CHAP. xlix.

An Act to extend the time for completing the works of the Milford Haven Dock and Railway Company; to lease the undertaking; and for other purposes. [20th June 1870.]

A.D. 1870.

WHEREAS the Milford Haven Dock and Railway Company, in this Act called "the Company," were incorporated by "The Milford Haven Dock and Railway Act, 1860" (herein-after called the Act of 1860), with power to make a railway to Newton Noyes, on the north side of Milford Haven, and to form a pier, and to embank, deepen, and alter part of Castle Pill, and to convert the same into a dock, and to dredge and deepen portions of Milford Haven; and by such Act it was provided that the railway thereby authorised should be completed within three years from the passing of that Act, and that after the expiration of ten years from the passing of that Act all the powers thereby granted to the Company for executing the other works thereby authorised should cease to be exercised, except as therein stated: 23 & 24 Vict. c. clvi.

And whereas by "The Milford Haven Dock and Railway Act, 1863," in this Act called "the Act of 1863," the time limited for the compulsory purchase of lands was extended for one year, and the time limited for the completion of the railway authorised by the Act of 1860 was extended for three years from the passing of the Act of 1863: 26 & 27 Vict. c. clxiii.

And whereas by "The Milford Haven Dock and Railway Amendment Act, 1867," the powers for the completion of the said railway were revived, and the time for the completion thereof extended for three years from the passing of that Act: 30 & 31 Vict. c. vi.

And whereas the Company have since constructed the said railway and pier respectively authorised by the Act of 1860:

And whereas it is expedient that the period limited for the completion of the dock and other works authorised by the Act of 1860 should be extended, and the recited Acts amended:

A.D.1870.

And whereas it is expedient that the Company be authorised to enter into agreements as herein-after mentioned, for the management of the traffic of the Company's undertaking, and to lease the undertaking, or any part thereof, subject as herein-after mentioned, and that the further powers herein-after contained be granted to the Company:

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

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

Short title.

1. This Act may for all purposes be cited as "The Milford Haven Dock and Railway Act, 1870."

8 & 9 Vict. c. 20. and 26 & 27 Vict. c. 92. incorporated.

2. The following parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,)

The provisions of "The Railways Clauses Consolidation Act, 1845," "with respect to leasing the Railway:"

Part II. (relating to extension of time) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863."

Interpretation of terms.

3. The several words and expressions to which by the Acts in part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction.

Extension of time for completion of works.

4. The time granted by the Act of 1860 for constructing and completing the dock, and other works incidental thereto or connected therewith, other than the railway and pier authorised by that Act, shall be extended until the expiration of ten years from the passing of this Act.

On expiration of time limited for completion of works, powers to cease.

5. If the dock and other works, authorised by the Act of 1860, shall not be completed within the period limited by this Act for the construction and execution thereof, then, on the expiration of such period, the powers of the Company for making and completing those works or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same respectively as shall then be executed or completed: Provided always, that the Company may do all acts after the expiration of the said period of ten years which shall be necessary for maintaining a proper and sufficient depth of water within the limits of the Act of 1860.

Power to enter into agreements for management of undertaking.

6. The Company on the one hand, and George Bower, Alfred Beeston, John Morton Toler, and James A. Eaton, or any of them, on the other hand, may from time to time enter into and carry into effect contracts, agreements, or arrangements in relation to or for the carrying on or management of the traffic of the Company's undertaking or any part thereof.

Power to lease the undertaking.

7. The Company, with the sanction of at least three fifths of the votes of their shareholders voting in person or by proxy, at a general meeting specially convened with notice of the object, may from time to time demise and lease their undertaking, or any part thereof, for such term not exceeding fourteen years from the date of such lease, to the said George Bower, Alfred Beeston, John Morton Toler, and James A. Eaton, or any of them, and such lease may be subject to such yearly or other rents or payments, and with, under, and subject to such conditions, provisions, and stipulations as have been or shall be agreed upon between the Company and the said George Bower, Alfred Beeston, John Morton Toler, and James A. Eaton, or any of them, including a condition that such lease shall not be assigned without the license of the Company: Provided always, that such lease shall not have any operation or effect unless and until the same shall have been approved by the Board of Trade.

Evidence of consent of shareholders to lease.

8. The seal of the Company affixed to such lease, or the counterpart thereof, shall be primâ facie evidence that the required sanction of the shareholders of the Company has been duly given to such lease.

Rates for the shipment of coal, use of wharves, cranes, &c.

9. Section 55 of the Act of 1860 is hereby repealed, and in lieu thereof be it enacted, that when and so soon as any such certificate as in that Act mentioned shall have been obtained, the Company (in addition to the other sums they are by any other section of that Act and this Act empowered to demand) may demand, receive, and take—

For the shipment by the Company of coals, coke, or culm, by means of drops or staiths, shipping machines, or other machinery constructed or provided, or to be constructed or provided, under the authority of that Act and this Act, during the period of fourteen years from the passing of this Act, any sum not exceeding fivepence per ton; and, after the expiration of such fourteen years, any sum not exceeding twopence per ton:

For the weighing by the Company of coals, coke, or culm, including the use of weighing machines constructed or provided, or to be constructed or provided, under the authority of the Act of 1860 and this Act, any sum not exceeding one farthing per ton:

A.D. 1870.

For the use of staiths, drops, slips, ways, cranes, weighing or shipping machines, or other machinery or apparatus constructed or provided, or to be constructed or provided, under the authority of the Act of 1860, and this Act, and also for the use of the wharves of the Company (where the same shall be occupied for a longer period than forty-eight hours), and also for the landing, shipping, or moving by the Company of all goods, wares, merchandise, or other commodities, except coals, coke, or culm, and of animals, cattle, and other things, and also for and in respect of the warehousing and safe custody of any goods, wares, merchandise, or other commodities which shall be warehoused or deposited with or in custody of the Company, and also for and in respect of any other machinery, accommodation, or services provided or rendered by the Company, such rates or sums of money as may from time to time be agreed upon or as may be usual and reasonable: Provided, that such rates or sums of money be at all times charged equally to all persons in respect of the same description of vessels, and the same description of goods, and the same description of machinery, accommodation, or services.

Tonnage rates on steam vessels coaling at pier.

10. The Company may charge for steam vessels lying at or using the Company's pier at Newton Noyes, for the purpose of taking coal or coke on board as stores only, and not as cargo, tonnage rates not exceeding twice the amount of the respective rates specified in classes 1 to 5 in schedule (A.) to the Act of 1860, and such rates respectively shall be payable, whether such vessels be with cargo or not, and shall be payable according to their ports or places of destination, the same as if they had entered from such ports or places, as specified in classes 1 to 5 of the said schedule (A.)

Further tonnage rates for vessels remaining at the pier longer than twenty-four hours.

11. If any vessel lying at or using the pier, whether the same vessel shall previously have paid or been liable to pay tonnage rates and other rates and charges or not, shall remain at the pier for any longer space of time than twenty-four hours, the Company may demand for every such vessel a further rate of twopence per ton for every three hours, and so on in proportion for every subsequent three hours during which any such vessel shall remain as aforesaid beyond the said period of twenty-four hours, in addition to the tonnage rates and other rates and charges payable by virtue of the Act of 1860 and this Act.

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

12. The Company shall not, out of any money by any Act relating to the Company authorised to be raised, pay or deposit any money 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 railway, or to execute any other work or undertaking.

Railways not exempt from provisions of present and future general Acts.

13. Nothing in this Act contained shall be deemed or construed to exempt the railway from the provisions of any general Act relating to railways, or the better and 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, or of the rates for small parcels authorised by the Act of 1860 and by this Act.

Expenses of Act.

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

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