CHAPTER ccx.

An Act for making a Pier at Filey in the County of York with a Tramroad in connexion therewith; and for other purposes. A.D. 1889. [30th August 1889.]

WHEREAS the making of the pier and tramroad herein-after described would be of public and local advantage:

And whereas the persons in this Act named with others are willing at their own expense to construct the pier and tramroad and it is expedient that powers should be conferred on them for the purpose:

And whereas plans and sections showing the lines and levels of the pier and tramroad authorised by this Act and also books of reference 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 clerks of the peace for the north and east ridings of the county of York and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas it would be of advantage to fishermen and others if in connexion with the pier and tramroad a building were erected with suitable accommodation to be used as a market or depôt for the sale purchase assortment and packing of fish:

And whereas it is expedient to authorise the making of such agreements with the Filey Local Board as are herein-after expressed:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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

[*Price* 1*s.* 6*d.*]

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Short title.

1. This Act may be cited as the Filey Pier and Tramroad Act 1889.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 the Harbours Docks and Piers Clauses Act 1847 with the exception of sections 16 17 18 and 19 (which shall not be in force for the purposes of this Act except so far as may from time to time be required by the Board of Trade) and the Markets and Fairs Clauses Act 1847 are so far as applicable and not expressly varied by or inconsistent with the provisions of this Act incorporated with and form part of this Act.

Interpretation.

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 Company" or "the Undertakers" means the Company incorporated by this Act the expression "the railway" in any Act wholly or partially incorporated herewith means the tramroad by this Act authorised the expression "the pier" means the pier jetty or landing-place and works connected therewith by this Act authorised and the expression "the undertaking" means the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent 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.

Company incorporated.

4. Sir Henry de Burgh Lawson, Baronet, John Baker, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the pier and tramroad and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Filey Pier and Tramroad Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold

and dispose of lands and other property for the purposes of this Act. A.D. 1889.

Power to make pier and tramroad.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the pier and tramroad herein-after described with all proper approaches sheds warehouses buildings landing and shipping places moorings stations sidings works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The pier and tramroad herein-before referred to and authorised by this Act will be wholly situate in the parish of Filey and on the adjoining foreshore and bed of the sea in the north and east ridings of the county of York and are :—

1. A pier jetty or landing-place for promenade and for the embarking and landing of passengers fish cattle coal goods and merchandise commencing about thirty yards north of the boundary line between the north and east ridings of the county of York at or near the junction of such line with the sea and from thence extending seaward in an easterly and north-easterly direction for a distance of about one thousand eight hundred feet :

Provided that no part of the pier or of the incidental works by this Act authorised shall be situated within a distance of sixty-six feet from any part of the present landing-place called North Cobble Landing.

2. A tramroad six furlongs and five chains in length for the carriage of fish and other goods from the pier to the North-eastern Railway commencing at or near the commencement of the pier before described and thence proceeding by or near the side of Filey Beck and under the bridge leading to Saint Oswald's Church and thence to and terminating by a junction with a siding on the north-east side of the North-eastern Railway Station at Filey.

For protection of the North-eastern Railway Company.

6. Notwithstanding anything in this Act or in the deposited plans and books of reference contained the Company shall not without the written consent of the North-eastern Railway Company make any junction with any siding or railway of the North-eastern Railway Company or enter upon take or use any land or property of that company.

Capital.

7. The capital of the Company shall be forty-five thousand pounds in four thousand five hundred shares of ten pounds each.

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Shares not to be issued until one fifth paid.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

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

Power to borrow.

11. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifteen thousand pounds and of that sum ten thousand pounds may be borrowed when thirty thousand pounds of the share capital is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such thirty thousand pounds has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such thirty thousand pounds of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

When the remaining fifteen thousand pounds of share capital has been subscribed and one half thereof paid up the Company may borrow an additional sum of five thousand pounds subject to the same conditions and proof as aforesaid.

For appointment of a receiver.

12. The mortgagees of the Company 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 one thousand pounds.

Debenture stock.

13. 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.

Application of moneys.

14. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting and quorum.

15. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act and the quorum for general meetings whether ordinary or extraordinary shall be five shareholders holding together not less than five thousand pounds in the capital of the Company.

Number of directors.

16. The number of the directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

17. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

18. The quorum of a meeting of directors shall be three.

First directors.

19. Sir Henry de Burgh Lawson, Baronet, John Baker, Alexander Thuey, and two other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every

Election of directors.

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year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

20. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed one acre but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

21. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to deviate in construction of pier.

22. The Company may with the consent in writing of the Board of Trade in constructing the pier deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of the pier shown on the deposited sections to any extent not exceeding five feet unless the Board of Trade sanction any greater deviation.

Incidental works.

23. The Company may make and maintain in connexion with the pier all necessary and convenient shipping and landing-places approaches depôts sheds and other buildings toll-houses turnstiles cranes buoys moorings and other works and dredge scour and deepen from time to time the bed of the sea near the pier in order to improve the access thereto.

Prescribed limits for pier.

24. The prescribed limits referred to in section 52 of the Harbours Docks and Piers Clauses Act 1847 shall be the pier by this Act authorised and a distance of one hundred feet from any part thereof outside low-water mark of ordinary spring tides.

Gauge of tramroad.

Traffic.

Motive power.

25. The tramroad shall be constructed on a gauge of four feet eight and a half inches and the Company may subject to the provisions of this Act convey thereon fish cattle goods minerals and merchandise in carriages and trucks adapted for use upon railways and drawn or propelled by animal steam or other mechanical power.

Power to cross certain roads on the level.

26. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a

railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the tramroad carry the same with a single line only whilst the tramroad shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.
3	Filey - - -	Public.
11	Filey - - -	Public.

The Company shall in the case of each of the level crossings provide proper gates interlocked with safety points on the tramroad and in the case of the last-mentioned road the safety points shall be placed at least twenty yards from the level crossing and be provided with a dead end and substantial buffer-stop.

For the protection of Humphrey Brooke Firman.

27. For the protection of Humphrey Brooke Firman or other the owners or owner for the time being of the Church Farm at Filey and as lay impropriator of the rectory of Filey (all of whom are in this section referred to as "the owner") the following provisions shall be observed and have effect (that is to say):—

(1.) The Company shall not construct or permit to be constructed upon any lands which they may be authorised to acquire under the powers of this Act any building to be used for the purpose of curing fish or as a manufactory of tinned fish or of fish products or of fish manure and shall not use or permit to be used for any of such purposes any building which may at any time hereafter be erected on the said lands and the Company shall use all reasonable precautions to prevent the fish market or depôt authorised by this Act becoming a nuisance to the owner or his tenants;

(2.) In estimating and ascertaining the value of the lands of the owner to be acquired under the powers of this Act the boundary of the owner's property seaward shall subject to the rights (if any) of the Crown be deemed to be the high-water mark of medium tides and the value of the owner's rights as lay impropriator of the rectory of Filey so far as they are or may be destroyed damaged or interfered with by the works by this Act authorised or by the user of the said lands by the Company under the powers of this Act shall at the same time be taken

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into consideration and ascertained and the Company shall pay to the owner the amount awarded in respect of such rights as if the same were part of the compensation for lands compulsorily taken or injured under the powers of this Act and the owner shall thereupon (so far as he lawfully may and can) convey or procure a conveyance to the Company of such part of such rights in respect of which compensation has been paid together with his powers and remedies in respect of the same;

(3.) Nothing in this Act contained shall prejudice or affect the right of the owner and of his tenant for the time being of the Church Farmhouse to embark or disembark on and from the seashore or pier or works by this Act authorised on and from a yacht with suitable boats or any lesser pleasure vessel or boat to be kept by them or either of them for their own private use or of keeping using mooring and laying up within the bay such yacht and pleasure boats or the right if any of the owner or his farm tenant or tenants (not exceeding two such tenants at the same time) to moor or lay up on the portion of the land immediately below and co-extensive with the Ravine Land now belonging or reputed to belong to the Filey Local Board (not being land occupied by the pier or tramroad) one or if two such tenants then two coal or fish cobbles or boats for his or their domestic use or convenience only but not for trade or commerce or to land or lead away coals fish or other commodities in through and over the said portion of the Ravine Land (not being land occupied as aforesaid) without the owner or any such tenant being liable to any payment or compensation to the Company therefor Provided always that the owner and his tenants shall not be entitled under this section to use the tramroad by this Act authorised except with carriages or trucks adapted for use thereon and on payment of the tolls authorised by this Act;

(4.) The Company shall fence off the tramroad from the adjoining lands of the owner not taken by them and (subject to any agreement with the owner) shall construct and maintain such gates bridges passages and drains over under or by the side of the tramroad as shall be necessary for making good the interruption caused by the tramroad to the use or drainage of or access to the lands through which the same will be made and shall construct proper watering-places for cattle in cases in which the cattle of the owner are by the construction of the tramroad deprived of access to their present watering-places and shall construct the necessary watercourses or drains for conveying water to such new watering-places and if any

question arise as to the works to be constructed or maintained by the Company under the provisions of this section the same shall be determined by two justices Provided always that the Company shall not be required to construct more than one road bridge over the tramroad and such bridge shall be made at any place between the point marked three furlongs and the point marked four furlongs on the deposited plans which the owner may select;

(5.) Nothing in this Act shall authorise the Company to the injury of the owner or his tenants to alter divert or interfere with the watercourse crossing the field numbered on the deposited plans 9 in the parish of Filey except with the consent of the owner in writing and nothing in this Act shall affect prejudice or diminish the right of the owner to drain into such watercourse;

(6.) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights of the owner as lay impropriator of the rectory of Filey or any rights or privileges reserved to the vendor by an indenture dated the thirty-first day of July one thousand eight hundred and sixty-nine whereby the Ravine Lands were conveyed to the Filey Local Board of Health otherwise than is expressly provided by this Act or necessary for the purposes thereof.

Application of Railway and Canal Traffic Acts to tramroad.

28. The provisions of the Railway and Canal Traffic Act 1854 and of the Railway and Canal Traffic Acts 1873 and 1888 shall apply to the Company as if they were a railway or canal company and to the tramroad authorised by this Act as if such tramroad were a railway or canal.

Fish market or depôt.

29. The Company may at or near the commencement of the tramroad and in connexion with the pier erect a building with suitable accommodation conveniences and appliances to be used as a market or depôt for the sale purchase assortment and packing of fish and the storage of ice and salt and may make such charges for the use of the building and accommodation so provided as they may from time to time think reasonable subject to a reference to the Board of Trade by any person interested as to the reasonableness of such charges and the decision of that Board shall be binding on all parties.

Restriction on taking houses of labouring class.

30. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which at any time after the passing of

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this Act have been or on the fifteenth day of December last were occupied either wholly or in part by persons belonging to the labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to take easements &c. by agreement.

31. 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 Company 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.

Deposit money not to be repaid except when tramroad opened.

32. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty there has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act a sum of one thousand six hundred and sixty-five pounds Two and three quarters per Centum Consolidated Stock and three hundred and seventy-four pounds of such stock is equal to five per centum on the amount of the estimate of the tramroad (in this Act referred to as "the tramroad deposit fund") and one thousand two hundred and ninety-one pounds of such stock is equal to four per centum on the amount of the estimate in respect of the pier (in this Act referred to as "the pier deposit fund") Be it enacted that notwithstanding anything contained in the said Act the tramroad deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the tramroad open the same for the public conveyance of traffic but on being satisfied that the

same has been opened as aforesaid the High Court of Justice in England shall on the application of the depositors or the majority of them order the tramroad deposit fund to be paid or transferred to them or as they shall direct.

Application of deposit.

33. If the Company do not previously to the expiration of the period limited by this Act for the completion of the tramroad complete the same and open it for the public conveyance of traffic then and in every such case the tramroad deposit fund shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramroad or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the tramroad deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the tramroad deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the tramroad deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Provision for release of pier deposit fund.

34. On the application of the depositors or the majority of them in a summary manner at any time after the passing of this Act the High Court of Justice may and shall order that the pier deposit fund of one thousand two hundred and ninety-one pounds Two and three quarters per Centum Consolidated Stock and any

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interest thereon shall be repaid to the depositors or to any person or persons whom they may appoint on their behalf.

Period for completion of works.

35. If the pier and tramroad are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Rates for use of pier.

36. The Company may demand and receive for every person who shall land from or embark on any vessel at the pier and for every person who shall walk on or use the pier and for all animals articles goods wares and merchandise which shall be shipped or unshipped received or delivered from or upon the pier and for every vessel using the pier any sums not exceeding the several rates and sums specified in the schedule to this Act.

Cranes weighing machines &c.

37. The Company may erect or provide such cranes weighing and other machines conveniences weights and measures upon the pier as they may think necessary for loading unloading measuring and weighing any goods articles or things landed at or delivered from the pier and the Company in addition to the other sums which they are by this Act empowered to demand may demand receive and take for the use thereof including the services of persons employed by the Company at the pier such reasonable rates or charges as the Company think fit not exceeding the rates and charges specified in the schedule to this Act.

Company may appoint meters and weighers.

38. The Company may appoint and license a sufficient number of persons to be meters and weighers.

Lifeboat crew exempt from pier rates.

39. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have full ingress passage and egress to or along and from the pier without payment.

Tolls.

40. The Company may demand and take in respect of the use of the tramroad or any part thereof any tolls not exceeding the following (that is to say):—

In respect of animals conveyed on the tramroad—

For every horse mule or ass or other beast of draught or burden conveyed in or upon any carriage sixpence;

For every ox cow bull or head of neat cattle conveyed in or upon any carriage fourpence;

For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage twopence:

In respect of goods conveyed on the tramroad—

For all coals coke culm slack cannel cinders lime limestone sand clay (except fire-clay) chalk compost and all sorts of manure and all undressed materials for the repair of highways ironstone and iron ore per ton fourpence;

For all undressed stone for building pitching and paving bricks tiles common slates fire-clay charcoal ice salt copper tin lead and other ores per ton sixpence;

For all sugar grain corn flour potatoes guano and artificial manures timber staves and deals nails anvils vices hoop-iron sheet-iron and chains per ton eightpence;

For all kinds of fish and manufactured goods drugs and all other wares merchandise articles matters or things per ton tenpence:

In respect of carriages conveyed on the tramroad—

For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform provided by the Company two shillings and the sum of sixpence for every additional quarter of a ton up to four tons which any such carriage may weigh:

The Company shall not convey passengers on the tramroad.

Tolls for haulage or propelling power.

41. The tolls which the Company may demand for the use of power for propelling carriages on the tramroad shall not exceed threepence for each animal or for each ton of goods in addition to the other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

42. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say):—

Fractional parts of a ton.

For the fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

General weight.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight;

Weight of stone and timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

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Tolls for small parcels and articles of great weight.

43. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—

For the carriage of small parcels on the tramroad :

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single articles in separate packages :

For the carriage of single articles of great weight on the tramroad :

For the carriage of any single thing the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand and take any sum not exceeding three shillings per ton ;

For the carriage of any single thing the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum rates for animals and goods.

44. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except small parcels and single articles of great weight as aforesaid) on the tramroad including the tolls for the use of the tramroad and for waggons or trucks and haulage or propelling power and for every other expense incidental to the conveyance except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier (where any such service is performed by the Company) shall not exceed the following sums (that is to say) :—

For each horse mule or other beast herein-before classed therewith eightpence ;

For every ox cow bull or head of neat cattle sixpence ;

For every calf pig sheep or small animal threepence;
For coals and other articles and things classed therewith per ton fivepence;
For undressed stones for building pitching paving and other articles classed therewith per ton sevenpence;
For sugar grain and other things classed therewith per ton tenpence;
For fish manufactured goods and other articles classed therewith per ton one shilling;
For every carriage not weighing more than one ton two shillings and the sum of sixpence for every additional quarter of a ton which any such carriage may weigh:

Provided always that it shall not be obligatory on the Company to provide trucks or waggons for the carriage of any animals or goods on the tramroad.

Company may take increased charges by agreement.

45. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof.

Application of provisions of Railway and Canal Traffic Act 1888 as to revision of tramroad rates.

46. Section 24 of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the companies to which the provisions of the said enactment in terms applied Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the passing of this Act or such further time as the Board of Trade may permit.

Board of Trade may reduce pier rates.

47. If at any time and from time to time the clear annual income derived from the pier and works authorised by this Act on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in executing the works authorised by this Act the Board of Trade may if in their discretion they think fit on application in writing from six or more of the owners of vessels or boats resorting to the pier and after hearing the Company reduce the rates leviable under this Act to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten pounds per centum per annum with power to the Board of Trade at any time and from

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time to time to raise them again to not exceeding the amounts specified in the schedule to this Act.

Separate accounts to be kept for pier and copies sent to Board of Trade.

48. The Company shall cause their accounts to be so kept that the sums from time to time expended upon the pier and works connected therewith and the clear annual income derived therefrom shall appear separate and distinct from the sums from time to time expended upon and the income derived from the tramroad and works connected therewith and within one month after sending to the clerk of the peace the copy of their annual account in abstract in respect of the pier they shall send a copy of the same to the Board of Trade and the fiftieth section of the Harbours Docks and Piers Clauses Act 1847 shall apply to and include any and every such account.

Rates may be leased.

49. The Company may from time to time lease the tolls and rates authorised by this Act from year to year or from time to time for any period not exceeding seven years for such rent or consideration and on such terms and conditions as they think fit and the lessee or lessees shall have and may exercise during the continuance of the lease the same powers of levying and receiving tolls rates and dues as the Company have or might exercise and shall be subject to all the same provisions as to accounts and otherwise to which the Company are made subject by this Act.

Power to make byelaws.

50. The Company may make byelaws for the regulation and control of vessels and boats within the limits of the pier and for the regulation and control of the fishermen and others and of goods and traffic on the pier fish depôt approaches and other works authorised by this Act but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes.

Power to enter into agreements.

51. The Company may from time to time enter into and carry into effect agreements with the Filey Local Board with respect to the following purposes or any of them (that is to say):—

The use and maintenance of the pier tramroad and works or any part thereof;

The tolls rates and charges to be demanded and recovered in respect thereof;

The lighting of the pier by electricity or other means; and

The appropriation and use of property and other incidental matters:

But no such agreement shall have any effect until the same shall have been submitted to and approved by the Board of Trade.

Lights on works.

52. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending 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 require or approve.

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

Company to exhibit lights.

53. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House Deptford Strond shall from time to time direct.

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

Provision against danger to navigation.

54. In case of injury to or destruction or decay of the pier or works or any part thereof 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 that 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.

Saving rights of Crown under Crown Lands Act.

55. 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 21 and 22 of the Crown Lands Act 1866 and which may belong to or be exerciseable on behalf of Her Majesty Her heirs or successors.

Saving rights of the Crown.

56. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

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Interest not to be paid on calls paid up.

57. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him Provided always that 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.

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

58. The Company shall not out of any money by this Act authorised to be raised 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 construct any other tramroad or to execute any other work or undertaking.

Provision for Merchant Shipping Act and general Acts.

59. Nothing in this Act contained shall exempt the pier or the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates or duties by this Act authorised.

Provision as to general Railway Acts.

60. Nothing in this Act contained shall exempt the Company or the tramroad from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

61. All costs charges and expenses of and incident to the preparing applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

THE SCHEDULE REFERRED TO IN THE FOREGOING ACT.

I.—Rates for Use of Pier.

	£	s.	d.
For every passenger or other person landing on the pier from or embarking from it on board of any ship, vessel, packet, or passenger boat, for each time, any sum not exceeding -	0	0	4
For every person using the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time, any sum not exceeding -	0	0	2
For every bath or sedan chair taken on the pier, for each time, any sum not exceeding - - - - -	0	0	4
For every perambulator taken on the pier, for each time, any sum not exceeding - - - - - -	0	0	2
For every master of any vessel, boat, or wherry using the pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding - -	1	0	0

II.—Rates on Passengers Luggage landed or shipped.

For every trunk, portmanteau, box, parcel, or other package within the description of luggage, and not borne by the passenger, not exceeding 28 lbs. - - - -	0	0	2
Over 28 lbs. and not exceeding 84 lbs. - - - -	0	0	4
Over 84 lbs. and not exceeding 112 lbs. - - -	0	0	5
Over 112 lbs. and not exceeding 140 lbs. - - -	0	0	6
Over 140 lbs. and not exceeding 196 lbs. - - -	0	0	7
Over 196 lbs. and not exceeding 2 cwt. - - -	0	0	8
And for every 20 lbs. weight in addition - - -	0	0	1

III.—Rates on Vessels using the Pier.

For every vessel under 15 tons, per ton - - -	0	0	4
For every vessel of 15 tons and under 50 tons, per ton register -	0	0	6
For every vessel of 50 tons and under 100 tons, per ton register -	0	0	8
For every vessel of 100 tons and under 150 tons, per ton register	0	0	10
For every vessel of 150 tons and upwards, per ton register -	0	1	0
All lighters, for each trip - - - - -	0	0	6
All boats entirely open, landing or taking on board goods, each -	0	0	6
All boats lying alongside the pier, landing-places, or slips, selling fish not landed in baskets, boxes, maunds, or gurrys, to pay 1*s.* each boat, if the boat does not exceed 16 feet in length, and 2*s.* if the boat exceeds 16 feet in length.			

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IV.—Rates on Goods shipped or unshipped.

	£	s.	d.
Anchors, per cwt.	0	0	9
Anchor stock, per foot run	0	0	2
Bark, per ton	0	2	0
Barrels, empty, each	0	0	1
Bricks, per 1,000	0	1	6
Cables, iron or hempen, per ton	0	3	0
Canvas, per bolt	0	0	1
Casks (empty), not being returned packages, each	0	0	3
Other casks in proportion.			
Cattle:			
Bulls, cows, and oxen, each	0	1	6
Calves, each	0	1	0
Horses, each	0	4	0
Pigs, each	0	0	6
Sheep, each	0	0	6
Chalk, per ton	0	1	0
Coals, per ton	0	1	0
Cordage, per cwt.	0	0	3
Fish (not sold by auction), turbot, brill, halibut, soles, cod, and ling, per cwt.	0	0	3
Fish (not sold by auction), herrings (fresh), per 1,000	0	0	3
,, ,, herrings (salt), per barrel	0	0	3
,, ,, oysters, crabs, lobsters, and mussels, per half cwt.	0	0	2
,, ,, (dried and salted) per cwt.	0	0	3
,, ,, (fresh) not enumerated, per cwt.	0	0	2
Fish of all kinds (sold by auction), one pound per cent. upon the gross amount realised by the sale. Any fraction of a shilling to be reckoned as a shilling.			
Guano and artificial manures, per ton	0	1	6
Ice, per ton	0	2	6
Kelp, per ton	0	2	0
Masts and spars, 10 inches in diameter and upwards, each	0	4	6
Masts and spars, under 10 inches, each	0	3	0
Nets, per 5 cubic feet	0	0	4
Oakum, per cwt.	0	0	2
Oils, per ton	0	2	0
Oil cake, per ton	0	1	0
Paint, per cwt.	0	0	4
Pitch and tar, per barrel	0	0	6
Sails, per cwt.	0	0	6
Salt, per cwt.	0	0	1
Sand, per ton	0	1	0
Shrimp baskets, each	0	0	2
Slates, per ton of 24 cubic feet	0	2	0
Stones, per ton of 16 cubic feet	0	1	6

	£	s.	d.
Vegetables (not enumerated), per cwt.	0	0	4
Water, per cask	0	0	3
Wood:			
Fir pine and other descriptions not enumerated per load of 50 feet	0	1	6
Oak or wainscot per load of 50 feet	0	2	0
Firewood per 216 cubic feet fathom	0	1	6
Laths and lathwood per fathom of 216 cubic feet	0	2	6
Handspikes per 120	0	3	0
Oars per 120	0	5	0
Spars under 22 feet in length above 2½ and under 4 inches in diameter, per 120	0	4	0
Spars 2½ inches in diameter and under per 120	0	5	0
Spars 22 feet in length and upwards and not exceeding 4 inches in diameter per 120	0	9	0
Spars above 4 and under 6 inches in diameter per 120	0	14	0
Spokes of wheels not exceeding 2 feet in length per 120	0	2	0
Ditto exceeding 2 feet in length per 120	0	3	0
Ditto treenails per 1000	0	2	6
Ditto wedges per 1000	0	2	6
Pipe-staves and others in proportions per 120	0	2	6

All other Goods not particularly enumerated above.

Light goods per cubic feet	0	0	1
Heavy goods per ton	0	2	0

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged.

V.—For the Use of Cranes Weighing Machines and Sheds.

Rates of Craneage.

All goods or packages not exceeding 1 ton	0	0	4
Exceeding 1 ton and not exceeding 2 tons	0	0	6
Exceeding 2 tons and not exceeding 3 tons	0	0	8
Exceeding 3 tons and not exceeding 4 tons	0	0	10
Exceeding 4 tons and not exceeding 5 tons	0	1	0
Exceeding 5 tons and not exceeding 6 tons	0	1	2
Exceeding 6 tons and not exceeding 7 tons	0	1	4
Exceeding 7 tons and not exceeding 8 tons	0	1	6
Exceeding 8 tons and not exceeding 9 tons	0	1	10
Exceeding 9 tons and not exceeding 10 tons	0	2	4
Exceeding 10 tons	0	3	6

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Weighing Machines.

	£	*s.*	*d.*
For goods weighed for each ton or part of a ton - -	0	0	2

Shed Dues.

For each ton of goods of 40 cubic feet or for each ton of goods of 20 cwt. which shall remain in the sheds or other works of the pier for a longer time than 48 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.			
For any portmanteau trunk parcel or other article of passenger's luggage for each day or part of a day per package -	0	0	2

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