CHAPTER cc.

An Act for the construction of a Quay and other works within the Harbour of Dartmouth for amending the Dartmouth Harbour Orders 1863 and 1870 and for other purposes. A.D. 1882.

[10th August 1882.]

WHEREAS by a Provisional Order of the Board of Trade hereinafter called "the Dartmouth Harbour Order 1863" which was confirmed by the Pier and Harbour Orders Confirmation Act 1863 the Dartmouth Harbour Commissioners were incorporated and empowered to maintain regulate and improve the said harbour and to execute certain works therein described and for that purpose were authorised to expend moneys and to levy tolls for the use of the said works: 26 & 27 Vict. c. 104.

And whereas by a Provisional Order of the Board of Trade hereinafter called "the Dartmouth Harbour Order 1870" which was confirmed by the Pier and Harbour Orders Confirmation Act 1870 (No. 1) the aforesaid Dartmouth Harbour Order 1863 was amended and further provision was made for the maintenance and regulation of the said harbour: 33 & 34 Vict. c. lxxxii.

And whereas in view of the increasing commerce and prosperity of the town and port of Dartmouth it is expedient that further harbour and quay accommodation and landing-places be provided by the construction of a river-wall or embankment and that Dartmouth Harbour be further dredged cleansed and deepened and that the land inclosed by the intended quay river-wall or embankment be reclaimed as herein-after provided:

And whereas it is expedient as being conducive to the health of the town of Dartmouth and advantageous generally thereto that the mud banks on the foreshore of the River Dart in front of the said town and harbour be filled up and reclaimed and the foreshore and other parts of the said river excavated and dredged in the manner and to the extent herein-after described:

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And whereas it is expedient that the construction and maintenance of the aforesaid improvements and works be entrusted to the Dartmouth Harbour Commissioners and that the aforesaid Dartmouth Harbour Orders 1863 and 1870 be amended and that powers be conferred upon the said Commissioners to apply to the aforesaid works and improvements any moneys now in their hands or which they have power to raise and to borrow further and additional moneys on mortgage or otherwise for these purposes and that the lands so reclaimed by the said Commissioners be vested in them as herein-after provided:

And whereas it is expedient that the Commissioners be authorised to levy tolls rates dues and wharfage and other charges for the use of the said harbour intended works improvements and accommodation and to repeal alter and modify existing tolls rates dues wharfage and other charges and to enter into arrangements and agreements with corporations and persons in respect thereto:

And whereas it is expedient that the corporation of Dartmouth as a municipal corporation or as the urban sanitary authority for the district of Dartmouth be empowered to apply to the purposes of the Act any funds rates or moneys now belonging to them or which they have power to raise and to raise further moneys and to lend money to the Commissioners and to guarantee the repayment of any principal and interest on moneys borrowed by the Commissioners for the purposes of this Act:

And whereas it is expedient that provision should be made empowering the Commissioners to sell assign lease or grant for occupation or use to any corporation company or person any lands warehouses buildings quays wharves pontoons or landing-stages and machinery connected therewith on such terms and conditions as to price or otherwise as the Commissioners subject as herein-after provided may deem fit and to authorise the said corporation and all other corporations and persons to enter into agreements with the Commissioners in that behalf and to apply moneys for such purposes:

And whereas it is expedient that all or any of the powers conferred by this Act upon the Commissioners with respect to the works hereby authorised be under the terms and conditions hereinafter contained transferred to and be exerciseable by the corporation of Dartmouth:

And whereas plans and sections showing the situation lines and levels of the works hereby authorised and the lands by this Act authorised to be acquired for the purpose thereof and books of reference to those plans containing the names of the owners and

lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the clerk of the peace for the county of Devon and with the town clerk of the borough of Dartmouth and those plans sections and books of reference are in this Act 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 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 Dartmouth Harbour Improvement Act 1882.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869;

The clauses of the Commissioners Clauses Act 1847 with respect to mortgages to be executed by the Commissioners except section eighty-four;

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
10 & 11 Vict. c. 16.

The Harbours Docks and Piers Clauses Act 1847 (except the provisions thereof with respect to keeping a tide and weather gauge and section twenty-five "Rates not to be taken till works are completed"),

10 & 11 Vict. c. 27.

are except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act Provided that sections sixteen and seventeen of the last-mentioned Act shall not be in force unless and until the Board of Trade in writing so require.

Interpretation of terms.

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

The expression "the Commissioners" means the Dartmouth Harbour Commissioners; the expression "the works" means the works by this Act authorised; the expression "the corporation" means the mayor aldermen and burgesses of the borough of Dartmouth; the expression "the urban sanitary authority" means the corporation acting by the council as the urban sanitary authority of the borough of Dartmouth; and the expression "the undertaking" or "their undertaking" includes the undertaking of the Commissioners by this Act and the recited orders authorised; and for the purposes of this Act the expression "superior courts" or "court of com-

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petent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to make works.

4. 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 works herein-after described with all proper gates sluices sewers drains pipes jetties quays wharves landing-places stages staiths pontoons drops slips stairs walls bridges embankments warehouses sheds buildings tramways sidings roads approaches and communications and other conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose and for the purpose of obtaining material for the construction of the same. The works herein-before referred to and authorised by this Act are—

Description of works.

(1) A quay or river-wall or embankment on the shore of the River Dart with a road thereon extending along the front of the town of Dartmouth for about six hundred yards in length commencing on the south at a point called "Tippers' Corner" at the Dartmouth and Kingswear Ferry in the parish of Saint Petrox passing through the parish of Saint Saviour's Dartmouth and terminating on the north at a point near the gasworks corner at about fifty feet riverward thereof in the parish of Townstall;

(2) The filling up or reclaiming the mud bank on the foreshore of the River Dart in front of the town of Dartmouth to the northward and southward of the New Ground in the parishes of Townstall Saint Saviour's and Saint Petrox Dartmouth and the excavation and dredging of and along the foreshore of the said River Dart adjoining the parish of Kingswear.

All the aforesaid works will be wholly made and situate in the county of Devon.

Power to deviate.

5. The Commissioners in constructing the aforesaid works may with the consent of the Board of Trade in writing but not otherwise deviate from the lines thereof as shown on the deposited plans to any extent within the limits of deviation delineated thereon and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet either upward or downward Provided that no deviation of any works authorised by this Act

within the limits of deviation of which any public navigable 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.

Execution of works.

6. The execution of the works by this Act authorised shall be subject to such alterations and modifications as to position and mode of structure within the powers and subject to the provisions of this Act as shall be required or consented to by the Board of Trade and the Commissioners of Customs.

Power to dispose of lands.

7. The Commissioners and the corporation may dispose of and convert to the purposes of the undertaking or lease or sell or otherwise dispose of as they may deem best in the interest of the undertaking the whole or any part of the bed or foreshore of the River Dart or of Dartmouth Harbour and any other land or foreshore that may be inclosed or reclaimed by the proposed quay river-wall or embankment and all other mud banks foreshore and lands whatsoever which they are hereby authorised to reclaim and all moneys so received on account of such lands or foreshore shall be applied in reduction of the cost of constructing and maintaining the said quay river-wall or embankment. Provided that the owner or occupier for the time being of any lands or property now fronting or abutting upon the present foreshore of the River Dart where the same is proposed to be reclaimed and inclosed by the proposed quay river-wall or embankment whose access to the said river shall be thereby cut off diminished or interfered with shall at all times hereafter be entitled to have and enjoy in respect of so much of the said quay river wall or embankment as shall lie directly between the present frontage or abuttal of the lands or property of such owner or occupier and the riverward boundary of the said quay river-wall or embankment all rights of mooring boats to and landing goods and passengers at and passing across the said quay river-wall or embankment similar to those now enjoyed by him in respect of his said land or property free from all tolls or charges Provided that such rights shall be enjoyed and exercised subject to the general regulations of the Commissioners or the corporation and shall not be held to confer on such owner or occupier as aforesaid any right to use the said quay river-wall or embankment as a place of deposit for goods or materials landed at such quay river-wall or otherwise.

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Survey of works by Board of Trade.

8. 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 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.

Abatement of work abandoned or decayed.

9. If a work constructed by the Commissioners on in over through or across tidal lands or a 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.

Commissioners to exhibit lights.

10. The Commissioners shall on or near the works by this Act authorised so far as the same extend in through or across tidal lands or tidal water during the whole time of constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time orders or approves and notwithstanding the enactments for the time being in force respecting lighthouses shall also on or near the works when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of vessels as the Trinity House of Deptford Strond shall direct. If the Commissioners fail in any respect to comply with the provisions of this section they shall for each night on which they so fail be liable to a penalty not exceeding forty shillings.

Power to dredge.

11. The Commissioners may with the consent in writing of the Board of Trade but not otherwise from time to time enter on and dredge and scour and cleanse and deepen any part or so much of the bed of the River Dart or of Dartmouth Harbour as they may deem necessary for the due execution of the aforesaid works and the improvement of the aforesaid harbour.

As to soil and material dredged by Commissioners.

12. The Commissioners may use and appropriate in the works connected with their undertaking or otherwise dispose of the material and soil dredged by them from time to time.

Period for compulsory purchase of lands.

13. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Power to take easements, &c. by agreement.

14. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Commissioners any easement right or privilege (not being an easement of water) required for the purposes of this Act 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.

As to additional lands.

15. The Commissioners may from time to time by agreement purchase or take on lease for the deposit of ballast or any other purposes of this Act any additional lands which the Commissioners may deem requisite and convenient not exceeding three acres and any easement rights and interests in over or affecting such lands.

Pre-emption to frontagers in respect of reclaimed lands.

16. All persons owning lands in fee simple whether in possession or reversion fronting and abutting upon the present foreshore of the River Dart where the same is proposed to be reclaimed and inclosed under the provisions of this Act shall be entitled to purchase so much of the lands reclaimed and inclosed by the Commissioners as shall lie between the point where the said lands at present respectively abut and front upon the said foreshore and the landward boundary of the roadway hereby authorised provided that the said persons shall within one year from the passing of this Act have given notice to the Commissioners of their intention to purchase the said land and shall have paid the Commissioners for the same at the rate or price of one shilling per square foot therefor.

Pre-emption in the next instance to corporation of the same lands or parts thereof.

17. From and after the expiration of the said period of one year the corporation shall have the option for a similar period of one year and at the same price of purchasing all such of the said reclaimed land as shall not have been purchased by the adjoining owners under the provisions of the immediately preceding section.

Power to Commissioners and corporation to agree as to construction of works.

18. Subject to the provisions of this Act the Commissioners on the one hand and the corporation the urban sanitary authority and the Great Western Railway Company or any of them on the other hand may from time to time enter into and carry into effect con-

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tracts agreements and arrangements with respect to the mode of construction and the management use and maintenance of the quay river-wall or embankment or any part of it or the other works hereby authorised and the conduct of traffic thereon and the appropriation and acquisition of lands and property or any incidental matters and the exercise by the corporation of the powers by this Act conferred upon the Commissioners with reference to the said works or any part of them Provided always that no portion of so much of the said quay river-wall or embankment as lies north of the boundary of the Great Western Railway Company shall be constructed nor any rate toll or charge be levied on account or in respect thereof without the previous consent thereto of a majority of not less than two thirds of the council of the corporation in writing under their corporate seal.

As to transfer of works to corporation.

19. If at any time the corporation shall signify by writing under their seal that they require that the construction of any part of the works hereby authorised together with any part already constructed and the powers hereby conferred be transferred to them and shall after deducting such sums as the corporation acting as the urban sanitary authority may have advanced from time to time to the Commissioners under the provisions of this Act repay to the Commissioners a proportionate part of the costs charges and expenses incurred by them in respect of the obtaining of this Act and of all the moneys (if any) already expended by the Commissioners in carrying out the works then and upon such notice and repayment as aforesaid the Commissioners shall execute a deed of conveyance to the corporation which shall be duly stamped at the expense of the corporation with duty on the amount of such repayment and shall deliver to the corporation all works and land already constructed and acquired and transfer the construction of the works and do all such acts matters and things as the corporation shall require at the corporation's expense to make such delivery and transfer valid and effectual And from and after the date of the transfer the corporation shall undertake and carry out the works then remaining incomplete and at all times thereafter shall duly and properly keep and maintain the whole of the works so acquired by them from the Commissioners in good condition order and repair and all powers rights and privileges conferred and all duties obligations and liabilities imposed upon the Commissioners by this Act in respect of the works and the acquisition of lands therefor shall thereupon cease to be exerciseable by or binding upon the Commissioners and become vested in and be imposed upon the corporation and be exerciseable by and enforceable against them

accordingly Provided always that this clause shall not affect any of the powers vested in the Dartmouth Harbour Commissioners by the Dartmouth Harbour Orders 1863 and 1870.

Right of corporation to purchase roadway.

20. The Commissioners on completion of the works and road hereby authorised shall by deed duly stamped with duty on the price aforesaid convey such land or quay with the roadway thereon to and the same shall be vested in the corporation.

Roadway to be subject to byelaws, &c.

21. The said roadway shall be constructed at the expense of the Commissioners to the satisfaction of the surveyor of the borough for the time being and the roadway and the traffic thereon shall become and be subject to the rules byelaws police and other regulations of the corporation in the same respect in every way as the other roads streets and highways and the traffic thereon within the borough of Dartmouth.

Increase in number of Commissioners.

22. The number of the Commissioners shall be increased from eleven to fourteen by the addition of three Commissioners who shall be appointed by the council of the corporation from among the members of the council and subject to their continuing such members as aforesaid shall hold office for a period of three years.

Date and term of appointment.

23. The council of the said corporation shall appoint the first additional Commissioners at a meeting held on some day between the thirtieth day of June and thirty-first day of December in the year one thousand eight hundred and eighty-two and at a like meeting at the end of every period of three years shall appoint another three Commissioners in their place or re-appoint one or all of the retiring Commissioners as they shall deem best all casual vacancies being filled up by the council as soon as may be after the occurrence of the same But no such Commissioners shall be elected under this clause unless the works intended by this Act are carried out or are in the course of construction.

Qualification of additional Commissioners.

24. Notwithstanding anything contained in the Dartmouth Harbour Order 1863 with respect to the qualification of a Commissioner in the case of the aforesaid three additional Commissioners no other qualification shall be required than being for the time a member of the said council.

On purchase by corporation of works authorised Commissioners to be reduced to original number.

25. When and as soon as the corporation shall have acquired the works hereby authorised the aforesaid three additional members to be appointed by the said council shall retire and the powers of the council with respect to the appointment of Commissioners conferred by this Act shall cease and the number of the Commis-

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sioners shall be reduced to that fixed previously to the passing of this Act.

The Commissioners may take rates for moorings &c.

26. The Commissioners may demand for the use of all posts pillars buoys moorings or other appliances belonging to them any rates not exceeding those mentioned in Schedule (A) to this Act annexed.

Officers of customs to have free ingress &c.

27. Notwithstanding anything herein or hereby contained or implied officers of customs being in the execution of their duty shall at all times have free ingress passage and egress into or along through and out of the harbour works and property of the Commissioners by land and with their vessels or otherwise without payment.

Power to appoint meters and weighers.

28. The corporation shall have power to appoint meters and weighers within the limits of this Act.

Direction of harbour-master.

29. Notwithstanding anything contained in section fifty-three of the Harbours, Docks and Piers Clauses Act 1847 any notice or direction given by the harbour-master under that Act shall be deemed sufficient for the purposes of that Act if given verbally by such master.

Power to provide dwellings for officers &c.

30. The Commissioners may from time to time provide on any lands belonging to them or may take on lease or hire elsewhere such dwelling-houses and offices for any of their officers servants or workmen as they think fit and may permit the same to be occupied accordingly with or without the payment of any rent for the same and on such terms and conditions as the Commissioners think fit.

Byelaws.

31. In addition to the byelaws which the Commissioners are authorised to make under the Harbours Docks and Piers Clauses Act 1847 the Commissioners may from time to time subject to the provisions of the said Act make alter and repeal such bye laws as they think proper for regulating and managing the new quay river-wall and embankment and the traffic thereon and for the laying down or removing of moorings buoys and other such appliances Provided that no byelaw or repeal or alteration of any byelaw shall be of any effect unless confirmed by the Board of Trade.

Power to take rates or tolls in schedule B.

32. The Commissioners in addition to the rates and tolls which they are authorised to levy under the Dartmouth Harbour Orders 1863 and 1870 may for the use of their quays demand and take in respect of the vessels animals goods things conveniences and services

described in the Schedule (B) to this Act annexed such tolls or sums not exceeding those specified in such schedule as the Board of Trade may from time to time approve.

Merger of corporation tolls.

33. All tolls rates and charges received by the Commissioners under the said Schedule (B) shall be deemed to be levied and received in substitution for and in satisfaction of all tolls or other dues at any time leviable by the corporation in respect of vessels animals goods and things occupying landing loading or unloading at and otherwise using the site of the said quay river-wall and embankment and in consideration thereof the commissioners shall account for and pay to the corporation one half of the tolls rates and charges levied under the said schedule.

Collection of tonnage duties.

34. Any tonnage rates and duties by this Act authorised to be levied shall be paid by the master or owner of the vessel liable to such duty.

Rates payable on yachts using the harbour for laying up.

35. The Commissioners may demand and take for and in respect of every vessel or yacht using the harbour for the purpose of laying up the tonnage rates authorised by the said Schedule (A). Such tonnage rates are to be calculated according to the Custom House register of each vessel or yacht and where no register exists the Commissioners shall have power to obtain the measurement in accordance with the Custom House rules.

Remission of dues and rates.

36. The Commissioners may from time to time confer exemptions from the whole or such portion as they think fit of any tonnage rates or duties in the case of any yacht where the yacht does not exceed ten tons Custom House register tonnage and may compound with owners of yachts or yacht clubs for the payment of an annual or other sum for the use by such owner or club of the works mooring buoys and other accommodations connected with the said harbour and for laying up.

Persons and things employed on works exempted.

37. The Commissioners may exempt from all tolls rates or charges exigible within the limits of their authority all persons vessels and materials employed and used in or about the construction maintenance and repair of their undertaking.

Coal duties.

38. The Commissioners may demand and take in respect of all coals coke culm cinders slack (herein-after denominated collectively as coal) brought by water into or within the borough of Dartmouth a toll not exceeding one shilling a ton and every factor owner agent or consignee of such coal shall within twenty-four hours after the arrival of each cargo load or consignment of coal within the borough

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of Dartmouth deliver to the collector of the toll hereby made payable a notice in writing signed by such factor owner agent or consignee containing a statement of the number of tons of such coal the destination for which such coal is loaded and the name of the ship or barge as the case may be in which the same is loaded and shall at the time of such notice pay to the said collector all tolls payable in respect of such coals and if any such factor owner agent or consignee shall omit or refuse to give such notice within such time as aforesaid or to pay such tolls at the time of giving such notice or shall knowingly give and deliver any false or inaccurate notice he shall for every such offence forfeit and pay a sum not exceeding fifty pounds: Provided that no such tolls shall be leviable by the Commissioners upon any coal brought by water into or within the limits of the borough of Dartmouth having for its destination the borough of Totnes or any other town or place outside the limits of the borough of Dartmouth.

Commissioners may allow drawback on coal.

39. The Commissioners shall allow a drawback to the full extent of the tolls which may have been paid thereon under the foregoing section upon all coal which shall be brought within the limits of their authority and afterwards be conveyed to any place outside the limits of the borough of Dartmouth and may make such byelaws with regard to such coal and the payment of such drawback and impose such penalties for the breach of any such byelaws as the Commissioners with the approval of the Board of Trade may determine.

Power to borrow.

40. The Commissioners may from time to time in addition to their present powers borrow at interest a sum not exceeding in the whole the sum of thirty thousand pounds on the mortgage or security of the net revenues of their undertaking and the rates dues tolls and charges by this Act and the Dartmouth Harbour Orders of 1863 and 1870 authorised to be levied.

Application of borrowed money.

41. All moneys borrowed by the Commissioners under the powers of this Act shall be applied—

First. In paying the costs and expenses of and incidental to the preparing applying for and obtaining and passing of this Act;

Secondly. In the execution of the works and to the purposes authorised by this Act;

Thirdly. In carrying out generally the objects of their undertaking;

Provided always that moneys borrowed shall be applied only to purposes to which capital is properly applicable.

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Power to consolidate mortgages.

42. Subject to the rights of the existing mortgagees all moneys borrowed by the Commissioners by virtue of powers at any time heretofore conferred upon them and all moneys to be raised under the provisions of this Act may if the Commissioners think fit be consolidated and thereupon all the respective mortgagees or assignees in security shall be entitled with one another to their respective proportions of the rates dues tolls and charges and of the revenues of the undertaking comprised in such mortgages or assignations in security respectively according to the respective sums in such instruments mentioned and shall be entitled to be repaid the sum so advanced with interest without any preference one above another by reason of the priority of advancing such moneys or of the dates of such mortgages or assignations respectively.

Re-borrowing.

43. Any money borrowed under this Act or the previous orders and discharged otherwise than by means of a sinking fund or by instalments may be re-borrowed if required for the purposes of the undertaking and so from time to time.

For appointment of a receiver.

44. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due to them on their respective mortgages by the appointment of a receiver and the amount to authorise a requisition for a receiver in respect of arrears of principal is one thousand pounds.

Application of tolls.

45. The Commissioners shall apply all rates dues and other income now belonging to them and all moneys received as revenue in respect of their undertaking for the purposes and in the order following and not otherwise:—

(1) In paying the costs of and connected with or incidental to the preparation and passing of this Act;

(2) In paying the salaries of the clerk auditor harbour-master and harbour police officers and servants the expenses of watching lighting and maintaining the harbour and of providing and maintaining in proper condition all the works buoys moorings appliances and other conveniences belonging to the harbour and paying all other current expenses of the Commissioners;

(3) In paying year by year the interest on money borrowed by them;

(4) In from time to time providing the instalments or creating a sinking fund for the repayment of money borrowed in such manner as the Board of Trade shall require and so that all

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money borrowed may be discharged within fifty years from the time of borrowing;

(5) In paying the cost of the works authorised by this Act and of lands or property acquired for the purposes of this Act and the other expenses incurred in the improvement of the harbour or otherwise under this Act and such further dredging as may from time to time be required.

Commissioners to furnish accounts to the Board of Trade.

46. The Commissioners shall in the month of March in every year furnish to the Board of Trade a statement in such form as the Board of Trade may from time to time direct showing the income expenditure credits and liabilities of the Commissioners in and for the year ending on the preceding thirty-first day of December and the total amount of capital expended by the Commissioners up to the expiration of that year and shall in the same month in every year forward and furnish to the town clerk of the borough of Dartmouth a copy of the aforesaid account.

Return as to sinking fund to be furnished to Board of Trade.

47. The clerk to the Commissioners shall within twenty-one days after the expiration of each year during which any sum is required by the Board of Trade to be set apart for a sinking fund under this Act transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount that has been invested for the purpose of such sinking fund during the year 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 has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds which may be recovered by the Board of Trade in any court of summary jurisdiction 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 that Board under this Act or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by a writ of Mandamus by the Board of Trade out of the Queen's Bench Division of the High Court of Justice in England and the provisions of this section shall mutatis mutandis apply to instalments.

Urban sanitary authority may contribute towards cost of works.

48. The urban sanitary authority may from time to time if they deem fit for the purpose of a contribution towards the expense of constructing maintaining and repairing the works hereby authorised or acquiring the same or any part thereof levy a rate not exceeding one shilling in the pound in any one year and such rate shall be assessed and levied in such manner as is provided by section two hundred and eleven of the Public Health Act 1875 with respect to the assessment and levying of a general district rate or the urban sanitary authority may by the exercise of their general borrowing powers or on the security of such special rate or by means of such special rate or partly in one way and partly in another or others raise and pay over to the Commissioners a sum not exceeding seventeen thousand five hundred pounds and the provisions of the Local Loans Act 1875 shall apply to the said sum and the prescribed method of and period for the discharge of the same shall be such as the Local Government Board shall appoint Provided always that no such rate shall be leviable in the first instance nor such capital sum be raised save with the concurrence of two thirds of the members present and voting at a meeting duly convened of the body constituting the urban sanitary authority Provided that the power of assessing such rate shall not arise or be exercised until after the ninth day of November one thousand eight hundred and eighty-two.

38 & 39 Vict. c. 55.

38 & 39 Vict. c. 83.

The corporation may apply funds.

49. The corporation may apply any funds and revenues in their hands not specifically applicable to any other purpose in carrying into effect any of the powers conferred on them by this Act and may raise any moneys they may require in carrying into effect any such powers by the creation and issue of debenture stock charged on the security of all or any of their rates and revenues.

Powers of corporation in relation to creation and issue of debenture stock.

50. Debenture stock created and issued by the corporation shall be subject to the following provisions (that is to say) :

(1) Debenture stock may be created and issued by the corporation under this Act at such times in such amounts and manner at such price on such terms subject to such conditions and with such rights and privileges as the corporation respectively thinks fit and shall be called "Dartmouth Corporation Harbour Improvement Debenture Stock" and shall bear a fixed and perpetual interest payable half yearly or otherwise and be redeemable (at the option of the corporation) at par at such times and on such conditions as the corporation declare at the time of the issue thereof ;

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(2) The debenture stock and the interest thereon shall be a charge on the rates or revenues specified at the time of the issue thereof and the holders of the debenture stock may if any sums owing to them for interest are in arrear for a period of twenty-one days enforce payment of the same by the appointment of a receiver in addition to and without prejudice to any other remedy and for this purpose section 12 of the Local Loans Act 1875 shall be deemed to be incorporated herewith and shall apply in the same manner and to the same extent as if the debenture stock had been created and issued under and subject to the provisions of that Act;

(3) The debenture stock shall be transferable by deed and shall have all the incidents of personal estate but the corporation shall not be bound to register any transfer except on production of the certificate relating to the stock to be transferred On any sub-division of stock by transfer the corporation may on delivery to them of the original certificate grant to the transferees new certificates for the sums of stock so transferred Provided always that the corporation shall not be required to register any less amount of stock than twenty pounds;

(4) The corporation shall cause entries of the debenture stock from time to time issued by them and of all transfers thereof to be made in a register with the names and addresses of the persons for the time being entitled to the debenture stock and the amounts of their respective holdings;

(5) No notice of any trust express implied or constructive shall be entered in the register or be receivable by the corporation or by any persons who keep the register and the corporation shall not be in any way affected by notice of any such trust;

(6) The register so kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act and of the title of persons entered therein as owners of any debenture stock who are mentioned therein as such owners;

(7) The register shall be accessible for inspection at all reasonable times to holders of the debenture stock without charge;

(8) The corporation shall deliver to each holder of debenture stock a certificate stating the amount held by him and such certificate shall be admitted in all courts as primâ facie evidence of the title of such holder his executors administrators successors or assigns to the sum therein specified;

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(9) If any such certificate be worn out or damaged then the same may on the production thereof be cancelled and a similar certificate may be given to the holder of the stock therein specified or if any such certificate be lost or destroyed then on proof thereof to the satisfaction of the corporation a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made in the said register. For every certificate given in pursuance of this section a fee not exceeding two shillings and sixpence may be charged by the corporation;

(10) No holder of any portion of the debenture stock shall have any priority or preference by reason of the creation or issue of such portion of stock before the creation or issue of any other portion of stock;

(11) For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty's reign chapter ninety-eight "To consolidate and amend the statute law of "England and Ireland relating to indictable offences by "forgery" debenture stock issued by the corporation under this Act shall be deemed to be capital stock of a body corporate within the meaning of that Act.

Discharge of money borrowed by corporation.

51. All moneys borrowed under this Act by the corporation shall be paid off and discharged within the period of sixty years from the date of borrowing the same respectively and such discharge shall be secured by a sinking fund in manner herein-after mentioned (that is to say):

(1) Such equal yearly or half-yearly sums shall be paid into the sinking fund in each year as being accumulated at compound interest at such rate as in the opinion of the corporation regard being had to the securities in which they are authorised to make investments will at the expiration of sixty years and after payment of all expenses be sufficient to discharge the moneys so borrowed;

(2) The first of such payments shall be made at the end of one year from the date of the first borrowing of any moneys under this Act;

(3) All sums paid into the sinking fund shall be as soon as may be invested by the corporation respectively in securities in which trustees are for the time being authorised by law to invest or in any mortgages bonds debentures or debenture stock of any municipal corporation or of any local board and

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any such investments may be from time to time varied or transposed and all dividends or other income received in respect of such investments shall as soon as may be after they are received be paid into the sinking fund and invested by the corporation in like manner;

(4) The corporation may from time to time apply the sinking fund or any part thereof in or towards the discharge of moneys borrowed by them under this Act and until such moneys are discharged shall not apply the same for any other purpose;

(5) Any surplus of the sinking fund remaining after the discharge of the moneys so borrowed shall be paid and applied in such manner as the corporation may think expedient;

(6) Where any part of the sinking fund is invested in any securities of the corporation or is applied in paying off any part of the moneys so borrowed before the expiration of the the said period of sixty years the interest which would otherwise be payable on such securities or on such moneys shall be paid into the sinking fund and invested and accumulated in manner herein provided;

(7) If the annual income of the sinking fund is not less than the annual interest payable on so much of the moneys borrowed in respect of which it was created as remains undischarged the equal annual sums required by this section to be paid into the sinking fund may cease to be so paid;

(8) The treasurer of the borough of Dartmouth 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 or to be paid off by instalments under this section transmit to the Local Government Board a return in the form prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested or applied 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 any investment has been made and the amount paid off by instalment and the purposes to which any portion of the sinking fund or investment or of the sums if any accumulated by way of interest has been applied during the same period and the total amount if any remaining invested at the end of the year and in the event of any wilful default in making such return he shall be liable to a penalty not exceeding twenty pounds which may be recovered by the Local Government Board in any court of summary jurisdiction if it appears to the Local Government Board by that return or otherwise

that the corporation have failed to set apart the sum required for the sinking fund or to pay any instalment or have applied any portion of the money set apart for the sinking fund or of any sums accumulated by way of interest to any purposes other than those authorised the Local Government Board may if they think fit and after hearing the corporation so failing as aforesaid if desirous to be heard by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or applied as part of the sinking fund and that order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice in England and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

Power to grant leases of land.

52. Notwithstanding anything in the Harbours Docks and Piers Clauses Act 1847 the Commissioners may from time to time sell assign or lease or grant for occupation or use to the corporation of Dartmouth or to the urban sanitary authority or to any other corporation company or person any lands warehouses buildings quays wharves pontoons or landing-stages yards cranes machines and other works appliances and conveniences connected therewith and any part or parts thereof or all or any part of the reclaimed lands or of the roadway to be constructed on the intended quay or embankment and of the said quay or embankment absolutely or upon such terms and conditions as the Commissioners shall deem fit and the corporation of Dartmouth the urban sanitary authority or any other corporation or person are hereby empowered to enter into the requisite agreements and arrangements and to carry such sale lease assignment or grant into effect: Provided always that no railway company shall be entitled to enter into any such agreement or arrangement or carry the same into effect except by and with the authority of three fifths of the votes of the shareholders of such company present in person or by proxy at a general meeting specially convened for the purpose.

Saving of rights of the Crown under 29 & 30 Vict. c. 62.

53. 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 twenty twenty-one or twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving rights of Duchy of Cornwall.

54. Nothing contained in this Act shall extend to authorise the Commissioners to take use enter upon or interfere with any land

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soil or water or any rights in respect thereof belonging to Her Majesty Her heirs or successors in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section thirty-nine to exercise all or any of the rights powers privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty Her heirs or successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

26 & 27 Vict. c. 49.

Saving rights of Great Western Railway Company.

55. Nothing in this Act contained shall authorise the Commissioners except by agreement to take or interfere with any land works or property belonging to the Great Western Railway Company or to extend or diminish the rights or powers of that company.

Jurisdiction of justices.

56. All disputes arising between the Commissioners and any other corporation company or person concerning the amount of any rates due to the Commissioners or the charges occasioned by any arrestment or distress and the recovery and enforcement of such rates or penalties and all matters and things whatsoever the determination settling and imposing of which is by virtue of this Act or any Act incorporated herewith conferred upon a justice or justices may be adjudicated on and determined by a justice or justices of the peace acting in and for the borough of Dartmouth although the matter requiring the cognisance of such justice may arise outside his or their jurisdiction and within the jurisdiction of the justices of the peace for the county of Devon and although such justice be a member of the council of the corporation or one of the Commissioners.

Expenses of Act.

57. The costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Commissioners out of their funds.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A).

Scale of Tolls for the use of the Buoys Pillars Posts and Moorings.

Merchant Shipping Scale.

										s.	d.
Vessels not exceeding 200 tons register									per diem	1	0
„	exceeding	20	and under	400	tons	-	-	-	„	2	0
„	„	400	„	600	„	-	-	-	„	3	0
„	„	600	„	800	„	-	-	-	„	4	0
„	„	800	„	1000	„	-	-	-	„	5	0
„	„	1000	and upwards			-	-	-	„	7	6

Yachts Scale.

										s.	d.
Yachts not exceeding 50 tons register									per diem	1	0
„	exceeding	50	and under	100	tons	-	-	-	„	2	0
„	„	100	„	200	„	-	-	-	„	3	0
„	„	200	„	300	„	-	-	-	„	4	0
„	„	300	„	400	„	-	-	-	„	5	0
„	„	400	and upwards			-	-	-	„	5	0

For Yachts or Vessels "Laid up."

										s.	d.
For every yacht or vessel under 50 tons per ton per annum										0	3
„	„	exceeding	50			„	„	-	-	0	4

To be paid in advance on taking up berth.

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SCHEDULE (B).

Tolls for the Use of the Quays.

	£	*s.*	*d.*
For every vessel made fast to any quay per week or part of a week	0	5	0
For loading unloading or depositing stone slate lime sand or bricks per ton per week or part of a week - - - -	0	0	2
For loading unloading or depositing coal culm cement timber or any goods or merchandise not otherwise charged per ton per week or part of a week - - - - - -	0	0	6
For timber deposited on the quays and remaining more than two weeks for every successive week or part of a week - -	0	1	0
For every horse ass or bullock landed or shipped on or from the quays - - - - - - - -	0	1	0
For every pig sheep or other animal landed or shipped as aforesaid	0	0	2

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