



CHAPTER cvi.

An Act to change the name of the Llanelly Harbour and Barry Navigation Commissioners to the Llanelly Harbour Trust and to alter the constitution of the Trust to revive and extend the powers for the compulsory purchase of lands and for the execution of works under the Llanelly Harbour Acts 1896 and 1901 and otherwise amend those Acts to empower the Trust to borrow moneys with the consent of the Urban District Council of Llanelly and otherwise to alter and extend the financial powers of the Trust and for other purposes. A.D. 1904.

[22nd July 1904.]

WHEREAS under the local and personal Act 47 George III. session 2 chapter cvii. (in this Act called "the Act of 1807") commonable lands and waste grounds in the parish of Llanelly were enclosed and certain of them (in this Act called "the public estates") were allotted to and vested in trustees by that Act constituted who were thereby authorised to lease the same and to raise money on the security of the rents and profits thereof and to apply all moneys so raised in (among other things) the improvement of the town and port of Llanelly or of the public estates and to apply the residue of the said rents and profits (in this Act called "the income of the public estates") after payment thereof of the annual charges payable in respect of the moneys so raised and of the costs charges and expenses of the said trustees in the improvement of the said town and port: 47 Geo. 3.
sess. 2.
c. cvii.

And whereas by the local and personal Act 53 George III. chapter clxxxiii. certain Commissioners were constituted and empowered to improve deepen widen and maintain the navigation of the Rivers Barry Loughor and Lliedi and to light and buoy the 53 Geo. 3.
c. clxxxiii.

A.D. 1904. same and for those purposes to levy dues on shipping and goods
 6 & 7 Vict. and borrow money and their powers were extended by Acts passed
 c. lxxxviii. in the years 1843 and 1858 :

21 & 22 Vict. And whereas by a Provisional Order made under the Public
 c. lxxii. Health Act 1848 and confirmed by the Public Health Supple-
 13 & 14 Vict. Health Act 1850 (No. 3) the borough of Llanelly as therein
 c. cviii. defined was constituted a district under the Public Health Act
 1848 and the public estates were transferred to and vested in
 the local board of health for the said district (in this Act called
 "the local board") upon the trusts thereof declared and with and
 subject to the rights powers authorities and duties granted or
 imposed by so much of the Act of 1807 as was not by the said
 Order repealed and so far as the same were not repugnant to or
 inconsistent with that Order or the Public Health Act 1848 or
 any byelaw made thereunder and provision was made that if the
 property so transferred should be insufficient to satisfy charges
 created by the said trustees the deficiency should be charged on
 the general district rates levied in the parts and places which but
 for the said Order would or ought to have been chargeable with
 such deficiency and that all expenses which should be incurred
 by the local board under so much of the Act of 1807 as was not
 repealed by the said Order and which should not be defrayed out
 of the revenues received by the local board under the Act of 1807
 should be defrayed out of the general or special district rates as
 the case might require :

27 & 28 Vict. And whereas by the Llanelly Harbour Act 1864 (in this Act
 c. cciii. called "the Act of 1864") the said Commissioners were incor-
 porated and empowered to dredge the harbour to construct a new
 dock and other works and to levy dues for the use thereof :

31 Vict. c. x. And whereas by a Provisional Order under the Local Govern-
 ment Act 1868 confirmed by the Local Government Supplemental
 Act 1868 the district of the local board was extended :

41 Vict. And whereas by the Llanelly Harbour Act 1878 (in this Act
 c. lxxxiii. called "the Act of 1878") the said Commissioners were recon-
 stituted and as so reconstituted included the members of the local
 board and the reconstituted Commissioners (in this Act called
 "the Commissioners") were authorised to borrow with the
 consent of the local board fifty thousand pounds on the security
 of the harbour revenue and (collaterally) the income of the
 public estates and it was provided by the said Act that if the
 harbour revenue should be insufficient for the repayment of
 the borrowed moneys the deficiency should be met out of the

said income and if that should prove insufficient then out of the waterworks revenue of the local board and that if there were still a deficiency it should be met out of the general district rate of Llanelly to the intent that the whole of the net income of the public estates should be available for the payment of the principal moneys borrowed under the Act of 1878 and the interest thereon :

A.D. 1904.

And whereas by the Llanelly Local Board Act 1888 (in this Act called "the Act of 1888") the Local Board were authorised to sell the public estates freed from the trusts of the Act of 1807 and all principal moneys raised on the security of the recited Acts but it was enacted that the purchase money paid to the local board on any such sale (in that Act referred to as "public estates capital money") should while uninvested or unapplied and the investments thereof when invested be held on the same trusts as the public estates would have been held if not sold and that the income of the public estates capital money should be applied as the income of the public estates if not sold would have been applied and it was also enacted that in addition to the powers for securing the repayment of moneys borrowed by the Commissioners under the Act of 1878 and the interest thereon the local board might if they thought fit charge by way of collateral security the general district rates of their district with such repayment and interest provided such charges should not in any one year exceed the amount which might in such year be produced by a general district rate of sixpence in the pound on the assessable value for that year of property assessable to that rate and that such collateral security should cease on the expiration of fifty years from the first day of January 1890 :

51 & 52 Vict
c. clxxv.

And whereas the works authorised by the Act of 1864 were not constructed but the Commissioners under the powers of other of the said Acts and with the consent of the Board of Trade constructed training walls in the River Loughor to train the channel thereof and to improve the access to the docks at Llanelly :

And whereas by the Llanelly Harbour Act 1896 (in this Act called "the Act of 1896") the Commissioners were authorised to extend the said training walls and to construct a new dock and entrance a new cut or navigable channel and certain railways with various subsidiary works and by the Act of 1896 the borrowing powers of the Commissioners were enlarged and the limit of charge in any one year by way of collateral security on the said

59 & 60 Vict.
c. clxxxvi.

A.D. 1904. general district rate of the urban district of Llanelly was extended to one shilling in the pound on the assessable value of the property assessable to that rate in that year and the period for which such security should subsist was extended to the first day of January 1957 :

1 Edw. 7.
c. cclxvi.

And whereas by the Llanelly Harbour Act 1901 (in this Act called "the Act of 1901") the powers of the Commissioners for the compulsory purchase of lands for the construction of certain of the works authorised by the Act of 1896 were revived and extended and the borrowing powers of the Commissioners were further enlarged :

And whereas the Commissioners have with the consent of the local board or their successors the urban district council of Llanelly (in this Act called "the council") borrowed in all the sum of two hundred and twenty-five thousand seven hundred and eighty-seven pounds ten shillings and sevenpence of which the sum of two hundred and twenty thousand seven hundred and eighty-seven pounds ten shillings and sevenpence has been advanced by the Governor and Company of the Bank of England and is now owing together with interest thereon and have constructed the greater part of the works authorised by the Acts of 1896 and 1901 but the times limited for the construction of works and the compulsory purchase of lands have expired and the works cannot be completed unless the powers of the said Acts are revived and extended :

And whereas the completion of the works authorised by the Acts of 1896 and 1901 as proposed to be amended is of urgent public importance to the district of Llanelly but the revenues of the Commissioners together with the sums payable under the charges by way of collateral security have been insufficient to pay the interest on the loans outstanding and would not give adequate security for further loans and it is therefore expedient that the limit of charge in any one year by way of collateral security on the said general district rate of the urban district of Llanelly and the period for which such security shall subsist should be extended and that the Commissioners should be empowered to borrow for the payment of interest in arrear and to pay such interest :

And whereas the owners and ratepayers of the district at a meeting duly convened and held on the nineteenth and twenty-sixth days of January one thousand nine hundred and four approved the promotion of the Bill for this Act :

And whereas it is expedient that the title of the Commissioners should be changed to the Llanelly Harbour Trust and that the constitution of the Trust should be altered :

And whereas the Commissioners have applied to the Governor and Company of the Bank of England for a further advance :

And whereas it is expedient that further security may be provided for the moneys already advanced or to be advanced by the Governor and Company of the Bank of England :

And whereas having regard to the exceptional circumstances of the case it is expedient that a joint committee be appointed consisting of four trustees of whom two shall be appointed by the Governor and Company of the Bank of England to continue until such time as the moneys to be borrowed under this Act or borrowed under the Acts of 1878 1896 and 1901 be repaid to the Governor and Company of the Bank of England with all interest thereon :

And whereas the Governor and Company of the Bank of England are willing to make further advances on condition that the said joint committee be appointed and be invested with the powers herein-after provided :

And whereas it is expedient that the other provisions herein-after contained should be made :

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 King'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 Llanelly Harbour Act 1904 and the Llanelly Harbour Acts 1858 to 1901 and this Act may be cited as the Llanelly Harbour Acts 1858 to 1904. Short title.

2. The following Acts and parts of Acts (that is to say) :—

The Lands Clauses Acts ;

Part II. (Extension of time) of the Railways Clauses Act 1863 ;

The provisions of the Commissioners Clauses Act 1847 with respect to the mortgages to be created by Commissioners except section 84 ;

Incorporation of Acts.

A.D. 1904. — so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act, and in construing the said Acts the expressions "the Undertakers" and "the Commissioners" shall mean the Trust or the trustees.

Interpreta-
tion.

3. In this Act unless the subject or context otherwise require terms to which meanings are assigned in Acts wholly or partly incorporated with this Act or which have therein special meanings have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction :

"The council" means the urban district council for the district of the borough of Llanelly ;

"The Trust" means the Llanelly Harbour Trust ;

"Trustee" means a member of the Trust ;

"The clerk" means the clerk to the Trust ;

"The mortgagees" means the Governor and Company of the Bank of England or their assigns ;

"Electors" means the parochial electors for the time being enrolled in the register of parochial electors in force for the parishes in the district of the borough of Llanelly.

Change of
name of
Commis-
sioners.

4. As from the passing of this Act the name of the Commissioners as a body corporate shall be "the Llanelly Harbour Trust" and the Commissioners individually shall be called "trustees of the Llanelly Harbour Trust" but save as in this Act provided the constitution rights privileges jurisdiction functions powers and authorities of the Commissioners shall vest in and be enjoyable and exerciseable by affect and enure to the benefit of or against the Llanelly Harbour Trust and the trustees of the Llanelly Harbour Trust respectively in like manner in every respect as if the Trust were the Commissioners as a body corporate and the trustees were Commissioners and the Llanelly Harbour Acts 1858 to 1901 shall be construed as if "the Llanelly Harbour Trust" were therein substituted for "the Llanelly Harbour and Burry Navigation Commissioners" and "trustee of the Llanelly Harbour Trust" for "Llanelly Harbour and Burry Navigation Commissioner."

Constitution
of Trust.

5. The constitution of the Trust shall until the first Monday in September one thousand nine hundred and four remain and be as if this Act had not been passed and on that day all the

existing trustees shall go out of office and on and after that day the constitution of the Trust shall be as follows (that is to say):—

A.D. 1904.

Fifteen elective trustees;

The lord of the seigniories of Gower and Kilvey;

The lord of the lordship of Kidwelly;

The lord of the manor of Pembrey;

The lord of the layage of Loughor;

One trustee to be appointed by the Great Western Railway Company;

One trustee to be appointed by the Burry Port and Gwendreath Valley Railway and Dock Company;

One trustee to be appointed by the Burry Port Urban District Council;

One person to be from time to time appointed by the persons for the time being in receipt of dues (other than harbour dues) on goods exported and imported from and to the dock at Llanelly known as the Copperworks Dock and on shipping entering the said dock; and

Two trustees to be appointed by the mortgagees.

6.—(1) Notwithstanding the provisions of the section of this Act of which the marginal note is “Constitution of Trust” the two trustees to be appointed by the mortgagees may be appointed forthwith after the passing of this Act and shall have the right to attend and take part in the proceedings of every committee of the Trust.

Appointed trustees.

(2) Each of the trustees to be appointed by the mortgagees shall be entitled to such remuneration for their services and allowances for expenses as may be from time to time agreed between themselves and the trustees and failing such agreement shall be fixed by the standing referee.

7.—(1) The first elective trustees shall be elected on the first Monday in the month of September one thousand nine hundred and four in the manner by this Act provided and shall come into office on the twelfth day of September one thousand nine hundred and four and remain in office for a period of three years.

Election of elective trustees.

(2) Subsequent elections of elective trustees shall take place upon the first Monday in the month of September in each third

A.D. 1904. — succeeding year and the trustees so elected shall remain in office for a period of three years.

Qualification of electors of elective trustees.

8. The electors shall be entitled to vote in the election of the elective trustees.

Rules to be observed at elections of elective trustees.

9. The election of elective trustees shall be conducted in accordance with the following rules:—

- (1) Twenty-one days at least prior to the day of election the clerk shall give public notice requiring the names of candidates to be sent to him. Such notice shall be printed and posted on the outer door of the Town Hall Llanelly and shall be inserted in a local newspaper published or circulating in the district of the borough of Llanelly :
- (2) Seven days at least prior to the day of election the name of each candidate shall be intimated to the clerk in the form set forth in the First Schedule to this Act annexed or to the like effect and such form shall be signed by two electors duly qualified to vote for such candidate and by the candidate in approval of his nomination. Provided that no candidate shall be his own nominator :
- (3) Any candidate may withdraw from his candidature by notice signed by him and delivered to the clerk by four o'clock in the afternoon of the day immediately succeeding the last day for sending in nominations :
- (4) If at four o'clock in the afternoon of the day immediately succeeding the last day for sending in nominations the number of candidates proposed to be elected as elective trustees is not more than the number of vacancies to be filled there shall be no poll in order to fill such vacancies and the clerk shall on the day of election declare such candidates duly elected and shall sign a declaration of such election which shall be conclusive evidence thereof and shall forthwith affix a duplicate or copy of such declaration on the outer door of the Town Hall Llanelly and if the number of candidates so proposed as aforesaid is greater than the number of vacancies to be filled a poll shall be taken in manner herein-after provided :
- (5) The decision of the clerk shall be final as to any question arising in relation to the nomination of any candidate.

10. The following rules shall be observed with respect to taking a poll at elections of elective trustees :—

A.D. 1904.
Rules as to
taking poll.

- (1) The poll shall be taken at Llanelly at such polling places as the returning officer or his deputy may appoint :
- (2) The chairman of the Trust or a person nominated in writing by him shall be the returning officer. The returning officer shall appoint such deputy returning officers presiding officers poll clerks and other assistants as he deems necessary and provide proper ballot boxes and polling books and other things necessary for taking the poll regulate the number of electors to be admitted at a time exclude all other persons except the assistants candidates for election and any constables on duty and conduct the taking of votes at the polling place and his decision on all questions arising in connexion therewith shall be final :
- (3) Votes shall be given by electors by ballot and the ballot of each elector shall consist of a paper in the form set forth in the Second Schedule to this Act or as near thereto as may be. Electors may vote for any number of candidates not exceeding the number of elective trustees to be elected and no elector shall give more than one vote to one candidate :
- (4) The poll shall be opened at twelve o'clock noon of the day of election and shall close at eight o'clock in the afternoon of the same day :
- (5) At the close of the poll the returning officer or his deputy shall count the votes and declare the total number given for each candidate. The candidates having respectively the largest number of votes shall be deemed elected and the returning officer or his deputy shall in any case of equality in votes determine by lot between the candidates having an equal number of votes and shall sign a declaration of such election which shall be conclusive evidence thereof and shall forthwith affix a duplicate or copy of such declaration on the outer door of the Town Hall Llanelly.

11. If from any cause the full number of vacancies is not filled up at any election the returning officer or his deputy shall hold another election on such day as he may think proper.

If vacancies
not filled up
another elec-
tion to be
held.

A.D. 1904.

In case of death of returning officer or incapability to act chairman to appoint another returning officer.

12. In case of the death of the returning officer not being the chairman of the Trust or of his becoming incapable to act the chairman of the Trust shall be or shall appoint another person to be returning officer. In case of the death of the chairman of the Trust whilst returning officer the clerk of the Trust shall be returning officer.

Expenses of revision of lists and elections.

13. All expenses of or incident to any election incurred by the returning officer shall be repaid to him by the Trust and all deputy returning officers presiding officers poll clerks assistants or other officers shall be in like manner paid a reasonable remuneration for attendance at the election and for any other services performed in relation to such election and any dispute respecting the amount of such expenses and remuneration shall be determined by a justice who shall have power also to fix the costs attending such determination and to order by whom the same shall be paid.

Penalty on false statements and personation of electors.

14. If any person shall wilfully personate any other person in voting under this Act or falsely assume to act in the name or on behalf of such other person or wilfully tender or use any forged ballot paper he shall for every such offence be liable to a penalty not exceeding twenty pounds which the Trust may sue for and recover in any court of competent jurisdiction.

Mode of appointing trustees representing companies.

15. Any company entitled to appoint a trustee under this Act may appoint any person to be a trustee or revoke such appointment by resolution and shall notify every appointment or revocation to the clerk by a certificate under their common seal and every such certificate shall be sufficient evidence that the person therein named is duly appointed or that his appointment has been revoked as the case may be and every person so appointed shall be entitled to act as a trustee until his appointment has been revoked subject to the provisions of the section of this Act whereof the marginal note is "Disqualification of trustees";

Provided that in the case of the trustees appointed by the mortgagees the appointment or revocation as the case may be may be made by an instrument in writing signed by the Governor or the Deputy Governor of the Bank of England.

Application and amendment of Act of 1878.

16.—(1) The following sections of the Act of 1878 shall apply to the Trust and to the trustees as reconstituted by this Act:—

Section 7 (Stewards of the lord of the seigniories of Gower and Kilvey &c. may act on their behalf) :

Section 8 (For appointment of Commissioners for borough of Loughor and Copperworks Dock). A.D. 1904.

(2) Sections 6 and 9 of the Act of 1878 are hereby repealed so far as the same relate to the appointment of Commissioners.

17.—(1) Notwithstanding the provisions of section 11 of the Act of 1878 the chairman of the council need not be chairman of the Trust. Election of chairman.

(2) At the first meeting of the Trust after the first Monday in September in each year or at some adjournment thereof the Trust may if they think fit elect one of their body to be their chairman and another of their body to be their vice-chairman for the ensuing year and in case the chairman or vice-chairman die or resign or cease to be a member or otherwise become disqualified to act as such the trustees present at the meeting next after the occurrence of such vacancy may choose some other of their body to fill such vacancy and the chairman or vice-chairman (as the case may be) so elected shall continue in office so long only as the person in whose place he was elected would have been entitled to continue in office.

(3) If at any meeting of the Trust the chairman be not present the chair shall be taken by the vice-chairman and if neither chairman nor vice chairman be present or if no chairman or vice-chairman shall have been elected one of the trustees present shall be elected chairman of such meeting by the trustees present at such meeting.

18. A person shall be disqualified from being or acting as a trustee if he or the company through or as representing which he derives his qualification — Disqualification of trustees.

(A) Is an infant or alien ;

(B) Has within five years before his election or since his election been convicted either on indictment or summarily of any crime and sentenced to imprisonment with hard labour without the option of a fine or any greater punishment and has not received a free pardon or has been adjudged bankrupt or has made a composition or arrangement with his creditors or in the case of a company if an order has been made or a binding resolution passed for the winding up of such company ;

(c) Holds any paid office under the Trust provided that this subsection shall not apply to the trustees appointed by the mortgagees ;

A.D. 1904.

(D) Is concerned in any bargain or contract entered into with the Trust or participates in the profits of any such bargain or contract or of any work done under the authority of the Trust ;

Provided that a person shall not be disqualified by reason of his or his partnership or company being interested—

(E) In the sale or lease of any land or any loan of money to the Trust ;

(F) In any agreement with the Trust for the compounding of tolls rates or dues Provided that no trustee so interested shall vote at any meeting on any question as to approving or disapproving any such agreement with respect to the rates or dues payable by such person or by any other trustee or company through or as representing which any trustee derives his qualification ;

(G) In any newspaper in which any advertisement relating to the affairs of the Trust is inserted ;

(H) In any contract with the Trust as a shareholder in any joint stock or limited liability company but he shall not vote at any meeting of the Trust on any question in which such company is interested.

Where a person is disqualified by being adjudged bankrupt or making a composition or arrangement with his creditors the disqualification shall cease in the case of bankruptcy when the adjudication is annulled or when a discharge is obtained with a certificate that the bankruptcy was caused by misfortune without any misconduct or at the expiration of five years from the date of any discharge without such certificate as aforesaid and in case of composition or arrangement the disqualification shall cease on payment of the debts in full or at the expiration of five years from the date of such composition or arrangement.

If any person acts when disqualified under this section he shall for each offence be liable to a penalty not exceeding twenty pounds.

19. If a trustee dies or resigns or is disqualified from acting as a trustee or ceases to be such from any cause whatsoever other than by the expiration of his tenure of office through effluxion of time the vacancy arising thereby shall be filled as follows :—

(1)—(a) If the trustee whose office becomes vacant was an elective trustee the trustees when the fact thereof

Mode of
supplying
occasional
vacancies.

becomes known to them and as soon thereafter as they conveniently may shall appoint another person to be trustee ;

A.D. 1904.

(b) If the trustee whose office becomes vacant was appointed by the mortgagees the mortgagees shall appoint another trustee in his place :

- (2) Every person appointed a trustee under the provisions of this section shall as to continuance in office and in all other respects be in the same position as the trustee in whose place he was appointed.

20. In the event of any failure to appoint trustees as herein-before provided the trustee or trustees of the particular class or classes in respect of which no appointment has been made and then retiring or the retiring first trustees as the case may be or a sufficient number of such persons as aforesaid selected where necessary by ballot shall continue in office in place of and as to duration of office and in all other respects be in the same position as the trustees so failing to be appointed but this section shall not apply to a trustee appointed by the mortgagees.

Provisions where failure to appoint trustees.

21. Every trustee going out of office shall if otherwise duly qualified be eligible for re-appointment or re-election and every person re-appointed or re-elected shall be deemed a new trustee.

Trustees going out of office eligible for re-appointment or re-election.

22. The Burry Port Urban District Council may appoint any member of that council to be a trustee or revoke such appointment by resolution and the clerk to the said council shall by writing under his hand certify the fact of such appointment or revocation to the clerk and every such certificate shall be sufficient evidence that the person therein named is duly appointed or that his appointment has been revoked as the case may be and every person so appointed shall be entitled to act as a trustee until his appointment has been revoked so long as he remains a member of the said council subject to the provisions of this Act whereof the marginal note is "Disqualification of trustees".

Appointment of trustee by Burry Port Urban District Council.

23. Any act of the Trust or of any individual trustee shall not be invalid or illegal by reason of any irregularity in the appointment nomination or election of any member of the Trust or by reason of any person not qualified or ceasing to be qualified acting as a trustee or by reason of the non-delivery of or the too late delivery of or any error in any list of electors or by reason

Error failure &c. not to invalidate acts done &c.

A.D. 1904.

of any irregularity in the making or publishing of any such list or any notice in respect thereof or by reason of any failure or omission on any occasion on the part of the council or any other person company or authority to appoint trustees or by reason of any other irregularity error failure or omission in or about any election or in or about any matter preliminary or incidental thereto.

Appoint-
ment of joint
committee.

24.—(1) The Trust shall within two months after the passing of this Act and thereafter annually at their first meeting held after the first Monday in September in each year appoint a joint committee consisting of four trustees of whom two shall be trustees appointed by the mortgagees each of whom shall remain in office for one year and shall be eligible for reappointment Any occasional vacancy shall be filled up forthwith by the appointment of a trustee by the mortgagees or by the Trust as the case may be for the unexpired term of the vacating member but until such appointment as aforesaid the existing members shall form the joint committee.

(2) The joint committee may make rules and regulations relative to their quorums places and hours of meeting and relative to their meetings generally and as to the conduct of business thereat Provided that the member presiding over any meeting of the joint committee shall not in the event of an equality of votes have a second or casting vote.

(3) In the event of any difference arising between the members of the joint committee such difference shall at the request of any member of the joint committee be referred to a standing referee whose decision shall be final who shall hold office for one year and shall be eligible for re-election and who shall be appointed annually subject to the approval and consent of the mortgagees and failing such approval and consent by the Board of Trade and who shall be paid by the Trust such remuneration as shall be fixed by agreement between himself and the Trust or failing such agreement by the Board of Trade.

The first standing referee shall be Sir Henry Mather Jackson Baronet.

(4) The joint committee shall cause entries of all the proceedings of the committee with the names of the members who shall attend each meeting to be duly made from time to time in books to be provided for the purpose which shall be kept by

the clerk under the superintendence of the committee and every such entry shall be signed by a member present at the meeting at which the proceeding took place and such entry so signed shall be received as evidence in all courts and before all judges justices and others without proof of such meeting having been duly convened or held or of the persons attending such meeting having been or being members of the joint committee or of the signature of the member signing such entry all of which last-mentioned matters shall be presumed until the contrary is proved and such books shall at all reasonable times be open to the inspection of any of the committee and of the mortgagees.

A.D. 1904.

(5) The joint committee as from time to time constituted shall continue to exist so long only as any part of the moneys borrowed from the mortgagees under this Act or the Acts of 1878 1896 and 1901 or any interest thereon remains unpaid to the mortgagees.

25.—(1) The Trust shall not enter into any contracts relative to capital expenditure or commence any legal proceedings or incur any liability or expend any moneys on capital account without the consent in writing of the joint committee or of the standing referee as the case may be.

Powers of joint committee.

(2) The Trust shall once in each month cause to be prepared in a form approved by the joint committee a scheme of their proposed expenditure on revenue account which shall be submitted forthwith to the joint committee.

(3) The Trust shall at the request of either of the trustees appointed by the mortgagees refer any question whatsoever affecting the undertaking to the joint committee whose decision thereon or that of the standing referee as the case may be shall be final.

(4) The Trust shall so soon as reasonably may be carry out and give effect to any decision of the joint committee or the standing referee.

26. The powers of the Trust for the construction of the works authorised by the Act of 1896 and by the Act of 1901 are hereby revived and extended until the seventh day of August 1906 and such powers together with the powers for the construction of works conferred by this Act shall then cease.

Revival and extension of powers for construction of works.

27.—(1) The following provisions unless otherwise agreed in writing shall have effect for the protection of the Welsh Tinplate and Metal Stamping Company Limited their successors

For protection of Welsh Tinplate and Metal

A.D. 1904.
Stamping
Company
Limited.

and assigns of the property now held by them at Llanelly (hereinafter called "the company") The company shall sell and assign to the Trust the land shown on the plan annexed to the notice to treat served on the company on the fifth day of August one thousand nine hundred and three :—

(a) In lieu of a cash payment the company shall be entitled to fill up from time to time when and as they so desire the whole or such part or parts as they shall think fit of the pond or scouring reservoir situate at the head of the "Lead Works" or "Cambrian Dock" The Trust shall use their best endeavours to obtain the consent of the Board of Trade to such work and the company shall use their best endeavours to obtain the consent of the Commissioners of Woods thereto :

(b) In the event of the consent of the Board of Trade and of the Commissioners of Woods not being obtained to such work the Trust shall pay to the company such a sum for the said land as shall be agreed or failing agreement ascertained by arbitration under the Lands Clauses Act 1845 in pursuance of the above-mentioned notice to treat :

(c) The ground rent reserved by the Crown lease under which the company hold the land shall be apportioned as between the Trust and the company by the Commissioners of Woods for the time being in charge of the property such reference to be deemed an arbitration under the Arbitration Act 1889 :

(d) The costs of the assignment shall in any event be borne by the Trust.

(2) Any claim for damages to the company's property arising out of the construction of the works of the Trust shall not be prejudiced or deemed to be satisfied by the terms of this section.

(3) The company may deposit in the Estuary the mud sand and material dredged by them from their dock quays layerage and approaches thereto at such place or places as the Trust may direct on the same terms as are from time to time granted to the owners of other docks in the Estuary.

(4) The Trust shall not cause any form of obstruction in or to the access to the channel leading to the company's dock from the "New Cut" or channel leading to the North Dock and shall

afford the company all reasonable facilities for dredging at the cost of the company a channel not to exceed sixty feet wide from their dock to the New Cut.

(5) The company may lay pipes for the drainage of water from their property and also for the drainage of soil from water-closets on the same through the said piece of land their interest in which is to be assigned to the Trust provided that such pipes are constructed and laid to the reasonable satisfaction of the engineer of the Trust for the time being. The council shall be entitled to extend the town sewer through the property of the company free of charge provided that they shall not interfere with the layerages of the company and that such extension is carried out to the reasonable satisfaction of the company's engineer.

28. Nothing herein contained shall authorise the Trust to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Saving
rights of
Crown.

29. The powers of the Trust for the compulsory purchase of lands for the construction of the works authorised by the Act of 1896 are hereby revived and extended until the seventh day of August one thousand nine hundred and six and such powers shall then cease. Provided that this section shall not apply to lands or other property belonging to the Llanelly and Mynydd Mawr Railway Company or John Waddell and Sons.

Revival ex-
tension and
limitation of
powers for
compulsory
purchase of
lands.

30.—(1) In the case of steam vessels other than steam tugs the net register tonnage upon which rates are leviable shall in no case be deemed for the purpose of rating to be less than fifty per centum of the gross register tonnage of such steam vessels.

Provision as
to net regis-
ter tonnage
of steam
vessels.

(2) In the case of steam tugs the net register tonnage upon which rates are leviable shall in no case be deemed for the

A.D. 1904. purposes of rating to be less than eighteen per centum of the gross register tonnage of such tugs.

Rates and charges payable though certain works not wholly completed.

31. So soon as Works C and D authorised by the Act of 1896 or either of those works respectively are or is certified by a certificate under the hand of the chairman of the quarter sessions of the county of Carmarthen in the manner provided by the Harbours Docks and Piers Clauses Act 1847 to be fit for the reception of and loading or unloading of vessels the Trust may from time to time demand and take the several rates and charges authorised by the Act of 1896 as amended by this Act and applicable to such works respectively to which sections 25 and 26 of the Harbours Docks and Piers Clauses Act 1847 apply although such works be not then wholly completed.

Additional borrowing powers of Trust.

32. The Trust may (in addition to any other moneys they are authorised to borrow under any other Act) borrow at interest with the consent of the council the following sums for the following purposes (that is to say) :—

For paying the costs of this Act as herein-after defined the sum necessary for the purpose :

For and in relation to the completion and equipment of the works by the Act of 1896 as amended by the Act of 1901 and this Act authorised any sums not exceeding twenty-four thousand pounds :

For the payment of arrears of interest outstanding on moneys borrowed by the Trust or their predecessors any sums not exceeding eleven thousand pounds :

For other purposes of the Llanelly Harbour Acts 1858 to 1901 (so far as the same are in force) and this Act such sums as the Board of Trade may consider expedient for improving the harbour and facilitating the trade of the port and may sanction accordingly.

Consolidation of loans and security therefor.

33.—(1) Subject to the provisions of this Act the whole of the moneys borrowed from the mortgagees under the powers of this Act or the Acts of 1878 1896 and 1901 shall as from the thirtieth day of September one thousand nine hundred and four form one consolidated loan which shall together with the interest thereon subject only to existing loans and interest as to the sum of thirty thousand pounds borrowed or to be borrowed under the Act of 1901 be a first charge upon the harbour undertaking and all real and personal property belonging thereto and as to the moneys borrowed or to be borrowed under the Acts of 1878 and

1896 and this Act shall be a first charge upon the harbour revenue and the whole consolidated loan shall further (subject as aforesaid) be a first charge upon the income of the public estates and of the public estates capital money and upon the general district rate leviable by the council : A.D. 1904.

Provided that the aggregate amount which may in one year become payable by the council out of the general district rate so charged shall not exceed the amount which might in such year be produced by a general district rate of two shillings in the pound on the assessable value for that year of property assessable to the general district rate. The amount so levied shall be carried to a separate account in each year to be distinguished as the Llanelly Harbour Account and shall be applied by the council in the manner provided by this Act :

Provided also that such charge on the general district rate shall cease at the expiration of sixty years from the first day of January one thousand eight hundred and ninety-seven or at such earlier date as the moneys so secured shall have been repaid to the mortgagees.

(2) The above charge shall be in addition to all other securities for the repayment of the said consolidated loan and save in respect of the date of payment of the principal moneys and of the rate of and dates of the payment of interest as hereinafter provided the provisions of the said securities shall remain in force.

(3) As from the thirtieth day of September one thousand nine hundred and four the interest upon the consolidated loan aforesaid shall be at the rate of four per centum per annum and shall be payable by the Trust upon the first day of January and the first day of July in each year.

(4) The whole of the principal moneys of the consolidated loan shall unless otherwise agreed become due and payable on and not before the expiration of a period of five years from the thirtieth day of September one thousand nine hundred and four. Provided that if the Trust refuse or neglect to carry out the provisions of the section of this Act of which the marginal note is "Powers of joint committee" the whole of the principal moneys shall forthwith become due and repayable.

The mortgagees shall not during such period of five years take any steps to obtain the appointment of a receiver on account of non-payment of interest unless the trustees appointed by the mortgagees certify to the mortgagees that the whole or part

A.D. 1904.

of any instalment of interest upon the consolidated loan which could have been paid out of the harbour revenue properly available for the payment of interest and the income of the public estates and of the public estates capital moneys and the sums payable out of the general district rate has not been paid as in this Act provided.

(5) Nothing in this Act shall affect the rights of Lloyds Bank Limited under a mortgage dated the seventh day of October one thousand nine hundred and one for the purpose of securing repayment of the sum of five thousand pounds advanced by the said bank to the Llanelly Harbour and Burry Navigation Commissioners.

(6) The Trust and the council shall from time to time execute and do all such mortgages assurances and things for further or more perfectly assuring the security intended to be hereby made as by the mortgagees shall be reasonably required.

If harbour revenue insufficient for payment of principal and interest council to make up deficiency out of income of public estates &c.

34. If at any time the funds in the hands of the Trust from the harbour revenue be insufficient for the repayment of any moneys borrowed from the mortgagees under the authority of this Act or the Acts of 1878 1896 and 1901 or for the payment of any interest on such moneys or for the maintenance of the sinking fund the council shall as soon as may be after demand in writing in that behalf under the seal of the Trust pay to the order of the Trust any sum or sums so demanded out of the surplus income of the public estates for the time being in the hands of the council and the income of the public estates capital money as provided by Part II. of the Act of 1888 and if such surplus and other income be insufficient for the purpose aforesaid the council shall subject as by this Act provided pay the deficiency out of the general district rate.

As to sinking funds.

35. The provisions of section 14 of the Act of 1878 as to payment of moneys borrowed by instalments or by a sinking fund and the provisions of section 136 of the Act of 1896 as applied to moneys borrowed under the Act of 1896 or under the Act of 1901 are hereby repealed and any sums already paid to any sinking fund under the Act of 1878 together with the accumulations and the proceeds of the investments thereof shall be applied in reduction of moneys borrowed under the authority of that Act Provided that the Trust shall forthwith after the expiration of five years from the twenty-ninth day of September one thousand nine hundred and four make provision to the satisfaction of the Board of Trade for paying off all moneys borrowed

under this Act and the Acts of 1878 1896 and 1901 within fifty-five years from the twenty-ninth day of September one thousand nine hundred and nine either by equal annual instalments of principal or of principal and interest combined or by means of a sinking fund appropriated and invested and with the accumulation thereof (if any) applied in the redemption of such borrowed moneys.

A.D. 1904.

36.—(1) From and after the passing of this Act the harbour revenues shall be applied in the manner and order following:—

Application
of revenue.

- (A) In paying the office working and establishment expenses of the Trust and of the joint committee and of the remuneration of the trustees appointed by the mortgagees and of the standing referee and of the cost of maintaining the harbour and works of the Trust and the navigation subject to their jurisdiction:
- (B) In paying the interest on moneys borrowed under the Llanelly Harbour Acts 1858 to 1901 and this Act:
- (C) In providing the requisite annual instalments or appropriations for the sinking fund or for the repayment of the moneys borrowed under the Llanelly Harbour Acts 1858 to 1901 and this Act in accordance with this Act:
- (D) In improving the harbour and works of the Trust and generally in carrying out the objects and purposes of the Llanelly Harbour Acts 1858 to 1901 and this Act:
- (E) In repaying to the council all sums paid by them to the Trust out of the district fund and general district rate:
- (F) The residue or surplus of the harbour revenues as aforesaid which shall not be required for any of the preceding purposes shall be carried to the credit of the harbour fund.

(2) Section 19 of the Act of 1878 and section 12 of the Act of 1901 are hereby repealed.

37. The following provisions shall unless otherwise agreed between the Llanelly and Mynydd Mawr Railway Company (in this section called "the company") and the Trust be observed and have effect (that is to say):—

For pro-
tection of
Llanelly and
Mynydd
Mawr Rail-
way Com-
pany and
John Wad-
dell and Sons.

The working expenses mentioned in subsection (A) of subsection (1) of the section of this Act (whereof the

A.D. 1904.

marginal reference is "Application of revenue") shall include the cost of maintaining the works and fulfilling the obligations in favour of the company and of John Waddell and Sons under section 7 of the Act of 1901 and under the award of Peter Whyte dated the eighth day of April one thousand nine hundred and three.

Incorporating certain sections of Acts of 1878 1896 and 1901.

38. The following sections of the Act of 1878 and the Act of 1896 and the Act of 1901 (that is to say) :—

Of the Act of 1878—

- Section 15 (Annual return to Board of Trade with respect to instalments and sinking fund) ;
- Section 16 (Provision as to loan by Public Works Loan Commissioners) ;
- Section 17 (Priority of existing mortgages and bonds) ;
- Section 18 (Application of moneys borrowed) ;
- Section 22 (Receipt in case of persons not sui juris) ;
- Section 23 (Protection of lenders from inquiry) with the exception of the words "or entitled" ;

Of the Act of 1896 —

- Section 131 (Power to borrow under Local Loans Act 1875) ;
- Section 132 (Consent of council to be endorsed on mortgages &c.) ;
- Section 137 (Power to reborrow) ;
- Section 138 (Commissioners not to regard trusts) ;

Of the Act of 1901—

- Section 11 (Sections 236 to 239 of Public Health Act 1875 to apply to mortgages by council under this Act) ;

shall extend and apply mutatis mutandis to and in relation to moneys borrowed under this Act.

Costs of Act.

39. All the costs charges and expenses incurred by the Trust and by the mortgagees preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Trust out of the harbour revenue or out of moneys to be borrowed for that purpose under the powers of this Act.

The SCHEDULES referred to in the foregoing Act.

A.D. 1904.

FIRST SCHEDULE.

FORM FOR NOMINATION OF ELECTIVE TRUSTEES.

We [here insert name and designation] and [here insert name and designation] hereby nominate [here insert name and designation of candidate] for election as an elective trustee.

Given under our hands this _____ day of _____ one thousand nine hundred and _____

} Two electors.

And I the said _____ hereby sanction and approve of the said nomination.

To the Clerk to the Llanelly Harbour Trust.

A.D. 1904.

SECOND SCHEDULE.

(FORM OF FRONT OF BALLOT PAPER.)

LLANELLY HARBOUR TRUST.

ELECTION OF ELECTIVE TRUSTEES.

(Date of Election.)

Counterfoil No.

BROWN

(John Brown of 152 George Street
Llanelly Merchant).

HODGE

(Charles Hodge of 4 Clifton Street
Llanelly Tin Plate Manufacturer).

JONES

(William David Jones of High Elms
Llanelly Esquire).

ROBERTS

(William Edward Roberts of 16 York
Street Llanelly Colliery Owner).

SMITH

(Henry Edward Smith of 72 Brown
Street Llanelly Shipowner).

Note.—The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.

[The other candidates to be named in like manner.]

Instructions.

A voter may vote for [fifteen] Candidates or less than [fifteen].

Votes must be given by the voter placing a cross opposite the name of each Candidate for whom he votes.

(FORM OF BACK OF BALLOT PAPER.)

No.

NOTE.—The number on the back of the Ballot Paper is to correspond with that on the counterfoil.

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