



## CHAPTER lxxvii.

An Act to extend the time limited for the completion of the  
Docks and Works of and to confer further powers upon  
the Milford Docks Company and for other purposes. A.D. 1888.

[28th June 1888.]

**W**HEREAS by the Milford Docks Act 1874 (in this Act called “the Act of 1874”) the Milford Docks Company (in this Act called “the Company”) were incorporated and by that Act and the Milford Docks Act 1875 (in this Act called “the Act of 1875”) the Company were empowered to make the docks and works therein respectively described :

And whereas by the Milford Docks (Extension of Time) Act 1880 (herein-after called “the Act of 1880”) the period limited by the Act of 1874 and by the Act of 1875 for the completion of the docks and works by those Acts respectively authorised was extended :

And whereas by the Milford Docks (Further Powers) Act 1882 (herein-after called “the Act of 1882”) the period limited for the completion of the aforesaid docks and works was further extended :

And whereas by the Milford Docks Act 1884 (herein-after called “the Act of 1884”) the period limited as aforesaid for the completion of the aforesaid docks and works was further extended until the 12th day of July 1888 :

And whereas by the Milford Docks Act 1883 (herein-after called “the Act of 1883”) provision was made for the reference to arbitration of various questions and disputes which had arisen concerning the Company and their undertaking and the rights of persons having claims against the Company and various other matters and the Company were empowered to issue certain debenture stocks therein and in this Act respectively referred to as “Debenture Stock A” and “Debenture Stock B” and “Debenture Stock C” :

And whereas the amounts of such stocks were by the said Act of 1883 limited so as not to exceed in the case of Debenture Stock A

A.D. 1888. — two hundred and fifty thousand pounds and in the case of Debenture Stock B one hundred and forty thousand pounds (subject to the increase of such stock for the purpose of redemption of the Debenture Stock A) and in the case of Debenture Stock C two hundred and fifty thousand pounds :

And whereas under the provisions of the Act of 1883 the questions in dispute and other matters referred to arbitration have been determined and the Company have created the whole of the Debenture Stock A and have issued the sum of two hundred and eighteen thousand eight hundred and twenty pounds of such stock and have created and issued the whole authorised amount of one hundred and forty thousand pounds of Debenture Stock B and one hundred and eighty-six thousand three hundred and fifty-six pounds of Debenture Stock C and have applied the stocks so issued or the proceeds thereof to the purposes to which they are under the said Act specially made applicable :

And whereas since the passing of the said Act of 1883 and the arbitration held thereunder the Company have resumed and proceeded with the construction of their authorised docks and works and the same are now far advanced towards completion :

And whereas the plans upon which the said docks and works have proceeded were based upon the utilization of some of the dock walls and other works which had been constructed prior to 1883 but the foundations of some of such works have proved to be unstable and it is necessary to reconstruct a large portion thereof and the Company will in consequence thereof and of the necessity for additional and substituted works and conveniences and of the increased expenditure resulting from the delay in executing such works be unable to complete their docks and works without further money and it is expedient that the directors of the Company should be empowered to raise further money :

And whereas it is expedient and in the general interest of the Company that such further moneys should be authorised to be raised by the creation and issue of a special debenture stock having the priority herein-after specified or by the increase of the Debenture Stock A or partly by one and partly by the other of such modes :

And whereas the holders to the extent of three fourths and upwards in value of the Debenture Stock A have assented in writing to the provisions of this Act with respect to such increase and the holders to the extent of three fourths and upwards in value of Debenture Stock B and Debenture Stock C respectively have assented in writing to the powers contained in this Act for the creation and issue of further debenture stock ranking in priority to the debenture stocks respectively held by them :

And whereas for the reasons herein-before recited the Company will be unable to finally complete the docks and works respectively authorised by the Act of 1874 and the Act of 1875 within the time limited as aforesaid for the completion thereof and it is expedient that such time be further extended :

And whereas it is expedient that the further powers herein-after contained with respect to their undertaking should be conferred upon the Company and that the recited Acts should be amended as herein-after provided :

And whereas the purposes 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 as the Milford Docks Act 1888.

Short title.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act and in construing the provisions of the Railways Clauses Act 1863 incorporated with this Act for the purposes of this Act the docks and works respectively authorised by the Act of 1874 and the Act of 1875 shall be deemed to be a railway and the Company shall be deemed to be a railway company.

Incorporation of general Acts.

3. In this Act :

Interpretation.

The several words and expressions to which meanings are assigned by the parts of Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

The expression "the directors" means the board of directors of the Company :

And in this Act and for the purposes of this Act or any Act incorporated with this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

4. The period limited for the completion of the docks and works respectively authorised by the Act of 1874 and by the Act of 1875 as extended by the Act of 1880 the Act of 1882 and the Act of

Extension of time for completion of works.

A.D. 1888. 1884 is hereby further extended for a period of one year from the 12th day of July 1888 and the Act of 1874 and the Act of 1875 shall respectively be read and have effect as if such extended time had been originally named therein as the period limited for the completion of the works thereby respectively authorised. Provided that this section shall not apply to either the two graving docks or the entrance lock authorised by the Act of 1875 to be abandoned.

Power to  
raise further  
money by de-  
benture  
stock.

5. The directors may notwithstanding anything contained in the former Acts relating to the Company and without any further consent or approval whatsoever from time to time raise (in addition to any sum or sums which are by any former Act or Acts authorised to be raised) any sum or sums not exceeding in the whole sixty thousand pounds by the creation and issue of debenture stock not exceeding in the whole sixty thousand pounds in either of the forms herein-after prescribed or partly in one and partly in the other of such forms that is to say :

- (1) By the creation and issue from time to time of debenture stock not exceeding sixty thousand pounds to be called "Milford Docks 1888 Special Debenture Stock" bearing interest at such rate not exceeding six pounds per centum per annum as the directors may on the creation thereof by resolution determine. Such debenture stock shall constitute with the interest thereon a charge upon the undertaking of the Company in priority to all debenture stocks created and issued by the directors or the Company or authorised so to be created and issued under the powers contained in the Act of 1883 other than the Debenture Stock A by that Act authorised to be created and issued as increased under the powers contained in this Act.
- (2) By the creation and issue (in addition to the amount by the Act of 1883 authorised to be created and issued) of Debenture Stock A not exceeding sixty thousand pounds in such amount or amounts as the holders of not less than three fourths in value of the existing Debenture Stock A for the time being issued may from time to time determine either at any meeting specially convened for the purpose in the manner herein-after prescribed or by the consent in writing of the holders of such three fourths in value and the provisions of the Act of 1883 with respect to the Debenture Stock A (including the provisions as to the redemption thereof and the issue of additional amounts of Debenture Stock B for that purpose) shall (so far as applicable and except where expressly varied by this Act) extend and apply to such increased amounts of Debenture Stock A. Any such meeting or meetings of the holders of Debenture Stock A held for the purposes in this subsection mentioned shall be convened in the manner prescribed by the Companies Clauses

Consolidation Act 1845 for the holding of extraordinary meetings of shareholders and the holders of Debenture Stock A may vote at such meetings in person or by proxy and the provisions of section 76 of the Companies Clauses Consolidation Act 1845 with respect to the appointment of proxies by shareholders shall mutatis mutandis apply to the appointment of proxies by the holders of Debenture Stock A :

Provided that nothing in this Act contained shall be deemed to confer any authority upon the Company or the directors thereof to raise any money or create or issue any debenture stock to rank in priority to the said Debenture Stock A.

6. The special debenture stock may be issued on condition that it be redeemable on six months notice to the registered holders thereof at such price (not exceeding one hundred and ten pounds for every hundred pounds of such stock) as the directors by the resolution creating the said special stock may determine and the directors may make such regulations including the right to purchase in the open market as they think fit to give effect to such redemption and may for the purposes of such redemption create and issue such further amounts of the Debenture Stock B beyond the amount of that stock which under the Act of 1883 they may create and issue as may be required to redeem the said special debenture stock as aforesaid and may apply the same or the proceeds thereof to such purpose.

Redemption  
of special de-  
benture  
stock.

7. The moneys to arise from the creation and issue of the special debenture stock or increased amount of the Debenture Stock A by this Act authorised to be created and issued shall be applied in or towards the following purposes that is to say :

Application  
of debenture  
stocks.

- (1) In payment of the costs and expenses of and incident to the preparing and applying for and obtaining and passing of this Act ;
- (2) In payment of interest on the special debenture stock and the Debenture Stock A as by this Act authorised to be increased pending the construction and completion of the authorised docks and works of the Company to the extent to which the profits of the Company may be insufficient to meet the amount of such interest ;
- (3) In the construction and completion of the authorised docks works sidings and connexions with existing railways and warehouses (including the purchase of lands plant and material required therefor) and any other purposes to which the proceeds of Debenture Stock A may under the powers of the Act of 1883 be applied ;
- (4) For any other general purposes of the Company to which capital is properly applicable.

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Amendment  
of section 25  
of the Act of  
1883.

8. Subsection 2 of section 25 of the Act of 1883 shall be read and have effect as if the period of eight years from the passing of that Act had been named therein (in lieu of five years) as the period during which the interest on Debenture Stock B by that Act authorised should be payable by the issue of fully paid preference shares of the Company at par and the provisions of that subsection and of section 33 of the Act of 1883 shall be read and have effect as if the said period of eight years had been originally named in that section.

As to grav-  
ing dock  
rates.

9. The Company may from time to time perform and exercise all such services as may be necessary in or for the purpose of docking and undocking vessels in or from any graving dock of the Company and may from time to time (in lieu of the rates which they are by the Act of 1874 authorised to demand for the use of such graving dock) demand and take for the use of such graving dock and for docking pumping and undocking vessels any rates charges and daily rents not exceeding the rates rents or charges respectively mentioned in the schedule to this Act annexed and such rates and rents may be demanded by the Company of and from the owner or the master of the vessel in respect of which they are due or payable and shall if the Company think fit be paid before the vessel is permitted to enter or leave any such graving dock and shall be recoverable in the same manner in all respects as graving dock rates are by the Act of 1874 authorised to be recovered.

Charges for  
sidings.

10. Whereas doubts have arisen whether the Company under the provisions of section 44 of the Act of 1874 are entitled to charge for the use of the sidings and other works and conveniences connected therewith and for services performed by them in connexion with the user of such sidings Be it enacted that in addition to any other tolls and charges which the Company are by the recited Acts authorised to demand and take the Company may from time to time demand and take for the use of sidings belonging to them and other works and conveniences connected therewith and for services performed by them in connexion with the user of such sidings from the person or companies using the same such reasonable tolls and charges as they may from time to time appoint and such tolls and charges shall be recoverable in the same manner as the rates on goods authorised by the Act of 1874 are recoverable.

Repeal of  
section 39 of  
Act of 1874.

11. Section 39 of the Act of 1874 is hereby repealed but without prejudice to anything lawfully done or suffered or any right or liability acquired accrued or incurred thereunder and any legal proceeding or remedy in respect thereof may be carried on as if this Act had not been passed and when and so soon as it shall from time to time be certified under the hand of an officer appointed by the Board of Trade for that purpose that the Company have constructed and so far completed any portion of the docks and other works

connected therewith as to afford convenient accommodation for vessels the Company may demand for every passenger including his ordinary luggage not exceeding fifty-six pounds in weight embarking or disembarking within the wet dock or at or upon or otherwise using any wharf quay or other work of the like nature constructed under the provisions of the recited Acts and this Act or any of them the sum not exceeding the sums following that is to say :

Until the expiration of ten years from the opening for public use of any such wharf quay or other work or any portion of dock (as the case may be) the sum of two shillings and sixpence :

After the expiration of ten years from the opening for public use of any such wharf quay or other work or portion of dock (as the case may be) the sum of one shilling for every steerage passenger and the sum of two shillings and sixpence for every other passenger :

And in respect of the ordinary luggage of any such passenger beyond fifty-six pounds in weight the Company may demand any further sum of money not exceeding the rate of threepence per twenty-eight pounds or part thereof.

**12.** The Company if and when they think fit may remit or return the whole or any part of any rates in respect of any vessel or goods shown to their satisfaction to have been wrecked spoiled or damaged and may remit or return the whole or any part of any rates under any other circumstances which in their judgment make the remission or return reasonable and just so as the claim for the remission or return be made and substantiated to the satisfaction of the Company within such time as under the circumstances they deem reasonable :

Power for  
Company to  
remit rates.

Provided that such remission shall be at all times made equally to all persons in respect of all vessels falling within the same class or description or carrying the same description of cargo and in the like circumstances.

**13.** If default be made in payment to the Company of any rate rent or charge with respect to any goods at on or in any dock pier quays wharves yards warehouses or other works of the Company the Company may detain and sell the goods or any part thereof and may retain for themselves the rate rent or charge so due and payable to them and the expenses of detention and sale rendering on demand the surplus (if any) of the proceeds of sale and such (if any) of the goods as remain unsold to the person appearing to them to be entitled thereto Provided that the Company if they do not sell the goods or if the proceeds of the sale thereof be insufficient may recover the amount of the rates rents charges and expenses due and payable to

Power for  
Company to  
recover rents  
and charges  
for goods by  
sale &c.

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them or the balance thereof in any court of competent jurisdiction Provided further that (except with respect to goods of a perishable nature which in the judgment of the Company would be materially lessened in value by being retained by them) the Company shall not so sell any goods until after the expiration of six months after the time at which the goods are unshipped or delivered at their docks piers quays wharves yards warehouses or other works Provided also that no goods shall be delivered to the purchasers thereof under this section until all duties which may be due to Her Majesty in respect thereof shall have been duly paid.

Sale of perishable goods.

**14.** The Company may if they think fit sell any goods of a perishable nature deposited and lodged with them at any time when in their judgment the goods would be materially lessened in value by being retained by them and whether or not they have notice of the non-payment of freight claimed on the goods or notice to retain the same and shall apply the proceeds of such sale so far as they suffice in payment of the rates rents and charges due and payable to the Company in respect thereof and the expenses of the sale rendering on demand the surplus (if any) of the proceeds and the unsold goods (if any) to the person appearing to them to be entitled thereto.

Company may give certificates of deposited goods and warrants for delivery of goods.

**15.** The Company from time to time at the request of any person warehousing or depositing any goods in any warehouse or upon or in any of the wharves quays or yards of the Company specially appropriated for the purpose or entitled to any goods so warehoused or deposited may if the Company think fit issue and deliver to him a certificate in a form approved by the Company of the goods so warehoused or deposited or a warrant in a form approved by the Company for the delivery of the goods so warehoused or deposited or any part thereof to be respectively specified in the warrant.

Effect of certificate or warrant.

**16.** Every such certificate or warrant shall be deemed to be a document of title to the goods specified therein and shall be transferable by endorsement and any holder of such certificate or warrant whether the person named therein or endorsee thereof shall have the same right to the possession and property of such goods as if they were deposited in his own warehouse.

Certificate or warrant to state effect of preceding enactment.

**17.** Every such certificate or warrant shall state on the face thereof the effect of the preceding section and that it is issued under the powers of this Act.

Goods not to be delivered until delivery and cancellation of certificate.

**18.** No goods specified in any certificate or warrant shall be delivered by the Company except upon delivery to and cancellation by the Company of such certificate or warrant.



**19.** No warrant for delivery of any goods shall be issued or delivered by the Company except upon delivery to and cancellation by the Company of the certificate issued in respect of such goods. Provided that if the warrant be for the delivery of part only of the goods specified in the certificate the Company shall issue to the person so delivering up the certificate a new certificate with respect to the goods not specified in the warrant.

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Warrant not to be issued till certificate given up.

**20.** If any such certificate or warrant be lost or destroyed then upon proof thereof to the satisfaction of the Company or their officers and on receiving indemnity to the satisfaction of the Company or their directors a new certificate or warrant may be given to the person entitled to the certificate or warrant so lost or destroyed in substitution for such last-mentioned certificate or warrant.

Issue of new certificate or warrant on loss or destruction of original.

**21.** No such certificate or warrant shall be given under this Act until all claims and liens for freight and all other claims or liens whatsoever to which the goods were liable whilst the same were on board any vessel and before the warehousing or depositing thereof and of which the Company have had notice in writing are paid or discharged.

Certificate or warrant not to be given till freight rates &c. paid.

**22.** All certificates or warrants issued under this Act and signed and issued by any officer duly authorised in that behalf shall be effectual and binding on the Company and all other persons interested without any other signature and without any seal.

Company bound by warrants and certificates under this Act.

**23.** The Company may charge for each certificate or warrant any sum not exceeding two shillings.

Company may charge for certificate or warrant.

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

Costs of Act.

The SCHEDULE referred to in the foregoing Act.

Charges for Docking Pumping and Undocking and for Use of Graving Dock.

	Docking Pumping and Undocking.	USE.	
		Per first 24 hours (or part) from entry therein.	Per every 24 hours (or part) after the first.
Vessels exceeding 1000 and not exceeding 1500 tons gross	£ s. d. 40 0 0	£ s. d. 12 10 0	£ s. d. 8 6 8
“ 1500 “ “ 2000	50 0 0	13 5 0	8 16 8
“ 2000 “ “ 2500	60 0 0	15 0 0	10 0 0
“ 2500 “ “ 3000	70 0 0	17 10 0	11 13 4
“ 3000 “ “ 3500	80 0 0	18 15 0	12 10 0
“ 3500 “ “ 4000	90 0 0	20 0 0	13 6 8
“ 4000 “ “ 4500	100 0 0	21 5 0	14 3 4
“ 4500 “ “ 5000	110 0 0	22 10 0	15 0 0

Vessels of and under 1000 tons and over 5000 tons and ironclad vessels by special arrangement.

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