



CHAPTER cxliv.

An Act to amend the Acts relating to the Port or Harbour of Newport in the county of Monmouth and for incorporating and conferring further powers upon the Newport Harbour Commissioners and for other purposes.

A.D. 1890.

[4th August 1890.]

WHEREAS by the Act of the sixth year of King William the Fourth chapter lxvi (in this Act referred to as "the Act of 1836") Commissioners of the port or harbour of Newport in the county of Monmouth were appointed and under that Act and the Newport (Monmouthshire) Harbour Act 1869 (in this Act referred to as "the Act of 1869") and divers others Acts the Commissioners of the said port or harbour were at the date of the passing of the Newport (Monmouthshire) Corporation Act 1889 constituted as follows (that is to say):—

The receiver of the land revenue of the Crown for the said county or some person nominated in his stead by the Commissioners of Woods on behalf of Her Majesty as conservator in right of Her Crown of the navigable River Usk;

One person nominated by the lord of the manors of Liswerry and Libeneth in the said county;

One person nominated by the lord of the manor of Newport in the said county;

One person nominated by the lord of the manor of Wentlooge in the said county;

One person nominated by the lord of the manor of Rogerstone in the said county;

One person nominated by the lord of the manors of Preston Traston Milton and Llangorey in the said county;

One person nominated by the Tredegar Wharf Company;

Two persons nominated by the Great Western Railway Company;

Two persons nominated by the Alexandra (Newport and South Wales) Docks and Railway Company;

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890.

Six persons elected by the registered shipowners of the said port;

Eight persons elected by the persons engaged in the smelting of iron shipped at the said port;

Eight persons elected by the persons engaged in the mining and working of coals shipped at the said port;

The mayor of the borough of Newport in the said county; and

Three persons nominated by the corporation of the said borough:

And whereas by the Newport (Monmouthshire) Corporation Act 1889 it was provided that from and after the second day of September 1889 the Commissioners of the said port or harbour should be constituted as follows (that is to say):—

One person nominated by the lord for the time being of the said manors of Liswerry and Libeneth;

One person nominated by the lord for the time being of the said manor of Newport;

One person nominated by the lord for the time being of the said manor of Wentlooge;

One person nominated by the lord for the time being of the said manor of Rogerstone;

One person nominated by the lord for the time being of the said manors of Preston Traston Milton and Llangorey;

One person nominated by the Tredegar Wharf Company;

Two persons nominated by the Great Western Railway Company;

Two persons nominated by the Alexandra (Newport and South Wales) Docks and Railway Company;

One person nominated by the Newport (Monmouthshire) Chamber of Commerce Incorporated;

Twelve persons nominated by the said corporation;

The mayor of the said borough;

Ten persons elected by the registered shipowners of the said port;

Five persons elected by the persons engaged in the smelting of iron shipped at the said port; and

Eight persons elected by the persons engaged in the mining and working of coals shipped at the said port:

And provision was made for effectuating such reconstitution and the Commissioners of the said port or harbour are now so constituted and as so constituted are in this Act referred to as "the Commissioners":

And whereas it is expedient that the limits of the jurisdiction of the Commissioners be defined as herein provided:

[53 & 54 Vict.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

And whereas it is expedient that the Commissioners be incorporated and that provision be made as herein-after appearing with respect to the election of persons to be Commissioners by registered shipowners of the said port by persons engaged in the smelting of iron shipped at the said port and by persons engaged in the mining and working of coals shipped at the said port : A.D. 1890.

And whereas it is expedient that the Commissioners be authorised to make and maintain the jetties landing-places slipways and roads in this Act described and to establish maintain and work ferry and other boats for the conveyance of passengers animals and goods on or across the Rivers Usk and Ebbw :

And whereas it is expedient that the Acts of 1836 and 1869 be amended and that further powers be conferred upon the Commissioners as herein appears :

And whereas the Commissioners do not owe any money borrowed under the Acts of 1836 and 1869 or either of those Acts and it is expedient that the Commissioners be authorised for the purposes of the preservation and improvement of the port or harbour by the former Acts and this Act authorised and of the ferry the construction and equipment of public wharves the contribution to the subway and other works and purposes by this Act authorised to borrow as herein provided :

And whereas the trade of the said port or harbour is of great value and importance to the said borough and it is expedient that the said corporation be empowered to charge the borough fund and borough rate and the district fund and general district rate of the said borough as collateral security for the repayment with interest of moneys borrowed by the Commissioners :

And whereas plans and sections of the said jetties landing-places slipways and roads showing the lines and levels thereof and also books of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken compulsorily for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Monmouth and are in this Act respectively referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890. Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title of this Act. 1. This Act may be cited for all purposes as the Newport (Monmouthshire) Harbour Act 1890.

Short title of the Act of 1836. 2. The Act of 1836 may be cited for all purposes as the Newport (Monmouthshire) Harbour Act 1836.

Repeal of parts of Acts of 1836 and 1869. 3. The Acts described in the First Schedule to this Act are hereby repealed to the extent appearing in the second column of that schedule.

Incorporation of Acts. 4. The Lands Clauses Acts the Commissioners Clauses Act 1847 except sections 16 and 54 of that Act sections 7 28 32 67 and 68 of the Harbours Docks and Piers Clauses Act 1847 and the provisions of that Act with respect to the collection and recovery of rates and with respect to the appointment of harbour masters dock masters and pier masters and their duties and with respect to the protection of the harbour dock and pier and the vessels therein from fire or other injury and with respect to the byelaws to be made by the undertakers and with respect to the tender of amends and with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices or the sheriff and with respect to the saving of rights and the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) incorporated with and form part of this Act Provided that the provisions so incorporated with this Act of the Railways Clauses Consolidation Act 1845 shall apply only to the jetties and roads by this Act authorised and shown on the deposited plans and as if the expression "the railway" in those provisions meant the said jetties and roads or each or any part of those works.

Defining limits of Commissioners jurisdiction. 5. For the purposes of the Acts of 1836 and 1869 and this Act respectively the port or harbour of Newport shall be deemed to include those parts of the Bristol Channel and the Rivers Usk and Ebbw which lie between an imaginary line drawn in a S. 79° W. true direction from Gold Cliff until it meets the shore of the Bristol Channel eastward of Peterstone Wentlooge Church and the bridge over the River Usk at Newbridge and the bridge carrying the South Wales Railway of the Great Western Railway Company over the River Ebbw and the banks and shores of such parts of the said channel and rivers and any works on such banks and shores and all

[53 & 54 VICT.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

streams pools creeks havens bays and inlets within those limits and the jurisdiction of the Commissioners under those Acts shall extend and those Acts shall apply throughout such limits. A.D. 1890. —

6. (1) In this Act unless the context otherwise requires—

Interpreta-
tion of
terms.

The expression "the borough" means the municipal borough for the time being of Newport in the county of Monmouth;

The expression "the corporation" means the mayor aldermen and burgesses of the borough;

Each of the expressions "the port" and "the harbour" means the port or harbour of Newport;

The word "Commissioner" means one of the Commissioners;

The word "iron" includes steel;

The word "ironworks" includes every kind of works furnace foundry or manufactory where iron or steel is smelted blasted cast wrought or otherwise manufactured;

The expression "persons engaged in the smelting of iron" includes all persons and joint-stock companies who solely or in partnership as proprietors lessees or tenants of any ironworks carry on the business carried on at such ironworks;

The expression "persons engaged in the mining and working of coals" includes all persons and joint-stock companies who solely or in partnership as proprietors lessees or tenants of any colliery carry on the business carried on at such colliery;

The expression "the undertaking" means the undertaking of the Commissioners;

The expression "the clerk" means the clerk for the time being to the Commissioners or other the person for the time being by order of the Commissioners performing the duties of such clerk;

The expression "the purposes of the Acts of 1836 and 1869" means the purposes of the Acts of 1836 and 1869 as respectively amended by this or any other Act and so far as the same are now capable of being carried into execution; and

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Acts of 1836 and 1869 respectively have the same respective meanings.

(2) In the Commissioners Clauses Act 1847 and the Harbours Docks and Piers Clauses Act 1847 respectively for the purposes of this Act—

The expression "the special Act" shall mean and include the Acts of 1836 and 1869 and this Act.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890.

(3) In the Harbours Docks and Piers Clauses Act 1847 for the purposes of this Act—

The expression “the harbour dock or pier” shall mean and include the harbour.

Commis-
sioners in-
corporated.

7. The several persons who from time to time are or shall be the Commissioners shall be and are hereby constituted a body corporate by the name of “the Newport Harbour Commissioners” and by that name shall have perpetual succession and a common seal with power to take hold and dispose of lands and other property for the purposes of the Acts of 1836 and 1869 and this Act respectively.

Commis-
sioners to
remain en-
titled to
their pro-
perty.

8. The Commissioners shall for the purposes of the Acts of 1836 and 1869 and this Act respectively be and continue seised and possessed of and entitled to all lands buildings basins works property effects things in action claims and demands whatsoever of or to which the Commissioners immediately before the passing of this Act were seised possessed or entitled.

Powers of
Commis-
sioners for
executing
Acts.

9. The Commissioners shall carry into execution the purposes of the Acts of 1836 and 1869 and of this Act with all the powers rights privileges authorities and immunities granted by any of such Acts.

Provisions
of other Acts
continued.

10. Notwithstanding the incorporation of the Commissioners all the provisions of every Act of Parliament relating to the Commissioners or their officers or servants immediately before the passing of this Act in force shall except so far as they are expressly varied or repealed by this Act be of as full force and effect as if such incorporation had not happened and may be exercised enforced and enjoyed by and against the Commissioners in their corporate capacity and their officers and servants respectively to all intents.

General
saving of
rights under
Acts of 1836
and 1869.

11. Notwithstanding the incorporation of the Commissioners and except only as is by this Act otherwise expressly provided everything before the passing of this Act done suffered and confirmed respectively shall be as valid as if this Act had not been passed and such incorporation and this Act respectively shall accordingly be subject and without prejudice to everything so done suffered and confirmed respectively and to all rights liabilities claims and demands both present and future which if such incorporation had not happened and this Act had not been passed would be incident to or consequent on any and every thing so done suffered and confirmed respectively Provided always that the generality of this provision shall not be restricted by any other provision of this Act.

12. Notwithstanding the incorporation of the Commissioners all deeds conveyances grants assurances assignments leases purchases sales mortgages bonds covenants agreements securities and contracts entered into or made and subsisting at the passing of this Act and then in force and all obligations and liabilities incurred before the passing of this Act shall be as binding and of as full force and effect in every respect against or in favour of and may be enforced as fully and effectually against or in favour of the Commissioners as a body corporate as they would or might have been against or in favour of the Commissioners if this Act had not been passed.

A.D. 1890.

Contracts
&c. pre-
served.

13. Notwithstanding the incorporation of the Commissioners any action suit prosecution or other proceeding commenced before the passing of this Act either by or against them or any person representing them shall not abate or be discontinued or prejudicially affected by this Act but on the contrary shall continue and take effect both in favour of and against the Commissioners in their capacity of a body corporate in like manner to all intents as if they remained unincorporated save only that the Commissioners in their corporate capacity may and if requisite shall be substituted therein for any person so representing them.

Actions not
to abate &c.

14. Notwithstanding the incorporation of the Commissioners every officer and servant appointed by virtue of or acting under the Acts of 1836 and 1869 or either of those Acts shall hold and enjoy his office and employment with the salary and emoluments thereunto annexed and be deemed an officer and servant of the Commissioners until he be removed from such office and employment and he shall have the like power and authority for the purposes of the Acts of 1836 and 1869 and this Act respectively and be subject to the like power of removal rules regulations pains and penalties as if he had been appointed after the passing of this Act.

Officers con-
tinued.

15. From and after the passing of this Act all acts deeds appointments or writings which by or under the Acts of 1836 and 1869 or either of those Acts are required to or may be signed by or under the hand or seal or hands or seals of any of the Commissioners shall be valid and effectual to all intents and purposes whatsoever if under the common seal of the Commissioners duly affixed.

Where
signatures
heretofore
required seal
may be used.

16. The appointment of a Commissioner by any lord of a manor (including the Commissioners of Woods on behalf of Her Majesty) or company shall be made in writing under the hand of the person or the common seal of the company if incorporated respectively authorised to nominate such Commissioner and such appointment

Mode of
appointment
of certain
Commis-
sioners.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890. — may be at any time revoked at the discretion of the person or company making or entitled to make the same and upon any revocation of such appointment or upon any person appointed becoming disqualified another appointment may be made as aforesaid in lieu of the person whose appointment shall have been revoked or who shall have become disqualified and any appointment so made shall continue in force until notice of the revocation thereof shall be given to the clerk and any such appointment may be in the form following (that is to say):—

Be it remembered that *A B* lord of the manor [*or Commissioners of Woods or company as the case may be*] has [*or have*] nominated *CD* of

to be a Commissioner of the port or harbour of Newport in the county of Monmouth Given under my hand [*or the common seal of the said company*] the day of

Time of
election of
elected Com-
missioners.

17. The persons to be elected Commissioners by registered ship-owners by persons engaged in the smelting of iron and by persons engaged in the mining and working of coals respectively shall be elected on the first Monday in June in the year one thousand eight hundred and ninety-three and in every third succeeding year and upon every such election the persons elected by registered ship-owners by persons engaged in the smelting of iron and by persons engaged in the mining and working of coals respectively and in office immediately before such election shall go out of office provided that any person so going out of office may be re-elected The Commissioners elected by registered shipowners by persons engaged in the smelting of iron and by persons engaged in the mining and working of coals respectively who were in office immediately before the passing of this Act if they shall respectively so long live and shall not resign or be disqualified shall continue in office until the first Monday in June one thousand eight hundred and ninety-three.

Constituency
for election
of Commis-
sioners by
registered
shipowners.

18. (1.) At every such election by registered shipowners every shipowner who on and throughout three months immediately before the first day of March next preceding such election owned or is under this section to be deemed to have owned in the aggregate twenty or more tons (gross tonnage) of shipping may subject to the provisions of this Act give one vote for any one or more of ten persons to be a Commissioner or Commissioners elected by registered shipowners and every shipowner who on and throughout three months immediately before the first day of March next preceding

[53 & 54 VICT.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

such election owned or is under this section to be deemed to have owned in the aggregate seventy or more tons (gross tonnage) of shipping may subject to the provisions of this Act in respect of every complete fifty tons above twenty tons give one additional vote for any one or more of such ten persons Provided that no shipowner shall be entitled to give more than twenty votes in respect of shipping owned or under this section to be deemed to have been owned by him for any one person to be a Commissioner elected by registered shipowners. A.D. 1890.

(2.) In this section "shipowner" means a person who on and throughout three months immediately before the first day of March next preceding the election was—

(a) registered at the port as sole owner of shipping; or

(b) registered at the port as joint owner of shipping; and

"shipping" means a ship or ships or a share or shares in a ship or ships registered at the port.

(3.) For the purposes of this section all persons so registered as aforesaid at the port as joint owners of shipping shall respectively be deemed to have owned such shipping in separate and equal parts.

(4.) Where a shipowner is a joint-stock company such company shall not vote at an election by registered shipowners but may authorise one or more of the members of such company (not exceeding in number the number of votes which such company would if an individual person have been entitled to give at such election for any one person) to vote at such election and every person so authorised may subject to the provisions of this Act give at such election one or more votes for any one or more of ten persons to be a Commissioner or Commissioners elected by registered shipowners Provided that no such member or members shall be entitled to give alone or together in respect of shipping owned by such company more votes for any one person than such company would if an individual person have been entitled to give And provided that a member shall not be so entitled to vote unless such company shall on or before the thirtieth day of April next preceding such election have notified in writing under the hand of the secretary for the time being or other the person for the time being performing the duties of secretary of such company to the clerk that such member is authorised by such company to vote at such election and the maximum number of votes which such member is so authorised to give for any one person and shall not be so entitled to vote if such company shall have authorised one or more member or members to give alone or together for any one person a number of votes greater than such company would if an individual person have

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890. — been entitled to give and shall not be entitled to give in respect of shipping owned by such company for any one person a number of votes greater than the maximum number which it shall have been notified as aforesaid that he is authorised by such company so to give.

Constituency
for election
of Commis-
sioners by
persons
engaged in
the smelting
of iron.

19. (1.) At every such election by persons engaged in the smelting of iron—

(a) every person who was throughout the year ending on the thirty-first day of December then last past sole proprietor lessee or tenant of one or more ironworks and during that period shipped iron the produce of one or more of such ironworks may subject to the provisions of this Act in respect of every complete two thousand five hundred tons of iron so shipped give one vote for any one or more of five persons to be a Commissioner or Commissioners elected by persons engaged in the smelting of iron. Provided that no person so entitled to vote in respect of iron shipped by him shall be entitled to give more than twenty votes in respect of iron shipped by him for any one person to be a Commissioner so elected;

(b) in every case where two or more persons were throughout the year ending on the thirty-first day of December then last past proprietors lessees or tenants of one or more ironworks in partnership and such partnership during that period shipped iron the produce of one or more of such ironworks any one of such persons may subject to the provisions of this Act in respect of every complete two thousand five hundred tons of iron so shipped give one vote for any one or more of five persons to be a Commissioner or Commissioners elected by persons engaged in the smelting of iron. Provided that no person or persons so entitled to vote in respect of iron shipped by a partnership shall be entitled to give alone or together more than twenty votes in respect of iron shipped by such partnership for any one person to be a Commissioner so elected. And provided that a person shall not be entitled to vote in respect of iron shipped by a partnership unless such partnership shall on or before the thirtieth day of April next preceding such election have notified in writing to the clerk that such person is authorised by such partnership to vote at such election in respect of iron shipped by such partnership and the maximum number of votes which such person is so authorised to give for any one person to be a Commissioner so elected and the total quantity of iron shipped by such partnership during the period aforesaid and shall not be entitled to vote in respect of iron shipped by a partnership

A.D. 1890.

if such partnership shall have authorised one or more persons to give alone or together for any one person to be a Commissioner so elected a number of votes greater than the number of complete quantities of two thousand five hundred tons of iron shipped by such partnership during the period aforesaid or greater than twenty and shall not be entitled to give in respect of iron shipped by a partnership for any one person to be a Commissioner so elected a number of votes greater than the maximum number which it shall have been notified as aforesaid that he is authorised by such partnership so to give; and

- (c) in every case where a joint-stock company were throughout the year ending on the thirty-first day of December then last past proprietors lessees or tenants of one or more ironworks and during that period shipped iron the produce of one or more of such ironworks any member of such company may subject to the provisions of this Act in respect of every complete two thousand five hundred tons of iron so shipped give one vote for any one or more of five persons to be a Commissioner or Commissioners elected by persons engaged in the smelting of iron. Provided that no member or members so entitled to vote in respect of iron shipped by a company shall be entitled to give alone or together more than twenty votes in respect of iron shipped by such company for any one person to be a Commissioner so elected. And provided that a member shall not be entitled to vote in respect of iron shipped by a company unless such company shall on or before the thirtieth day of April next preceding such election have notified in writing under the hand of the secretary for the time being or other the person for the time being performing the duties of secretary of such company to the clerk that such member is authorised by such company to vote at such election in respect of iron shipped by such company and the maximum number of votes which such member is so authorised to give for any one person to be a Commissioner so elected and the total quantity of iron shipped by such company during the period aforesaid and shall not be entitled to vote in respect of iron shipped by a company if such company shall have authorised one or more member or members to give alone or together for any one person to be a Commissioner so elected a number of votes greater than the number of complete quantities of two thousand five hundred tons of iron shipped by such company during the period aforesaid or greater than twenty and shall not be entitled to give in respect of iron shipped by a company for any one person to be

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

a Commissioner so elected a number of votes greater than the maximum number which it shall have been notified as aforesaid that he is authorised by such company so to give.

(2.) In this section "shipped" means shipped or sent or sold to be shipped at the port.

Constituency
for election
of Commis-
sioners by
persons
engaged in
the mining
and working
of coals.

20. (1.) At every such election by persons engaged in the mining and working of coals—

(a) every person who was throughout the year ending on the thirty-first day of December then last past sole proprietor lessee or tenant of one or more collieries and during that period shipped coals the produce of one or more of such collieries may subject to the provisions of this Act in respect of every complete seven thousand five hundred tons of coals so shipped give one vote for any one or more of eight persons to be a Commissioner or Commissioners elected by persons engaged in the mining and working of coals Provided that no person so entitled to vote in respect of coals shipped by him shall be entitled to give more than twenty votes in respect of coals shipped by him for any one person to be a Commissioner so elected ;

(b) in every case where two or more persons were throughout the year ending on the thirty-first day of December then last past proprietors lessees or tenants of one or more collieries in partnership and such partnership during that period shipped coals the produce of one or more of such collieries any one of such persons may subject to the provisions of this Act in respect of every complete seven thousand five hundred tons of coals so shipped give one vote for any one or more of eight persons to be a Commissioner or Commissioners elected by persons engaged in the mining and working of coals Provided that no person or persons so entitled to vote in respect of coals shipped by a partnership shall be entitled to give alone or together more than twenty votes in respect of coals shipped by such partnership for any one person to be a Commissioner so elected And provided that a person shall not be entitled to vote in respect of coals shipped by a partnership unless such partnership shall on or before the thirtieth day of April next preceding such election have notified in writing to the clerk that such person is authorised by such partnership to vote at such election in respect of coals shipped by such partnership and the maximum number of votes which such person is so authorised to give for any one person to be a Commissioner so elected and the total quantity of coals shipped by such partner-

ship during the period aforesaid and shall not be entitled to vote in respect of coals shipped by a partnership if such partnership shall have authorised one or more persons to give alone or together for any one person to be a Commissioner so elected a number of votes greater than the number of complete quantities of seven thousand five hundred tons of coals shipped by such partnership during the period aforesaid or greater than twenty and shall not be entitled to give in respect of coals shipped by a partnership for any one person to be a Commissioner so elected a number of votes greater than the maximum number which it shall have been notified as aforesaid that he is authorised by such partnership so to give ; and

- (c) in every case where a joint-stock company were throughout the year ending on the thirty-first day of December then last past proprietors lessees or tenants of one or more collieries and during that period shipped coals the produce of one or more of such collieries any member of such company may subject to the provisions of this Act in respect of every complete seven thousand five hundred tons of coals so shipped give one vote for any one or more of eight persons to be a Commissioner or Commissioners elected by persons engaged in the mining and working of coals Provided that no member or members so entitled to vote in respect of coals shipped by a company shall be entitled to give alone or together more than twenty votes in respect of coals shipped by such company for any one person to be a Commissioner so elected And provided that a member shall not be entitled to vote in respect of coals shipped by a company unless such company shall on or before the thirtieth day of April next preceding such election have notified in writing under the hand of the secretary for the time being or other the person for the time being performing the duties of secretary of such company to the clerk that such member is authorised by such company to vote at such election in respect of coals shipped by such company and the maximum number of votes which such member is so authorised to give for any one person to be a Commissioner so elected and the total quantity of coals shipped by such company during the period aforesaid and shall not be entitled to vote in respect of coals shipped by a company if such company shall have authorised one or more member or members to give alone or together for any one person to be a Commissioner so elected a number of votes greater than the number of complete quantities of seven thousand five hundred tons of coals shipped by such company

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890.

during the period aforesaid or greater than twenty and shall not be entitled to give in respect of coals shipped by a company for any one person to be a Commissioner so elected a number of votes greater than the maximum number which it shall have been notified as aforesaid that he is authorised by such company so to give.

(2.) In this section "shipped" means shipped or sent or sold to be shipped at the port.

Corrections
of notifica-
tions by
partnerships
and com-
panies.

21. If at any time it shall appear to the clerk that any particular has through inadvertence been incorrectly entered in any notification in writing by any partnership or company given under the sections of this Act relating to constituencies for election of Commissioners by registered shipowners by persons engaged in the smelting of iron and by persons engaged in the mining and working of coals the entry of such particular may be corrected by such partnership or by the secretary for the time being or other the person for the time being performing the duties of secretary of such company and thereafter such notification shall be deemed to have been originally given as so corrected.

Persons
qualified to
be elected
Commis-
sioners.

22. No person shall be qualified to be elected at any election by registered shipowners unless he shall be entitled to vote at such election by registered shipowners and no person shall be qualified to be elected at any election by persons engaged in the smelting of iron unless he shall be entitled to vote at such election by persons engaged in the smelting of iron and no person shall be qualified to be elected at any election by persons engaged in the mining and working of coals unless he shall be entitled to vote at such election by persons engaged in the mining and working of coals.

Electors to
be regis-
tered.

23. No person shall at any election by registered shipowners or by persons engaged in the smelting of iron or by persons engaged in the mining and working of coals be entitled to vote unless during the month of April then last past he registered a claim to be entitled to vote thereat either by personally entering in a book (herein-after called "the register") to be provided and kept for that purpose by the clerk at his office or by sending to the clerk a statement in writing signed by such person and containing for entry in the register the following particulars (that is to say) His name and address the election at which he claimed to be entitled to vote the maximum number of votes he claimed to be entitled to give for any one person at such election and particulars of the qualification in respect of which he claimed to be entitled to give such number of votes at such election In the month of March next preceding such month

of April the clerk shall cause notice to be given in two newspapers published and circulating in the borough of the purport of the foregoing provisions of this section. If at any time it shall appear to the clerk that any particular has through inadvertence been incorrectly entered in any such statement in writing as aforesaid the entry of such particular may be corrected by the person who made the same and thereafter such statement shall be deemed to have been originally sent as so corrected. A.D. 1890.

24. Any person who registering a claim to be entitled to vote at any election shall wilfully enter or cause to be entered any false particular in the register or send to the clerk any such statement in writing as aforesaid knowing that the same contains any false particular shall be guilty of a misdemeanor and shall on conviction thereof on indictment be liable to be punished accordingly. Penalty for false registration.

25. For the purposes of the said elections by persons engaged in the smelting of iron and by persons engaged in the mining and working of coals the quantity of iron or of coals shipped or sent or sold to be shipped at the port shall when and in case the same shall be conveyed to the port by means of any canal or railway be ascertained by and taken from the books of account of the persons owning or working or running over the canal or railway along which such iron or coal may be conveyed to the port and such of the books of account of any such person wherein may be entered the quantities of iron and coal conveyed along any canal or railway to be shipped at the port shall be open to the inspection of the clerk without fee during one month next preceding any such election. Method of ascertaining quantity of iron and coals shipped.

26. The Commissioners shall from time to time appoint a place for holding the said elections by registered shipowners by persons engaged in the smelting of iron and by persons engaged in the mining and working of coals and notice of such place shall during the seven days next before the day of any such election be hung up in the Custom House of the port and at all such elections the voting shall commence at nine o'clock in the forenoon and close at four o'clock in the afternoon of the day of election and shall be conducted in manner following (that is to say) Such voting shall take place by the delivery by or on behalf of the voter to the presiding officer of a voting paper signed by the voter containing the Christian names surnames and addresses of the persons for whom he votes and the number of votes given and the clerk or such other person as the Commissioners may from time to time appoint shall preside and take the votes and the officer so presiding shall on the day after the election declare the names of the persons elected by hanging up such Place for elections.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890.

names in the said Custom House and in case of any equality in the number of votes for any two or more persons proposed to be elected the officer presiding at the election shall name from amongst such persons so many as shall be necessary to complete the requisite number of persons to be elected.

Extra-ordinary vacancies amongst elected Commissioners.

27. If any person elected to be a Commissioner by registered shipowners or by persons engaged in the smelting of iron or by persons engaged in the mining and working of coals or under this section by the Commissioners shall refuse to accept office or die or resign or be disqualified or cease to be a Commissioner from any other cause than that of going out of office in regular course the remaining Commissioners if they think fit may elect in his place some person who might have been elected in his stead when he was elected and in every case the Commissioner so substituted shall subject to the provisions of this Act continue in office for the same period that the person in whose place he is elected would in ordinary course have continued but shall on going out of office be eligible for re-election.

Correction of register. Procedure at elections.

28. (1.) If at any time it shall appear to the clerk or if at any election by registered shipowners or by persons engaged in the smelting of iron or by persons engaged in the mining and working of coals it shall appear to the officer presiding at such election that more than one person has registered his claim to be entitled to vote wholly or partly in respect of the same qualification or that any particular has been incorrectly entered in the register the clerk at any time or such officer at such election may subject as herein provided make such correction of the register as he shall think proper. Before making any such correction unless the same be made with the consent of every person whose claim to vote will be thereby affected the clerk at such time and place as he shall appoint and whereof he shall have given due notice to every such last-mentioned person or such officer at such election shall openly and publicly examine into the titles of the several persons who shall have so registered their claims to vote wholly or partly in respect of the same qualification or into the correctness or otherwise of the entry of such particular (as the case may be) and if any person shall at any such examination wilfully make a false statement he shall for every such offence be liable to a penalty not exceeding twenty pounds.

(2.) The officer presiding at any election by registered shipowners or by persons engaged in the smelting of iron or by persons engaged in the mining and working of coals may with the consent of the

[53 & 54 Vict.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

person who signed or handed in any voting paper correct any irregularity or inaccuracy in the filling in thereof. A.D. 1890.

29. The persons to be nominated Commissioners by the corporation shall be nominated by the council of the borough on the first Monday in June in the year one thousand eight hundred and ninety-three and in every third succeeding year and upon every such nomination the persons nominated by the said council and in office immediately before such nomination shall go out of office provided that any person so going out of office may be re-nominated. The Commissioners nominated by the corporation who were in office immediately before the passing of this Act if they shall respectively so long live and shall not resign or be disqualified shall continue in office until the first Monday in June one thousand eight hundred and ninety-three.

Time for
nominating
Commis-
sioners by
corporation.

30. If any Commissioner nominated by the corporation shall refuse to accept office or die or resign or be disqualified or cease to be a Commissioner from any other cause than that of going out of office in regular course the council of the borough if they think fit may at any meeting convened in pursuance of the provisions of the Municipal Corporations Act 1882 nominate another person to supply such vacancy and the Commissioner so substituted shall subject to the provisions of this Act continue in office for the same period that the person in whose place he is nominated would in ordinary course have continued and on going out of office shall subject as aforesaid be eligible for re-nomination.

Extra-
ordinary
vacancies
amongst
Commis-
sioners
nominated
by corpora-
tion.

31. If any person be elected or nominated a Commissioner by more than one interest or person such Commissioner shall within one month after notice thereof declare in writing to the clerk in respect of which election or nomination he will act as a Commissioner or in default thereof the Commissioners at their next meeting after the expiration of the month shall determine in respect of which election or nomination such Commissioner shall act as a Commissioner and upon such declaration or determination such Commissioner shall be held to have been elected or nominated a Commissioner by such interest or person only as shall be so declared or determined and shall cease to be a Commissioner elected or nominated by any other interest or person.

Where a
person is
elected or
nominated
a Commis-
sioner by
more than
one interest
or person.

32. (1.) A person shall not be disqualified for being a Commissioner or be deemed to be concerned or participate in any manner in any contract or in the profit thereof or of any work to be done under the authority of the Acts of 1836 and 1869 and this Act or

Limitation of
section 9 of
Commis-
sioners
Clauses Act
1847.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890. of any of those Acts by reason only of his having any share or interest in—

- (a.) any lease sale or purchase of land or any agreement for the same or for compensation for damage to land ; or
- (b.) any agreement for the loan of money or any security for the payment of money only ; or
- (c.) any newspaper in which any advertisement relating to the affairs of the harbour or the Commissioners is inserted ; or
- (d.) any company incorporated by Act of Parliament or Royal Charter or under the Companies Acts 1862 to 1886 ; or
- (e.) any agreement for the use in the ordinary course of business or trade as a customer of the Commissioners of any of the premises or property of the Commissioners or for the employment in the ordinary course of business or trade as a customer of the Commissioners of any of the officers or servants of the Commissioners.

(2.) Provided that no Commissioner shall vote on any question relating to any contract or work in which he is concerned by reason of his having any share or interest as last aforesaid and if he shall so vote his vote shall not be counted and he shall be liable to a penalty not exceeding twenty pounds.

Declaration
of Commis-
sioners.

33. No person appointed or elected a Commissioner who had not before the passing of this Act and since his last appointment or election made and signed the declaration required by the Act of 1836 shall be capable of acting as a Commissioner (except in administering the declaration herein-after mentioned) until he shall have made and signed before one of the Commissioners at a meeting of the Commissioners or of any committee of the Commissioners a declaration to the effect prescribed by section 12 of the Commissioners Clauses Act 1847.

Penalty
for acting
as Commis-
sioner when
disqualified.

34. The court in which any penalty under section 15 of the Commissioners Clauses Act 1847 shall be sought to be recovered may in its discretion reduce the amount of such penalty.

First meet-
ing of the
Commis-
sioners.

35. The Commissioners shall hold their first meeting after the passing of this Act at the office of the Commissioners on the first day after the passing of this Act which shall be the second Wednesday in a month at eleven o'clock in the forenoon.

Chairman
and vice-
chairman to
be elected.
Conduct of
meetings.

36. (1.) At the first meeting of the Commissioners after the passing of this Act they shall by the majority of the votes of the Commissioners present elect one of their body to be their chairman and one of their body to be their vice-chairman until the next annual meeting of the Commissioners when and at every subsequent

[53 & 54 Vict.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

annual meeting the Commissioners shall in like manner elect a chairman and a vice-chairman for the ensuing year and in every case the chairman and vice-chairman going out of office shall respectively be eligible for re-election if he continue to be a Commissioner and in case the chairman or the vice-chairman shall refuse to accept the office or shall resign it or shall cease to be a Commissioner the Commissioners present at the meeting next after the occurrence of such vacancy shall choose some other of their body to fill such vacancy and the chairman or vice-chairman so elected shall continue in office so long only as the person in whose place he was elected would have been entitled to continue chairman or vice-chairman. Each chairman or vice-chairman so elected shall if he continue to be a Commissioner continue in office until his successor is elected. If at any meeting of the Commissioners the chairman so elected be not present the vice-chairman so elected if present shall be chairman of such meeting but if neither the chairman nor the vice-chairman be present one of the Commissioners present shall be elected chairman of such meeting by the majority of the votes of the Commissioners present. A.D. 1890.

(2.) The foregoing provisions of this section shall apply mutatis mutandis to every committee of the Commissioners provided that for the purposes of such application the words "the next annual meeting" shall be construed to mean the first meeting of such committee after the next annual meeting and the words "every subsequent annual meeting" shall be construed to mean the first meeting of such committee after every subsequent annual meeting.

(3.) The Commissioners may from time to time make alter and rescind standing orders or regulations for ensuring order and uniformity in the conduct of business at meetings of the Commissioners and of their committees and for ensuring that due notice of business to be transacted at such meetings be given and as to the circumstances under and the manner in which their common seal is to be affixed or used and for regulation of their proceedings and business generally. Provided that any standing order or regulation so made be not inconsistent with anything in this Act contained.

37. The clerk shall within one month after each annual meeting of the Commissioners transmit to the Board of Trade a report or statement duly certified by him or by the harbour master of all wharves piers jetties buildings erections or encroachments which shall have been erected or made during the year then next preceding or which shall be then erecting or making within the harbour and adjoining to the River Usk and if the clerk shall wilfully neglect to transmit such report or statement within the time herein- Annual statement as to wharves &c. to Board of Trade.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890. before mentioned he shall for every such offence be liable to a penalty not exceeding fifty pounds.

How notice
of meetings
is to be
given.

38. Notice of every meeting of the Commissioners shall be in writing and shall be delivered at or transmitted through the post office addressed to the usual place of abode or place of business of each of the Commissioners and due notice of a meeting shall be deemed to have been given to a Commissioner where a notice in writing of such meeting properly addressed to the usual place of abode or place of business of such Commissioner was delivered or posted not less than three clear days before the meeting.

How time
to be com-
puted.

39. Where by the Acts of 1836 and 1869 and this Act or any of those Acts—

(a) any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event and as commencing at the beginning of the next following day and the act or proceeding shall be done or taken at the latest on the last day of the limited time as so computed unless the last day is a Sunday Christmas Day Good Friday or a bank holiday under and within the meaning of the Bank Holiday Act 1871 or any Act amending that Act or a day appointed for public fast humiliation or thanksgiving in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being one of the days in this section specified; and

(b) any act or proceeding is directed or allowed to be done or taken on a certain day then if that day happens to be one of the days in this section specified the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being one of the days in this section specified.

Minutes.

40. Any entry in a book by section 55 of the Commissioners Clauses Act 1847 required to be signed shall be deemed to have been duly signed if signed by the chairman of the meeting next subsequent to that at which the proceeding to which such entry relates took place.

Officers.

41. (1.) All men whether before or after the passing of this Act appointed by the Commissioners as watchmen under the provisions in that behalf in section 86 of the Act of 1836 contained shall be deemed to be officers of the Commissioners to whom the

[53 & 54 Vict.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

provisions of section 65 of the Commissioners Clauses Act 1847 A.D. 1890.
apply.

(2.) The Commissioners may at any time suspend any officer in their employment and may appoint another person temporarily to fill his office or temporarily to fill any office under them which may be vacant from any cause.

(3.) Any appointment suspension or removal of an officer by the Commissioners may be made by resolution of the Commissioners passed at a meeting of the Commissioners.

42. The Commissioners shall annually appoint an auditor or Auditors.
auditors to audit and docket the accounts of the Commissioners and they may suitably remunerate such auditor or auditors Provided that no such auditor shall be a Commissioner or an officer or servant of the Commissioners.

43. (1.) The Commissioners shall in the month of April in Accounts to
be audited
and pub-
lished.
every year lay before such auditor or auditors their accounts with a full and true statement and account of all moneys received and expended by virtue of the Acts of 1836 and 1869 and this Act or any of those Acts during the year ending on the thirty-first day of March then last past and also of all debts then owing by the Commissioners accompanied with proper vouchers in support of the same and all books papers and writings in their custody or power relating thereto and such auditor or auditors shall within one month after receiving the same examine such accounts statement and account and vouchers and may either make a special report on such accounts or simply confirm the same and such report or confirmation shall be printed along with such statement and account and be produced therewith at the annual meeting of the Commissioners and if such accounts be confirmed by the auditor or auditors and allowed by the Commissioners and certified accordingly by a certificate annexed to such statement and account or a printed copy thereof under the hand of the chairman of the meeting at which such accounts are so allowed such accounts shall be final in regard to all persons whomsoever.

(2.) Within one month after the annual meeting of the Commissioners the clerk shall cause a copy of the said statement and account or a summary thereof to be inserted in some newspaper published and circulating in the borough and if the clerk shall wilfully neglect so to publish the said statement and account or summary he shall for every such offence be liable to a penalty not exceeding ten pounds.

44. The Commissioners may from time to time by virtue of this Power to
borrow.
Act and independently of any other borrowing power borrow on

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890.

mortgage of all or any of the rates duties rents profits and other moneys arising or accruing to the Commissioners by virtue of the Acts of 1836 and 1869 and this Act or any of those Acts such moneys as they from time to time require for the purposes of those Acts or any of them not exceeding in the whole the sum of one hundred and five thousand pounds.

Appoint-
ment of a
receiver.

45. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

As to re-
payment of
borrowed
money.

46. All moneys borrowed by the Commissioners under the authority of this Act may be borrowed and re-borrowed for any terms not exceeding fifty years from the dates of the original borrowing of the same respectively and subject as aforesaid all moneys borrowed by the Commissioners under the authority of this Act shall be repaid by yearly or half-yearly instalments or by means of a sinking fund. Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part shall in every year amount to the same sum.

Sinking
fund.

47. (1.) The Commissioners in case they borrow any moneys on mortgage under this Act repayable by means of a sinking fund shall within twelve months after borrowing the same and thenceforth annually set apart as a sinking fund for the payment of such moneys out of the rates duties rents profits or other moneys on the security of which such moneys shall have been borrowed such equal annual or half-yearly sum or sums as will with accumulations by way of compound interest after a rate not exceeding three and a half per centum per annum be sufficient to pay within such a period as they may think fit (not exceeding the period by this Act prescribed for the repayment thereof) the amount of the principal moneys so borrowed.

(2.) All sums so set apart and the income thereof shall from time to time be invested and all or any part or parts thereof may be so invested in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or any security of any municipal corporation in Great Britain or of any other local authority within the meaning of

section 34 of the Local Loans Act 1875 but the Commissioners shall not invest any such money in any security of the corporation of Newport other than Newport (Monmouthshire) Corporation Redeemable Water Annuities not exceeding the amount of such annuities at present held by them. A.D. 1890.

(3.) The Commissioners may at any time apply the whole or any part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper. Provided that whenever and so long as the securities constituting such sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the Commissioners may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be paid thereto.

48. If the Commissioners out of moneys received on capital account other than borrowed moneys repay any principal money borrowed under the powers of this Act repayable by means of a sinking fund the payments to such sinking fund may be reduced to such extent and upon such terms as may from time to time be approved by the Board of Trade. Sinking fund may be adjusted in certain events.

49. (1.) The clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration by the clerk if so required by that Board, showing the amount which has been invested for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year. Annual return to Board of Trade.

(2.) In case of wilful default therein by the clerk the clerk on each occasion shall be liable to a fine not exceeding twenty pounds and every fine under this section shall be recoverable summarily on the prosecution of the Board of Trade and not otherwise.

(3.) If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

to any purposes other than those authorised by this Act the Board of Trade may after hearing the Commissioners (if desirous to be heard) and notwithstanding any proceeding for the recovery of any fine or any other proceeding taken by that Board by order require the Commissioners to make good the default within a time therein limited and such order shall be enforceable by writ of Mandamus to be obtained by the Board of Trade out of the High Court.

Power to
re-borrow.

50. The Commissioners may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under this Act on the same becoming repayable or for paying off any part of any such principal moneys as they can borrow at a lower rate of interest Provided as follows:—

- (a) the time for repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term of fifty years from the date of the original borrowing of the same;
- (b) for the purpose of repayment all moneys so re-borrowed and the moneys originally borrowed shall be deemed the same loan; and
- (c) the Commissioners shall not re-borrow any money paid off by means of instalments or a sinking fund or out of moneys received on capital account other than borrowed moneys.

Application
of money
borrowed.

51. All money borrowed by the Commissioners under this Act shall be applied for the purposes of the Acts of 1836 and 1869 and this Act or any of those Acts to which capital is properly applicable by the Commissioners and not otherwise.

Protection
of lenders
from in-
quiry.

52. Any person lending money to the Commissioners shall not be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Commis-
sioners not
bound to see
to execution
of trusts.

53. The Commissioners shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any mortgage or the money principal or interest thereby secured may be subject and the receipt of the person in whose name any such mortgage stands in the books of the Commissioners shall be a sufficient discharge to the Commissioners for any money payable in respect thereof notwithstanding any trust to which the same or the money thereby secured may then be subject and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Application
of revenues.

54. The Commissioners shall apply the rates duties rents profits and other moneys before or after the passing of this Act arising

[53 & 54 VICT.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

or accruing to them from their undertaking as follows (that is to say):— A.D. 1890.

First. In paying the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto so far as the same shall not be paid out of borrowed moneys :

Secondly. In paying the working and establishment expenses and the cost of regulating preserving and maintaining the harbour and all other expenses and costs incidental to the execution of the purposes of the Acts of 1836 and 1869 and this Act or any of those Acts so far as the same shall not be paid out of borrowed moneys :

Thirdly. In paying the interest on moneys borrowed by the Commissioners :

Fourthly. In paying the requisite instalments of principal money and in providing the requisite sinking fund with reference to moneys borrowed by the Commissioners :

Fifthly. In providing a reserve fund if they think fit by setting aside such money as they from time to time think reasonable and investing all or any part thereof and the resulting income thereof or any part of such income in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or any security of any municipal corporation in Great Britain or of any other local authority within the meaning of section 34 of the Local Loans Act 1875 and accumulating the same at compound interest provided the fund so formed shall at no time exceed twenty thousand pounds but the Commissioners shall not invest any such money in any security of the corporation of Newport other than Newport (Monmouthshire) Corporation Redeemable Water Annuities not exceeding the amount of such annuities at present held by them The said fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Commissioners from the undertaking or to meet the expenses of or incident to any steps which may be taken by the Commissioners for the purpose of protecting or improving or on behalf of or in the interests of the undertaking or with a view to enabling them more efficiently to carry on the same or to meet any extraordinary claim or demand at any time arising against them in respect of the undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the said sum and so from time to time :

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

The surplus (if any) shall be expended as the Commissioners think fit in paying off principal moneys due by the Commissioners or in improving or otherwise for the benefit of the undertaking.

As to corporation redeemable water annuities held by the Commissioners.

55. Whereas under or by virtue of the Newport (Monmouthshire) Corporation Water Act 1888 and divers previous Acts the Commissioners are entitled to certain Newport (Monmouthshire) Corporation Redeemable Water Annuities of two hundred and twenty-five pounds and thirty pounds respectively Be it enacted that the Commissioners may transfer the same to the reserve fund by this Act authorised or may from time to time invest all or any part of the net proceeds of any sale of or any moneys received by them on redemption of all or any part of the said annuities in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money or any security of any municipal corporation in Great Britain or of any other local authority within the meaning of section 34 of the Local Loans Act 1875 and apply the income arising from any such investment in the same manner as the rates duties rents profits and other moneys arising or accruing to the Commissioners from their undertaking are by this Act directed to be applied and the Commissioners may from time to time apply all or any part of such net proceeds of sale or moneys received by them on redemption or all or any part of the net proceeds of any sale of any security in which they shall have invested under the powers in that behalf in this section contained—

- (a) in or towards providing the reserve fund by this Act authorised in which case the same shall thenceforth be deemed to be money set aside by the Commissioners out of the rates duties rents profits and other moneys out of which they are by this Act so authorised to provide a reserve fund; or
- (b) to any purpose of the Acts of 1836 and 1869 and this Act or any of those Acts to which capital is properly applicable by the Commissioners; or
- (c) in paying principal money due in respect of moneys borrowed by the Commissioners.

Power to corporation to charge rates as collateral security for mortgages created by Commissioners.

56. In addition to all other powers for securing the repayment of moneys borrowed by the Commissioners under this Act with interest conferred on the Commissioners by this Act the corporation acting by the council of the borough may if they think fit from time to time by way of collateral security for the repayment of such moneys with interest charge the repayment of such moneys with interest upon the borough fund and borough rate and upon the

[53 & 54 VICT.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

district fund and general district rate of the borough or upon either of those funds and rates Provided that the aggregate amount which may in any one year become payable in respect of any charge or charges thereby created shall not exceed the amount which might in such year be produced by a borough rate of sixpence in the pound of the assessable value for that year of property assessable to the borough rate of the borough Provided also that any such collateral security shall cease at the expiration of fifty years from the date of the original borrowing of moneys repayment whereof is thereby secured Every charge created under this section shall be deemed to be a mortgage to which the provisions of sections 236 to 239 of the Public Health Act 1875 apply and the provisions of those sections shall apply thereto accordingly.

A.D. 1890.

57. The Commissioners may from time to time as they think fit reduce or discontinue or advance or revive all or any of the rates and duties granted by section 69 of the Act of 1836 Provided that no such rates or duties when advanced or revived shall exceed the maximum rates or duties granted by the said section And provided that no such reduction discontinuance advancement or revival shall be made except after two months notice given in some newspaper published and circulating in the borough of the intention to propose a resolution at a meeting of the Commissioners for that purpose nor unless twelve Commissioners shall be present when such resolution is passed and two thirds of the Commissioners then present consent thereto.

Reduction
and advance-
ment of
rates.

58. Subject to the provisions of this Act the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the following works in the county of Monmouth (that is to say):—

Power to
make ferry
works.

- (1.) A jetty and landing-place (No. 1) commencing at the north-east side of the Llanarth Wharf in the parish of St. Woollos and thence extending in a north-easterly direction for a distance of nineteen yards or thereabouts together with a slipway extending for a distance of fifty-seven yards or thereabouts in a north-easterly direction.
- (2.) A road (No. 1) commencing at the commencement of the jetty and landing-place (No. 1) authorised by this Act and terminating by a junction with the road known as the Stone Road or East Dock Road at or about the entrance from that road to the Llanarth Wharf aforesaid.
- (3.) A jetty and landing-place (No. 2) commencing on the bank of the River Usk at or about the south-westernmost corner of the property numbered on the Ordnance map (scale $\frac{1}{2500}$) 1045

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

in the parish of Christchurch and thence extending in a south-westerly direction for a distance of twenty-five yards or thereabouts together with a slipway extending for a distance of sixty-three yards or thereabouts in a south-westerly direction.

(4.) A road (No. 2) commencing at the commencement of the jetty and landing-place (No. 2) by this Act authorised and terminating by a junction with the road No. 2 authorised by the Newport (Monmouthshire) Corporation Act 1889.

Slipways
to be con-
structed so as
not to injure
wharves.

59. The slipways by this Act authorised shall be constructed in such a manner that they shall not injuriously affect the use of the adjoining wharves.

For the pro-
tection of
the commis-
sioners of
sewers for
the levels of
Caldicot and
Wentlooge.

60. (1.) The Commissioners shall not make or construct any of the works by this Act authorised which shall interfere with any earth bank sea wall or other sea defence or gout or pill under the jurisdiction of the commissioners of sewers for the levels of Caldicot and Wentlooge (in this section called "the commissioners of sewers") without first submitting plans of such works to and obtaining the approval thereto of the commissioners of sewers or (if the commissioners of sewers for a period of one month neglect or refuse to approve such plans or disapprove the same) of the arbitrator to be appointed as herein-after provided and if in the construction of any such works the Commissioners shall destroy cut through pull down or in any way weaken injure or interfere with any such earth bank sea wall or other sea defence gout or pill the Commissioners shall at their own cost and expense in all things so far as reasonably practicable restore and reconstruct such earth bank sea wall or other sea defence to the reasonable satisfaction of the commissioners of sewers and the Commissioners shall in the construction of such works make due and proper provision for preventing the influx of the sea or tidal waters of the Rivers Usk or Severn through any such works in or upon any of the lands within the levels of Caldicot and Wentlooge and in case of the influx of the sea or tidal waters of the Rivers Usk or Severn in or upon any of the lands within the said levels owing to any failure of any of the works so to be made by the Commissioners the Commissioners shall be liable in the same manner and to the same extent as the commissioners of sewers are now liable to make good to the owners and occupiers of the said lands the damage that may be occasioned thereby In constructing the road (No. 2) by this Act authorised across any reen under the jurisdiction of the commissioners of sewers the Commissioners shall construct to the reasonable satisfaction of the commissioners of sewers such a culvert as may be necessary for permitting the free passage of the waters of such reen under the said road and the

[53 & 54 VICT.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

Commissioners shall at all times thereafter at their own expense maintain and keep the same in sufficient repair. A.D. 1890.

(2.) If any difference shall arise between the Commissioners and the commissioners of sewers in relation to the withholding of such approval or consent or to any of the works to be executed or to any matters or things to be observed or done by the Commissioners under this section the question in dispute shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator shall be final and binding on all parties and the costs of such arbitration shall be in his discretion.

(3.) Except as by this Act is expressly provided nothing in this Act shall take away alter prejudice or affect any rights powers or jurisdiction of the commissioners of sewers nor shall anything in this Act contained prevent the commissioners of sewers from exercising all the powers and provisions contained in Part III. of the Caldicot and Wentlooge Level Act 1884.

61. The Commissioners may from time to time make and maintain in connexion with the jetties landing-places slipways and roads by this Act authorised and shown on the deposited plans or any of those works all necessary and convenient causeways roadways foot-paths fences lamp-posts walls abutments slipways stairs stages moorings buoys toll-houses toll-gates toll-bars approaches works cranes machinery and conveniences. Power to make subsidiary works.

62. In making any of the works by this Act authorised and shown on the deposited plans the Commissioners may subject to the provisions of this Act deviate from the lines thereof within the limits of deviation shown on the deposited plans and may deviate from the levels shown on the deposited sections to any extent not exceeding four feet Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade. Limits of lateral and vertical deviation.

63. If the works by this Act authorised and shown on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Period for completion of works.

A.D. 1890.

Agreements
with and
contribu-
tions by
landowners.

64. (1.) It shall be lawful for the Commissioners to enter into and carry into effect contracts agreements and arrangements with any owner of land which would or might be benefited or improved in value by or would derive facilities or accommodation from the construction of the roads by this Act authorised and shown on the deposited plans or either of such roads or any part thereof respectively with respect to—

(a) the construction of the said roads or either of them or any part thereof respectively or any works in connexion therewith ;
or

(b) any contribution to be made by the Commissioners or any such owner towards the cost of making the said roads or either of them or any part thereof respectively or any works in connexion therewith ; or

(c) allowances to be made by any such owner in respect of the benefit to arise to the land of such owner by the construction of the said roads or either of them or any part thereof respectively and the conveyance to the Commissioners in consideration of such benefit of any land of such owner required for the purposes of or in connexion with the construction of such roads or either of them or any part thereof respectively or any works in connexion therewith.

(2.) Provided that all moneys received by the Commissioners under this section as contributions towards the cost of making such roads or works connected therewith shall be applied for capital purposes only.

(3.) Any limited owner whose name is set forth in the Second Schedule to this Act annexed may in accordance with the terms of any such agreement undertake the construction of the said roads or either of them or any part thereof respectively and may contribute towards the cost of such roads or either of them or any part thereof respectively and may raise the moneys necessary for that purpose by mortgage of and charge the same upon such land and the fee simple and inheritance thereof and may grant and convey to the Commissioners any land required for the construction of the said roads or either of them or any part thereof respectively either without payment or other consideration or for such consideration pecuniary or otherwise and upon such terms and conditions as may be agreed between him and the Commissioners Provided that all moneys so raised by any such limited owner by mortgage or charge of such land by virtue of the powers by this section conferred shall be repaid by equal annual instalments within a period not exceeding thirty years from the date of borrowing the same but nothing in

this proviso shall limit or affect any power of mortgaging or charging such land vested in such owner otherwise than by virtue of this section. A.D. 1890.

65. Upon completion to the satisfaction of the corporation of the respective roads by this Act authorised and shown on the deposited plans the Commissioners may apply in writing under their common seal to the corporation to declare and on such application the corporation shall within three months from the time of such application declare in writing under their common seal such road to be a highway repairable by the inhabitants at large and thereupon such road shall become a highway repairable by the inhabitants at large. Dedication
of roads to
the public.

66. The Commissioners may establish maintain and work a ferry for passengers animals and goods across the River Usk between the jetty and landing-place (No. 1) by this Act authorised on the west side of the said river and the jetty and landing-place (No. 2) by this Act authorised on the east side of the said river and may from time to time purchase provide maintain regulate work and use steam and other vessels and boats with all proper and sufficient tackle gear apparatus and conveniences and may convey passengers animals and goods across the River Usk at or between the said points or places aforesaid and also on or across the said river and the River Ebbw between any premises for the time being of the Commissioners. Power to
establish
ferries &c.

67. (1.) The Commissioners may demand and take such reasonable tolls and payments as the Board of Trade may from time to time approve for the use of any jetties landing-places slipways roads lifts cranes weighing machines or other appliances or premises of the Commissioners used in connexion with the said ferry or with the reception embarking landing loading or unloading into on to or from any such steam or other vessel or boat of any passengers animals or goods and for the services of their officers or servants employed in the embarking landing loading or unloading into on to or from any such steam or other vessel or boat of any animals or goods and for the weighing of any goods conveyed by any such steam or other vessel or boat and for the conveyance of passengers animals or goods by any such steam or other vessel or boat Provided that no preference shall be shown to any person and such tolls and payments shall apply equally to animals and goods of a like nature and description and under like circumstances. Ferry tolls.

(2.) If any person subject to any toll or payment which the Commissioners are by this section authorised to demand and take or any person in charge of any animal or goods in respect of which the

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890. Commissioners are by this section authorised to demand and take any toll or payment shall after demand made thereof by any collector appointed to receive such toll or payment neglect or refuse to pay the same or any part thereof such collector by himself or taking such assistance as he shall think necessary may stop or prevent the entrance into or upon any such jetty landing-place slipway road or premises or vessel or boat of the person so neglecting or refusing or of the animal or goods for or in respect of which such toll or payment ought to have been paid until full payment thereof or may seize and distrain any animal together with the bridle saddle gear harness and accoutrements belonging to any horse or other beast or any goods belonging to such person and if such toll or payment and the reasonable charge of such seizure and distress shall not be paid within the space of four days next after such seizure or distress made the person so seizing or distraining shall and may sell the animal or thing so seized or distrained or any part thereof returning the overplus (if any) and what shall remain unsold upon demand to the owner thereof after such toll or payment and charges shall be deducted.

(3.) If any person knowingly and wilfully fail to pay any toll or payment by this section authorised to be demanded and taken every person so offending shall for every such offence be liable to a penalty not exceeding forty shillings.

List of ferry
tolls to be
set up.

68. The Commissioners shall cause to be exhibited in some conspicuous part at or near to the several points or places between which any such vessels or boats ply and also on such boats and vessels in large and legible characters lists of the tolls and payments which for the time being the Commissioners may appoint to be demanded and taken for the conveyance of passengers animals and goods between such points or places and no toll or payment shall be payable for conveyance by any such vessel or boat so long as lists are not exhibited as aforesaid Provided that if any such list be destroyed injured or obliterated the tolls and payments shall continue payable during the time reasonably required for the restoration or reparation of such list in the same manner as if the list continued exhibited in the state required by this Act.

Act not to
create ex-
clusive right
of ferry.

69. Nothing in this Act contained shall create any exclusive right of ferry.

Wharfage
powers &c.

70. The Commissioners may from time to time make improve and maintain wharves quays stages pontoons landing-places jetties slips stairs yards sheds warehouses basins gridirons and other places for embarking and landing passengers and receiving depositing

storing warehousing shipping unshipping loading and unloading animals and goods and mooring and securing and repairing vessels and also toll-houses offices lifts cranes staiths coal tips weighing machines weights measures and other appliances approaches moorings buoys mooring posts mooring chains and lamps beacon lights and other works and conveniences on any lands for the time being vested in or leased to or occupied by them Provided that no works below high-water mark shall be constructed without the consent in writing of the Board of Trade first obtained. A.D. 1890.

71. The Commissioners may demand and take for the use of their wharves quays stages pontoons landing-places jetties slips stairs yards sheds warehouses basins gridirons or other places for embarking and landing passengers and receiving depositing storing warehousing shipping unshipping loading and unloading animals and goods and mooring and securing and repairing vessels lifts cranes staiths coal tips weighing machines measures or other works or conveniences of or from the master or owner of any vessel using or frequenting the same or moored or secured thereat or therein or repaired thereon or therein or from any person embarking or landing thereat or from the owner or person having the charge of any animals or goods shipped or unshipped thereat or received deposited stored or warehoused thereon or therein or loaded unloaded weighed or measured on or by means thereof such reasonable rates and payments as the Commissioners may from time to time appoint. Rates for use of wharves &c.

72. The Commissioners may demand and take for receiving depositing storing warehousing shipping unshipping loading unloading weighing or measuring any animals or goods which shall be received deposited stored warehoused shipped unshipped loaded unloaded weighed or measured upon the premises of the Commissioners by the Commissioners or for any other work or labour performed by the Commissioners in respect of such animals or goods such reasonable charges and payments as the Commissioners shall from time to time appoint and which charges and payments may be recovered and shall be recoverable by the Commissioners in the same manner and by the same means as rates appointed by the Commissioners under this Act are or shall be recoverable. Charges for services on wharves &c.

73. The Commissioners may from time to time lease or grant the use or occupation of any wharves quays stages pontoons landing-places jetties slips stairs yards sheds warehouses basins gridirons and other places for embarking and landing passengers and receiving depositing storing warehousing shipping unshipping loading and unloading animals and goods and repairing vessels and of any toll-houses offices lifts cranes staiths coal tips weighing machines Power to lease wharves &c.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour.* [53 & 54 VICT.]
Act, 1890.

A.D. 1890. — approaches and other works and conveniences acquired or provided by them at such rents and upon such terms and conditions as shall be agreed upon between the Commissioners and the persons corporations or companies taking the same provided that no such lease be granted for a longer term than three years.

Power to
grant build-
ing and
improving
leases.

74. The Commissioners may from time to time grant leases for any terms which they think fit not exceeding ninety-nine years of any of the lands for the time being vested in them and which are not required for the purposes of the Acts of 1836 and 1869 and this Act or any of those Acts to any persons corporations or companies (such corporations or companies being capable at law to accept such leases) who shall covenant to improve such lands by laying out money in the construction or erection of warehouses sheds or other buildings thereon calculated to promote the business of the harbour and they may also grant to such lessees the use during their respective leases of such waterway quay room and wharfage room and other easements as may be requisite or convenient for the purpose of the trade or business to be carried on in or at the warehouses buildings or works to be erected or constructed by such lessees.

Terms and
conditions of
such leases.

75. Every such lease shall be made without fine and may be made with and subject to such exceptions reservations yearly or other rents or payments covenants conditions powers and provisions whatsoever as the parties thereto mutually agree on Provided always that by every such lease due provision shall be made for securing the payment performance and observance by the lessees thereunder of the rent (if any) covenants and provisions in and by the same respectively reserved and contained and on their part to be respectively paid performed and observed Provided also that a duplicate or counterpart of every such lease shall be executed by the lessees therein named and be delivered to the Commissioners.

Commis-
sioners may
provide per-
sons to work
lifts &c.

76. The Commissioners may provide proper servants and labourers for working such lifts cranes staiths coal tips weighing machines and measures and also any other appliances and assisting in the receiving depositing storing warehousing shipping unshipping loading unloading weighing or measuring any animals or goods upon the premises for the time being of the Commissioners.

Meters and
weighers.

77. The Commissioners may appoint and license a sufficient number of persons to be meters and weighers within the premises for the time being of the Commissioners and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the appointment of meters and weighers and their duties shall apply to

[53 & 54 Vict.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

such meters and weighers and to the measuring and weighing of goods on such premises. A.D. 1890.

78. Subject to the provisions and for the purposes of this Act the Commissioners may from time to time enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference. Power to acquire lands.

79. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act. Powers for compulsory purchases limited.

80. The Commissioners may from time to time for any of the purposes of the Act of 1836 and this Act or of either of those Acts by agreement purchase or take on lease any lands not exceeding in the whole at any one time fifty acres in addition to the lands which they are authorised by this Act to take by compulsion and to any lands now belonging or leased to the Commissioners and it shall be lawful for all parties who under the provisions of the Lands Clauses Acts would be enabled to sell and convey to the Commissioners lands authorised to be acquired by them under the powers of this section to demise such lands to the Commissioners but nothing in this Act shall exonerate the Commissioners from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any lands acquired under the powers of this section. Power to acquire lands by agreement.

81. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Commissioners any easement right or privilege (not being an easement of water) required for the purposes of the Acts of 1836 and 1869 and this Act or any of those Acts in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements &c. by agreement &c.

82. (1.) The Commissioners shall not under the powers of this Act without the consent of the Local Government Board take in any urban sanitary district or in any parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Restriction on taking houses of labouring class.

(2.) For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890. working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Commis-
sioners may
contract for
light and
water.

83. The Commissioners may contract with any person able and willing to supply gas electric or other light or water for the supply of gas electric or other light or water as the case may be to the harbour and premises of the Commissioners and for the construction maintenance repair renewal and extension of all pipes mains wires and fittings necessary therefor on such terms as the Commissioners may think fit.

For the pro-
tection of
the Newport
(Mon.) Gas
Company.

84. The Commissioners shall not under the last-foregoing section of this Act without the consent in writing of the Newport (Mon.) Gas Company under their common seal enter into any contract with any person not having at the time of the entering into such contract statutory powers for such supply for the supply of gas to the portions of the harbour and of the premises of the Commissioners within the limits of gas supply of the said company if and so long as the said company are able and willing to afford such supply on reasonable terms and conditions. If any difference shall arise between the Commissioners and the said company as to whether the supply which the said company are able and willing to afford is proper and sufficient for the said purpose or the terms and conditions upon which the said company are able and willing to afford such supply are reasonable the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade whose decision as to the same and as to the costs of such arbitration and the parties by whom the same shall be paid shall be final and binding on all parties.

Commis-
sioners may
sell water
to vessels.

85. The Commissioners may from any part of their premises supply water to any vessel within the harbour and may charge for such supply at such a reasonable rate as they may from time to time appoint. Provided that the Commissioners shall not without the consent in writing of the corporation under their common seal either enter into any contract with any person other than the corporation for the supply of water to the portions of the harbour and of the premises of the Commissioners within the limits of water supply of the corporation or sell to any vessel within such portion of the harbour water obtained otherwise than from the corporation.

[53 & 54 VICT.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

86. (1.) The Commissioners may from time to time dredge scour deepen excavate protect cleanse and otherwise improve the bed banks shore and channels of the port or harbour within the limits thereof as defined by this Act whether forming part of the navigation of the said port or harbour or not (including any wharf berths or works therein) and may remove alter raise or lower any banks shoals or other impediments or obstructions therein and for any of those purposes may if they think fit build purchase hire or otherwise employ dredgers vessels machinery or apparatus to be propelled or worked by steam or otherwise at their discretion Provided that the Commissioners shall not in the exercise of the powers of this subsection interfere with any wharf berth without reasonable cause in case where objection is made by the owner lessee or occupier of such wharf and provided also that where the power vested in the Commissioners by this subsection is exercised in respect to any wharf berth existing at the date of the passing of this Act the Commissioners shall make compensation to any wharf owner lessee or occupier whose wharf berth is injuriously affected by the interference of the Commissioners with such wharf berth If any difference shall arise between the Commissioners and any person as to whether any interference with a wharf berth by the Commissioners is without reasonable cause or as to whether any wharf berth as aforesaid is injuriously affected by the interference of the Commissioners with such wharf berth or as to the amount of compensation (if any) to be paid for such interference the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade whose decision as to the same and as to the costs of such arbitration and the parties by whom the same shall be paid shall be final and binding on all parties.

A.D. 1890.

Dredging
and other
powers.

(2.) The Commissioners may if they think fit enter into and carry into effect agreements with any owner lessee or occupier of any wharf or premises within or abutting upon the limits of the port or harbour as defined by this Act for or with respect to the execution of any dredging or other like work required to be effected by such owner lessee or occupier and may either themselves effect any such work or let or allow the use of any dredger vessel machinery or apparatus belonging to them to such owner lessee or occupier on such terms and conditions pecuniary or otherwise as they may think fit.

87. (1.) It shall not be lawful for any person at any place on the River Usk or the River Ebbw within the limits of the jurisdiction of the Commissioners at adjoining or opposite to which the River Usk or the River Ebbw is for the time being navigable to

For regu-
lating line
of wharves.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

erect construct or place any pier wharf jetty wall quay groin or other work or erection on the shore of the harbour below high-water mark without or otherwise than in accordance with the terms and conditions of the license of the Commissioners which license (subject to the observance and performance of such reasonable terms and conditions as they may impose) they may grant if they think fit but without taking any fee for the granting thereof Provided that if any person desiring or about to erect construct or place any pier wharf jetty wall quay groin or other work or erection on the shore of such portion of the harbour below high-water mark shall submit plans and sections of such work or erection to the Commissioners before he shall commence the same and it shall appear from such plans and sections that such work or erection will not prejudicially interfere with the navigation of the harbour the Commissioners shall not withhold their license for the erection construction or placing of such work or erection in accordance with such plans and sections.

(2.) If any difference shall arise between the Commissioners and any person as to whether any terms or conditions to which the Commissioners shall make any licenses granted by them under this section subject are reasonable or as to whether it appears from any plan or section that any such work or erection as is referred to in this section will prejudicially interfere with the navigation of the harbour the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade whose decision as to the same and as to the costs of such arbitration and the parties by whom the same shall be paid shall be final and binding on all parties.

(3.) In this section the expressions "the River Usk" and "the River Ebbw" respectively include all streams pools creeks havens bays and inlets communicating with such rivers respectively within the limits of the jurisdiction of the Commissioners.

(4.) Provided that nothing in this section shall take away prejudice limit or affect any power of the commissioners of sewers for the levels of the hundreds of Caldicot and Wentlooge under any charter commission letters patent or Act relating to the said levels nor shall anything in this section take away prejudice limit or affect any power of the Alexandra (Newport and South Wales) Docks and Railway Company under any Acts relating to that company or their undertaking.

Amendment
of sec. 59 of
Act of 1836.

88. (1.) Section 59 of the Act of 1836 shall be read and construed as though in lieu of the words "it shall be lawful for the said water bailiff or harbour master to" therein contained the words

“the said water bailiff or harbour master may if he thinks fit” had been substituted in that section. A.D. 1890.

(2.) In the case of any vessel loading or unloading or being about to load or unload at in upon from or alongside of any wharf quay berth or other premises of the Commissioners nothing in section 59 of the Act of 1836 contained shall in any way limit or take away any right power or authority which any water bailiff or harbour master would if that section had not been passed have had to interfere with the loading or unloading of such vessel or to direct at which wharf quay or berth or in what situation such vessel shall load or unload or to interfere with the berth or situation such vessel may go into for the purpose of loading or unloading. Removal of vessels &c.

89. (1.) It shall not be lawful for any person to cast throw or put or cause or suffer to fall or pass into the harbour or within twenty miles of the bridge by which the road leading from Newport towards Caerleon the New Passage and Chepstow is carried over the River Usk into that river or the River Ebbw or into any of the tributaries or streams eventually discharging or leading into either of those rivers or to deposit or cause or suffer to be deposited on any land or place liable to be visited with floods whether from land water or from ordinary or extraordinary tides and whence by such floods any material deposited thereon might be carried into the harbour or within twenty miles from the said bridge into either of the said rivers or into any of the said tributaries or streams any gravel or other substance which has been used as ballast or any stones ashes cinders slack or slag scorïæ rubbish refuse mud dirt or any other matter or thing which might lessen or tend to lessen the depth of the water in any part of the harbour or in any part of either of the said rivers or in any part of any of the said tributaries or streams and if any person does anything in contravention of this section he shall for every such offence be liable to a penalty not exceeding twenty pounds And where the offence is committed from or out of a vessel the master and the owner of the vessel shall be liable to be proceeded against and punished under this section but so that the master and owner of the vessel be not both punished in respect of the same offence And where the offence is committed from or off or upon any land or place (not being a vessel) the person casting throwing putting or depositing and the person causing such casting throwing putting falling passing or depositing and the person superintending such casting throwing putting falling passing or depositing and (in case the material deposited comes directly from any colliery or works) the occupier of such colliery or works shall be liable to be proceeded against and punished under this Prevention of refuse being thrown into harbour.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 Vict.]
Act, 1890.

A.D. 1890. section but so that not more than one of such persons be punished in respect of the same offence.

(2.) The Commissioners may give notice in writing to any such occupier requiring him within a reasonable period to be specified in such notice to remove the material deposited from such land or place and if he shall fail so to do the Commissioners may remove all or any part of it to such place or places as they think fit and the expenses of removing it shall in addition to any penalty by this section imposed be paid by such occupier and be recoverable as a penalty.

(3.) Provided that this section shall not apply to the discharging or suffering to pass mud or other substances into the River Usk by the Alexandra (Newport and South Wales) Docks and Railway Company or their lessees the Newport (Alexandra) Dock Company Limited or any of the servants of either of those companies in the sluicing necessary for the maintenance of the Newport Old Dock and the entrance thereto in good order and condition nor to the placing or throwing of mud or other substances into the River Usk by any wharfowner or occupier in the ordinary cleaning out of any shipping berth for vessels nor to the placing or throwing of mud or other substances into the River Usk by any wharfowner or occupier in the making of any shipping berth for vessels if the same be placed or thrown with the sanction of the Commissioners which sanction shall not be unreasonably withheld. If any difference shall arise between the Commissioners and any wharfowner or occupier as to whether any such sanction is unreasonably withheld the same shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade whose decision as to the same and as to the cost of such arbitration and the parties by whom the same shall be paid shall be final and binding on all parties.

Penalty for
casting ballast
without
a portsail.

90. If any person cast or unload into or out of any vessel in the harbour or if any person having the command of any vessel in the harbour knowingly permit to be cast or unloaded into or out of the same any ballast and such respective person have not (during the whole time of such casting or unloading) a stage or portsail sufficiently large and properly fastened from the vessel into or out of which such ballast is to be cast or unloaded to the upper edge or highest part of the quay or land or to the other vessel into from or upon which such ballast is to be cast or unloaded and so as to prevent any such ballast from falling into the harbour every such person so offending shall for every such offence be liable to a penalty

[53 & 54 Vict.] *Newport (Monmouthshire) Harbour* [Ch. cxliv.]
Act, 1890.

not exceeding forty shillings for the first offence and not exceeding ten pounds for every subsequent like offence. A.D. 1890.

91. The words "mooring posts" wherever they occur in section 61 of the Act of 1836 shall be deemed to include mooring chains mooring rings and any other apparatus for the time being in general use for mooring vessels and the word "lamps" wherever it occurs in the said section shall be deemed to include lamps whether illuminated by gas or electric or other light lamp posts and mains pipes and wires and any other apparatus for the time being in general use for conveying or transmitting gas or electric energy or other lighting medium to lamps and the said section shall be read and construed as though after the word "decline" therein contained the words "or neglect" had been inserted and as though after the word "occasion" therein contained the word "undue" had been inserted and as though before the word "inconvenience" therein contained the word "unduly" had been inserted in that section. Amendment of s. 61 of Act of 1836. Moorings and lamps.

92. The master of every vessel from which shall be lost within the harbour any anchor or cable shall as soon as reasonably practicable after such loss give or send notice to the harbour master of such loss and every master of a vessel from which shall be lost as aforesaid any anchor or cable who shall fail to give or send such notice as aforesaid as soon as reasonably practicable after such loss shall be liable to a penalty not exceeding ten pounds. Notice to be given as to anchors and cables lost within harbour.

93. The master of every vessel which shall be within the harbour in a wrecked disabled or abandoned condition shall as soon as reasonably practicable give notice to the harbour master of such vessel being within the harbour in such condition and every master of a vessel which shall be within the harbour in such condition who shall fail to give such notice as aforesaid as soon as reasonably practicable shall be liable to a penalty not exceeding twenty pounds. Notice to be given of wrecked disabled and abandoned vessels within the harbour.

94. Any watchmen appointed by the Commissioners under the provisions of section 86 of the Act of 1836 may be sworn in as special constables by any two justices for the borough or for the said county of Monmouth duly to execute the office of a constable within the limits of the harbour and within one mile of the same and when so sworn in shall have the same powers protection and privileges within the limits aforesaid and shall be subject to the same liabilities as constables have or are subject to by law. Watchmen.

95. The Commissioners may from time to time alter amend or revoke any byelaws made by them under the Act of 1836 and may Byelaws may be made for all or any

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.
—
of the pur-
poses herein
named.

from time to time in lieu of or in addition to any byelaws made under the said Act and the Harbours Docks and Piers Clauses Act 1847 make such byelaws as they shall think fit for all or any of the following purposes (that is to say):—

For cleansing the harbour ;

For preventing and removing obstructions or impediments in the harbour ;

For regulating the mooring berthing or removing vessels in any part of the harbour ;

For regulating the management superintendence and watching of the harbour and of works constructed and to be constructed for the improvement thereof and of buoys and moorings in the harbour and for preventing injury to works within the jurisdiction of the Commissioners ;

For regulating the conduct of the owners masters pilots and crews of vessels (navigated by steam or otherwise) in the harbour with regard to times of sailing mode and speed of navigation displaying of lights taking on board and landing or putting out passengers or goods and towing of vessels ;

For regulating the conduct of boatmen ferrymen and others plying in the harbour ;

For regulating the conveyance of rafts of timber in the harbour ;

For regulating the removal and disposal of all ballast brought by vessels entering the harbour and for regulating the supply of ballast to vessels leaving the harbour with ballast so as to prevent ballast being thrown or allowed to fall into the harbour or obstructing the navigation ; and

For controlling the making maintaining and using of any quays wharves stages or other works in the harbour or upon lands abutting on the harbour or connected therewith :

Provided that no such byelaws shall come into operation until the same be confirmed as in this Act provided.

Provisions
of general
Act as to
byelaws
applied.

96. The provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the byelaws to be made by the undertakers incorporated with this Act shall (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) extend and apply to all byelaws made by the Commissioners under the Harbours Docks and Piers Clauses Act 1847 or this Act.

Byelaws to
be confirmed
by Board of
Trade.

97. All byelaws made by the Commissioners under the Harbours Docks and Piers Clauses Act 1847 or this Act and by either of those Acts required to be confirmed before coming into operation

shall be subject to the confirmation of the Board of Trade and no other confirmation shall be necessary. A.D. 1890.

98. The Commissioners out of any penalty recovered by them under the Acts of 1836 or 1869 or this Act or any Act incorporated with any of those Acts or under any byelaw made by the Commissioners may cause such reward as they shall think fit to be paid to or amongst any person or persons who shall appear to them to deserve the same as informer or informers in respect of such penalty. Rewards to informers.

99. Penalties forfeitures and fines recovered by the Commissioners under the Acts of 1836 or 1869 or this Act or any Act incorporated with any of those Acts or under any byelaw made by the Commissioners shall unless otherwise directed to be applied by the Acts of 1836 or 1869 or this Act belong to the Commissioners and shall be paid to the treasurer to the Commissioners and be applied to the purposes of the Acts of 1836 and 1869 and this Act. Application of penalties.

100. The Commissioners may hold and maintain their existing offices together with the necessary and proper furniture thereof in all respects as if they had provided the same after the passing of this Act. Power to hold offices.

101. Whereas by the Newport (Monmouthshire) Corporation Act 1889 the corporation were empowered to construct a subway under the River Usk and for that purpose to acquire lands And whereas it would be of great advantage to the harbour if such subway were constructed and it is expedient that the Commissioners be empowered to contribute towards the cost of constructing the said subway and acquiring lands as aforesaid Therefore the Commissioners may if they think fit from time to time out of moneys borrowed by them under this Act contribute towards the said cost any sum or sums not exceeding in the aggregate ten thousand pounds. Power to contribute to cost of corporation's subway.

102. Whereas frequently persons in the employment of the Commissioners persons employed on vessels resorting to the port and persons employed in or about the port by owners and occupiers of vessels wharves and other premises are when suffering from accident or illness relieved at the institution known as the Newport and County Infirmary and it is expedient that the Commissioners be authorised to contribute towards the support of that institution Therefore the Commissioners may from time to time pay such sums of money not exceeding in the aggregate fifty pounds in any one year as they think fit towards the support of such institution. Commis-sioners may subscribe to Newport and County Infirmary.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

Grants &c.
to persons
who have
been in the
Commis-
sioners
employ.

103. The Commissioners may from time to time pay such reasonable sums of money as they think fit (not exceeding pensions on the Civil Service scale) to persons who have been officers or servants of the Commissioners and who have become unfit for further employment by the Commissioners by reason of old age accident or illness Provided that in ascertaining the sums which the Commissioners may so pay they may have regard to employment by the Commissioners before as well as after the passing of this Act.

Officers of
customs to
have free
ingress &c.

104. Notwithstanding anything herein contained or hereby implied officers of revenue being in the execution of their duty shall be at liberty to pass and repass by the ferries referred to in the section of this Act of which the marginal note is "Power to establish ferries &c." without paying any toll or charge and all such officers and all officers of the Board of Trade being in execution of their duty shall at all times have free ingress passage and egress into on along through and out of the property of the Commissioners by land and with their vessels and otherwise without payment.

Amendment
of s. 51 of
the Act of
1869.

105. Section 51 of the Act of 1869 shall be read and construed as though in lieu of the words "said company" therein contained the word "Commissioners" had been substituted in that section.

Works below
high-water
mark not to
be com-
menced
without
consent of
Board of
Trade.

106. The Commissioners shall not under the powers by this Act conferred upon them construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly with costs.

Survey of
works by

107. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a

work constructed by the Commissioners under the powers of this Act on in over through or across tidal lands or tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

A.D. 1890.
 Board of
 Trade.

108. If a work constructed by the Commissioners under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Commissioners.

Abatement
 of work
 abandoned
 or decayed.

109. Nothing contained in this Act shall authorise the Commissioners 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 right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act 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 Queen's Majesty Her heirs or successors.

Saving
 rights of the
 Crown in
 the fore-
 shore.

110. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 20 21 and 22 of the Crown Lands Act 1866 or shall divest alter or affect any other estate right or interest belonging to the Queen's most Excellent Majesty Her heirs or successors.

Saving of
 rights under
 Crown
 Lands Act
 1866 &c.

111. All the costs charges and expenses of and incident to the applying for obtaining and passing of this Act shall be paid by the Commissioners out of any moneys (including borrowed moneys) for the time being in their hands.

Expenses
 of Act.

[Ch. cxliv.] *Newport (Monmouthshire) Harbour* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

The SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Short Title.	Extent of Repeal.
The Newport (Monmouthshire) Harbour Act 1836.	Sections 2 to 54. Sections 56 57 72 and 78. Section 85 in part namely the word "public" where it first occurs in that section. Section 91 in part namely from the words "and the moneys" to the end of that section. Section 97 in part namely so far as it gives a right to appeal against any byelaw other than any byelaw made under that Act.
The Newport (Monmouthshire) Harbour Act 1869.	Section 18. Sections 43 to 48.

SECOND SCHEDULE.

The Right Honourable Godfrey Charles Lord Tredegar
John Arthur Herbert.

Printed by EYRE and SPOTTISWOODE,
FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.