CHAPTER cxcii.

An Act to authorise the Sutton Harbour Improvement Company to construct a Quay and Roadway and to establish and regulate a Fish-Market in connection with their existing undertaking at the Harbour of Sutton Pool in the port of Plymouth and county of Devon; to facilitate the acquisition of lands from the Duchy of Cornwall; to revise and modernise the rates tolls and charges authorised to be taken by the Company; to confer upon them additional money powers; and for other purposes. [26th August 1889.] A.D. 1889.

WHEREAS by the Sutton Harbour Act 1847 (in this Act called "the Act of 1847") the Sutton Harbour Improvement Company (in this Act called "the Company") were incorporated for the purpose of improving the harbour of Sutton Pool as defined by the Act of 1847 and in this Act called "the harbour" and making additional works connected therewith and maintaining the said harbour works and conveniencies and for other the purposes of that Act:

And whereas by the Sutton Harbour (Tramways) Act 1872 (in this Act called "the Act of 1872") powers were conferred upon the Company of making and maintaining tramways:

And whereas by the Sutton Harbour Act 1874 (in this Act called "the Act of 1874") additional powers were conferred upon the Company of converting part of the harbour of Sutton Pool into a dock and of making and maintaining the dock wall and embankment therein mentioned but none of the powers of the Act of 1874 have been exercised by the Company and such powers have now ceased by effluxion of time:

And whereas the construction by the Company of a quay and roadway and the establishment in part of the harbour of Sutton Pool of a market for the sale of fish under suitable regulations would be of local and public advantage:

A.D. 1889.

And whereas with a view of enabling the Company to improve the accommodation and to facilitate the user of the harbour and the works connected therewith it is expedient that the Company be enabled to effect and complete the purchase of the fee simple reversion and all other the estate and interest of the Duke of Cornwall (as hereinafter defined) in the water soil and pool of Sutton and other possessions of the Duchy hereinafter referred to:

And whereas the authorised capital of the Company (apart from the capital authorised by the Act of 1874 no portion of which has been raised) consists of fifty-seven thousand pounds ordinary share capital under the Act of 1847 twenty thousand pounds preference share capital under the Act of 1872 nineteen thousand pounds loan capital under the Act of 1847 and five thousand pounds loan capital under the Act of 1872 of which amounts there have been issued respectively:—

	£
Ordinary capital - - - -	55,725
Preference capital - - -	20,000
Total loan capital - - -	22,930

and it is expedient that the Company should be authorised to raise further moneys for the purposes hereinbefore mentioned and for the acquisition of lands in connection therewith:

And whereas under the provisions contained in the Act of 1847 certain rates and dues were authorised to be taken by the Company and by the Act of 1874 certain other rates and dues were authorised to be taken in lieu thereof upon the completion of the dock by that Act authorised but such dock not having been constructed the rates and dues under the Act of 1874 have never been in force while those authorised by the Act of 1847 are not in all respects applicable to the circumstances of the present day or to the fish-market by this Act authorised and it is accordingly expedient that the existing rates and dues should be revised and modernised and that the Company should be empowered to levy and collect such additional rates dues rents and charges as are in this Act mentioned:

And whereas by the Sutton Harbour (Duchy of Cornwall) Act 1876 (in this Act called "the Act of 1876") the Duke of Cornwall and the Company were enabled to enter into and carry into effect agreements and arrangements with reference to lands upon some of which works of the Company were by the Acts of 1847 1872 and 1874 authorised to be placed:

And whereas by an indenture dated the twenty-fourth day of December one thousand eight hundred and seventy-eight and made between His Royal Highness Albert Edward Prince of Wales

Duke of Cornwall of the one part and the Company of the other part His said Royal Highness in pursuance of the Act of 1876 and the Duchy of Cornwall Management Act 1863 demised the water soil and pool of Sutton called Sutton Pool with the lands messuages storehouses cellars buildings quays wharfs and structures thereto belonging or adjoining and being parcel of the possessions of the Duchy of Cornwall and delineated with the abuttals thereof in the plan drawn on the said indenture and all other the lands tenements and hereditaments (if any) comprised in certain indentures of lease therein stated to have been surrendered or which immediately before the surrender of the terms thereby granted were comprised in such terms respectively and in respect of which His said Royal Highness had not exercised the right of re-entry reserved by the lease secondly referred to To hold subject as therein mentioned unto the Company and their assigns for the term of ninety-nine years from the twenty-fifth day of March one thousand eight hundred and seventy-six under payment of the yearly rent and performance of the covenants and conditions in the said indenture of lease contained And in the said indenture of lease is contained a proviso that if the Company or their assigns should be desirous at any time before the twenty-fifth day of March one thousand eight hundred and eighty-six of purchasing the fee simple and inheritance of the said premises therein expressed to be thereby demised for the sum of thirty-eight thousand pounds and of such desire should give to His said Royal Highness His heirs successors or assigns or his or their duly authorised officer or agent at the office of the Duchy of Cornwall in London not less than six calendar months' previous notice in writing expiring at the end of any half-year of the said term then and in such case His said Royal Highness His heirs or assigns would at the expiration of such notice upon payment to him or them of the said sum of thirty-eight thousand pounds and of all rent then accrued due and at the expense in all respects of the Company or their assigns assure the said premises thereinbefore expressed to be thereby demised and the inheritance thereof in fee simple unto the Company or their assigns:

And whereas the time within which the Company might exercise the option of purchase in accordance with the said proviso in that behalf contained in the said lease was extended by His said Royal Highness in council for three years namely to lady day one thousand eight hundred and eighty-nine:

And whereas the Company on the twenty-ninth day of August one thousand eight hundred and eighty-eight gave to His said

A.D. 1889.

Royal Highness notice of their desire of purchasing the fee simple and inheritance of the premises demised by the said indenture of lease at the end of the half-year which should expire on the twenty-fifth day of March one thousand eight hundred and eighty-nine at the price of thirty-eight thousand pounds and it is desirable that such purchase should be carried out:

And whereas there is a small piece of land containing about two perches abutting upon Sutton Road and adjoining part of the premises comprised in the said indenture of lease which under an arrangement with the corporation of Plymouth forms part of the possessions of the Duchy of Cornwall in lieu of another small piece of land which was originally comprised in the said lease but has under the said arrangement ceased to be comprised therein and it is desirable that the Company should have power to purchase the said piece of land in addition to the premises now comprised in the said indenture of lease:

And whereas the Company have borrowed on bonds under the powers contained in the Act of 1847 seventeen thousand nine hundred and thirty pounds and holders of such bonds to the extent of seventeen thousand one hundred and thirty pounds out of the said seventeen thousand nine hundred and thirty pounds have expressed in writing their consent to the raising of a separate stock (hereinafter referred to as "Sutton Harbour Rent Redemption Stock") with such priority as is hereinafter mentioned:

And whereas it is expedient that such further powers as are hereafter contained should be conferred upon the Company:

And whereas it is expedient to make such provisions as this Act contains for the execution of certain sewerage works and the diversion of sewage from the harbour and for the purchase by the mayor aldermen and burgesses of the borough of Plymouth (in this Act called "the corporation") if they so resolve of the site of the fish-market and roadway and of the market buildings and works authorised by this Act on terms which have been agreed between the corporation and the Company and for investing the corporation in the event of their exercising their option of purchase with the powers and rights of the Company in relation to such market and for ensuring in the like event the deepening and dredging of Sutton Pool and for other matters:

And whereas plans and sections showing the lines and levels of the quay roadway and works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the

powers of this Act were duly deposited with the clerk of the peace for the county of Devon and are hereinafter referred to as "the deposited plans sections and books of reference":

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 Sutton Harbour Act 1889.

Incorporation of general Acts.

2. The following Acts and Parts of Acts are (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845—

With respect to the distribution of the capital of the Company into shares;

With respect to the transfer or transmission of shares;

With respect to the payment of subscriptions and the means of enforcing the payment of calls;

With respect to the forfeiture of shares for non-payment of calls;

With respect to the remedies of creditors of the Company against the shareholders;

With respect to the borrowing of money by the Company on mortgage or bond;

With respect to the conversion of borrowed money into capital;

With respect to the consolidation of the shares into stock;

With respect to the provision to be made for affording access to the special Act by all parties interested:

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863:

The Lands Clauses Consolidation Acts 1845 1860 and 1869 and the Lands Clauses (Umpire) Act 1883:

The Harbours Docks and Piers Clauses Act 1847 (except sections 16 to 19 inclusive of that Act):

The Markets and Fairs Clauses Act 1847 subject as follows—

I. With reference to section twelve of that Act the publication in a newspaper thereby required shall be made in some daily morning newspaper published in Plymouth;

II. With reference to the provisions for weighing goods and carts in the said Act the Company shall not be bound to provide weighing-houses or places for weighing or

A.D. 1889.

measuring commodities or buildings or places for weighing carts or machines or weights proper for that purpose or to appoint any such person as is mentioned in section twenty-four of the said Act But if and when the Company shall think fit to provide such weighing-houses weights buildings and places as are prescribed by the said Act all the provisions of that Act relating thereto shall take effect.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act and in the schedules hereto the word "fish" shall include oysters and other bivalves and all aquatic animals And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to make and maintain quay and roadway &c.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter mentioned and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for the purpose.

The works hereinbefore referred to and authorised by this Act are:—

(1) A quay (in this Act referred to as "market quay") situate within or bounded by an imaginary line drawn from and commencing at the western end of the northern face of the west pier in the harbour at the junction of the Barbican Quay therewith and running thence in a northerly direction for a distance of 460 feet or thereabouts to a point in the Harbour 60 feet or thereabouts distant in an easterly direction from the easternmost angle of Smart's Quay thence in an easterly direction and at right angles to the last-mentioned line for a distance of 60 feet or thereabouts thence in a northerly direction at right angles to the last-mentioned line for a distance of 117 feet or thereabouts thence in a westerly direction at right angles to the last-mentioned line for a distance of 155 feet or thereabouts thence for a distance of 256 feet or thereabouts to a point in the Parade Quay 57 feet

or thereabouts distant from the northern face of the Ship Inn thence in a southerly direction for a distance of 20 feet or thereabouts along the Parade Quay wall thence in an easterly direction parallel to and 36 feet or thereabouts from the northern face of the buildings abutting on the portion of the harbour known as Parade Creek for a distance of 293 feet or thereabouts thence in a southerly direction for a distance of 68 feet or thereabouts to a point in the northern face of Smart's Quay 10 feet or thereabouts distant from the said easternmost angle of Smart's Quay thence in a south-easterly and southerly direction along the face of the wall of Smart's Quay and Barbican Quay to the point of commencement above described:

With all necessary buildings approaches landings works and conveniences connected with the said quay:

(2) A roadway commencing at the southern end of the wall of the said Parade Quay where it joins the Ship Inn and to be 36 feet or thereabouts in width and extending or running in an easterly direction for a distance of 296 feet or thereabouts along the southern side of the portion of Sutton Pool known as Parade Creek and abutting upon the northern face of the buildings and Smart's Quay adjoining the said portion of Sutton Pool:

(3) Upon the site or area of the quay (1) hereinbefore described all such sheds offices stores and other buildings and enclosures erections warehouses cellars wharves quays landing places roadways approaches and conveniences (hereinafter together referred to as "market buildings") as are suitable for and connected with the market for the sale of fish to be established by the Company under the authority of this Act as hereinafter mentioned.

Limits of deviation.

5. Subject to the provisions of this Act the Company in constructing the works by this Act authorised may deviate laterally from the lines thereof to any extent not exceeding the limits of lateral deviation shown on the deposited plans and may also deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards Provided that no deviation from the lines of any of the said works marked on the deposited plans on in over through or across tidal lands or a tidal water shall be made without the previous consent of the Board of Trade.

Lights on works.

6. The Company shall on or near the works below high water mark hereby authorised during the whole time of the constructing

A.D. 1889.

altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time requires or approves and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the works when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves.

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.

Survey of works by Board of Trade.

7. 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 water 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.

Abatement of work abandoned or decayed.

8. If a work constructed by the Company on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it 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.

Period for compulsory purchase of lands.

9. 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.

Period for completion of works.

10. If the works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Construction of works to satisfaction of borough surveyor.

11. The works by this Act authorised shall be constructed in accordance with plans and specifications to be submitted to and approved by the borough surveyor and the Company shall use their utmost endeavours to complete them within three years from the passing of this Act and the Company shall within the same period

acquire the fee simple in possession of the lands necessary for the construction of such works.

The Company shall invite tenders for the execution of the said works and they shall not accept any tender or make any contract for the execution of the said works without the approval of the corporation which shall not be unreasonably withheld.

Power to Company to cross roads &c.

12. It shall be lawful for the Company and they are hereby authorised to cross open break up alter stop up divert or interfere with temporarily all or any of such ways streets lanes alleys courts passages footpaths market-places landing-places quays stairs or places sewers drains aqueducts culverts gas water telegraphic telephonic pneumatic electric and other pipes tubes and apparatus shown on or within the limits of the deposited plans as they may deem it necessary or convenient so to cross open break up alter stop up or divert or interfere with in or for the construction of the works by this Act authorised or any of them or for any of the purposes of this Act Provided that the Company shall provide substituted sewers and drains to the satisfaction of the borough surveyor for any sewers and drains interfered with and shall make full compensation to any person who suffers damage in consequence of the exercise of the powers of this section Provided also that the Company shall not break up alter divert or in any way interfere with any telegraphic pipes tubes or apparatus belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to make subsidiary works.

13. Subject to the provisions of this Act and within the limits defined on the deposited plans the Company in connection with the works by this Act authorised to be executed by them and as part and for the purposes thereof may make junctions and communications with any existing ways or streets contiguous to or intersected or interfered with by the said works and may widen or alter the lines or levels of any existing ways or streets for the purpose of connecting the same with the said works and may temporarily stop up or use all or any part of the carriageway or footway of any such ways or streets but so far only as may be necessary for and during the execution of any of the works by this Act authorised and the Company shall make full compensation to all persons injured by the exercise of the powers of this section.

Power to take easements &c. by agreement.

14. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement

A.D. 1889.

of fresh 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.

Power to acquire additional lands by agreement.

15. The Company may for the purposes of this Act (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land and foreshore not exceeding in the whole two acres and any right easement or privilege therein thereunder thereover or thereupon not being an easement of fresh water but nothing in this Act shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Restrictions on displacing persons of labouring class.

16.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or 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 unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the

scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

A.D. 1889.

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may think proper.

(8) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(9) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

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

Company not to be bound to sell lands demised.

17. 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 which may be included in any lease made or to be made by the Company or the reversion thereof.

Power to hold fish-market.

18. Subject to the provisions of this Act the Company may and shall upon the site or area of the quay (1) hereinbefore described or in the market buildings upon the said site or area to be provided by them for the purpose as hereinbefore mentioned establish and hold a market (hereinafter referred to as "the fish-market") for the sale of fish on such days and at such times as they shall think fit.

Power to let.

19. The Company may at any time and from time to time let all or any of their market buildings rights or conveniences connected with the fish-market for such periods not exceeding three years in possession in such manner on such conditions and at such rent as they shall think fit and may grant leases or licenses of the same or parts thereof respectively Provided that the Company shall not exercise the power conferred by this section excepting only as to the granting of yearly tenancies of any shop stall standing shed station or place or convenience within the fish-market until after the expiration of the time limited by this Act for the purchase by the Corporation of the market works hereinafter mentioned and failure to purchase the same.

Sale of fish by retail not to be interfered with.

20. From and after the completion and opening of the fish-market by this Act authorised every person shall be at liberty freely and without let or hindrance by the Company or the corporation to sell or expose for sale by retail either in the existing market of the corporation or in his own shop warehouse or enclosed yard or store any fish in respect of which rates and tolls would by this Act be authorised to be taken if the same were sold in the fish-market.

Sale of fish in gross to be by public auction in fish-market.

21. Save as aforesaid and save and except in the case of a licensed hawker from and after the completion and opening of the fish-market by this Act authorised all fish brought or carried to the harbour of Sutton Pool or to any part of the borough of Plymouth and whether by sea or land and whether in ships boats carts trucks vans tanks boxes or otherwise for sale shall be sold only by public auction and in the fish-market And any person or persons violating or offending against the provisions of this section shall be liable to a penalty not exceeding in each case ten per centum of the value of the fish which he or they may sell otherwise than by public auction and in the fish-market Provided that fish brought over the Great Western Railway or into the Great Western Docks on or for transit by railway but not for purposes of sale either wholesale or retail within the borough shall be exempt from toll under this Act.

Extinguishment of market rights (if any) on lands taken.

22. When and so soon as the Company have acquired any of the lands delineated on the deposited plans and described in the deposited book of reference all franchises liberties and rights of market (if any) in respect of or upon the lands so acquired existing at the time of such acquisition and all other easements rights or privileges (not otherwise expressly provided for by this Act) in under or upon the said lands shall on compensation being made to any person who may suffer damage in consequence of the exercise of the powers of this section be extinguished and shall cease to be exercised by any person.

A.D. 1889.

Power to appropriate lands &c.

23. The Company may on any of the lands acquired by them under the provisions of this Act and not required by them for the purposes of the fish-market quay or roadway provide erect and fit up warehouses depots buildings sheds cranes lifts staiths drops gear machinery and other apparatus and appliances required for or in connection with the business of the Company and may hold and use or may let the same for any term not exceeding seven years in possession or the Company may grant leases of any of such lands for any terms not exceeding ninety-nine years to any persons corporations or companies (such corporations or companies being capable at law of accepting such leases) who shall covenant to improve such lands by laying out money in the construction or erection thereon of warehouses sheds or other buildings and conveniences calculated to promote or facilitate the business of the Company and they may also grant to such lessees the use (during the continuance of their respective leases) of such wharfage water space quayage and other easements as may be requisite for the purpose of the trade or business to be carried on in or at the places and buildings so to be constructed or erected and as will not interfere with the general traffic and use of the quay harbour and fish-market respectively.

Every lease to be made under the powers of this section shall be made without fine but may be made with and subject to such exceptions reservations yearly or other rents or payments covenants conditions powers and provisions as the parties thereto mutually agree on Provided that in every such lease due provision be made for securing the payment performance and observance by the lessees thereunder of the rents (if any) covenants and provisions in and by such leases respectively reserved and contained and on their part to be performed and observed Provided also that a duplicate or counterpart of every such lease be executed by the lessees therein named and delivered to the Company.

Authorising rates and dues as in schedules to this Act.

24. From and after the passing of this Act the several rates and dues contained in Schedules B C D E and F to the Act of 1847 shall cease to be levied and the rates and dues leviable by the Company in lieu thereof shall be those contained in Schedules A B C D E and F to this Act subject to the provisions contained in those schedules.

Fish-market tolls as in Schedule G.

25. From and after the completion and opening of the fish-market by this Act authorised the Company may demand and take the dues on fish brought in any vessel entering the pool and the tolls for the use of the fish-market and for and in respect of the use or occupation of any shop stall standing shed station or place

or convenience within the fish-market contained in Schedule G to this Act.

Repealing section 83 of Act of 1847.

26. Section 83 of the Act of 1847 is hereby repealed.

Fish-market tolls for stalls &c. payable by successive occupiers.

27. The rent or toll payable in respect of the occupation or user of any such shop stall shed standing station place or convenience shall be paid not only by the original taker or occupier thereof for part of the day if he do not occupy it for a whole day but also by any subsequent taker or occupier of the same for any subsequent part of the same day.

Charges for warehousing.

28. The Company may demand and take for and in respect of warehousing any goods which shall be imported into or landed or deposited within or on or shipped or exported from or through the harbour and for and in respect of coopering sampling painting marking and other work to be performed and materials to be supplied in respect of such goods and for fodder provided for live stock such charges as may from time to time be agreed upon between the owners or consignees of such goods and the Company.

Tolls to be taken.

29. The rents rates dues tolls and charges specified in this Act and the schedules thereto shall be payable to and may be demanded and taken by the collectors of the Company as in the case of rates or dues authorised by the Act of 1847.

Repair of surface of quay &c.

30. The surface of the quay and of the roadway when completed by the Company shall unless otherwise agreed between the Company and the urban sanitary authority of the district be at all times held maintained and repaired by the Company and any user by the public of the surface of such quay or roadway or any part thereof for or in connection with the purposes of the fish-market established under the authority of this Act or otherwise shall at all times be subject to the prior and exclusive rights of the Company.

Power to deepen approaches.

31. It shall be lawful for the Company with the consent in writing of the Board of Trade so far as the interests of navigation are concerned to excavate and dredge all such parts of the harbour of Sutton Pool and of the approaches thereto and also by agreement to dredge such parts of any adjoining lands as may be necessary and convenient for the purpose of providing access by water at low tides to the quay and fish-market Provided always that such excavations and dredging where they are in the harbour under the jurisdiction of the Cattewater Harbour Commissioners shall be made and carried out and at all times continued to the satisfaction of the said Commissioners.

A.D. 1889.

As to material dredged.

32. Subject to the provisions of this Act the Company may use and appropriate in the works connected with their undertaking or otherwise dispose of the soil and material dredged by them from time to time.

Provisions of Acts relating to Duchy of Cornwall made applicable.

33. The several provisions of the Duchy of Cornwall Management Act 1863 so far as the same may be applicable to the purposes of this Act are hereby incorporated with this Act and His Royal Highness Albert Edward Prince of Wales and Duke of Cornwall or other the personage for the time being entitled to the possessions of the Duchy of Cornwall (who are in this Act respectively referred to and included in the expression "the Duke of Cornwall") and the Company may under the provisions of that Act and the Sutton Harbour (Duchy of Cornwall) Act 1876 carry into effect and complete the sale and purchase of the fee simple reversion and other estate and interest of the Duke of Cornwall in the water soil and premises now comprised in the said lease of the twenty-fourth day of December one thousand eight hundred and seventy-eight upon the terms hereinbefore mentioned and may also effect and complete the sale and purchase of the adjoining piece of land abutting upon Sutton Road hereinbefore mentioned for such sum as may be agreed upon between the parties but such sales and purchases shall be completed within six months from the passing of this Act and until such completion the Company shall continue to pay the rent reserved under the said lease.

Company may apply funds &c.

34. The Company may apply for the purposes of this Act any sum or sums of money which by any former Act or Acts they are authorised to raise by shares or stock or by borrowing and which may not be required for the special purposes (if any) for which the same were or was authorised to be raised.

Power for Company to raise additional capital.

35. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole twenty-seven thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Except as otherwise provided new shares or stock to be subject to

36. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions

liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

same incidents as other shares or stock.

The capital in new shares or stock shall form part of the capital of the Company.

Dividends on new shares or stock.

37. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

38. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised under this and any former Act may be of same class.

39. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow additional moneys.

40. The Company may in respect of the additional capital of twenty-seven thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding nine thousand pounds and may borrow in respect of each sum of nine thousand pounds (being part of such sum of twenty-seven thousand pounds) the proportionate amount of three thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares in each case are issued and accepted and one-half of such capital 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 shares for the whole of such capital have been issued and accepted and that one-half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said additional

A.D. 1889.

capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Payment to be made to Duchy of Cornwall by moneys received on creation and issue of Sutton Harbour Rent Redemption Stock.

41. In addition to any other sum or sums of money which the Company are by this Act authorised to borrow they may borrow upon the security of their undertaking by the creation and issue of Sutton Harbour Rent Redemption Stock a sum not exceeding forty thousand pounds to be applied in and for the purchase of the fee simple reversion and all other the estate and interest of the Duke of Cornwall in the water soil and pool of Sutton and all expenses incidental thereto and in and for no other purpose whatever.

The said Sutton Harbour Rent Redemption Stock or so much thereof as may from time to time be created and issued by the Company shall have priority over all mortgages bonds stocks or other securities granted or issued or which may be granted or issued by the Company without respect to the dates of such mortgages bonds stocks or other securities respectively or of the Acts of Parliament by which they were authorised.

Upon such purchase as aforesaid from the Duchy of Cornwall and for the further security of the holders of Sutton Harbour Rent Redemption Stock an annual amount equivalent to the rent heretofore paid by the Company to the Duchy in respect of the lands or possessions so purchased shall be deemed to be included in the security upon which such Sutton Harbour Rent Redemption Stock was granted and issued and the amount thereof borrowed by the Company.

Debenture stock.

42. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 (as far as the same are not inconsistent with the provisions of this Act and with the consent of the holders of the mortgage debt of the Company under the Act of 1847 but not otherwise) but notwithstanding anything in the said provisions contained the

interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment and of the priority by this Act given to Sutton Harbour Rent Redemption Stock shall be endorsed on all mortgages and certificates of debenture stock.

Repealing provisions of former Acts for appointment of receiver.

43. The provisions of any previous Act or Acts relating to the Company for the appointment of a receiver at the instance of mortgagees of the Company are by this Act repealed but without prejudice to any appointment heretofore made or proceedings now pending.

For appointment of a receiver.

44. 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 five thousand pounds in the whole.

Existing mortgages to have priority.

45. Subject to the provisions hereinbefore contained as to Sutton Harbour Rent Redemption Stock all mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of any debenture stock at any time created and issued by the Company.

Moneys borrowed on mortgage to have priority.

46. Subject to the provisions hereinbefore contained as to Sutton Harbour Rent Redemption Stock all moneys borrowed under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the works by this Act authorised or by the exercise of any of the powers conferred upon the Company.

A.D. 1889.

Application of moneys.

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

Control by harbour master.

48. In exercising the authority conferred by the Harbours Docks and Piers Clauses Act 1847 or by any other Act relating to the Company the harbour master of the Company shall be deemed to possess and may exercise all powers necessary or desirable for the due control of fishing and other vessels or craft and the crews thereof entering leaving or remaining in the harbour or using the quays landing-places or other works and conveniences thereof or any of them and for preventing fish offal ashes refuse or any waste deleterious or offensive substances from being thrown or put into the harbour or deposited contrary to the bye-laws upon any part of the harbour works And the harbour master may proceed to recover from the offenders in all cases the penalties fixed in that behalf by the bye-laws of the Company.

Byelaws.

49. In addition to the powers of making bye-laws contained in any other enactment enabling the Company to make bye-laws they may from time to time make such bye-laws as they think fit for all or any of the following purposes :—

For carrying out after the construction of the sewerage works hereinafter mentioned the provisions of the last preceding section ;

For the regulation and government of the fish-market and of the quay on which the same is established and held and of the approaches thereto ;

For regulating the landing shipping and conveyance of fish upon in through or over the quay or roadway and into and out of the fish-market and into or out of the streets roads approaches quays wharves and landing-places immediately leading to or connected with the fish-market respectively ;

For regulating the conduct of persons frequenting the fish-market and quays streets and places immediately adjacent or leading thereto ;

For regulating the terms and conditions of and the payments to be made for the granting of any licenses under the powers of this Act ;

For prohibiting the sale of fish in any manner time or place contrary to the provisions of this Act ;

For requiring any auctioneer selling fish in the fish-market to make a return to the Company of the quantity of fish sold and the price obtained for the same ;

For preventing the sale or exposure for sale in the fish-market of any fish that may be found to be diseased or unsound or unwholesome or unfit for the food of man but so that any such bye-law shall be in addition to and not in substitution for any powers vested in any sanitary authority under the Public Health Act 1875;

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

For preventing the infringement or evasion of any rights of the Company under the provisions of this Act:

And such bye-laws except so far as they relate solely to the Company or their officers or servants shall be subject to the provisions with respect to bye-laws of the Markets and Fairs Clauses Act 1847 (except section 44 of that Act) or as the case may be or require of the Harbours Docks and Piers Clauses Act 1847 (except section 85 of that Act) But no such bye-laws shall have any force or effect unless and until the same be confirmed by the Board of Trade:

Any person who offends against any bye-law shall be liable for every offence to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings for every day such offence shall continue after conviction therefor and such penalties shall be in addition to any damages which may be recoverable for any loss damage or injury consequent on such offence:

The penalties imposed by any such bye-law for any breach thereof shall be in addition to any damages recoverable by the Company or by any person or company for any loss or injury to them or him or to their or his property consequent on such breach.

Certificates and delivery warrants.

50. With respect to the giving of certificates and warrants by the Company for the delivery of goods the following provisions shall have effect (that is to say):—

Company may give certificates of deposited goods and warrants for delivery of goods.

(1) The Company from time to time at the request of any person warehousing or depositing any goods in any warehouse or upon or in any of the quays or sheds of the Company specially appropriated for the purpose or entitled to any goods so warehoused or deposited may if the Company think fit issue and deliver to him a certificate in a form approved by the Company of the goods so warehoused or deposited or a warrant in a form approved by the Company for the delivery of the goods so warehoused or deposited or any part thereof to be respectively specified in the warrant;

A.D. 1889.

Warrant not to be given until freight rates &c. paid.

(2) No such warrant for delivery shall be given unless and until all liens and claims for freight and all other liens or claims whatsoever to which the goods were liable while on board any vessel and before the warehousing or depositing of the same and of which the Company have notice in writing and all rates rents charges and expenses payable to the Company with respect to the warehousing or depositing of the goods or for services performed by the Company in respect thereof are paid or discharged up to the date mentioned in the warrant;

Warrant not to be given until certificate given up.

(3) Before a warrant for the delivery of all or any of the goods specified in any certificate is issued by the Company the certificate shall be delivered to them to be cancelled Provided that if the warrant be for the delivery of part only of the goods the Company shall issue to the person so delivering up the certificate a new certificate with respect to the goods not specified in the warrant;

Effect of certificate or warrant.

(4) Every such certificate or warrant for delivery shall be deemed to be a document of title to the goods specified therein and shall be transferable by endorsement and any holder of such certificate or warrant whether the person named therein or the indorsee thereof shall have the same right to the possession and property of such goods as if they were deposited in his own warehouse;

Notice of effect of certificate or warrant to be endorsed thereon.

(5) Every such certificate or warrant shall state on the face thereof the effect of the last preceding sub-section and that the certificate or warrant is issued under the powers of this Act;

(6) The Company may charge for each certificate or warrant any sum not exceeding two shillings.

Corporation to have option of purchase of fish-market, &c.

51.—(1) Subject to the provisions of this Act the corporation shall have the option of purchasing all the estate and interest of the Company in the lands shown on the deposited plans as forming the site of the works by this Act authorised (subject to any rights or easements therein of third parties) together with all the market buildings quays and other works erected or constructed by the Company for market purposes on or in connection with those lands (hereinafter called "market works") for the consideration and on and subject to the terms and provisions hereinafter contained.

(2) The said option shall be exercisable by the corporation giving three months' written notice to the Company of their intention to exercise it at any time within four years to be computed from the expiration of twelve months after the completion and opening for public user of the market buildings or if the Company fail to complete the market buildings and open the same for public

use within the period of five years from the passing of this Act then the corporation shall be entitled at any time after the expiration of such period to purchase all the estate and interest of the Company in the said lands and so much of the said market works as shall be completed on giving three months' written notice to the Company.

(3) The consideration for the purchase shall be the payment by the corporation to the Company:—

(A) Of the sum of four thousand pounds in respect of the fee simple in possession of the said lands if the Company shall have acquired the same at the time the corporation shall have given notice of their option of purchasing with proportionate addition at the same rate for the freehold of the land forming the existing extension of Southside Quay constructed by the Company which shall be conveyed to the corporation and proportionate deduction at the same rate for such part of the Parade Quay as is the property of the corporation which is to be conveyed to the Company but if the Company shall not have acquired the fee simple of the said lands at the time the corporation shall have given such notice as aforesaid then the payment by the corporation to the Company shall be reduced to such smaller sum as shall represent the value of the estate and interest of the Company therein such sum to be ascertained in case of difference by an independent person to be nominated by the parties or if they fail to agree then to be nominated by the Board of Trade;

(B) Of a sum equivalent to the amount actually expended by the Company on the construction of the market buildings and other works for market purposes by this Act authorised and in the acquisition of or compensation for any rights and easements which it may be necessary for the Company to interfere with and also of a sum equivalent to the amount paid or payable by the Company on account of interest on any moneys so expended by them;

(C) Of a sum equivalent to the amount of loss (if any) which may have been incurred by the Company in working the fish-market up to the date of completion of the purchase by the Corporation.

(4) The Company shall only borrow from time to time such moneys as shall be from time to time requisite for proceeding with the execution of the market works by this Act authorised so that as far as possible the amount payable on account of interest may be minimised.

A.D. 1889.

Provisions consequent on purchase by corporation.

52. If the corporation exercise the option of purchase conferred by this Act the following consequences shall ensue :—

(i.) From and after the completion of the purchase all powers rights and duties of and incidental to the holding and regulation of the fish-market or otherwise in relation to the said market which are by this Act conferred or imposed on the Company shall be by virtue of this Act transferred to vested in exercisable by and imposed on the corporation ;

(ii.) The rent payable by the Company to the corporation in respect of Southside Quay and Parade Quay shall cease to be so payable as from the substantial commencement of the market works by this Act authorised and the lease or leases of those quays shall be surrendered by the Company to the corporation ;

(iii.) Market Quay and the new roadway by this Act authorised shall not at any time be used by the corporation or by any other person for any purpose other than the purposes of the fish-market or in connection therewith save that any goods or articles intended to be used by the corporation in the performance of any of their statutory duties (whether as a municipal corporation sanitary authority or otherwise) may be landed on the said quay and roadway on payment to the Company of such rates dues or tolls as would have been payable if the same had been landed at any other quay of the Company and save also that the corporation may from time to time permit such partial or temporary use of the said quay by the Company as the corporation may from time to time see fit ;

(iv.) The corporation shall pay two-thirds of the costs charges and expenses incurred by the Company in or about the promotion of and obtaining this Act the amount of such costs charges and expenses to be finally settled and determined in case of difference by an independent person to be nominated by the parties or if they fail to agree then to be nominated on the application of either party by the Board of Trade and the costs (if any) of such reference shall be added to and dealt with as part of the costs charges and expenses aforesaid ;

(v.) From and after the completion of the purchase—

(A.) The Pool due of one penny prescribed by Schedule G to this Act shall continue to be receivable by the Company and to be applicable by them to the like purposes as other rates dues and tolls leviable by them ; and

(B) The market toll of twopence prescribed by Schedule G shall be payable to the corporation and be appropriated and be applicable by them to the maintenance and

improvement of the fish-market in their hands and to the payment of interest on and repayment of any moneys borrowed by them for purposes of the fish-market and subject thereto shall be carried to the borough fund.

Corporation not to purchase without further parliamentary powers.

53. Notwithstanding anything in this Act contained the corporation shall not exercise the power of purchase conferred by the section of this Act with the marginal note "Corporation to have "option of purchase of fish-market &c." unless and until they shall have obtained parliamentary powers authorising them to borrow and expend the moneys necessary for that purpose.

Facilities to fishing vessels.

54. The Company shall at all times afford to fishing vessels going to or from Market Quay all reasonable facilities for ingress to and egress from the harbour and also for berthing in the harbour.

Access to market by officers of Company.

55. At all times by day and night after the purchase of the market by the corporation the officers of the Company shall have free access to the fish-market and approaches thereto for the purpose of regulating the traffic of the harbour.

As to construction of sewerage works.

56. The Company shall defer the commencement of the construction of the market buildings and works until the corporation shall have obtained the consent of the Local Government Board to the raising of the money required for defraying the cost of the sewage tanks hereinafter mentioned and the additional sewerage works necessary to complete the drainage system of which the said sewage tanks are intended to form part and such other consents as may be necessary for or in connection with the proposed sewage tanks and sewerage works and the corporation shall with all due diligence apply for all such consents and if the corporation shall by written notice within three months after obtaining such consents so require the Company shall within two years from the receipt of such notice construct in connection with the said market works sewage tanks of such size and dimensions as the corporation may require and together with all necessary and proper ancillary works in accordance with plans and specifications to be submitted to and approved by the borough surveyor and the Company shall complete the same in all respects to the satisfaction of the borough surveyor and the corporation shall within six months after such completion recoup to the Company the amount expended by them in the execution of the provisions of this section with interest at the rate of four per centum per annum thereon from the completion of the works until payment and from and after the completion of the said sewage tanks the corporation shall have the exclusive user of the same and shall have all necessary

A.D. 1889.

and proper access to the said tanks for the purpose of connecting therewith the additional sewerage works hereinbefore mentioned and for the maintenance of the tanks and works and all facilities in regard to the user thereof respectively and the powers of the corporation to borrow money under the Public Health Act 1875 shall be available as if the purposes of this section were purposes of that Act.

Corporation to divert sewage from harbour on completion of tanks.

57. Within two years after the completion of the sewage tanks the corporation shall stop up the outfall of all sewers and drains which discharge sewage into the harbour and shall take such measures as will effectually prevent the discharge into the harbour of any solid or liquid sewage through any sewer or drain Excepting only that the corporation shall not be under any obligation to divert from the harbour any such sewage discharge as cannot be conveyed by natural gravitation into any existing or future sewer of the corporation in the vicinity nor shall the corporation be required by this section to divert any drain as defined by the Public Health Act 1875 in respect of which the consent of the owner thereof to such diversion may be necessary without the consent of such owner.

Obligation of Company to dredge Sutton Pool.

58. Within three years from the passing of this Act the Company shall deepen Sutton Pool and the approaches thereto to the extent and in the manner shown and described on the plan marked A which has been signed by Thomas Wolferstan on behalf of the Company and by John Walter Wilson on behalf of the corporation and if the corporation exercise the right of purchase conferred by this Act but not otherwise then the corporation shall within six months after the completion of the said works recoup to the Company the amount expended by them in the execution of the provisions of this section with interest at four pounds per centum per annum from the date of such completion Provided that the obligations imposed by this section shall only take effect if the requisite consents of the Board of Trade and of any other authority whose consent is necessary are obtained but the Company shall use their best endeavours to obtain such consents as soon as practicable after the passing of this Act.

At any time and from time to time after the said deepening of Sutton Pool has been completed the Company shall if required by and at the expense of the corporation dredge such parts of Sutton Pool and the approaches thereto as are shown on the said plan so as to maintain the depth shown or specified on the said plan.

Interest not to be paid on calls paid up.

59. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act

authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

60. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct or execute any other work or undertaking.

Company not exempt from provisions of any future general Act.

61. Nothing in this Act shall exempt the Company from the provisions of any general Act hereafter passed with respect to markets or from any revision by Parliament of the tolls by this Act granted to the Company.

Saving the rights of the Duchy of Cornwall.

62. Nothing contained in this Act shall extend to authorise the Company to carry out the works by this Act authorised so as in any manner to affect the possessions of the Duchy of Cornwall until the sale and purchase of the said premises now comprised in the said lease of the twenty-fourth day of December one thousand eight hundred and seventy-eight and the said adjoining piece of land shall have been completed and the purchase-money for the same duly paid or to authorise the Company to take use enter upon or interfere with the said premises or any other land soil or water or any rights in respect thereof belonging to Her Majesty Her heirs or successors in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exercisable or otherwise for the time being exercisable in relation to the said Duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty Her heirs or successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Costs of Act.

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

A.D. 1889.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Rates upon Goods in the Pool.

		s.	d.
For every ton of merchandise brought in any ship or vessel or by raft entering the Pool		0	2
For every ton of merchandise taken out by any ship vessel or raft leaving the Pool which has not paid the inward rate		0	2
For bulls oxen cows heifers horses mares and geldings	each	0	4
For sheep calves pigs and other small animals	,,	0	1
For every bale cask sack bag truss box trunk case chest bundle or package containing goods and every other article not exceeding 6 cubic feet where the separate consignment does not exceed 1 ton		0	1
For every additional cubic foot	per foot	0	$0\frac{1}{4}$
For every lot or parcel of fish brought into the harbour not exceeding £1 sterling in value		0	1
For each additional £1 sterling or fractional part of £1 sterling in value		0	1
For every vessel entering the Pool—			
For anchorage and groundage		1	8
For moorage		0	8
For mooring chain		1	0
For plank		1	0

Provided that no rate shall be payable for any small lot or parcel of fish not exceeding five shillings in value and not sold or intended to be sold Provided also that the above rates on lots or parcels of fish shall not be payable in case the payments mentioned in Schedule G are levied.

SCHEDULE B.

For landing or shipping any of the goods mentioned in Schedule A on or from any quay for the time being vested in the Company the like rates to those mentioned in Schedule A in addition to the rates authorised to be taken by that schedule but such additional rates to be taken once only inwards or outwards.

For landing or shipping any passengers or goods mentioned below on or from any quay on which rates have been hitherto legally collected or on or from any quay which now is or may hereafter become vested in the Company in addition to such rates hereinbefore authorised by Schedules A and B respectively as shall be payable for the same the following rates:—

		s.	*d.*
For every passenger - - - - - -	each time	0	1
but this rate shall not be payable for any passenger landing or embarking on or from the Western or Barbican Pier. Southside Quay Market Quay and roads or Parade Quay.			
For bulls oxen cows heifers horses mares and geldings -	each	0	6
For sheep calves pigs and other small animals - -	,,	0	2
For every ton of merchandise brought in any ship or vessel or by raft entering the Pool - - - - -		0	3
For every ton of merchandise taken out by any ship vessel or raft leaving the Pool which has not paid the inward rates - - - - - - - -		0	3
For every bale cask truss box trunk case chest bundle or package containing goods and every other article not exceeding 6 cubic feet - - - - - -	each	0	2
For every additional cubic foot - - - - -	per foot	0	0½
but articles or packages of personal luggage carried by hand by the owners thereof shall be exempt:			
Provided that no rate shall be leviable upon fresh fish under this schedule.			

SCHEDULE C.

Dues for Vessels entering the Pool.

		s.	*d.*
For all vessels from or to foreign parts - - - -	per ton	0	2
For all vessels employed in the coasting trade or to or from Ireland - - - - - - -	,,	0	1
For every other vessel - - - - -	,,	0	2
For all vessels employed in fishing per annum (payable in advance)—			
Exceeding 50 tons - - - - -		42	0
Exceeding 35 tons and not exceeding 50 tons -		31	6
Exceeding 20 tons and not exceeding 35 tons - -		21	0
Exceeding 10 tons and not exceeding 20 tons -		15	0
Exceeding 5 tons and not exceeding 10 tons - -		10	0
For 5 tons and under - - - -		5	0
For tug and passenger steamers not carrying cargo per annum (payable in advance)—			
Of 50 horse-power - - - - - -		40	0
Under 50 horse-power - - - - -		20	0

A.D. 1889.

	s.	d.
For all barges and lighters and other craft of a similar character per annum (payable in advance)—		
Above 20 tons	20	0
Exceeding 15 tons and not exceeding 20 tons	16	0
Exceeding 10 tons and not exceeding 15 tons	10	0
For 10 tons and under	7	6
For every open boat with goods except fresh fish each time of entering	0	2
And in addition for the use of the mooring chains per week—		
For every vessel under 200 tons	3	0
For above 200 tons and under 250 tons	4	0
For above 250 tons	5	0

All vessels lying within the Pool more than three months unless under repairs at a shipwright's yard to pay at the expiration thereof the same rates and dues as if she had again entered the harbour and so on at the expiration of every three months she shall remain therein.

SCHEDULE D.

Dues for the Graving Beach.

	s.	d.
For every vessel other than fishing vessels per registered ton per day	0	1
For every fishing vessel per registered ton per day	0	0½

SCHEDULE E.

Dues for Cranes and Weighing Machines.

		s.	d.
For wines spirits and other liquids—			
Not exceeding 40 hogsheads of 54 gallons each	per hogshead	0	3
Exceeding 40 hogsheads	„	0	2
For all other goods—			
Not exceeding 10 tons	per ton	0	8
Exceeding 10 tons	„	0	6
For any single article in lieu of the above dues in this schedule—			
If exceeding 1½ tons in weight and not exceeding 2 tons	„	1	0
If exceeding 2 tons and not exceeding 2½ tons	„	1	6
If exceeding 2½ tons and not exceeding 3 tons	„	2	0
If exceeding 3 tons and not exceeding 3½ tons	„	2	6
A proportionate payment to be made for any fractional part of a ton.			

For single articles exceeding 3½ tons special agreement must be made with the harbour master.

SCHEDULE F.

Dues for Water.

	s.	d.
For every 100 gallons supplied to any vessel ship or boat or otherwise not exceeding	1	3

And so in proportion for any less quantity than 100 gallons.

SCHEDULE G.

Pool due upon Fish after opening of the Fish-market.

For all fish of every description brought in any ship or vessel entering the Pool not exceeding £1 sterling in value to be ascertained by sale in the market	0	1
For each additional £1 sterling or fractional part of £1 sterling in value to be ascertained in like manner	0	1

Tolls for the use of the Fish-market.

For all fish of every description not exceeding £1 sterling in value to be paid on the value realised by sale in the market	0	2
For each additional £1 sterling or fractional part of £1 sterling in value to be ascertained in like manner	0	2

N.B.—The rates on fish leviable under Schedule A not to be levied in case the due and toll under this schedule are paid.

Tolls for and in respect of the use or occupation of any shop stall standing station or place or convenience within the Fish-market.

For the use or occupation of any shop stall standing station or place or convenience according to the size and dimensions of the same a toll or rent at a rate calculated on the superficial area of each shop stall standing station or place or convenience of not exceeding sixpence per foot per week.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
ADAM AND CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.