



## CHAPTER cxxxix.

An Act for authorising the transfer to the Bute Docks Company of the powers of making railways and other powers conferred by the Rhymney Railway Act 1888 and for other purposes. A.D. 1890.  
[25th July 1890.]

**W**HEREAS improved railway communication between the Monmouthshire coalfields and Cardiff is an object of local and public importance :

And whereas in the year one thousand eight hundred and eighty-five a Bill for effecting that object by the construction of certain railways to be called the Cardiff and Monmouthshire Valleys Railway was promoted with the support of the Marquess of Bute and his trustees then owners of the Bute Docks :

And whereas negotiations took place between the promoters and the Rhymney Railway Company (in this Act called "the Rhymney Company") with the result that the Bill was withdrawn in consideration of the Rhymney Company undertaking to promote in the next session of Parliament and use their best endeavours to secure the passing of an Act for enabling them to construct railways to take the place of the railways proposed to be authorised by the Bill and in consideration of other provisions embodied in an agreement between the promoters and the Rhymney Company :

And whereas the Rhymney Company did not in that session secure the passing of such Act :

And whereas in the session of 1888 the Rhymney Company applied for and obtained an Act whereof the short title is the Rhymney Railway Act 1888 (herein-after called "the Rhymney Act") empowering them to make two railways (herein-after called "the authorised railways") practically identical with a part of the scheme which that company had agreed in 1885 as aforesaid to promote and running powers were (section thirty-three) conferred on the Bute Docks Company (herein-after called "the Company") over the said railways as well as over so much of the railways of

A.D. 1890. — the Rhymney Company as lies between Caerphilly and the docks of the Company at Cardiff and other provisions were inserted for the benefit of the Company :

And whereas the Rhymney Company have not raised any of the capital which they are authorised to raise for the construction of the said railways and have not acquired any land or begun to construct any works under the powers of the said Act and their powers for the compulsory acquisition of land will expire in August 1891 and their powers for completion of the said works will expire in August 1893 :

And whereas in the event of the Rhymney Company not proceeding within a limited time to exercise their compulsory powers for the taking of lands so far as is necessary to enable the authorised railways to be completed and substantially to commence the construction of the railways authorised by the said Act it is expedient that on the terms and subject to the conditions in this Act contained the powers and duties of the Rhymney Company for the construction and maintenance of the said railways be transferred to and carried into execution by the Company :

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

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

Short title.

1. This Act may be cited as the Bute Docks Act 1890.

Transfer  
of powers  
under  
Rhymney  
Railway Act  
1888 in  
certain  
events.

2.—(1) The Board of Trade shall upon the request of the Company (which request shall not be preferred before the fifteenth day of February one thousand eight hundred and ninety-one) inquire whether the Rhymney Company have exercised their compulsory powers for the taking of lands so far as is necessary to enable the authorised railways to be completed and have substantially commenced the construction of the said railways and shall report their finding thereon to the Company and to the Rhymney Company before the fifteenth day of March one thousand eight hundred and ninety-one :

(2) If the Board of Trade report that the Rhymney Company have not exercised such compulsory powers or that the authorised railways have not been substantially commenced then as from the date of such report all the powers rights and privileges conferred on the Rhymney Company for the construction of the railways and works authorised by the Rhymney Act and all lands and easements



if (any) acquired by the Rhymney Company under that Act shall be by virtue of this Act transferred to and vested in the Company and the Company shall take over and perform and satisfy all duties contracts and liabilities of the Rhymney Company in reference to the said railways and works so that the Company may be enabled to act in the construction of the same and in the purchase of lands buildings and property for the purposes thereof respectively and in all other respects as fully and effectually as if the powers contained in the Rhymney Act had been originally conferred upon the Company :

A.D. 1890.

(3) The Company shall recoup to the Rhymney Company all expenditure (if any) incurred by them in obtaining the Rhymney Act less the sum of two thousand pounds or in the acquisition of lands for the purposes of the Rhymney Act or otherwise in the execution of the powers of the said Act.

3. In the event of such transfer the powers of raising additional share capital and of borrowing by the said Act conferred on the Rhymney Company shall cease to be exerciseable.

As to capital powers of the Rhymney Company.

4. In the event of such transfer the Rhymney Company shall not incur or be liable to any penalty under section twenty-nine of the Rhymney Act but sections twenty-nine and thirty of that Act shall apply to the Company with the substitution of the period prescribed by this Act for completion of the railways for the period limited by that Act.

Relief of Rhymney Company from penalties.

5. In the event of such transfer the period limited by the Rhymney Act for the completion of the railways and works shall be extended to the expiration of five years from the date of such transfer.

Period for completion of works extended.

6. In the event of such transfer the provisions of the Rhymney Act for the protection of the London and North-western Railway Company and of the other railway companies therein mentioned shall continue in full force and the Company shall be bound by and give effect to them save so far as may be otherwise in any respect agreed between the Company and the said companies respectively.

Saving for protection clauses.

7. In the event of such transfer the Company may demand and take in respect of the authorised railways the same tolls rates and charges as the Rhymney Company were by the Rhymney Act authorised to demand and take in respect thereof.

Tolls.

8. Every passenger travelling upon the railways may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds

Passengers luggage.



A.D. 1890. — in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Terminal station.

9. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

10. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

Company may take increased charges by agreement.

11. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance on the railways of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Running powers to Company over part of Rhymney Railways.

12.—(1) In the event of such transfer the Company may (subject to the provisions of this Act and to the byelaws rules and regulations as approved by the Board of Trade in relation to the Rhymney Company) run over work and use with their engines carriages and waggons officers and servants whether in charge of engines or trains or otherwise and for the purposes of traffic of every description so much of the existing railways of the Rhymney Company as lies between Caerphilly and the Bute Docks at Cardiff together with all stations roads platforms points signals water water engines engine sheds standing room for engines booking offices and other offices telegraph wires instruments and appliances telephones warehouses sidings junctions machinery works and conveniences of or connected with the said existing railways :

(2) The Company may demand and take in respect of any traffic conveyed by them over any of the railways run over or used by them in pursuance of the preceding provisions of this section such tolls rates and charges including terminal charges as they may think proper not exceeding in amount the tolls rates and charges authorised to be demanded in respect of similar traffic by the Rhymney Company :

(3) Provided that nothing in this section contained shall in any way prejudice or affect the right of the Company to demand or take such tolls or charges in respect of any such traffic when con-



veyed over any railways of the Company as they may be authorised or empowered to demand and take in respect thereof under any Act of Parliament or otherwise howsoever : A.D. 1890.

(4) The Company if they exercise the running powers conferred by this section shall pay to the Rhymney Company in respect of all passengers goods and animals conveyed by the Company on the railways of the Rhymney Company such tolls as shall be agreed between the Company and the Rhymney Company or as in default of agreement shall be settled by arbitration under the Railway Companies Arbitration Act 1859 regard being had to the cost of construction of the authorised railways and to all the other circumstances of the case.

**13.—**(1) In the event of such transfer and the construction of the authorised railways the Rhymney Company may run over and use with their engines carriages and waggons officers and servants whether in charge of engines or trains or otherwise and for the purpose of traffic of every description the authorised railways together with all stations roads platforms points signals water water engines engine sheds standing room for engines booking offices and other offices telegraph wires instruments and appliances telephones warehouses sidings junctions machinery works and conveniences of or connected with the authorised railways : Running powers to Rhymney Company over authorised railways.

(2) The Rhymney Company may demand and take in respect of any traffic conveyed by them over the authorised railways such tolls rates and charges including terminal charges as they may think proper not exceeding in amount the tolls rates and charges authorised to be demanded and taken in respect of similar traffic by the Company :

(3) The Rhymney Company shall pay to the Company in respect of all passengers goods and animals conveyed by the Rhymney Company on the authorised railways such tolls as shall be agreed between the Rhymney Company and the Company or failing agreement shall be settled by arbitration regard being had to the cost of construction of the authorised railways and to all the other circumstances of the case.

**14.** In the event of such transfer the following provisions shall have effect for the protection of the Barry Dock and Railways Company (herein-after called "the Barry Company") :—

For protection of Barry Dock and Railways Company.

(1) The Company shall punctually and regularly forward and afford all reasonable facilities for goods and mineral traffic destined for or coming from the undertaking of the Barry Company from or to the authorised railways at rates per mile not greater than the lowest rate which shall for the time being



A.D. 1890.  

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be charged for like traffic to or from the docks at Cardiff Penarth or Barry :

- (2) If at any time on the application made by the Barry Company to the court of the Railway and Canal Commission the said court shall decide that the Company have failed to give any of the facilities herein provided for then so soon as the Barry Company shall obtain access by running powers or otherwise to the authorised railways the Barry Company shall have power to run over and use the said railways with their engines carriages and waggons and officers and servants whether in charge of any engines or trains or for other purposes and for the purposes of their traffic of every description together with all stations on the said railways and all roads platforms points signals water water engines engine sheds standing room for engines booking and other offices sidings junctions machinery works and conveniences of or connected with the said railways :
- (3) The terms conditions and regulations in respect of the said use and the tolls or other consideration to be paid for the same shall if not agreed upon between the Company and the Barry Company be from time to time determined by an arbitrator to be appointed on the application of either party in difference by the Board of Trade and the decision of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and either of the parties who shall refuse or neglect to perform observe and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to the other of them as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence and twenty pounds for every day during which such offence shall continue :
- (4) In running over and using any portion of railway and in using any of the said stations and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the undertaking so used shall be at all times observed so far as such byelaws shall be applicable :
- (5) In the event of such transfer the Company shall complete and open for traffic the railway secondly described in section 5 of the Rhymney Act (called on the deposited plans and sections therein referred to Railway No. 5) before or simultaneously with the completion and opening of the Railway No. 1 described in the said section.



A.D. 1890.

**15.** Sections 31 and 32 of the Bute Docks (Transfer) Act 1886 shall apply to the authorised railways and the traffic passing over the said railways equally with the railways and traffic of the four companies mentioned in section 32 of that Act and to the Company as owners of the authorised railways as if the Company had been one of the four companies mentioned in the said thirty-second section.

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Extending provisions of sections 31 and 32 of the Bute Docks (Transfer) Act 1886.

**16.** The Company shall afford equal facilities upon equal terms and conditions to and in respect of traffic conveyed or intended to be conveyed by the Great Western Railway Company to from or over the authorised railways as are afforded under like circumstances to traffic conveyed or intended to be conveyed by the Company or any other company or person to from or over the authorised railways:

Equal facilities for traffic of Great Western Railway Company to from or over the authorised railways.

In case of any difference between the Company and the Great Western Railway Company as to any matter under this section the same shall be settled by arbitration under the Railway Companies Arbitration Act 1859.

**17.** In the event of such transfer the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that Act shall with any necessary modifications apply to the Company so far as regards the authorised railways in all respects as if it were one of the companies to which the provisions of the said Act in terms applied. Provided that the time within which the revised schedule of maximum rates and charges prescribed by section 24 of the said Act shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Application of provisions of Railway and Canal Traffic Act 1888 as to revision of rates to railways authorised by Act of 1888.

**18.** In the event of such transfer the Company may for the purposes of this Act and for the general purposes of the undertaking from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any additional sum or sums not exceeding in the whole two hundred and fifty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company. Provided that no share shall be issued of a less nominal value than ten pounds.

Additional capital.

**19.** No share created under the authority of this Act shall be issued nor shall any such share vest in the person accepting the same

Shares not to vest until one-fifth part paid up.



A.D. 1890. — unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof.

Receipt in case of persons not sui juris.

**20.** If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge.

As to votes of proprietors of new shares and stock.

**21.** The proprietors of any shares or stock (whether ordinary or preference) to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Power to borrow.

**22.** The Company may in respect of the additional capital of two hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole eighty-three thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital 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 said 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 to the extent aforesaid paid up) bonâ fide 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.

Appointment of a receiver.

**23.** Section 12 of the Bute Docks (Transfer) Act 1886 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may



have been commenced prior to the passing of this Act under that section The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. A.D. 1890.

**24.** 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 shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages. Power to create debenture stock.

**25.** All mortgages granted by the Company in pursuance of the powers of any former Act and subsisting at the time of the passing of this Act 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 but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. Former mortgages to have priority.

**26.** The provisions of the Companies Clauses Consolidation Act 1845 with respect to— Provisions of Companies Clauses Acts extended to new capital.

- 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 payment of calls ;
- The forfeiture of shares for non-payment 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 the shares into stock ;
- The general meetings of the Company and the exercise of the right of voting by the shareholders ;
- 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 :



A.D. 1890.

And also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869 ; shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

Application of capital.

**27.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Preference for Government traffic.

**28.** On the requisition of one of Her Majesty's Principal Secretaries of State or of the Lords Commissioners of the Admiralty the Company shall give preference to ships which are being loaded or unloaded at any of the Bute Docks with goods intended for the use of Her Majesty's service and shall not be liable to any claims or demands of or by any person whose business is interrupted or delayed by the giving of such preference.

Interest not to be paid on calls paid up.

**29.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

**30.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

**31.** Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.



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

Costs of  
Act.

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