CHAPTER xxxvii.

An Act to authorise the Falmouth Docks Company to make additional works and to raise further capital and for other purposes. [31st July 1919.]

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WHEREAS by the Falmouth Docks Act 1859 (hereinafter referred to as "the Act of 1859") the Falmouth Docks Company (hereinafter referred to as "the Company") were incorporated and authorised to construct and maintain a tidal harbour docks and other works at Falmouth in the county of Cornwall:

And whereas by the Falmouth Docks Act 1864 (hereinafter referred to as "the Act of 1864") the Act of 1859 was (subject to the provisions of the Act of 1864) repealed and the Company were authorised to construct and maintain additional works:

And whereas by the Falmouth Docks Act 1874 (hereinafter referred to as "the Act of 1874") the Act of 1864 was (subject to the provisions of the Act of 1874) repealed but it was enacted that notwithstanding the repeal of the Acts of 1859 and 1864 the Company should have all such powers for executing and maintaining the works authorised by either of those Acts as they had under those Acts or either of them and they were authorised to construct and maintain further works:

And whereas by the Falmouth Docks Act 1915 (hereinafter referred to as "the Act of 1915") the then existing capital of the Company was rearranged and reduced and the Company were authorised to issue the following amounts of stock (that is to say):—

25,000*l.* ordinary stock to be allotted to the holders of the then existing ordinary shares in substitution for such

[*Price* 2*s.* 6*d. Net.*]

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shares and proportionately to their respective holdings thereof it being intended that each such holder should receive five shillings of ordinary stock for every complete one pound (nominal value) of ordinary shares held by him;

15,000*l.* preference stock to be allotted to the holders of the then existing preference shares and preference and pre-preference stock in substitution for such shares and stock and proportionately to their respective holdings thereof it being intended that each such holder should receive five shillings of new preference stock for every complete one pound (nominal value) of existing preference shares or preference or pre-preference stock held by him;

18,000*l.* "A" debenture stock of which part was to be applied in paying certain sums due to the Public Works Loan Commissioners and part was to be allotted to certain creditors of the Company in part satisfaction of the claims of such creditors;

20,000*l.* "B" debenture stock of which part was to be allotted to the said creditors in satisfaction of the balance of their claims part was to be allotted to other creditors of the Company up to an amount of five shillings in the pound on the sums owing to them and in full satisfaction of such sums and the balance might be applied to the general purposes of the Company to which capital is properly applicable:

And whereas by the Act of 1915 the Company were required to make provision for the redemption within twenty years of the said "A" debenture stock and were empowered to redeem at any time any of such "A" or "B" debenture stock at par on giving three calendar months' notice thereof:

And whereas since the passing of the Act of 1915 the Company have created—

24,925*l.* 10*s.* ordinary stock of which 23,809*l.* has been allotted under the provisions of the Act of 1915 and 1,116*l.* 10*s.* has not yet been claimed under that Act;

15,069*l.* preference stock of which 14,809*l.* has been allotted under the provisions of the Act of 1915 and 260*l.* has not yet been claimed under that Act;

16,000*l.* "A" debenture stock which has been applied or allotted in accordance with the provisions of the Act of 1915 and of which 2,800*l.* has since been redeemed in pursuance of the obligation in that behalf contained in the Act of 1915;

11,486*l.* 10*s.* "B" debenture stock which has been allotted in accordance with the provisions of the Act of 1915 and further claims for the issue of "B" debenture stock of small amount may be made by creditors of the Company under the said provisions:

And whereas the greater part of the stocks so applied or allotted as aforesaid have recently been acquired by the Federal Steam Navigation Company Limited (hereinafter referred to as "the Federal Company") or their nominees and the issued capital of the Company is now as follows:—

Class.	Total issued.	Held by Federal Company or their Nominees.
	£ s. d.	£ s. d.
Ordinary stock - - - - - -	23,809 0 0	23,178 0 0
Preference stock - - - - -	14,809 0 0	14,746 10 0
"A" debenture stock - - - -	13,200 0 0	13,200 0 0
"B" debenture stock - - - -	11,486 10 0	11,463 0 0

And whereas the only power of the Company of issuing capital (otherwise than to holders of former shares or stock or to creditors of the Company) remaining unexercised is the power to issue 8,000*l.* or thereabouts "B" debenture stock:

And whereas under the provisions of the Defence of the Realm Acts and with the financial assistance of the Federal Company or their nominees the Company have constructed and are constructing further works and other improvements of their undertaking and it is expedient that they be authorised to continue complete and maintain such works and improvements and to construct further works and raise additional capital for the development of their undertaking as by this Act authorised:

And whereas in order to facilitate the raising of further capital by the Company it is expedient that the whole of the existing "A" and "B" debenture stocks and preference stock of the Company be paid off and redeemed and the holders of the whole of the existing "A" debenture stock and of upwards of nine-tenths of the existing "B" debenture and preference stocks

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have consented to the payment off and redemption of the stocks held by them:

And whereas it is expedient that the existing ordinary stock of the Company be converted into preference shares as by this Act provided and the holders of upwards of nine-tenths of such stock have consented to such conversion:

And whereas it is expedient that any further claims which may after the passing of this Act be lawfully made under the Act of 1915 for the issue of "B" debenture stock preference stock or ordinary stock be discharged by payments in cash as by this Act provided:

And whereas it is expedient that further provision be made with reference to the rates dues and charges leviable by the Company and that the other provisions in this Act contained be enacted:

And whereas plans and sections showing the lines and levels of the works authorised by this Act such plans showing also the lands which may be taken or used compulsorily under the powers of this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Cornwall and are hereinafter respectively referred to as the deposited plans sections and book of reference:

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 King'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:—

Short title.

1. This Act may be cited as the Falmouth Docks Act 1919.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) and the Harbours Docks and Piers Clauses Act 1847 (except sections 12 13 25 and 26) are so far as the same are applicable for the purposes of and not

varied by or inconsistent with the Act of 1874 the Act of 1915 or this Act incorporated with and form part of this Act Provided that—

(A) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be enforced with respect to the Company unless and except only so far as the Board of Trade shall require the Company to provide and maintain a lifeboat and a tide and weather gauge:

(B) Section 28 of that Act shall in its application to the Company be construed as if—

(1) The expressions "packet boat" and "post office packet" meant respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908; and

(2) The expression "post office bag of letters" meant a mail bag as defined by the same Act:

(C) Nothing in the said Act of 1847 or this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire; and

(D) Section 50 of the said Act of 1847 shall in its application to the Company have effect as if the words "three months" were therein inserted instead of the words "one month."

Interpretation.

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

"The Act of 1874" means the Falmouth Docks Act 1874;

"The Act of 1915" means the Falmouth Docks Act 1915;

"The tidal harbour" means the tidal harbour of the Company;

"High-water mark" means high-water mark of ordinary spring tides Admiralty datum;

"The commissioners" means the Falmouth Harbour Commissioners;

"Old capital" means the ordinary shares preference shares preference stock and pre-preference stock of the

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Company as existing immediately before the passing of the Act of 1915;

"1915 preference stock" means preference stock created under the Act of 1915;

"1915 ordinary stock" means ordinary stock created under the Act of 1915.

(2) In the Act of 1874 and this Act and in the application to the Company of the Harbours Docks and Piers Clauses Act 1847—

"Vessel" shall include ship boat lighter and craft of every kind and whether navigated by steam or otherwise and also any seaplane hydroplane airship or similar craft whether heavier or lighter than air.

"Shipped and unshipped" shall include loaded on or discharged from any seaplane hydroplane airship or similar craft whether heavier or lighter than air.

WORKS AND LANDS.

Power to construct works.

4.—(1) Subject to the provisions of this Act the Company may make or complete and maintain in the lines or situations and according to the levels shown on the deposited plans and sections the works in or adjacent to the borough of Falmouth hereinafter described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes.

The works hereinbefore referred to and authorised by this Act are the following:—

(A) A dry dock to the westward of the existing dry dock of the Company together with an entrance from the tidal harbour and a wing wall on the eastern side of the entrance extending to the existing dry dock:

(B) A sea wall or wharf between the western embankment of the tidal harbour and the entrance to the dry dock by this Act authorised:

And the construction of so much of the aforesaid works as has already been constructed by the Company is hereby sanctioned and confirmed.

(2) The Company may by means of the said sea wall enclose and reclaim and may hold and use as part of their

undertaking the foreshore and bed of the tidal harbour below low-water mark and lands (if any) lying between the sea wall and the Company's existing property. A.D. 1919.

Subsidiary works.

5. The Company within the limits of deviation shown upon the deposited plans may from time to time make and maintain for the purposes of the works by this Act authorised all necessary or convenient cuts channels locks dock entrances quays wharves and piers and in addition to all powers conferred upon the Company by the Act of 1874 they may also for those purposes and the general purposes of their undertaking (including the accommodation of vessels and of traffic and persons frequenting the tidal harbour and works of the Company) make erect lay down provide and maintain upon any lands of the Company all necessary or convenient jetties slipways shipping-places landing-places floats groynes walls rails sidings junctions turntables approaches roads gates warehouses sheds hangars repairing yards and works telephonic telegraphic electricity pumping and sluicing works and apparatus tanks pipes drains culverts sluices staiths stairs stages gantries coal and other tips cranes lifts hoists drops dolphins mooring posts buoys and other works buildings plant machinery appliances and conveniences:

Provided that the Company shall not use any telephonic or telegraphic works and apparatus made or maintained under the provisions of this section for the purpose of transmitting any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Lateral and vertical deviation.

6. In executing the works by this Act authorised and shown on the deposited plans the Company may deviate laterally to any extent within the limits of deviation shown on such plans and vertically from the levels shown on the deposited sections to any extent not exceeding twenty feet:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Works and reclaimed lands to be deemed situate in parish of Falmouth.

7. From and after the passing of this Act so much of the dry dock and sea wall or wharf and works in connexion therewith by this Act authorised and of the lands to be reclaimed by means of the said sea wall as are not at the passing of this Act situate within the parish of Falmouth in the borough of Falmouth shall for all purposes be deemed to be situate within the said parish and borough.

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Power to dredge.

8. For the purposes of their undertaking the Company may upon any lands vested in them or situate within the tidal harbour excavate dredge scour and deepen to such extent as they may deem necessary and may remove and carry away any sand silt chalk gravel clay or other substance or obstruction so excavated or dredged and sell or dispose of the same as they may think fit Provided that no materials excavated or dredged under the provisions of this section shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade and if such position be within the jurisdiction of the commissioners without the consent of the commissioners.

Works below high-water mark to be subject to approval of Board of Trade.

9. Subject to the provisions of this Act any of the works authorised by this Act to be constructed on in over or under tidal lands below high-water mark shall so far as the same have not been commenced prior to the passing of this Act be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as shall previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

If any work be commenced and completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Company and the amount of such cost shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

10. 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 Company on in over through or across tidal lands or tidal waters or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

11. If a work constructed by the Company 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 Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable as a Crown debt or summarily.

Lights on works during construction.

12. The Company shall at or near the works by this Act authorised below high-water mark during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

13. The Company shall at the outer extremity of the works by this Act authorised below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond from time to time direct.

If the Company fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

14. In case of injury to or destruction or decay of any works by this Act authorised below high-water mark or any part of any such work the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to the said Corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Generation and use of electricity.

15.—(1) The Company may on the lands hereinafter described and shown on the deposited plans erect maintain work and use a station for generating electrical energy together with all proper and necessary buildings dynamos engines batteries accumulators plant machinery works and conveniences and may by means thereof produce transform store transmit and convey

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such energy and may use the same for any purposes of their undertaking.

The lands hereinbefore referred to are—

A rectangular plot of land abutting on the eastern side of the wall which forms the southern end of the western breakwater of the tidal harbour and being about sixty yards in length and eighteen yards in width.

(2) Nothing in this section shall exempt the Company from the provisions of any general Act which may be or has been passed during the present session of Parliament in relation to the supply of electricity.

Period for compulsory purchase of lands.

16. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of two years from the passing of this Act.

Persons under disability may grant easements &c.

17. 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 Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Period for completion of works.

18. If the works by this Act authorised and shown on the deposited plans are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided that notwithstanding the expiration of the said period the Company may from time to time in connexion with such of the said works as are then completed but within the limits of deviation shown on the deposited plans make and maintain all such incidental extensions and enlargements of the works so completed as the Company find requisite.

Works to be deemed part of Company's undertaking.

19. For the purposes of tolls rates and charges and for all other purposes the works by this Act authorised shall be deemed to form part of the Company's undertaking.

GENERAL POWERS.

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Additional lands.

20. In addition to any other lands which the Company are by the Act of 1874 or this Act or any Act incorporated therewith respectively authorised to take hold and use they may for any purposes of their undertaking acquire by agreement or take on lease and hold and use any further lands not exceeding in the whole twenty acres.

Power to sell and lease lands &c.

21. The Company may notwithstanding anything contained in the Lands Clauses Acts or any Act relating to the Company retain hold and use or from time to time for such considerations at such rents and upon such terms (pecuniary or otherwise) and conditions as they may think fit sell exchange lease or otherwise dispose of any lands from time to time belonging to them and any easement right privilege or interest through over or affecting any such lands.

Power to Company to grant leases.

22.—(1) Notwithstanding anything in any Act relating to the Company or in any Act or Acts incorporated therewith the Company may in respect of any lands acquired or to be acquired by them for the purposes of their undertaking and which are not in the opinion of the Company immediately required for those purposes grant leases for such term or terms as they may deem expedient of any of such lands together with any works which may have been commenced or completed thereon by the Company to any person corporation or company (such corporation or company being capable at law to accept such leases) for the construction by the lessees of graving docks yards works or buildings for the construction repairing and accommodation of vessels and engineering shops and other works or with a view to the improvement by the lessees of such lands by laying out money in the construction or erection thereon of buildings or works for the purpose of any trade or business ancillary to or convenient to be carried on with the undertaking of the Company 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.

(2) Every such lease shall 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 may mutually agree upon.

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Power to lease graving docks.

23. The Company may for such term or terms and on such conditions as they may deem expedient lease to any corporation company or person any graving dock of the Company and any portion of any lands and quays adjacent thereto and any buildings engineering shops or other conveniences in connexion therewith and may by any such lease confer on the lessees all or any of the powers of the Company in connexion with such graving dock lands or quays including the power to take and levy tolls rates and other charges in respect of the user thereof and such lease shall duly take effect as a transfer of the powers exerciseable by the Company so purporting to be transferred thereby.

Power to appropriate lands and works for particular trades &c.

24.—(1) The Company may from time to time set apart and appropriate any lands lands covered with water docks wharves quays slipways berths floats warehouses buildings sheds works and conveniences for the time being belonging to them for the exclusive partial or preferential use and accommodation of any particular trade person vessel or class of vessels or goods subject to the payment of such rents and such rates dues tolls and charges and subject to such terms conditions and regulations as they may think fit.

(2) No person or vessel shall make use of any land land covered with water dock wharf quay slipway berth float warehouse shed building work or convenience so set apart or appropriated without the consent of the harbour-master or dock-master of the Company and the harbour-master or dock-master may order any person or vessel making use thereof without such consent to be removed and the provisions of section 58 of the Harbours Docks and Piers Clauses Act 1847 shall extend and apply mutatis mutandis to and in relation to any such vessel.

(3) In any arrangements which may be made by the Company under the powers contained in this section the Company shall provide that the rates dues and charges on vessels coming to staying at or going from any wharf quay or berth as aforesaid and on goods discharged or shipped at any such wharf quay or berth shall not be less than those from time to time chargeable in respect of similar vessels and goods using any other part of the Company's undertaking.

Limits for harbour-master &c.

25. The limits within which the powers of the Company's harbour-master dock-master or pier-master for the regulation

of the Company's harbour dock and pier shall be exercised are the tidal harbour and the entrance channel thereto and any dock works and property of the Company and a distance of two hundred yards in every direction from the same respectively:

Provided that within the portion of those limits which is situate between a distance of 100 yards and a distance of 200 yards in every direction from such tidal harbour entrance channel docks works and property the said powers shall only be exercised with respect to vessels going to mooring at or departing from the tidal harbour or the docks works or property of the Company and nothing in this section shall be deemed to take away from the commissioners any rights powers or jurisdiction which at the passing of this Act belonged to or could be exercised by them within the said portion of the said limits.

Removal of stranded vessels &c.

26.—(1) Whenever any vessel is sunk stranded or abandoned in the tidal harbour or in or near any approach thereto or in any dock or other premises of the Company the Company may cause that vessel to be raised or removed or to be blown up or otherwise destroyed.

(2) Whenever any floating timber or any float or raft of timber (in this section included in the expression "timber") is stranded or abandoned or otherwise constitutes an obstruction within the tidal harbour or in or near any approach thereto or in any dock or other premises of the Company the Company may cause such timber to be removed or broken up or destroyed.

(3) The Company may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also after payment of any duties of customs and excise due thereon all or any part of the cargo goods chattels and effects which may be raised or saved from any such vessel and also any such timber as aforesaid to be sold in such manner as they think fit (subject to notice being given of the intended sale similar to the notice prescribed by the first proviso of section 530 of the Merchant Shipping Act 1894 in the case of a sale under that section) and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking buoying watching lighting or otherwise controlling the vessel or timber and shall hold the

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surplus (if any) of the proceeds of sale in trust for the persons entitled thereto:

Provided always that in the case of the sale of any goods required to be warehoused on importation the goods shall be duly warehoused before sale.

(4) If no part of such vessel or of such furniture tackle apparel cargo goods chattels and effects is raised or saved the Company may recover the aforesaid expenses from the person who at the time of the sinking stranding or abandonment thereof was the registered owner of the vessel or from the executors or administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(5) If any part of such vessel furniture tackle apparel cargo goods chattels or effects are raised or saved but the proceeds of the sale thereof (or in the case of any such timber as aforesaid the proceeds of sale thereof) are insufficient to reimburse the Company for the aforesaid expenses the Company may recover the deficiency or in case of an appeal under subsection (6) of this section such sum as is awarded by the arbitrator to be payable in respect of the deficiency from the person who at the time of the sinking stranding or abandonment of the vessel was the registered owner of the vessel or from the owner of such timber (as the case may be) or from the executors or administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(6) If on demand being made under this provision for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbitrator to determine and award whether any and what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Board of Trade that no sum is payable or as to the sum payable (as the case may be) shall be conclusive and binding on both parties The costs of the appeal and the award shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum

payable in respect of the deficiency is recoverable under subsection (5) of this section.

(7) The powers given to the Company by subsection (1) of this section shall not be exercised if the registered owner of the vessel sunk stranded or abandoned shall within twenty-four hours after the vessel shall have been sunk or stranded take such steps as may in the opinion of the Company's dock-master be necessary for the raising or removal of the vessel and shall thenceforth continuously and diligently and to the satisfaction of such dock-master prosecute and do all such works and things as may in the opinion of the dock-master be necessary and proper for the raising and removal of the vessel as speedily as possible but nothing in this subsection shall be construed as making the Company subject to any liability for or in connexion with any steps works or things taken or done by such owner for the purposes aforesaid.

(8) The Company shall where reasonably practicable and except in cases of emergency give to the owner of any such timber as aforesaid not less than twenty-four hours' notice in writing before breaking up or destroying such timber under the powers of this section and the owner may on giving twelve hours' notice in writing after the expiration of the aforesaid notice be at liberty forthwith himself to break up or destroy such timber.

(9) The powers conferred by this section on the Company shall be in addition to and not in derogation of any other powers exerciseable by them for or with respect to the removal of wrecks.

(10) Notwithstanding anything in this section the powers conferred upon the Company by subsections (1) and (2) thereof shall not be exercised in regard to any vessel or timber sunk stranded abandoned or constituting an obstruction in or near any approach to the tidal harbour and within the jurisdiction of the commissioners under the Falmouth Harbour Order 1870 except subject to the approval of the commissioners or if in the opinion of the Board of Trade such approval is unreasonably withheld then subject to the approval of the Board of Trade.

(11) The powers conferred by this section on the Company shall be exerciseable by the Company subject to the provisions of Part IX. of the Merchant Shipping Act 1894 so far as such

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provisions relate to the powers and duties of the receiver of wreck and nothing in this section contained shall lessen abridge or prejudicially affect the exercise by the said receiver of such powers or duties or any of them.

As to spoiled goods.

27. If any goods shall be deposited or allowed to remain upon the quay of any dock or any pier or other work or property of the Company or in any warehouse of the Company in a decomposed or offensive condition the Company may remove and dispose of or destroy the same as they think fit and the expense of so doing shall be repaid to the Company by the owner of such goods and be recoverable either summarily as a civil debt or in any court of competent jurisdiction:

Provided that (A) in the case of goods liable to a duty of customs and excise the duties shall be first paid unless the Board of Customs and Excise think fit to remit them and (B) in the case of the sale of goods required to be warehoused on importation the goods shall be duly warehoused before sale.

Company may provide steamers tugs &c.

28. The Company for the purposes of and in connexion with their undertaking may build purchase contract for or hire or license and may maintain and use steamers tugs lighters and other ships and boats and may fix such rates or charges as may appear to them reasonable for or in respect of the use thereof and such rates or charges shall be paid by the owner agent master consignee or other person having charge of any vessel obtaining or demanding assistance or use of any such steamers tugs lighters or other ships or boats to the Company or the person with whom they may contract (as the case may be) and such rates and charges shall be due and payable whether such steamers tugs lighters or other ships or boats shall be actually employed or not provided the assistance or use thereof shall have been required and shall in consequence of such requisition have been tendered by the master or other person having the command of such steamer tug lighter or other ship or boat.

Power to enter into agreements.

29.—(1) The Company on the one hand and the owners lessees and occupiers of any lands works or property belonging or leased to the Company on the other hand may and are hereby authorised to enter into and carry into effect contracts and agreements for and with respect to the construction of the works by this Act authorised and the supply of electricity by or to the Company to or by any such owner lessee or occupier

for use on any lands included within the boundary of the Company's property as marked on the deposited plans. A.D. 1919.

(2) Nothing in this section shall authorise the Company to break up any public street or road.

Rates and Dues.

Harbour rates on shipping.

30. The Company may demand and take in respect of every vessel entering the tidal harbour from the sea or lying alongside or using any wharf quay pier slipway breakwater or other work of the Company any sum not exceeding the rates stated in the First Schedule to this Act and every such sum shall be payable by the master of the vessel.

Additional harbour rates on vessels remaining more than two weeks.

31. On and after the passing of this Act section 64 of the Act of 1874 shall be read and have effect as though the word "threepence" were inserted therein in lieu of the word "twopence."

Rates on goods.

32.—(1) The Company may demand and take in respect of all goods landed discharged shipped unshipped transhipped received or delivered within the tidal harbour or any dock of the Company or upon or from any wharf quay pier slipway breakwater or other work of the Company rates not exceeding those specified in Part I. of the Second Schedule to this Act subject to the regulations set forth in Part II. of that schedule.

(2) If any goods remain on any wharf quay pier slipway breakwater or other work of the Company for more than twenty-four hours after the time when the goods are placed thereon the Company may demand and take in respect of every successive period of twenty-four hours during which the goods remain thereon after the first twenty-four hours any sum not exceeding the amount of the rates on goods which may be levied by the Company under subsection (1) of this section.

Dues for passengers and luggage.

33. The Company may demand and take in respect of every person embarking on board any vessel from or landing from any vessel at or upon any work of the Company and in respect of all ordinary luggage shipped or landed from or upon any such work any sums not exceeding the dues specified in the Third Schedule to this Act and those dues shall if the Company think fit be paid before the embarking or landing is permitted to take place.

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Dues for persons walking on pier or landing-places.

34. The Company may demand and take in respect of every person walking or being on any pier or landing-place of the Company and not being a passenger about to embark on board or having just landed from any vessel the sum of threepence for every occasion on which he shall walk or be on any such pier or landing-place.

Application of Act of 1874.

35. The unrepealed provisions of the Act of 1874 shall have effect as if the rates dues and charges by this Act authorised had been authorised by that Act.

FINANCIAL PROVISIONS.

Confirmation of 1915 preference stock.

36. The creation by the Company of fifteen thousand and sixty-nine pounds of 1915 preference stock and the issue by the Company of fourteen thousand eight hundred and nine pounds of such stock to the former holders of old preference capital are hereby sanctioned and confirmed and such stock shall be deemed to have been lawfully created and so far as issued to have been lawfully issued under the Act of 1915 and that Act shall subject to the provisions of this Act have effect as though the words "and sixty-nine", had been inserted in section 5 thereof after the words "fifteen thousand."

Payment off of debenture and preference stocks.

37.—(1) On the thirty-first day of December nineteen hundred and nineteen the Company shall pay to each of the persons who at that date are holders of "A" debenture stock or "B" debenture stock of the Company or of issued 1915 preference stock a sum in cash equal to the total nominal amount of such stock or stocks held by him and as from that date the whole of such "A" debenture stock "B" debenture stock and issued 1915 preference stock shall be by virtue of this Act cancelled and extinguished.

(2) The several persons who on the thirtieth day of December nineteen hundred and nineteen appear on the registers of the Company to be holders of "A" debenture stock or "B" debenture stock of the Company or of issued 1915 preference stock or the respective executors or administrators of such persons shall for the purposes of this Act be deemed to be holders of "A" or "B" debenture stock of the Company or of issued 1915 preference stock as the case may be and after that date the registers of transfers of any such stock shall be permanently closed and no transfer of any such stock made on or after that date shall as between the Company and the party claiming thereunder be of any effect.

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Conversion of 1915 ordinary stock.

38.—(1) In this section the expression "date of conversion" means the first day of January nineteen hundred and twenty.

(2) As from the date of conversion the issued 1915 ordinary stock shall by virtue of this Act become and be converted into such number of preference shares of one pound each as shall be sufficient to provide for each holder of such stock one such share for every complete one pound of stock held by him and there shall by virtue of this Act be created such number of preference shares as shall be necessary for the purpose of giving effect to such conversion.

(3) The preference shares to which the holders of issued 1915 ordinary stock shall by virtue of this Act become entitled in substitution for their stock shall be deemed to be fully paid up and shall be vested in such holders as from the date of conversion and forthwith registered in their respective names in the books of the Company As from the date of conversion the said preference shares shall be entitled to dividends at the rate of five per centum per annum and the 1915 ordinary stock shall cease to be entitled to dividend.

(4) In every case where the holder of issued 1915 ordinary stock is at the date of conversion registered as the holder of a fractional part of one pound of such stock or any amount of such stock including a fractional part of one pound the Company shall on the date of conversion pay to the holder a sum in cash equal to the nominal amount of the fractional part.

(5) The several persons who immediately before the date of conversion appear on the registers of the Company to be holders of issued 1915 ordinary stock or the respective executors or administrators of such persons shall for the purposes of this section but subject to the provisions of subsection (8) of this section be deemed to be holders of issued 1915 ordinary stock and after the date of conversion the register of transfers of such stock shall be permanently closed and (except as provided by the said subsection) no transfers of any such stock made on or after the date of conversion shall as between the Company and the party claiming thereunder be of any effect.

(6) As soon as practicable after the date of conversion the Company shall call in the certificates of 1915 ordinary stock for which preference shares and/or sums of cash shall be substituted by virtue of this section and shall in exchange for

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those certificates issue to the respective holders thereof free of charge certificates for the respective number of preference shares (if any) and pay to such holders the respective sums of cash (if any) to which those holders are by this section respectively entitled but no holder shall be entitled to a share certificate or to receive any such sum of cash until he shall have delivered up to the Company to be cancelled the stock certificate for which such share certificate and/or sum of cash is to be substituted or shall have proved to the reasonable satisfaction of the directors the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the directors may require.

(7) Until the issue of such share certificates the certificates of 1915 ordinary stock shall (according to the number of preference shares (if any) to be issued by virtue of this Act in substitution for 1915 ordinary stock which such stock certificates respectively represent) have and confer the same rights and advantages as if they were certificates for those respective numbers of preference shares but if any holder of any 1915 ordinary stock neglects or omits to send or deliver to the Company his stock certificate or certificates for the period of six months after the notice in writing sent by post to the address appearing in the "Stockholders' Address Book" the Company may suspend the payment of any dividend declared or made payable upon or in respect of the preference shares issued in substitution for the ordinary stock so held by him until such stock certificate or certificates is or are sent or delivered to the Company or is or are proved to the reasonable satisfaction of the directors to have been lost or destroyed and such guarantee or indemnity is given in respect of such lost or destroyed certificate as the directors may require.

(8) All transfers or other dispositions of any issued 1915 ordinary stock as existing up to the conversion thereof into preference shares by virtue of this Act shall after such conversion and notwithstanding this Act be valid and have due effect given to them respectively as transfers or dispositions of the respective number of preference shares and/or cash which the stock thereby expressed to be transferred or disposed of represent or which are or may be substituted for the same under the provisions of this Act although the instrument transferring or disposing thereof shall describe the same by the name or denomination which the stock transferred or disposed of had before the date

of conversion and the bequest by any testamentary disposition of or any covenant or provision of any deed or agreement relating to any specific nominal amount of issued 1915 ordinary stock shall be held to apply to a number of preference shares equal to those which under the provisions of this section are or may be substituted for such nominal amount of stock.

As to future claims for stock under Act of 1915.

39.—(1) If after the passing of this Act the holder of any old capital not previously exchanged under the Act of 1915 shall lawfully claim in exchange for his holding of old capital the amount of 1915 preference stock or 1915 ordinary stock as the case may be to which under the provisions of the Act of 1915 he would be entitled (had this Act not been passed) in exchange for that holding the Company in lieu of issuing to him a certificate for such stock and registering him as the holder thereof shall pay to him a sum in cash equal to one quarter of the nominal amount of old capital held by him and also in the case of a holding of preference or pre-preference capital interest on such sum of cash at the rate of five per centum per annum from the first day of January nineteen hundred and seventeen to the date of payment and upon the payment to any such holder of the sums of cash and interest if any to which he is so entitled as aforesaid the old capital held by him and any dividends due thereon shall by virtue of this Act be cancelled and extinguished.

(2) Subsection (6) of section 13 of the Act of 1915 is hereby repealed and in lieu thereof the following provisions shall have effect If the holder of any old capital which has not prior to the passing of this Act been exchanged under the Act of 1915 shall not before the twenty-fourth day of June nineteen hundred and twenty-one claim in exchange for his holding of old capital the sum of cash which he is entitled to claim under the provisions of this section in exchange for such holding then the directors may at any time after the date aforesaid by notice in writing to be addressed and sent by registered post to such holder at his address as appearing in the shareholders' address book of the Company as existing at the passing of the Act of 1915 and published (A) once in the London Gazette (B) once in a newspaper published in London and (C) once in a newspaper circulating in Falmouth declare that the old capital to which such holder is entitled will be forfeited and extinguished unless within a period (not being less than two months) to be fixed by the notice the holder shall claim in writing the sum

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of cash to which under the provisions of this section he is entitled in exchange for such holding and if at the expiration of the said period such holder shall still have failed to make such claim the old capital so held by him together with all rights for the exchange thereof under the provisions of the Act of 1915 and this Act and all dividends due thereon shall be deemed to be forfeited and extinguished.

Issue of preference shares and payments of cash to be a valid discharge.

40. The issue by the Company of certificates for preference shares in accordance with the foregoing provisions of this Act in substitution for any 1915 ordinary stock together with the payment of a sum in cash representing any fractional part of one pound of such stock or as the case may be the payment by the Company of a sum in cash representing any amount of 1915 preference stock or "A" or "B" debenture stock or old capital in accordance with the provisions of this Act to the persons whose names appear by the registers of the Company to be holders of such capital or stock as the case may be or to the respective executors or administrators of such persons or to the persons entitled thereto pursuant to subsection (8) of the section of this Act of which the marginal note is "Conversion of 1915 ordinary stock" shall be a sufficient discharge to the Company for all purposes.

Preference shares and cash to be held on same trusts &c. as stock for which they are substituted.

41. All preference shares of which the holders of 1915 ordinary stock are pursuant to the foregoing provisions of this Act registered as holders and any sums to be paid by the Company in cash to such holders or to the holders of any "A" or "B" debenture stock 1915 preference stock or old capital pursuant to such provisions shall be held in the same rights upon the same trusts and subject (so far as is consistent with those provisions) to the same powers provisions charges and liabilities as those in upon or to which the stock or capital for which the shares or sums of cash are respectively substituted were held or were subject to immediately before the date of substitution and shall be dealt with applied and disposed of accordingly and so as to give effect to and not to revoke any deed or other instrument or any will or other testamentary disposition taking effect before that date disposing of or affecting any such stock or capital and trustees executors and administrators and all other holders in any representative or fiduciary capacities and persons under disability may and shall accept preference shares of which they are pursuant to the foregoing provisions of this Act registered as holders and any sums paid

to them in cash under such provisions in substitution for the stock or capital held by them and may subject to the provisions of this Act retain dispose of or otherwise deal with such shares or cash as fully and freely in all respects as they might have retained disposed of or otherwise dealt with such stock or capital.

Unexercised powers of issuing stock repealed.

42. All powers conferred upon the Company by the Act of 1915 of issuing ordinary stock preference stock or debenture stock which have not been exercised prior to the passing of this Act are hereby repealed and all stock created by the Act of 1915 but not claimed under the provisions of that Act prior to the passing of this Act is hereby cancelled and extinguished The Company shall not re-issue any of the stocks which under the provisions of this Act are converted into shares or paid off in cash.

Power to raise additional capital.

43. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole seven hundred and fifty thousand pounds nominal capital (inclusive of the nominal amount of any preference shares issued in substitution for 1915 ordinary stock under the foregoing provisions of this Act) by the issue at their option of ordinary shares or preference shares or wholly or partially by either of those modes respectively Provided that (A) the Company shall not issue any such shares except to the Federal Steam Navigation Company Limited or their nominees (B) the Company shall not issue any share of less nominal value than one pound (C) no share shall vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have beer paid in respect thereof and (D) the Company shall not issue preference shares of greater nominal amount (inclusive of the nominal amount of any preference shares issued in substitution for 1915 ordinary stock under the foregoing provisions of this Act) than three hundred and seventy-five thousand pounds.

Dividend on preference shares.

44. For the purposes of the Companies Clauses Act 1863 as incorporated with this Act the prescribed rate of dividend on any preference shares issued as additional capital under this Act shall be such rate not exceeding the rate of ten per centum per annum as may be specified in the resolution creating the shares.

Preference shares to be subject to

45. The preference shares to be issued to the holders of 1915 ordinary stock in pursuance of this Act and any preference

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same powers &c.

shares to be issued as additional capital under this Act shall except as by this Act otherwise provided or authorised be subject and entitled to the same powers provisions liabilities and incidents whatsoever in all respects.

Power to borrow.

46.—(1) The Company may borrow on mortgage of their undertaking any sum or sums not exceeding in the whole one-third part of the amount actually paid up on any ordinary or preference shares which at the time of borrowing have been issued under the powers of this Act but no sum shall be borrowed in respect of any shares so issued until the Company have proved to a justice of the peace before he gives his certificate under the fortieth section of the Companies Clauses Consolidation Act 1845 that the whole of the amount called up on the shares at the time of issue has been paid up.

(2) For the purposes of this section any preference shares issued under the provisions of this Act to holders of 1915 ordinary stock shall be deemed to be fully paid up.

Debenture stock.

47. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock granted or issued by the Company.

Priority of mortgages and debenture stock over other debts.

48. All money raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claims against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company which is entitled to rank in priority to or

pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of their undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Appointment of receiver.

49.—(1) Section 42 (Arrears may be enforced by appointment of a receiver) of the Act of 1874 is hereby repealed without prejudice to any appointment heretofore made or proceedings pending at the passing of this Act.

(2) The mortgagees of the Company's undertaking 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 ten thousand pounds in the whole.

Issue of redeemable preference shares and debenture stock.

50. The provisions of the Statutory Companies (Redeemable Stock) Act 1915 shall apply to any preference shares or debenture stock by this Act authorised to be issued (other than preference shares to be issued in substitution for 1915 ordinary stock) and to the Company with reference thereto as though such shares or stock had been authorised to be created or issued prior to the passing of that Act.

Power to pay interest out of capital during construction.

51. Notwithstanding anything in this Act or in any Act or Acts incorporated herewith the Company may out of any money by this Act authorised to be raised pay interest at such rate not exceeding six pounds per centum per annum as the directors may determine to any holder of shares or debenture stock of the Company on the amount from time to time paid up on the shares or debenture stock held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the dry dock by this Act authorised or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and

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the secretary that two-thirds at least of the capital in respect of which such interest may be paid has been actually issued and accepted and is held by holders who or whose executors administrators or assigns are legally liable for the same:

(b) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(c) The aggregate amount to be so paid for interest shall not exceed fifty thousand pounds and the amount so paid shall not be deemed capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid on any shares and of the full amount paid for interest on any debenture stock:

(d) Notice that the Company have power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for debenture stock and in every certificate of debenture stock:

(e) The half-yearly or yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth no interest shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Receipt in case of persons not sui juris.

52. If any money is payable to any shareholder stockholder mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee or receiver of his estate shall be a sufficient discharge to the Company.

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Application of moneys.

53. All moneys raised under this Act whether by shares or debenture stock or borrowing shall except as by this Act otherwise expressly authorised be applied only for the purposes of this Act to which capital is properly applicable.

Deposits for future Bills not to be paid out of capital.

54. The Company shall not out of any money by this Act authorised to be raised by shares debenture stock or borrowing pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to execute any work other than those by the recited Acts or this Act authorised.

ADMINISTRATIVE PROVISIONS.

Meetings of Company.

55. Notwithstanding anything in section 66 of the Companies Clauses Consolidation Act 1845 or in section 21 of the Act of 1874 the Company may by a resolution of a general meeting at any time determine that the future ordinary meetings of the Company shall be held once only in each year in such month as may be prescribed by such resolution and the Company may from time to time in like manner alter or rescind any such resolution.

Interim dividends and annual accounts.

56. If and so long as the ordinary general meetings of the Company shall be held once only in each year then—

(A) The directors may declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting; and

(B) The Company and the directors shall not be required to make up half-yearly balance sheets and accounts but the balance sheet and accounts made up in accordance with section 116 of the Companies Clauses Consolidation Act 1845 and section 50 of the Harbours Docks and Piers Clauses Act 1847 shall relate to the transactions of the Company in the course of the preceding year.

Accounts to be sent to Board of Trade.

57. The Company shall within three months after the date to which their accounts prepared under section 50 of the Harbours Docks and Piers Clauses Act 1847 are made up send

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a copy of the same to the Board of Trade and the Company shall as from the expiration of that period be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

Closing of transfer books previous to declaring dividend or paying interest.

58.—(1) The directors may close the register of transfers of ordinary shares for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the registers of transfers of preference shares and of debenture stock for a period not exceeding fourteen days previous to each date at which the interest on such shares or stock shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement.

(2) Any transfer of ordinary or preference shares or debenture stock made during the time when the register of transfers relating thereto is closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

Quorum of general meetings.

59. After the thirty-first day of December nineteen hundred and nineteen the prescribed quorum of a general meeting of the Company shall be three holders of shares of the Company entitled to vote and holding not less than one-twentieth of the paid-up capital (other than loan capital) of the Company.

Voting rights.

60.—(1) Every holder of ordinary shares and (subject as hereinafter mentioned) of preference shares of the Company shall be entitled at all general meetings of the Company to one vote for every one share held by him.

(2) Except as otherwise expressly provided by the resolution creating the same no persons shall be entitled to vote in respect of any share to which a preferential dividend shall be assigned.

(3) Every holder of any stock of the Company of any denomination issued under the Act of 1915 and existing at the passing of this Act shall until the thirty-first day of December nineteen hundred and nineteen but not after that date be entitled to one vote in respect of every one pound of such stock held by him.

Number of directors.

61. The number of directors shall be six but the directors may vary the number provided that the number shall not at any time be more than ten or less than three.

Quorum of directors meeting.

62. The quorum of a meeting of the directors shall be three when there are not less than five directors and two when there are less than five directors.

Qualification of directors.

63. After the thirty-first day of December nineteen hundred and nineteen the qualification of a director shall be the possession of fully-paid shares or debenture stock of the Company of a total nominal amount of not less than two hundred and fifty pounds in the whole.

Notice of candidature for office of director.

64. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the Secretary or left at the office of the Company ten days at least before the day of election.

Auditors.

65.—(1) The prescribed number of auditors shall be one unless the number be increased to two by an order of a general meeting and such auditor or auditors shall be a chartered accountant or chartered accountants or an accountant or accountants approved by the Board of Trade.

(2) It shall not be necessary for any auditor to hold any shares or stock of the Company.

Determination of remuneration of secretary and auditors.

66. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary and auditors.

Appointment of proxies.

67. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any shareholder of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the shareholder and for that purpose may execute on behalf of the shareholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

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Joint holders.

68. Notwithstanding anything contained in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares of the Company any one of those persons may vote at any meeting (at which holders of shares of the same class are entitled to vote) either personally or by proxy in respect of those shares as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares shall alone be entitled to vote in respect thereof.

MISCELLANEOUS.

As to claims of creditors.

69.—(1) If any person shall prior to the twenty-fourth day of June nineteen hundred and twenty-one lawfully claim payment by the Company of any debt which was due from the Company at the date of the passing of the Act of 1915 or the allotment to him of "B" debenture stock under the provisions of that Act the Company may and shall in lieu of allotting to him any such debenture stock pay to him a sum in cash equal to five shillings in the pound on the amount of such debt and thereupon the whole of such debt shall be deemed to be fully discharged and satisfied and the provisions of this Act may be pleaded as a bar to any action commenced by any person for the recovery of any sum on account of such debt in excess of the amount payable as aforesaid in discharge and satisfaction of such debt.

(2) No action or other proceeding shall be brought by any person to recover any debt which was due from the Company prior to the date of the passing of the Act of 1915 unless such action or proceeding is commenced prior to the twenty-fourth day of June nineteen hundred and twenty-one and the claim of any person in respect of any such debt as aforesaid who shall fail to claim payment thereof prior to that date shall be deemed to be absolutely barred and extinguished.

Confirmation of byelaws.

70. Notwithstanding anything in the Act of 1874 or this Act section 85 of the Harbours Docks and Piers Clauses Act 1847 and so much of section 90 of that Act as relates to the

proof of the existence and due making of byelaws shall cease to apply to the Company and in lieu thereof the following provision shall have effect:— A.D. 1919.

No byelaw which shall be made by the Company after the passing of this Act under the provisions of the Act of 1874 or this Act or of the Harbours Docks and Piers Clauses Act 1847 incorporated therewith (except byelaws which relate solely to the Company their officers or servants) shall come into operation until it has been confirmed by the Board of Trade under the hand of an assistant secretary of the Board and the production of a written or printed copy of the byelaw signed and authenticated by the signature of an assistant secretary shall be sufficient evidence for all purposes of the existence and due making of the byelaw without proof of the signature of the assistant secretary.

Incorporation of sections of Act of 1874.

71. The following sections of the Act of 1874 shall extend and apply to the powers conferred by this Act and the Company in relation thereto as though such sections were expressly re-enacted in this Act (that is to say):—

Section 56. Works on Crown lands to be approved by the Secretary for War;

Section 82. Saving rights of the Duchy of Cornwall;

Section 83. Saving rights of Secretary of State for War;

Section 84. Saving rights of the Ecclesiastical Commissioners;

Section 90. Nothing to exempt dock &c. from provisions of general Acts.

Recovery of demands.

72. Proceedings for the recovery of any demand made under the authority of the Act of 1874 the Act of 1915 or this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

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Repeal.

73. The following sections of the Act of 1874 and the Act of 1915 and schedules to the Act of 1874 are hereby repealed as from the respective dates hereunder stated (that is to say):—

Section.		Date of Repeal.
	Act of 1874.	
Section 22	Quorum of general meetings - - -	1st January 1920.
Section 23	Power to shareholders to require extraordinary meeting.	Passing of this Act.
Section 24	Scale of voting - - - - - -	Passing of this Act.
Section 25	Number and qualification of directors - -	1st January 1920.
Section 26	Quorum of directors - - - - -	Passing of this Act.
Section 30	Newspaper for advertisements - - -	Passing of this Act.
Section 60	Limits for harbour-master &c. - - -	Passing of this Act.
Section 61	Harbour rates on shipping - - - -	Passing of this Act.
Section 65	Wharfage rates on goods as in Schedule (B) -	Passing of this Act.
Section 66	Additional wharfage rates on goods remaining on wharf &c. beyond 24 hours.	Passing of this Act.
Section 67	Dues for passengers and luggage and walking on pier as in schedule (C).	Passing of this Act.
Schedule (B)	Rates on goods - - - - -	Passing of this Act.
Schedule (C)	- - - - - - - - -	Passing of this Act.
	Act of 1915.	
Section 9	Application of revenue - - - - -	1st January 1920.
Section 14	Debts barred after six years from passing of Act.	1st January 1920.
Section 15	Transfers of existing shares and stock to be valid.	Passing of this Act.
Section 18	Qualification of directors - - - -	1st January 1920.
Section 19	Right to vote - - - - - -	Passing of this Act.
Section 23	Application of balance of "B" debenture stock	Passing of this Act.

PROTECTIVE PROVISIONS.

Crown rights.

74. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

As to new grain store.

75. Nothing contained in this Act shall extend so as to affect in any way the operation (if any) of the Defence of the Realm (Acquisition of Land) Act 1916 in relation to the land with the grain store and other buildings thereon delineated and numbered 23 on the deposited plans.

For protection of War Department.

76. Notwithstanding anything in this Act or shown on the deposited plans or in the deposited book of reference the Company shall not except with the consent in writing of the Secretary of State for War take or use the properties numbered on the said plans 3a 10 11 12 16 17 or 18 except so far as any of such properties have been taken or used by the Company

prior to the passing of this Act for the purposes of or in connexion with the dry dock and sea wall which they are by this Act authorised to complete and maintain or as the Company are already authorised to take or use the same under any grant or lease by or consent of the said Secretary of State. A.D. 1919.

For protection of Postmaster-General.

77. All the provisions of the Electric Lighting Acts 1882 to 1909 and of the schedule to the Electric Lighting (Clauses) Act 1899 for the protection of the Postmaster-General and his telegraphic lines shall extend and apply to the exercise of any powers with respect to the generation use or supply of electricity under the provisions of this Act or of any contract or agreement made under the authority of this Act and to any works constructed in connexion with the exercise of such powers.

Saving rights of Falmouth Harbour Commissioners.

78. Except as by this Act otherwise expressly provided nothing in this Act shall prejudice or derogate from or in anywise alter affect or interfere with the jurisdiction authority rights powers and privileges of the commissioners under or by virtue of the Falmouth Harbour Order 1870.

For protection of public highway.

79. Notwithstanding anything in this Act or shown on the deposited plans the Company shall not acquire any part of or construct or acquire any works on or under so much of the public highway which leads from Bar Road under the Great Western Railway to Castle Hill and is vested in the mayor aldermen and burgesses of the borough of Falmouth as a street repairable by the inhabitants at large And nothing in this Act shall be deemed to vest in the Company any right or interest in or to any such highway which was not vested in the Company prior to the passing of this Act.

For protection of Falmouth Gas Company.

80. For the protection of the Falmouth Gas Company (in this section referred to as "the gas company") the following provisions shall unless otherwise subsequently agreed in writing between the gas company and the Company have effect (that is to say):—

(1) The Company shall not remove or displace any of the mains pipes or other works belonging to the gas company or do anything to impede the passage of gas into or through such mains or pipes until good and sufficient mains pipes or other works necessary or proper for continuing the supply of gas as

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sufficiently as the same was supplied by the mains or pipes proposed to be removed or displaced shall have at the expense of the Company and to the reasonable satisfaction of the engineer of the gas company been first made and laid down in lieu thereof and be ready for use in a position as little varying from that of the pipes or mains proposed to be removed or displaced as may be consistent with the construction of the works authorised by this Act:

(2) If any difference shall arise between the Company and the gas company under this section the same shall be referred to and settled by an engineer who unless otherwise agreed shall be appointed by the President of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference.

COSTS OF ACT.

Costs of Act.

81. 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 Company.

SCHEDULES referred to in the foregoing Act. A.D. 1919.

THE FIRST SCHEDULE.

Rates on Vessels.

First Class.

	s.	*d.*
Vessels with cargoes from any port or place in the United Kingdom Isle of Man or the Channel Islands with liberty to reload for any port or place :—		
Rate per ton - - - - - - - - - -	0	4

Second Class.

Vessels with cargoes from any port or place in Europe between the North Cape and Ushant with liberty to reload for any port or place :—		
Rate per ton - - - - - - - - - -	0	6

Third Class.

Vessels with cargoes from any other port or place in Europe or any port or place in the Mediterranean with liberty to reload for any port or place :—		
Rate per ton - - - - - - - - - -	0	

Fourth Class.

Vessels with cargoes from any port or place in Africa between the Straits of Gibraltar and the Cape of Good Hope or in the Madeira Canary or Cape de Verd Islands with liberty to reload for any port or place :—		
Rate per ton - - - - - - - - - -	1	0

Fifth Class.

Vessels with cargoes from all other ports or places whatsoever with liberty to reload for any port or place :—		
Rate per ton - - - - - - - - - -	1	3

Sixth Class.

(A) Vessels entering laden and departing without breaking bulk :—		
Rate per ton - - - - - - - - - -	0	9
(B) Vessels discharging and reloading and departing with the same cargo :—		
Rate per ton - - - - - - - - - -	0	6

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	s.	d.
(c) Vessels without cargoes or with only part of a cargo entering to load and not to discharge :—		
The same rates as vessels with cargoes from the port or place to or from which the vessels so entering to load are destined or have come whichever rates are the higher.		

Seventh Class.

(a) Vessels entering light or in ballast to lie up :—		
Rate per ton - - - - - - - - - -	0	6
(b) Vessels entering with cargoes or parts of cargoes to lie up :—		
Rate per ton - - - - - - - - - -	1	3
(c) Vessels entering light to fit out or for repairs :—		
Rate per ton - - - - - - - - - -	0	6

Any vessel in this class afterwards loading out to pay also the like rates as vessels entering with cargoes from the port or place to which the vessel so loading out is destined.

Eighth Class.

Paddle vessels seaplanes hydroplanes airships and similar craft vessels of exceptional construction or method of propulsion and vessels in circumstances not otherwise covered by the provisions of this schedule such reasonable rates as may from time to time be fixed by the Company.

General Provisions.

In this schedule "per ton" means for each ton in the net register tonnage of a vessel or if the vessel has no net register tonnage for each measured ton of the vessel.

Every ship barge keel boat craft lighter or other vessel unloading from or discharging goods on board of any ship barge keel boat craft lighter or other vessel being within the tidal harbour or at or alongside any wharf quay pier slipway breakwater or other work of the Company shall pay such and the like rates in respect of the goods so unloaded or discharged as the rates which may be taken under the provisions of this Act in respect of goods shipped or unshipped within the tidal harbour in addition to any other rates payable under the provisions of this schedule.

THE SECOND SCHEDULE.

Part I.

Wharfage Rates on Goods.

Articles.	Per	Maximum Rates.
		s. *d.*
Agricultural machinery and implements	ton	2 6
Almonds	ton	3 0
Apples	ton	2 0
Barilla	ton	2 0
Bark loose for tanning	ton	2 0
Beer in casks	ton	2 0
Bones for manure unpacked	ton	1 6
Brass wire	ton	3 0
Bricks and tiles common	1,000	1 6
„ paving or maltkiln	100	0 9
„ fire	1,000	1 6
Brimstone	ton	1 6
Bristles	ton	3 6
Burr stones	100	0 8
Butter in firkins	ton	2 6
Carriages bodies not exceeding one ton	each	4 0
Cattle (cows oxen bulls bullocks)	each	2 0
Cattle food prepared not otherwise rated	ton	2 6
Cement	ton	1 6
Cheese	ton	2 6
Chicory	ton	2 6
China clay and china stone	ton	0 6
Cigars and cigarettes	ton	4 0
Coal	ton	0 $4\frac{1}{2}$
Coffee	ton	2 6
Coke cinders culm	ton	0 $4\frac{1}{2}$
Copper ore	ton	1 6
„ and brass	ton	2 6
Copper and brass nails wrought	ton	3 0
Cordage	ton	2 0
Corkwood	ton	2 6
Corn (barley maize oats rye and wheat)	ton	1 6
Cotton raw pressed	ton	3 6
Drugs not dangerous	ton	4 0
Eggs in crates or cases	ton	3 0
Fish cured	ton	2 6
Flax in bales	ton	2 0
Flour	$2\frac{1}{2}$ cwt. sack	0 $2\frac{1}{2}$
Fruit dried	ton	2 6
„ fresh not hothouse and not otherwise rated	ton	3 0
Fustic	ton	1 6
Glass crown rolled and sheet in boxes or cases	ton	3 0
Grease in casks	ton	2 0
Grindstones and millstones finished	ton	2 6
Guano	ton	1 6
Hemp pressed	ton	2 0
Hides and skins	ton	3 0
Hoofs and horns	ton	3 0

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Articles.	Per	Maximum Rates.
		s. *d.*
Hops - - - - - - - - - -	ton	3 0
Horses asses and mules - - - - -	each	2 6
Iron bar - - - - - - - -	ton	1 6
„ bolt - - - - - - - -	ton	1 6
„ pig - - - - - - - -	ton	0 8
„ scrap - - - - - - - -	ton	1 6
„ ore - - - - - - - -	ton	0 4½
„ hoops - - - - - - - -	ton	1 6
„ girders and railway sleepers - - - -	ton	1 6
Kelp - - - - - - - - -	ton	2 0
Lead sheet - - - - - - - -	ton	2 0
„ ore - - - - - - - -	ton	1 6
Lead white or red - - - - - -	ton	2 0
Leather undressed - - - - - -	ton	2 6
Limestone in bulk - - - - - -	ton	0 4½
Lime in bulk - - - - - - -	ton	0 6
Linen and linen manufactures - - - -	ton	4 0
Linseed - - - - - - - -	ton	1 6
Logwood - - - - - - - -	ton	1 6
Manganese ore - - - - - - -	ton	0 6
Marble rough in blocks of 5 tons or less - -	ton	1 6
„ „ „ more than 5 tons - -	ton	5 0
Mats bass - - - - - - - -	ton	3 0
Molasses - - - - - - - -	ton	2 0
Nitrate of soda - - - - - - -	ton	1 6
Oil not dangerous in casks or drums - - -	ton	2 6
Oil cake - - - - - - - -	ton	1 6
Onions - - - - - - - -	ton	2 0
Oranges and lemons - - - - - -	ton	2 6
Paint and colours in iron drums - - - -	ton	2 6
Pepper - - - - - - - -	ton	3 0
Pork and beef in brine - - - - - -	ton	2 6
Potatoes - - - - - - - -	ton	1 6
Rags not oily - - - - - - -	ton	1 6
Rape seed - - - - - - - -	ton	2 6
Rice - - - - - - - - -	ton	1 6
Rope old - - - - - - - -	ton	1 6
Salt - - - - - - - - -	ton	0 6
Saltpetre - - - - - - - -	ton	2 0
Seal skins - - - - - - - -	ton	4 0
Seed clover - - - - - - - -	ton	2 6
Sheep goats and swine - - - - - -	each	0 6
Slates common - - - - - - -	ton	1 6
Soap - - - - - - - - -	ton	2 0
Spirits and wines - - - - - - -	ton	4 0
Sugar raw in bags cases and casks - - -	ton	2 0
„ refined - - - - - - -	ton	3 0
Tallow - - - - - - - -	ton	2 0
Tar and ditch - - - - - - -	ton	1 6
Tea - - - - - - - - -	ton	4 0
Tiles draining - - - - - - -	ton	0 6
Tin ingots - - - - - - - -	ton	2 6
Tobacco leaf - - - - - - -	ton	3 0
„ prepared - - - - - - -	ton	4 0
Toys - - - - - - - - -	ton	4 0
Turpentine crude - - - - - - -	ton	2 0
Vegetables dried or preserved in tins or bottles - -	ton	2 6

Articles.	Per	Maximum Rates.
		s. *d.*
Waters mineral - - - - - - - -	ton	2 6
Whiting and whitening - - - - - -	ton	1 6
Wood dyers - - - - - - - - -	ton	1 6
„ furniture - - - - - - - -	ton	4 0
„ deals - - - - - - - - -	standard	5 0
„ timber fir - - - - - - - -	load 50 c. ft.	1 6
„ oak - - - - - - - - -	load 40 c. ft.	1 6
„ staves - - - - - - - - -	load 50 c. ft.	1 6
Wool raw pressed - - - - - - -	ton	2 6
Yarn - - - - - - - - - -	ton	2 6
Yeast - - - - - - - - - -	ton	4 0
Zinc ingots - - - - - - - - -	ton	1 6

All goods not particularly enumerated in the above list shall be liable to the like rate or rates on the goods therein specified which in the judgment of the Company may be nearest in description and value to such unenumerated goods.

PART II.

REGULATIONS.

1. All weights and measures mentioned in Part I. of this schedule save where specially excepted are Imperial weights and measures.

2. Where goods are charged at per ton or at per cwt. or by other measure there shall be payable for any fraction of a ton a cwt. or other measure as the case may be the rate payable in respect of a whole ton or cwt. or other measure if the fraction exceeds one half and half that rate if the fraction does not exceed one half.

3. In weighing and measuring goods for ascertaining the rates payable in respect thereof the weight and measurement of the packing and packages (if any) shall be included.

4. Goods imported and transhipped direct into another vessel for export seawards shall be allowed a remission or drawback of the whole of the rate in respect of import and shall be liable to such rate (if any) in respect of export as the Company may determine not exceeding the rate specified in Part I. of this schedule.

5. Any fraction of a penny in the total amount of rates payable at one time by any person may be charged as one penny.

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THE THIRD SCHEDULE.

DUES ON PASSENGERS AND LUGGAGE.

	s.	*d.*
For every passenger with his ordinary luggage not exceeding 56 lbs. in weight who shall embark upon any vessel for any voyage to or land from any vessel after a voyage from :—		
(A) Any port in the United Kingdom or between the North Cape and Ushant the sum of -	0	6
(B) Any other port :—		
(i) If a steerage passenger the sum of - -	1	0
(ii) If any other passenger the sum of - -	2	6
For all ordinary luggage of any such passenger beyond 56 lbs. in weight any further sum not exceeding the rate of threepence per 28 lbs. or part thereof.		

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