



CHAPTER xlix.

An Act to authorise the Bristol Port and Channel Dock Company to make a new Entrance into their Dock, and to confer further powers upon them. A.D. 1880.
—
[9th July 1880.]

WHEREAS by the Bristol Port and Channel Dock Act, 1864, (in this Act called "the Act of 1864,") the Bristol Port and Channel Dock Company (in this Act called "the Company") were incorporated for the purpose of making and maintaining a dock or basin, and other works connected therewith, (in this Act called "the dock,") at or near the mouth of the river Avon on the Gloucestershire side of that river, and were empowered to raise by shares two hundred and ninety-five thousand pounds, and by borrowing on mortgage ninety-eight thousand three hundred pounds, which last-mentioned sum by the Bristol Port and Channel Dock Act, 1871, (in this Act called "the Act of 1871,") the Company were authorised to raise by debenture stock :

27 & 28 Vict.
c. cexli.

34 & 35 Vict.
c. clvi.

And whereas by the Bristol Port and Channel Dock Act, 1872, the Company were empowered to alter the entrance lock to their dock or basin, and to divide shares of their capital into preferred and deferred half-shares :

35 & 36 Vict.
c. clxii.

And whereas by the Bristol Port and Channel Dock Act, 1875, (in this Act called "the Act of 1875,") the Company were empowered to raise further capital not exceeding one hundred and fifty thousand pounds, either as part of their general capital or as a separate "warehouse capital," and to borrow further sums not exceeding fifty thousand pounds on mortgage :

38 & 39 Vict.
c. xxxv.

And whereas by the Bristol Port and Channel Dock Act, 1877, (in this Act called "the Act of 1877,") the Company were authorised to make and maintain a graving dock, and piers and works and conveniences connected therewith, and to raise additional capital not exceeding one hundred thousand pounds, either as part of their general capital or as "graving dock capital," and to borrow not

40 & 41 Vict.
c. lxxv.

A.D. 1880. — exceeding thirty-three thousand three hundred pounds in respect thereof; and by the same Act the Company were empowered (section 5) to raise for the general purposes of their undertaking further sums not exceeding thirty thousand pounds, by borrowing on mortgage of their general undertaking, or by the creation and issue of debenture stock, or by the creation and issue of new preference or new ordinary shares or stock in their general capital:

And whereas the Company under the powers of the Act of 1875 sold to the Bristol Port and Channel Dock Warehouse Company, Limited, (in this Act called "the Warehouse Company,") certain lands as and for a site for the erection of warehouses, depôts, and other buildings and conveniences, and an agreement bearing date the thirtieth day of September one thousand eight hundred and seventy-five was entered into between the Company and the Warehouse Company (herein-after referred to as "the two Companies") whereby, amongst other things, the Company guaranteed interest or dividend upon the capital not exceeding two hundred thousand pounds, to be expended by the Warehouse Company for the purposes therein mentioned, at the rate of six pounds per centum per annum:

41 & 42 Vict.
c. lix.

And whereas by the Bristol Port and Channel Dock Act, 1878, (in this Act called "the Act of 1878,") all the powers conferred upon the Company of raising money by shares, stock, debenture stock, or borrowing by the Acts of 1875 and 1877, except the powers conferred by the fifth section of the Act of 1877, were extinguished, and the Company were empowered to create debenture stock A. to the amount of one hundred and fifty thousand pounds, and such further amount as should or might be required for the purposes of a sale and transfer of the undertaking of the Warehouse Company to or its amalgamation with the undertaking of the Company (which sale and transfer or amalgamation were authorised by the now reciting Act), and debenture stock B. to be created only in the event of the undertaking of the Warehouse Company being sold or transferred or amalgamated as aforesaid:

And whereas the powers contained in the Act of 1878 for the sale or transfer of the undertaking of the Warehouse Company to or its amalgamation with the undertaking of the Company have not been exercised:

And whereas the Company have created and issued shares to the full amount of two hundred and ninety-five thousand pounds authorised by the Act of 1864, and the same have been fully paid up except in respect of eighty-two shares which have been declared forfeited by the Company for nonpayment of calls, and they have also raised by debenture stock under the powers of the Acts of 1864

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and 1871 ninety-three thousand three hundred pounds, being the full amount authorised to be borrowed by the Act of 1864 less five thousand pounds, their borrowing powers for which sum have been extinguished by reason of the granting of rentcharges under that Act: A.D. 1880

And whereas the Company under the powers of section 5 of the Act of 1877 have issued twenty-five thousand eight hundred and forty pounds (part of the sum of thirty thousand pounds therein mentioned) by debenture stock; and under the powers of the Act of 1878 have created the whole of the debenture stock A., and have issued of that stock eighty-nine thousand nine hundred and seventeen pounds, but have not created any debenture stock B.:

And whereas the Company are desirous and it is expedient that they be authorised to make a new lock and cut from their dock into Broad Pill in the river Avon:

And whereas it is expedient that powers be conferred upon the Company with respect to leasing or granting the use of warehouses, buildings, wharves, yards, cranes, machines, conveniences, and lands which they may acquire by sale or transfer from or amalgamation with the Warehouse Company:

And whereas it is expedient that the Company be empowered to raise further money for the purposes by this Act authorised, and also for the general purposes of their undertaking:

And whereas plans and sections of the new lock and cut by this Act authorised, the plan showing also the lands to be taken for that purpose, and plans of the additional lands which the Company are by this Act authorised to purchase and acquire, with a book of reference to such plans respectively, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of such lands respectively, were duly deposited with the clerks of the peace for the county of Gloucester and for the city and county of Bristol, and are herein-after referred to as the deposited plans, sections, and book of reference:

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

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

1. This Act may be cited for all purposes as the Bristol Port and Channel Dock Act, 1880. Short title.

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Incorporation of
general Acts.
26 & 27 Vict.
c. 118.
32 & 33 Vict.
c. 48.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
10 & 11 Vict.
c. 27.

Interpretation of terms.

Power to
make works,
&c.

Power to
make subsidiary
works.

Period for
compulsory
purchase of
lands.

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

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

4. Subject to the provisions of this Act, the Company may make and maintain, in the situation and lines and according to the levels shown on the deposited plans and sections, the lock and cut hereinafter described, and may enter upon, take, and use all or any of the lands delineated on the said plans and described in the deposited book of reference, which may be required for that purpose or for the general purposes of their undertaking. The lock and cut hereinafter referred to and authorised by this Act will be situate in the county of Gloucester and the city and county of Bristol, and are—

A lock and cut from the existing dock of the Company into Broad Pill, to commence at or near the southern corner of the said dock, and to terminate in Broad Pill at or near its junction with the river Avon.

5. In connexion with or for the purposes of the lock and cut by this Act authorised, the Company may from time to time make and maintain all necessary and convenient gates, sluices, channels, piers, jetties, wharves, wharf walls, shipping and landing-places, sheds, tramways, cranes, drops, dolphins, mooring posts, buoys, beacons, lights, and other works, buildings, and conveniences.

6. The powers of the Company for the compulsory purchase of lands, tenements, and hereditaments under this Act shall not be

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exercised after the expiration of three years from the passing of this Act. A.D. 1880.

7. It shall be lawful for the Company in constructing the works by this Act authorised to deviate from the lines thereof respectively delineated on the deposited plans, provided that no such deviation shall be made beyond the limits of deviation delineated upon the said plans, and that no such deviation be made even within those limits of deviation so as to diminish the navigable space of the river Avon or of Broad Pill, without the previous consent of the Board of Trade, or otherwise than in such manner as shall be expressly authorised by the Board of Trade.

Limit of
lateral
deviation.

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

Limit of
vertical
deviation.

9. Notwithstanding anything in this Act contained, the Company shall not, without the consent of the mayor, aldermen, and burgesses of the city of Bristol (in this Act called "the corporation") in writing, extend the said lock, cut, and works, or vary the position of the lock entrance into Broad Pill, or take any portion of Broad Pill beyond the red lines shown on a plan signed by the engineers of the corporation and the Company, and of which plan duplicates have been deposited with the town clerk and clerk of the peace of the city of Bristol, and no works authorised by this Act shall extend into the river Avon beyond the limits shown by the dotted red lines on the said plan.

As to con-
struction of
new lock, &c.

10. Previously to commencing to construct any part of the works hereby authorised below high-water mark the Company shall deposit at the Board of Trade plans, sections, and working drawings of such part of such works for the approval of the Board of Trade,

Working
plans to be
submitted to
Board of
Trade.

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A.D. 1880. — such approval to be signified in writing under the hand of one of the Secretaries or Assistant Secretaries of the said Board, and such part of the works shall be constructed only in accordance with such approval; and when any part of such works shall have been commenced or constructed below high-water mark it shall not be lawful for the Company at any time to alter or extend the same without obtaining, previously to making such alteration or extension, the like consent or approval, and if any such part of such works shall be commenced or completed, or be altered or constructed contrary to the provisions of this Act, it shall be lawful for the said Board of Trade to abate, alter, and remove the same, and to restore the site thereof to its former condition at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs of suit.

Board of
Trade may
have survey
at the ex-
pense of the
Company.

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

Lights on
works.

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

Company to
exhibit
lights.

13. The Company shall at the outer extremity of the works by this Act authorised exhibit and keep burning, from sunset to sunrise,

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such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct. A.D. 1880.

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

15. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors. Saving rights of Crown under 29 & 30 Vict. c. 62.

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

17. Nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, alter, or take away any of the rights, privileges, powers, and authorities of the Commissioners of Sewers of the Lower Level of the county of Gloucester by virtue of their commission and the general laws relating to sewers, or otherwise, but such rights, privileges, powers, and authorities of the same commissioners shall remain, continue, and be in full force and effect. Saving rights of Commissioners of Sewers for the Lower Level.

18. All works to be constructed under this Act affecting the watercourses or sea bank now under the jurisdiction of the Commissioners of Sewers for the Lower Level of the county of Gloucester shall, so far as they may affect the same, be executed to the reasonable satisfaction of the said commissioners or their engineer for the time being, and shall for ever afterwards remain under the jurisdiction of the said Commissioners of Sewers. Certain works to be executed to satisfaction of commissioners.

19. If the works by this Act authorised are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for Period for completion of work.

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A.D. 1880. — making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to
take water.

20. The Company may from time to time take and divert into the lock or cut by this Act authorised, and by means thereof into their existing dock and works, water from Broad Pill and from the river Avon.

Power to
dredge, &c.

21. The Company may from time to time enter on and dredge, scour, and cleanse the bed and shore of Broad Pill and of the river Avon at or near the entrance to the lock and cut by this Act authorised, for the purpose of facilitating and improving the access thereto: Provided that if in the opinion of the engineer of the corporation, and in consequence of such dredging and scouring the bed and shore of Broad Pill there shall be formed a deposit or shoal in the bed or channel of the river Avon adjoining Broad Pill, the Company shall from time to time dredge or otherwise remove and take away the said deposit or shoal.

Mud, &c.
not to be
deposited in
rivers Avon
or Severn, &c.

22. Nothing in this Act contained shall empower the Company to deposit any mud or other materials which in the execution, alteration, or maintenance of the works hereby authorised they may dredge out of the lock or cut, or any portion of Broad Pill within any part of the rivers Avon or Severn, or the banks thereof, or in the roadstead of Kingroad, nor shall the Company permit any such mud and materials to be so disposed of as to be again conveyed by the action of the tides or otherwise into the said rivers or roadstead.

Lock masters,
&c.

23. The Company may, in connexion with the lock and cut by this Act authorised, from time to time appoint and remove lock-masters, pier-masters, and other officers and servants.

Limits of
powers of
lock and pier-
masters, &c.

24. The limits within which the powers of any lock-master, pier-master, officers, and servants so appointed may be exercised shall be the lock and cut, and the works and conveniences connected therewith respectively, and so far as may be necessary, to work and use them in an efficient manner over Broad Pill to its junction with the river Avon within the limits shown by the dotted red line on the plan referred to in section 9.

Tolls.

25. It shall be lawful for the Company to demand and take upon or in respect of all ships, boats, barges, and other vessels or craft going into or using the lock and cut, or either of them, and upon or in respect of all ships, vessels, goods, animals, articles, merchandise, or things, and persons using or passing over or frequenting or

resorting to the lock and cut, or either of them, and the works, lands, buildings, and conveniences connected therewith respectively, or any of them, or any part or parts thereof respectively, such and the same tolls, rates, dues, and charges as the Company might from time to time demand and take if the lock and cut, and the said works, lands, buildings, and conveniences, had been authorised by or were acquired, erected, or provided under the powers of the Act of 1864. A.D. 1880.

26. The powers conferred upon the Company by the Act of 1878 of creating debenture stock A. beyond the amount of one hundred and fifty thousand pounds mentioned in section 11 of that Act and of creating debenture stock B. are hereby repealed. Repeal of powers to create debenture stock beyond 150,000*l*.

27. Subject to the provisions of this Act, and of Part III. of the Companies Clauses Act, 1863, as amended as aforesaid, the Company may from time to time create debenture stock of two classes to be called respectively "Debenture Stock B." and "Debenture Stock C.," but, notwithstanding anything contained in Part III. of the Companies Clauses Act, 1863, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages affecting the undertaking, or (as the case may be) the same portion of the undertaking of the Company, at any time after the passing of this Act granted by the Company, and shall have, as regards the undertaking or the portion of undertaking aforesaid, priority over all principal moneys secured by such mortgages. Company authorised to create debenture stocks B. and C.

28. The debenture stock B. shall be of the amount of one hundred thousand pounds, and of such further amount as shall or may be required for the purposes of a sale and transfer of the undertaking of the Warehouse Company to or its amalgamation with the undertaking of the Company under the powers of the Act of 1878. Amount of debenture stock B.

29. There shall not be created of debenture stock B. a greater amount than one hundred thousand pounds, unless the undertaking of the Warehouse Company be sold or transferred to or amalgamated with the undertaking of the Company, and then only such further amount as shall be required for the purposes of such sale or transfer or amalgamation. Amount of debenture stock B. limited under certain conditions.

30. Debenture stock B. shall be entitled to interest at such rate not exceeding six pounds per centum per annum as shall be attached thereto at the time of creation thereof, and shall be a charge upon the whole undertaking of the Company, or (if any debenture stock C. Incidents of stock.

A.D. 1880. — be created under this Act) upon their undertaking exclusive of the warehouse undertaking of the Company as herein-after defined, next after the debenture stock (including debenture stock A.) and mortgages of the Company.

Application
of debenture
stock B.

31. Debenture stock B. to the amount of one hundred thousand pounds and the proceeds thereof shall be applicable and may be applied by the Company for all or any of the purposes to which any money which by any of the Acts relating to them the Company were authorised to raise by shares, stock, debenture stock, or borrowing, was by those Acts or either of them made applicable; and for the purposes of the Act of 1878 and of this Act, and for payment of interest due or to become due up to the thirty-first day of December 1883 in respect of any debenture stock (including debenture stock A.) of the Company already created or issued, and of debenture stock B. to be issued under the powers of this Act. Any debenture stock B. created beyond the said amount of one hundred thousand pounds, or the proceeds thereof, shall be applied only for the purposes of the sale or transfer or amalgamation as aforesaid of the undertaking of the Warehouse Company.

Applying
41 & 42 Vict.
c. lix. ss. 4
and 15 to
27, under
certain
conditions.

32. The provisions of sections 4 and 15 to 27 (both numbers inclusive) of the Act of 1878 shall so far as applicable apply to, and in the case of debenture stock B. and debenture stock C. under this Act, subject to the following provisions:

- (a.) Wherever in those sections debenture stock A. is mentioned the provisions of those sections shall apply and have effect as if debenture stock B. under this Act were mentioned therein instead of debenture stock A.;
- (b.) Wherever in those sections debenture stock B. is mentioned the provisions of those sections shall apply and have effect as if debenture stock C. under this Act were mentioned therein instead of the said debenture stock B.; and
- (c.) Nothing in this section shall limit or affect the operation of sections twenty-three to twenty-seven (both numbers inclusive) of the Act of 1878, except so far as regards the substitution of debenture stock C. under this Act for debenture stock B. under the Act of 1878.

Power to
lease ware-
houses, &c.

33. If the undertaking of the Warehouse Company be sold or transferred to or amalgamated with the undertaking of the Company, the Company may from time to time, notwithstanding anything contained in the Harbours, Docks, and Piers Clauses Act, 1847, lease or grant the use or occupation of any warehouses, buildings,

wharves, yards, cranes, machines, or other conveniences, or any lands forming part respectively of the undertaking of the Warehouse Company so sold, transferred, or amalgamated, for such period or periods, at such rents, and on such terms and conditions as shall be agreed between the Company and the corporations, companies, or persons taking the same. A.D. 1880.

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

35. 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, 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 of the Crown in the fore-shore.

36. Nothing in this Act contained shall invalidate or prejudicially affect any rights, powers, duties, or privileges of the corporation either as conservators of the rivers Avon, Frome, and Severn within the port of Bristol, or in their corporate character of the mayor, aldermen, and burgesses of Bristol, or as the urban sanitary authority, or as the docks committee for the said city, excepting in so far as those rights, powers, duties, or privileges are expressly varied by this Act, nor shall anything in this Act contained invalidate or prejudicially affect any of the powers now vested in or exercised by the corporation as owners of the port and docks of Bristol and conservators of the river Avon, to cleanse, dredge, and scour the floating harbour and docks there or the river Avon. Saving rights of Corporation of Bristol.

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