CHAP. lxxxii.

An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Alum Bay, Dartmouth, Ilfracombe, Penryn, and Walton-on-the-Naze. [4th July 1870.] A.D. 1870.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas the Board of Trade have made certain Provisional Orders relating to piers at Alum Bay and Walton-on-the-Naze, and to harbours of Dartmouth, Ilfracombe, and Penryn:

And whereas the said Ilfracombe and Penryn Orders have been amended by Parliament, and those Orders as so amended, and the several other Provisional Orders as made by the Board of Trade, are set out in the schedule to this Act:

And whereas it is expedient that the said Orders be confirmed by Act of Parliament:

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 Orders in Schedule.

1. The several Orders set out in the schedule to this Act shall be and the same are 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.

Short title.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1870 (No. 1.)

A.D. 1870.

The SCHEDULE OF ORDERS.

1. Alum Bay.—Power to levy rates at existing pier.
2. Dartmouth.—Amendment of former Order.
3. Ilfracombe.—Improvement and regulation of harbour.
4. Penryn.—Maintenance and regulation of harbour.
5. Walton-on-the-Naze.—Extension of time for construction of works authorized by former Order.

Alum Bay.

ALUM BAY.

Order for the regulation of a Pier at Alum Bay in the Parish of Freshwater in the Isle of Wight.

Power to take rates in schedule.

1.—The Alum Bay Pier Company (Limited) (in this Order called the Company), who have erected and completed for public use a pier, with proper approaches, conveniences, and other works connected therewith, at Alum Bay in the parish of Freshwater in the Isle of Wight, in accordance with plans approved by the Board of Trade, may, for the use of such piers and works, demand and take in respect of the vessels, persons, goods, and things, in the Schedule to this Order described, any sums not exceeding the rates in that Schedule specified.

Certain fishing vessels under stress of weather exempt from rates.

2.—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, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Pass tickets for use of pier.

3.—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, but so that no preference be given to any person. A pass ticket 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.

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

5.—The Company shall have the appointment of meters and weighers on or in connection with the pier. Meters and weighers.

6.—The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order; namely, Parts of Harbours, &c. Act, 1847, excepted.

Sections sixteen to nineteen, and twenty-one to twenty-three, all inclusive, and sections twenty-five and twenty-six.

7.—The Company shall, at the outer extremity of the pier, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond. Light to be exhibited.

8.—Nothing in this Order shall entitle any person, with any vessel or boat, to ship or unship at the pier 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 for recreation, or for the embarking or landing of passengers. Restrictions on use of pier.

9.—This Order may be cited as "The Alum Bay Pier Order, 1870." Short title.

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	6
All boats entirely open, landing or taking on board goods, each -	0	6

II.—Rates for Goods Shipped or Unshipped at the Pier.

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 weight, measures, and quantities than those above specified, a portion of the respective rates shall be charged.

A.D. 1870.

Alum Bay.

III.—Rates for use of Weighing Machines.

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

IV.—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	4
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	2
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 Freshwater, 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

V.—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

Dartmouth.

DARTMOUTH.

Order for amending the Dartmouth Harbour Order, 1863, *and making further provision for the maintenance and regulation of that Harbour.*

Short title.

1. This Order shall be construed with the Dartmouth Harbour Order, 1863, (in this Order called the Order of 1863) as one Order, and may be cited as the Dartmouth Harbour Order, 1870, and the Order of 1863 and this Order may be cited together as the Dartmouth Harbour Orders, 1863 and 1870.

Rates.

2. From and after the first day of August one thousand eight hundred and seventy, the Commissioners may demand and receive in respect of vessels using or entering the harbour for orders or refuge only, sums not exceeding the rates specified in the Schedule to this Order.

3. The Commissioners may mortgage or charge the rates leviable under this Order, for further securing any money borrowed under the Order of 1863, and the interest thereon. Power to mortgage as a further security.

4. The Commissioners may apply the moneys to be received by them for rates under this Order: Application of rates.

1. In paying the costs, charges, and expenses of applying for and obtaining this Order, or preparatory or incidental thereto.
2. In like manner as the moneys received by them in respect of rates specified in Schedule A. or Schedule B. of the Order of 1863 are by that Order directed to be applied.

5. The Commissioners shall keep separate accounts of the moneys received by them for rates under this Order, and shall revise the same from time to time, so that the total produce of the rates under this Order and the Order of 1863 may always be, so far as practicable, sufficient and not more than sufficient for the purposes of those Orders. Commissioners to keep separate account of rates, and to revise rates.

6. All pilots acting within the limits of this Order shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour-master; but any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the Port of Dartmouth, which authority is by this Order required to act accordingly on any complaint referred to that authority by the Commissioners or their harbour-master. Pilots to obey Commissioners directions.

7. Nothing in this Order or the Order of 1863 contained shall prejudice or affect the rights or jurisdiction of the Corporation of Trinity House, Deptford Strond, in respect of any lights, buoys, or beacons, or any other matter of which they have the management or control. Reservation of jurisdiction of Trinity House.

8. The Commissioners shall, at the outer extremity of their harbour and works, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond. Light to be exhibited, if required.

SCHEDULE.

	s.	*d.*
For every vessel using or entering the harbour for orders or refuge only, per ton register - - - - - -	0	0½
And if the same vessel shall remain in the harbour more than one week continuously, then for every week or part of a week during which the same shall remain in the harbour after the first week, the further sum per register ton of - -	0	0½

EXEMPTIONS.

Yachts, pleasure boats, and boats entirely open.

A.D. 1870.

Ilfracombe.

ILFRACOMBE.

Order for the improvement, maintenance, and regulation of the Harbour of Ilfracombe in the county of Devon.

Undertakers.

1. Sir Bourchier Palk Wrey, of Tawstock, in the county of Devon, Baronet, his heirs and assigns, or other the person and persons from time to time entitled to the possession or receipt of the rents and profits of the lands and works to which this Order relates, shall be the undertakers for the purposes of this Order, and shall have and may exercise the several powers, privileges, and authorities by this Order conferred on the undertakers, and may carry this Order in all respects into execution.

Repeal of Local Act except as to rates.

2. The Act passed in the fourth year of His late Majesty King George the Second, intituled "An Act for repairing and keeping in repair the pier and "harbour of Ilfordcombe in the county of Devon," in this Order called "the Local Act," shall, except so far as regards the levying of the rates, tolls, and dues thereby authorized to be levied, be, and the same Act, except as aforesaid, is hereby repealed on and after the first day of October next after the passing of the Act confirming this Order.

Old rates to continue till new rates leviable.

3. The rates, tolls, and dues by the Local Act authorized may continue to be demanded and received as heretofore until the time appointed by this Order for ceasing to levy such rates, tolls, and dues.

Power to take lands by agreement.

4. For the purposes of the works authorized by this Order, the undertakers, from time to time, by agreement, may appropriate or may enter upon and take and may use such of the lands or foreshore shown on the plans deposited for the purposes of this Order, as they think expedient.

Lands Clauses Acts incorporated.

5. "The Lands Clauses Consolidation Act, 1845," except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with this Order.

Power to execute works.

6. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans deposited for the purposes of this Order as the Board may require, from time to time, before the completion of the works, in order to prevent injury to navigation, the undertakers may maintain and improve the existing harbour and works, and may execute, make, and maintain on the lands or foreshore appropriated by them for the purposes of this Order the works by this Order authorized; and, so far as the same are shown on the plans and sections deposited for the purpose of this Order, may make the same in the lines, and according to the levels, and within the limits of deviation, shown on the plans and sections deposited for the purposes of this Order.

Description of works.

7. The works which by this Order the undertakers are authorized to execute, make, and maintain, comprise the following, with all necessary warehouses, offices, sheds, weighing machines, landing places, roads, approaches, cranes, and

other works and conveniences connected with the landing of passengers, goods, and merchandise, and the improvement and repair of the existing harbour and lighthouse:—

(1.) The widening of the existing quay on the south side thereof, from the slip in front of the Britannia Hotel to the present pier in front of the Pier Hotel.

(2.) The construction of a quay or pier in an easterly direction from the south-east corner of the present quay near the "Golden Lion Hotel," in a straight line to the east end of Warp House Quay, adjoining the present line of steps at the end of the same quay.

(3.) The clearance and removal of all rock, stone, and other obstruction, outside or on the southern side of the proposed line of quay.

(4.) The erection of a jetty at the east end of the said Warp House Quay, commencing from the eastern extremity of the before-described quay, running in an easterly direction one hundred and fifty feet, or thereabouts; and then in a north-easterly direction two hundred and fifty feet, or thereabouts; and in a westerly direction two hundred and fifty feet, or thereabouts, to the Benrick Rock, as shown on the plans and sections deposited for the purposes of this Order.

(5.) The construction of a slipway for the launching of the life boat.

Limits of harbour.

8. The limits within which the undertakers shall have authority, and which shall be deemed the limits to which the provisions of this Order extend, shall comprise the area defined by an imaginary straight line drawn from a point distant 200 yards northward from the northern wall of the Britannia Hotel, and extending in an easterly direction from the aforesaid point to a point 100 yards northward from the north-east point of Rapparee Cove, and then southward 130 yards from the said north-east point of Rapparee Cove, and by a line 120 yards long, drawn in a westerly direction from the south end of the last-mentioned line joining the limit of deviation defining the extent of the harbour landward, as shown on the deposited plans.

Power to levy rates.

9. Subject and according to the provisions of this Order, the undertakers may, for the use of the harbour and works to which this Order relates, demand and receive in respect of vessels, passengers, goods, merchandise, fish, animals, and things described in the Schedule to this Order, any rates or duties not exceeding the several sums in that Schedule specified.

Recovery of dues.

10. Dues on a vessel may be recovered by action in any court of competent juisdiction from the owner or any part owner or skipper thereof, or from the consignee or owner of the goods therein, and this provision shall be without prejudice to the powers of the undertakers, under section 44 of the "Harbours, Docks, and Pier Clauses Act, 1847."

Customs officers.

11. Officers of customs, being in the execution of their duty, and boatmen or others actually engaged in and about the life boat, shall at all times have free ingress, passage, and egress on, into, along, through, and out of the quay, piers, harbours, and works by land, and with their vessels and otherwise, without payment.

Ilfracombe.
Certain fishing vessels under stress of weather exempt from rates.

12. 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 coasts of the United Kingdom, shall, when forced by stress of weather to make use of the piers or harbour to which this Order relates, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Application of rates and income.

13. The rates and duties and other income received under this Order shall be applied for the purposes and in the order following, and not otherwise:—

(1.) In paying the expenses of and connected with the applying for, obtaining, and making of this Order:

(2.) In paying the expenses of the maintenance, repair, management, and regulation of the harbour, lighthouse, and works:

(3.) In paying, year by year, the interest of any money borrowed under this Order, or otherwise under this Order becoming a charge on the rates and duties authorized by this Order:

(4.) In paying the cost of executing, maintaining, and repairing such other works, buildings, sheds, warehouses, wharves, jetties, cranes, and conveniences as are authorized by this Order:

(5.) In creating a Sinking Fund for the repayment of the principal of money borrowed under this Order, or otherwise under this Order becoming a charge on the rates and duties authorized by this Order, in the manner, and, so far as the circumstances of the case will admit, in the proportion specified by "The Commissioners Clauses Act, 1847:"

(6.) In the further general improvement of the harbour.

Commencement of new rates.

14. When and so soon as it shall be certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade that the works authorized by and described in the 2nd, 3rd, and 4th sections of clause 7 of this Order have been so far completed as to afford proper accommodation for the landing and embarking of passengers and goods, by means of all such works, the undertakers may, although the whole of the works authorized by this Order shall not then have been completed, demand and receive the rates and duties authorized by this Order.

Cesser of old rates.

15. When and so soon as the rates and duties authorized by this Order can, under the provisions of this Order, be demanded and received, then and thenceforth all rates, tolls, and dues authorized by the Local Act shall cease to be levied.

Charges on old rates.

16. Any person or persons having, at the time of the passing of the Act confirming this Order, any charge on the rates, tolls, or dues authorized by the Local Act for securing money borrowed under the Local Act, shall, from and after the time when under this Order rates, tolls, and dues under the Local Act cease to be levied, have, in priority to every security made for moneys borrowed under this Order, the like charge and security on the rates and duties authorized by this Order as such person or persons had on the rates, tolls, and dues authorized by the Local Act at the time when the same ceased to be levied.

Power to borrow.

17. The undertakers may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole eight thousand pounds, on mortgage of the harbour, land, and works, and the property connected therewith, and the rates and duties authorized by this Order; and any money which, under the provisions of this Order, shall become charged on the rates authorized by this Order, and shall be discharged otherwise than by means of the sinking fund in this Order mentioned, may be reborrowed, if required, for the purposes of this Order, and so toties quoties.

Application of money borrowed.

18. Every part of the moneys borrowed under this Order shall be applied only for the purposes of this Order.

Commissioners Clauses Act as to mortgages incorporated.

19. The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Order, except so much thereof as relates to the appointment of a receiver at the expiration of one calendar month after the time appointed for payment of any interest.

Appointment of receiver.

20. The mortgagees of the undertakers may enforce payment of the arrears of interest, or of principal and interest, due on their respective mortgages by the appointment of a receiver, at the expiration of three calendar months from the time limited for such payments respectively, and the amount necessary to authorize a receiver is one thousand pounds in one or more mortgages, bonds, or debentures.

Clauses of Harbours Act not incorporated.

21. The following provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections fourteen to twenty (both inclusive).

Tickets for use of pier.

22. The undertakers may grant to passengers, promenaders, and others, tickets for the use of the piers and jetty, or the extension thereof authorized by this Order, on such terms and for such periods not exceeding one year as are agreed on, but so that no preference be given to any person.

Tickets not transferable.

23. A pass ticket granted by the undertakers shall not be transferable, and shall not be used by any person other than the person for whom it is granted, or by any person after the period limited for its use.

Penalty for using false tickets.

24. If any person acts in any way in contravention of the last preceding provision, or uses or attempts to use any false or counterfeit pass ticket, every person so offending 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."

Meters and weighers.

25. The undertakers shall have the appointment of meters and weighers within the limits of the harbour, and also the appointment of crane attendants and quay porters, in like manner and under the same regulations as meters and weighers.

Quay porters to be provided gratuitously by the undertakers.

26. When the undertakers commence receiving the rates and duties authorized by this Order, they shall at their own expense provide and employ, and thenceforth continue to provide and employ, a sufficient number of efficient quay porters, whose duty it shall be to attend to all vessels and ropes within

A.D. 1870.

Ilfracombe.

the limits of this Order, and to the mooring and unmooring of vessels alongside the quay, or pier, and jetty, and whenever required to assist passengers in landing and embarking, and to carry passengers luggage between the vessels deck and the quay, or pier, and jetty, or other landing place, and if from deficiency of water, stress of weather, or other cause, it shall be impracticable or dangerous for any vessel to come alongside the quay, pier, or jetty, or other landing place to land or embark passengers, then and in every such case the undertakers shall at their own expense land or embark the passengers and luggage from or in every such vessel, and shall provide and employ proper boats, boatmen, and other appliances for the purpose.

Warp to be provided if required.

27. During scant winds from the westward, when it may be difficult for sailing vessels to fetch round the warphouse jetty into the harbour, the harbour-master shall have ready a warp of sufficient strength to throw on board any and every vessel requiring the same, so as to keep such vessel from falling to leeward to her damage, or shall receive a warp thrown from any vessel in danger of so falling to leeward, and shall otherwise render to any and every vessel so circumstanced all such assistance as the circumstances of the case will admit of.

No gratuity to be demanded for services of porters, &c.

28. No gratuity or other payment beyond the rates and duties by this Order authorized shall be demanded or received by the undertakers in respect of any of the services by the two last preceding sections of this Order required to be performed by them.

Steam engines, lighters, &c.

29. The undertakers may provide such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, and other machinery and vessels as they think necessary for the purposes of this Order.

Pilotage, &c.

30. The undertakers shall be a pilotage authority within the meaning of "The Merchant Shipping Act, 1854," and Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities.

Existing rights reserved.

31. Except so far as otherwise expressly provided by this Order, nothing in this Order contained shall be construed to interfere in any way with any existing rights in the present harbour and works, or in the lands or foreshore adjoining the same.

Light to be exhibited.

32. The undertakers shall, at the outer extremity of the pier and works authorized by this Order, exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House, Deptford Strond.

Powers to cease in certain events.

33. In the following cases (that is to say)—

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorized by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

A.D. 1870.

Ilfracombe.

34. This Order shall not take away or diminish any of the ancient rights, privileges, or immunities of the Corporation of Bridgwater.

Rights of Corporation of Bridgwater.

35. 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 consent of the Board of Trade having been first obtained.

Saving as to Board of Trade.

36. This Order may be cited as "The Ilfracombe Harbour Order, 1870."

Short title.

SCHEDULE to which the foregoing Order refers.

I.—Tonnage Duties.

	s.	*d.*
For all vessels putting in wind bound or otherwise, and not loading or unloading, per register ton	0	1
For all vessels entering the limits of the harbour to load or discharge cargo, or to land or embark passengers from or to any port in the United Kingdom, per register ton not exceeding	0	2
For all vessels from or to foreign ports, discharging or unloading in the harbour, per register ton	0	4
For every skiff, trawler, or other undecked or half-decked boat, not exceeding fifteen tons register, each time of entering the limits of the harbour	1	0
For every such boat as last mentioned above fifteen tons register to be charged according to tonnage dues for vessels wind bound, per ton	0	1
Yawls and other open boats every time of entering the limits of the said harbour	0	8
Trawlers, for one year	4	4
Open boats, for one year, payable in advance	2	2
For all vessels laying up in the harbour for any time or portion of time not exceeding six months	4	4
After that time, per register ton per month, the sum of	0	1
For every ton of ballast taken in or discharged within the limits of the harbour, per ton	0	2

For entering the harbour one rate only shall be demanded and received in respect of any vessel within any 24 hours, and one rate only shall be paid going and returning by each vessel regularly trading between ports east and west of Ilfracombe.

A.D. 1870.

Ilfracombe.

II.—Rates on Goods.

			s.	d.
Ale, beer, and porter, per butt or pipe			1	0
„ hogshead			0	6
„ barrel			0	4
„ kilderkin			0	2
„ firkin			0	1
Apples, or pears, per cwt.			0	3
Bacon or pork „			0	2
Bags, empty, per score			0	2
Beef or pork, per tierce			0	4
„ „ barrel			0	2
Biscuits, per cwt.			0	2
Bottles, empty, per gross			0	6
Bricks, common, per thousand			1	0
Fire or scouring „			1	6
Canvas, per bolt			0	2
Carriage and four-wheeled chaises, each, including shipping by pier porters			2	6
Gigs, carts, and other two-wheeled carriages, each, including shipping by pier porters			2	0
Cattle:—				
Bulls, cows, steers, heifers, and oxen, each	including shipping by pier porters		2	0
Calves „			1	0
Horses and ponies „			2	0
Donkeys and mules „			1	0
Pigs „			0	1½
Sheep and lambs „			0	1½
All other animals, not enumerated „			0	2
Coals, per ton			0	6
Cement „			1	0
Corn and meal, of every description, per quarter			0	4
Clover seed, per cwt.			0	2
Dogs, each			0	4
Earthenware, per large crate			1	0
„ „ small „			0	6
„ „ case			1	0
Felt, per cwt.			0	2
Flour, per sack			0	3
„ „ barrel			0	2
Fruit, per basket			0	3
Furniture, per ton—40 cubic feet			1	0
Ginger beer, per gross			0	6
Glass, per crib, crate, or case			0	4
Groceries of all kinds, per ton			1	6
Granite, rough „			1	0
„ worked „			2	0

	s.	*d.*
Grates and stoves, per cwt.	0	3
Guano, per ton	1	0
Gunpowder, per cwt.	0	3
Hand carts and perambulators, not exceeding	0	6
Haberdashery, per cwt.	0	2
„ in boxes, per foot	0	1
Herrings, per barrel	0	2
Other cured fish, per cwt.	0	2
Iron, per ton	0	8
Iron castings and hoops, per ton	1	0
Lead, per ton	1	0
Leather, tanned, per cwt.	0	3
Lemonade, per gross	0	6
Limestone, per ton	0	2
„ for agricultural purposes	0	1
Manures, artificial, &c.	1	0
Marble blocks	1	6
„ worked	2	6
Oranges and lemons, per box	0	2
„ „ „ chest	0	3
Potatoes, per ton	0	8
Portlock pebbles, per ton	0	2
Soda, per ton	1	0
„ water, per gross	0	6
Spirits and Wines:—		
„ „ per hogshead	1	0
„ „ „ gallon	0	1
Stones:—		
„ Healing, per ton	0	8
„ Flooring „	0	4
„ Kerb and ashlar „	0	3
„ Bath stone „	0	4
All stones not above mentioned	0	4
Soap, per ton	1	0
Sugar of all kinds, per ton	1	6
Tobacco, per cwt.	0	4
Vegetables, per barrel	0	2
„ „ crate	0	4
Vinegar, per hogshead	0	6
Wood of all kinds:—		
„ per load of 50 cubic feet	0	10
For all goods, wares, merchandise, or other commodities not enumerated in the foregoing schedule:—		
per ton of 40 cubic feet, or ditto of 20 cwt.	0	8
In charging the rates on goods the gross weight or measurement shall be taken. No article to be landed or embarked without paying a charge of at least one penny	0	1

A.D. 1870.

Ilfracombe.

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

1*st.*—*Rates of Craneage.*

	s.	d.
All goods not exceeding a ton - - - - - -	0	4
Exceeding 1 ton and not exceeding 2 tons - - -	0	6
„ 2 „ „ 3 „ - - -	0	8
„ 3 „ „ 4 „ - - -	0	10
„ 4 „ „ 5 „ - - -	1	0

2*nd.*—*Weighing Machines.*

For goods weighed, for each ton or part of a ton any sum not exceeding - - - - - - - 0 6

3*rd.*—*Shed Dues.*

For each ton of goods of 40 cubic feet or for each ton 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 a further sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours.

For any portmanteau, trunk, parcel, or other article of passenger's luggage, for each day or part of a day per package - - 0 1

IV.—Rates on Passengers and Promenaders.

For every passenger without luggage and having a return ticket who shall land from and re-embark on board the same steam or other vessel or boat within any 24 hours, any sum not exceeding - 0 2

For every other passenger, or other person, who shall land from or embark on board of any steam or other vessel or boat, including luggage, any sum not exceeding - - - - 0 2

For every person who shall use the piers or jetty, or any part thereof, for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time any sum not exceeding - - - - 0 2

For every Bath or sedan chair taken on the piers or jetty, for each and every time any sum not exceeding - - - 0 4

For every perambulator - - - - - - 0 2

For any hackney carriage standing for hire, per day - - 0 6

Penryn.

PENRYN.

Order for the maintenance and regulation of the Harbour of Penryn in the County of Cornwall.

Constitution of harbour authority.

1.—The mayor, aldermen, and burgesses of the borough of Penryn in the county of Cornwall, commonly called the Corporation of Penryn, and in this Order referred to as the corporation, acting by the council of the corporation, shall be the undertakers of the works authorized by this Order.

Penryn.

Limits of Order.

2.—The limits within which the corporation shall have authority (and which shall be deemed the limits to which this Order extends,) shall include all that part of the Penryn River lying to the north-west of an imaginary line drawn from Boyer's Cellars to Sely's Creek, commonly called Sailor's Creek, in the parish of Mylor and county of Cornwall, being the line forming the north-western boundary of the municipal borough of Falmouth.

Lands Clauses Act incorporated.

3.—The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of land otherwise than by agreement, are hereby incorporated with this Order.

Works authorized.

4.—The works by this Order authorized, and which may be executed and maintained by the corporation, comprise the deepening of the harbour, the improving of the harbour and quays, the laying down buoys and moorings, and the erecting or placing of other appliances or conveniences, for the use of the vessels frequenting the harbour.

Assent of Board of Trade to works.

5.—No works for deepening or improving the harbour under this Order shall be commenced without the assent of the Board of Trade having been first obtained.

Power to levy tolls.

6.—The corporation may demand and receive on any and every vessel anchoring or mooring within the limits of this Order, or lying alongside any wharves or quays within the limits of this Order, any sum not exceeding the rate of one penny per ton register of such vessel; and if the same shall remain in the harbour more than two months continuously, then for every month or part of a month during which the same shall so remain after the first two months a further sum not exceeding the rate of one halfpenny per ton register of such vessel: Provided that all vessels forced by stress of weather to seek shelter in the harbour, and not breaking bulk while making use thereof, shall be exempt from rates leviable under this Order; provided also, that the rates leviable under this Order shall not be demanded or received in respect of the same vessel more than four times in any one year ending on the 31st day of December, nor shall any such rates be demanded or received in respect of the vessels of officers of customs.

Power to borrow.

7.—The corporation may from time to time borrow and reborrow at interest such money as may be required for the purposes of the works by this Order authorized, not exceeding in the whole the sum of 2,000*l.*, on the security of the rates by this Order authorized to be levied.

Application of money borrowed.

8.—Every part of the money borrowed under this Order shall be applied only for the purposes of this Order.

Application of tolls.

9.—The corporation shall apply all rates and other income received under this Order for the purposes and in the order following, and not otherwise:

1. In paying the expenses connected with the preparation and making of this Order.
2. In paying the salary of the harbour-master, and the expenses of maintaining in proper condition all buoys, moorings, appliances, and other

A.D. 1870.

Penryn.

conveniences belonging to the harbour, and paying all other current annual expenses incurred by the corporation in relation to the harbour.

3. In paying year by year the interest on money borrowed under this Order.

4. In paying the cost of the works authorized by this Order.

5. In creating a sinking fund, in manner and so far as circumstances will admit, in the proportion specified in the Commissioners Clauses Act, 1847.

Rates to be revised from time to time.

10.—The corporation shall from time to time revise the rates receivable under this Order, so that the income of the corporation under this Order may always be, as far as practicable, sufficient and not more than sufficient to meet the expenditure directed or authorized by this Order.

Accounts to be sent to Board of Trade.

11.—The corporation shall in every year send to the Board of Trade their printed statement and account within seven days after the same shall have been first open for inspection.

Corporation may provide dredges, engines, &c.

12.—The corporation may for the purposes of the harbour, or any of them, from time to time purchase, provide, lease or hire such dredges, engines, tugs, vessels, lighters, tools, plant or other materials, as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same; and the money thereby realized shall be applied to carrying into effect the works authorized by this Order or some of them.

Accommodation for vessels of the Royal Navy.

13.—It shall be the duty of the corporation and their harbour-master to provide forthwith suitable accommodation for any of Her Majesty's ships entering the harbour, and, if necessary for that purpose, to remove any other vessels from any part of the harbour; and the corporation or their harbour-master shall at any time, on the requisition of the Lord High Admiral or the Lords Commissioners for executing the office of Lord High Admiral, or of the Commissioners appointed by such Lord High Admiral, or by the Commissioners for executing his office, or of the Commander-in-chief at Devonport, or the officer in command of any of Her Majesty's ships being of the rank of captain, cause such portion of the harbour as may be required to be cleared of all vessels so as to enable vessels of the Royal Navy to anchor there; and the corporation or their harbour-master shall, on such requisition, make due provision for the anchorage of such last-mentioned vessels.

Part 5. of 24 & 25 Vict. c. 47. to apply.

14.—Part 5 of "Harbours and Passing Tolls, &c. Act, 1861," shall apply to this Order.

Pilots to be under direction of harbour master.

15.—All pilots acting within the limits of this Order shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the corporation or their harbour-master; but any pilot who shall misconduct himself shall be amenable only to, and punishable only by, the pilotage authority of the port of Penryn, which authority is by this Order required to act accordingly on any complaint preferred to that authority by the corporation or their harbour-master.

Penryn.

Meters and weighers.

16.—The corporation shall have the appointment of meters and weighers within the limits of this Order.

Parts of Harbours, Docks, &c. Act not incorporated.

17.—The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, namely, sections 6 to 11 inclusive, sections 16 to 19 inclusive, sections 25 and 26, sections 37 to 42 inclusive, and section 45, and notwithstanding anything in that Act contained, byelaws made under that Act and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Reservation of Admiralty authority under 25 & 26 Vict. c. 69, s. 9.

18.—Nothing in this Order contained shall prejudice or affect the powers conferred on the Admiralty under section 9 of "The Harbours Transfer Act, 1862," but such powers may be exercised in like manner as if this Order had not been made.

Customs officers.

19.—Officers of customs in the execution of their duty shall at all times have free ingress, passage, and egress to, through, and out of the harbour, wharves, and quays of the corporation, by land, and with their vessels, and otherwise, without payment.

Justices of Penryn to have jurisdiction.

20.—Her Majesty's justices of the peace acting in and for the said borough of Penryn shall have and exercise jurisdiction in all matters and things arising within the limits of this Order.

Saving of rights of Ecclesiastical Commissioners and Baron Clinton.

21.—Nothing in this Order shall prejudice or affect any property, rights, powers, or privileges of the Ecclesiastical Commissioners for England or of the Right Honourable Charles Henry Rolle Baron Clinton, his heirs, successors, or assigns, or other the person or persons claiming through or under the Right Honourable Charles Rudolph Baron Clinton, deceased, in respect of any land, soil, shores, foreshores, or hereditaments in or to which the same persons respectively are legally interested or entitled.

Corporation to preserve the evidence of the title of the Ecclesiastical Commissioners.

22.—Nothing in this Order shall authorize the corporation to do anything to impair the evidence of the title of the Ecclesiastical Commissioners for England as reversioners to the dues and other premises demised to the corporation by Henry late Lord Bishop of Exeter, by a certain lease dated eleventh December one thousand eight hundred and thirty-seven, and the books of account to be kept by the corporation under the forty-ninth section of the "Harbours, Docks, and Piers Clauses Act, 1847," shall at all reasonable times be open to the inspection of the said Commissioners or of their agents without fee or reward; and the said Commissioners or their agents may take copies of or extracts from the said books without paying anything for the same; any clerk or other person having the custody of the said books who shall not on any reasonable demand of the said Commissioners, or of their agents, permit them to inspect the said books, or to take such copies or extracts as aforesaid, shall be liable to a penalty of five pounds for every such offence.

Short title.

23.—This Order may be cited as "The Penryn Harbour Order, 1870."

A.D. 1870.

Walton-on-the-Naze.

WALTON-ON-THE-NAZE.

Order for extending the time for completion of the Works, and for amending "The Walton-on-the-Naze Pier Order, 1864."

Short title.

1.—This Order shall be construed with the Walton-on-the-Naze Pier Order, 1864, (in this Order called the Order of 1864,) as one Order, and may be cited as the Walton-on-the-Naze Pier Order, 1870, and the Order of 1864 and this Order may be cited together as the Walton-on-the-Naze Piers Orders, 1864 and 1870.

Extension of time for completion of works:

2.—The time for the completion of the pier and works authorized by the Order of 1864 and this Order shall be five years from the passing of the Act confirming this Order.

Reduction of capital.

3.—Section four of the Order of 1864 shall be read as if the words "six thousand pounds" instead of "ten thousand pounds," and "six hundred shares" instead of "one thousand shares," had been inserted therein.

Quorum of directors.

4.—When the directors of the Company shall consist of three only, the quorum of a meeting of directors shall be two, and the directors, whether consisting of five or three, may from time to time appoint one of their number as a managing director, who shall have all the powers, rights, and authorities of the directors, until the revocation of such appointment by them.

Power to take land by agreement.

5.—For the purpose of their undertaking and works, or incident thereto, the Company may from time to time, by agreement, enter on, take, and use all or any of the lands and hereditaments situate within the limits of deviation shown on the plans referred to in the Order of 1864, and such other lands as may be required for the purposes of their undertaking.

Power to sell or lease undertaking.

6.—The Company may sell or lease their undertaking and works to such person or persons, company, local authority, commissioners, or corporation, upon such terms and under such conditions and restrictions as they may think fit.

Rates for use of boat haven.

7.—The Company may demand and receive in respect of vessels, barges, lighters, boats, and every other description of craft entering or using the boat haven intended to be constructed as shown on the plans and sections of works authorized under the Order of 1864, any rates not exceeding the rates mentioned in the Schedule to the Order of 1864, and if the same vessel, barge, lighter, boat, or other craft shall remain in the boat haven more than one week continuously, then the Company may demand and receive for every week or part of a week during which the same vessel shall so remain in the boat haven after the first week any rates not exceeding the rates mentioned in such Schedule.

Certain clauses in the Harbours, Docks, &c. Act, 1847, not incorporated.

8.—Sections 16, 17, 18, and 19 of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order or the Order of 1864.

Power to purchase Walton Jetty by agreement.

9.—The Company and the owners of the pier, jetty, or landing place at Walton-on-the-Naze, commonly called or known as the Walton Jetty, may enter into an agreement or agreements for the sale by such owners and the

purchase by the Company of such pier, jetty, or landing place, together with the rights, powers, and privileges connected therewith, upon such terms and subject to such conditions and restrictions as may be mutually agreed upon.

Powers to cease in certain events.

10.—In the following cases (that is to say)—

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorized by this Order should not be substantially commenced; or

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Saving rights under Crown Lands Act, 1866.

11.—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, or the Order of 1864, be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1870.