CHAPTER cxx.

An Act for empowering the Bute Docks Company to extend the Seawalls or Embankments authorised by the Bute Docks Act 1882 and subsequent Acts and to make further provision with respect to the Capital of the Company and for other purposes. [6th July 1895.] A.D. 1895.

WHEREAS the Bute Docks Company (in this Act called "the Company") are empowered under 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") the Bute Docks Act 1888 (in this Act called "the Act of 1888") and the Bute Docks Act 1894 (in this Act called "the Act of 1894") to construct seawalls or embankments 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. 57 & 58 Vict. c. cliv.

And whereas it is expedient to empower the Company to vary and extend the line of the said seawalls or embankments:

And whereas it is expedient to make provisions for the conversion of the existing debenture stock of the Company into debenture stock of another class or description and to enable the Company to raise additional capital:

And whereas under the powers and provisions of the Bute Docks (Transfer) Act 1886 (in this Act called "the Transfer Act") the estate trustees of the late Marquess of Bute hold nine thousand shares in the undertaking of the Company to which a cumulative preferential dividend is attached:

And whereas it is apprehended that the cumulative nature of such preferential dividend may impede the raising of the further capital required for the completion of the dock and seawalls or embankments authorised by the Acts of 1882 1886 1888 1894 and this Act and having regard to the benefit which will result to the persons interested in the trusts administered by the estate trustees

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from the completion of the said dock and other works it is expedient that such preferential dividend be made non-cumulative:

And whereas it is expedient to authorise the Company to acquire for the purposes of their undertaking certain lands and other property belonging or reputed to belong to the present Marquess of Bute or to the estate trustees mentioned in the agreement set forth in the schedule to this Act:

And whereas the said lands and other property to be acquired by the Company under the said agreement are held subject to the limitations of the will of the Most Honourable John Crichton Stuart late Marquess of Bute and Earl of Dumfries (in this Act called "the late Marquess") which will is (so far as material to this Act) recited in the preamble to the Transfer Act:

And whereas James Frederick Dudley Crichton Stuart died on the twenty-fourth day of October one thousand eight hundred and ninety-one leaving his eldest son Patrick James Crichton Stuart him surviving who attained the age of twenty-one years on the sixth day of January one thousand eight hundred and eighty-nine and is now the first tenant in tail of full age under the limitations contained in the will of the late Marquess:

And whereas by an indenture dated the sixth day of October one thousand eight hundred and ninety-three the Most Noble Henry Duke of Norfolk was appointed an estate trustee under the said will in the place of the Honourable Edmund Bernard Talbot commonly called Lord Edmund Bernard Talbot to act jointly with George Edward Sneyd and by another indenture also dated the sixth day of October one thousand eight hundred and ninety-three the said Duke of Norfolk was appointed a term trustee under the said will in the place of the said Lord Edmund Bernard Talbot to act jointly with the Honourable Henry Dudley Ryder and Frederick Pitman:

And whereas the said George Edward Sneyd died on the fourteenth day of January one thousand eight hundred and ninety-four:

And whereas by an indenture dated the twenty-third day of July one thousand eight hundred and ninety-four the said Lord Edmund Bernard Talbot and Henry Dudley Ryder were appointed estate trustees in the place of the said George Edward Sneyd and the Duke of Norfolk and by another indenture also dated the twenty-third day of July one thousand eight hundred and ninety-four the said Lord Edmund Bernard Talbot was appointed a term trustee in the place of the said Duke of Norfolk to act jointly with the said Henry Dudley Ryder and Frederick Pitman:

And whereas the term trustees are now the said Henry Dudley Ryder Frederick Pitman and Lord Edmund Bernard Talbot:

And whereas the estate trustees are now the said Lord Edmund Bernard Talbot and Henry Dudley Ryder:

And whereas the only persons now interested in or entitled to the lands and other property or the preference shares of the Company under the limitations contained in the said will (other than encumbrancers lessees or others whose interests are in no way affected by this Act) down to and including the first tenant in tail of full age are the following (that is to say):—

The said Honourable Henry Dudley Ryder Frederick Pitman and Lord Edmund Bernard Talbot the term trustees;

The said Lord Edmund Bernard Talbot and the Honourable Henry Dudley Ryder the estate trustees;

The present Marquess of Bute who is tenant for life;

The Earl of Dumfries eldest son of the present Marquess of Bute who is the first tenant in tail in remainder and is an infant;

Lord Ninian Crichton Stuart second son of the present Marquess of Bute who is tenant in tail in remainder after the estates aforesaid and is an infant;

Lord Colum Crichton Stuart third son of the present Marquess of Bute who is tenant in tail in remainder after the estates aforesaid and is an infant;

Lady Margaret Crichton Stuart the only daughter of the present Marquess of Bute who is tenant in tail in remainder after the estates aforesaid and is an infant;

Patrick James Crichton Stuart who is tenant in tail in remainder after the estates aforesaid and is the first tenant in tail of full age:

And whereas it is expedient to amend some of the provisions of the Bute Docks Acts 1865 to 1894 and to make such other provisions as this Act contains:

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.

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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 1895.

Incorporation of general Acts.

2. The Lands Clauses Acts (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.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Bute Docks Acts 1865 to 1894 or 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.

Construction of Act.

4. The Bute Docks Acts 1865 to 1894 may be cited together with this Act as the Bute Docks Acts 1865 to 1895 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 by the Act of 1888 and by the Act of 1894 and the Transfer Act and the provisions of the Harbours Docks and Piers Clauses Act 1847 incorporated with those 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 works by this Act authorised and may enter on 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 there-

with as the Company from time to time think fit (that is to say):—

A variation or extension in an easterly direction of the eastern portion of the embankment or seawall authorised by the Act of 1882 as varied by the Act of 1886 and the Act of 1888 commencing at a point on the shore line of the Bristol Channel two hundred and sixty feet or thereabouts measured in a southerly direction from the south-west corner of the outfall basin of the main outfall sewer of the Cardiff Corporation and one thousand seven hundred feet or thereabouts measured in a north-easterly direction from the north-east corner of the Roath Dock of the Company and terminating at a point on the said authorised embankment on the foreshore two thousand three hundred and seventy feet or thereabouts measured in a south-easterly direction from the south-east corner of the said Roath Dock and three thousand feet or thereabouts measured in an easterly direction from the south-west corner of the said Roath Dock.

Power to grant easements.

6. 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.

Restriction on taking houses of labouring class.

7.—(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 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.

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Period for compulsory purchase of lands.

8. 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.

Company to pitch sea face of embankment with stone.

9. The Company shall and they are hereby required to make and at all times maintain the seaward face of the embankment or seawall 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 being carried by the wash of the sea into the entrance channel leading to the Penarth Dock and the Company shall execute such temporary works or take such other efficient means as may be necessary (if any) for preventing any such earth rubbish ballast or other materials from falling or being carried by the wash of the sea into the said entrance channel leading to the Penarth Dock during the construction of the said embankment or seawall and the Company shall also during such construction remove any such earth rubbish ballast or other materials which by reason of the construction of the said embankment or seawall shall fall or be carried by the wash of the sea into the said entrance channel leading to the Penarth Dock.

Limits of lateral and vertical deviation.

10. 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.

11. 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.

Period for completion of works.

12. If the works by this Act authorised are not completed within twenty years from the thirty-first day of July one thousand eight hundred and ninety-four (being the date of the passing of the Act of 1894) 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 except as to so much thereof as is then completed.

Extending period for completion of embank-

13. So much of section 13 of the Act of 1886 and so much of section 15 of the Act of 1888 as limits a period for completion of the seawalls or embankments by the said Acts authorised is hereby

repealed and in lieu thereof the provisions of the immediately preceding section of this Act shall extend and apply to the completion of those seawalls or embankments as well as to the completion of the seawall or embankment by this Act authorised.

ments authorised by Acts of 1886 and 1888.

14. For the protection of the mayor aldermen and burgesses of the county borough of Cardiff (in this section called "the corporation") the following provisions shall have effect (that is to say):—

For the protection of the Corporation of Cardiff.

The works (if any) constructed under this Act which may in any way affect the outfall culvert and watercourse of the Cardiff main outfall sewer shall be constructed and maintained by the Company to the reasonable satisfaction of the corporation;

The corporation may require the said embankment to be faced with stone or other solid material where necessary to prevent any debris from the embankment falling into the said culvert or watercourse;

The Company shall at all times execute all such works and do all such acts and things as may be necessary to secure the said culvert and watercourse respectively from injury or obstruction by reason of the construction and maintenance of the said embankment and shall indemnify and save harmless the corporation from all loss and damage which may arise from any such injury or obstruction And the Company shall at their expense from time to time upon receipt of a notice in writing from the corporation under the hand of the town clerk execute and carry out without delay any such repairs or works which may be necessary for the purposes aforesaid or remove any such obstruction from such culvert and watercourse respectively to the reasonable satisfaction of the borough engineer for the time being of the corporation;

If any difference arise between the Company and the corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by an engineer to be appointed (unless otherwise agreed) on the application of the Company or the corporation by the President of the Institution of Civil Engineers for the time being and the costs of and incidental to the arbitration shall be borne as he shall direct.

15. 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 may from time to time require or approve:

Lights on works.

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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.

Company to exhibit lights.

16. The Company shall at the outer extremity of their works below high-water mark 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.

Power to alter roads &c. temporarily.

17. 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:

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply otherwise than in accordance with the provisions of that section.

Works part of undertaking.

18. The works and property by this Act authorised or to be acquired under this Act shall to and for all intents and purposes (including the periodical payments mentioned in sections 33 37 and 38 of the Transfer Act) be deemed part of the undertaking of the Company.

Power to reclaim land.

19. 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 inclosed within or by any of the seawalls or embankments or other works authorised by this Act.

III.—Capital.

Additional capital.

20. 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 seven hundred and fifty thousand 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.

21. 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.

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

Votes of proprietors of new shares or stock.

23. 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.

24. 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 sub-section (5) of section 5 of the Transfer Act 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.

Power to borrow on mortgage.

25. The Company may from time to time borrow on mortgage of their undertaking (in addition to the sums which they are already authorised to borrow on mortgage) any sums not exceeding in the whole two hundred and fifty thousand pounds and of that sum they may borrow at any time after the issue of the fully paid shares to be issued as herein-after provided in consideration of the transfer of certain lands to the Company any sum not exceeding one hundred

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and twenty-nine thousand pounds but they shall not be entitled to borrow any part of the residue of the sum of two hundred and fifty thousand pounds herein-before authorised to be borrowed until shares for so much of the residue of the share capital of seven hundred and fifty thousand pounds as is to be raised by means of shares are issued and accepted and one half of such 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 capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such 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 additional 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 (and to the extent aforesaid paid up) 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 so far as the said additional capital is raised by means of shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and on 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 shall be sufficient evidence thereof.

Saving for existing mortgages.

26. 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 principal moneys secured by any mortgages granted by virtue of this Act.

Appointment of receiver.

27. Section 45 of the Act of 1894 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.

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.

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

Provisions of Companies Clauses Acts extended to new capital.

29. 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.

30. 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.

31. 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.

Dividends on preference shares not to be cumulative.

32. Section 5 of the Transfer Act is hereby repealed from the words in sub-section (3) "and if in any year" to the end of that sub-section and section 43 of the Act of 1894 (which amends that

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sub-section) is also hereby repealed and for the prevention of any doubt it is hereby declared that notwithstanding such repeal the estate trustees may continue to hold the preference shares in the said sub-section of the Transfer Act mentioned.

Power to agree for conversion or redemption of existing debenture stock.

33.—(1.) The Company may agree with the holder of any portion of the existing debenture stock of the Company for its conversion into new debenture stock or for the redemption of such portion of existing debenture stock in consideration of such sum of money to be paid by the Company as may be agreed Provided that the total interest on any portion of new debenture stock substituted for a portion of the existing debenture stock shall be of an amount equal to but not exceeding the total interest on the portion of existing debenture stock for which it is substituted.

(2.) New debenture stock issued in pursuance of this section to any holder of existing debenture stock shall be registered in his name in the books of the Company and shall be charged and have the same priorities rights and remedies (subject to the provisions of this Act) as the portion of debenture stock for which it is substituted and shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as the portion of debenture stock for which it is substituted and be dealt with disposed of and applied accordingly and so as to give effect to and not to revoke any deed will or other instrument disposing of or affecting the portion of debenture stock for which it is substituted and every such deed will or instrument made before the passing of this Act and disposing of or affecting any existing debenture stock shall take effect with reference to the whole or a proportionate part as the case may be of the substituted debenture stock.

(3.) Trustees executors administrators and other incapacitated persons may accept such new debenture stock in substitution for existing debenture stock and may retain dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained disposed of or otherwise dealt with existing debenture stock.

(4.) Existing debenture stock redeemed by the Company under this section shall by virtue of this Act be thereupon extinguished but the Company may in lieu thereof issue a corresponding amount of new debenture stock.

(5.) The certificates for any existing debenture stock for which new debenture stock is substituted shall before the issue of such last-mentioned stock be delivered up to the Company to be and shall be cancelled and certificates for new debenture stock shall be issued gratis in exchange therefor by the Company to the holders of

existing debenture stock If any certificate for any existing debenture stock be lost or destroyed then upon proof thereof to the reasonable satisfaction of the Company a certificate for new debenture stock shall be given to the party entitled to the certificate so lost or destroyed.

(6.) The Company may if they see fit prepare a scheme or schemes for giving effect to this section and any such scheme if assented to by three-fourths in value of the holders of existing debenture stock shall be binding on all the holders of that stock and shall be carried into effect accordingly.

(7.) The Company may create and issue such amount of new debenture stock as may be required for giving effect to this section:

Provided that the nominal amount of new stock issued under this section shall not be deemed to exceed the nominal amount of the stock for which it is substituted so as in any way to limit or affect the borrowing powers of the Company.

IV.—Lands &c.

Confirmation of agreement for transfer of certain lands.

34. On and from the thirty-first day of December one thousand eight hundred and ninety-five the lands easements and other property agreed to be transferred to the Company by the agreement dated the fourteenth day of December one thousand eight hundred and ninety-four and made between Lord Edmund Bernard Talbot and the Honourable Henry Dudley Ryder of the first part the said Henry Dudley Ryder and Lord Edmund Bernard Talbot and Frederick Pitman of the second part the Marquess of Bute of the third part and the Company of the fourth part shall in consideration of the creation and issue of the shares herein-after mentioned be by virtue of this Act transferred to and vested in the Company for all the estate rights and interests therein of the transferors and the said agreement as set out in the schedule to this Act is hereby confirmed and made binding on the parties thereto:

Provided that this section shall not apply to any lands which may in pursuance of the powers in that behalf contained in the said agreement be agreed before the thirty-first day of December one thousand eight hundred and ninety-five to be excepted from the transfer and from the provisions of the said agreement:

The Company shall within three months after the vesting period produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printers and duly stamped with an ad valorem stamp duty of the same amount as would have been payable if the transfer to the Company had been by deed of conveyance for the consideration in the next following section of this Act mentioned and if such copy of this Act shall not be so produced as aforesaid

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the said ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the vesting period to the date of payment of such stamp duty shall be a debt due to Her Majesty and be recoverable accordingly from the Company with full costs of suit and all costs and charges attending the same.

Consideration for transfer of lands.

35. The consideration for the transfer of the lands and other property comprised in the said agreement shall be the issue to the estate trustees of fully paid ordinary shares to the nomina amount of three hundred and eighty-seven thousand nine hundred pounds all which shares the Company shall as soon as may be after the passing of this Act create and issue as fully paid accordingly as part of the additional capital authorised by this Act:

Provided that in the event of the parties to the said agreement agreeing before the thirty-first day of December one thousand eight hundred and ninety-five to except any lands from the transfer and from the provisions of the said agreement then the consideration for the transfer shall be diminished to such extent and in such manner as shall be agreed between the parties to the said agreement or as in default of agreement shall be settled by arbitration in accordance with the provisions of the said agreement and the obligation on the Company to create and issue shares shall be correspondingly reduced.

Issue of additional shares to trustees in certain events.

36. If the dock authorised by the Act of 1894 shall not be opened for traffic within eight years from the passing of this Act the Company shall on the expiration of that period create and issue to the estate trustees fully paid ordinary shares to the nominal amount of one hundred thousand pounds in addition to the shares to be issued to the estate trustees under the foregoing provisions of this Act.

Power for trustees to accept shares on sale of lands and to hold shares.

37. It shall be lawful for the estate trustees to accept and hold shares of the Company as the consideration or part of the consideration payable by the Company on the acquisition from them of any lands under the powers of section 50 of the Transfer Act or any other power enabling the Company or the estate trustees in that behalf and to hold any other shares authorised by Parliament to be issued to them.

Trusts of shares in hands of trustees.

38. The estate trustees shall stand possessed of the shares which the Company is by this Act directed to issue to the estate trustees and of any other shares issued to them under the provisions of the immediately preceding section upon the same trusts and in the same manner in all respects as if such shares had been investments arising from proceeds of sale of hereditaments comprised in the term of one thousand five hundred years under the power of sale given to the

estate trustees under the will of the late Marquess of Bute or as if such shares had been capital moneys arising under the Settled Lands Acts 1882 to 1890 Provided that the said shares whether preference or ordinary shall for the purpose of enabling the estate trustees to hold and deal with the same be deemed to be an investment of such proceeds of sale.

As to user of a certain road.

39. The right of access to a certain road and the right of way over the said road which rights were reserved by section 53 of the Act of 1882 to the trustees of the Marquess of Bute in the said Act described shall not be deemed to have been included in the transfer of the docks undertaking to the Company effected by the Transfer Act and notwithstanding anything in that Act the said rights shall continue to be exerciseable by the persons who would have been entitled to exercise the same if the Transfer Act had not been passed.

As to application of proceeds of sale of lands.

40. Whereas by sections 33 and 38 of the Transfer Act the Marquess of Bute and the estate trustees are entitled to certain periodical payments therein mentioned and inter alia to one half of the net rent of the lands warehouses buildings or property comprised in the transfer of the docks undertaking and any extension of or addition thereto And whereas by section 48 of that Act it is provided that the Company may from time to time sell or exchange any of the lands of the Company not required for the purposes of the docks but no provision was made as to the division of the proceeds of such sale Therefore it is hereby enacted that one half of the net proceeds of sale of any lands which were either comprised in the transfer of the docks undertaking or subsequently acquired by the Company from the Marquess of Bute or from the Marquess of Bute and the estate trustees and which shall be at any time hereafter sold under the powers of section 48 of the Transfer Act or under any other power enabling the Company to sell lands shall notwithstanding anything in that section be paid by the Company to the Marquess of Bute his sequels in estate or assigns.

V.—Miscellaneous.

Application of section 68 of Act of 1865 to tramways &c. on lands acquired by the Company.

41. Section 68 of the Bute Docks Act 1865 (tolls for tramways or railways) shall apply to all tramways or railways belonging to the Company the Marquess of Bute or the trustees of the Marquess of Bute situate or being on any part of any of the lands vested in or to be acquired by the Company under this Act.

Saving rights of the Crown

42. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the

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in the foreshore.

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.

43. 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.

Interest not to be paid on calls paid up.

44. 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.

General saving and persons excepted therefrom.

45. Saving always to the Queen's most Excellent Majesty Her heirs and successors and to all persons and bodies politic and corporate and their respective heirs successors executors and administrators (other than and except the several persons by this Act expressly excepted out of this general saving) all such estate right title interest claim and demand whatsoever of in to or out of the hereditaments devised by the will of the late Marquess and every part thereof as they or any of them had before the passing of this Act.

The following persons are excepted from the general saving in this Act (that is to say):—

(1) The Honourable Henry Dudley Ryder Frederick Pitman and Lord Edmund Bernard Talbot and the trustees for the time being of the trust term;

(2) Lord Edmund Bernard Talbot and the Honourable Henry Dudley Ryder and the estate trustees for the time being;

(3) John Patrick Crichton Stuart Marquess of Bute;

(4) The Honourable John Crichton Stuart commonly called Earl of Dumfries and the heirs of his body;

(5) The Honourable Ninian Edward Crichton Stuart commonly called Lord Ninian Crichton Stuart and the heirs of his body;

(6) The Honourable Colum Edmund Crichton Stuart commonly called Lord Colum Crichton Stuart and the heirs of his body;

(7) The Honourable Margaret Crichton Stuart commonly called Lady Margaret Crichton Stuart and the heirs of her body;

(8) Sons and daughters hereafter to be born of the said John Patrick Crichton Stuart Marquess of Bute and the heirs of their respective bodies;

(9) Patrick James Crichton Stuart and the heirs male of his body;

(10) And all other persons interested under the will of John Crichton Stuart Marquess of Bute;

(11) The heirs of the said John Crichton Stuart Marquess of Bute:

And accordingly the several persons named or designated or described in this section are bound by this Act.

Costs of Act.

46. All costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act shall be paid by the Company.

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SCHEDULE referred to in the foregoing Act.

An Agreement made the fourteenth day of December one thousand eight hundred and ninety-four between the Honourable Edmund Bernard Talbot commonly called Lord Edmund Bernard Talbot of 26 Curzon Street Mayfair in the county of Middlesex and the Honourable Henry Dudley Ryder of 59 Strand in the county of Middlesex of the first part the said Henry Dudley Ryder Lord Edmund Bernard Talbot and Frederick Pitman of 48 Castle Street in the city of Edinburgh writer to the signet of the second part the Most Honourable John Patrick Crichton Stuart Marquess of Bute and Earl of Dumfries K.T. of the third part and the Bute Docks Company (herein-after referred to as "the Company") of the fourth part being supplemental to the Bute Docks Acts 1865 to 1894 and to the agreement dated the fifteenth day of December one thousand eight hundred and eighty-five whereof a copy is set out in the first schedule to the Bute Docks (Transfer) Act 1886 and to the agreement dated the seventeenth day of December one thousand eight hundred and eighty-seven whereof a copy is set out in the schedule to the Bute Docks Act 1888 and to an indenture dated the twenty-eighth day of July one thousand eight hundred and ninety-two made between the said Marquess of Bute of the first part the said Lord Edmund Bernard Talbot and George Edward Sneyd of the second part and the Company of the third part.

Whereas the term trustees under the will of the late Marquess of Bute are now the said Henry Dudley Ryder Lord Edmund Bernard Talbot and Frederick Pitman and the estate trustees are now the said Lord Edmund Bernard Talbot and Henry Dudley Ryder:

And whereas the lands comprised in the undertaking of the Company under the Bute Docks (Transfer) Act 1886 as modified by the said agreement of the seventeenth day of December one thousand eight hundred and eighty-seven and the said indenture of the twenty-eighth day of July one thousand eight hundred and ninety-two and certain purchases effected by the Company are delineated and distinguished by a yellow colour on the plan hereunto annexed:

And whereas the land subject to the provisions of Article 4 of the said agreement of the seventeenth day of December one thousand eight hundred and eighty-seven is delineated and striped yellow on the said plan:

And whereas by the Bute Docks Act 1894 the Company were authorised to construct a new dock upon part of the land striped yellow upon the said plan

with certain embankments for reclaiming further foreshore lands as well as a railway and other works connected therewith the intended position of which proposed dock is so far as is necessary for the purposes of these presents delineated in red on the said plan:

And whereas by the Bute Docks Act 1894 the Company were authorised to purchase and take for the purposes of the works thereby authorised so much of the land striped yellow upon the said plan as is comprised within the limits of deviation shown upon the deposited plans in the said Act referred to and also certain further land of the said Marquess of Bute (being foreshore authorised by the said Act to be embanked and reclaimed) which is delineated and striped blue upon the said plan:

And whereas the said lands striped yellow and striped blue and also the lands coloured pink upon the said plan and the lands herein-after referred to and striped green upon the said plan form part of the settled estates in the county of Glamorgan subject to the limitations of the will of the late Marquess of Bute:

And whereas the said lands coloured pink upon the said plan are in the immediate neighbourhood of the lands comprised in the undertaking of the Company and portions thereof are required by the Company for the purposes of their undertaking and other parts thereof are likely to be so required hereafter:

And whereas certain parts of the said lands coloured pink upon the said plan are comprised in or affected by the lease to the Taff Vale Railway Company and the agreements with the Rhymney Railway Company and with the South Wales Railway Company and their successors the Great Western Railway Company which are referred to in the said agreement whereof a copy is set out in the first schedule to the Bute Docks (Transfer) Act 1886 but under the provisions of that agreement and the said Act the rents and royalties payable by the said railway companies were excepted from the transfer to the company thereby effected:

And whereas the said lease to the Taff Vale Railway Company and the said agreements with the Rhymney Railway Company also comprise or affect certain lands forming part of the estates subject to the limitations of the will of the late Marquess of Bute other than those coloured upon the said plan:

And whereas the remainder of the lands coloured pink upon the said plan except as herein-after mentioned so far as the same have hitherto been let or utilised have been let or used for graving docks and other works and manufactories connected with the docks and the traffic thereat and for lines of railway and other communications which are essential for the due conduct of the traffic at the said docks and for the development and utilisation of the said lands

And whereas by the deposited Bill herein-after referred to the Company are seeking powers to reclaim a further portion of foreshore which is delineated and striped green upon the said plan:

And whereas it would be for the benefit and advantage of the Company as well as of the transferors and their successors in title and of the public that the said lands coloured pink except as herein-after mentioned striped yellow striped blue and striped green respectively on the said plan (which are herein-after sometimes referred to as "the additional lands") should be transferred to and vested in the Company as part of their undertaking and that the right to

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the rents and royalties payable by the Taff Vale Railway Company the Rhymney Railway Company and the Great Western Railway Company under the lease and agreements herein-before referred to should subject as herein-after mentioned be transferred to the Company :

And whereas portions of the additional lands and the railways works and buildings existing thereon are or may be subject to leases tenancies and agreements affecting the same other than the lease and agreements with railway companies herein-before particularly referred to :

And whereas the terms herein-after mentioned have been agreed upon for the transfer of the additional lands to the Company subject to the passing of an Act of Parliament conferring on the parties hereto all the necessary powers :

And whereas a Bill (herein-after called "the deposited Bill") has been or is about to be deposited in accordance with the Standing Orders of Parliament for (amongst other things) the purposes aforesaid :

And whereas the expression "the transferors" as used in this agreement means the parties hereto of the first three parts according to their powers estates and interests under the said will of the late Marquess of Bute or otherwise and as they may be further empowered by the deposited Bill when the same shall pass into law and the expression "the transferors or their successors in title" as herein-after used in reference to any property now subject to the limitations of the said will or to powers or rights hereby reserved or conferred or agreed so to be means the present Marquess of Bute or other the person or persons for the time being entitled under the limitations and powers of the will of the late Marquess to the receipt of the rents and profits of the hereditaments in the county of Glamorgan devised by the said will (other than Cardiff Castle and Cathays Park) and any purchaser or purchasers from him or them respectively :

Now it is hereby agreed (conditionally as herein-after mentioned) as follows :—

1. The transferors shall transfer to the Company on the terms and conditions and for the consideration herein-after mentioned or which may be contained in the deposited Bill when the same passes into law the additional lands except such parts of the said lands coloured pink as are situate to the west of the Glamorganshire Canal and marked on the said plan "timber ponds" with all buildings railways tramways sidings works and fixtures of the transferors upon the same as the same shall exist on the thirty-first day of December one thousand eight hundred and ninety-five (herein-after called "the date of transfer").

2. The said transfer shall be subject to all leases tenancies and agreements affecting the said additional lands or any railways works or buildings thereon at the date of the transfer but with the benefit (subject to the provisions of the Bute Docks Acts and of the deposited Bill when passed into law as to periodical payments) of all rents royalties and payments reserved or made payable or agreed to be reserved or made payable to the lessor or lessors under or by any such lease or agreement and of the covenants by the lessee or tenant in any such lease or agreement contained or agreed or intended so to be.

3. The said transfer shall also be subject to all obligations and liabilities and with the benefit of all easements advantages and rights legally annexed to or affecting the said additional lands at the date of transfer and the Company shall take over and fulfil all obligations and liabilities of the transferors in respect of the additional lands or any current contracts or agreements affecting

the same as existing at the date of transfer and shall indemnify the transferors against all obligations and liabilities so taken over.

4. Notwithstanding anything in this agreement contained the additional lands shall and may be let leased and managed and dealt with by the transferors up to the date of transfer as if this agreement had not been entered into but if any part thereof shall be sold before the date of transfer one-half part of the consideration money received upon any such sale shall at the date of transfer be paid over to the Company.

5. Up to the date of transfer all rents and payments in the nature of rent payable or receivable in respect of the additional lands shall be received and all outgoings in respect thereof shall be discharged by the transferors and all proper and necessary apportionments shall be made in order to give full effect to this provision.

6. Notwithstanding the transfer of the said additional lands to the Company it shall be lawful for the transferors or their successors in title from time to time to continue to enjoy and use or to continue or to grant to any lessees or occupiers of any of the lands subject to the limitations of the will of the late Marquess of Bute or to any other persons any easements wayleaves or facilities of access or communication over or with any roads railways or other works comprised or to be comprised in the undertaking of the Company including the use of or right to construct and maintain drains pipes and watercourses and means of telegraphic telephonic or other communication over or under the said additional lands and any other like privileges in connexion with the undertaking of the Company.

7. If at any time before the thirty-first day of December one thousand eight hundred and ninety-five it shall be agreed between the parties hereto to except any of the additional lands from the transfer and from the provisions of this agreement then those lands shall be excepted accordingly and the consideration for the transfer contained in the deposited Bill shall be altered in accordance with such provisions in that behalf as shall be made by the said Bill when it passes into law.

8. Inasmuch as certain parts of the lands comprised in the lease to the Taff Vale Railway Company herein-before referred to and certain parts of the lands which under the said agreements with the Rhymney Railway Company will be leased to that company are not included in the said additional lands and are not intended to be transferred to or vested in the Company it is hereby declared that from and after the date of transfer the whole of the rents payable under the said lease and agreements respectively shall be paid by the said respective railway companies to the Company and the Company shall pay to the transferors or their successors in title the following portions of the said rents respectively that is to say twenty-five pounds per annum part of the rent payable by the Taff Vale Railway Company and one thousand one hundred pounds per annum part of the rent payable by the Rhymney Railway Company the remainder of the said rents being deemed to be subject to the provisions of the Bute Docks Acts and of the deposited Bill when passed into law as to periodical payments.

9.—(1.) Any difference dispute or question touching any of the foregoing provisions of this agreement or anything to be done thereunder shall be referred to Sir William Thomas Lewis as sole arbitrator or failing him to some person

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as sole arbitrator to be chosen by the parties hereto or to be named on the application of either party to the dispute by the Attorney-General for the time being.

(2.) In the event of the death or incapacity to act of any arbitrator some person shall be chosen by the parties to the dispute or named on the application of either party to the dispute by the Attorney-General for the time being to fill the vacancy.

(3.) The authority of the arbitrator shall extend to the settlement and the determination by him on such terms and in such manner as he in his absolute discretion thinks most just and fit of the difference dispute or questions referred to him and also of all such matters and questions as are in his judgment incident thereto or consequent thereon to the end that his award or awards may effect a final settlement.

(4.) The arbitrator shall have power to decide upon and award as to the costs of the reference and award and to direct any costs to be taxed and to appoint any accountant engineer or other person to ascertain for him any specific facts or to make any calculation or estimates.

10. Inasmuch as a large tract of foreshore or land lying to the south-westward and south-eastward of the existing undertaking of the Company and of the lands hereby agreed to be transferred to them is part of the estate subject to the limitations of the will of the late Marquess of Bute there shall be deemed to be reserved to the transferors or their successors in title and their lessees tenants and others with their permission or authority over the lands of the Company whether already vested in them or hereby agreed to be transferred good and sufficient rights of way and access for all purposes whatsoever and with or without vehicles horses and other animals locomotives railway waggons or carriages and other means of transport to the said land and every part thereof and the Company shall at all times after any land belonging to or hereby agreed to be transferred to them and adjoining the said land shall have been reclaimed afford to the transferors or their successors in title and such other persons as aforesaid such means of access including the construction and maintenance at the cost of the Company of all such roads and railways as may be necessary for that purpose and as may reasonably be required by the transferors or their successors in title and the Company shall at all times permit the transferors or their successors in title and all persons authorised or permitted by them to run over and use with their engines waggons carriages officers and servants free of toll all such railways of the Company and all such works means of communication stations water supply and appliances of the Company as may be necessary or convenient to be used for the purpose of conveying traffic of any description (including earth refuse or other materials for filling up or reclamation) to or from the said land or if so required by the transferors or their successors in title the Company shall themselves convey such traffic over such railways and over any railways to be formed on the said land and provide the locomotive power for the purpose without making any charge other than for locomotive power for which there may be charged reasonable rates not being higher than the lowest rates which shall for the time being be charged by them to any other person or persons for locomotive power for traffic of a like description and it shall be lawful for the said transferors or their successors in title to form in a reasonable and proper

manner junctions and communications between the railways of the Company leading to or near to the said lands and any railways which may be constructed upon the said lands If any difference or dispute shall arise as to any matters provided for by this article the same shall be settled by arbitration in accordance with the provisions of the Arbitration Act 1889 or any statutory modification thereof for the time being in force.

11. The obligations of the parties hereto under the foregoing clauses of this agreement are conditional on the passing of an Act of Parliament to confirm this agreement and conferring the necessary powers on the parties hereto and this agreement is subject to such alterations as Parliament may see fit to make therein and it is hereby agreed that the parties hereto shall respectively do all things reasonably in their power to enable such Act of Parliament to be passed as aforesaid.

In witness whereof &c.

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