



ANNO SECUNDO & TERTIO

# VICTORIÆ REGINÆ.

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*Cap. lxxiv.*

An Act to enable the *Newport Dock Company*  
to raise a further Sum of Money.

[19th July 1839.]

**W**HEREAS an Act was passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Dock and other Works in the Port of Newport in the County of Monmouth, with a Railway and Stone Road therefrom*, whereby it was amongst other things enacted, that it should be lawful for the said Company to raise amongst themselves a competent Sum of Money for making the Works by the Act authorized to be made, not exceeding in the whole Fifty thousand Pounds, to be divided into Five hundred Shares of One hundred Pounds each; and in case such Money should be found insufficient for the Purposes of the said Act the said Company were thereby authorized to raise, by Mortgage of the said Undertaking, any further Sum of Money for completing the same not exceeding Seventeen thousand Pounds: And whereas the said Company have made considerable Progress in the Construction of the Works by the said Act authorized, and have contributed amongst themselves, under the Powers thereof, the Sum of Fifty thousand Pounds, but have not raised any Part of the Sum of Seventeen thousand Pounds which by the said Act they are authorized to borrow on the Credit of the said

5 & 6 W. 4.  
c. 75.

[Local.]

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Undertaking:

Extending Powers of recited Act to this Act, except as hereby altered.

Undertaking; and in order to complete and maintain the Works by the said Act authorized it is necessary that the said Company should be enabled to raise a further Sum of Money, but such Money cannot be raised 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, That all the Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things contained in the said recited Act (except such of them, or such Parts thereof respectively, as are by this Act altered or otherwise provided for,) shall extend and be construed to extend to this Act, and to the Purposes and Things hereby authorized or required to be effected and done, and shall operate and be in force with respect to the Objects and Purposes of this Act as fully and effectually as if the same Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act, and made Part thereof.

Power to raise Money by the Creation of new Shares.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, from Time to Time, by any Order of a General or Special General Meeting of the said Company, to raise such Sum or Sums of Money, not exceeding in the whole the Sum of Thirty thousand Pounds, in addition to the Monies authorized to be raised by the said recited Act, as they shall at any Time think expedient, by the Creation of any Number of additional Shares of the Value of One hundred Pounds each; and the said Company shall, at such Time or Times as they shall think proper, offer the Shares so created as aforesaid for Sale in the public Market, or dispose thereof in such other Way as the Committee of Management of the said Company shall consider most advantageous for the Interests of the said Company; and all such further and additional Capital Stock as shall be so raised shall be considered as Part of the Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management, in all respects, as if the same had been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said additional Capital Stock, and the Amount of such Calls, which Times and the Amount of which Calls respectively shall from Time to Time be appointed by the said Company; and all Regulations, Provisions, and Authorities contained in the said recited Act in relation to the Calls for the Capital Stock of the said Company by the said recited Act authorized to be raised, and to the Recovery thereof or of any Arrears thereof, and to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls for the said further and additional Sum of Thirty thousand Pounds, hereby authorized to be raised, or such Part thereof as shall be required to be raised by way of additional Capital Stock, and to the Refusal or Neglect to comply with such last-mentioned Calls; and all Shares created in pursuance of this Act shall be deemed Personal Estate, and all Corporations and Persons entitled thereto, and their several Successors, Executors, Administrators, and Assigns, shall be united to and incorporated with the



the said Company, and be entitled to the same Rights and Privileges, and be subject to the same Liabilities and Obligations, as if they were entitled to Capital Stock of a like Amount created by the said recited Act; and all the Clauses in the said Act contained, which in anywise relate to the Shares thereby created, shall be deemed to apply to the Shares hereby authorized to be created, save where it is hereby otherwise provided.

III. And be it further enacted and hereby declared, so as to operate retrospectively as well as prospectively, That any Clerk, Clergyman, or Ecclesiastical Person whatever is and has been and shall be legally competent to and can or may purchase, hold, or enjoy, and dispose of, any Share or Shares already or hereafter to be created in the said Company or the Capital Stock and Profits thereof, in like Manner and subject to the same Conditions as any other Body or Person is by this or the said recited Act authorized, and without being liable to any Penalty or Forfeiture or other Consequence by reason thereof; and the said Company may sue and be sued, and shall enjoy the same Privileges and Immunities, as they are or would be entitled to if no such Clerk, Clergyman, or Ecclesiastical Person was or had been a Shareholder in the said Undertaking, any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Authorizing  
Ecclesiastical Persons  
to hold  
Shares.

IV. And whereas by the said Act the Company of Proprietors of the *Monmouthshire* Canal Navigation were authorized to subscribe the Sum of Five thousand Pounds towards the said Undertaking, and it is expedient they should be authorized to subscribe any further Sum of Money not exceeding the additional Sum of Five thousand Pounds; be it therefore further enacted, That it shall be lawful for the said last-named Company of Proprietors, by a Resolution of a General or Special General Meeting expressly convened to consider the Subject, and to which Three Fifths at least of the Proprietors then present shall consent, to subscribe, either at One or more Times, any further Sum of Money in the Purchase of Shares in the said Undertaking, not exceeding the additional Sum of Five thousand Pounds, and to borrow and raise the Sum so subscribed by Mortgage of their Works, in the same Manner as they were or are authorized and empowered to borrow and take up Money at Interest for the Purposes of their own Undertaking, and in addition to the Sums mentioned in the Acts of Parliament relating to their Canals and Works.

Authorizing  
Monmouthshire Canal  
Company to  
subscribe a  
further Sum  
of Money.

V. And be it further enacted, That it shall be lawful for the said *Newport* Dock Company, immediately after the passing of this Act, or at any Time thereafter, by any Order of any General or Special General Meeting of the said Company, to raise and borrow any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-five thousand Pounds (including as Part thereof the said Sum of Seventeen thousand Pounds by the said Act authorized to be raised) by Mortgage of the said Undertaking.

Power to  
Company to  
borrow  
25,000*l.*;

VI. And be it further enacted, That when and so soon as the Sum of Eighty thousand Pounds shall be subscribed in respect of the Shares by the said Act and this Act authorized to be created (including as Part

also a fur-  
ther Sum of  
15,000*l.*  
when the  
of



Sum of 80,000*l.* shall have been subscribed.

of such Sum the Sum of Fifty thousand Pounds already subscribed), then and in such Case, and at any Time thereafter, it shall be lawful for the said Company, by an Order of any General or Special General Meeting of the said Company, to raise and borrow the further Sum of Fifteen thousand Pounds in addition to the said Sum of Twenty-five thousand Pounds.

Powers of former Act as to borrowing Money extended to this Act.

VII. And be it further enacted, That it shall be lawful for the said Company to raise the said Sum of Twenty-five thousand Pounds and also the said Sum of Fifteen thousand Pounds by all or any of the Ways and Means mentioned in the said Act for raising the said Sum of Seventeen thousand Pounds thereby authorized to be raised.

Certificate of a Justice of the Peace to be conclusive Evidence that the Sum of 80,000*l.* has been subscribed.

VIII. And be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for the Borough of *Newport* or for the County of *Monmouth*, that the whole of the said Sum of Eighty thousand Pounds has been subscribed as aforesaid, (and which Certificate such Justice is hereby authorized and required to grant on Application made to him by the said Company, or by the Committee of Management for the Time being thereof, and on Proof being adduced that such Sum has been subscribed,) shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of Eighty thousand Pounds has been subscribed as aforesaid.

Application of Money to be raised under this Act.

IX. And be it further enacted, That the Money to be raised by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and that the Residue of such Money shall be laid out and applied for the Purpose of completing and maintaining the Dock and Works by the said Act authorized to be made, and in carrying the said recited Act and this Act into execution.

Powers to take Land to cease, except for certain Purposes.

X. And whereas by the said recited Act it is enacted, that unless the said Company should within the Space of Two Years, to be computed from the passing of the said Act, agree for or cause to be valued and paid for the Lands, Tenements, and Hereditaments which should be by them deemed necessary for the Purposes of making the Works thereby authorized, the Powers granted to them for using such Lands, Tenements, and Hereditaments not valued or paid for should cease, without the Consent in Writing of the Owners thereof; be it enacted, That the Powers of the said Company to acquire or use Land for the Purposes of the said Act, without the Consent in Writing of the Owners thereof, shall from and after the passing of this Act wholly cease and determine, save and except as to such Land as may have been paid for by them before the passing hereof, and as to such Land as the said Company are authorized to take and enjoy for the Deposit of Ballast, and as to such Land as may be required for the Aqueduct or Watercourse which the said Company are by the said Act authorized to make from the River *Ebbw* towards and unto the said Dock, which Land for Ballast and for the said Aqueduct may, under and according to the Provisions of the said Act and of this Act, be by the said Company taken and used when



when required by them, although the same may not have been hitherto valued or paid for: Provided always, that the Purchase or Compensation Money for the same, which under the Provisions of the said recited Act the said Company may be liable to pay, shall be paid or tendered within Twelve Calendar Months from the passing of this Act.

XI. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the said recited Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in or be occasioned by the Execution of any of the Powers of the said Act, all the Costs, Charges, and Expences incurred in summoning, impanelling, and returning such Jury, taking the Inquisition, and for the Attendance of Witnesses, and the Attendance and reasonable Fees of One Counsel, and recording the Verdict or Judgment thereon, and otherwise incident to the Inquisition, and the Expences of the Bond to be given, as in the said Act mentioned, by the Party requiring the Jury to be summoned, shall be borne by the said Company; and such Costs, Charges, and Expences shall be settled and determined by such Persons as by the said Act are required to summon and return a Jury; and in case such Costs, Charges, and Expences, when so settled and determined, shall not be paid to the Party entitled to receive the same within Seven Days after the same shall have been demanded, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company (unless the Treasurer of the said Company shall pay such Costs, Charges, and Expences out of any Monies received by him, by virtue of the said Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace acting within his Jurisdiction, and not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by or on the Behalf of the said Company, one Moiety of the Costs, Charges, and Expences of the said Company, to be settled and determined as aforesaid, shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the remaining Moiety shall be defrayed by the said Company; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money awarded to be paid to such Party as aforesaid as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of such Money so awarded shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender and Satisfaction of the whole thereof.

Expences of  
Jury and  
Witnesses,  
how to be  
paid.

XII. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands,  
[Local.] 23 L Tenements,

Court of  
Exchequer  
may order



reasonable  
Expences of  
Purchases  
and Costs  
to be paid  
by the Com-  
pany in cer-  
tain Cases.

Tenements, or Hereditaments to be purchased, taken, or used under the Authority of the said recited Act, or any Interest therein or Charge thereon, or from any other Cause (except the wilful Refusal of such Person or Corporation to convey the said Lands, Tenements, or Hereditaments, or to accept the Purchase or Compensation Money for the same), the Purchase Money for any Lands, Tenements, or Hereditaments, or the Interest therein or Charge thereon, or any Money to be paid by way of Recompence or Compensation for any Damage or Injury done to the same, shall be required to be paid into the Bank of *England*, it shall be lawful for the Court of Exchequer to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of Land, or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Reinvestment of the same, or the Government or Real Securities purchased therewith, in the Purchase of other Lands, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders, and of all other Proceedings for such Purposes (except such as may be occasioned by Litigation between Claimants), and for the Payment of the Dividends and Interests of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities aforesaid, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct, out of the Monies to be raised by virtue of the said recited Act or this Act.

Expences  
of Titles to  
be paid by  
the Com-  
pany.

XIII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of the said recited Act, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order herein-after mentioned not having been obtained, or the Deposit herein-after mentioned not having been made, unless the Party from whom such Lands shall have been purchased shall, within Seven Days

Days after Notice in Writing for that Purpose shall have been given to such Party by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company: Provided also, that in case the said Company shall not require the making out or furnishing of such Abstract of Title as aforesaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Lands purchased or taken, such Seller shall be bound, at the Expence of the said Company, to produce or cause the Production of the Title Deeds relating to the said Lands, when required by the said Company so to do, without furnishing any Abstract of his Title.

XIV. And be it further enacted, That if the said Company and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer; and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to one of the Masters of the said Court, to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Party from whom such Lands shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said Company shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the the said Costs, Charges, and Expences, and the said Company shall have deposited the Sums claimed in respect of the same in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte*: "The *Newport Dock Company*," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, which Sums shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless One Sixth Part of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the Lands were purchased or taken, and the Amount thereof may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

How such Costs are to be ascertained.

1 G. 4. c. 35.

XV. And whereas by the said recited Act it was enacted, that if any Action, Suit, or Information should be brought or commenced by any Person or Persons for any thing done or to be done in pursuance of the

Limitation of Actions repealed.

the



the said Act, or in execution of the Powers or Authorities, or of the Orders and Directions therein given or granted, every such Action, Suit, or Information should be brought or commenced within Six Calendar Months next after the Fact should have been committed, or in case there should be a Continuation of Damages then within Six Calendar Months next after the doing or committing such Damage should have ceased, and not afterwards; and the Defendant or Defendants in such Action, Suit, or Information should and might plead the General Issue, and give the said Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act; and if it should appear to have been so done, or if any such Action, Suit, or Information should be brought after the Time so limited for bringing the same, or should be brought in any other County than that in which such Cause of Action should arise, then and in every such Case the Jury should find for the Defendant or Defendants: And whereas it is expedient that such Enactment should be repealed; be it therefore enacted, That the same shall be and is hereby repealed: Provided always, that nothing in this Act contained shall prejudice or affect any Action, Suit, Information, or other Proceeding now existing or depending between the said *Newport* Dock Company and any other Company or Person or Persons whomsoever, or shall revive any Right which under the Provision hereby repealed may have been barred prior to the passing of this Act.

Public Act. XVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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