CHAPTER cxliii.

An Act for the construction of a Wharf Pier and other works and formation of a Harbour at Lynmouth in the County of Devon and for other purposes. A.D. 1891.

[21st July 1891.]

WHEREAS the making and maintenance of a wharf pier and other works so as to form a harbour at Lynmouth in the county of Devon would be to the local and public advantage:

And whereas it is expedient that the Company to be hereby incorporated should be empowered to dredge scour and deepen the foreshore of the sea within the limits herein defined:

And whereas the persons herein-after in that behalf named with others are willing at their own expense to carry the undertaking into execution if incorporated into a company for that purpose:

And whereas it is expedient that powers as in this Act contained should be conferred on the Company hereby incorporated for the management and carrying on of their harbour and undertaking in manner herein-after appearing:

And whereas by the Lynmouth Pier Order confirmed by the Pier and Harbour Orders Confirmation Act 1886 Thomas Hewitt and John Heywood were authorised to construct and maintain a pier and other works at Lynmouth aforesaid:

And whereas the works authorised by the said Order have been commenced and partly constructed but since suspended and it is expedient that the said Order should be in part repealed:

And whereas plans and sections showing the lines and levels of the wharf and pier and other works by this Act authorised and also books of reference to the plans containing the names of the owners or reputed owners lessees or reputed 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 Devon and are in this Act respectively referred to as the deposited plans and sections and books of reference:

A.D. 1891.

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:

Short title.

1. This Act may be cited as the Lynmouth Harbour Act 1891.

Preliminary.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 and 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 Acts the provisions of the Railways Clauses Consolidation Act 1845 relating to the temporary occupation of lands near the railway during construction thereof and the crossing of roads and other interference therewith and the Harbours Docks and Piers Clauses Act 1847 (save so far as any of the clauses and provisions thereof respectively are expressly excepted or varied by this Act) are incorporated with and form part of this Act Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge 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.

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 and for the purposes of this Act—

The expression "the Company" means the Company incorporated by this Act;

The expression "the undertaking" means the undertaking by this Act authorised;

The expression "the wharf" means the wharf quay or approach by this Act authorised;

The expression "the pier" means the breakwater or pier by this Act authorised;

The expression "the harbour" means the harbour which will be formed by the construction of the breakwater or pier and the area comprised within the limits defined by this Act;

The expression "the Merchant Shipping Acts" means and includes the Merchant Shipping Act 1854 and the Acts amending the same;

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;

And in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with this Act the expression "the railway" and "the centre of the railway" shall mean respectively the wharf and pier by this Act authorised.

Limits of harbour.

4. The limits of the harbour within which the Company shall have authority and which shall be deemed to be the limits to which the provisions of this Act extend shall include an area comprised within a boundary formed by an imaginary straight line drawn from a point on the cliff distant ninety links from the westward side of the commencement of the breakwater or pier (Work No. 2) and proceeding thence in a north-easterly direction parallel to the north-western side of such work to a point distant ninety links seaward from the termination of such breakwater or pier thence proceeding in a straight line in a south-easterly direction to a point called Point Perilous in the parish of Countisbury and which point is distant twenty-seven chains or thereabouts in an easterly direction from the tower shown on the deposited plans and lastly by the seashore at high-water mark between the last and first above-mentioned points including in such area so much of the River Lyn as lies seaward of the footbridge below high-water mark.

Incorporation of Company, Capital, &c.

Company incorporated.

5. George Newnes Harry John George How Peter Galloway Fraser 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 wharf pier and other works and the harbour by this Act authorised and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Lynmouth Harbour 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.

Capital of Company.

6. The capital of the Company shall be forty thousand pounds in four thousand shares of ten pounds each.

A.D. 1891.

Shares not to be issued until one-fifth paid.

7. 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 is paid in respect thereof.

Calls.

8. 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 three-fourths 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.

9. If any money is payable to a shareholder 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.

10. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole the sums herein-after mentioned in manner following (that is to say) In respect of each sum of ten thousand pounds of the capital of forty thousand pounds by this Act authorised to be raised by shares any sum not exceeding in the whole two thousand five hundred pounds but no part of any such sum of two thousand five hundred pounds shall be borrowed until the portion of capital in respect of which such sum is authorised to be borrowed 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 such portion of capital in respect of which borrowing powers are proposed to be exercised 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 portion 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 shall be sufficient evidence thereof:

Provided always that it shall not be lawful for the Company to borrow any of the aforesaid sums unless and until some substantial portion of the works authorised by this Act is so far completed as to be available for the accommodation of ships and vessels and tonnage

rates for such accommodation are payable and paid in respect of ships and vessels under the provisions of this Act.

For appointment of a receiver.

11. 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 in the whole.

Debenture stock.

12. 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 or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu without regard 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.

Application of moneys.

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

First ordinary meeting.

14. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the quorum for general meetings whether ordinary or extraordinary shall be seven shareholders present in person or by proxy holding not less than five hundred pounds in the capital of the Company.

Number of directors.

15. The number of 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.

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

Quorum.

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

First directors.

18. George Newnes Harry John George How Peter Galloway Fraser and two other duly qualified persons to be nominated in that behalf 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

Election of directors.

A.D. 1891.

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 year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying 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.

Directors to appoint officers other than auditors servants &c. and fix remuneration.

19. The directors shall from time to time appoint the secretary manager and all officers and servants of the Company other than auditors and fix and determine the amount of salary or remuneration to be paid to them respectively and the terms of their engagements.

Works, &c.

Power to make works.

20. Subject to the provisions of this Act the Company may make and maintain in the lines or situation and according to the levels shown on the deposited plans and sections the wharf and pier and other works herein-after described together with all proper approaches works and conveniences connected therewith 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 the undertaking The works herein-before referred to and authorised by this Act will be situate in the county of Devon and are—

(No. 1.)—A wharf quay or approach of masonry or otherwise solid throughout with a roadway thereon commencing in the parish of Lynton at a point two chains thirty links distant or thereabouts measured in an easterly direction from the western end of the esplanade proceeding thence in a north-westerly and northerly direction for a distance of one furlong seven chains fourteen links or thereabouts and terminating by a junction with the breakwater or pier (Work No. 2) next herein-after mentioned at a point distant five chains forty links or thereabouts from the commencement thereof:

(No. 2.)—A breakwater or pier of masonry or otherwise solid throughout commencing at the base of the cliff on the north-eastern boundary of the property known as "The Hoe" numbered 1348 on the ordnance map of the parish of Lynton ($\frac{1}{2500}$ scale) at a point distant four chains fifty-six links

measured from the corner formed by the south-eastern and north-eastern boundary of the said property proceeding seaward in a north-easterly direction for a distance of one furlong three chains or thereabouts.

Power to make subsidiary works.

21. The Company may subject to the provisions of this Act from time to time make and maintain in connexion with the above-mentioned works or any or either of them all necessary and convenient approaches roads footpaths gates shipping places quays depôts sheds and other buildings warehouses wharves retaining walls groynes and buttresses landing places stairs staithes landing and shipping stages shelters slipways tramways toll houses and toll gates machinery cranes drops dolphins moorings buoys beacons drains pipes culverts and other works buildings and conveniences:

Provided that none of the works authorised by this section below high-water mark shall be constructed without the consent in writing of the Board of Trade.

Limits of deviation.

22. In constructing the works by this Act authorised the Company may subject to the provisions of this Act deviate laterally from the line of the wharf pier and works 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 ten feet Provided that no deviation below high-water mark either lateral or vertical shall be made without the consent in writing of the Board of Trade.

Deepening and dredging &c.

23. Subject to the provisions in this Act contained for the protection of the owner for the time being of the East Lynmouth Manor House the Company shall for the purposes of deepening and improving the harbour and for affording facilities for accommodation of vessels dredge scour and deepen from time to time the foreshore of the sea within the harbour limits defined by this Act as and when the Board of Trade may from time to time require and for the like purposes may remove all mooring posts shingle rocks shoals and weirs either above or below high-water mark as lie within the said limits but as regards anything below high-water mark not without the consent in writing of the Board of Trade Provided always that if and so long as any such requirement of the Board of Trade as to the whole or any part of the harbour limits is not complied with and the Board of Trade so certify the harbour shall be deemed incomplete and unfit for the reception of vessels and the provisions of the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 shall apply to the whole or such part of the harbour.

A.D. 1891.

Power to fill up enclosed foreshore and dispose of materials dredged.

24. The Company may fill up reclaim and convert to the purposes of the undertaking or any other purpose so much of the foreshore of the sea as will be enclosed by the proposed works and lie to the south-west and south of Work No. 1 and cut down lower straighten level drain and protect the cliff immediately adjoining such foreshore and may use and appropriate for such purpose or otherwise in the works connected with their undertaking the rock stones gravel sand clay soil and other material so cut down or dredged by them from time to time or sell or dispose of the same in such manner as they may think fit.

For protection of owners of East Lynmouth Manor House.

25. Notwithstanding anything in this Act contained the Company shall not in constructing the wharf pier and works by this Act authorised deviate laterally from the line of such works to the eastward of the boundary dividing the parishes of Lynton and Countisbury shown on the deposited plans nor construct any subsidiary work other than toll houses and gates to the eastward of such boundary nor shall they without the consent in writing of the owner for the time being of East Lynmouth Manor House dredge scour or deepen the foreshore on such eastern side of the said parish boundary to the eastward of an imaginary straight line commencing at a point on the said parish boundary measured six chains in a northerly direction along such boundary from the point where such boundary intersects the footbridge shown on the said plans as crossing the River Lyn below high-water mark and extending thence in a north-easterly direction to the extreme north-eastern point of the limits of deviation as shown on the said plans but nothing in this section contained shall restrict or abridge the right of the Company to receive tolls and dues within the whole limits of the harbour.

For the protection of the owners of The Hoe.

26. Notwithstanding anything in this Act contained the Company shall not without the consent in writing of the owners for the time being of the house known as "The Hoe" erect upon the wharf pier or works by this Act authorised any house building or unsightly erection (other than such an ornamental bathing house and an ornamental iron railing boundary fence between the Company's works and the road herein-after mentioned the plans whereof respectively shall have been previously approved in writing by the said owners) in front of and between The Hoe and the sea to the north-west of an imaginary line to be drawn across such wharf in continuation of the boundary fence shown on the deposited plans between the properties numbered 15 and 16 on such plans Nor shall the Company without the consent in writing of the owners for the time being of The Hoe embank or in any way appropriate cut off or interfere with the foreshore

otherwise than by dredging to the north-west of a point on the north-eastern boundary of the said property numbered 16 distant five and a half chains measured from the corner formed by the south-eastern and north-eastern boundaries of such property so as to affect or prevent the access to the sea from any part of the said property numbered 16 the intention being that the owners thereof shall have retain and enjoy the sea frontage to the north-west of the said point as fully and effectually as the same is now enjoyed by them.

The Company will also in case they construct any part of the wharf pier or works by this Act authorised (unless the owners for the time being of The Hoe otherwise agree in writing) provide and make a road twenty feet wide at least at the same level as the present esplanade commencing from the said point and facing and abutting on the said property numbered 16 and extending from such point to the esplanade and situate so far as regards the frontage of the property numbered 16 on the seaward side of the line of high water as shown on the deposited plans and the owners and occupiers for the time being of the property numbered 16 and any and every part thereof their tenants visitors servants and others having business with them shall be entitled to a right of user of such road free from toll for carts carriages horses and foot passengers as a mode of access to and from Lynmouth and the esplanade but such road shall not be used for the purpose of any access to or from property or in respect of property lying to the westward of The Hoe without the consent in writing of both the Company and the owners for the time being of The Hoe.

Power to alter roads sewers &c.

27. For the purposes and during the execution of the several works which the Company are by this Act authorised to make and in maintaining the same and subject to the provisions of this Act the Company may from time to time cross stop up alter or divert any roads moorings posts weirs rivers streams watercourses sewers drains pipes telegraphic and telephonic apparatus and electric lines or other works upon or under any of the lands shown on the deposited plans and specified in the deposited books of reference with which they may from time to time find it expedient for any of those purposes so to interfere providing when possible a proper substitute and subject in the case of any sewer drain or pipe to the consent of the local authority before interrupting the traffic on any such road or way or the flow of water gas sewage or electricity in any such sewer drain pipe or other work and making full compensation to all persons injuriously affected by the exercise of the powers of this section :

A.D. 1891.

Provided that the Company shall not alter or divert or in any way interfere with any telegraphic or telephonic apparatus or other property of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

Public wharves to be provided.

28. The Company shall appropriate a sufficient part or parts of the wharf and pier hereby authorised as and for one or more public wharf or public wharves for the landing or loading of goods from or on board the vessels using the harbour and the Company from time to time as occasion reasonably requires may change the situation of any of such public wharves.

Conveniences to be provided at public wharves.

29. The Company shall provide and maintain at every public wharf from time to time provided by them cranes and other conveniences proper and sufficient for facilitating the landing and loading of goods thereat and shall lay out and maintain a convenient means of access to the respective public wharves from the public highway.

Company may lay buoys &c.

30. The Company may from time to time lay fix or place and maintain such buoys dolphins guide piles lights mooring-chains anchors fixed and floating lights and beacons and other conveniences as shall appear to them necessary or expedient upon or within the harbour limits for the use accommodation guidance or safety of the shipping and may remove and replace the same and alter the character description and position thereof from time to time as they shall think proper.

Period for completion of works.

31. The wharf and pier and other works shall be completed within seven years from the passing of this Act and after the expiration of such period all the powers by this Act granted to the Company for the construction thereof or otherwise in relation thereto shall cease except as to so much of the same as shall then be completed Provided that nothing in this section shall apply to the exercising by the Company of the powers of deepening dredging and improving the harbour and of cutting down and lowering of the cliff and the removing of rock stone shingle gravel sand soil and other materials and to the sale and disposal thereof as herein-before provided.

Company to exhibit lights.

32. 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 the Trinity House of

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.

Lights on works.

33. The Company shall on or near the works below high-water mark hereby authorised during the whole time of their construction 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.

Abatement of works abandoned or decayed.

34. If any of the works constructed by the Company on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part of them 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 accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Survey of work by Board of Trade.

35. 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 accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Lands.

Power to take and use lands shown on the deposited plans.

36. Subject to the provisions of this Act the Company may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for the purposes of this Act.

Period for compulsory purchase of lands.

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

Lands may be required for deposit of ballast and other purposes.

38. The Company may from time to time by agreement purchase or take on lease for the deposit of ballast and any other purposes of this Act any additional lands which they may deem requisite or convenient not exceeding twenty acres and any

A.D. 1891

easements rights and interests in over or affecting such lands but the Company shall not create or permit the creation of any nuisance on any such lands.

Power to take easements &c. by agreement.

39. 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 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.

Owners may be required to sell parts only of certain lands and buildings.

40. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands and houses or other buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Restriction on taking houses of labouring class.

41. The Company shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city 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 after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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.

Fish market or depôt.

42. The Company may on any part of the wharf they may think fit erect buildings with suitable accommodation conveniences and appliances to be used as fishing drying or smoke houses or for 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.

Power to lease warehouses &c.

43. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 the Company may from time to time lease for any term not exceeding seven years any warehouses buildings wharves yards landing-stages coal tips staithes cranes machines or other conveniences provided by them for the purposes of this Act at such rents and on such terms and conditions as shall be agreed between the Company and the corporations companies or persons taking the same.

Power to sell and grant leases.

44. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 to the contrary the Company may from time to time sell or exchange or grant leases for such term or terms as they may think fit of any of the lands of the Company not required or likely to be required for the purposes of the works authorised by this Act and they may also grant by way of lease or otherwise for any term not exceeding seven years the use of such waterway quay room wharfage room and other easement as may be requisite or convenient for the purpose of any trade or business to be carried on at or near the harbour works or in connexion with the undertaking of the Company Provided that money received on any sale or exchange shall be treated as capital and applied only to purposes to which capital is properly applicable.

Terms and conditions of such leases.

45. 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 mutually agree on Provided always that by every such lease due provision shall be made for securing the payment performance and observance by the lessees thereunder of the rents covenants and

A.D. 1891.

provisions in and by the same respectively reserved and contained and on their part to be respectively paid performed and observed Provided also that a duplicate or counterpart of every such lease shall be executed by the lessees therein named and be delivered to the Company.

Company not to be bound to sell lands demised.

46. Anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding the Company shall not be bound to sell or dispose of any lands or interest in lands which may be included in any such lease or the reversion thereof.

Harbour Master and other Officers.

Power to appoint harbour masters and other servants.

47. The Company may from time to time in connexion with the harbour appoint and remove such harbour masters pier masters meters weighers and other officers and servants as they may think fit.

Limits within which harbour master may exercise his authority.

48. The limits within which the powers of the harbour master for the regulation of the harbour shall be exercised shall be the harbour limits as defined by this Act.

Rates, Dues, &c.

Rates payable on vessels using the harbour.

49. The Company from time to time may subject to the provisions of this Act demand and take in respect of vessels using the harbour wharf or pier or any works of the Company and in respect of vessels remaining in the harbour any sums not exceeding the several rates and sums specified in that behalf in the Second Schedule to this Act (herein-after referred to as "the tonnage rates") and every such sum shall be paid by the master of the vessel And in the case of fishing boats steamers and other vessels trading to and from or frequently using the harbour wharf or pier or any other works of the Company the Company may agree to charge such annual or other sum as they may think reasonable by way of compounding for the rates or sums payable in respect of such vessels Provided that a similar composition shall be made in the case of all vessels of the same class using the harbour wharf or pier under similar circumstances.

Rates on vessels using harbour for refuge.

50. Except as is otherwise expressed in the said Second Schedule the Company shall not demand or take any rate on any vessel driven into the harbour for purpose of refuge by stress of weather and not loading or unloading any part of the cargo thereof or unloading the same only for the purpose of necessary repairs to the vessel or on any of the goods therein.

Rates on animals goods &c.

51. The Company from time to time may demand and take for all animals or goods specified in the Third Schedule to this Act

annexed which shall be shipped unshipped or transhipped in the harbour or at or upon any wharf or pier or other works of the Company any sum not exceeding the several rates in the said schedule specified with respect to those goods respectively (in this Act called "the goods rates") and as regards all animals or goods so shipped unshipped or transhipped which are not specified in the said schedule the Company may demand and take in respect of the same rates equal to the goods rates from time to time payable in respect of animals or goods so specified which are as nearly as may be of like nature package and quantity and the goods rates shall be payable by the owner or consignee of the goods. A.D. 1891.

Restriction on use of pier.

52. Nothing in this Act shall entitle any person to ship or unship at the pier any sheep cattle or merchandise except at times to be fixed by the Company or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of the pier for recreation or the embarking or landing of passengers. Provided that this section shall not be deemed to prevent or restrict the free use of the pier at all times by the several vessels officers and persons mentioned or referred to in section 28 of the Harbours Docks and Piers Clauses Act 1847.

Rents for goods liable to rates remaining on public wharves more than three days.

53. Where any goods liable to any of the aforesaid goods rates are placed on any of the public wharves of the Company and remain there more than three days the Company at any time after the expiration of such three days may require the owner to remove the same from the public wharf and to pay such reasonable rent as the Company from time to time appoint in that behalf for every day during the whole or any part of which the goods remain on the public wharf after the expiration of the three days and if the goods be not forthwith removed or if the owner thereof cannot be found the Company may remove the goods to such places as they think fit and charge the owner thereof with the expenses of such removal.

Rates for warehouses and quayage craneage &c.

54. The Company may erect or provide such warehouses and sheds within the limits of this Act as they may think necessary for storing and preserving goods articles or things shipped or unshipped received or delivered within the said limits and may charge demand and take in respect of such storage and preservation and in respect of the user of cranes lifts and other machinery and whether the same are upon any public wharf or not the rates specified in the Fourth Schedule to this Act annexed and those sums shall be payable by the owners of the goods in respect of which the cranes lifts or machinery are used.

A.D. 1891.

Charges for services by Company at the harbour &c.

55. The Company from time to time may demand and take such reasonable charges as they from time to time appoint in that behalf for services rendered by them in respect of any machinery or apparatus in shipping unshipping landing re-landing housing unhousing removing weighing trimming coopering sampling piling unpiling watching loading unloading repairing protecting collecting and delivering goods and for any other services with respect to goods shipped or unshipped or warehoused or deposited at the harbour pier or jetty or works for which services any specific rate is not prescribed by this Act.

Dues for passengers and luggage and walking on pier &c. as in the Fifth Schedule.

56. The Company may from time to time demand and take in respect of every person embarking or disembarking on or from board of any vessel or boat within the limits of the harbour or walking or going on the pier or wharf and in respect of any luggage so embarked or disembarked any sums not exceeding the several dues specified in the Fifth Schedule to this Act annexed and if and when the Company think fit those dues shall be paid before the respective disembarking or embarking or walking is permitted to take place Provided that the Company may make such increased charges as they think fit to persons using the pier on special occasions not exceeding twelve in any one year (other than persons using the pier for disembarking from or embarking on any ship vessel or boat) of which increased charges due notice shall be affixed in some conspicuous place at the entrance to the pier.

Company may contract with persons for use of pier.

57. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier on such terms and for such periods not exceeding one year as may be agreed on but so that no preference be given to any person Such pass ticket shall not be transferable and shall not be used by any person except the person for whom it is granted or by any person after the period limited for its use If any person acts in any way in contravention of this provision or uses or attempts to use any false or counterfeit ticket he shall for every such offence be liable to a penalty not exceeding twenty shillings to be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

Lifeboat crew exempt from pier rates.

58. 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.

Rates for use of engines &c. provided by Company.

59. The Company may provide let on hire and use such steam engines vessels piling engines diving bells dredging engines ballast lighters rubbish lighters and other machinery and vessels as they think expedient for any of the purposes of this Act and may demand and take such reasonable sums for the use or hire of the same as they from time to time appoint.

Watching and lighting of harbour &c. and supply of water.

60. The Company shall and may demand and receive from the master or owner of every vessel entering or resorting to or using the harbour such reasonable rates in respect of the watching and lighting of the quays wharves and works or shipping and in respect of signals as they may from time to time order or direct and such rates may vary according to the length of time during which such vessel shall remain within the harbour or otherwise as the Company may from time to time determine so that such rates shall in no case (except by special agreement) exceed the sum of two shillings and sixpence for each day or part of a day during which such vessel shall be and remain within the harbour and the Company may also make such reasonable charge in respect of water supplied by them to any such vessel or to the lessees and occupiers for the time being of any warehouses buildings wharves yards engines cranes and other machinery and conveniences being part of the undertaking and works of the Company as they may from time to time order or direct so that such charge shall in no case exceed the sum of one shilling per one hundred gallons and such charge in respect of water supplied to any such vessel or warehouses buildings wharves yards engines cranes and other machinery and conveniences shall on demand be paid by the master or owner of such vessel or such lessee or occupier as the case may be to the Company.

Levying of rates during construction.

61. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade that the works authorised by this Act including the deepening and improving of the harbour by dredging as is herein-before provided have been so far completed as to afford increased accommodation for the landing and embarking of passengers and goods and for the accommodation of vessels the Company may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Act shall not then have been completed demand and recover such of the rates or such proportion of all or any of the rates specified in the Second Third Fourth and Fifth Schedules to this Act as shall in the opinion of the Board of Trade be commensurate to the accommodation afforded The remuneration and expenses of any such officer shall be fixed by the Board of Trade and paid by the Company.

A.D. 1891.

Power to vary the rates.

62. The Company may from time to time vary the rates by this Act authorised or any of them respectively in such manner as they may think expedient by reducing or raising the same Provided that such rates do not in any case exceed the amounts authorised by this Act and provided also that the rates be at all times charged equally to all persons in respect of the same description of vessel performing a voyage between the harbour wharf pier or works of the Company and the same port or ports and loading or unloading the same description of goods.

As to calculating fractional part of rates.

63. If any rate by this Act authorised to be levied shall when increased or reduced as herein-before provided contain a fractional part of a penny such fractional part of a penny shall be reckoned one penny.

Power for Company to remit rates.

64. The Company if and when they think fit may remit or return the whole or any part of any rates in respect of any vessel or goods shown to their satisfaction to have been wrecked spoiled or damaged and may remit or return the whole or any part of any rates under any other similar circumstances which in their judgment make the remission or return reasonable and just so as the claim for the remission or return be made and substantiated to the satisfaction of the Company within such time as under the circumstances they deem reasonable Provided that every such remission or return shall be made equally to all persons in respect of all vessels or goods under the same circumstances.

Additional harbour tonnage rates on vessels remaining more than two weeks.

65. If any vessel remain in the harbour or lie alongside or use any wharf pier breakwater or landing-place of the Company for any time longer in the whole than two weeks the Company may demand and take in addition to the other tonnage rates on shipping for every vessel so remaining a further tonnage rate specified in the Second Schedule.

Power for Company to recover rents and charges for goods by sale &c.

66. If default be made in payment to the Company of any rent or charge with respect to any goods at on or in the harbour wharf pier quays yards warehouses or other works of the Company the Company (first paying the Customs duties and Inland Revenue duties (if any) due and payable thereon) may detain and sell the goods or any part thereof and after detaining the amount so paid may retain for themselves the rent or charges so due and payable to them and the expenses of removal detention and sale rendering on demand the surplus (if any) of the proceeds of sale and such (if any) of the goods as remain unsold to the person appearing to them to be entitled thereto Provided that the Company if they do not sell the goods or if the proceeds of the sale thereof be insufficient may recover the amount of the rents charges and expenses due and

payable to them or the balance thereof in any court of competent jurisdiction. A.D. 1891.

Restrictions as to time of sale by Company for recovery of charges.

67. Provided that (except with respect to goods of a perishable nature which in the judgment of the Company would be materially lessened in value by being retained by them) the Company shall not so sell any goods until after the expiration of three months after the time at which the goods are unshipped or delivered at their wharf pier quays yards warehouses or other works.

Sale of perishable goods.

68. The Company may if they think fit sell any goods of a perishable nature detained deposited and lodged with them at any time when in their judgment the goods would be materially lessened in value by being retained by them and whether or not they have notice of the non-payment of freight claimed on the goods or notice to retain the same.

Application of proceeds of sale of perishable goods.

69. When the Company so sell any such perishable goods they shall apply the proceeds of the sale in the first place in payment of the Customs duties and Inland Revenue duties (if any) payable in respect of the goods and in the next place in payment of the rates rents and charges due and payable to the Company in respect thereof and the expenses of the sale rendering on demand the surplus (if any) of the proceeds and the unsold goods (if any) to the person appearing to them to be entitled thereto.

Officers of Board of Trade to have free access to harbour without payment of toll.

70. All officers of the Board of Trade and Inland Revenue being in the execution of their duty shall have free ingress and egress into and out of the harbour and the works and premises of the Company and through the entrance of the same and also freely to pass with their vessels and boats through the water communications of the harbour works and premises at all times without payment of any toll or sum for so doing.

Provision in case of failure of owners or consignees to pass entries at Custom House.

71. In order to remedy any inconvenience from the failure of the owners or consignees of vessels or their cargoes to make or pass due entries at the Custom House the Company may in respect of the cargo or any part of the cargo of any vessel within the harbour and works or within the rating limits for which the owner or consignee shall fail to pass an entry within seven days next after the day on which the vessel is reported at the Custom House pass an entry on the next ensuing working day after the expiration of such seven days and may subject to the Customs laws and regulations land all such cargo and as regards any part thereof which can by law be warehoused warehouse the same and the expense of any such entry shall be paid to the Company by the owner or consignee of the cargo so landed and be recoverable as rates payable to the Company in

A.D. 1891.

respect thereof Provided that in any case where prior to the expiration of such seven days as aforesaid the despatch of business is hindered by failure to pass an entry the Company may exercise the right conferred by this section at the expiration of forty-eight hours after the day on which the vessel is reported at the Custom House.

Steam Tugs, &c.

Dredge boats &c.

72. The Company may from time to time build purchase hire provide and use such vessels worked by steam or otherwise machinery and apparatus as they think fit for dredging scouring and deepening the harbour and so much of the foreshore of the sea as they are by this Act authorised to dredge excavate scour and deepen.

Company may provide and license tugs.

73. The Company may from time to time purchase or hire and let and take charges and remunerations for steam tugs and other towing power and may also from time to time license such number of steam tugs or other such power belonging to any person for such period and on such terms and conditions as they may think fit and may from time to time fix such rates and charges as appear to them reasonable for or in respect of the use of such steam tugs or other power and such rates and charges shall be paid by the owner master agent manager or other person having charge of the vessel obtaining assistance of such steam tugs or other power to the Company or to their lessee or to the owner of such steam tugs or other power if licensed by them as the case may be and such rates and charges shall be due and payable whether such steam tugs or other power shall be actually employed or not provided the assistance 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 steam tugs or other power.

Penalty for using or employing steam tugs without the license of the Company.

74. Every company or person who without the license of the Company first applied for and obtained shall use or employ any steam tug or other power for towing vessels within the harbour except such steam tugs or other power as shall be provided or employed by the Company or by their lessee contractor or other person having their authority except in cases of distress or urgency when a steam tug or other power so provided or employed is not available and except any steam tug or other power which is being employed in towing a vessel from any other harbour to or beyond the harbour shall for every such offence be liable to a penalty not exceeding five pounds.

Ballast.

Ballast to be brought to sides of vessels and thrown in immediately.

75. All ballast supplied to any vessel in the harbour unless the vessel lies at a wharf or quay shall be brought in a proper and sufficient ballast lighter or punt to the side of the vessel and thence immediately thrown into the vessel by the crew or other persons and the master of every such vessel in respect of which such default shall be made shall be deemed the person offending against this enactment and shall for every such offence forfeit a sum not exceeding five pounds.

Penalty on masters.

76. If the master of any ballast lighter or punt employed to receive or take ballast from any vessel or to remove or discharge any ballast or to take up or dredge for ballast in the harbour discharge or deposit the ballast or take up any ballast in or from any other part of the harbour than such part thereof as the Company from time to time direct the master so offending shall for every such offence forfeit a sum not exceeding five pounds.

Penalty for casting ballast without a port sail.

77. If any person cast or unload into or out of any vessel in the harbour or if any person having the command of any vessel in the harbour knowingly permit to be cast or unloaded into or out of the vessel any ballast minerals rubbish or other materials and the respective person have not a wooden stage or port sail sufficiently large and properly fastened to such vessel (during the whole time of such casting or unloading) into or out of which the ballast minerals rubbish or other materials is to be cast or unloaded to the upper edge or highest part of the wharf or quay or to the other vessel into from or upon which the ballast minerals rubbish or other materials is to be cast or unloaded and so as to prevent any ballast minerals rubbish or other materials from falling into the harbour he shall for every such offence forfeit not exceeding five pounds over and above the cost of removing the ballast minerals rubbish or other materials from the harbour.

Occupiers of quays not to allow ballast to remain near edge of quay or wharf.

78. If any owner tenant or occupier of any wharf quay or land adjoining to the harbour permit any ballast minerals rubbish or other materials after it is placed thereon and the apparatus used in placing it is removed to be on and within three yards of the edge of the wharf quay or land next to the harbour or permit any ballast minerals rubbish or other materials to be placed on or so near to any watercourse upon or adjoining to the wharf quay or land as that the ballast minerals rubbish or other materials or any part thereof is or may be washed into the harbour to the prejudice thereof he shall for every such offence forfeit not exceeding five pounds.

A.D. 1891.

Company may remove ballast &c.

79. If any owner tenant or occupier of any wharf quay or other land adjoining to the harbour whereon any ballast minerals rubbish or other materials is placed contrary to the provisions of this Act fail to remove it from the wharf quay or land within twenty-four hours after notice in writing from the Company to remove it the Company may remove all or any part of it to such places as they think fit and the charges of removing it shall in addition to any other penalty by this Act imposed be paid by the person in default and be recoverable as a penalty.

Penalty for casting ballast &c. within certain limits.

80. If any person under any pretence whatsoever and without the authority or direction of the Company save in the execution of works properly authorised and so far as is proper for the execution of such works shall cast or unload any ballast minerals rubbish or other materials within the limits of this Act every person so offending shall for every such offence forfeit any sum not exceeding twenty pounds.

Company may dispose of ballast, &c.

81. The Company may use or sell or dispose of in such manner as they think proper all ballast minerals rubbish or other materials removed by them from the harbour or otherwise acquired by them under this Act.

Ballast rates.

82. The Company from time to time may demand and take such reasonable rates as they from time to time appoint in that behalf to be paid in different parts of the harbour for the removal of ballast from and into vessels in the harbour and such rates shall be payable to the Company by the master or owner of every vessel which discharges or loads any ballast in the harbour in respect of the vessels into or out of which the ballast is loaded or discharged and shall be recoverable by the Company as other rates in respect of vessels are by this Act recoverable and no persons other than the Company shall supply ballast unless with the consent of the Company.

Byelaws, &c.

Power for Company to make byelaws as to harbour pier quays &c.

83. In addition to the byelaws which under the provisions with respect to the byelaws to be made by the undertakers of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act the Company may from time to time make alter and repeal the Company may also from time to time make alter and repeal such byelaws as they think fit for all or any of the following purposes (that is to say):—

For preventing and removing obstructions or impediments within the harbour and at or in or on the wharf pier and other works and roads and accesses of the harbour;

For regulating the towing of vessels at or in the harbour the size and number of vessels towed at one time in one train the order and manner in which the towage shall be given and the duties and conduct of all persons employed on the steam tugs or other power used at the harbour for towing vessels with regard to the rate of speed at which they may proceed within the harbour or with regard to any other matter or thing;

For regulating the terms and conditions of granting licenses for such steam tugs and other power;

For preventing any part of the wharf pier and works of the Company specially appropriated by them for any particular trade business or purpose being used for any other purpose so as to prevent or interfere with its user for the purpose for which it is so appropriated;

For regulating the times and manner of paying and the places for payment of the rates rents and charges payable to the Company;

For preventing the exhibition or placing on the wharf or pier or any of the quays of the Company of any goods for sale other than such goods as the Company from time to time think fit to be permitted to be sold there and other than perishable articles landed on the quays and sold within forty-eight hours of their being landed;

For preventing persons from playing or loitering about in and upon the unenclosed quays and open sheds of the Company to the obstruction of the business of the Company or to the risk or damage of any of the goods there;

For regulating the discharging depositing and measuring of timber logs floats or rafts of timber at and in and from the harbour wharf and pier and works of the Company;

For preventing the smoking and lighting of tobacco or any herb or other substance whatsoever upon the wharf pier and works or upon or within any lands of the Company;

For regulating the use of and keeping order on the wharf pier and works;

For regulating the supply and unshipping loading and unloading removal and disposal of ballast or things used as ballast within the harbour.

Confirmation of byelaws.

84. The byelaws from time to time after the passing of this Act made by the Company except such as relate solely to the Company or their officers or servants shall be subject to the provisions of the Harbours Docks and Piers Clauses Act 1847 but no such byelaws nor any byelaws to be made by the Company

A.D. 1891.

under the Harbours Docks and Piers Clauses Act 1847 shall have any force or effect unless and until the same be confirmed by the Board of Trade.

Miscellaneous.

Bathing places.

85. The Company may construct provide and maintain as part of their undertaking at convenient places within the limits by this Act authorised bathing houses bathing places and other conveniences and contrivances for the accommodation and protection of bathers and may make byelaws for regulating the use of such bathing houses and bathing places and they may charge persons using the same respectively any sum they may think fit not exceeding the sum of two shillings and sixpence for each person for each time of using and they may enter into a composition with any person with respect to the payment of such sums but so that no preference be given in any case:

Provided that none of the works authorised by this section below high-water mark shall be constructed without the consent in writing of the Board of Trade.

Shelters and refreshment rooms &c.

86. The Company may erect provide acquire hold enjoy and maintain as a part of their undertaking shelters assembly concert waiting reading and refreshment rooms shops baths or other like accommodation and other rooms and places for lawful recreation business conveniences and amusements and may in addition to any other due or charge authorised by this Act demand and recover such reasonable sums for the use of such rooms and admission to such entertainments and assemblies as they shall from time to time think fit They may furnish stock and equip such shelters assembly concert waiting reading and refreshment rooms shops and baths and other rooms and buildings and conduct the business thereof and may employ managers and servants therein and in connexion therewith and may let the same by the year or on lease upon such terms and conditions and for such periods as they think fit And for the purposes of any license the officer manager or tenant of any such assembly concert or refreshment room designated as such by the Company shall be deemed the real resident holder and occupier thereof.

Saving rights of the Crown in the foreshore.

87. Nothing contained in this Act shall authorise the Company 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 right 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 Her heirs or successors.

Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

88. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the Bristol Channel belonging to Her Majesty shall be inned gained or reclaimed from the water the Company shall not have or exercise any right upon the same or in respect thereof and shall not enter upon take use or interfere with the land so inned gained or reclaimed for any purpose whatever without the consent in writing of the Board of Trade on behalf of Her Majesty but such inning gaining or reclamation shall enure absolutely for the benefit of the Queen's Majesty Her heirs and successors.

Saving rights of Crown under Crown Lands Act.

89. 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 Her heirs or successors.

Works below high-water mark not to be commenced without consent of Board of Trade.

90. The Company shall not 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 Company 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 cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Provision against danger to navigation.

91. 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 the Trinity House of Deptford

A.D. 1891.

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 Trinity House.

92. Nothing in this Act contained shall prejudice affect or interfere with any of the rights privileges jurisdiction or authority of the Corporation of the Trinity House of Deptford Strond.

Provision for Merchant Shipping Acts and general Acts.

93. Nothing in this Act contained shall exempt the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to harbours or docks or 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 dues by this Act authorised.

As to loans by Public Works Loan Commissioners.

94. Nothing in this Act shall operate to empower the Company to borrow any loans from the Public Works Loan Commissioners Provided that if the Public Works Loan Commissioners advance any loan to the Company under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same—

(1) That loan and the security therefor shall not have priority over any loan previously borrowed under this Act or any other special Act or the security therefor except so far as the creditors consent to such priority under the Public Works Loans Act 1875 or otherwise but shall have priority over any loan subsequently borrowed in pursuance of this Act or any other special Act and the security therefor; and

(2) The amount which the Company are authorised by this Act or any other special Act to borrow shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same.

Repeal of Lynmouth Pier Order 1886.

95. The recited Order relating to Lynmouth Pier confirmed by the Pier and Harbour Orders Confirmation Act 1886 is hereby repealed except so far as any works have been constructed thereunder.

Company not to interfere with existing access to esplanade.

96. Nothing in this Act contained shall authorise the Company in any way to interfere with the existing means of access and passage between the strand and foreshore and the existing road promenade and approach called the esplanade shown on the deposited plans and every person on foot and either with or without barrows hand carts or other vehicles drawn by hand only shall have

free passage without any payment to and from the strand and foreshore and otherwise across over and along the said existing means of access and passage to and from the strand and foreshore. A.D. 1891.

Costs of Act.

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

A.D. 1891.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Lands Houses or Buildings of which portions only may be required.

Parish.	Nos. on deposited Plan.
Lynton - - -	8 10 11 12 13 14 15 and 16.

SECOND SCHEDULE.

THE HARBOUR TONNAGE RATES.

Rates on Vessels using the Harbour.

	s.	*d.*
For every vessel using the harbour for refuge or otherwise not loading or unloading per ton - - - - -	0	2
For every vessel under the burden of fifteen tons per ton - -	0	3
For every vessel of the burden of fifteen tons and under fifty tons per ton - - - - - - -	0	4
For every vessel of the burden of fifty tons and under one hundred tons per ton - - - - - - -	0	6
For every vessel of the burden of one hundred tons and upwards per ton - - - - - - -	0	8
All lighters from any vessel in the roads shall be exempted from rates but if the vessel do not enter the harbour every lighter shall pay for each trip per ton - - - - - -	0	3
For every skiff trawler or other undecked or half-decked boat not exceeding fifteen tons for every time of entering the limits of the harbour - - - - - -	1	0
For every such boat as last-mentioned above fifteen tons to be charged according to tonnage dues for vessels using harbour for refuge or otherwise per ton - - - - - - -	0	2
Yawls and other open boats for every time of entering limits of harbour - - - - - -	0	9
For every vessel remaining in the harbour for any period longer than two weeks an additional rate per week per ton - - -	0	2

THIRD SCHEDULE.

RATES ON GOODS SHIPPED OR UNSHIPPED.

	s.	d.
Alabaster per ton	0	6
Ale beer or porter per butt of 108 gallons	1	0
„ „ per hogshead 54 „	0	6
„ „ per barrel 36 „	0	4
„ „ per smaller cask 9 „	0	2
„ „ in bottles per gross	1	0
Alkali per ton	2	0
Almonds per cwt.	0	4
Alva marina or sea grass per ton	2	6
Ambergris per cwt.	1	0
Anchors per cwt.	0	6
Anchovies per cwt.	0	6
Angelica per cwt.	0	6
Animals stuffed each	0	6
Antimony per cwt.	0	6
Anvils per cwt.	0	2
Apples or pears per cwt.	0	3
Arrowroot and powder per cwt.	0	6
Arsenic per cwt.	0	2
Aquafortis per gallon	0	3
Ashes—barilla per cwt.	0	2
„ pearl and pot per cwt.	0	2
„ black per cwt.	0	1
„ bleaching per ton	2	0
„ common per cwt.	0	2
„ soda per cwt.	0	2
Asphaltum per ton	2	0
Asphalt rock per ton	1	0
Bacon or pork per cwt.	0	3
Bags empty per score	0	3
Bagging per cwt.	0	3
Ballast per ton	0	2
Bark—tanners' per ton	1	0
„ medicinal per cwt.	0	9
Baskets per cwt.	0	6
„ small or empty each	0	1
Basket rods per thousand	0	2
Bass rope per cwt.	0	2
Bedding per cwt.	0	2
Beef or pork cured per cwt.	0	2
Beehives per dozen	0	3
Beer spruce per keg of 3 gallons	0	2
Beeswax per cwt.	0	4
Bell metal per cwt.	0	2
Bellows smiths' each	0	9
„ common per dozen	0	6

A.D. 1891.

	s.	d.
Berries bay juniper and yellow per ton - - -	3	0
Bicycles or tricycles each - - - - - -	1	6
Biscuit or bread in tins per cwt. - - - -	0	3
,, ,, in bags per cwt. - - - - -	0	1½
Blacking per cwt. - - - - -	0	2
Blocks heel per gross - - - - - - -	0	3
,, last per dozen - - - - -	0	2
,, ship per dozen - - - - - - -	0	2
Blubber per tun of 252 gallons - - - -	2	6
Blue per cwt. - - - - - - - -	1	6
Boats each - - - - - -	2	0
Bones and bone dust per ton - - - - - -	1	0
Books per cwt. - - - - - -	0	6
Boots and shoes per cwt. - - - - - -	1	6
Borax per cwt. - - - - - -	0	6
Bottles empty per gross - - - - - -	0	6
,, full per dozen - - - - -	0	1
,, in hampers or crates per cwt. - - - - -	0	2
Bowls of wood per dozen - - - - -	0	2
Boxes empty each - - - - - - -	0	2
,, iron for wheels per cwt. - - - -	0	1
Bran per cwt. - - - - - - -	0	1
Brandy per hogshead of 63 gallons - - - -	1	6
Brass new per cwt. - - - - - - -	0	2
,, old ,, - - - - -	0	1
Bricks common per thousand - - - - - -	1	3
,, fire ,, ,, - - - -	1	6
,, scouring ,, ,, - - - - - -	1	6
,, slab and bearers per dozen - - - -	0	1
Brimstone per cwt. - - - - - - -	0	3
Bristles per 12 pounds - - - - -	0	1
Brooms birch per gross - - - - - -	0	4
,, hair per cwt. - - - - -	0	3
Broom and brush handles per gross - - - - -	0	6
Brush heads and stocks per 100 - - - -	0	2
Brushes hair rush or whalebone per dozen - - - -	0	2
Buoys each - - - - - -	2	0
Butter per cwt. - - - - - - -	0	4
,, per ¼ cwt. or under - - - - -	0	1
Cables hempen or coil per ton - - - - -	3	0
Candles per cwt. - - - - - - -	0	3
,, wax per 12 lbs. - - - - - -	0	1
Canes per score - - - - - -	0	6
Canvas per cwt. - - - - - - -	0	4
Capers per cwt. - - - - - - -	0	6
Carboys empty each - - - - - - -	0	1
Cards wool per dozen - - - - - -	0	1
Carraway seeds per cwt. - - - - - -	0	3
Chaises or other four-wheeled carriages or coaches each - -	7	6
Gigs carts and other two-wheeled carriages each - -	4	0
Handcarts trucks and perambulators each - - -	0	9

	s.	d.
Casks empty not being returned packages each	0	3
Cattle, viz. :—		
Bulls cows and oxen each	2	0
Calves each	1	0
Horses each	3	0
Pigs or sheep each	0	6
If in lots of 25 and upwards each	0	3
Ponies asses or mules each	2	0
Cement and plaster of paris per ton	1	0
Chairs mahogany rosewood &c. per dozen	1	0
,, cane garden or campstool ,,	1	0
Chaff cutters each	0	9
Chalk per ton	1	0
Charcoal per cwt.	0	1
Cheese per cwt.	0	4
Chestnuts per bushel	0	1
Chickory root per cwt.	0	3
Chimney pots each	0	2
China root per cwt.	0	4
China and earthenware per crate above 5 cwt.	1	0
,, ,, ,, under 5 cwt.	0	6
Chocolate per cwt.	1	6
Cider or perry per cask of 54 gallons	0	6
,, in bottles per dozen	0	1
Cigars per 100 lbs.	0	6
Cinders per ton	0	6
Citron in salt per cwt.	0	4
,, preserves and orange peel per cwt.	0	6
Clay per ton	0	9
Cloth haberdashery &c. per package not exceeding 1 cwt.	0	4
,, linen or woollen bale pack or truss per cwt.	0	3
,, ,, woollen or cotton in boxes per 40 cubic feet	1	0
Clover seed per cwt.	0	3
Cloves per cwt.	0	6
Coke per ton	0	9
Coal and culm per ton	0	6
Cocoa per cwt.	0	4
Cocoanuts per cwt.	0	6
Coculus indicus per cwt.	0	6
Codling skate turbot brill soles halibut per cwt.	0	3
Coffee per cwt.	0	4
Coir rough press packed and yarn per ton	1	6
,, rope under 6 inches per cwt.	0	1½
Colours painters' per cwt.	0	4
Copper per ton	3	0
,, furnaces per 20 gallons	0	4
Coppers and stills per ton	4	0
Copperas per ton	2	0
Coral per cwt.	1	0
Cordage per cwt.	0	2
Cordials per case of 1 dozen	0	2

A.D. 1891.

	s.	d.
Cordials per hogshead of 63 gallons	1	6
Corks per 10 gross	0	3
„ per cwt.	0	4
Cotton raw per cwt.	0	3
Crabs and lobsters per dozen	0	2
Cradles each	0	2
Cranberries per 5 gallons	0	2
Crystal per lb.	0	6
Currants per cwt.	0	3
Dates per cwt.	0	3
Diamonds and other precious stones per 100*l.* value	5	0
Dogs each	0	6
Down eider per cwt.	0	9
Drapery per cwt.	0	2
Drugs not enumerated per cwt.	0	6
„ per cubic foot in casks hampers or boxes	0	2
Earth black brown red yellow and Fuller's per ton	1	8
Eau de Cologne per cwt.	1	0
Eggs per gross or any less quantity	0	2
Engines steam each	20	0
„ gas or water each	15	0
Essences per lb.	1	0
Extract of oak bark per cwt.	0	2
Feathers per cwt.	1	0
„ ostrich per lb.	2	6
Felt per cwt.	0	2
Figs per cwt.	0	3
Firearms per cwt.	0	6
Fish (not sold by auction)—		
Fresh per cwt.	0	3
Herrings fresh per 1,000	0	3
„ cured per cwt.	0	3
Other cured fish per cwt.	0	3
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.		
Flax rough per ton	1	8
„ per cwt.	0	1
„ Cordilla or tow per ton	2	0
Floorcloth per cwt.	0	3
Flour and meal per 2 cwt.	0	3
Flower roots plants or trees in packages per cwt.	0	4
Fruit green or dry not enumerated per bushel	0	2
Furniture household at per ton of 40 cubic feet	2	8
Fuel patent per ton	0	6
Flock per cwt.	0	2
Gates iron or wood each	0	2
Ginger per cwt.	0	4
Glass per crate over 5 cwt.	0	9
„ per box or crate under 5 cwt.	0	6
Glue per cwt.	0	2

	s.	d.
Grain and seeds not enumerated per cwt.	0	4
Grapes per barrel or jar of 56 lbs.	0	3
,, ,, ,, under 56 lbs.	0	2
Grates and stoves per cwt.	0	2
Gravel or sand per ton	0	9
Grease or greaves per cwt.	0	2
Grindstones every 12 inches in diameter	0	2
Groats per cwt.	0	2
Groceries not enumerated per cwt.	0	4
Guano per ton	1	0
Gums not enumerated per cwt.	0	4
Gunpowder per cwt.	0	6
Haberdashery and hosiery in bales per cwt.	0	2
,, ,, ,, in boxes per cubic foot	0	1
Hair per cwt.	0	1
Hams per cwt.	0	3
Handspikes per dozen	0	1
Hardware per ton	2	0
Hats per box per cubic foot	0	1
Hay or chaff or grass per ton	1	0
Hayrakes per dozen	0	3
Hemp and yarn per ton	2	0
Hides ox cow or horse wet dry or salted each	0	2
Hide fleshings per ton	1	6
,, roundings or glue pieces per ton	1	6
Hilts pick and axe per gross	1	0
,, shovel per dozen	0	2
Honey per gallon	0	1
,, per cwt.	0	6
Hoops for mast or white hoops per dozen	0	2
Hops per cwt.	0	4
Horns and hoofs ox and cow per 100	0	4
Hurdles per dozen	0	6
Ice per ton	1	0
India-rubber per cwt.	0	6
Indigo per cwt.	1	6
Iron (bar bolt wrought or scrap) per ton	1	0
,, (Bessemer) per ton	1	6
,, (cast gun carriages shot or boilers) per ton	1	6
,, (girders and railway sleepers) per ton	1	6
,, (galvanised) per ton	1	0
,, (nails) per ton	2	0
,, (pig) per ton	1	0
,, (sheet) per ton	1	6
,, (wire) per ton	1	0
,, (barbed wire) per ton	2	0
,, (wrought or cast pipes) per ton	1	0
,, machinery per ton	2	0
Ivory per cwt.	1	0
Junk or old rope per ton	1	6
Jute pressed packed per ton	2	0

A.D. 1891.

	s.	d.
Kelp per ton	2	0
Kips per cwt.	0	3
Lac stick seed and shell per cwt.	0	4
Lanthorns horn or glass per dozen	0	2
Lard per cwt.	0	2
Laths per 1,000 of 4 ft. and other lengths in proportion	0	6
Lead pig or sheet per ton	1	6
„ black red or white per ton	1	6
„ shot per ton	2	6
Leather tanned per cwt.	0	3
„ wrought per cwt.	0	4
Lime juice per hogshead of 54 gallons	1	0
Lime burnt per ton	0	6
Limestone per ton	0	3
Liquorice or succus liquoritæ per cwt.	0	4
„ root in bundles or loose per cwt.	0	4
Logwood per cwt.	0	2
Macaroni and vermicelli per cwt.	0	4
Mace spice and nutmegs per cwt.	1	0
Machinery wood and iron mixed not enumerated per ton	2	6
Malt per quarter	0	6
Manure not enumerated per ton	0	6
Marble baths per ton	3	0
„ mortars per ton	3	0
„ slabs per ton	3	0
„ block per ton	2	0
Masts and spars (ships') 10 inches in diameter and upwards each	4	6
„ „ „ under 10 inches	3	0
Matches per package not exceeding 2 cwt.	0	6
Mats per dozen	0	1
Maunds or hampers empty imported per dozen	0	1
Meat fresh per cwt.	0	6
„ salt or otherwise pressed per cwt.	0	9
Melting pots per dozen	0	3
Millboards per 120 boards	0	6
Milk per 2 gallons or less	0	1
Mineral waters per gross	1	6
Molasses or treacle per cwt.	0	2
Moss per cwt.	0	2
Mops and brushes per dozen	0	3
Musical instruments per cubic foot	0	1
Mustard per firkin of 72 lbs.	0	4
„ „ 36 lbs. or box	0	2
Nails copper and brass per cwt.	0	2
Nets per 5 cubic feet	0	3
Nuts per cwt.	0	3
Oakum and tow per cwt.	0	2
Oars. *See* Timber.		
Ochre per ton	2	0
Oil—castor and essential per cwt.	0	4
„ fish olive seed palm and nut per ton of 20 cwt.	1	8

	s.	d.
Oilcake per ton	1	0
Olives per cwt.	0	4
„ per ¼ cwt. and under	0	1
Onions per cwt.	0	1
Oranges and lemons per cwt.	0	3
Ores over 1*l.* per ton in value per ton	0	8
When value per ton is over 15*s.* and under 1*l.* per ton	0	6
„ „ under 15*s.*	0	4
Oysters per 1,000	0	4
Paints per cwt.	0	4
Paintings pictures and pier glasses each	0	3
Paper stationers' per cwt.	0	3
„ common per cwt.	0	1½
Parcels 12 inches square each	0	1
Peas per cwt.	0	3
Peat per ton	1	0
Pepper per cwt.	0	3
Petroleum per ton	1	6
Pewter per cwt.	0	2
Phials in packages per foot	0	1
Pianofortes each	4	0
Pickles per dozen bottles	0	1
Pins per cwt.	0	4
Pipeclay per ton	1	6
Pipes for smoking per cwt.	1	0
„ „ in box per half cwt. or less	0	6
Pipes drainage under 12 inches diameter per ton	1	6
„ „ 12 inches diameter and upwards per ton	2	6
Ploughs each	1	0
Plums raisins figs and prunes per cwt.	0	2
Potatoes per cwt.	0	2
Poultry fowls game &c. per dozen	0	4
Preserves confectionery succades and sweetmeats per ton	3	0
Provisions per cwt.	0	2
Rabbits and hares per score	0	6
Rags per ton	1	6
Rice sago and semolina per cwt.	0	2
Sacks of goods not enumerated each	0	2
Saddlery per cwt.	0	6
Sails per cwt.	0	4
Salmon per cwt.	0	6
Salt and saltpetre per ton	1	6
Scythe stones per 100	0	3
Scythes per dozen	0	3
Scuttles coal copper or tinplate per dozen	0	4
Scoops boat per dozen	0	2
„ fish „	0	3
„ malt „	0	4
Shrimp baskets each	0	2
Sieves per dozen	0	3
Silk raw per cwt.	1	0

A.D. 1891.

	s.	d.
Silk manufactured per cwt.	2	0
„ waste per cwt.	0	6
Skins calf goat sheep lamb or dog per dozen	0	6
Slates and slabs per ton	1	0
Slates writing per gross	0	6
Smalts per ton	4	0
Snuff per cwt.	0	6
Soap per ton	2	6
Soda sal per ton	2	0
Solder and spelter per cwt.	0	2
Spades and shovels per dozen	0	6
Spars. *See* Timber.		
Spetches or tanners' waste per ton	3	0
Spirits and wine per pipe or puncheon of 126 gallons	1	6
„ per hogshead of 63 gallons	1	0
„ in bottles per dozen quarts	0	2
„ per gallon	0	1
Sponges per cwt.	1	0
„ per package under quarter of cwt.	0	4
Starch per cwt.	0	3
Steel per ton	2	6
Stone block per ton	0	6
„ flag or paving per ton	0	8
„ mill grave or burr per ton	1	6
„ grinding per ton	1	9
„ emery stone per ton	2	0
„ not enumerated per ton	1	0
Straw per ton	2	0
Sugar soft per cwt.	0	2
„ refined in barrels or bags per ton	3	0
„ candy per cwt.	0	4
Tallow per cwt.	0	2
Tar creosote resin pitch per cwt.	0	2
Tea per cwt.	0	8
„ per ½ cwt.	0	4
„ per ¼ cwt.	0	2
Thrashing machines each	6	0
Thrumbs per cwt.	0	4
Tiles per 1,000	1	6
Timber—In logs pitch-pine fir and pine or planks per load of 50 cubic feet	1	0
Battens and deals and boards per 165 cubic feet	2	6
Lath wood per 216 cubic feet	0	9
Spars under 20 feet long per dozen	0	9
„ 22 feet long and upwards per dozen	1	0
Oars per dozen	0	9
Staves per 120	1	0
Mahogany teak oak and other hard woods in logs plank or board per load of 40 cubic feet	2	0
Unhewn per ton	0	6
Fencing palings pit props sleepers or drainage wood per ton	0	8

	s.	d.
Treenails and wedges per 1,000	1	6
Tin and zinc in blocks ingots or barrels per ton	2	6
,, ,, plate per ½ cwt. and under	0	2
Tobacco per cwt.	0	6
Tongues per dozen	0	2
Tortoiseshell per cwt.	1	0
Toys in boxes per foot	0	1
Turnips carrots beets and mangolds per ton	1	6
Turtle each	2	6
Twine or netting per cwt.	0	3
Types per cwt.	0	6
Valonia per ton	3	0
Varnish per gallon	0	2
Vegetables not enumerated per cwt.	0	4
Verdigris per cwt.	0	1
Vermilion per cwt.	1	0
Vinegar per hogshead of 54 gallons	0	6
,, per firkin of 9 gallons	0	3
Vitriol per 2 gallons	0	6
Walnuts per bushel	0	1
Water per 36 gallons	0	1
Wax sealing per cwt.	0	6
Whalebone per cwt.	0	4
Wheelbarrows each	0	4
Wheels small per pair	0	4
,, large ,,	0	8
Whip sticks per score	0	1
Whiting per cwt.	0	1
Wire rope per cwt.	0	1
Winnowing machines each	3	0
Wool per cwt.	0	3
,, per ton	2	6
,, Shoddy pressed packed per cwt.	0	2
Yellow metal per cwt.	0	2
Zinc sheets per cwt.	0	2

Where the Company are authorised under this schedule to charge per hundredweight or per ton then for the fraction of a hundredweight or the fraction of a ton they may charge as for a hundredweight or a ton as the case may be and so in respect of any other weight or measure by which they are authorised to charge.

For all goods not specified in this schedule sums equal to the rates payable in respect of goods specified therein which are as nearly as may be of like nature package and quantity.

FOURTH SCHEDULE.

FOR THE USE OF CRANES WEIGHING MACHINES WAREHOUSES OR SHEDS.

	For the First Lift.	For each succeeding Lift.
	s. *d.*	*s.* *d.*
FOR CRANES LIFTING UP TO 7 TONS.		
All goods or packages not exceeding 1 ton	2 0	0 4
Exceeding 1 ton and not exceeding 2 tons	2 6	0 6
Exceeding 2 tons and not exceeding 3 tons	3 0	0 8
Exceeding 3 tons and not exceeding 4 tons	4 0	0 10
Exceeding 4 tons and not exceeding 5 tons	4 6	1 0
Exceeding 5 tons and not exceeding 6 tons	5 0	1 2
Exceeding 6 tons and not exceeding 7 tons	10 0	5 0
FOR CRANES LIFTING UP TO 10 TONS.		
Exceeding 7 tons and under 10 tons	15 0	7 6

The labour to be done by the parties requiring the use of the cranes.

WEIGHING MACHINES.

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

WAREHOUSE AND SHED DUES.

For each 40 cubic feet of goods or for each ton of goods which shall remain in the sheds or other works of the Company for a longer time than 48 hours the sum of 3*d.* and the sum of 1½*d.* per 40 cubic feet or 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 passengers' luggage for each day or part of a day per package - - 0 2

FIFTH SCHEDULE.

Rates for Passengers Persons or Carriages.

	£	s.	d.
For every passenger or other person embarking on or disembarking from any ship vessel packet or passage boat within the limits of the harbour for each time any sum not exceeding - -	0	0	2
For every person going on the pier or wharf for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking or being in charge of a cart or carriage for the purposes of shipping or unshipping goods for which rates are provided under this Act for each time any sum not exceeding -	0	0	3
For every cart or carriage taken on to the pier or wharf not used for the carriage of goods to be shipped or unshipped for which rates are provided under this Act for each time any sum not exceeding - - - - - - -	0	0	6
For every bath or sedan chair bicycle or tricycle taken on to the pier or wharf for each time any sum not exceeding - - -	0	0	4
For every perambulator taken on to the pier or wharf for each time any sum not exceeding - - - - - -	0	0	3
For every master of any vessel boat or wherry using the pier or wharf for the purpose of going to or returning from his own vessel boat or wherry an annual sum not exceeding - - -	1	0	0

Rates on Passengers' Luggage landed shipped or transhipped.

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 or part thereof - -	0	0	1

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