CHAPTER clxviii.

A.D. 1894.

An Act to extend the periods limited by the Clyde Navigation Act 1891 for the compulsory purchase of lands and for the completion of the railway thereby authorised to confer further powers on the Trustees of the Clyde Navigation with respect to rates and for other purposes.

[17th August 1894.]

WHEREAS by the Clyde Navigation Consolidation Act 1858 the Trustees of the Clyde Navigation (herein-after called "the Trustees") were incorporated and empowered to carry into effect the provisions of that Act and further powers were conferred on the Trustees by subsequent Acts:

And whereas it is expedient that the periods limited by the Clyde Navigation Act 1891 for the compulsory purchase of lands and for the completion of the railway thereby authorised (herein-after called "the railway") should be extended and that certain alterations should be made in the rates now leviable by the Trustees under the Acts relating to their undertaking:

And whereas it is expedient that further powers should be conferred on the Trustees as by this Act provided:

And whereas the purposes of this Act 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 Clyde Navigation Act 1894 This Act and the other Acts relating to the Clyde Navigation passed in the years 1858 1864 1868 1870 1873 1878 1883 1884 1887 1888 1890 and 1891 may be cited as the Clyde Navigation Acts 1858 to 1894.

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Incorporation of general Acts.

2. The following portions of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 ;

The Harbours Docks and Piers Clauses Act 1847 with the exception of the sections with respect to lifeboats with respect to keeping a tide and weather gauge and with respect to buoys lighthouses and beacons and also with the exception of sections 25 26 and 30 :

And in construing the parts of Acts incorporated with this Act the expressions "the company" "the undertakers" respectively mean and include the Trustees.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

"The Act of 1858" means the Clyde Navigation Consolidation Act 1858;

"The Act of 1868" means the Clyde Navigation (Amendment) Act 1868;

"The Act of 1891" means the Clyde Navigation Act 1891 ;

"The former Acts" means the Clyde Navigation Acts 1858 to 1891 ;

"The three companies" means the Caledonian Railway Company the North British Railway Company and the Glasgow and South Western Railway Company.

Extending period limited by Act of 1891 for compulsory purchase of lands.

4. The powers granted by the Act of 1891 for the compulsory purchase of lands for the purposes of that Act are hereby extended and may be exercised at any time within but shall cease after the expiration of three years from the eleventh day of June one thousand eight hundred and ninety-four.

Extending period limited by Act of 1891 for completion of railway.

5. The period limited by the Act of 1891 for the completion of the railway is hereby extended for a period of three years from the eleventh day of June one thousand eight hundred and ninety-six If the railway is not completed within the period limited by this Act then on the expiration of such period the powers by the Act of 1891 and this Act granted to the Trustees for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Repeal of certain provisions

6. As and from the expiration of one month after the passing of this Act all the provisions in the former Acts authorising the

Trustees to levy rates for and in respect of the use of graving docks cranes staiths weighing machines planks stages and rhones are hereby repealed and sections 20 21 and 22 of the Act of 1868 are also hereby repealed.

as to rates in Clyde Navigation Acts.

7. The Trustees may as and from the expiration of one month after the passing of this Act levy on and in respect of all vessels entering or using any of the graving docks belonging to or authorised to be constructed by the Trustees the rates specified in the First Schedule to this Act and all such rates shall be payable before the vessel leaves the dock by the owner of such vessel In this and the three succeeding sections the expression "owner of any vessel" includes the agent master and any other person in charge of such vessel and the person who may have applied for the use of the graving dock crane or other appliances of the Trustees in respect of such vessel as well as the owner thereof.

Rates for graving docks.

8. The Trustees may as and from the expiration of one month after the passing of this Act levy in respect of the use of cranes and staiths belonging to or authorised to be constructed by the Trustees the rates specified in the Second Schedule to this Act and in respect of the use of weighing machines planks stages and rhones the rates specified in the Third Schedule to this Act and all such rates shall be paid by the owner of goods or other articles dealt with or by the owner of any vessel using the said cranes staiths weighing machines planks stages or rhones The word "owner" used in this section in relation to goods or other articles includes the consignor shipper and consignee thereof and their respective agents in relation thereto as well as the owner thereof.

Rates for cranes staiths weighing machines &c.

9. The Trustees may if they think fit require a reasonable sum (having regard to the probable amount of graving dock rates which may become payable) to be deposited with their collector by the owner of any vessel previous to such vessel being permitted to enter or use any of the graving docks.

Deposit for graving dock rates may be required.

10. If the owner of any vessel entering or using any graving dock shall refuse or delay to remove such vessel from the graving dock when the period for which it entered shall have expired or at the time required by any byelaws made by the Trustees relating thereto the Trustees may cause such vessel to be removed and the party offending shall be liable in a penalty not exceeding twenty pounds in addition to all expenses incurred in such removal and such penalty and expenses may be recovered from the owner of the vessel in the same manner as any rates on vessels or damages or expenses are by the Act of 1858 or any Act incorporated

Removal of vessels from graving docks.

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therewith authorised to be recovered Provided that the exercise of the powers hereby granted to the Trustees shall not exempt the owner of any vessel from payment of any graving dock rates or any other rates or charges for which he is otherwise liable.

Power to vary rates.

11. The Trustees may from time to time vary the rates which they may levy under the authority of this Act or the former Acts or any of them in such manner as they may think expedient by reducing or raising the same provided that such rates do not in any case exceed the maximum amounts authorised by such Acts and provided also that such rates be at all times charged equally to all persons in respect of the same description of vessels or goods respectively or the like services in the like circumstances but no reduction or increase in such rates shall be made except by a resolution passed by a majority of at least two-thirds of the Trustees present at a meeting of the Trustees of which notice specifying the intention to propose such resolution has been duly given.

Byelaws relating to graving docks and cranes.

12. The Trustees may from time to time make alter and rescind byelaws with respect to the following matters viz. :—

(1.) The management use and regulation of their graving docks and of vessels while using the same;

(2.) The management use and regulation of their cranes staiths weighing machines planks stages and rhones and the manner of using the same.

Confirmation of byelaws.

13. All byelaws made or altered by the Trustees in pursuance of the provisions of the former Acts or this Act shall before coming into operation be confirmed by the Board of Trade whose confirmation thereof shall be sufficient for all purposes.

Amendment of Act of 1858 as to Lord Provost &c. of Glasgow as Trustees.

14. Notwithstanding anything contained in sections 9 10 and 34 of the Act of 1858 or any law or practice to the contrary the Lord Provost of Glasgow and the Trustees chosen by the Town Council of Glasgow shall continue in office as chairman of the Trustees and as Trustees respectively until their successors are chosen under the provisions of the Acts in force for the time relating to the election of the magistrates and councils of royal burghs.

Amendment of Act of 1858 as to members of the Chamber of Commerce the Merchants House and

15. Notwithstanding anything contained in section 11 of the Act of 1858 or any law or practice to the contrary the Trustees chosen by the Chamber of Commerce of Glasgow the Merchants House of Glasgow and the Trades House of Glasgow respectively shall continue in office as Trustees until their successors are

chosen by those bodies respectively in accordance with that section.

the Trades House of Glasgow as Trustees.

Working and traffic arrangements with railway companies.

16. The Trustees on the one hand and the three companies or any one or more of them on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say) :—

The working use management and maintenance by the three companies or any one or more of them of the railway ;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the undertakings of the contracting parties or any of them or any part thereof respectively ;

The supply and maintenance during the continuance of any agreement for the use and working of the railway by the three companies or any one or more of them of engines stock plant and machinery necessary for the purposes thereof and the employment of officers and servants for the conduct of traffic ;

The fixing collection payment appropriation apportionment and distribution of the tolls rates charges receipts and revenues arising from the respective undertakings of the contracting parties or any of them or any part thereof respectively ;

The payments and allowances to be made and the conditions to be performed with respect to the matters aforesaid.

Power to railway companies to subscribe towards cost of railway &c.

17. The three companies or any one or more of them by themselves or others on their behalf with the sanction of the shareholders and stockholders of the respective companies or company present in person or by proxy at a meeting duly summoned with notice of the business to be transacted and holding at least three-fourths of the paid-up share capital of the companies or company represented by the votes at such meeting may enter into agreements with the Trustees with respect to the construction of the railway by the three companies or any one or more of them and may subscribe and contribute towards the cost of construction of the railway or may purchase the railway.

Provisions as to agreements with three companies.

18. Notwithstanding anything in the two next preceding sections contained the Trustees before entering into any agreement with any one or two of the three companies with respect to any or all of the matters in the said sections contained shall give the other companies or company as the case may be the option of becoming parties or party as the case may be to the intended agreement on fair and equal terms with the other companies or

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company parties or party thereto and any difference between any of the companies exercising such option and the Trustees and the other companies or company as the case may be or between the companies themselves with respect to the terms of the intended agreement shall be determined by the Railway and Canal Commission who for the purposes of such determination shall have the same powers as if the matter to be determined had been referred to their decision in pursuance of the Railway and Canal Traffic Acts 1873 and 1888 Provided that any companies or company exercising such option shall by writing under seal give notice thereof to the Trustees within three months after notice in writing to such companies or company by the Trustees under the hand of their secretary of their intention to enter into such agreement accompanied with a copy of the intended agreement.

Saving for Postmaster-General.

19. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railway or any part thereof and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in the undertaking of the Trustees for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the railway or any part thereof is owned or worked by the three companies or any one or more of them as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Further saving for Postmaster-General.

20. Nothing in this Act relating to the sale of the railway or the making of agreements for the working thereof or any part thereof by the three companies or any one or more of them shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the Caledonian Railway Company or the Glasgow and South Western Railway Company any larger number of telegraphic messages of those companies or either of them free of charge than the Postmaster-General would have been bound to transmit had such sale or working agreements not been hereby authorised.

Restriction on taking houses of labouring class.

21. The Trustees shall not under the powers by this Act granted purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or

lodgers or without the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December last but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others 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.

Expenses of Act.

22. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of the rates authorised to be levied or the money authorised to be borrowed by this Act or the former Acts.

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

RATES FOR GRAVING DOCKS.

I. Vessels of fifty tons and not exceeding one hundred tons:—

	£	s.	d.
(A.) For not more than two tides - - - -	2	17	6
(B.) For each tide above two tides up to twenty-four tides in all - - - - - -	0	9	5
(C.) For each tide above twenty-four tides - - -	0	18	10

II. Vessels above one hundred tons:—

(A.) For not more than two tides:—

For the first one hundred tons - - - -	2	17	6
For each additional fifty tons or part of fifty tons -	0	9	5

(B.) For each tide above two tides up to twenty-four tides in all:—

For the first one hundred tons - - -	0	9	5
For each additional fifty tons or part of fifty tons -	0	1	7

(C.) For each tide above twenty-four tides:—

For the first one hundred tons - - - -	0	18	10
For each additional fifty tons or part of fifty tons -	0	3	2

No charge to be for less than two tides.

For pumping a graving dock at entry one penny three farthings per ton on each vessel.

The rates on all vessels for use of docks and for pumping to be charged on the gross registered tonnage of such vessels on leaving the dock.

The tide in which a vessel shall enter the graving dock shall be counted one tide and the tide in which a vessel shall leave the graving dock shall also be counted one tide.

In the case of any vessel on which repairs or alterations requiring more than twenty-four tides are considered necessary special arrangements may be made before entry or after inspection in dock but before any repairs are commenced for the use by such vessel of the graving dock for any period longer than twenty-four tides upon payment of such rates as the Trustees may from time to time fix.

THE SECOND SCHEDULE.

Rates for Cranes.

Class I. For Cranes capable of lifting not more than seven tons :—

	For each ton or part of a ton. £	s.	d.
On timber of all kinds	0	0	6
On machinery	0	0	6
On castings and iron and steel goods of all kinds	0	0	6
On cast pipes and cast segments of pipes	0	0	3
On granite freestone and other stone	0	0	3
On marble	0	1	0
On pig-iron speigle iron blooms and scrap	0	0	2
On minerals limestone lime bricks sand clay and manure	0	0	2
On all other articles if weighing less than one ton each	0	0	3
Do. more than one but less than two tons each	0	0	4
Do. more than two but not more than seven tons each	0	0	6

It shall be optional to the Trustees in place of the above rates to hire out any crane capable of lifting not more than two tons for any period not exceeding six consecutive hours for 12*s.* 6*d.* for any period over six and not exceeding twelve consecutive hours for 1*l.* for any period over twelve and not exceeding eighteen consecutive hours for 1*l.* 10*s.* and for any period over eighteen and not exceeding twenty-four consecutive hours for 2*l.*

Class II. For Cranes capable of lifting more than seven and not more than fifteen tons :—

	£	s.	d.
For each lift of not more than one ton	0	0	10
Do. above one and not exceeding two tons	0	1	8
Do. above two and not exceeding three tons	0	3	4
Do. above three and not exceeding four tons	0	7	4
Do. above four and not exceeding five tons	0	12	0
Do. above five and not exceeding six tons	0	16	0
Do. above six and not exceeding eight tons	1	4	0
Do. above eight and not exceeding ten tons	1	12	0
Do. above ten and not exceeding twelve tons	2	0	0
Do. above twelve and not exceeding fifteen tons	2	12	0

When a crane of this class is used for any of the articles specified in Class I. weighing less than three tons the same rates may in the option of the Trustees be charged as are specified in Class I.

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Class III. For Cranes capable of lifting more than fifteen tons :—

(1.) For lifts not exceeding seventy tons :—

	For each ton or part of a ton. £ s. d.
For each lift of cargo - - - - -	0 4 6
But no charge for any single employment of the crane shall be less than for three tons.	
For each lift putting into or taking out of vessels masts machinery engines or boilers (not being cargo) including fitting up -	0 4 6
But if the rates for any single day of ten hours during the employment of the crane do not amount to two pounds two shillings then the charge for such day shall be two pounds two shillings and in proportion for a shorter period but no charge shall be less than for half a day.	

(2.) For lifts of more than seventy tons and not more than one hundred tons :—

For each lift of cargo - - - - -	0 6 0
For each lift putting into or taking out of vessels masts machinery engines or boilers (not being cargo) including fitting up - - - - - - - - -	0 6 0

(3.) For lifts of more than one hundred tons :—

For each lift of cargo - - - - -	0 8 0
For each lift putting into or taking out of vessels masts machinery engines or boilers (not being cargo) including fitting up - - - - - - - - -	0 8 0

When a crane of Class III. is used for articles weighing less than twelve tons the same rates may in the option of the trustees be charged as are specified in Class II.

In each class all necessary use of a crane from the lifting of an article off its carriage or lighter until stowed or adjusted in the vessel or from the lifting of an article from the vessel until placed on its carriage or lighter shall be included in one lift but if steam is required to be raised a second time in the course of a lift an additional charge of five shillings for a crane of Class I. ten shillings for a crane of Class II. and fifteen shillings for a crane of Class III may be made.

Rates for Staiths.

	£ s. d.
For each ton of coal or other material loaded by means of a staith - - - - - - -	0 0 2

THE THIRD SCHEDULE.

Rates for Weighing.

For each cart lorry spring van or other carriage when the load does not exceed one ton - - - - -	One penny.
When the load exceeds one ton - - - - -	Twopence.

The rates to be paid by the owner of the goods as defined by this Act if required by the collector or other officer appointed by the Trustees for ascertaining the rates provided the weight specified by the owner of the goods be found less than the real weight but if found equal to or greater than the real weight the weighing duties are not to be exigible.

The rates on coals to be paid only when weighed on the application of the owner or shipper One penny per ton shall be charged when so weighed in carts and twopence per waggon when weighed in railway waggons.

Common manure when weighed shall be charged at the rate of one penny per ton whether in carts or railway waggons.

Weights of cargo including bunker coal given at the request of agents for vessels and for their own purposes only shall be charged at the rate of one halfpenny per ton.

When the weights of machinery weighed on the 90-ton weighing machines are given at the request of the owner the charge shall be one penny per ton.

Rates for Planks Stages and Rhones.

1. For planks or stages for loading or discharging vessels:

For each plank or stage per week or part of a week -	One shilling.

2. For rhones:

For each waggon of coal loaded therewith - - -	One penny.
For each ton of goods loaded therewith - - -	One penny.
For each cart of manure loaded therewith - - -	One halfpenny.

One shilling extra on each cargo for removing the rhone to and from the vessel.

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