



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. lxxix.*

An Act to empower the *Briton Ferry* Floating Dock Company to raise Money; and for other Purposes connected with their Undertaking.

[27th July 1857.]

**W**HEREAS by "The *Briton Ferry* Dock and Railway Act, 1851," the *Briton Ferry* Floating Dock Company (hereinafter called "the Company") were incorporated, for the Purpose of making and maintaining the Dock and other Works by that Act authorized, with a Capital of Sixty thousand Pounds, divided into Three thousand Shares of the Amount of Twenty Pounds each, and with Power to borrow on Mortgage or Bond any Sums not exceeding Twenty thousand Pounds: And whereas it was by the said Act provided that the said Dock and other Works should be completed within Seven Years from the passing of that Act, and that on the Expiration of that Period the Powers by that Act and the Acts incorporated therewith given to the Company for constructing the said Dock and other Works should cease to be exercised, except as to so much thereof as should then be completed: And whereas the Company are proceeding with the Execution of their Undertaking, and have expended large Sums of Money thereon, but the same is not yet

14 & 15 Vict.  
c. xlix.

[*Local.*]

13 I

completed,



*Briton Ferry Dock Act, 1857.*16 & 17 Vict.  
c. cxvii.

completed, and it is expedient that the Period by the recited Act limited for the Completion thereof should be extended: And whereas the Capital of the Company, as by the recited Act authorized, is inadequate for the due Completion of their Undertaking, and it is expedient that they should be empowered to raise additional Monies for that Purpose: And whereas no Preference or Priority of Interest or Dividend on any Shares or Stock in the Company has been granted by the Company in pursuance of or been confirmed by any Act of Parliament, nor is any such Preference or Priority otherwise lawfully subsisting: And whereas by the recited Act, after reciting that the making of the intended Docks would be beneficial to the Interests of the *Vale of Neath* Railway Company, that Company was empowered to subscribe towards and become Shareholders in the Undertaking by that Act authorized to the Extent of Twenty thousand Pounds: And whereas the Power so given to the *Vale of Neath* Railway Company has been exercised to the full Extent thereof, and it is expedient that that Company should be empowered to subscribe a further Sum towards the Undertaking of the Company: And whereas by “*The South Wales Mineral Railway Act, 1853,*” the *South Wales Mineral* Railway Company were incorporated, and authorized to make a Railway from *Glyncorrwg* in *Glamorganshire* to the Port and Docks of *Briton Ferry*: And whereas the *South Wales Mineral* Railway Company are deeply interested in the Completion of the Undertaking of the Company, and it is expedient that they should be authorized to subscribe thereto: And whereas it is expedient that the Company should be authorized to purchase and appropriate for the Purposes of their Undertaking and the Works connected therewith certain Lands and Hereditaments in the Parish of *Briton Ferry* in the County of *Glamorgan*, delineated on certain Plans thereof deposited with the Clerk of the Peace for that County in the Month of *November* last: And whereas it is expedient that the Provisions of the recited Act should in some respects be amended or extended: 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.

I. In citing this Act for any Purpose whatsoever, it shall be sufficient to use the Expression “*Briton Ferry Dock Act, 1857.*”

Interpretation of  
Terms.

II. In construing this Act, and also, in connection with this Act, the Acts and Parts of the Acts incorporated with this Act, the Expression “the Special Act” shall mean this Act, the Expressions “the Company” and “the Promoters of the Undertaking” shall respectively mean the *Briton Ferry* Floating Dock Company, the Expressions



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Expressions "the Works" and the "Undertaking" shall respectively mean the Works or Undertaking by the recited Act authorized, and the Expression "the Two Companies" shall mean the *Vale of Neath* Railway Company and the *South Wales Mineral* Railway Company, and the Word "Person" shall include a Corporation Aggregate or Sole, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

III. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall, in this Act and in those Acts or the Portions of those Acts incorporated with this Act, have the respective Meanings so assigned to them, unless other Meanings be assigned to them by this Act, or there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Same Meaning to certain Words in incorporated Acts and this Act.

IV. The Section of the firstly-recited Act numbered XXXIII., limiting the Period for the Completion of the Works, is hereby repealed.

Clause 33. of 14 & 15 Vict. c. xlix. repealed.

V. The Powers by the firstly-recited Act given to the Company for the Execution of the Works may be exercised within Five Years from the passing of this Act, but on the Expiration of that Period those Powers shall cease to be exercised, except as to so much of the Works as shall then be completed.

Extending Time for Completion of Works.

VI. It shall be lawful for the Company to raise (in addition to the Capital of the Company as authorized by the firstly-recited Act) any further Sums, not exceeding in the whole Forty-five thousand Pounds, by the Creation of new Shares in the Undertaking of the Company, of such Amount as will allow the same to be conveniently apportioned or disposed of according to the Resolutions of any ordinary or extraordinary Meeting of the Company.

Power to raise further Monies by Creation of new Shares.

VII. The Company may from Time to Time, with the Consent of Three Fifths at least of the Votes of the Shareholders present personally or by Proxy at any extraordinary Meeting convened for that Purpose, attach to any new Shares or any Class of new Shares created under the Powers of this Act any perpetual, terminable, fixed, variable, contingent, or absolute Preference, Priority, or guaranteed Interest or Dividend, or other Privileges, as to the Company shall seem fit: Provided always, that any preferential, prior, or guaranteed Interest or Dividend created under the Powers of this Act shall not exceed the Rate of Six Pounds *per Centum per Annum* on the Amount for the Time being paid up on the Shares to which the same may be attached.

Certain Privileges may be attached to new Shares.

VIII. Any such new Shares which may be apportioned by the Order of any Meeting among the then Shareholders shall be offered to

New Shares how offered to

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to existing  
Share-  
holders.

to them by Letter under the Hand of the Secretary, given to or sent by Post, addressed to each Shareholder according to his Address in the Register of Shareholders, or left at his usual or last known Place of Abode.

Vesting or  
other Dispo-  
sition of such  
Shares.

IX. Such last-mentioned new Shares shall vest in and belong to the then Shareholders who shall accept the same and pay the Value thereof to the Company at the Time and by the Instalments which shall be fixed by the Directors; and if any then Shareholders for One Month after such Offer of new Shares fail to accept the same, and pay the Instalments called for in respect thereof, the Directors may dispose of the same in such Manner as they may deem most for the Advantage of the Company.

Limit of  
Amount and  
Number of  
Calls.

X. The Amount of any one Call to be made upon the Proprietors of the new Shares created under the Powers of this Act shall not exceed the Rate of Fifteen Pounds *per Centum* on the Amount of such Shares, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any one Year upon any Share, and there shall be an Interval of Three Calendar Months at least between every Two successive Calls.

Dividends of  
new Share-  
holders.

XI. Every Person who becomes entitled to any new Share shall in respect of the same be a Shareholder in the Undertaking, and shall (unless the Rate of Dividend or Interest thereon be before the issuing thereof otherwise fixed by the Company) be entitled to a Dividend with the other Shareholders proportioned to the whole Amount for the Time being paid up on such Share.

Votes, &c.  
for new  
Shares.

XII. All new Shares created under the Powers of this Act of any other Amount than Twenty Pounds each shall confer on the respective Holders thereof Qualifications and Rights of voting in proportion to the aggregate nominal Value of such new Shares held by them respectively, and not in proportion to the Number of or the Amount paid on such new Shares; and for the Purpose of Qualifications and Rights of voting, every entire Sum of Twenty Pounds of such aggregate nominal Value shall be considered as equivalent to One Share of Twenty Pounds in the Capital of the Company.

Receipts for  
Persons  
under Dis-  
ability.

XIII. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot, Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder.

Dividends  
not payable  
until all  
Calls paid.

XIV. No Dividend shall be paid in respect of any Share created under the Powers of this Act until all Calls due in respect of that and every other Share in the Undertaking held by the Person to whom such Dividend may be payable shall have been paid,

XV. The



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XV. The Company may borrow on Mortgage or Bond any additional Sum of Money not exceeding Fifteen thousand Pounds, but no Part of that Sum shall be borrowed until the whole of the additional Capital of the Company herein-before authorized to be raised shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to borrow on Mortgage.

XVI. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages granted by virtue of this Act.

Priority of existing Mortgages.

XVII. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares, or on Mortgage or Bond, shall be applied only to the Purposes by this Act and the said recited Act authorized.

Application of Sums raised under this Act.

XVIII. The Clauses and Provisions of "The Companies Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for the Nonpayment of Calls, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, shall be incorporated with this Act, and shall respectively apply to all Shares created and to all Mortgages and Bonds granted and Monies borrowed by the Company under the Powers of this Act.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated.

XIX. It shall be lawful for each or either of the Two Companies (with the Consent of Three Fifths at least of the Votes of the Proprietors of such Company present personally or by Proxy at some General Meeting of such Company specially convened for the Purpose of authorizing such Subscription) to subscribe towards and become Shareholders in the Undertaking of the Company to any Extent not exceeding, as regards the *Vale of Neath* Railway Company, Ten thousand Pounds, in addition to their Subscriptions under the firstly-recited Act, and as regards the *South Wales Mineral* Railway Company Ten thousand Pounds; and those Companies respectively may pay the Amount of their respective Subscriptions, and the Calls upon their respective Shares, or such Sums as they respectively may think fit to advance to the Company in anticipation of Calls, or any Parts of those Amounts respectively, by and out of any Monies which the Two Companies respectively have raised or are now authorized to raise by Shares or borrowing under the Provisions of any Acts relating to those Companies respectively, and which may not be required for the Purposes of those Acts

Power to other Companies to subscribe and take Shares.



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respectively, and notwithstanding any Restriction of the Application of such Monies in those Acts respectively contained: Provided always, that each or either of the Two Companies may (if they think fit) stipulate and require that the whole or any Part of their Subscription under this Act shall be applied only to or in any specified Portion of the Undertaking of the Company, and may also stipulate and require that Provision shall be made, to the Satisfaction of the Company or Companies making such Stipulation, for the due Application of their Subscription or such Part thereof accordingly.

Each of the Two subscribing Companies may appoint a Person to vote.

XX. Each of the Two Companies, on becoming Shareholders in the Undertaking, or the Directors of such Company, may from Time to Time, so long as such Company continue Shareholders in the said Undertaking under the Powers of this Act, appoint One Person (whether such Person shall hold Shares in the Company or not) to vote, on behalf of the Company appointing him, at any Meetings of the Company, and may from Time to Time revoke any such Appointment, and appoint any other Person in that Behalf; and each Person so for the Time being appointed shall during his Appointment have the same Right of voting at any such Meeting as he would have if he held in his own Right the Shares in the said Undertaking for the Time being held under the Powers of this Act by the Company appointing him, in addition to any Right of voting to which he may be entitled in respect of any Shares actually held by him in his own Right: Provided always, that every such Appointment and Revocation shall be made under the Seal of the Company making the same, or under the Hand of the Chairman for the Time being of the Directors of that Company.

8 & 9 Vict. c. 18. incorporated.

XXI. "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act,

As to Purchase of Lands for Purposes of Undertaking.

XXII. And whereas Plans of certain Lands and Hereditaments required by the Company for the Purposes of their Undertaking, with a Book of Reference to such Plans, were in the Month of *November* last deposited with the Clerk of the Peace for the County of *Glamorgan*: Therefore, subject to the Provisions and Restrictions in this Act, and "The Lands Clauses Consolidation Act, 1845," contained, the Company may enter upon, take, use, and appropriate for the Purposes of their Undertaking the Lands delineated on the said Plans and described in the said Book of Reference, or such Parts of those Lands as they may require for those Purposes.

Not to interfere with Property of South Wales Railway Company without Consent.

XXIII. Notwithstanding anything in this Act contained, it shall not be lawful for the Company to enter upon, take, or use, either temporarily or permanently, any Portion of the Railway, Station, Works, or Property of the *South Wales* Railway Company, without the previous Consent in Writing of that Company being first had and obtained.

XXIV. The

*Briton Ferry Dock Act, 1857.*

XXIV. The Powers of the Company for the compulsory Purchase of those Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

XXV. The Company may from Time to Time lease, for any Term not exceeding Twenty-one Years, in possession and not in reversion, for such Rents and upon such Terms and Conditions as may be agreed upon, any Parts of their Lands, Yards, Buildings, Wharves, Cranes, Machines, or other Conveniences used or required for the Purposes of their Docks or Railways, (but not Lands, Yards, or Buildings not required for those Purposes,) to any Person who may be willing to erect or construct upon any Lands so demised any Buildings, Wharves, Cranes, Machines, or other Conveniences, or who may be willing to rebuild, reconstruct, or substantially improve any Buildings, Wharves, Cranes, Machines, or other Conveniences which, or the Site whereof, shall be included in any such Demise.

Power to facilitate the Construction of Wharves, &c.

XXVI. And whereas the Portion shown on the Plans deposited as in the firstly-recited Act mentioned of the Road numbered on those Plans 6 in the Parish of *Briton Ferry* cannot be continued in use consistently with the Safety of the Public and the Use of the Works of the Company : Therefore, it shall be lawful for the Company at any Time hereafter to stop up and fence off the said Portion of Road, and thereupon all Rights of Way over or along the same shall be and the same are hereby extinguished.

Power to stop up a Road.

XXVII. Provided always, That nothing in this Act contained shall alter, prejudice, or in any Manner affect any Agreement entered into by the Company with any other Company or Person in reference to the Undertaking of the Company.

Not to affect subsisting Agreements.

XXVIII. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be created : Provided always, that the Company may pay to any such Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

No Interest or Dividend to be paid on Calls paid up.

XXIX. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised for the Purpose of such Act or Acts, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company

Deposit for future Bills not to be paid out of Company's Capital,



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Company to construct any Railway, or to execute any other Work or Undertaking.

Board of Trade may appoint an Auditor to examine Accounts.

XXX. If upon Complaint made to the Board of Trade by any Person interested, in Writing under his Hand, it shall appear to the Board of Trade that there is reasonable Ground for believing that the Accounts of the Company relating to their Docks, Dock Dues, or Dock Rates have not been duly kept, or that any Dock Rates or Dock Dues have been improperly or unfairly levied by them, the Board of Trade may appoint an Auditor to examine the Accounts of the Company, and examine into the Matter so complained of, and to report to them thereon; and the Company shall, upon Demand, produce to such Auditor all or any of their Accounts, Books, Papers, Vouchers, Writings, and other Documents relating to their Docks, Dock Rates, and Dock Dues, and afford him all reasonable Facilities for examining and comparing the same; and the Expenses of such Auditor shall be paid, if the Complaint be found to be reasonable, by the Company out of the Dock Rates and Dock Dues which they may for the Time being be authorized to levy, and, if the Complaint be found to be unreasonable, by the Complainant; and in either Case such Expenses may be recovered in any Court of competent Jurisdiction as a Debt due to the Crown.

Reservation of General Acts relating to Docks and Dues.

XXXI. Nothing in this Act contained shall exempt the Docks of the Company, or the Company, from the Provisions of any General Act relating to Docks or Dues on Shipping, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the Dock Rates and Dues by the recited Act authorized.

Railway not exempt from Provisions of present and future General Acts.

XXXII. Nothing herein contained shall be deemed or construed to exempt the Railways by the recited Acts authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present 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 Tolls for small Parcels, authorized by the recited Acts.

Expenses of Act.

XXXIII. The Costs of this Act and incidental thereto shall be paid by the Company.

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