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CAP. LXI.

An Act for confirming a Provisional Order made by the Board of Trade relating to the Construction of a Pier at *Cleethorpes* in the County of *Lincoln*.

[15th *July* 1867.]

WHEREAS a Provisional Order made by the Board of Trade under the "General Pier and Harbour Act, 1861," (24 & 25 Vict. c. 45.) is not of any Validity or Force whatever until the Confirmation thereof by Act of Parliament:

And whereas by the Thirteenth Section of "The General Pier and Harbour Act, 1861," it is enacted that nothing in that Act contained shall extend or be applicable to (among other Places) the River *Humber*, within the Limits defined by "The River *Humber* Conservancy Act, 1852:" (15 & 16 Vict. c. cxxx.)

And whereas the Place to which the Provisional Order set out in the Schedule to this Act relates is within such Limits, and the said Order has been applied for and made by Inadvertence:

And whereas all the Notices, Advertisements, and Deposits requisite in those Cases where Provisional Orders can be made under "The General Pier and Harbour Act, 1861," have been duly given, published, and made in the Case of the Provisional Order set out in the Schedule to this Act, and no Objections thereto have

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been received by the Board of Trade from any Person or Persons, nor any Opposition made thereto:

And whereas the Conservators of the River *Humber* have signified in Writing to the Board of Trade their full Assent to the said Order:

And whereas Delay and Expense will be occasioned if the said Provisional Order be not sanctioned and confirmed by Act of Parliament; and it is expedient that the same be so sanctioned and confirmed:

Be it therefore 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:

Confirmation of Order in Schedule.

1. Notwithstanding anything contained in the Thirteenth Section of "The General Pier and Harbour Act, 1861," the Order set out in the Schedule to this Act shall be and the same is hereby confirmed, and all the Provisions thereof, in Manner and Form as they are set out in the said Schedule, shall from and after the passing of this Act have full Validity and Force.

Saving Rights of Humber Conservancy Commissioners.

2. Save as herein appears, this Act shall not extend to take away, diminish, alter, prejudice, or affect any Rights, Powers, or Privileges for the Time being vested in the Commissioners for the Conservancy of the River *Humber*.

Short Title.

3. This Act may be cited as "The Pier and Harbour Orders Confirmation Act, 1867, (No. 3)."

SCHEDULE.

CLEETHORPES.

Cleethorpes.

Order for the Construction, Maintenance, and Regulation of a Pier at Cleethorpes in the County of Lincoln.

Incorporation of company.

1. The following persons, namely, Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a Company for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cleethorpes Promenade Pier Company," and by that name shall be one 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, but subject to the restrictions, of this Order.

Undertakers.

2. The Cleethorpes Promenade Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation of Clauses Acts.

3. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," except so much as relates to the purchase or taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Act Amendment Act, 1860," shall respectively be incorporated with this Order.

Capital.

4. The capital of the Company shall be ten thousand pounds, in one thousand shares of ten pounds each.

Shares not to be issued until one fifth paid up.

5. The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum, not being less than one fifth part of the amount of such share, has been paid in respect thereof.

Calls.

6. No call shall exceed two pounds a share, or be made payable within three months of a previous call.

Power to create Preference Shares.

7. The Company, with the sanction of at least three fifths in value of the votes of the shareholders present, in person or by proxy, at a general meeting specially convened for that purpose, may attach to all or any of the then unissued shares, not exceeding one third part of the capital, dividend at a rate not exceeding five pounds per centum per annum, in priority to the dividend on the other shares of the capital.

Borrowing on mortgage.

8. The Company, from time to time, may borrow on mortgage, at interest, any sum or sums of money, not exceeding in the whole three thousand three hundred and thirty-three pounds; but no money shall be so borrowed until the whole of the capital of ten thousand pounds is subscribed for, and one half thereof is paid up, and the Company satisfy the Justice who certifies under Section 40 of "The Companies Clauses Consolidation Act, 1845," before he so certifies,

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certifies, that the whole of the capital 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 has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the capital was issued bonâ fide, and is held by registered holders thereof legally liable for so much thereof as is not paid up (of which satisfaction the certificate shall be conclusive evidence).

Receiver.

9. The mortgagees of the Company may enforce the payment of the arrears of interest, or of principal and interest, due on their respective mortgages, by the appointment of a receiver, and the amount to authorize a requisition for a receiver is five hundred pounds.

No interest or dividend on calls.

10. The Company shall not, out of any money raised by calls or borrowing, pay interest or dividend to any shareholder on the amount called up in respect of shares held by him, but this provision shall not prevent the Company paying to any shareholder interest on any money advanced by him beyond the amount of calls actually made in conformity with "The Companies Clauses Consolidation Act, 1845."

Money not to be used for deposit under Standing Orders, &c.

11. The Company shall not, out of any money so raised, pay or deposit any money required to be paid or deposited in relation to any application to Parliament or the Board of Trade.

Money to be applied for purposes of Order.

12. Every part of the money so raised shall be applied only for the purposes authorized by this Order.

First general meeting.

13. The first General Meeting of the Company shall be held within twelve months after the passing of an Act of Parliament confirming this Order, at such time and place as the Directors determine.

Number of Directors.

14. The number of Directors shall not be more than nine nor less than five.

Quorum of Directors.

15. The quorum of a meeting of Directors shall be three.

First Directors.

16. Henry Peter Andrews, John Hawthorne Lydall, John Beastall Jerram, with such other shareholders (if any) as they add to their number, shall be the first Directors; and the first Directors shall continue in office till the first general meeting of the Company, when they shall retire from office, and Directors shall be elected by the meeting, the retiring Directors being eligible for re-election.

Qualification.

17. The qualification of a Director elected by the shareholders, or nominated as aforesaid, shall be the holding, in his own right, of shares in the capital of the Company to the aggregate nominal amount of at least one hundred pounds.

Remuneration.

18. The remuneration of the Directors shall, from time to time, be fixed by a general meeting, and shall be divided among the Directors, as they determine.

Power to take lands by agreement.

19. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith.

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20. The Company may purchase and hold, for extraordinary purposes, any land not exceeding in the whole three acres. Lands for extraordinary purposes.

21. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorized by this Order: provided that the pier and works hereby authorized shall not extend seawards more than one thousand five hundred feet without the consent of the Humber Conservancy Commissioners. Power to make works.

22. The works authorized by this Order comprise the following: Description of works authorized.

A Pier, Jetty, and Landing-place, with all proper works, approaches, and other conveniences for the embarking and landing of passengers, fish, goods, and merchandise, and other purposes, in the township of Cleethorpes, in the parish of Clee, in the county of Lincoln, commencing at a point upon the edge of the cliff adjoining the recreation ground belonging to the overseers and churchwardens of the parish of Clee, and opposite to the eastern end of a footway leading from the said recreation ground to Albert Street, and extending thence seawards in a north-easterly direction one thousand two hundred feet or thereabouts, the landward portion of which pier, jetty, landing-place, works, and approaches will be wholly situate in or abut upon the township of Cleethorpes aforesaid.

23. The Company may, for the use of the pier and works, demand and take, in respect of the vessels, persons, fish, animals, and goods in the schedule to this Order specified, any sums not exceeding the rates in that schedule specified. Power to take rates in Schedule.

24. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall, when forced by stress of weather to make use of the pier authorized by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order. Certain fishing vessels under stress of weather exempt from rates.

25. The Company may grant to passengers, promenaders, and other persons pass tickets for the use of the pier and works at such rates, on such terms, and for such periods, not exceeding one year, as may be agreed upon. Such pass tickets shall not be transferable, and shall not be used by any person other than the person to or 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 pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act. Pass tickets for use of pier.

26. Officers of Customs, being in the execution of their duty, shall at all times have free egress, passage, and ingress on, to, and over the pier and works, by land and with their vessels, without payment. Exemption of Custom House Officers from rates.

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Steam engines, diving bell lighters.

27. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

28. The Company shall have the appointment of meters and weighers on, or in connexion with, the pier.

Light to be exhibited.

29. The Company shall at the outer extremity of the pier and works hereby authorized exhibit from sunset to sunrise a light to be from Time to Time approved of by the Brethren of the Hull Trinity House.

Restriction on use of pier.

30. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier or jetty authorized by this Order any sheep, cattle, or merchandise, 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 or jetty for recreation, or for the embarking or landing of passengers.

Saving rights under Crown Lands Act, 1866.

31. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Short Title.

32. This Order may be cited as "The Cleethorpes Promenade Pier Order, 1867."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton	0	10
For every vessel of the burden of 150 tons and upwards, per ton	1	0
All lighters for each trip, per ton	0	2
All boats entirely open, landing or taking on board goods, each	0	6

II.—Rates of Goods shipped or unshipped at the Pier.

Ale, beer, and porter, per hogshead	0	6
Ale (bottled), per barrel	0	4
Ditto, per dozen bottles	0	1
Anchors, per cwt.	0	9
Anchor stock, per foot run	0	2
Bark, per ton	2	0
Bedding, per bundle	0	3
Beef or pork, per cwt.	0	3

	s.	d.
Beef or Pork, per barrel	0	6
Biscuit or bread, per cwt.	0	3
Blubber, per ton of 252 gallons	3	0
Bones and bone dust, per ton	1	6
Bottles, per gross	0	9
Bricks, per 1,000	1	6
Butter and lard, per barrel	0	6
Ditto, per firkin	0	3
Cables, iron or hempen, per ton	3	0
Canvas, per bolt	0	1
Casks (empty), not being returned packages, per puncheon	0	3
Other casks in proportion.		
Cattle:		
Bulls, cows, and oxen, each	3	0
Calves, each	1	0
Horses, each	4	0
Pigs, each	0	6
Sheep, each	1	0
Chalk, per ton	1	0
Cheese, per cwt.	0	4
Chimney pots, each	0	3
Clay, per ton	1	0
Cloth, haberdashery, &c., per package not exceeding cwt.	0	6
Carriages:		
Chaises and other four-wheeled carriages, each	7	6
Gigs, carts, and other two-wheeled carriages, each	5	0
Hand-carts and perambulators, each	1	0
Coals, per ton	1	0
Copper, per ton	3	0
Cordage, per cwt.	0	3
Cork, per cwt.	0	6
Corpses, each	20	0
Crystal, per box or package	0	6
Dogs, each	0	6
Drugs (in casks, hampers, or boxes), per foot	0	2
Earthenware (in casks, hampers, or boxes), per foot	0	2
Earthenware (in crates), per foot	0	1
Eggs, per box	0	3
Fish (dried and salted), per cwt.	0	3
Ditto, fresh (not enumerated), per cwt.	0	2
Flax, per ton	2	0
Flour and meal, per sack	0	4
Ditto, per barrel	0	3
Fruit, per bushel or sieve	0	4
Furniture (household), per 5 cubic feet	0	4
Glass, per large crate	1	6
Ditto, per small crate or case	1	0
Ditto, per box	0	6
Grains and seeds, per quarter	0	6
Groceries (not enumerated)	0	6
Guano, per ton	1	6
Gunpowder, per barrel or keg	0	6
Hams, bacon, or tongues, per cwt.	0	4
Hardware, per ton	2	6
Hares and rabbits, per dozen	0	4
Hay, per ton	1	6
Ditto, per truss	0	2
Hemp, per ton	2	0

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Pier and Harbour Order Confirmation (No. 3.)

		s.	d.
Cleethorpes.	Herrings (fresh), per 1,000	0	3
	Ditto (cured), per barrel	0	3
	Hides:		
	Ox, cow, or horse (wet or dry), each	0	2
	Iron:		
	Bar, bolt, rod, and shots, per ton	1	6
	Pig and old, per ton	1	0
	Manufactured, per ton	2	6
	Pots, each	0	1
	Kelp, per ton	2	0
	Lead, per ton	2	6
	Leather, tanned and dressed, per cwt.	0	3
	Lime, per 28 bushels	1	4
	Limestone, per ton	1	0
	Machinery, per ton	2	6
	Manure (not enumerated), per ton	1	0
	Masts and spars, 10 inches in diameter and upwards, each	4	6
	Ditto, under 10 inches	3	0
	Meat (fresh), per cwt.	0	6
	Milk, per gallon	0	0½
	Musical instruments, per cube foot	0	1
	Nets, per 5 cubic feet	0	4
	Oakum, per cwt.	0	2
	Oils, per tun	2	0
	Oilcake, per ton	2	0
	Oranges and lemons, per box	0	6
	Ores, per ton	1	0
	Oysters, per bushel	0	3
	Paint, per cwt.	0	4
	Pitch and tar, per barrel	0	6
	Potatoes, per cwt.	0	2
	Poultry and game, per dozen	0	4
	Rags and old rope, per ton	2	0
	Sails, per cwt.	0	6
	Salt, per cwt.	0	1
	Sand, per ton	1	0
	Shrimp baskets, each	0	2
	Skins:		
	Calf, goat, sheep, lamb, or dog, per dozen	0	6
	Slates, per ton of 24 cubic feet	2	0
	Spirits (Foreign and British), per hogshead	1	0
	Ditto, ditto, per gallon	0	1
	Stones, per ton of 16 cubic feet	1	6
	Steel, per ton	3	0
	Sugar, per cwt.	0	3
	Tallow, soap, and candles, per cwt.	0	3
	Tea, per chest	1	0
	Tiles, per 1,000	1	6
	Tin and zinc, per ton	3	0
	Tobacco, per cwt.	0	6
	Turbot, per score	0	3
	Turnips, per ton	0	6
	Turpentine and varnish, per barrel	0	6
	Turtle, each	2	6
	Vegetables (not enumerated), per cwt.	0	4
	Vinegar, per hogshead	0	6
	Vitriol, per carboy	1	0
	Water, per cask	0	3

	s.	d.
Wine, per hogshead	1	0
Ditto, bottled, per dozen bottles	0	2
Wood:		
Fir, pine, and other descriptions not enumerated, per load of 50 feet	1	6
Oak or wainscot, per load of 50 feet	2	0
Firewood, per 216 cubic feet fathom	1	6
Laths and lathwood, per fathom of 216 cubic feet	2	6
Handspikes, per 120	3	0
Oars, per 120	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	5	0
Ditto 2½ inches in diameter and under, per 120	4	0
Ditto 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	9	0
Ditto above 4 and under 6 inches in diameter, per 120	14	0
Spokes of wheels, not exceeding 2 feet in length, per 120	2	0
Ditto exceeding 2 feet in length, per 120	3	0
Trenails, per thousand	2	6
Wedges, per 1,000	2	6
Pipe staves, and others in proportion, per 120	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	2	0
Wool, per cwt.	0	4
Yarn, per cwt.	0	2

All other Goods not particularly enumerated above.

	s.	d.
Light goods, per cube foot	0	1
Heavy goods, per ton	2	0

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

III.—Rates for use of Cranes, Weighing Machines, and Sheds.

1st. *Rates of Craneage.*

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

2nd. *Weighing Machines.*

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

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	s.	d.
3rd. Shed Dues.		
For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after 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

IV.—Rates for supplying Water on Pier.

Water, per 1,000 gallons	10	0

V.—Rates on Passengers and Promenaders using the Pier.

For every passenger or other person who shall land on the pier from, or embark from it on board of, any ship, vessel, packet or passage boat, for each time any sum not exceeding	0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding	0	4
For every bath or sedan chair taken on the pier, for each time any sum not exceeding	0	6
For every perambulator taken on the pier, for each time any sum not exceeding	0	2
For every master of any vessel, boat, or wherry, being an inhabitant of the parish of Clee, and using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	20	0

VI.—Rates on Passengers' Luggage.

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

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