CHAPTER cliv.

An Act for empowering the Bute Docks Company to construct sea-walls or embankments and a new dock and other works and to raise additional capital and for amending the Bute Docks Acts and for other purposes. A.D. 1894.

[31st July 1894.]

WHEREAS by the Bute Docks (Transfer) Act 1886 the Bute Docks at Cardiff in the county of Glamorgan were transferred to the Bute Docks Company by that Act incorporated (in this Act called "the Company"): 49 & 50 Vict. c. lxxxvi.

And whereas the Company or their predecessors in title were empowered by the Bute Docks Act 1882 (in this Act called "the Act of 1882") as amended by the Bute Docks (Further Powers) Act 1886 (in this Act called "the Act of 1886") and the Bute Docks Act 1888 (in this Act called "the Act of 1888") to construct a sea-wall or embankment for the purpose of reclaiming a portion of the foreshore or land known as Cardiff Flats: 45 & 46 Vict. c. ccxlii. 49 & 50 Vict. c. cii. 51 & 52 Vict. c. cxiv.

And whereas it is expedient to empower the Company to construct the sea-walls or embankments dock railway and other works in this Act described and to abandon such works or portions of works authorised by the Act of 1882 the Act of 1886 and the Act of 1888 as may be rendered useless or unnecessary by the execution of any of the powers of this Act:

And whereas it is expedient to extend and define anew the limits within which the powers and authorities of the dockmaster and officers appointed by the Company may be exercised and in divers other respects to amend the Acts relating to the Company:

And whereas by section 27 of the Mountain Ash Local Board Act 1886 it is provided that for the protection and benefit of the company of proprietors of the Glamorganshire Canal Navigation the taking of the water by the Mountain Ash Local Board from the River Clydach into the Clydach reservoir should be subject to the conditions therein mentioned:

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And whereas these conditions are no longer applicable and it has been agreed between the said company of proprietors and the Company and it is expedient that the same should be repealed:

And whereas it is expedient to authorise the Company to raise further capital and to make such other provisions as are in this Act contained:

And whereas it is expedient to authorise the Company to establish and to contribute to a superannuation fund for the benefit of the officers and servants of the Company or some of them:

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

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Glamorgan and are in this Act respectively referred to as the deposited plans sections and book of reference:

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):—

I.—Preliminary.

Short title.

1. This Act may be cited as the Bute Docks Act 1894.

Incorporation of general Acts.

2. The Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 and Part I. (construction of a railway) of the Railways Clauses Act 1863 (so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with this Act Provided that in section seventeen of the Railways Clauses Consolidation Act 1845 and in Part I. of the Railways Clauses Act 1863 the words "work" and "railway" shall be taken to extend to and include all works by this Act authorised.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there is something in the subject or context repugnant to or inconsistent with such construction and in and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or

partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

In this Act and in the Bute Docks Acts 1865 to 1888 the expression "staith" shall include any staith crane hoist drop machine or appliance used for the shipment of coal coke or culm.

Construction of Act.

4. The Bute Docks Acts 1865 to 1888 may be cited together with this Act as the Bute Docks Acts 1865 to 1894 and are in this Act collectively referred to as "the Bute Docks Acts" Except so far as provision is otherwise expressly or impliedly made by this Act the Bute Docks Act 1882 as amended by the Act of 1886 and the Act of 1888 and the Bute Docks (Transfer) Act 1886 and the provisions of the Harbours Docks and Piers Clauses Act 1847 incorporated with such Acts shall so far as respectively applicable apply to the works of the Company authorised by this Act.

II.—Works.

Power to execute works.

5. Subject to the provisions of this Act the Company may make execute and maintain in the lines and according to the levels shown on the deposited plans and sections the several works by this Act authorised and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

The works herein-before referred to include the works following with all such incidental works and conveniences connected therewith as the Company from time to time think fit (that is to say):—

(1.) The sea-walls or embankments herein-after described for reclaiming portions of the foreshore or bed of the River Severn or Bristol Channel known as or adjoining the Cardiff Flats (herein-after referred to as "the foreshore") as part of or in connexion with the dock entrance lock communication passage and railway also herein-after described (that is to say):—

(A.) A sea-wall or embankment No. 1 being a variation or extension in a south-westerly direction of the south-western portion of the embankment or sea-wall authorised by the Act of 1882 as varied by the Act of 1886 and the Act of 1888 commencing at a point on the said authorised embankment on the foreshore three thousand and fifty feet or thereabouts measured in an easterly direction from

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the south-east corner of the low-water pier of the Company in the entrance channel of the Bute Docks and terminating on the foreshore at a point nine hundred and ten feet or thereabouts measured in a south-easterly direction from the south-east corner of the said low-water pier;

(B.) A sea-wall or embankment No. 2 commencing at a point at or near the southern end of the existing tipped embankment of the Company near the said low-water pier and terminating at a point on the foreshore eight hundred and thirty feet or thereabouts measured in a south-easterly direction from the south-east corner of the said low-water pier:

(2.) A dock to be situate on the foreshore to be reclaimed as aforesaid commencing at a point one thousand four hundred and fifty feet or thereabouts measured in a southerly direction from the south-west corner of the Roath Dock and extending thence in a south-westerly direction to and terminating at a point two thousand five hundred and seventy feet or thereabouts from the point of commencement of the said dock together with an entrance lock commencing at or near the point of termination of the said dock and terminating at a point eight hundred and fifty feet or thereabouts south-westward of the point of commencement of such lock and between the respective points of termination of the sea-walls or embankments hereinbefore described and with a communication passage between the said intended dock and the said Roath Dock commencing out of the northern corner of the said intended dock and terminating at the south-western corner of the said Roath Dock:

(3.) A railway (one mile and one chain in length) commencing by a junction with the main line of railway of the Company running south of the Roath Dock and terminating on the foreshore at a point one thousand seven hundred and fifty feet or thereabouts measured in an easterly direction from the south-east corner of the said low-water pier:

With power for the Company to divert into the herein-before described dock entrance lock and communication passage and works connected therewith the waters of the Bristol Channel of the entrance channel to the Bute Docks and of the Bute Docks.

For preventing enlargement of water rights of canal companies.

6. Nothing in this Act contained shall be deemed to authorise the company of proprietors of the Glamorganshire Canal Navigation or the company of proprietors of the Aberdare Canal Navigation to take or suffer to flow into the Glamorganshire Canal or the Aberdare

Canal respectively any water other than such as may be required for the purpose of properly conducting the navigation upon those two canals. A.D. 1894.

As to user of communication passage.

7. The communication passage between the new dock and the Roath Dock shall be at all times so used as not to delay the passage of engines and trains across it more than is necessary for the purpose of working the traffic of the docks nor in any case so as to delay any engine or train for more than thirty minutes and in case the Company or any person or persons acting under them shall keep the bridge open except in case of accident to the bridge or to some vessel passing through the same or for the purpose of necessary repairs so as to detain any engine or train for more than thirty minutes the Company shall pay to the railway company to which such engine or train shall belong the sum of five pounds as compensation for such delay which sum may be recovered by such company by summary process in the manner prescribed by section 142 of the Railways Clauses Consolidation Act 1845.

As to dredging entrance to Glamorganshire Canal.

8. Nothing in this Act shall be deemed to relieve the Company from the obligations contained in sections 57 to 60 of the Bute Docks Act 1866 with respect to dredging the entrance to the Glamorganshire Canal.

Seaward face of works to be of stone pitching.

9. The Company shall and they are hereby required to make and at all times to maintain the seaward face of the embankments to be constructed under the authority of this Act of stone pitching or in such other manner as will effectually prevent earth rubbish ballast or other materials deposited landwards of the seaward face b eing carried by the wash of the sea into Penarth Roads or Cardiff Harbour.

Level of water in Glamorganshire Canal.

10. From and after the passing of this Act the Company shall at all times maintain the water in the lowest reach of the Glamorganshire Canal at such level as an engineer to be appointed by the Board of Trade at the expense of the Company shall determine to be necessary for giving due and reasonable facilities for the purposes of traffic in such lowest reach of the canal.

Owners may be required to sell parts only of certain premises.

11. And whereas in the construction of the works by this Act authorised it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the premises described in the schedule to this Act and

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whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the premises without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise:

If for twenty-one days after the service of notice to sell and convey any portion of the premises the owner or other person interested shall fail to notify to the Company his contention that such portion cannot be severed from the remainder of the premises without causing material detriment thereto then the Company may proceed to take such portion only:

But if within such twenty-one days he shall by notice to the Company allege that such portion cannot be severed from the remainder without causing such material detriment as aforesaid then the arbitrator arbitrators umpire or jury shall determine the matter of the said allegation in addition to the other questions required to be determined by them:

Provided that if in the opinion of the arbitrator arbitrators umpire or jury any such portion cannot be severed from the remainder without material detriment thereto the Company may withdraw their notice to treat for the portion of the premises required by them and thereupon they shall pay to the owner of or other person interested in the premises in respect of which they have given notice to treat any costs charges and expenses reasonably and properly incurred by him in consequence of such notice:

Provided also that if in the opinion of the arbitrator arbitrators umpire or jury any such portion can notwithstanding the allegation of any such owner or other person be severed from the remainder without such material detriment then they may in their absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person:

The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey portions only of any premises.

Period for compulsory purchase of lands.

12. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Restriction on taking houses of labouring class.

13.—(1.) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers nor except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but which shall have been or shall be subsequently so occupied.

(2.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Limits of lateral and vertical deviation.

14. In the construction of the works by this Act authorised the Company may subject to the provisions of this Act deviate laterally from the lines thereof within the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or downwards.

Restricting limits of deviation.

15. No deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as marked on the deposited plans even within the limits of deviation shown on such plans without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

Restricting limits of deviation of embankment No. 1.

16. Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not in the construction of the sea-wall or embankment No. 1 by this Act authorised deviate the line of that embankment so that the southern point thereof shall extend in a southerly direction beyond the line of that embankment as shown on the deposited plans nor shall the Company deviate the said embankment in any direction seaward more than two hundred feet from the line of that embankment as shown on the deposited plans.

Period for completion of works.

17. If the works by this Act authorised are not completed within the periods respectively after-mentioned (that is to say) As regards the dock works and the railway within ten years and as regards the sea-walls or embankments within twenty

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years from the passing of this Act then on the expiration of those respective periods the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Dock and railway part of undertaking.

18. The dock and railway and incidental works by this Act authorised shall to and for all intents and purposes be comprised in the undertaking of the Company and in particular (but without prejudice to the generality of the foregoing enactment) the provisions of the Bute Docks Acts 1865 to 1888 relating to tolls rates and charges shall (as amended by this Act) apply to the dock railway and incidental works authorised by this Act.

Company to exhibit lights.

19. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of the Trinity House of Deptford Strond shall direct If the Company fail to comply with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights on works.

20. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same 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 require or approve.

If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Power to abandon works rendered useless or unnecessary.

21. The Company may abandon and discontinue such of the works constructed or authorised under any of the Bute Docks Acts 1865 to 1888 as may be rendered useless or unnecessary by the construction of the works by this Act authorised or which it may be necessary to remove or alter for the construction of the same and in particular they may abandon discontinue and remove so much of the Railway (No. 3) constructed under the Act of 1882 as lies between the commencement of that railway and a point thereon distant one thousand six hundred feet or thereabouts measured in a southerly direction from the said point of commencement.

If any question shall arise at the instance of any railway company affected thereby as to whether any works proposed to be abandoned as useless or unnecessary under the provisions of this section are in fact useless or unnecessary the same shall be decided by an engineer to be appointed by the Board of Trade.

Power to grant easements.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to alter roads &c. temporarily.

23. During the execution of the works by this Act authorised and for the purposes and subject to the provisions of this Act the Company may from time to time alter divert or stop up temporarily any public streets roads bridges and watercourses in any of the lands shown on the deposited plans and specified in the deposited book of reference and any sewers drains gas-pipes water-pipes and electric or other machinery or apparatus in or under any such public streets roads and bridges doing as little damage as may be and providing substitutes for any sewers drains gas-pipes or water-pipes or electric or other machinery or apparatus so interfered with and making full compensation to all persons injuriously affected by the exercise of the powers of this section:

Provided that the Company shall not alter divert or in any way interfere with any electric apparatus or other property belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Deposit money not to be repaid except so far as railway opened &c.

24. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 the sum of twenty-six thousand two hundred and thirty-five pounds seven shillings has been paid into the name and with the privity of Her Majesty's Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act of which sum four hundred and fourteen pounds eleven shillings and threepence (herein-after referred to as "the railway deposit fund") represents five per centum on the amount of the estimate in respect of the railway authorised by this Act and the remainder (herein-after referred to as "the dock deposit fund") represents four per centum on the amount of the estimate in respect of the dock and other works authorised by this Act Be it enacted that notwithstanding anything contained in the said recited Act the railway deposit fund shall not be paid to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or

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survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the railway for the conveyance of public traffic Provided that if within the period so limited for the completion of the railway the Company open any portion of the railway for the conveyance of public traffic then on production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the railway deposit fund which bears to the whole of the railway deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the said portion of the railway deposit fund so specified in such certificate as aforesaid to be paid to the depositors or as the depositors shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the said recited Act to the contrary notwithstanding.

Application of railway deposit.

25. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railway complete and open the same as aforesaid then and in every such case the railway deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred on the Company by this Act for the purposes of the railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation shall be payable or if a portion of the railway deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the railway deposit fund or such portion thereof as may not be required as aforesaid shall if the Company are insolvent or a receiver has been appointed or the railway has been abandoned be paid to such receiver or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to

the Company Provided that until the railway deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of dock deposit fund.

26. On the application of the depositors at any time after the passing of this Act the High Court may order that the dock deposit fund and the interest and dividends thereon shall be transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

Power to dredge and o remove shingle shoals &c.

27. The Company shall have full power and authority from time to time to dredge scour widen deepen and improve all channels and waters forming a means of access to any of their existing or intended docks or works and also to remove shingle rocks and shoals within the limits for the time being of their docks and to appropriate and use any material so dredged or removed and also to remove any buoys beacons or lights within the said limits which may become unnecessary owing to the exercise of any of the powers conferred by this Act But nothing shall be done under the authority of this section which may in any way obstruct or prejudicially affect the existing access from the sea to the dock and harbour at Penarth or the entrance channel leading to the Glamorganshire Canal or that part of the River Taff which lies between the junction of the said entrance channel with that river and the junction of that river with the entrance channel leading to the Bute Docks.

Power to reclaim land.

28. The Company may reclaim and may enter on hold appropriate and use for any of the purposes of their undertaking the whole or any part of the foreshore lands or bed of the sea which may be enclosed within or by any of the sea-walls or embankments or other works authorised by this Act.

Power to acquire additional lands by agreement.

29. In addition to the lands required for the purposes of the works by this Act authorised and without prejudice to their existing powers of acquiring lands from the Marquess of Bute his sequels in estate and assigns or from the estate trustees the Company may acquire by agreement and use and appropriate to purposes connected with their undertaking any lands not exceeding in quantity twenty acres But nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land acquired under the powers of this section.

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III.—Miscellaneous Amendments of Acts.

Extension of limits of dockmaster's authority.

30. For the purpose of the provisions of the Harbours Docks and Piers Clauses Act 1847 incorporated with any of the Bute Docks Acts and of those Acts or any of them the prescribed limits within which the powers and authorities of dockmasters and piermasters from time to time appointed by the Company may be exercised by them respectively and their respective deputies and assistants (which limits are in this Act referred to as "the limits of the dockmaster's authority") are extended so as to include the entrance channel to the Bute Docks down to the fairway channel to the mouth of the River Ely at the Inner Wrach Buoy and also for the purpose of removing obstructions but for such purpose only the remainder of the entrance channel southward down to its junction with the Bristol Channel Provided that nothing in this section shall be deemed to prejudice abridge or affect the existing powers and authorities of the dockmasters under the provisions of the Bute Docks Acts 1865 to 1888:

If and when the sea-wall or embankment No. 1 by this Act authorised is constructed the limits of the dockmaster's authority shall be further extended westward from that embankment to the said entrance channel and to all places within one hundred yards from any part of that embankment:

Provided that the said limits shall not extend to any part of the River Taff above the junction of that river with the entrance channel of the Bute Docks nor to any lands westward of the River Taff nor to any part of the undertaking of the company of proprietors of the Glamorganshire Canal Navigation or the entrance channel leading from the River Taff to the said canal:

And provided also that the powers of the dockmaster shall not extend to vessels navigating the fairway to or from Penarth Docks or the Rivers Ely or Taff or the Glamorganshire Canal without using the works belonging to the Company and for the purposes of this proviso no part of the said entrance channel shall be deemed to be works belonging to the Company:

Nothing in this section shall be deemed to interfere with the jurisdiction exerciseable by the dockmaster of the Penarth Harbour Dock and Railway Company under any Act of Parliament now in force:

Nothing in this section shall be deemed to extend the present limits within which an unqualified pilot may take charge of a ship for the purpose of changing the moorings of such ship in port or of taking her into or out of any dock under the powers of section 362 of the Merchant Shipping Act 1854.

Further powers to make bye-laws.

31. The power of making byelaws conferred by section 25 of the Act of 1886 shall extend to authorise the Company to make byelaws (subject to the provisions of that section) for preventing or regulating the carrying and use of fire-arms of every description within the limits of the dockmaster's authority.

Company may issue certificates of deposited goods.

32. The Company from time to time at the request of any person warehousing or depositing any goods in any warehouse or on or in any of the quays wharves or yards of the Company or entitled to any goods so warehoused or deposited may if the Company think fit issue and deliver to him a certificate of such goods having been so warehoused or deposited.

Company may issue warrants for delivery of goods.

33. On delivery to the Company of any such certificate to be cancelled the Company may issue to the person delivering up the certificate a warrant for the delivery of all or any goods specified in the certificate Provided that if the warrant be for the delivery of part only of the goods the Company shall issue to the person delivering up the certificate a new certificate with respect to the goods not specified in the warrant.

Effect of certificate or warrant.

34. Every such certificate and warrant shall be deemed to be a document of title to the goods specified therein and shall be transferable by indorsement and any holder of such certificate or warrant whether the person named therein or the indorsee thereof shall have the same right to the possession and property of such goods as if they were deposited in his own warehouse.

Every such certificate or warrant shall state on the face thereof the effect of this section and that it is issued under the powers of this Act.

Certificate or warrant not to be given till freight rates &c. paid.

35. No such certificate or warrant shall be given unless and until all liens and claims for freight and all other liens or claims whatsoever to which the goods were liable while on board any vessel and before the warehousing or depositing of the same and of which the Company have had notice in writing and all rates rents charges and expenses payable to the Company with respect to the warehousing or depositing of the goods or for services performed by the Company in respect thereof are paid or discharged.

Warrants &c. signed by duly authorised officers sufficient.

36. All certificates delivery warrants transfer certificates and other documents relating to goods in the custody of the Company or to the management of the business of their docks if signed and issued by any officer duly authorised in that behalf shall be effectual in law and binding on the Company and all other

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parties interested without any other signature and without any seal.

Amendment of section 29 of Act of 1882.

37. Section twenty-nine of the Act of 1882 shall be read and have effect as if the words "or wharfage rates" were inserted after the words "tonnage rates" in that section and as if after the words "Bute Docks Acts" in that section there were inserted the words "so that in case of an agreement with the owner or master "of any vessel the agreed rates shall be recoverable as tonnage "rates and in the case of an agreement with the owner consignor or "consignee of any goods the agreed rates shall be recoverable as "wharfage rates."

IV.—CAPITAL.

Additional capital.

38. The Company may for the purposes of this Act from time to time raise subject to the provisions of Part II. of the Companies Clauses Act 1863 any additional sum or sums not exceeding in the whole one million pounds by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively Provided that no share shall be issued of a less nominal value than ten pounds.

Shares not to vest until one-fifth part paid up.

39. No share created under the authority of this Act shall be issued nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof.

Receipt in case of persons not sui juris.

40. If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge.

As to votes of proprietors of new shares or stock.

41. The proprietors of any shares or stock (whether ordinary or preference) to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

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

42. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall except as otherwise provided by the resolution creating the same be subject and entitled to the same provisions liabilities powers 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 issued under subsection (5) of section 5 of the Bute Docks (Transfer)

Act 1886 and as if the new shares or stock were shares or stock in that capital Provided that no such resolution shall confer on any such new shares or stock or on the holders thereof any greater powers rights or privileges than are attached to the capital issued under sub-section (5) of section 5 of the above-mentioned Act.

Explanation of sub-section (3) of section 5 of Transfer Act.

43. For the prevention of any doubts it is hereby enacted that sub-section (3) of section 5 of the Bute Docks (Transfer) Act 1886 shall be read and have effect as if at the end thereof there were added the words "before payment of any dividend on any other shares or stock."

Power to borrow on mortgage.

44. The Company may in respect of the additional capital of one million pounds which they are by this Act authorised to raise by the creation and issue of shares or stock from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole three hundred and thirty thousand pounds (that is to say) When one hundred and fifty thousand pounds in respect of such additional capital has been bonâ fide paid up and certified as herein-after mentioned they may borrow on mortgage any sum of money not exceeding fifty thousand pounds and a like additional sum of fifty thousand pounds when every further sum of one hundred and fifty thousand pounds up to nine hundred thousand pounds has been bonâ fide paid up and certified as herein-after mentioned and the balance of thirty thousand pounds when the remaining one hundred thousand pounds of additional capital has been bonâ fide paid up and certified as herein-after mentioned but no such borrowing powers shall be exercised by the Company until they shall prove to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares or stock for raising such additional capital or some part thereof have been bonâ fide paid up to the extent in money of one hundred and fifty thousand pounds or one hundred thousand pounds as the case may be in respect of every sum of fifty thousand pounds or of the balance of thirty thousand pounds as the case may be intended to be borrowed 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 proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

Appointment of receiver.

45. Section 23 of the Bute Docks Act 1890 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section.

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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 but 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 ten thousand pounds in the whole.

Power to create debenture stock.

46. The Company may create and issue debenture stock subject to the provisions of section 10 of the Bute Docks (Transfer) Act 1886 Notice of the effect of that section shall be endorsed or stated on all certificates of debenture stock and on all mortgages.

Saving for existing mortgages.

47. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any former Act and subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act.

Provisions of Companies Clauses Acts extended to new capital.

48. The provisions of the Companies Clauses Consolidation Act 1845 with respect to—

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 non-payment 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;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

and also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869 shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock debenture stock or borrowing and the proprietors thereof.

Application of moneys raised.

49. All moneys raised by this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Power to apply capital already authorised.

50. The Company may apply to any of the purposes of this Act to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them and which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

V.—Relating to Railway Matters.

Running powers for other railway companies over the railway authorised by this Act.

51. The Taff Vale Railway Company the Rhymney Railway Company the Great Western Railway Company and the London and North Western Railway Company or any one or more of them may subject to the provisions of this Act and to the byelaws rules and regulations of the Company as approved by the Board of Trade run over and use with their engines carriages wagons officers and servants for traffic passing to or from the docks of the Company or to or from the dock by this Act authorised the railway by this Act authorised and also the railway of the Company which connects Railway No. 3 authorised by the Act of 1882 with the portion of Railway No. 1 authorised by the Bute Docks Act 1866 leading to the low water pier of the Company together with any roads approaches signals machinery and other works and conveniences on the said railways free of toll as regards all coal coke and culm traffic and as regards all other traffic upon payments terms and conditions to be (failing agreement) determined by arbitration under the Railway Companies Arbitration Act 1859 and for the purposes of such arbitration the Company shall be deemed to be a railway company.

Saving for Postmaster-General.

52. (1.) Nothing in any agreement made under the authority of section 48 of the Act of 1882 shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across any railways comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the lands and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the railways of the Company or any part thereof are worked by the Great Western Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

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(2.) Nothing in section 48 of the Act of 1882 relating to the making of agreements for the working of the railways or undertaking of the Company or any part thereof by the Taff Vale Railway Company and the Great Western Railway Company or either of those companies shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the Taff Vale Railway Company or the Great Western Railway Company any larger number of telegraphic messages of those companies or either of them free of charge than the Postmaster-General would have been bound to transmit had such working agreements not been authorised.

Grouping the several docks of the Company.

53. From and after the expiration of one month from the passing of this Act it shall not be lawful for the Great Western Railway Company or the Rhymney Railway Company or the Taff Vale Railway Company to charge or receive any higher gross rate or to make any higher charge for accommodation provided or services rendered in respect of any minerals goods or other articles conveyed by them to or from any one of the docks of the Company (including the proposed new dock) than the gross rate or charge which they may at the time be charging or receiving on or in respect of similar minerals goods or other articles conveyed by them to or from or similar accommodation provided or services rendered at any other dock of the Company:

Provided that the provisions of this section shall only apply when the Company shall not charge any higher toll in respect of the user of the Company's railways for traffic to or from any one of such docks than they may for the time being be charging in respect of similar traffic to or from any other of such docks Provided also that this section shall not be construed so as to prevent such a higher gross rate or charge being charged in respect of traffic conveyed by any one of the said railway companies over any railway of any other of the said railway companies at the docks of the Company to or from any staith shipping or landing place at such docks as shall be sufficient to cover any toll or charge which shall be payable to the owning company by the using company in respect of such traffic.

Application of existing agreements with Rhymney Railway Company to new dock.

54. For the purpose of any agreements subsisting between the Company or their predecessors in estate and the Rhymney Railway Company wherever expressions are therein used referring generally to the Bute Docks and Railways the dock and railway by this Act authorised shall be deemed to be included unless the context requires a different construction and Articles 10 and 12 of the agreement of

the twenty-third of December one thousand eight hundred and eighty-one forming Schedule A to the Act of 1882 shall apply to the dock by this Act authorised in addition to the docks therein mentioned.

Abolition of certain running powers.

55. The running powers granted by the Bute Docks Acts 1865 to 1888 or by any other Act to any railway company over so much of Railway No. 3 authorised by the Act of 1882 as may be abandoned under the authority of this Act shall cease.

Company to construct a certain connecting railway and an additional railway.

56. The Company shall before they abandon or interfere with so as to render impassable for traffic the said portion of Railway No. 3 authorised by the Act of 1882 construct on their own property a railway (herein-after called the connecting railway) to connect the railway of the Company leading to the north side of the Roath Basin with Railway No. 1 authorised by the Act of 1882 and shall also construct and open for traffic a line of railway (herein-after called the additional railway) parallel with and in addition to the lines already existing and leading round the northern end of the Roath Dock and the eastern side thereof and the running powers now possessed by any railway company over Railway No. 3 authorised by the Act of 1882 so to be abandoned under the provisions of this Act shall so far as applicable be exerciseable by such railway company over the connecting railway and the additional railway.

VI.—Miscellaneous.

Company not liable for loss by fire &c.

57. The Company shall not under any circumstances or in any case whatever be answerable or accountable for or be liable to make good any loss or damage arising from or in consequence of fire theft storm earthquake tempest civil commotion the act of the Queen's enemies or other inevitable accident or from any other cause not arising from the default or neglect of the Company.

Variation of provisions of agreement as to deposit of ballast.

58. The provision of Article 4 of the agreement forming the First Schedule to the Bute Docks (Transfer) Act 1886 that the Company shall deposit ballast where and in such manner on the lands striped brown on the plan therein referred to as may from time to time be directed by the trustees therein mentioned and the Marquess of Bute shall not extend or be considered as extending so as to give the Company a permanent right to deposit ballast on such land but only a right and obligation so to do so long as the trustees and the Marquess and their respective sequels in title according to the last mentioned agreement and Act of Parliament shall desire it but if such last-mentioned parties or any of them shall at any time or times

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hereafter give notice in writing to the Company requiring them so to do then the Company shall forthwith thereafter and from time to time as often as required deposit such ballast on any part of the land referred to in Article 4 of the Agreement forming the schedule to the Act of 1888 that shall be pointed out by the trustees and the Marquess or their respective sequels in title or agent and shall cease to deposit such ballast on the land so striped brown on such first-mentioned plan unless required in like manner as aforesaid to return to such last-mentioned land for that purpose which the Company shall then forthwith do until again required to use such other land for the purposes last aforesaid.

Repeal of section 27 of Mountain Ash Local Board Act 1886.

59. Section 27 of the Mountain Ash Local Board Act 1886 is hereby repealed.

Power to establish a superannuation fund.

60. The Company may if they think fit establish and maintain a superannuation fund for the benefit of their officers and servants and (if so resolved on) of the widows and children of such persons and in the event of their resolving to establish such fund the directors of the Company shall appoint a committee for the purpose of preparing and shall with the aid of an actuary or such other professional assistance as they may consider necessary prepare a scheme for the establishment of a fund for the payment of superannuation or retiring allowances to the officers and servants of the Company (not being directors) who shall be contributors to such fund and (if so resolved on) of allowances to the widows and children of such contributors and such committee may by a majority of its members determine in and by such scheme the following matters (that is to say):—

What classes of officers and servants of the Company shall be entitled to contribute to and to participate in the benefits of the fund and to what extent such contribution shall be obligatory on the officers and servants of the Company;

What (if anything) shall disqualify any officer or servant of the Company from becoming a contributor to the fund and participating in the benefits thereof;

Under what circumstances any person having been a contributor to the fund shall cease to be entitled to participate in the benefits thereof;

What proportion (if any) of his own contribution to the fund any person having been but ceasing to be a contributor thereto shall be entitled to receive;

What proportion (if any) of the sums contributed by any person to the fund shall be payable to his representatives in the event of his dying before he becomes entitled to a superannuation or retiring allowance;

The age at which or other circumstances under which any person shall become entitled to a superannuation or retiring allowance;

What allowances (if any) and in what circumstances shall be payable to the widows and children respectively of each or any class of contributors;

The scale on which any such allowances shall be calculated and under what (if any) circumstances such scale may from time to time be revised;

The percentages of their salaries and wages which the officers and servants of the Company shall respectively contribute to the fund;

The future management and direction of the fund and the number qualification and mode of appointment or election of the committee in whom such management and direction shall be vested and the remuneration (if any) to be paid out of the fund to the members and officers of such committee;

The manner in which contributors to the fund and others shall have access to the accounts;

The securities on which the moneys received on account of the fund shall from time to time be invested;

And generally all such other matters in relation to the fund as the committee constituted as aforesaid shall deem fit and proper to form part of and to be included in such scheme:

With power for the directors of the Company from time to time to vary or add to the provisions of such scheme but not so as to affect the rights or position of any person who at the time of any variation or addition is a contributor to the fund without the consent of such person.

Scheme to contain certain provisions.

61. Any scheme for the establishment of a superannuation fund under this Act shall contain the following provisions:—

Any contributing member leaving the service of the Company in consequence of reductions or alterations in the establishment or from his services being discontinued by the Company from any cause other than fraud dishonesty or misconduct shall be entitled to receive back from the fund the whole amount of his own contributions with simple interest at the rate of two and a half per centum per annum from the date of such contributions respectively and shall have no further claim on the fund:

But in case of dismissal for misconduct not being fraudulent or dishonest or involving pecuniary loss to the Company the member shall be entitled to receive back from the fund the whole amount of his own contributions with such interest (if any) not exceeding the said rate of two and a half per centum as the Company on

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application to them may think fit to allow having regard to all the circumstances of the case:

Any contributing member retiring from the service of the Company before superannuation bonâ fide of his own accord and not in order to escape dismissal for fraud dishonesty or misconduct shall be entitled to receive back from the fund the amount of his own contributions thereto but without interest and shall have no further claim on the fund:

Any contributing member dismissed the service of the Company for fraud dishonesty or misconduct or retiring in order to escape dismissal for fraud dishonesty or misconduct shall at the discretion of the Company forfeit all or any part of his contributions and lose all benefit from the fund except such return (if any) as may at such discretion be made to him out of his own contributions.

Tables audit and quinquennial valuation.

62. (1.) The tables for any superannuation fund established under this Act shall not be in force until they have been certified by an actuary authorised to certify tables for contributions for annuities under the Friendly Societies Act 1875.

(2.) The accounts of the superannuation fund shall at least once in every year be audited by an independent professional accountant who shall have full opportunity of examining all books and documents relating to the fund and shall report the result of his examination and audit to the committee of management of the fund and to the directors of the Company.

(3.) The Company shall once at least in the five years after the establishment of a superannuation fund under this Act and so again within six months after the expiration of every succeeding period of five years cause the assets and liabilities of such fund to be valued by an actuary authorised to certify tables for contributions for annuities under the Friendly Societies Act 1875 who shall report the result of his valuation to the committee of management of the fund and to the directors of the Company.

Copies of scheme.

63. The Company shall supply a copy of any scheme for the time being in force under this Act at a price not exceeding sixpence to any officer or servant of the Company or to in case of death the representatives of any such officer or servant and shall supply gratuitously to every officer or servant or other person having an interest in the superannuation fund a copy of the last annual balance sheet of the same for the time being and the Company shall keep a copy of the last annual balance sheet of the superannuation fund for the time being with the report of the auditors thereon for the time being and a copy of the last quinquennial valuation for the time

being of the said fund always exhibited in a conspicuous place at the principal office of the Company.

Company exempted from provisions of Life Assurance Acts.

64. Nothing in or done under this Act shall be deemed or construed to render the Company or the fund liable to any of the provisions of the Life Assurance Companies Acts 1870 to 1872 or any Act amending the same.

Saving rights of Corporation of Cardiff.

65. Saving always to the mayor aldermen and burgesses of the county borough of Cardiff all such rates or duties for or in respect of all such ships or other vessels coming into the port of Cardiff as shall enter into or make use of the docks or works constructed under the authority of this Act in as full large ample and beneficial a manner to all intents and purposes as they enjoyed the same before the passing of this Act or could or might have enjoyed the same if this Act had not been passed in respect of vessels coming into the port of Cardiff and entering or using the docks and the works of the Company already made.

Saving rights of the Crown in the foreshore.

66. Nothing contained in this Act shall authorise the 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 and under the management of the Board of Trade 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.

Saving rights under 29 & 30 Vict. c. 62.

67. Nothing in this Act contained 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 21 and 22 of the Crown Lands Act 1866.

Provision as to general Railway Acts.

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

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Interest not to be paid on calls paid up.

69. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

70. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Costs of Act.

71. All costs charges and expenses of and incident to preparing and obtaining this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

Description of Premises whereof part only may be required to be taken.

Parish.	Numbers on Plans deposited with respect to this Act.
Dock Works and Railway.	
Saint Mary Cardiff	6-6 and 7-7

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
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