CHAPTER cxciii.

An Act to enable the Ipswich Dock Commissioners to make certain works in connexion with their Dock and to confer various further powers upon the Commissioners and for other purposes. [2nd August 1898.]

A.D. 1898.

WHEREAS by the Ipswich Dock Act 1852 (herein-after called "the Act of 1852") the Ipswich Dock Commissioners (in this Act called "the Commissioners") were constituted and incorporated and empowered to make the works by that Act authorised and otherwise to carry that Act into execution: 15 & 16 Vict. c. cxvi.

And whereas by the Ipswich Dock Act 1877 (herein-after called "the Act of 1877") the Commissioners were authorised to construct (among other works) certain new dock works therein described which comprised a new entrance lock at the south end of their dock from the River Orwell a pier or jetty and a weir and bridge with waste weirs and sluices across that part of the River Orwell called the new cut and the said entrance lock has been constructed but the Commissioners have not constructed the said weir and bridge: 40 & 41 Vict. c. ccxvi.

And whereas it will be conducive to the more efficient working of the dock to construct an opening or swing bridge across the said new entrance lock and another bridge or crossing over the old entrance lock to the dock of the Commissioners and it is also expedient that in connexion with the said works certain extensions and improvements of the dock tramways of the Commissioners should be authorised:

And whereas plans and sections showing the lines and levels of the dock works and tramways by this Act authorised and the lands which may be acquired under the powers of this Act and a book of reference thereto containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Suffolk and are herein-after respectively referred to as the deposited plans sections and book of reference:

A.D. 1898.

And whereas the limits within which the Commissioners have power to levy rates are defined but there is no statutory definition of the limits of their powers of dredging and it is expedient that such limits should be defined :

And whereas it is expedient that other provisions should be made as in this Act set forth :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

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

Short title.

1. This Act may be cited as the Ipswich Dock Act 1898.

Incorporation of Acts.

2. The Lands Clauses Acts ;

The clauses of the Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners (except section 84) ;

The Harbours Docks and Piers Clauses Act 1847 (except the provisions thereof with respect to keeping a tide and weather gauge and section 25 "Rates not to be taken until the works shall be completed") ;

Sections 13 18 and 19 of the Railways Clauses Act 1863 ;

are except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act Provided that this Act shall not be taken to require the Commissioners to provide any lifeboat unless and until the Board of Trade in writing so require.

Interpretation.

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

The expression "the new dock works" means the bridges pier or jetty quays and wharves by this Act authorised.

Power to make bridges and other works.

4. Subject to the provisions of this Act the Commissioners may make and maintain the works described in this section in the lines and in accordance with the levels shown on the deposited plans and sections relating thereto and may appropriate to those purposes any lands or any part of the site of the dock for the time being belonging to them and may enter upon take and use such of the other lands shown on the deposited plans and described in the deposited book of reference as may be required for those purposes.

The works herein-before referred to and authorised by this Act are—

An opening or swing-bridge across the new entrance lock constructed under the Act of 1877;

A pier or jetty commencing at a point 30 yards or thereabouts in a south-easterly direction from the centre of the summer house and terminating in the River Orwell at a point 165 yards or thereabouts measured in a southerly direction from the south-west pier head of the said new entrance lock;

A quay or landing stages on the south-west side of the dock between the old entrance lock and the south-west corner of the dock;

A swing or fixed bridge or other crossing over the old entrance lock; and

A quay or wharf in the south-east angle of the dock:

And in connexion with the works before described the Commissioners may make entrances cuts locks basins gates sluices piers jetties bridges staiths quays wharves roads approaches and other works and conveniences.

Dock tramways.

5. It shall be lawful for the Commissioners to make and maintain the following tramways and works viz. :—

A doubling of the tramway by the addition of one other line (1 furlong 2·20 chains or thereabouts in length) on the east side of the dock commencing at a point opposite the gasworks near the old ballast wharf by a junction with the existing rails thereat and terminating at a point eighty-five yards or thereabouts from the southern extremity of the east road;

A double line of tramway (8·80 chains or thereabouts in length) beginning at the termination of the doubling herein-before described by a junction therewith and terminating at a point on the river wall at the south end of the boat slip thereat;

A single line of tramway (1 furlong 9·70 chains or thereabouts in length) commencing by a junction with the existing tramway on the east road of the New Cut at the gate across that road and terminating at the point on the river wall at the boat slip herein-before described;

A double line of tramway (2 furlongs 7·20 chains or thereabouts in length) commencing on the west road of the New Cut at its junction with Dock Street and terminating by a junction with an existing line of rails at a point thirty yards or thereabouts to the southward of the centre of Bright Street;

A doubling of the tramway by the addition of one other line (5·50 chains or thereabouts in length) on the west road of the New Cut commencing by a junction with the intended tramway

A.D. 1898.

lastly herein-before described at its termination and terminating by a junction with the existing double line of rails at a point thirty-five yards or thereabouts southward of the centre of Bath Street.

Provisions as to tramways.

6. For the purpose of charges the tramways and alterations by this Act authorised shall be deemed to form part of the tramways of the Commissioners subject to the provisions of section 25 of the Act of 1877 and the tramways and alterations shall be made on the gauge of four feet eight and a half inches and may be worked by steam power Provided that nothing in this Act shall authorise any person other than the Commissioners to use steam power on the tramways without the licence of the Commissioners.

Limits of deviation.

7. In constructing the works by this Act authorised the Commissioners may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet Provided also that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

For protection of Felix Thornley Cobbold and John Dupuis Cobbold.

8. For the protection of Felix Thornley Cobbold and John Dupuis Cobbold or other the owners and occupiers for the time being of land and hereditaments adjacent to the south-east angle of the dock extending from certain cottages belonging to R. and W. Paul Limited to the Ship Launch Road (in this section called "the owners") the following provisions shall unless otherwise agreed between the Commissioners and the owners apply and have effect (that is to say):—

(1) If the Commissioners shall construct the quay or wharf by this Act authorised in the south-east angle of the dock in this section called "the quay" the owners shall thereafter have a right of landing and shipping all goods wares and merchandise to and from their premises without payment of any wharfage:

(2) The owners shall have the same right to erect and maintain warehouses houses granaries or other erections over the quay and the road adjoining the same between their premises and the front of the quay as they now have under the Ipswich Dock Act 1852 over the roadway and quay authorised by the said Act Provided that they may support any such erections in such manner and in such places as may be sanctioned by the Commissioners:

(3) Upon the construction of the quay the Commissioners shall dredge the dock alongside thereof so that the depth of the water shall be fifteen feet for a length fronting the owners premises equivalent to their present water frontage on the said dock:

(4) If the quay shall not be constructed by the Commissioners within the period limited by this Act for the completion thereof the owners shall have all such rights as they would have had under the Ipswich Dock Act 1852 and the other enactments relating to the dock as if this Act had not been passed:

(5) If the quay is not completed within five years from the passing of this Act the powers for making the same shall not be exercised except with the consent of the owners.

Provision for vehicular traffic across bridges.

9.—(i.) In the construction of the bridge by this Act authorised across the old entrance lock the Commissioners shall make provision for the accommodation of vehicular traffic and such bridge shall when constructed be opened for vehicular traffic at such times and subject to such reasonable regulations as the Commissioners may prescribe.

(ii.) When and so soon as a dam or swing bridge adapted for vehicular traffic shall have been constructed across the new cut the swing bridge by this Act authorised across the new entrance lock shall be opened for such traffic at such times and subject to such reasonable regulations as the Commissioners may prescribe.

Powers of dredging.

10. From and after the passing of this Act the limits within which the Commissioners have powers of dredging and deepening shall be deemed to include the dock and any part of the River Orwell within the imaginary line from Shotley Point to Fagborough Cliff to which the Commissioners' powers of collecting rates extend.

Agreements with Great Eastern Railway Company.

11. It shall be lawful for the Commissioners on the one hand and the Great Eastern Railway Company on the other hand to enter into and carry into effect agreements with respect to the construction maintenance and management by the Great Eastern Railway Company of the tramways authorised by this Act or any of them or the alteration or doubling of any of them and the use and working of the said tramways and of any other tramways which the Commissioners may have authority to construct and the conveyance of traffic thereon and the fixing collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic.

Locomotive power on tramways.

12. With the licence in writing of the Commissioners under their common seal and subject to any conditions expressed in such

A.D. 1898.

licence it shall be lawful for the Great Eastern Railway Company or any other company or person working or using the tramways mentioned in this Act or any of them to use locomotive engines thereon Provided that no such engine shall be used upon any part of such tramways which may be laid down in any public street under the control of the corporation of Ipswich except with the licence in writing of that body under their common seal and subject to any conditions expressed in such licence and any licence of the Commissioners or the said corporation for the purpose of this section may be at any time revoked by two months' notice under their respective common seal served upon the secretary of the said company or upon any other person to whom such licence may have been given.

Restriction on taking houses of labouring class.

13.—(1) The Commissioners shall not under the powers of this Act purchase or acquire in any borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

Extending power to compound for tonnage duties.

14. It shall be lawful for the Commissioners to compound and agree with proprietors or masters of any coasting or home trade steamers carrying a cargo of miscellaneous goods and regularly trading with the port as to the payment of the tonnage rates or duties by or in respect of the same:

Provided that if the Commissioners compound and agree with any such proprietor or master they shall if so required so far as practicable compound and agree with all proprietors or masters in similar circumstances upon the same terms.

Power to borrow further moneys.

15. In addition to the sum owing by the Commissioners at the commencement of this Act they may borrow for the purposes of this Act and for other the purposes of the Commissioners any sum or sums of money not exceeding in the whole thirty-five thousand pounds and subject to the provisions of this Act they may mortgage

their rates and duties leviable under the Act of 1877 to secure the repayment of money so borrowed with interest. A.D. 1898.

Sinking fund to be provided.

16. The Commissioners shall at and after five years from the borrowing of any money under this Act make provision to the satisfaction of the Board of Trade out of the revenue arising under the Act of 1877 for paying off all money so borrowed within sixty years after the same is borrowed either by instalments or by means of a sinking fund appropriated and invested and with the accumulation thereof (if any) from time to time applied in redemption of such mortgages.

Annual return to Board of Trade with respect to sinking fund.

17. The clerk to the Commissioners shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk to the Commissioners shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Board of Trade and shall be recoverable by that Board in a summary manner If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that sinking fund or any interest thereof to any purposes other than those authorised by this Act the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Board of Trade out of the High Court.

The provisions of this section shall extend and apply mutatis mutandis to appropriations and to annual repayments.

Priority of existing mortgages.

18. Every mortgage granted by the Commissioners before the commencement of this Act and subsisting at the commencement

A.D. 1898.

thereof shall as against the securities comprised therein respectively have priority over any mortgages granted by the Commissioners under the powers of this Act.

Power to re-borrow.

19. If the Commissioners pay off any money borrowed on mortgage under this Act otherwise than by means of a sinking fund they may re-borrow the same and so on as often as the case occurs.

Appointment of receiver.

20. Section 42 of the Act of 1877 is hereby repealed but without prejudice to anything done thereunder and the mortgagees of the Commissioners may enforce payment of the arrears of interest or principal or of principal and interest due on their mortgages by the appointment of a receiver and the amount of principal owing to mortgagees which shall entitle them to apply for a receiver shall be not less than ten thousand pounds.

Application of moneys borrowed.

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

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

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

Application of revenue.

22. All money to be received or collected by the Commissioners under the Act of 1877 from rates or duties and all other revenue of the Commissioners arising under that Act or this Act shall subject to the provisions of this Act be applied in the manner and order following and not otherwise namely :—

(1) In providing for the purposes set forth in section 38 of the Act of 1877 subsections (1) (2) and (3) including the cost of maintaining the works of the Commissioners under this Act and of dredging and other like improvements ;

(2) In paying the interest on moneys borrowed by the Commissioners under the powers of this Act and in providing the requisite instalments or appropriations for paying off the principal thereof ;

(3) The residue or surplus of all such rates and other revenue as aforesaid which shall not be required for any of the preceding purposes shall be applied in or towards the repayment of the principal moneys borrowed by the Commissioners under the Act of 1852 or the Acts therein recited or either of them.

Works below high-water mark not to

23. The Commissioners shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the

sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

be commenced without consent of Board of Trade.

24. Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any rights in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may 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.

Saving rights of Crown in foreshore.

25. 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 belonging to or exerciseable on behalf of Her Majesty.

Saving rights of Crown under Crown Lands Act.

26. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Recovery of demands under fifty pounds.

27. Nothing in this Act contained shall be deemed to exempt the Commissioners from the provisions of the Merchant Shipping Act 1894 or of any general Act relating to harbours or docks or dues on shipping or on goods carried in ships now in force or

Commissioners not exempt from provisions of Merchant Shipping Acts.

A.D. 1898.

which may be passed during the present or any future session of Parliament.

Expenses of Act.

28. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Commissioners.

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