



ANNO TERTIO

VICTORIÆ REGINÆ.

Cap. lxxi.

An Act to enable the *Port Talbot* Company to raise further Monies, and to amend the Acts relating to the same Port. [19th June 1840.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for improving the Port and Harbour of Aberavon in the County of Glamorgan*: And whereas by an Act passed in the Sixth Year of His said late Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act of His Majesty, for improving the Port and Harbour of Aberavon in the County of Glamorgan, to further improve the said Harbour, and to change its Name*, it was enacted, that the *Aberavon* Harbour should thenceforth be called by the Name of "*Port Talbot*," and that the Company incorporated by the first-mentioned Act should thenceforth be a Body Corporate, by the Style of "*The Port Talbot Company*," and further Provisions were thereby made for the Improvement of the said Port and Harbour: And whereas the said Company have made considerable Progress in the Works by the said Acts authorized; but in order to complete and maintain such Works it is necessary that the said Company should be enabled to raise further Monies, in addition to the Monies which they are by the said Acts authorized to raise, and it is expedient that the Provisions of the said Acts should be amended: May it therefore please Your

[Local.] 17 N Majesty

Provisions
of recited
Acts ex-
tended to
this Act,
except as
hereby
altered.

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, Provisions, Authorities, Directions, Clauses, Matters, and Things contained in and remaining in force under the said recited Acts, (except such of them or such Parts thereof respectively as are by this Act expressly repealed, altered, or otherwise provided for,) shall operate and be in force in respect to the Objects and Purposes of this Act, and of the said recited Acts, as altered and amended by this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Provisions, Clauses, Matters, and Things were repeated and re-enacted in this Act.

Power to
raise
40,000*l.*
by additional
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 or at any Time hereafter, by any Order of any Special Meeting of the said Company, to be called for that Purpose in the Manner provided by the said Act of the Fourth Year of the Reign of King *William* the Fourth, (in the Notice of which Meeting the Reason and Intention of calling the same shall be specified,) and with the Consent of the Proprietors of not less than Three Fourths of the Shares of the Capital Stock of the said Company, either signified by their Votes at such Meeting or by Writing under their respective Hands, to raise such Sum or Sums of Money not exceeding in the whole the Sum of Forty thousand Pounds, in addition to the Monies authorized to be raised by the said recited Acts, 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 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 firstly recited Act in relation to the Calls for the Capital Stock of the said Company by the said recited Acts authorized to be raised, and to the Recovery thereof, shall be applicable to the Calls for the said further and additional Sum of Forty thousand Pounds hereby authorized to be raised as aforesaid, or such Part thereof as shall be raised by way of additional Capital Stock; 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 said Company, and be entitled to the same Rights and Privileges, and be subject to the same Liabilities and Obligations,

Obligations, as if they were entitled to Capital Stock of a like Amount created by the said recited Acts, and all the Clauses in the said recited Acts 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; and the Money which hath been already raised under the said recited Acts by way of Mortgage, or which shall be raised by way of Mortgage under the said recited Acts and this Act, or any Part thereof, may, at any One or more Time or Times, be paid off by means of the Creation, in the Manner aforesaid, of such new Shares.

III. And be it further enacted, That in case the said Company shall pay off any Principal Money raised or to be raised by Mortgage under the said recited Acts, then and in every such Case it shall be lawful for the said Company, at any Time or Times thereafter, again to raise on Mortgage, in lieu of the Principal Money so paid off by them, so much Money as they shall from Time to Time have paid off, and so from Time to Time as often as the same shall happen: Provided always, that not more than the Principal Sum of Twenty-five thousand Pounds in the whole shall at any One Time be owing by the said Company on Mortgage.

If Mortgages are paid off, the Company may raise Money again by Mortgage.

IV. And whereas by the said Act of the Sixth Year of King *William* the Fourth it was enacted, that the said Company should at any Time or Times thereafter, and when thereunto requested by the Governor and Company of Copper Miners in *England*, make and for ever maintain a Navigable Cut or Canal from the intended Dock or Docks in the said Act mentioned to the Works then of the Governor and Company of Copper Miners in *England*, and in such Manner that the Bottom of such Cut or Canal should be Forty-five Feet in Width throughout, and so as the same should rise gradually and uniformly from the Clapping-sill of the Entrance Gates of the said Dock or Docks to the Quay at the Works of the said Governor and Company, and should be in Depth at the Termination of the Rise thereof at the said Quay not less than Twenty-three Feet below the High-water Line at Spring Tides; be it further enacted, That so much of the said last-mentioned Act as requires that such Navigable Cut or Canal shall be in Depth at the Termination of the Rise thereof not less than Twenty-three Feet below the High-water Mark at Spring Tide be repealed, and that such Cut or Canal shall be made and maintained of such Depth as that such Cut or Canal shall be navigable by Ships and Vessels frequenting the said Port.

Respecting the Depth of Navigable Canal to the Works of the English Copper Company.

V. And whereas by the said Act of the Sixth Year of King *William* the Fourth it was enacted, that the said *Port Talbot* Company should construct and for ever maintain, in a substantial and efficient Manner, a set of Scouring Sluices, opening into or connected with the said Dock or Docks, in such Place and according to such Design, and of such Form and Dimensions, as the said Governor and Company of Copper Miners in *England*, or their Engineer for the Time being, should approve or reasonably require, for the Purpose of scouring the then present Channel of the River *Avon*, and that, until the intended Navigable Cut or Canal last herein-before mentioned should have

Rights and Powers vested in the Governor and Company of Copper Miners in *England* by recited Acts to be exercised by C. R. M. Talbot.

been made and completed, the said Governor and Company of Copper Miners in *England* should have the entire Control and Management of the said Sluices, and of the Water that might be required for scouring the then present Channel as aforesaid; and it was also by the said last-mentioned Act further enacted, that before the said *Port Talbot* Company should commence the Construction of the said Navigable Cut or Canal lastly herein-before mentioned, or the said Sluices, the said *Port Talbot* Company should in each such Case submit the Designs for the same respectively to the said Governor and Company of Copper Miners in *England*, or their Engineer, and should await their Approval or Disapproval thereof, and should abide by and follow such Alterations and Directions in respect thereof as the said Governor and Company or their Engineer should reasonably require or advise for making the said Navigable Cut or Canal and Sluices respectively sufficient and effective for their intended Purposes: And whereas the said Sluices have not yet been erected, or the said Navigable Cut or Canal completed: And whereas, at the Time of the passing of the said Act, the said Governor and Company were possessed of the Works in the said last-mentioned Act referred to, with certain Lands and Buildings connected therewith, in the Parish of *Margam*, in the said Acts mentioned, under and by virtue of an Indenture of Lease dated the Nineteenth Day of *June* One thousand eight hundred and twenty-three, granted by *Michael Hicks Beach* and *William Hicks Beach*, Esquires, and the Right Honourable *Henry Stephen Fox Strangways* Earl of *Ilchester*, for the Residue of a certain Term of Years, which Lease and Term of Years have, since the passing of the said last-mentioned Act, been purchased by and are now vested in a Trustee for *Christopher Rice Mansel Talbot* Esquire, who is also Tenant for Life of the Freehold and Reversion of the Estates granted by the said Lease under the Will of his Father, *Thomas Mansel Talbot* Esquire, deceased; be it therefore further enacted, That all the Control and Management, Rights and Powers of Approval and Disapproval, and other Rights and Powers, which, by the said recited Act of the Sixth Year of King *William* the Fourth, were given to and vested in the said Governor and Company of Copper Miners in *England*, or their Engineer, shall be vested in and may be exercised by the said *Christopher Rice Mansel Talbot*, or the Person who for the Time being shall, under the Limitations or Trusts of the Will of the said *Thomas Mansel Talbot*, be entitled to the Possession or Receipt of the Rents and Profits of the said Works and Lands in the said Parish of *Margam*, or their respective Engineers, as fully and effectually as the same were vested in or might have been exercised by the said Governor and Company; and moreover that the Control and Management of the said Sluices, and of the Water that may be required for scouring the Channel of the said River *Avon*, referred to in the said last-mentioned Act, and the Power of opening and using the same Sluices, shall remain vested in the said *Christopher Rice Mansel Talbot*, or other the Persons for the Time being entitled as aforesaid, after and notwithstanding the said last-mentioned Navigable Cut and Canal shall have been made and completed, and for ever thereafter, but not so as intentionally to make any Alteration in the said last-mentioned Channel, or intentionally to deepen or widen the same beyond the Depths and Widths as denoted in the
Map

Map or Plan and Book of Reference in the said last-mentioned Act referred to.

VI. And be it further enacted, That it shall and may be lawful for the said *Port Talbot* Company from Time to Time, by Deed under their Common Seal, to demise or lease to such Person or Persons, or Corporations, as may be willing to take the same, all or any of the Quays, Wharfs, Warehouses, Cranes, Engines, or other Erections or Buildings which are or shall be erected, constructed, or set up by the said Company upon any Part of the Land or Ground already purchased or hereafter to be purchased by the said Company for the Purposes of the said Harbour and Works, or to demise or lease all or any Part of the Land or Ground to any Persons or Corporations who may be willing to erect, construct, or set up thereon, or on any Part thereof, at their own Expence, such Quays, Wharfs, Warehouses, Cranes, Engines, or other Erections or Buildings, or for the Deposit of Coals, Timber, and Merchandize, or such other Purposes as the Company shall think fit; and it shall also be lawful for the said Company to reserve, in respect of such Quays, Wharfs, Warehouses, Cranes, or other Erections or Buildings, or in respect of any Land or Ground so to be demised or leased, such Rents or other Sums of Money as shall be fixed and agreed upon between the said Company and such Persons or Corporations as aforesaid, and to make such Regulations regarding the Use of the same Quays, Wharfs, Warehouses, Cranes, Engines, or other Erections or Buildings, and Land or Ground, as the said Company shall deem expedient; and every such Lease or Demise shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Power to
lease Wharfs,
&c.

VII. And be it further enacted, That the Tolls and Duties to be taken by virtue of the said recited Acts shall at all Times be charged equally and after the same Rate in respect of all Ships and Vessels entering the said Port or Harbour, and using the Wharfs of the said Company, and no Reduction, Exemption, or Advance in the said Tolls and Duties shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Company, but every such Reduction, Exemption, or Advance of Tolls and Duties shall extend to all Persons entering the said Port or Harbour, or using the Wharfs of the said Company, any thing to the contrary thereof in anywise notwithstanding

Rates to be
charged
equally.

VIII. And whereas by the said first-mentioned Act it was enacted, that no Action, Suit, or Information should be brought or commenced or prosecuted against any Person or Persons for any thing done or to be done in pursuance of the said Acts, or in execution of the Powers or Authorities, or of the Orders and Directions made, given, or directed in, by, or under the said Act, unless 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

Repealing
Clause as to
Limitation
of Actions.

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 Company and any other 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.

Expences of
the Act.

IX. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and all other Costs, Charges, and Expences concerning the same, shall be paid by the said Company in preference to any other Payments whatsoever.

Public Act.

X. 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.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.