CHAPTER lxxxvii.

An Act to authorise the levying of rates at the Cattedown Wharves Plymouth and for other purposes. A.D. 1887.

[5th July 1887.]

WHEREAS the Cattewater Harbour in the county of Devon affords convenient anchorage and shelter for and is much frequented by ships and vessels:

And whereas there is not within the said harbour any proper public deep water wharf or quay accommodation in communication with the town of Plymouth for the shipping and unshipping or delivery of goods and merchandise and it would be greatly to the public advantage that some such accommodation should be provided:

And whereas Charles Frederick Burnard William Henry Alger and Robert Burnard (trading under the name or style of Messieurs Burnard Lack and Alger and herein-after referred to as "the owners") are the owners or reputed owners as tenants in common of certain quays and wharves situate on the northern side of the said harbour and known as Burnard and Alger's Cattedown Wharves some portion of which wharves were constructed by the owners under a license from the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland dated the nineteenth day of October one thousand eight hundred and eighty-two on the conditions therein specified:

And whereas the said owners have from time to time expended considerable sums of money in constructing and maintaining and improving the said Cattedown Wharves and in providing (together with the Cattewater Commissioners) proper access thereto for ships and vessels and the said quays and wharves have been for some time past used by the public (by the permission of the owners and on payment) for the shipping and unshipping of goods:

And whereas it is expedient that powers should be conferred as herein-after contained of levying rates and duties at the said quays and wharves:

[*Price* 6*d.*]

A.D. 1887.

And whereas it would be greatly to the advantage of merchants and others using the said quays and wharves if powers were granted to the owners of issuing transferable certificates and warrants for the delivery of goods:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as the Burnard and Alger's Cattedown Wharves Act 1887.

Incorporation of general Act.

2. The provisions of sections 14 15 and 24 27 28 30 to 34 (both inclusive) and 37 to 49 (both inclusive) 51 to 56 (both inclusive) 58 to 65 (both inclusive) 67 to 72 (both inclusive) 74 to 76 (both inclusive) and 83 to 100 (both inclusive) of the Harbours Docks and Piers Clauses Act 1847 shall so far as they are applicable and are not expressly varied by this Act be incorporated with and form part of this Act:

Provided that the station to which any vessel may under the provisions of section 65 of the said Act be removed shall be one to be previously approved by the harbour master to the Cattewater Commissioners and nothing in the said Act shall authorise the Undertakers to interfere with the navigation of any vessel approaching or leaving the quay.

Interpretation of terms.

3. In this Act the expression "the quay" means the aforesaid quays and wharves known as the Cattedown Wharves and the lands belonging or reputed to belong to the owners adjoining the same coloured pink upon the plan signed in duplicate by the Most Noble Richard Duke of Buckingham and Chandos the Chairman of Committees of the House of Lords and deposited in the Parliament Office and in the Private Bill Office of the House of Commons and in this Act and for the purposes of this Act in the provisions of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act:—

The expression "the Undertakers" means the owners and their successors and assigns:

The expression "the harbour master" means the superintendent of the quay or other the person charged with the management thereof:

The expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have

effect as if the debt or demand in respect of which the expression is used were a common simple contract debt and not a debt or demand created by statute:

And the quay shall be deemed to be the harbour dock or pier within the meaning of the last-mentioned Act and the prescribed limits shall be the quay.

Power to levy rates &c.

4. Subject to the provisions of this Act and of the aforesaid license the Undertakers may from and after the date of the passing of this Act demand and take in respect of the vessels or persons using and of animals goods and articles shipped or unshipped or landed or delivered at the quay and in respect of the conveniences provided or services performed by the Undertakers thereat described in the schedule to this Act the sums specified in that schedule.

Action for tonnage dues.

5. If the master of any vessel fails to pay the dues payable to the Undertakers in respect thereof the same may be recovered by the Undertakers by proceedings against him and against the owner of the vessel or either of them in any court of competent jurisdiction.

Free access to officers of Cattewater Commissioners.

6. Officers of the Cattewater Commissioners being in the execution of their duty shall during business hours have free ingress and egress into upon and from the quay by land or water without payment.

Power to appropriate portions of quay for particular trades.

7. The Undertakers may appropriate any part of the quay for any particular trade or business and may prohibit any part of the quay so appropriated from being used for any other purpose so as to prevent or interfere with its user for the purpose for which it is so appropriated.

Issue of transferable warrants or certificates.

8. The Undertakers may if they think fit from time to time at the request of any person warehousing or depositing goods in any warehouse or premises of the Undertakers or entitled to any goods so warehoused or deposited issue and deliver to him a certificate of such goods having been so warehoused or deposited or a warrant for the delivery of such goods or of any part thereof to be specified in such warrant.

Effect of certificate or warrant.

9. Every such certificate or warrant shall be deemed to be a document of title to the goods specified therein and shall be transferable by endorsement and any holder of such certificate or warrant whether the person named therein or endorsee thereof shall have the same right to the possession and property of such goods as if they were deposited in his own warehouse.

Certificate or warrant to state effect of preceding enactment.

10. Every such certificate or warrant shall state on the face thereof the effect of the preceding section and that it is issued under the powers of this Act.

Goods not to be delivered until delivery and cancellation of certificate.

11. No goods specified in any certificate or warrant shall be delivered by the Undertakers except upon delivery to and cancellation by the Undertakers of such certificate or warrant.

Warrant not to be issued till certificate given up.

12. No warrant for delivery of any goods shall be issued or delivered by the Undertakers except upon delivery to and cancellation by the Undertakers of the certificate issued in respect of such goods Provided that if the warrant be for the delivery of part only of the goods specified in the certificate the Undertakers shall issue to the person so delivering up the certificate a new certificate with respect to the goods not specified in the warrant.

Issue of new certificate or warrant on loss or destruction of original.

13. If any such certificate or warrant be lost or destroyed then upon proof thereof to the satisfaction of the Undertakers or their officers and on receiving indemnity to the satisfaction of the Undertakers or their officers a new certificate or warrant shall be given to the person entitled to the certificate or warrant so lost or destroyed in substitution for such last-mentioned certificate or warrant.

Certificate or warrant not to be given till freight rates &c. paid.

14. No such certificate or warrant shall be given under this Act until all claims and liens for freight and all other claims or liens whatsoever to which the goods were liable whilst the same were on board any vessel and before the warehousing or depositing thereof and of which the Undertakers have had notice in writing and all rates rents charges and expenses payable to the Undertakers and all dues payable to the Cattewater Commissioners in respect of such goods are paid or discharged.

Undertakers bound by warrants and certificates under this Act.

15. All certificates or warrants issued under this Act and signed and issued by any officer duly authorised in that behalf shall be effectual and binding on the Undertakers and all other persons interested without any other signature and without any seal.

Undertakers may charge for certificate or warrant.

16. The Undertakers may charge for each certificate or warrant any sum not exceeding two shillings.

Reserving certain rights of landing.

17. The rights of the public of embarking or disembarking free of charge at the steps marked A at the westernmost end of the quay and of passing over the portion of the quay coloured green on the aforesaid plan to and from the public road are hereby confirmed and shall not be affected by anything in this Act contained.

Quay to be in borough of Plymouth.

18. The quay shall for all purposes including assessment to all municipal and parochial rates levied within the borough of Plymouth be deemed and taken to be within or as forming part of that

borough and within the jurisdiction of the justices and civil and criminal courts of that borough to the exclusion of all other similar jurisdiction.

Saving agreement with Cattewater Commissioners.

19. Nothing in this Act shall override alter derogate from or affect any of the provisions of the agreement dated the fifth day of May one thousand eight hundred and eighty-four and made between the Undertakers of the one part and the Cattewater Commissioners of the other part.

Saving rights of Cattewater Commissioners.

20. Nothing in this Act contained shall prejudice or affect the rights powers or jurisdiction of the Commissioners for executing the office of Lord High Admiral of the United Kingdom or of their officers or of the Cattewater Commissioners and their harbour master.

A.D. 1887.

The SCHEDULE referred to in the foregoing Act.

PART I.

Dues on Vessels.

	s.	d.
For every vessel not exceeding two hundred tons register per register ton	0	1
For every vessel exceeding two hundred tons and not exceeding five hundred tons register per register ton	0	2
For every vessel exceeding five hundred tons register per register ton	0	3

Dues on Goods.

For every ton of goods by measurement or otherwise (except as hereinafter excepted) to or from any port or place in Great Britain or Ireland per ton	0	6
To or from any other port or place	1	0
Excepting bricks slate sand stones the dues on which at per ton shall be	0	3
Bullion or specie per cwt.	1	0

Animals and Carriages.

Horses	each	2	0
Oxen cows and bulls	„	1	6
Ponies mules and asses	„	1	0
Calves	„	0	4
Deer	„	0	8
Lambs sheep and goats	„	0	2
Pigs	„	0	2
Carriages with four wheels	„	5	0
Carriages with two wheels	„	3	0

PART II.

For every passenger or person who shall land or embark from or in any boat or vessel for each and every time	0	1
For every box trunk bale bag basket or parcel of passengers luggage	0	2

PART III.

For every ton of two pipes or four hogsheads of water supplied to any vessel not exceeding per ton	2	0

PART IV.

For the use of warehouses cranes weighing and measuring machines such reasonable dues as the Undertakers from time to time appoint.

PART V.

For the use of any slip or gridiron constructed by the Undertakers for the repair or examination of vessels such reasonable dues as the Undertakers from time to time appoint.

PART VI.

For shipping unshipping landing relanding loading weighing and warehousing goods or other work or labour performed when such service or services is or are rendered by the Undertakers such reasonable dues as the Undertakers from time to time appoint.

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