-westward from the south-western river wall at the same lock entrance:

(*d.*) All necessary and convenient entrances, gates, caissons, culverts, approaches, quays, shipping places, staiths, stairs, stages, wharves, sheds, tramways, cranes, drops, dolphins, mooring-buoys, walls, buildings, and conveniences in connexion with the graving dock and piers, or either of them.

Power to raise further money by mortgage, &c.

5. The Company may from time to time, with the authority of the votes of three fourths of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, raise for the general purposes of their undertaking, in addition to any sums which by the Act of 1864 or the Act of 1875 they are authorised to raise, any sum or sums, not exceeding in the whole thirty thousand pounds, wholly in one or partly in one or more and partly in another or others of the several modes following; (that is to say,) by borrowing on mortgage of their general undertaking in manner herein-after provided with reference to other mortgages of that undertaking, or by the creation and issue (subject to the provisions of Part III. of "The Companies Clauses Act, 1863,") of debenture stock, or by the creation and issue (subject to the provisions of Part II. of "The Companies Clauses Act, 1863,") of new preference shares or new preference stock, or new ordinary shares or new ordinary stock, as part of their general capital.

Shares or stock may be created for paying off or redeeming mortgages or debenture stock.

6. For the purpose of paying off any mortgage granted, or for redeeming and extinguishing any debenture stock created and issued under the authority of the last preceding section, the Company may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," create and issue new preference shares or new preference stock, or new ordinary shares, or new ordinary stock as part of their general capital.

Rate of interest on such debenture stock or preference shares or stock.

7. The Company may attach to any such debenture stock as aforesaid interest not exceeding the rate of six per centum per annum.

Power to Company to raise additional capital.

8. The Company may from time to time raise capital (in addition to any other capital which by the Acts of 1864 or by the Act of 1875, or by this Act they are authorised to raise) not exceeding in the whole one hundred thousand pounds.

Mode of raising capital.

9. The Company may raise all or any part of their additional capital of one hundred thousand pounds under this Act by the creation and issue of new ordinary or new preference shares or stock,

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or partly by ordinary and partly by preference shares or stock, in their general capital.

As to rate of dividend on preference shares or stock.

10. Provided always, that any preferential dividend to be attached to any preference shares or stock created under any of the provisions of this Act as part of the general capital of the Company shall not exceed the rate of six per centum per annum, but the Company may, if they so think fit, attach to such preference shares or stock the right to participate, either equally or otherwise, with their ordinary shares or stock in any balance remaining applicable to dividend after a dividend shall have been paid or provided for on such ordinary shares or stock at the rate of six per centum per annum.

Except as otherwise provided, new shares or stock to be subject to the same incidents as other shares or stock.

11. Except as by this Act otherwise provided, any capital in new shares or stock created by the Company under this Act as part of their general capital, and the new shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if, that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital.

Dividends on new shares or stock.

12. Every person who becomes entitled under this Act to new shares or stock in the general capital of the Company shall in respect of the same be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock, as the case may be.

Restriction as to votes in respect of preferential shares or stock.

13. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock in the general capital of the Company to which a preferential dividend shall be assigned.

Company may create part of their capital as a separate capital for graving dock.

14. The Company may create any part of their additional capital of one hundred thousand pounds under this Act as a separate capital for purposes of the graving dock and the works and conveniences connected therewith, instead of creating the same as part of their general capital.

Name of separate capital.

15. The separate capital so to be created shall be called "the Graving Dock Capital."

Application and revenue

16. The graving dock capital shall be applied exclusively for the purposes of or in connexion with the graving dock and the works

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of the graving dock capital.

and conveniences connected therewith, and shall be entitled to the whole or to some part or parts (as at the meeting at which the capital is created the Company shall resolve and determine) of the rates, rents, profits, income, and revenue to be derived by the Company from the graving dock and the works and conveniences connected therewith, and (in addition thereto) to such part or parts or proportion (if any) of the general profits, receipts, income, and revenue for the time being of the Company as shall be assigned thereto as herein-after mentioned. Save as aforesaid, the graving dock capital shall not be entitled to participate in the profits applicable to dividend of the general undertaking of the Company.

As to proportion of general expenses and of general receipts to be charged and belong to graving dock capital.

17. Before creating any graving dock capital under this Act the Company shall, at a meeting of the Company convened with notice of this object, resolve and determine—

(*a.*) What proportion (if any) of the expenses of management and other general expenses of the Company, or what annual or other sum in lieu thereof, shall be paid and borne out of the revenue by this Act assigned to the graving dock capital, and the same shall be thenceforth paid accordingly out of that revenue:

(*b.*) Whether the graving dock capital shall be entitled to any, and (if any) to what part or parts or proportion, of the general profits, receipts, income, or revenue of the Company for the time being other than receipts from tolls for the use of the dock authorised by the Act of 1864, or the works or conveniences connected therewith.

Separate accounts to be kept for graving dock capital.

18. The Company shall keep separate accounts of all receipts and payments from, for, or on account of the graving dock capital or the revenue belonging or assigned thereto as aforesaid, and the balance of the gross receipts on account of such revenue which shall remain, after deducting the proportion (if any) of the expenses of management and other general expenses of the Company, or (as the case may be) the sum payable in lieu thereof as aforesaid, and after deducting also all interest on borrowed money for the time being secured upon or attaching to the revenue belonging or assigned to the graving dock capital as aforesaid, and all rates, rents, and taxes, or any part or proportion thereof, payable by or chargeable against the Company in respect of the graving dock or the works or conveniences connected therewith, and all other moneys properly chargeable against such revenue, shall be the profits applicable to dividend on the graving dock capital.

As to right of voting.

19. Shares and stock in the graving dock capital shall not confer on the holders thereof any right of voting or interference at any

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meeting of the Company on the general affairs of the Company, excepting for the election of directors, and in any matters affecting the said shareholders and stockholders, for both which purposes those shareholders and stockholders shall have the same right of voting as the shareholders and stockholders in the general capital of the Company; nor, on the other hand, shall it be lawful for the holders of shares or stock in the general capital of the Company to interfere in the expenditure of the graving dock capital, or in any other matters affecting that capital or its revenue, excepting in so far as those matters immediately affect the general interests of the Company.

Shares not to issue until one fifth paid.

20. The Company shall not issue any share or stock created under this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of the share or stock be paid in respect thereof.

Calls.

21. One fourth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to divide shares.

22. The provisions of the Act of 1872 authorising the Company to divide any share in their capital into preferred and deferred half shares shall apply to any new ordinary shares which the Company may create under the authority of this Act, whether in their general capital or in the graving dock capital.

Receipt for persons not sui juris.

23. If any money is payable to a shareholder in the Company being an infant or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

24. The Company may, in respect of the additional capital of one hundred thousand pounds which by this Act they are authorised to raise, from time to time borrow on mortgage (in addition to any sums which they are now authorised to borrow) any sum or sums not exceeding in the whole thirty-three thousand three hundred pounds, and of that sum they may borrow any sum or sums not exceeding in the whole eight thousand three hundred and twenty-five pounds in respect of each twenty-five thousand pounds of such additional capital, and as regards any money borrowed in respect of their general capital under this Act, the same may be borrowed on mortgage of the general undertaking of the Company, but to the exclusion (if any graving dock capital shall have been created) of the graving dock and the works and conveniences connected

therewith, and of the rates, rents, profits, income, or revenue belonging to the graving dock capital, and of any part or parts or proportion of the general profits, receipts, income, or revenue of the Company which may have been assigned in accordance with the provisions of this Act to the graving dock capital, and as regards any money borrowed in respect of their graving dock capital (if such capital be created), the same may be borrowed on the security of the rates, rents, profits, income, and revenue of the buildings, graving dock, and the works and conveniences connected therewith, or (as the case may be) of such part or proportion of those rates, rents, profits, income, or revenue as may belong to the graving dock capital, and of the part or parts or proportion of the general profits, receipts, income, and revenue of the Company which may have been so assigned as aforesaid to the graving dock capital; but no part of any such sum of eight thousand three hundred and twenty-five pounds shall be borrowed until shares for so much of the twenty-five thousand pounds of capital in respect of which it is borrowed as is to be raised by means of shares are issued and accepted and one half of such portion of capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845" (before he so certifies), that shares for the whole of such portion of capital have been issued and accepted, and one half of such portion of capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said twenty-five thousand pounds of capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid (before he so certifies) that such shares or stock, as the case may be, were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if any part of the said portion of capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

25. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during their continuance and

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subject to the provisions of the Acts under which such mortgages were granted, respectively have priority, as against the undertaking or the portion of the undertaking of the Company included therein or chargeable therewith, over any mortgages granted by virtue of this Act; but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Mortgages under this Act to give no right except against assets, &c. in undertaking comprised therein.

26. No mortgage granted by the Company under the provisions of this Act shall give to the mortgagee any claim or right against any assets of or shareholders in the Company other than the assets of and the shareholders in the particular undertaking comprised in such mortgage.

Repealing provisions of former Acts as to appointment of a receiver.

27. The provisions of the Acts of 1864 and 1872 and 1875 as to the appointment of a receiver are hereby repealed, but without prejudice to any appointment made or proceedings taken before the passing of this Act.

Arrears may be enforced by appointment of a receiver.

28. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one-tenth part of the whole amount of the mortgages for the time being subsisting and affecting the undertaking of the Company, or (as the case may be) the part or parts of the undertaking of the Company in respect of which the application for a receiver is made.

Debenture stock.

29. The Company may, in respect of the moneys which they are by this Act authorised to borrow in respect of their additional capital under this Act of one hundred thousand pounds, create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863."

Banking of debenture stock.

30. Notwithstanding anything contained in Part III. of "The Companies Clauses Act, 1863," the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages affecting the same undertaking or portion of the undertaking of the Company at any time after the passing of this Act granted by the Company, and shall have as regards the respective undertaking or part of undertaking priority over all principal moneys secured by such mortgages.

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Priority of mortgage over other debts.

31. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Application of share or loan capital under Act.

32. Subject to the provisions of this Act with respect to the graving dock capital, all capital raised under this Act, whether by shares, stock, mortgage, or debenture stock, shall be applied only for purposes authorised by this Act or some other Act relating to the Company.

Powers for compulsory purchases limited.

33. The powers of the Company for the compulsory purchase of lands, tenements, and hereditaments under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Limit of lateral deviation.

34. It shall be lawful for the Company in constructing the works by this Act authorised to deviate from the lines thereof respectively delineated on the deposited plans to any extent within but to no greater extent than the limits of deviation delineated upon the said plans: Provided always, that nothing in this Act contained shall authorise the Company, without the consent of the corporation under their common seal, to construct any works or deposit any material on the river bank below high-water mark beyond a line drawn sixty feet from the ends of the proposed graving dock and the pier No. 2 respectively, as defined on a copy of the parliamentary plan which has been agreed to and signed by the engineers of the corporation and the Company, and of which plan duplicates have been deposited with the clerk of the peace and the town clerk of Bristol respectively.

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Limit of vertical deviation.

35. In constructing the works by this Act authorised, the Company may deviate from the levels of the works shown on the deposited sections, but they shall not so deviate to any extent exceeding in any place five feet without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made, or in case any public highway shall be affected by such deviation, then the same shall not be made without the like consent of the surveyor of highways or other authority having the control of such highway, or if there be no such surveyor or other authority, without the like consent of two or more justices of the peace in petty sessions assembled for that purpose and acting for the district in which such highway may be situated: Provided always, that notice of every petty session to be holden for the purpose of obtaining such consent as aforesaid shall, fourteen days previously to the holding of such petty session, be given in some newspaper circulating in the county of Gloucester.

Working plans to be submitted to Board of Trade.

36. Previously to commencing to construct any part of the works hereby authorised below high-water mark, the Company shall deposit at the Board of Trade plans, sections, and working drawings of such part of such works for the approval of the Board of Trade, such approval to be signified in writing under the hand of the secretary of the said Board, and such part of the works shall be constructed only in accordance with such approval; and when any part of such works shall have been commenced or constructed below high-water mark, it shall not be lawful for the Company at any time to alter or extend the same without obtaining, previously to making such alteration or extension, the like consent or approval; and if any such part of such works shall be commenced or completed or be altered or constructed contrary to the provisions of this Act, it shall be lawful for the said Board of Trade to abate, alter, and remove the same, and to restore the site thereof to its former condition, at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs of suit.

Board of Trade may have survey at the expense of the Company.

37. If at any time or times the Board of Trade shall deem it expedient to order a local survey and examination of any works of the Company below high-water mark, or of the intended site thereof, the Company shall defray the costs of every such local survey and examination, and the amount thereof shall be a debt due to Her Majesty from the Company, and if not paid upon demand, may be recovered as a debt due to the Crown, with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

Lights on works.

38. Where the Company is authorised by this Act to construct, alter, or extend any work on, in, over, through, or across tidal lands or a tidal water, the Company shall, on or near the work, during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves; and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also, on or near the work when completed, always maintain, exhibit, and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves. If the Company fails to comply in any respect with the provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Abatement of work abandoned or decayed.

39. If any work constructed by the Company below high-water mark is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work or any part of it, and restore the site thereof to its former condition, at the expense of the Company, and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with the costs of suit, or may be recovered with costs as a penalty is recoverable from the Company.

Saving rights of Crown under Crown Lands Act.

40. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections 20, 21, and 22, of "The Crown Lands Act, 1866," and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Unauthorised deviation may be abated.

41. If any deviation which requires the previous consent of the Board of Trade be made without such consent, it shall be lawful for the said Board of Trade to abate every such deviation or any part thereof, and the cost of every such abatement shall be a debt due from the Company to the Crown and be recoverable accordingly with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

Period for completion of works.

42. If the works by this Act authorised are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

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Meters and weighers.

43. It shall be lawful for the Company to appoint and license a sufficient number of persons to be meters and weighers.

Limits of powers of pier master, &c.

44. The limits within which the powers of any pier master, meters, and weighers appointed by the Company may be exercised shall be the graving dock and the piers and the works and conveniences connected therewith respectively, and a distance of two hundred yards from any part thereof respectively in any direction; provided that such powers shall not be exercised so as in any way to interfere with the free access and egress to and from the River Avon, or the authority of the haven master of Bristol to regulate the free navigation of the said river.

Tolls.

45. It shall be lawful for the Company to demand and take upon or in respect of all ships and vessels going into or using the graving dock, tolls or rates not exceeding those set forth in the Second Schedule to this Act, and upon or in respect of all ships, vessels, goods, animals, articles, merchandise, or things, and persons using or passing over, or frequenting or resorting to the piers, or either of them, and the works, buildings, and conveniences connected with the graving dock and the piers respectively, or any of them, or any part or parts thereof respectively, or in respect of any services to be performed or rendered by the Company in respect of the loading, unloading, moving, removing, weighing, or handling of ships, vessels, goods, animals, articles, merchandise, or things at or near or in connexion with the graving dock, and the piers, or either of them, or the works, buildings, and conveniences connected therewith respectively, such reasonable tolls, rates, dues, and charges as the Company may from time to time appoint, and may from time to time lessen and reduce or advance and raise all or any of the said tolls, rates, dues, and other charges as they think fit, but so that the tolls or rates upon or in respect of ships or vessels going into or using the graving dock shall not at any time exceed those set forth in the said Second Schedule.

As to moneys payable to corporation under section 46 of the Act of 1864.

46. With respect to the payments to be made to the corporation under or by virtue of section 46 of the Act of 1864, and the exemptions from and the agreements concerning such payments, the following provisions shall have effect; (that is to say,)

The Company and the corporation may from time to time enter into and carry into effect agreements for releasing in whole or in part, reducing, compounding for, or commuting all or any payments which for the time being the Company may be liable to make to the corporation under or by virtue of section 46 of

the Act of 1864, or under or by virtue of any agreement made under the powers of that Act for the time being subsisting between the Company and the corporation, and may from time to time repeal, vary, or modify any agreements so made, and make other agreements in lieu thereof:

If, within three years after the opening of the docks for public use, no such agreement as aforesaid shall have been entered into between the Company and the corporation for the settlement of the payments to be made by the Company to the corporation under or by virtue of section 46 of the Act of 1864, the question shall be determined by arbitration under and according to the provisions of "The Railway Companies Arbitration Act, 1859," as though the Company and the corporation were two railway companies:

The award made upon such arbitration shall be deemed an agreement between the Company and the corporation, and may be repealed, varied, or modified by the consent of both parties accordingly:

From and after the date of any agreement or valid award made under the provisions of this section, section 46 of the Act of 1864, shall be and the same is hereby repealed:

Notwithstanding such repeal, no goods which shall be imported into the dock or works of the corporation at Bristol in any ship or vessel coming from any port not being a port in the United Kingdom shall be deemed to be coastwise goods by reason of such ship or vessel having previously entered into or used the docks of the Company:

The said repeal shall not affect the validity, invalidity, effect, or consequence of anything then already acquired or accrued, or any debt owing to the corporation by the Company or other person, or any penalty incurred, or any remedy or proceeding in respect of such right, or debt, or penalty, or the proof of any past act or thing:

Provided that from and after the date of such agreement or valid award it shall not be lawful for the corporation, under or by virtue of any charter, Act of Parliament, prescription, usage, or otherwise, to levy or collect any tolls, duties, dues, rates, or charges, on or in respect of any goods, passengers, animals, minerals, articles, wares, merchandise, or commodities which shall be landed at or imported into the dock or works of the Company, nor for or in respect of any ship or vessel which shall enter into or use such dock or works, except as may be provided by any such award or agreement.

A.D. 1877.

Confirming scheduled heads of arrangement between Company and P. W. S. Miles, Esq.

47. The heads of arrangement, a copy whereof is set forth in the First Schedule to this Act, are hereby confirmed, and full effect shall be given thereto as from the day of the date thereof, and the rentcharge therein mentioned shall be deemed to have been on the said day duly settled and determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," by the valuation in writing of two able practical surveyors, one nominated by the Company and the other by the vendor, who had annexed to their valuation a declaration in writing subscribed by them respectively of the correctness thereof; and the vendor or other the person for the time being entitled in possession to the receipt of the rents and profits of the land purchased by the Company under the said heads of arrangement is hereby authorised and empowered to sell, convey, or release the said lands, in consideration of the said rentcharge, in the same manner as if the said purchase had been in all respects made under the provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," relating to the sale and conveyance of lands in consideration of an annual rentcharge.

Company and vendor, &c. may agree to commute rentcharge for sum in gross, &c.

48. The Company and the vendor or other the person for the time being entitled in possession to the receipt of the said rentcharge may from time to time enter into and carry into effect agreements for the commutation in whole or in part of such rentcharge for or in consideration of a sum in gross, and for the release of all or any lands or property of the Company therefrom: Provided always, that the amount of any such sum in gross shall be determined in manner provided by section 9 of "The Lands Clauses Consolidation Act, 1845," for determining the purchase money or compensation to be paid for any lands to be purchased or taken from any party under any disability or incapacity, and not having power to convey such lands except under the provisions of that or the special Act, and the amount of such sum in gross when determined shall be paid into the Bank of England for the benefit of the parties interested, and the provisions of sections 69 to 74 (both numbers inclusive) of "The Lands Clauses Consolidation Act, 1845," shall apply to the case of any sum so paid into the bank.

Officers of customs to have free ingress, &c.

49. Provided always, that, notwithstanding anything herein or hereby contained or implied, officers of customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress into, on, along, through, and out of the graving dock, piers, and property of the Company by land, and with their vessels and otherwise, without payment.

A.D. 1877.

Saving rights of the Crown in the foreshore.

50. Nothing contained in this Act shall authorise the said Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Expenses of Act.

51. All the costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Company.

A.D. 1877.

The FIRST SCHEDULE referred to in the foregoing Act.

BRISTOL PORT AND CHANNEL DOCKS COMPANY AND PHILIP WILLIAM SKYNNER MILES, Esquire.

Heads of Arrangement.

1. Except as herein-after provided, and except as may be mutually agreed upon, the Company shall not take any land of Mr. Miles, either temporarily or permanently, other than the land coloured red on the annexed plan, containing twenty-two acres two roods ten perches, or thereabouts.

2. The compensation to be paid for the land so coloured red shall be a rent-charge at the rate of ten pounds per acre, commencing from twenty-ninth September one thousand eight hundred and sixty-eight.

3. The Company to convey the several portions of numbers 39 and 43, and coloured yellow on the annexed plan, to the same uses to which the land coloured red now stands limited in consideration of a proportionate deduction (to be calculated per acre according to measurement) in the rentcharge payable under Article 2 in respect of the land coloured red.

4. No alteration, diversion of, or substitution for the present roadway to the lighthouse shall be made by the Company, except to the satisfaction of Mr. Miles.

5. A road fifty feet wide, with footpaths and channel-courses on each side, to be made, so as to afford access to the dock from the parish road in the line of the existing road No. 45 on the parliamentary plan.

6. In case Mr. Miles shall so require, and on the condition of his diverting into the drain after mentioned at the point nearest to the proposed drain, and to the extent equal, together with the drainage water, to the average run of the proposed conduit shown on the parliamentary plan, which is not to exceed six inches in the clear the stream discharging at Jane's Pill, now intended to be used for the purposes of the conduit shown on the parliamentary plan and section for supplying the proposed dock with water, the Company shall pay five hundred pounds towards constructing, and Mr. Miles shall construct, a main drain in a course and according to levels to be shown on a plan and section to be prepared by Mr. Miles and approved by the Company's engineer, such drain to be eighteen inches diameter in the clear at the least. Mr. Miles to have the right to use the said drain and to construct arm-drains communicating therewith for the purposes of draining his lands, but so as not to affect the purity of the water to be conveyed to the said dock and works.

7. No erections other than warehouses, transit sheds, and erections required by the Company for the efficient working of the dock, works, and railway, such as offices, cranes, and engine sheds, shall be erected on any portion of the lands belonging to the Company on the north-easterly side of the intended dock numbered 39, or the land on the same side coloured red and numbered 34, but the same shall be so used as aforesaid as to leave to the abutting lands of

Mr. Miles a frontage to the dock, and Mr. Miles shall have all such reasonable rights of way and other accommodation for dock purposes over such portions of the said land numbered 39 and the said land coloured red and numbered 34 as is not required for dock excavation and works, and if any difference shall arise as to such rights of way and other accommodation, or the terms or regulations under which they shall be exercised and enjoyed, the same shall be determined by arbitration.

8. No land (except as provided in Article 10) other than the land coloured green and yellow, and such portions of the land coloured red as may not be required for dock excavation, shall be taken by the Company for deposit of spoil taken from dock excavation, and all land taken for deposit as aforesaid (other than any portion of the land coloured red) shall be compensated for by the payment in advance half yearly of the following rents; that is to say, a rent of three pounds per acre, commencing from the time of enclosure herein-after provided and continuing until the expiration of six years from such enclosure.

9. No deposit of spoil shall be made on any land coloured green on the said plan until the same has been enclosed by a temporary fence, and until notice in writing has been given to Mr. Miles of such enclosure, and until payment has been made to him of one half year's rent, according to the acreage enclosed; and such enclosures shall be made in regular parallel lines, and the surface of the deposit on each enclosure shall be properly levelled and resoiled to a uniform depth of one foot to the intended permanent height of the embankment of the dock previous to any deposit being made on any new enclosure.

10. If required by Mr. Miles, the land coloured brown on the annexed plan shall be covered with spoil arising either from the excavation from the lock or from dredging, and the surface thereof properly levelled to the height of the land adjoining, but no rent or other compensation shall be payable or made to Mr. Miles in respect of such deposit on the land coloured brown.

11. All rights reserved to landowners under the general Acts incorporated in the Act of Incorporation, and not inconsistent with these heads, to be reserved to Mr. Miles.

12. The name Mr. Miles in these heads to comprise his assigns and successors in estate.

13. The engagements on the part of Mr. Miles contained in these heads to be binding on Mr. Miles only so far as, having regard to the provisions contained in the will of his late father Philip John Miles with respect to the Kingsweston estate, he may thereby or under general law have power to give effect to them.

14. All costs and expenses of and in relation or incidental to this arrangement, and of the preparation and execution of the necessary deeds to give effect to the same, to be borne by the Company.

Dated the eighth day of June one thousand eight hundred and seventy-one.

Witness to the affixing the seal of the Bristol Port and Channel Dock Company,
HEW DALRYMPLE.

Seal of the Company.

A.D. 1877.

The SECOND SCHEDULE referred to in the foregoing Act.

Rates to be charged and paid for the Use of the Graving Dock.

For every Ship or Vessel.	Under 50 Tons.	50 and under 100.	100 and under 150.	And for every progressing 50 Tons.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For two tides, the tide in and the next tide out -	3 12 0	4 4 0	4 16 0	0 12 0
For three ditto, including going in and coming out	4 4 0	4 18 0	5 12 0	0 14 0
For four ditto - -	4 16 0	5 12 0	6 8 0	0 16 0
For five ditto - -	5 8 0	6 6 0	7 4 0	0 18 0
For six ditto - -	6 0 0	7 0 0	8 0 0	1 0 0
For seven ditto - -	6 12 0	7 14 0	8 16 0	1 2 0
For eight ditto - -	7 4 0	8 8 0	9 12 0	1 4 0
Above eight ditto, and not exceeding twenty-four tides - - -	12 0 0	16 0 0	18 0 0	2 0 0
For two neaps - -	24 0 0	32 0 0	36 0 0	4 0 0
For three ditto - -	36 0 0	48 0 0	54 0 0	6 0 0
For four ditto - -	48 0 0	64 0 0	72 0 0	8 0 0
For five ditto - -	60 0 0	80 0 0	90 0 0	10 0 0
For six ditto - -	72 0 0	96 0 0	108 0 0	12 0 0
For seven ditto - -	84 0 0	112 0 0	126 0 0	14 0 0
For eight ditto - -	96 0 0	128 0 0	144 0 0	16 0 0

And in addition thereto, for docking, pumping, and undocking,—	£	s.	d.
Vessels not exceeding 500 tons - - - -	40	0	0
„ exceeding 500 tons, and not exceeding 1,000 tons -	60	0	0
„ „ 1,000 „ „ 2,000 „ -	100	0	0
„ of 2,000 tons and upwards in the same proportion.			
For hauling up upon any inclined plane or slip,—			
Vessels not exceeding 300 tons - - - -	6	6	0
„ „ 500 tons - - - -	8	8	0
„ „ 750 tons - - - -	12	12	0
„ „ 1,000 tons - - - -	25	4	0
„ of 1,000 tons and upwards - - - -	31	10	0

Sheers for getting out, landing, lifting, or shipping Boilers, Machinery, or other Heavy Articles.

	£	s.	d.	
In pieces under 2 tons, per ton -	0	10	0	An additional charge will be made on very valuable machinery, or where great additional risk from weight is incurred.
„ „ 2 and not exceeding 10 tons, per ton -	0	15	0	
„ exceeding 10 tons, per ton -	1	0	0	
Rent per week for boilers, funnels, cylinders, and the like, per ton -	0	0	6	

FOR MASTING OR DISMASTING OF VESSELS.

For Ships of	Main Mast.	Fore Mast.	Mizen Mast.	Bowsprit.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Upwards of 1,000 tons -	18 0 0	16 4 0	7 4 0	9 0 0
„ 800 to 1,000 tons	13 10 0	12 12 0	6 6 0	7 4 0
„ 650 to 800 „	8 0 0	7 4 0	4 0 0	4 0 0
„ 500 to 650 „	6 8 0	5 12 0	3 4 0	3 4 0
„ 300 to 500 „	5 5 0	4 10 0	2 12 6	2 12 6
Under 300 tons - -	3 15 0	3 7 6	2 5 0	1 5 0

FOR PUTTING ON OR TAKING OFF TOPS.

—	Main.	Fore.	Mizen.	—
	£ s. d.	£ s. d.	£ s. d.	
Upwards of 1,000 tons -	1 10 0	1 10 0	1 0 0	—
„ 800 to 1,000 tons	1 0 0	1 0 0	0 10 0	—
„ 500 to 800 „	0 15 0	0 15 0	0 10 0	—
Under 500 tons - -	In proportion.			

The charges in the above table are for each operation, which includes the use of masting falls and slings.

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