



CHAPTER clxxxv.

An Act for authorising alterations in the design of the authorised Works of the Milford Docks Company; and for other purposes. A.D. 1875.
[2d August 1875.]

WHEREAS by the Milford Docks Act, 1874, the Milford Docks Company are incorporated and are empowered to construct docks and works at Milford on Milford Haven in the estuary or pill called Hubberston Pill, and they have raised share capital but no loan capital, and have begun their works: 37 & 38 Vict.
c. lxxvii.

And whereas the Milford Docks Company are desirous of altering the design of their authorised docks and works; and it is expedient that they be empowered to do so, and to raise further share and loan capital, and that other powers be conferred on them:

And whereas the Company have not exercised their borrowing powers under the Milford Docks Act, 1874:

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

And whereas plans and sections describing lines, situations, and levels of works and delineating lands, and a book of reference to those plans containing the names of the owners or reputed owners, and lessees or reputed lessees, and of the occupiers of those lands, and describing those lands, have been deposited with the clerk of the peace for the county of Pembroke (which respectively are in this Act referred to as the deposited plans, sections, and book of reference):

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

1. This Act may be cited as *The Milford Docks Act, 1875.* Short title.

2. The following enactments (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) Provisions
of certain

[*Local.-185.*]

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general Acts
incorporated.

are hereby incorporated with and shall be part of this Act; (that is to say,)

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; namely,

The construction of the Act and of other Acts to be incorporated therewith;

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 nonpayment 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 borrowed money into capital;

The consolidation of the shares into stock;

The powers of the directors and the powers of the Company to be exercised only in general meeting;

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

Part I. (relating to cancellation and surrender of shares);

Part II. (relating to additional capital); and

Part III. (debenture stock) of the Companies Clauses Act, 1863;

Sections 13, 18, and 19, of the Railways Clauses Act, 1863;

and the word "works" in those sections shall be held to apply to the works authorised by this Act and the Milford Docks Act, 1874.

Alterations
in design of
Company's
works.

3. The Milford Docks Company may make and maintain within the limits of deviation shown on the deposited plans, with power to deviate from lines laid down on those plans to any extent within those limits, but not so as to diminish by any deviation the navigable space without the consent of the Board of Trade, or otherwise than as the Board of Trade approve, works for dock and harbour purposes comprising the following; (that is to say,)

An embankment or wall across the mouth of Hubberston Pill, with an opening or openings therein, and a wet dock or wet docks, and a graving dock or graving docks inside of or near to that embankment or wall;

with all proper locks, gates, walls, quays, landing-places, ways, culverts, wharves, warehouses, buildings, works, and conveniences

connected therewith, and may from time to time improve the same, and may enter on, purchase, take, and use the lands delineated on and described in the deposited plans and book of reference, and the Company shall not make either of the two graving docks or the entrance lock authorised by their Act of 1874. A.D. 1875.

4. The provisions of the Milford Docks Act, 1874, relating to the construction of works shall, except as herein-before provided continue to operate as if this Act had not been passed, and the powers and purposes of this Act shall be deemed to be powers and purposes of that Act, and this Act shall be read and have effect (as far as may be) as one with the Milford Docks Act, 1874; and for that purpose the expression "this Act" in the Milford Docks Act, 1874, shall be deemed to include the present Act, and the Milford Docks Act, 1874, shall be read and have effect as if the works by this Act authorised had been described in and authorised by the Milford Docks Act, 1874. Application of Act of 1874.

5. The Milford Docks Act, 1874, shall operate as if in section eighteen thereof, relating to the number of directors, the word six were substituted for the word five. Number of directors.

6. The Milford Docks Company may raise additional capital not exceeding in the whole one hundred and fifty thousand pounds by the issue at their option of new ordinary or new preference shares or stock, but they shall not create any share of a less amount than ten pounds, nor shall any share vest in any person or body until one fifth of the amount thereof has been paid up thereon. Power to raise additional capital.

7. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act, 1863, but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

8. The Milford Docks Company may from time to time borrow on mortgage any sum not exceeding in the whole one hundred and thirty-three thousand pounds in first and second portions of one half respectively, but no part thereof shall be borrowed until shares in the capital of the Company for two hundred thousand pounds have been issued and accepted, and the sum of one hundred thousand pounds has been paid in respect thereof, and no part of the second portion shall be borrowed until shares in the capital of the Company for a further sum of two hundred thousand pounds have been issued and accepted, and the sum of one hundred thousand Power to borrow on mortgage.

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pounds has been paid in respect thereof; nor shall any part of the two respective portions aforesaid be borrowed until the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for so much of the whole of the portion of capital in respect of which the borrowing power is to be exercised as is to be raised by means of shares 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 same portion of 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 or was issued and accepted and paid up bonâ fide, and are or is held by the persons or corporations to whom the same were or was issued, or their executors, administrators, successors, or assigns, and also if the said capital is raised by shares that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof, and the borrowing power conferred by this section shall supersede that conferred by "The Milford Docks Act, 1874," and sections 12, 13, 14, and 15 of that Act are hereby repealed: Provided that the powers given to the Public Works Loan Commissioners to lend and to the Company to borrow by the "Harbours and Passing Tolls Act, 1861," and the "Harbours Transfer Act, 1862," respectively shall not be restricted or affected by anything in this Act contained; but the Company shall not borrow under the powers of this Act any greater sum than shall, together with the principal moneys for the time being owing by the Company to the Public Works Loan Commissioners, amount to the aggregate sum of £133,000.

Priority of mortgages over other debts.

9. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rent-charge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any

rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

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10. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Application of money raised.

11. The Milford Docks Company may from time to time enter into agreements with the Great Eastern Steamship Company (Limited) or other the owners of the Great Eastern Steamship for the time being for and in respect of the use by the last-mentioned company or owners of the graving dock or graving docks by this Act authorised, and the accommodation to be afforded therein to the same company or owners, and the payments to be made and the conditions to be performed for and in respect of that use and accommodation, and may carry all such agreements into effect.

Power for Company to make agreements with Great Eastern Steamship Company.

12. The Milford Docks Company may erect on such part of their land as from time to time appears convenient near their docks, and may maintain a building suitable for the use of the Commissioners of Her Majesty's Customs as a custom house and for other purposes, and may let the same to those Commissioners at such rent and on such terms and conditions as the Company and the Commissioners from time to time agree on.

Power to build and let custom house.

13. Nothing in this Act contained shall exempt the docks of the Company from the provisions of the Merchant Shipping Acts, or any general Act relating to docks or dues on shipping, or on goods carried in ships, 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 or duties by this Act authorised.

Reservation of Merchant Shipping Acts and general Acts.

14. The costs, charges, and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act shall be paid by the Milford Docks Company.

Expenses of Act.