CHAPTER cxl.

An Act to authorise the levy of rates at the Turnchapel Quays and Wharves at Plymouth and to confer various powers on the owners of those quays and wharves. A.D. 1898.

[25th July 1898.]

WHEREAS the Turnchapel Wharves and Warehouses (Limited) (herein-after called "the Company") is the owner of lands quays and wharves upon the south side of the Cattewater harbour of Plymouth and has expended its capital in the purchase of the said lands quays and wharves and in maintaining and improving the same and in providing accommodation thereat and access thereto for vessels and procuring railway facilities for the transport of goods to and from the same:

And whereas the said harbour affords convenient anchorage for and is much frequented by vessels and there are no public deep-water quays or wharves on the south side of the said harbour for the shipping and unshipping or delivery of goods and merchandise and it would be to the public advantage that such accommodation should be provided:

And whereas there is a considerable public traffic at the said quays and wharves:

And whereas it is expedient that the Company should in respect of the use of the quays and wharves and the accommodation thereat be empowered to demand and recover tolls rates charges and dues as in this Act provided:

And whereas it would be to the advantage of merchants and others using the said quays and wharves if powers were granted to the Company of issuing transferable certificates and warrants for the delivery of goods:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as the Turnchapel Quays and Wharves Act 1898.

Interpretation.

2. In this Act the expressions—

"The Company" means the Turnchapel Wharves and Warehouses (Limited);

"The quay" means the quays wharves and warehouses for the time being belonging to the Company and situate at Turnchapel in the county of Devon within the area included within red and red dotted lines on the plan signed by the Right Honourable the Earl of Morley the Chairman of Committees of the House of Lords:

And for the purposes of this Act in the parts of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act the expressions—

"The Undertakers" means the Company;

"The harbour dock or pier" includes the quay.

As to court for recovery of demands not exceeding fifty pounds.

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

Power to levy rates &c.

4. Subject to the provisions of this Act the Company may from and after the date of the passing of this Act demand and take in respect of the vessels or persons using and of animals goods and articles shipped or unshipped or landed or delivered at the quay and in respect of the conveniences provided or services performed by the Company thereat the rates tolls dues and charges specified in the schedule to this Act and the Company may vary such rates tolls dues or charges or any of them as and when they think expedient but so only that the same do not exceed the amounts respectively set out in the said schedule and provided that the same be at all times charged equally in respect of the same description of vessels or persons and the same description of animals goods and articles.

The Company may enter into compositions with any person with respect to the payment of the tolls rates dues and charges authorised by this Act but so that no preference be in any case given to any person or vessel.

Incorporation of parts of Harbours Docks and Piers Clauses Act 1847.

5. The provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the following matters namely:—

The construction of works for the accommodation of the officers of customs;

The construction of warehouses wharves and other conveniences;

The rates to be taken by the Undertakers (except sections 25 and 26);

The collection and recovery of rates;

The accounts to be kept of the rates and of the vessels in respect of which they are payable;

The appointment of harbour masters dock masters and pier masters and their duties;

The discharging of vessels and the removal of the goods;

The protection of the harbour dock and pier;

The byelaws to be made by the Undertakers;

The recovery of damages not specially provided for and of penalties &c.;

The saving of rights;

Access to the special Act;

shall so far as they are applicable to the quay and subject to the provisions of this Act be incorporated with and form part of this Act.

Action for tonnage dues.

6. If the master of any vessel fails to pay any dues payable to the Company in respect thereof the same may be recovered by the Company by proceedings against him and against the owner of the vessel or either of them in any court of competent jurisdiction.

Power to appropriate portions of quay for particular trades.

7. The Company may appropriate any part of the quay for any particular trade or business and may prohibit any part of the quay so appropriated from being used for any purpose other than that for which it is so appropriated.

Free access to officers of Cattewater Commissioners.

8. Officers of the Cattewater Harbour Commissioners being in the execution of their duty shall during business hours have free ingress and egress into upon and from the quay by land or water without payment.

As to unclaimed goods on quay.

9. If any goods shall be allowed to remain upon the quay in contravention of any byelaw of the Company the person appointed by the Company to superintend or control the quay may remove such goods and keep the same until payment of the expenses of removing and storing such goods shall have been made to the Company by the owner thereof and if within seven days after demand for payment of such expenses shall have been made to such

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owner or if no such owner can be found the Company may sell such goods and the proceeds of such sale shall after deducting the expenses to which the Company may have been put be paid to the owner of such goods on demand.

Issue of transferable warrants or certificates.

10. The Company may if they think fit at the request of any person warehousing or depositing goods in any warehouse or premises of the Company or entitled to any goods so warehoused or deposited issue and deliver to him a certificate that such goods have been so warehoused or deposited or a warrant for the delivery of such goods or of any part thereof and such goods or such part thereof shall be specified in such warrant.

Effect of certificate or warrant.

11. Every such certificate or warrant 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 endorsee or if more than one the last endorsee thereof shall have the same right to the possession and property of such goods as if they were deposited in his own warehouse.

Certificate or warrant to state effect of preceding enactment.

12. Every such certificate or warrant shall state on the face thereof the effect of the preceding section and that it is issued under the powers of this Act.

Goods not to be delivered until delivery and cancellation of certificate or warrant.

13. No goods specified in any certificate or warrant shall be delivered by the Company except upon delivery to and cancellation by the Company of such certificate or warrant and then such goods shall be delivered only to the person named in the warrant or if the same be endorsed to the last endorsee thereof.

Warrant not to be issued till certificate given up.

14. No warrant for delivery of any goods shall be issued or delivered by the Company except upon delivery to and cancellation by them of the certificate if any issued in respect of such goods Provided that if the warrant be for the delivery of part only of the goods specified in the certificate 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.

Issue of new certificate or warrant on loss or destruction of original.

15. If any such certificate or warrant be lost or destroyed then upon proof thereof to the satisfaction of the Company or their officers and on receiving indemnity to the satisfaction of the Company or their officers a new certificate or warrant shall be given in substitution for such last-mentioned certificate or warrant to the person entitled to the goods therein referred to.

Certificate or warraut not to be given till freight rates &c. paid.

16. No such certificate or warrant shall be given under this Act until all claims and liens for freight and all other claims or liens whatsoever to which the goods were liable whilst the same were on board any vessel and before the warehousing or depositing thereof and of which the Company have had notice in writing and all rates rents charges and expenses payable to the Company and all dues payable to the Cattewater Commissioners in respect of such goods are paid or discharged.

Company bound by warrants and certificates under this Act.

17. All certificates or warrants issued under this Act and signed and issued by any officer duly authorised in that behalf shall be effectual and binding on the Company and all other persons interested without any other signature and without any seal.

Company may charge for certificate or warrant.

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

Saving rights of the Admiralty.

19. Nothing in this Act contained shall prejudice or affect the rights powers or jurisdiction of the Admiralty.

Saving rights of the Cattewater Commissioners.

20. Nothing in this Act shall be deemed to affect or limit any rights of the Cattewater Commissioners as to mooring or otherwise or any powers or jurisdiction of the said Commissioners in respect of the harbour of Cattewater.

Costs of Act.

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

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The SCHEDULE referred to in the foregoing Act.

PART I.

Dues on Vessels.

	s.	d.
For every vessel not exceeding two hundred tons register per register ton - - - - - - -	0	1
For every vessel exceeding two hundred tons and not exceeding five hundred tons register per register ton - - -	0	2
For every vessel exceeding five hundred tons register per register ton - - - - - - - -	0	3

Dues on Goods.

For every ton of goods by measurement or otherwise (except as herein-after excepted)—			
To or from any port or place in Great Britain or Ireland per ton - - - - - -	0	6	
To or from any other port or place - - - -	1	0	
Excepting bricks slate sand stones the dues on which at per ton shall be - - - - - - - -	0	3	
Bullion or specie per cwt. - - - -	1	0	

Animals and Carriages.

Horses - - - - - - -	each	2	0
Oxen cows and bulls - - - -	„	1	6
Ponies mules and asses - - - - -	„	1	0
Calves - - - - - -	„	0	4
Deer - - - - - - -	„	0	8
Lambs sheep and goats - - - -	„	0	2
Pigs - - - - - - -	„	0	2
Carriages with four wheels - - - -	„	5	0
Carriages with two wheels - - - - -	„	3	0

PART II.

For every passenger or person who shall land or embark from or in any boat or vessel for each and every time - - -	0	1
For every box trunk bale bag basket or parcel of passengers' luggage	0	2

PART III.

	s.	d.
For every ton of two pipes or four hogsheads of water supplied to any vessel not exceeding per ton - - - - -	2	0

PART IV.

For the use of warehouses cranes weighing and measuring machines such reasonable dues as the Company from time to time appoint.

PART V.

For the use of any slip or gridiron constructed by the Company for the repair or examination of vessels such reasonable dues as the Company from time to time appoint.

PART VI.

For shipping unshipping landing relanding loading weighing and warehousing goods or other work or labour performed when such service or services is or are rendered by the Company such reasonable dues as the Company from time to time appoint.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., 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
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