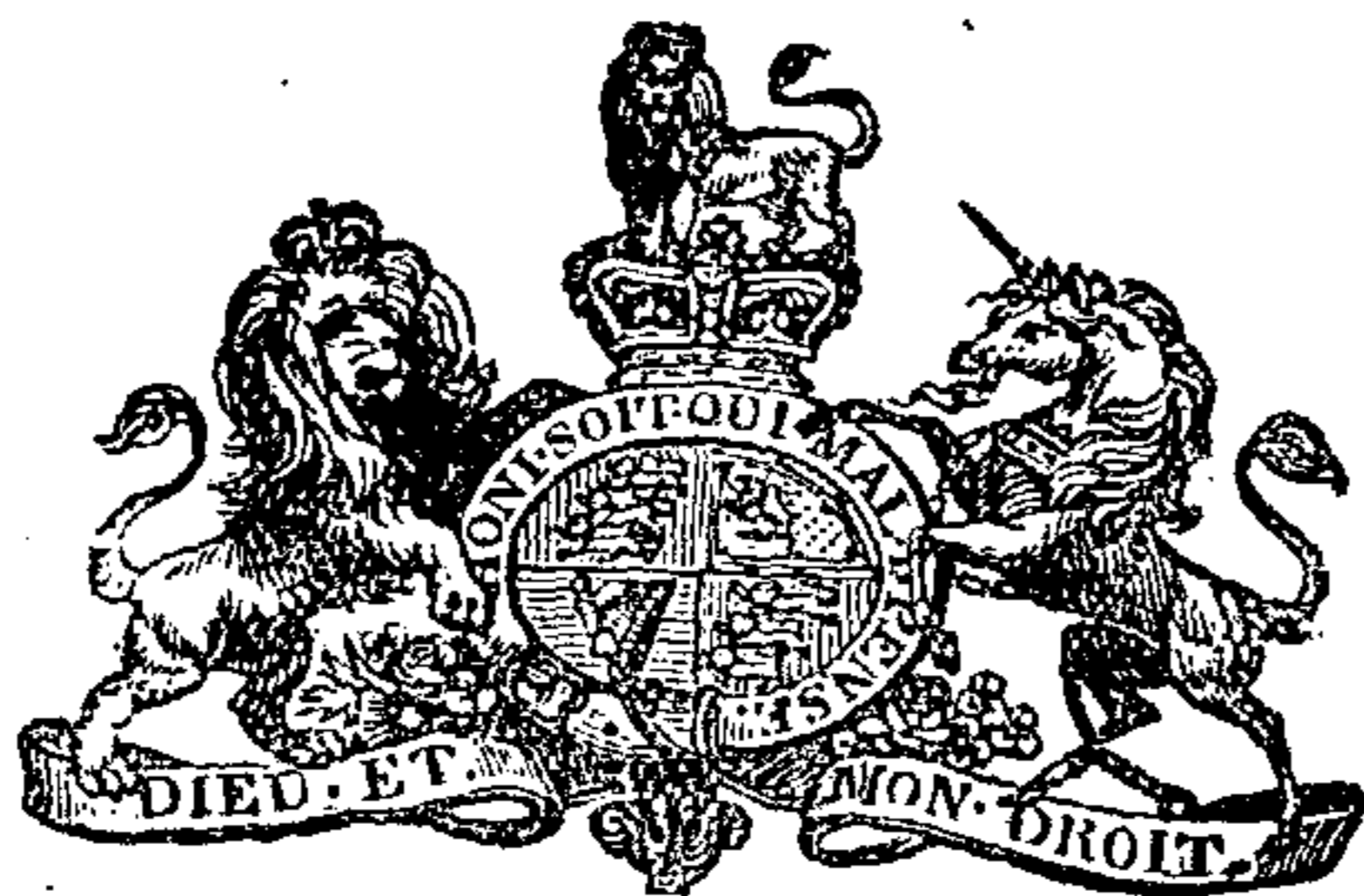


[45 & 46 VICT.] *Alexandra (Newport and South Wales) [Ch. ccli.]*  
*Docks and Railway Act, 1882.*



### CHAPTER ccli.

An Act for empowering the Alexandra (Newport and South Wales) Docks and Railway Company to make a new dock and other works in extension of the Company's works in the borough of Newport in the county of Monmouth and for other purposes. [18th August 1882.]

A.D. 1882.

WHEREAS the making of a new dock and other works in extension of the works of the Alexandra (Newport) Dock Company (in this Act called the Company) on lands situate in the borough of Newport and the parishes of Saint Woollos and Bassalleg in the county of Monmouth to the southward of the Company's now existing dock (in this Act referred to as the Company's North Dock) would be of public and local advantage and the Company is willing to make the same on being empowered to do so and it is expedient that the Company be so empowered accordingly:

And whereas the Company was incorporated by the Alexandra (Newport) Dock Act 1865 (herein-after called the Dock Act of 1865):

28 & 29 Vict.  
c. cclxxvii.

And whereas by an agreement dated the twenty-first day of December one thousand eight hundred and sixty-four and made between the late Lord Tredegar on his own behalf and on behalf of the trustees of his family settlement of the twenty-sixth day of November one thousand eight hundred and forty-four of the one part and certain persons being the promoters of the Bill for the said Dock Act of 1865 of the other part and which agreement was scheduled to and confirmed by the same Act and to and by Lord Tredegar's Estate Act 1865 (and is herein-after referred to as the agreement of 1864) it was agreed that certain lands containing about two hundred acres and forming part of the estates comprised in the said settlement and herein-after called the Tredegar Settled Estates and also certain rights including a limited right to deposit ballast upon an area of about ninety-three acres other part of the same estates should (subject as to certain of the lands to special pro-

28 & 29 Vict.  
c. 5 (*Priv.*)

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A.D. 1882. — visions contained in the said agreement) be conveyed and assured to the Company after the passing of the said Dock Act of 1865 in consideration of a certain perpetual yearly rentcharge made up of a share in the rents of lettings of the lands so to be conveyed and of certain royalties and other payments and the said lands and rights have since been so conveyed and assured accordingly. And it was by the twenty-third article of the said agreement further provided that if the Company should make their North Dock the said late Lord Tredegar and all persons interested in the lands next hereinafter mentioned should at any time within twenty years from the passing of the Dock Act of 1865 convey and assure so much of certain other lands containing an area of two hundred and thirteen acres or thereabouts and being other part of the said Tredegar Settled Estates as the Company should demand for the construction maintenance and working of any further dock which they from the requirements of the trade should find it expedient to construct and also grant to the Company a limited right to deposit ballast upon certain other land also part of the same estates in consideration of corresponding additional rentcharges and tolls to those reserved by the said agreement for the said first-mentioned lands and a contingent further tonnage or rentcharge as in the same article mentioned :

36 & 37 Vict.  
c. cli.

And whereas by the Alexandra (Newport) Dock Act 1873 it was provided that the period of twenty years from the passing of that Act should be substituted for the period of twenty years in the said twenty-third article of the said agreement of 1864 and that if and when the Company by virtue of that article should demand any land that article in conjunction with other provisions of the agreement should be deemed and construed to authorise them to demand as much as they required not only for the construction of such further dock as therein referred to but also for maintaining and working that further dock and for making maintaining and working wharves warehouses quays sidings roads and other works connected therewith and shipyards ballast-grounds buildings offices dwelling-houses roads ways and other conveniences necessary convenient or profitable by reason of the making of that further dock and the works connected therewith and by the same Act other alterations were made in the said agreement of 1864 :

31 & 32 Vict.  
c. lvii.

33 & 34 Vict.  
c. clxi.

37 & 38 Vict.  
c. xc.

And whereas the Company constructed the dock and works authorised by the Dock Act of 1865 as amended by subsequent Dock Acts of 1868 1870 1872 and 1873 :

And whereas by the Alexandra (Newport) Dock Act 1874 (in this Act referred to as the Dock Act of 1874) an agreement dated

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the seventeenth day of December one thousand eight hundred and seventy-three (in this Act referred to as the leasing agreement of 1873) which had been made between the Company and the Newport (Alexandra) Dock Company Limited (in this Act referred to as the limited company) for a lease of the undertaking of the Company to the limited company and a copy whereof with certain alterations was set forth in the schedule to the Dock Act of 1874 and confirmed as so altered the Company was authorised to lease their undertaking to the limited company in accordance with that agreement:

And whereas by a lease dated the sixteenth day of December one thousand eight hundred and seventy-nine made between the Company of the one part and the limited company of the other part in pursuance and execution of the power in that behalf conferred on the Company by the Dock Act of 1874 the Company demised the undertaking of the Company and all powers and authorities exerciseable and enjoyable by the Company for carrying on the undertaking to the limited company from the first day of January one thousand eight hundred and eighty for the term of twenty-eight years on the terms and conditions in that lease contained:

And whereas the Company has created and issued preference shares each of the nominal amount of twenty pounds as follows:—

	Rate of Dividend.	Amount called per Share.	Total called.
		£	£
7,500 1st Preference - -	6	20	150,000
6,000 2nd " - -	8	20	120,000
1,500 3rd " (1st issue) -	8	16	24,000
5,000 3rd " (2nd issue) -	8	4	20,000
			£314,000

And whereas the Company has created and issued ten thousand ordinary shares each of the nominal amount of twenty pounds, and the full amount has been called thereon making two hundred thousand pounds of ordinary share capital and the Company has also issued debentures bearing interest at the rate of four pounds eleven shillings and sixpence per centum per annum to the amount of one hundred and thirty-two thousand pounds:

And whereas subscriptions for the above-mentioned seven thousand five hundred first preference shares amounting to one hundred and fifty thousand pounds were in pursuance of the leasing agree-

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A.D. 1882.          ment of 1873 procured by the limited company and that agreement contained provisions for ascertaining the amount of rents payable by the limited company and their application by the Company in payment of (among other things) interest on the above-mentioned preference capital of one hundred and fifty thousand pounds and on such further preference capital as the Company might thereafter with the authority of Parliament and with the consent under seal of the limited company create and issue and in payment of dividend on the above-mentioned ordinary share capital of two hundred thousand pounds and such further authorised ordinary capital as the Company might thereafter with such consent as aforesaid issue :

And whereas the before-mentioned six thousand second preference shares and six thousand five hundred (first and second issues) third preference shares were created and issued with such consent as aforesaid :

And whereas it is expedient to sanction the conversion of all the existing classes of preference shares into one first preference consolidated stock on the terms and conditions in this Act mentioned and the holders of the seven thousand five hundred first preference shares have respectively signified their consent in writing to such conversion :

And whereas it is also expedient to provide for the conversion into one second preference consolidated stock of the existing ordinary share capital of two hundred thousand pounds and to issue the uncalled balance of eighty thousand pounds on the third preference (second issue) shares as new ordinary shares or stock :

And whereas it is expedient for the purposes of this Act to empower the Company to raise additional capital and to authorise the Pontypridd Caerphilly and Newport Railway Company to subscribe towards the cost of the dock and improvement of the River Ebbw by this Act authorised and to make the other provisions in this Act contained :

And whereas plans and sections showing the lines situations and levels of the intended new dock and other works and the lands which may be taken under the powers of this Act with a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Monmouth and the same are in this Act referred to as the deposited plans sections and book of reference :

And whereas the last-mentioned lands comprise the lands mentioned in the twenty-third article of the agreement of 1864 :

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And whereas the objects of this Act cannot be attained without the authority of Parliament: A.D. 1882.

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 as the Alexandra (Newport and South Wales) Docks and Railway Act 1882. Short title.

2. The following enactments are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):— Incorporation of general Acts.

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say); 8 & 9 Vict. c. 16.

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 the borrowed money into capital;

The consolidation of shares into stock;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

The Companies Clauses Act 1863;

The Harbours Docks and Piers Clauses Act 1847;

The Lands Clauses Consolidation Acts 1845 1860 and 1869;

Provided that the provisions of the Harbours Docks and Piers Clauses Act 1847 respecting lifeboats and a tide or weather gauge shall not apply to the Company or the undertaking unless and until the Board of Trade by notice in writing to the Company so require.

26 & 27 Vict. c.118.  
 10 & 11 Vict. c. 27.  
 8 & 9 Vict. c. 18.  
 23 & 24 Vict. c. 106.  
 32 & 33 Vict. c. 18.

3. In this Act and in the enactments incorporated with this Act the expression "the undertaking" means the undertaking of the Company as authorised by the Company's former Acts and this Act 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. Interpretation.

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Change of name.

4. The name of the Company is hereby changed and the name of the Company shall be the *Alexandra (Newport and South Wales) Docks and Railway Company* (in this Act included in the expression "the Company") and the Company's docks shall be called the *Alexandra (Newport and South Wales) Docks*.

Power to make and execute dock and works.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the dock and work following (that is to say) :--

- (1) A dock with a lock or entrance from the River Usk to the southward of the Company's North Dock (which new dock is in this Act referred to as the Company's South Dock);
- (2) A diversion and straightening of part of the River Ebbw near its mouth (which work is in this Act referred to as the Ebbw improvement);

and subject to the provisions of this Act the Company is hereby further authorised to execute do and maintain the following works and things (that is to say) :--

- (3) To make provide and maintain in connexion with the Company's South Dock and the Ebbw improvement all necessary or convenient locks gates opening and other bridges graving and other docks foundries workshops engineering and other machinery and appliances for building and repairing ships shipping places wharves quays slips jetties landing-places stages rails trams sidings stations platforms ways approaches warehouses sheds buildings cranes hydraulic lifts drops grid-irons moorings buoys dolphins culverts sluices drains and other works and conveniences and to remove all landing-stages mooring posts buoys or other erections and appliances at and near the entrance to the Company's South Dock and the Ebbw improvement;
- (4) To take and divert water from the Rivers Usk and Ebbw into the Company's South Dock and the Ebbw improvement or into any of the existing docks basins locks and works of the Company;
- (5) To dredge scour and deepen the bed shore and soil of the Rivers Usk and Ebbw at and near the Company's South Dock and the Ebbw improvement;
- (6) To make and maintain on property of the Dock Company a road between the points marked F and E on a plan signed by

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the Right Honourable Frederick Henry Paul Lord Methuen  
Chairman of the Committee of the House of Lords to whom  
the Bill for this Act was referred (a copy whereof has been  
deposited in the office of the Clerk of the Parliaments) which  
intended road is thereon distinguished by a pink colour and  
will form a connecting link between the old Mendlegyf Road  
and the road on the west side of the Company's existing dock  
and to build a bridge at the point marked G on the said plan.

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6. In making the Company's South Dock and the Ebbw im-  
provement the Company may notwithstanding any enactment in-  
corporated with this Act deviate from the lines shown on the  
deposited plans to any extent within the lands delineated on and  
described in the deposited plans and book of reference and may  
deviate from the levels shown on the deposited sections to any  
extent not exceeding five feet upwards or five feet downwards  
Provided that no deviation of any work shall be made from the  
lines thereof as marked on the deposited plans even within the  
limits of deviation shown on such plans in such manner as to  
diminish the navigable space of the River Usk or River Ebbw  
without the previous consent of the Board of Trade or otherwise  
than in such manner as is expressly authorised by the Board of  
Trade.

Power to  
deviate.

7. Sections fifty-five to fifty-eight inclusive of the Alexandra  
(Newport) Dock Act 1865 (which sections relate to the rights of  
the Crown and the powers of the Board of Trade and to the exhibi-  
tion of lights by the Company) are hereby incorporated with this  
Act and shall for the purposes of this Act be read and have effect  
as if the Company's South Dock and the Ebbw improvement had  
been authorised by that Act.

Provisions  
relating to  
Crown Board  
of Trade  
lights &c.

8. If the Company's South Dock and the Ebbw improvement or  
either of them are or is not completed within ten years from the  
passing of this Act then on the expiration of that period the powers  
by this Act granted to the Company for making the same or other-  
wise in relation thereto shall cease to be exercised except as to so  
much thereof as is then completed.

Period for  
completion  
of works.

9. Subject to the provisions and for the purposes of this Act the  
Company may from time to time enter upon take and use the lands  
delineated on and described in the deposited plans and book of  
reference or any part thereof.

Power to  
take lands  
referenced.

10. The powers of the Company for the compulsory purchase of  
lands under this Act shall not be exercised after the expiration of  
seven years from the passing of this Act.

Period for  
compulsory  
purchase of  
lands.

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Power to  
take ease-  
ments &c.  
by agree-  
ment.

**11.** Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of those 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.

Footpath  
from Cork  
Wharf to  
South Dock  
may be  
stopped up.

**12.** When the road mentioned in section five (subsection six) of this Act is completed all rights of passing and re-passing along the footpath leading from Cork Wharf to the Company's South Dock shall be by this Act extinguished and the Company may if they see fit stop up and discontinue the same subject to the proviso that the officers and servants of Her Majesty's Customs the Newport Harbour Commissioners their officers and servants and the police and sanitary officers of the corporation of the borough of Newport in the performance of their respective duties and all persons holding passes from the Company who are hereby required from time to time to grant such passes to all persons bonâ fide having business with vessels in the river and until the said two hundred and thirteen acres of land are conveyed to the Company the Right Honourable Lord Tredegar and his sequels in estate and his or their lessees and tenants shall at all times have free right of passing and re-passing along the said footpath.

As to certain  
roads made  
under agree-  
ment of  
1864.

**13.** The road between the points A and B shown on the plan signed as herein-before mentioned and thereon coloured red and the continuation of the same road from the point A to the northern side of the entrance lock of the North Dock coloured yellow on the same plan and the road between the points F and E on the said plan shall when made be respectively deemed to have been made by the Company in compliance with the provisions of the agreement of 1864. Provided always that the traffic on such roads and the other roads of the Company shall be restricted to the police and sanitary officers of the borough of Newport in the performance of their respective duties and such other persons as may bonâ fide have business at the docks and for the purposes of such restriction the Company may if they think fit erect and maintain gates at the points marked B and C on the said plan and also at or near the boundary of the Company's property between the points marked F and G thereon. The road between the points F and K and K and L



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shown on the said signed plan and thereon coloured yellow and red shall be deemed to have been made by the Company in compliance with the provisions of the agreement of 1864 and that road shall when completed be open to the public free of charge and shall when required by Lord Tredegar or his sequels in estate be continued at a width of twenty feet from the point L to the point M on the said plan and shall after the South Dock is opened be widened to sixty feet when the traffic requires such additional width.

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14. The following provisions shall apply and have effect for the protection and benefit of the present Lord Tredegar and the owners for the time being of the Tredegar Settled Estates:—

For the protection of the Tredegar Settled Estates.

(1) With respect to the lands mentioned in the 23rd article of the said agreement of 1864 nothing in this Act contained shall authorise the Company to acquire any of the same lands or any rights over any of them otherwise than by agreement or under the provisions of the said 23rd article of the said agreement of 1864 as altered by the said Dock Act of 1873;

(2) If the Company shall acquire any of the same lands or any right over any of them under the said 23rd article of the same agreement then they shall so acquire the same upon the terms and subject to the provisions with respect thereto mentioned in the same agreement with respect to any land or right acquired under the same article and any land so acquired shall be acquired and used only for the purposes mentioned in the same article as extended by the said Dock Act of 1873 and any rights so acquired shall be only such rights as in the same article mentioned subject to the provisions with respect thereto in the said Dock Act of 1873 and as regards any land or right acquired by the Company under the said 23rd article of the said agreement of 1864 they are hereby authorised to pay and shall pay accordingly for the same to the present Lord Tredegar and his sequels in estate such rentcharges and tolls and contingent tonnage or rentcharge as in the same article mentioned;

(3) If the Company's South Dock shall not be completed within ten years after the passing of this Act or if at any time the undertaking thereof shall be abandoned then and in any such case and immediately thereupon all lands acquired by the Company under the said 23rd article of the said agreement of 1864 shall revert as provided by section four of Lord Tredegar's Estate Act 1865 and if at any time after ten years after the passing of this Act any of the lands so acquired not being less

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than two acres lying together shall remain for seven consecutive years thereafter not used for any of the purposes mentioned in the said 23rd article as extended by the said Dock Act of 1873 then and in any such case land not so used shall also revert as provided by section four of Lord Tredegar's Estate Act 1865 but any reverter under this section shall be subject and without prejudice to any then subsisting leases or agreements for leases theretofore granted under the agreement of 1864 or the Dock Act of 1865 or the Alexandra (Newport) Dock Act 1873 or this Act ;

- (4) The period of seven consecutive years mentioned in section four of Lord Tredegar's Estate Act 1865 and in article thirteen of the said agreement of 1864 shall not begin to run till after ten years after the passing of this Act.

Power to  
create and  
issue Con-  
solidated  
Stock A.

**15.** The directors of the Company shall within six months after the passing of this Act create first preference consolidated stock to the amount of five hundred and fifteen thousand pounds to be called Alexandra (Newport and South Wales) Docks and Railway Consolidated Stock A (in this Act referred to as Consolidated Stock A) and to be distributed and issued in manner provided by this Act.

Interest on  
Consolidated  
Stock A.

Consolidated Stock A shall bear interest at the rate of four pounds ten shillings per centum per annum payable half yearly on the first day of March and the first day of September.

Distribution  
of Consoli-  
dated  
Stock A.

**16.** So soon as Consolidated Stock A to the amount herein-before authorised has been created the following enactments shall take effect :—

- (1) Every holder of first preference shares in the Company shall receive in substitution for each such share held by him Consolidated Stock A to the amount of twenty-eight pounds ;
- (2) Every holder of second preference shares in the Company shall receive in substitution for each such share held by him Consolidated Stock A to the amount of thirty-five pounds eleven shillings and twopence ;
- (3) The uncalled balance of four pounds per share of the one thousand five hundred third preference (first issue) shares in the Company shall be called up forthwith and every holder of third preference (first issue) shares shall as soon as the full amount has been paid thereon receive in substitution for each such share held by him Consolidated Stock A to the amount of thirty-five pounds eleven shillings and twopence ;

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- (4) The liability of the holders of the five thousand third preference (second issue) shares in the Company in respect of the uncalled balance of sixteen pounds per share (amounting altogether to eighty thousand pounds) shall be extinguished as from the date of the creation of Consolidated Stock A to the amount herein-before authorised and every holder of the five thousand third preference (second issue) shares shall receive in substitution for each such share held by him Consolidated Stock A to the amount of seven pounds two shillings and three-pence ;
- (5) The directors shall issue and allot to each preference shareholder the amount of Consolidated Stock A which he is entitled to receive under the foregoing provisions of this section ;
- (6) The balance of the said amount of five hundred and fifteen thousand pounds Consolidated Stock A may be issued by the directors to such persons at such times and on such conditions as they may deem most for the benefit of the Company.

17. The directors of the Company may issue new stock certificates and do all other acts and things necessary and proper for carrying into effect the substitution of Consolidated Stock A for preference shares.

Consolidated Stock A to be substituted for preference shares.

18. The directors of the Company within six months after the additional capital of three hundred thousand pounds of new ordinary shares or stock by this Act authorised has been subscribed and one half thereof paid up shall create and issue second preference consolidated stock to the amount of two hundred thousand pounds to be called Alexandra (Newport and South Wales) Docks and Railway Consolidated Stock B (in this Act referred to as Consolidated Stock B) subject and according to the conditions and regulations following :—

Power to issue 200,000*l.* Consolidated Stock B.

- (A) The existing ten thousand ordinary twenty pound shares shall be converted into Consolidated Stock B in manner provided by the Companies Clauses Consolidation Act 1845 ;
- (B) Consolidated Stock B shall rank and the interest thereon shall have priority next after Consolidated Stock A and the interest thereon.
- (C) Consolidated Stock B shall bear interest at the rate of four pounds ten shillings per centum per annum payable half yearly on the first day of March and the first day of September out of the revenues of the undertaking of the Company available for the purpose after payment of interest on the Consolidated Stock A.

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Interim provision as to dividend on existing ordinary capital.

**19.** From and after the first day of January one thousand eight hundred and eighty-three and until the said existing ten thousand ordinary twenty pound shares shall in pursuance of the powers of this Act be converted into Consolidated Stock B bearing interest as by this Act provided the limited company shall out of the net profits as defined by the said recited lease dated the sixteenth day of December one thousand eight hundred and seventy-nine and subject to the provisions of that lease pay to the Company in half-yearly instalments on the first day of July and first day of January in each year a sum sufficient to pay a dividend at the rate of four pounds ten shillings per centum per annum on the ordinary share capital of two hundred thousand pounds which sum shall as from the first-mentioned date be payable in lieu of and full satisfaction for the ordinary share rent and extra rent stipulated by the said recited lease to be paid in respect of the said ordinary share capital and shall be applied by the Company in payment of the same to the holders of the existing ordinary share capital accordingly.

Consolidated stock to be deemed further preference capital.

**20.** During the continuance of any lease granted or to be granted to the limited company as provided by the leasing agreement of 1873 any consolidated stock created and issued under this Act shall be deemed to be further preference capital issued with the consent under seal of the limited company within the meaning of such lease; and the preference share rent from time to time paid by the limited company to the Company in accordance with such lease shall be applied by the Company first in payment so far as the same will extend of the interest on Consolidated Stock A and the balance (if any) shall be applied so far as the same will extend in payment of interest on Consolidated Stock B. Provided that nothing in any such lease shall be construed as requiring the limited company to pay a greater sum in respect of the preference share rent than the amount from time to time required to pay interest at the rate of four pounds ten shillings per centum per annum on the Consolidated Stocks A and B issued under this Act.

Consolidated stock may be held by trustees &c.

**21.** The consolidated stock which under the powers of this Act may be created allotted or issued in substitution for any preference or ordinary shares shall be vested in the person or persons to whom it is allotted or issued upon the same trusts and subject to the same powers provisions declarations agreements charges liens and incumbrances as immediately before such substitution affected such shares and so as to give effect to and not revoke any testamentary or other disposition of or affecting the same and every such disposition made before such substitution shall take effect with reference to a proportionate amount of the substituted stock and trustees executors

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or administrators and other persons empowered to sell and convey lands by the Lands Clauses Consolidation Act 1845 shall accept such consolidated stock in substitution for the shares theretofore held by them 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 such shares.

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**22.** The directors of the Company shall raise the before-mentioned uncalled balance of eighty thousand pounds by the creation and issue of new ordinary shares or stock to rank *pari passu* with the ordinary share capital to be created and issued under the authority of this Act.

Saving for power to issue 80,000*l.* as ordinary share capital.

**23.** No person shall be entitled to vote in respect of any shares or stock to which a preferential dividend is by this Act assigned.

No votes in respect of preferential shares or stock.

**24.** The Company may raise additional capital not exceeding in the whole three hundred thousand pounds by the creation and issue of ordinary shares or stock but the Company shall not issue any share of less nominal value than twenty pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Power to raise additional capital by ordinary shares or stock.

**25.** During the continuance of any lease granted or to be granted to the limited company as provided by the leasing agreement of 1873 any ordinary shares or stock issued under this Act shall be deemed to be further ordinary share capital issued with the consent under seal of the limited company within the meaning of such agreement.

Ordinary shares or stock to be deemed further ordinary share capital.

**26.** The Company may in respect of the additional capital of three hundred thousand pounds which the Company is by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred thousand pounds and of that sum they may borrow not exceeding thirty-three thousand three hundred and thirty-three pounds in respect of every one hundred thousand pounds of such additional capital but no part of any such sum of thirty-three thousand three hundred and thirty-three pounds shall be borrowed until shares for the portion of capital of one hundred thousand pounds in respect of which it is to be borrowed are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under section forty of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion of capital has been

Power to borrow.

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paid up and that not less than one-fifth part of the amount of each separate share in such portion of 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 such portion of 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 paid up in good faith 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 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.

Existing mortgages to have priority.

**27.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof 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 mortgages granted by virtue of this Act.

Power to create debenture stock.

**28.** 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 after the passing of this Act created and issued by the Company and the interest of all mortgages at any time after the passing of this Act granted by the Company shall rank *pari passu* and such interest shall have priority over all principal moneys secured by such mortgages.

Saving for unexhausted borrowing powers under Act of 1876. 39 & 40 Vict. c. ccxxiii.

**29.** Nothing in this Act shall be construed or taken to restrict or affect the unexhausted borrowing powers of the Company under section fourteen of the *Alexandra (Newport) Dock Act 1876* notwithstanding the issue of the before-mentioned uncalled balance of eighty thousand pounds share capital or any part thereof as new ordinary shares or stock.

Priority of mortgages and debenture stock over other debts.

**30.** 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

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claim against the Company or their property in respect of any rent-charge granted or to be granted by the Company 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 the mortgages or debenture stock of the Company 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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**31.** All money raised under this Act whether by shares or stock or by mortgages or debenture stock shall be applied for purposes of the undertaking.

Application of capital.

**32.** The Company may from time to time apply for or towards all or any of the purposes of this Act any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Company may apply funds.

**33.** The limits within which the powers of the dock-master for the regulation of the Company's south dock and the approaches thereto may be exercised shall be the limits of the lands delineated on and described in the deposited plans, and book of reference and acquired by the Company under the powers of this Act and of the space lying within a distance of one hundred yards measured in all directions in the River Usk from the outer gates of the Company's South Dock.

Limits of powers of dock-master.

**34.** The Company may appoint and license a sufficient number of persons to be meters and weighers within the limits of the dock.

Appointment of meters and weighers.

**35.** The Company may from time to time purchase take on lease or hire provide and maintain steam tugs for towing ships into and out of the Company's docks and basin from and to the sea.

Power to provide steam tugs.

**36.** Sections seventy-one to eighty-two (both included) of the *Alexandra (Newport) Dock Act 1865* (which relate to tonnage rates on vessels and other rates and matters) as amended by any subsequent Act shall apply in the case of the Company's South Dock and other works and conveniences authorised by this Act and of the vessels passengers and goods using the same as if those sections were re-enacted in this Act.

Application of provisions of existing Acts as to rates and other matters.

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Amendment  
of dock rates  
on deals.

**37.** Schedule (B) (rates on goods) to the Alexandra (Newport) Dock Act 1865 shall from and after the passing of this Act be read and have effect as if under the head word therein there were inserted after the word deals the following words (namely) not exceeding twelve feet long one inch and a half thick and eleven inches wide.

Building  
and improv-  
ing leases  
&c.

**38.** Sections sixty-four sixty-five and sixty-six of the Alexandra (Newport) Dock Act 1865 and section eleven of the Alexandra (Newport) Dock Act 1873 (which sections relate to leases of lands of the Company) shall extend to lands taken by the Company under this Act.

Power for  
Company to  
employ tugs  
hobblers &c.  
for purpose  
of working  
vessels into  
and out of  
docks &c.

**39.** Subject to the right of the owner or master of any vessel to employ his crew in the performance of any of the services herein-after mentioned the Company may if and when they think fit employ any tugs boatmen riggers hobblers and other proper persons for the purpose of effectually and speedily working any vessel within the limits of the dock-master's authority or within any dock or into or out of any such dock or for removing any such vessel from time to time from any place in any dock to any other place either in the same or in any other dock in such manner as they may consider will best effect the purposes aforesaid and the master or owner of any such vessel shall on demand pay to the Company such reasonable sum in respect of any such service as the Company may demand.

Company  
may license  
boatmen &c.

**40.** For the better navigation of vessels in the docks and in the approaches thereto from the sea and for the use and accommodation of vessels frequenting the docks the Company may from time to time license such number of boatmen riggers hobblers and other proper persons for such periods yearly or otherwise and on such terms and conditions as they may think fit and may charge such sum for every such license at a rate not exceeding five shillings per annum as they may think fit Provided always that the Company may at any time revoke any such license by reason of the misconduct or inefficiency of the person holding the same Provided that a license shall not in the first instance be unreasonably refused to any competent boatman rigger or hobbler who at any time during the twelve months immediately preceding the passing of this Act has been employed in such capacity at the docks Provided also that if any dispute arise between any boatman rigger or hobbler and the Company with respect to the refusal or revocation of or refusal to renew such license such dispute shall be settled by the county court judge at Newport in a summary manner who in the case of any



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revocation or refusal to renew such license shall have regard to the terms and conditions upon which such license was granted and to the byelaws of the Company for the time being in force. Provided that nothing in this or the preceding section shall entitle such boatmen riggers hobbler and other persons to act as pilots or to supersede or take the place of any licensed pilot.

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41. Whenever any delay which in the opinion of the dockmaster is unnecessary or inconvenient shall take place in the working or removing any vessel within the limits of the dockmaster's authority or in the discharging or loading and trimming or in any service necessary to be performed in connexion with any vessel or cargo of such vessel either from the inadequacy or improper conduct of the persons employed or from the negligence or default of the master or person in charge of such vessel the Company may employ a sufficient number of suitable persons to work or remove or to discharge or load or perform any service in connexion with any vessel or the cargo of such vessel or to assist in working or removing discharging or loading or trimming the same and the master or owner of such vessel shall on demand pay to the Company such reasonable sum for any or every of such services as the Company may demand and the master or person in charge of such vessel who shall not properly clear the deck of his vessel by stowing away all such articles as may impede the delivery or loading of the cargo thereof upon being required so to do by the dockmaster shall for every such offence be liable to a penalty not exceeding five pounds.

Powers of dockmaster in case of delay &c.

42. The Company may by agreement with the owner or consignee of any goods or the owner or master of any vessel disembark discharge and land weigh ship put on board and trim any coal coke culm steel iron iron ore or other ore timber goods wares and merchandise to be shipped into or unshipped from any vessel in the docks and may recover and receive for all or any of such services and for any other work labour or service performed by the Company in respect of such coal coke culm steel iron iron ore or other ore timber goods wares or merchandise and for the use of any shipping loading trimming or discharging appliances works or conveniences such reasonable rates as may be agreed upon between the Company and such owner consignee or master respectively.

Company to disembark or ship goods and make charges.

43. All ballast to be discharged or removed from or into any vessel within or at the docks and all services in relation to the stowing and trimming thereof shall if and when the Company so order or direct be discharged or removed or performed by the Company and the Company shall and may demand and receive from the master or owner of such vessel for such services such reasonable

Company to remove ballast.

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Agreements  
with Lord  
Tredegar.

44. The Company may from time to time enter into agreements with the present Lord Tredegar or his sequels in estate and the trustees or trustee of the Tredegar Settled Estates (he or they being empowered by Estate Act or otherwise so to agree with the Company) binding him and them to contribute towards the cost of the construction and execution of the Company's South Dock and of the Ebbw improvement and to take and hold shares or stock in the Company's capital under this Act.

As to agree-  
ments with  
limited  
company.

45. (1.) The Company shall be taken to have applied for powers to construct the works by this Act authorised at the request of the limited company in pursuance of the provisions to that effect contained in the herein-before recited lease of the sixteenth day of December one thousand eight hundred and seventy-nine.

(2.) The limited company shall use their best endeavours to procure subscriptions for the eighty thousand pounds of new ordinary shares or stock herein-before mentioned on such terms and conditions as may be agreed between the directors of the limited company and the directors of the Company and when so subscribed the Company shall allot and issue such shares or stock on such terms and conditions accordingly and the limited company shall also use their best endeavours to procure subscriptions on such terms and conditions as aforesaid for the whole of the additional capital of three hundred thousand pounds authorised by this Act to be raised by the Company and the Company shall allot and issue the same in accordance with such subscriptions so far as it extends and shall call up the same as and when required for the construction of the Company's South Dock and works by this Act authorised and shall apply all moneys thereby raised so far as the same will extend towards fully and properly completing the said dock and works to the satisfaction of the inspecting officer (if any) of the Board of Trade.

(3.) Unless and until the whole of the said additional capital is subscribed the Company shall not execute nor be called upon by the limited company to execute any works authorised by this Act.

(4.) The limited company shall on the completion of the Company's South Dock work and manage the same during the continuance of their existing lease of the North Dock in like manner

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as they now work and manage that dock and on the same terms and subject to the same covenants agreements declarations and provisoes as are contained in the said existing lease.

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46. The London and North-western Railway Company shall have power to use with their own engines carriages and servants any railways which the Company may construct under the powers of this Act or in connexion with the South Dock and works by this Act authorised so as to ensure to that company a sufficient communication at all suitable times to and from the said dock and works for the unloading and loading of minerals and merchandise provided that such use shall be subject to the reasonable byelaws and regulations of the Company.

Power to London and North-western Railway Company to use railways.

47. The terms and conditions pecuniary and otherwise upon which such use shall be enjoyed shall if not agreed upon between the Company and the said railway company be determined by an arbitrator to be appointed on the application of either company by the Board of Trade.

Terms of user.

48. The Pontypridd Caerphilly and Newport Railway Company may with the authority of three fourths of the votes of the shareholders of that company present in person or by proxy at a general meeting of that company specially convened for the purpose from time to time subscribe towards the cost of making the Company's South Dock and the Ebbw improvement any sum not exceeding in the whole fifty thousand pounds and that company may with the like authority contribute and apply in or towards payment of that subscription any moneys which that company is already authorised to raise and which may not be required by that company for the purposes of its undertaking and also any moneys which it is by this Act authorised to raise and that company shall in respect of the sums to be subscribed and the corresponding shares in the Company to be held by it have all the powers rights and privileges (except in regard to voting at general meetings which shall be as in this Act provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company but shall not sell dispose of or transfer any of the shares in the Company so subscribed for and that company may from time to time raise for the purposes of subscription to the undertaking additional capital not exceeding in nominal amount fifty thousand pounds by the issue at its option of ordinary shares or stock or preference shares or stock wholly or partly and such of the provisions of the Companies Clauses Consolidation Act 1845 and of the Companies Clauses Act 1863 as are incorporated with this Act shall as far as the same are applicable extend and apply to that additional capital

Power to Pontypridd Company to subscribe and to apply and raise capital.

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and the following provisions shall have effect in relation to that company (that is to say) :—

- (1) No such share shall be of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof;
- (2) All money raised under this section shall be applied for the purposes of the before-mentioned subscription only;
- (3) That company whilst a shareholder of the Company may by writing under its common seal from time to time appoint some person to attend any meeting of the Company and he shall have all the privileges and powers attaching to a shareholder of the Company at such meetings and may vote thereat in respect of the capital in respect whereof he is appointed.

Ballast land reserved.

49. Nothing in this Act contained shall prejudicially affect or interfere with the right conferred on the Company by article twenty-three of the agreement of 1864 to deposit and lay ballast free of charge on the area of land in the said article described as surrounded with an outline coloured blue on the plan therein referred to but the right so conferred is hereby reserved and saved subject to the provisions respecting the same land contained in section five of the Dock Act of 1873.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

50. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

Abatement of work abandoned or decayed.

51. If a work constructed by the Company under the authority of this Act or of the Alexandra (Newport) Dock Act 1865 or in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and

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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 costs or the same may be recovered with costs as a penalty is recoverable from the Company.

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**52.** For the protection of the Newport Harbour Commissioners and of the Newport Dock Company sections twenty-six to thirty-two (both included) of the Alexandra (Newport) Dock Act 1865 shall apply as if they were mutatis mutandis re-enacted in this Act.

For protection of Newport Harbour Commissioners and Newport Dock Company.

**53.** The Company shall pay to the Newport Dock Company in respect of the costs and expenses incurred by them in or about the enfranchisement of the portion of Mendlegyf Common to be taken by the Company under this Act the sum of fifty pounds.

As to rights of Newport Dock Company over Mendlegyf Common.

**54.** Nothing in this Act contained shall exempt the dock or the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts 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 dues by this Act authorised.

Provision for Merchant Shipping Act and general Acts.  
17 & 18 Vict. c. 104.

**55.** All 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.

Costs of Act.

