CHAPTER cxlvii.

An Act to incorporate a Board of Trustees and to authorise them to acquire the Workington Harbour and Lonsdale Dock undertaking in the county of Cumberland and to construct an extension pier at Workington and for other purposes. [4th August 1905.]

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WHEREAS by the Local and Personal Act 3 Vict. cap. xliv. intituled "An Act for regulating and preserving the "harbour of Workington in the county of Cumberland and "for other purposes" (in this Act referred to as "the Act of 1840") a harbour at Workington in the county of Cumberland the limits whereof were therein defined was vested in certain persons therein named who were appointed trustees for carrying into effect the purposes of the Act of 1840 and were empowered to levy tonnage rates and dues and to borrow money on the security thereof and powers were conferred and duties imposed upon them of regulating preserving and managing the said harbour:

3 Vict. c. xliv.

And whereas by the Workington Dock Act 1861 (in this Act referred to as "the Act of 1861") the Right Honourable William Earl of Lonsdale was empowered to make and maintain the dock railway and works therein described and to levy tolls rates and charges in respect thereof:

24 & 25 Vict. c. lxxxiii.

And whereas by the Workington Wet Dock Act 1863 (in this Act referred to as "the Act of 1863") the said William Earl of Lonsdale was empowered to make and maintain the dock railway and works therein described in substitution for the dock railway and works authorised by the Act of 1861:

26 & 27 Vict. c. xvi.

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27 & 28 Vict. c. cv.

And whereas by the Workington Harbour Act 1864 (in this Act referred to as "the Act of 1864") the powers of the trustees under the Act of 1840 for borrowing money and for other purposes were extended:

And whereas the dock railway and works authorised by the Act of 1863 were constructed:

32 & 33 Vict. c. xiv.

And whereas by the Workington Harbour (Transfer) Act 1869 (in this Act referred to as "the Act of 1869") it was recited that the revenue of the harbour trustees was insufficient for the general improvement and maintenance of the said harbour and that the said William Earl of Lonsdale was willing to maintain and improve the said harbour and to pay the debts affecting the same upon the transfer to him of the said harbour and of the powers of the harbour trustees in relation thereto and the said harbour together with the powers granted to the harbour trustees under the Act of 1840 and the Act of 1864 were by the Act of 1869 vested in the said William Earl of Lonsdale subject to the mortgages and other charges affecting the same and he was empowered to execute certain works for the improvement of the said harbour and the limits of the harbour were extended so as to include the Lonsdale Dock authorised by the Act of 1863:

45 & 46 Vict. c. ccviii.

And whereas by the Workington Dock and Harbour Act 1882 (herein-after referred to as "the Act of 1882") the limits of the said harbour were further extended and the trustees for the time being of the will dated the eighteenth day of February one thousand eight hundred and seventy-one of the said William Earl of Lonsdale (herein-after called "the Lonsdale trustees") were empowered to make and maintain an additional dock and works in the said harbour adjacent or near to the Lonsdale Dock and to make and levy new tonnage rates or duties on shipping in lieu of those authorised by the Act of 1840 the Act of 1861 and the Act of 1863 respectively and new rates or tolls on goods shipped or unshipped within the said harbour or docks and new warehouse and wharfage rates and further powers and duties in connection with the harbour and docks and works were conferred and imposed respectively upon the Lonsdale trustees and by Part VI. of the Act of 1882 the Lonsdale trustees were authorised to enter into agreements and contracts (subject to the confirmation thereof by Parliament) with any company incorporated by Act of Parliament or any

harbour trustees or commissioners or with any person or persons acting on behalf of any company proposed to be so incorporated or on behalf of any harbour trustees or commissioners proposed to be constituted for the sale and transfer to such company harbour trustees or commissioners of the harbour undertaking docks and works and (whether the works authorised by the Act of 1882 should or should not have been commenced or completed) of all the rights property powers and privileges of the Lonsdale trustees as the undertakers for the purposes of the Act of 1882 subject to all mortgages charges debts and liabilities affecting the same in consideration of a payment in cash or by perpetual annuity charged on the said harbour undertaking or by debentures debenture stock or preference shares or stock of or in any trust company or other corporate body formed or empowered to purchase the harbour undertaking or partly by one and partly by another or others of the foregoing methods:

52 Vict. c. viii.

And whereas by the Workington Dock and Harbour (Extension of Time) Act 1889 the time limited for the completion of the new dock and works authorised by the Act of 1882 was extended to the first day of January one thousand eight hundred and ninety-six but the same have not been commenced:

And whereas by a contract dated the eighteenth day of June one thousand nine hundred and made between the Right Honourable James Lowther (since deceased) and George Henry Hopkinson as the then Lonsdale trustees of the first part the Right Honourable Hugh Cecil Earl of Lonsdale of the second part and James Fletcher and six other persons therein respectively described (therein-after called "the promoters") of the third part the then Lonsdale trustees with the consent of the said Earl agreed for the consideration therein mentioned to sell to the promoters the Lonsdale undertaking as defined in the Workington Railways and Docks Act 1900 (herein-after called "the Act of 1900") including the lands and hereditaments therein described subject to confirmation by Parliament:

63 & 64 Vict. c. cclxxxv.

And whereas by the Act of 1900 the Lonsdale undertaking was defined to mean and include the old harbour as defined by that Act and the dock the railways and works constructed under the powers of the herein-before recited Acts or any of them and the lands coloured yellow on a plan signed in

A.D. 1905. triplicate by the Right Honourable Charles Seale-Hayne the Chairman of the Committee of the House of Commons to whom the Bill for the Act of 1900 was referred and all easements rights powers privileges and authorities in any way connected therewith and forming part thereof and the said contract was confirmed and by section 26 subsection 4 of the Act of 1900 it was provided that if the purchase of the Lonsdale undertaking as therein defined was not completed within three years from the passing of the Act of 1900 all power to purchase the same should cease and the said contract should as from that date be annulled :

And whereas the said period of three years has never been extended and the said purchase has never been completed :

And whereas the Lonsdale trustees have in pursuance of Part VI. of the Act of 1882 entered into an agreement set forth in the First Schedule hereto (herein-after referred to as "the agreement") with Cammell Laird and Company Limited (herein-after referred to as "the company") acting on behalf of a board of trustees to be called the Workington Harbour and Dock Board (herein-after referred to as "the Board") and to be formed under this Act for the sale and transfer to the Board subject to the confirmation thereof by Parliament of the Lonsdale undertaking as defined in the Act of 1900 including the lands and hereditaments rights property powers and privileges in the agreement mentioned for the consideration and upon and subject to the terms and conditions in the agreement contained and it is expedient that the agreement be confirmed and made binding on the parties :

And whereas it is expedient to authorise the creation of a reserve fund under the provisions of this Act for the purpose of extending or improving the undertaking of the Board and for the other purposes herein-after mentioned :

And whereas it is expedient that the Board should be formed and that such powers as in this Act are contained should be conferred upon the Board :

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

And whereas plans and sections of the proposed works and plans of the lands which may be taken compulsorily under the powers of this Act and a book of reference to such plans (herein-after respectively referred to as "the deposited plans

sections and book of reference") were deposited for public inspection with the clerk of the peace for the county of Cumberland:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

Part I.

Preliminary.

Short title

1. This Act may be cited as the Workington Harbour and Dock Act 1905.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Incorporation of Board.
Part III.—Proceedings of Trustees.
Part IV.—Purchase of Lonsdale Undertaking.
Part V.—Works Lands &c.
Part VI.—Finance.
Part VII.—Dues &c.
Part VIII.—Cranes.
Part IX.—Transit Sheds and Warehouses.
Part X.—Byelaws.
Part XI.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts;

The Commissioners Clauses Act 1847 except the provisions with respect to the qualification of commissioners and to the election and rotation of commissioners and except section 57 thereof and except that section 67 shall not apply to an officer of the Board who is interested in any contract merely by reason of his being a shareholder in any company contracting with the Board; and

The Harbours Docks and Piers Clauses Act 1847

so far as the same Acts are applicable for the purposes of and are not varied by or inconsistent with the provisions of this Act

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are incorporated with and form part of this Act Provided that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as may be required by the Board of Trade.

Interpretation.

4. In this Act unless the subject or context otherwise requires terms to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings And in this Act—

"The recited Acts" means the Acts recited or mentioned in the preamble of this Act other than the Act of 1900;

"The Board" means the Workington Harbour and Dock Board incorporated by this Act for carrying out this Act;

"Trustees" means the members of the Board;

"The Lonsdale trustees" means the present trustees of the said will of William Earl of Lonsdale and includes where the context so requires the trustees for the time being of the said will;

"The Earl" means the Right Honourable Hugh Cecil Earl of Lonsdale;

"The company" means Cammell Laird and Company Limited and includes wherever the context so requires their successors and assigns;

"The agreement" means the agreement a copy whereof is set forth in the First Schedule to this Act;

"The port" and "the harbour" respectively mean the port and the harbour of Workington;

"The Lonsdale undertaking" means the Lonsdale undertaking as defined by the Act of 1900 and the lands river bed and hereditaments rights powers and privileges specified in the agreement and therein contracted to be sold and all other if any the lands easements hereditaments docks basins locks channels foreshore feeders waters railways tramways quays warehouses wharves and buildings and other the estate (real and personal) property rights (including the right to levy tolls rates and charges) powers and privileges of the Earl and

of any trustees or persons in trust for him or his predecessors in title or on his or their behalf as owner or owners or otherwise interested in the undertaking;

"The undertaking of the Board" or "their undertaking" and like expressions mean the rights obligations and property of the Board in and their jurisdiction over the port and harbour of Workington and in and over the Lonsdale undertaking when acquired and in and over all lands navigations docks quays depots cuts channels graving docks slips warehouses sheds buildings erections tramways sidings cranes lifts hurries staithes drops barges trucks machinery gear apparatus appliances and conveniences of the Board and appropriated or provided for the purposes of or appurtenant to the port and harbour and the Lonsdale undertaking or any of them;

"Working expenses" shall include all costs of maintenance and upkeep of the undertaking of the Board and of repairing restoring and reinstating the same and placing it in a condition suitable and fit for public traffic;

"A Debenture stock" means the first mortgage $3\frac{1}{2}$ per centum per annum A Debenture Stock to be issued under the provisions of this Act;

"B Debenture Stock" means the 4 per centum per annum B Debenture Stock to be issued under the provisions of this Act.

Port and harbour of Workington.

5. From and after the vesting of the Lonsdale undertaking in the Board the Board shall be the port and harbour authority for the port and harbour of Workington and the limits of the port and harbour of Workington shall for the purposes of the recited Acts and of this Act and for all purposes whatsoever include the harbour limits as defined by the Act of 1882 and the additional limits following (that is to say):—

(A) So much of the land situate in the borough and parish of Workington and so much of the foreshore in front thereof lying to the south of the said harbour as lies within a line beginning at the present harbour boundaries at or near the north-west corner of the shipbuilding yard occupied by Messieurs Richard and Robert Hardy Williamson and continuing thence southwards along the west fence of the said ship-

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building yard until the same reaches a point distant twenty yards from the nearest point of the shore railway belonging to the company thence westward along the north and north-west side or front of the said railway and at a uniform distance therefrom of twenty yards to a point distant one thousand yards measured in a south-south-easterly direction from the shaft of the harbour light at the end of the seaward or western end of the existing pier known as John Pier thence in a direct line due west until the same abuts upon low-water mark thence along low-water mark in a northerly direction for a distance of eight hundred and twenty yards to the present harbour boundary at low-water mark on the said south shore thence eastward along the present harbour boundary to the said point of commencement at Messieurs Williamson's shipbuilding yard:

(b) So much of the harbour as is included within a line commencing at the present harbour boundaries at a point at or near the western end of the northern retaining wall of the viaduct carrying the roadway leading from Church Street over the London and North Western Railway to the south quay and following the northern side of the said boundary wall of the said viaduct until the same reaches a point measured twelve feet in a straight line westward from the western boundary fence of the property of or reputed to belong to the London and North Western Railway Company thence in a straight line and in a northerly direction to high-water mark at a point upon or near the south side of Merchants Quay thence in a westerly direction along the said high-water mark and the southern boundary of the said quay until the same intersects the present boundary of the harbour and thence southwards and eastwards along such boundary to the point of commencement:

(c) So much of the bed of the River Derwent and of the adjoining land as is included within a line commencing at the north-east corner of the present limits of the said harbour upon the North Side

Quay near where the same limits cross the bed of the River Derwent thence in a straight line north-east for a distance of eighty feet or thereabouts to a point at or near the south-western extremity of the boundary of the land recently occupied by the Lowther Hematite Iron and Steel Company Limited thence following the southern boundary fence of the said land to a point ninety feet or thereabouts from the west side of the bridge carrying the London and North Western Railway across the River Derwent thence in a southerly direction parallel with the said bridge and ninety feet distant from the same bridge to the centre of the River Derwent at low water thence south-west down the centre of that river at low water to a point upon the present limits of the said harbour where the same cross the River Derwent from Merchants Quay and fifty-one yards distant from the point of commencement upon the North Side Quay and thence in a north-easterly direction along the present harbour limits to the said last-mentioned point of commencement:

Provided that such port and harbour shall not by virtue of this Act be deemed a port for customs purposes nor shall anything in this Act contained abridge or affect in any way the powers of the Commissioners of the Treasury to appoint a port of Workington under the Customs Consolidation Act 1876 with such limits as they may think fit nor abridge or affect any powers whatsoever conferred by that Act.

Commencement of Act

6. Part I. (except the section defining the limits of the port and harbour of Workington) Part II. Part III. Part IV. Part VI. and Part XI. of this Act shall come into operation on the passing of this Act but the other provisions of this Act shall not come into operation unless and until the vesting of the Lonsdale undertaking in the Board shall have been effected.

PART II.

INCORPORATION OF BOARD.

Incorporation of Board.

7.—(1) For the purpose of carrying this Act into execution a trust shall be constituted and appointed as by this Act provided and the Trustees shall be five in number and such

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Trustees and their successors from time to time appointed and acting in pursuance of this Act shall be a body corporate under the name and style of "The Workington Harbour and Dock Board" with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold lease and dispose of lands and other property for the purposes of this Act and with all the other powers and privileges of a body corporate.

(2) The Board shall come into office on the passing of this Act.

First Trustees.

8. Samuel Roberts Albert George Longden Roy Macgregor Laird Restal Ratsey Bevis and Edwin Carlisle and the survivors and survivor of them shall be the first Trustees.

Removal and appointment of Trustees.

9. The company may from time to time remove from his office any one or more of the Trustees whether named in this Act or otherwise and may from time to time as and when occasion requires appoint new Trustees to be members of the Board.

Vacating office of Trustee.

10. The office of a Trustee shall be vacated—

(1) If he send to or leave at the office of the Board a notice of his intention to resign his office;

(2) If he become bankrupt or compound with his creditors or his affairs are liquidated by arrangement under any Act for the time being in force for the relief of insolvent debtors;

(3) If he be found lunatic or become of unsound mind;

(4) If he absent himself from the meetings of the Board for a period of six months without the consent of the Board;

(5) If he cease to be qualified.

Qualification of and contracts with Trustees.

11.—(1) The qualifications of a Trustee shall be those prescribed by section 8 of the Act of 1840 but the qualification as to residence contained in the Act of 1840 shall not apply to the Trustees appointed by this Act or to any new trustee to be subsequently appointed.

(2) The exemption conferred by section 10 of the Commissioners Clauses Act 1847 upon any shareholder in or member of a joint stock company shall be extended so as to include a secretary or manager of any joint stock company.

Part III.

Proceedings of Trustees.

Meetings of Board.

12.—(1) The first meeting of the Board shall be held within one month after the passing of this Act at such time and place as shall be determined by the company.

(2) The quorum of a meeting of the Board shall be three And wherever by the Acts incorporated in this Act it is enacted that more than three Trustees are necessary for any of the purposes of this Act three Trustees shall be sufficient for such purpose.

(3) The accounts shall be audited by a professional auditor who shall be appointed from time to time as occasion shall require by the company and the Board shall fix and pay the reasonable remuneration of such auditor.

Part IV.

Purchase of Lonsdale Undertaking.

Confirming agreement for acquiring Lonsdale undertaking.

13.—(1) The agreement is hereby confirmed and made binding on the Lonsdale trustees and the Earl and on the Board as if the Board instead of the company had been parties thereto subject to the payment by the company to the Trustees of the sum of twenty-five thousand pounds to be secured to the company as herein-after mentioned.

(2) The Board shall purchase and the Lonsdale trustees and the Earl shall sell to the Board the Lonsdale undertaking and all other the lands hereditaments rights and privileges specified in the agreement for the consideration and upon the terms and conditions and subject to the reservations exceptions and stipulations specified in the agreement.

(3) The sale effected under the provisions of this section shall be deemed to be a sale made in pursuance of the powers of sale contained in the Act of 1882 as extended by this Act.

(4) Within six months after the passing of this Act the Board shall create and issue to the Lonsdale trustees the seventy-five thousand pounds A Debenture Stock referred to in the agreement and the company shall pay to them the said sum of twenty-five thousand pounds cash referred to in the agreement and thereupon the Lonsdale undertaking and all other the lands

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hereditaments rights powers and privileges specified in the agreement shall be transferred to and vest in the Board upon the terms subject to the exceptions reservations and restrictions specified in the agreement The date at which the Lonsdale undertaking shall be transferred to and become vested in the Board is herein-after referred to as "the vesting."

Application of recited Acts to Board.

14. As from the vesting all the rights powers privileges duties and authorities of the Lonsdale trustees and of the Earl under the recited Acts so far as the same are not varied by or inconsistent with the provisions of this Act shall by virtue of this Act be transferred to and vested in the Board and such rights powers privileges duties and authorities may be exercised and enjoyed and shall be performed by the Board in reference to their undertaking in as full and ample a manner as they could or should have been exercised and enjoyed or performed by the Lonsdale trustees prior to the passing of this Act in reference to the Lonsdale undertaking and the recited Acts shall be read and have effect as if the Board had been therein named instead of the Lonsdale trustees or their predecessors in title and all powers authorities and privileges of the Lonsdale trustees and the Earl as the harbour authority in relation to the Lonsdale undertaking shall thereupon wholly cease except as in this Act expressly mentioned.

Maintenance of undertaking until vesting.

15. Until the vesting the Lonsdale undertaking shall be maintained and carried on by the Lonsdale trustees as heretofore in the ordinary course of business but from and after the expiration of the said period of six months as for and on account of the Board The Lonsdale trustees shall not after the passing of this Act without the previous consent of the Board make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the management maintenance and proper conduct of the Lonsdale undertaking.

Repeal of Act of 1900.

16.—(1) Within one month after the vesting the Board shall cause to be published in the London Gazette a notice signed by the clerk to the Board of such vesting and of the date thereof and after the publication of such notice the Act of 1900 except sections 6 44 to 46 both inclusive and 144 shall be repealed but notwithstanding such repeal any proceeding or claim commenced or in force at the date of such publication by

or against the Workington Railways and Dock Company incorporated by the Act of 1900 or by or against the corporation of Workington in reference to any matter arising under the Act of 1900 shall not abate or be prejudicially affected by such repeal but may be prosecuted and enforced as if this Act had not been passed.

(2) The directors of the company incorporated by the Act of 1900 who are in office at the time of the publication of such notice in the London Gazette and the survivors and survivor of them may notwithstanding the repeal of the Act of 1900 continue to act for the purposes of winding up the affairs of the company incorporated by the Act of 1900 and may take any proceedings necessary for realising the assets (if any) and discharging the liabilities of that company and on the completion of such winding up or on the first day of January one thousand nine hundred and seven whichever shall be the earlier the said company shall be by virtue of this Act dissolved.

(3) Notwithstanding the repeal the corporation of Workington may for the purpose of paying the costs charges and expenses specified in section 144 of the Act of 1900 (if any) still remaining unpaid but for no other purpose exercise the borrowing powers conferred upon them for that purpose by Part IX. of the Act of 1900 and the provisions of sections 126 to 132 (both inclusive) and sections 134 to 136 (both inclusive) of the Act of 1900 shall continue to apply in regard to moneys borrowed or to be borrowed for payment of the costs charges and expenses of obtaining that Act until all such moneys have been repaid.

Part V.

Works Lands &c.

Power to execute works.

17. Subject to the provisions of this Act the Board may in the lines and situations shown on the deposited plans and according to the levels shown on the deposited sections make and maintain upon lands situate in the county of Cumberland or in the bed of the sea adjacent thereto the extension pier or breakwater and works shown on the deposited plans and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes.

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The extension pier breakwater and works herein-before referred to and authorised by this Act are—

A pier or breakwater partly of open and partly of solid work in the foreshore or bed of the sea commencing at the seaward end of John Pier at the entrance of the old harbour and terminating at a point distant five hundred feet or thereabouts measured in a west-north-westerly direction from its said point of commencement as herein-before defined.

Power to execute subsidiary works.

18. The Board may on any lands or foreshore for the time being belonging to them within the limits of the said harbour construct and maintain or alter remove or pull down all or any channels locks weirs dams basins ponds trenches pounds lay-byes gates sluices culverts by-passes drains towing-paths walls jetties landing places dolphins moorings buoys beacons lights breakwaters groynes quays wharves offices warehouses sheds buildings engines pumps machinery cranes lifts hurries staithes drops approaches works and appliances which may be necessary or convenient for or incidental to the before-mentioned works or any of them or for the general purposes of the undertaking of the Board.

Power to dredge &c.

19. The Board may dredge deepen light buoy preserve and improve the said harbour or any part or parts thereof and the channels and approaches thereto and may purchase hire provide and maintain all necessary dredging and other machines engines tug-boats barges hoppers craft machinery and appliances necessary or expedient for or in relation to the said purposes or any of them:

Provided that all materials excavated or dredged under the provisions of this section if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade.

Power to divert waters.

20. The Board may divert into all or any existing or proposed docks and other works of the Board the waters of the River Derwent at a point below the entrance to the Lonsdale dock and all other waters under the control of the owners of the harbour or to which the Board are in any way entitled as such owners.

Limits of deviation.

21. In the execution of the works by this Act authorised the Board may deviate from the several lines and levels respectively shown on the deposited plans and sections laterally to any extent not exceeding the limits of deviation shown on those plans and vertically to any extent not exceeding ten feet from the levels shown on those sections Provided that no deviation below high-water mark shall be made without the previous consent in writing of the Board of Trade.

Extension pier and works included in parish and borough of Workington.

22. So much of the extension pier and works by this Act authorised as are to be made and constructed in and upon the foreshore and bed of the sea and any land reclaimed from the sea and any part of the harbour which is not at the commencement of this Act within any parish shall from and after the completion of the said pier and works be included within the parish of Workington and within any borough or other area within which such parish is situated.

Period for compulsory purchase of lands.

23. The powers of the Board 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.

24. The works shown on the deposited plans shall be completed within seven years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Board for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to acquire additional land by agreement.

25. The Board from time to time and in addition to other lands which they are by this Act or the recited Acts authorised to purchase may by agreement with the owners of any lands buildings wharves foreshore or other hereditaments corporeal or incorporeal comprised within the harbour limits or adjacent thereto purchase or rent the same or acquire the user thereof and may vary or extinguish any easement or right in over or affecting the same on such terms as are mutually agreed on but nothing in this Act shall exonerate the Board from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands buildings wharves foreshore or other hereditaments to be acquired under the provisions of this section.

Persons under disability may grant easements &c.

26. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the

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provisions of those Acts and of this Act grant to the Board any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Lights on works during construction.

27. The Board shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

If the Board fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

28. The Board shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

If the Board fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

29. In case of injury to or destruction or decay of the pier or works or any part thereof the Board shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Board shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

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

30. The Board shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Board shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Board and the amount of such costs and charges shall be a debt due from the Board to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

31. 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 Board on in over through or across tidal lands or tidal water or of the intended site of any such work the Board shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Board to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

32. If a work constructed by the Board on in over through or across tidal lands or 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 Board and the amount of such expense shall be a debt due from the Board to the Crown and be recoverable as a Crown debt or summarily.

Part VI.

Finance.

Power to borrow.

33.—(1) For carrying out the agreement the Board shall without any further authority than this Act create and issue to the Lonsdale trustees seventy-five thousand pounds debenture

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stock bearing interest at the rate of three pounds ten shillings per centum per annum payable half-yearly the first of such payments to be made at the expiration of six months after the issue of such stock The said stock shall be called Workington Harbour and Dock A Debenture Stock (herein-after referred to as "A Debenture Stock") and shall as regards both principal and interest be by virtue of this Act charged upon and remain always a first charge over the undertaking of the Board for the time being in priority to any debentures debenture stock mortgage or other security to be created or issued by the Board.

(2) The Board may from time to time after three months notice in writing of their intention so to do pay to the Lonsdale trustees in cash any aliquot part of the said sum of seventy-five thousand pounds (not being less than five thousand pounds at any one time) and in such case and on being paid all interest up to the date of payment the Lonsdale trustees shall transfer to a nominee or transferee of the Board such an amount of A Debenture Stock as shall be equal in nominal amount to the amount of cash so paid by the Board to the Lonsdale trustees.

(3) For the purpose of securing the sum of twenty-five thousand pounds mentioned in the agreement the Board shall without any further authority than this Act at the same time as they create and issue the A Debenture Stock create and issue to the company or other the person or corporation paying the said sum of twenty-five thousand pounds cash further debenture stock to the amount of twenty-five thousand pounds bearing interest at the rate of four pounds per centum per annum payable half-yearly the first of such payments to be made at the expiration of six months after the issue of such last-mentioned stock and such last-mentioned stock shall be called Workington Harbour and Dock B Debenture Stock (herein-after referred to as "B Debenture Stock") and shall as regards both principal and interest be and remain until redeemed always a charge on the net revenue of the undertaking of the Board subject only to the A Debenture Stock and such B Debenture Stock shall have priority to any debentures debenture stock mortgages or charges of the Board other than the said A Debenture Stock.

(4) The Board from time to time in addition to any other moneys which they are hereby authorised to borrow may in

their discretion borrow and re-borrow the sums of money herein-after specified (that is to say):—

(A) For the purpose of paying the costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act and of carrying out the transfer of the Lonsdale undertaking or otherwise in relation thereto such sum as may be required;

(B) For the purpose of executing the works authorised by this Act the sum of fifty thousand pounds;

(C) For the purpose of extending or improving the harbour and any of the docks quays wharves piers buildings or sidings thereof or the channels and approaches thereto or in executing any new works in connexion therewith and in making up any deficiency in carrying on the undertaking of the Board and for carrying into effect all or any of the purposes of this Act the sum of two hundred thousand pounds;

and the Board may (subject to the provisions of this Act respecting the A Debenture Stock and the B Debenture Stock) secure the repayment of any moneys so borrowed or re-borrowed together with interest thereon either by the creation of debentures or debenture stock charged upon or by a mortgage of the net revenue of the undertaking of the Board or any part thereof or by the bond bill or covenant of the Board or partly in one and partly in another or others of the above methods.

Form of debenture stock certificate and transfer.

34.—(1) The certificate of the A Debenture Stock shall be in the form contained in the Second Schedule to this Act or to the like effect and shall be admitted in all courts as primâ facie evidence of the title of the holder thereof to the amount of debenture stock therein specified The certificate of any other debenture stock may be in a form similar mutatis mutandis to the form set forth in the said Second Schedule or as near thereto as circumstances will permit or to the like effect.

(2) Any debenture stock may be transferred by a transfer in the form contained in the Third Schedule to this Act or to the like effect.

(3) The provisions of Part III. of the Companies Clauses Act 1863 so far as the same are applicable to public trustees but excluding such parts thereof as are applicable only where the

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undertakers are a company and excluding such parts as are inconsistent with the provisions of this Act shall apply to any debenture stock created in pursuance of this Act.

Advance of money by company to Board.

35.—(1) For the purpose of enabling the Board to raise the said sum of twenty-five thousand pounds the company within six months after the passing of this Act shall upon application in writing under the hand of the clerk to the Board and delivered to the company apply for twenty-five thousand pounds nominal of the B Debenture Stock and pay the full amount of twenty-five thousand pounds in cash and thereupon the Board shall issue to the company B Debenture Stock to the nominal amount of twenty-five thousand pounds.

(2) The company may from time to time advance to the Board on the security of mortgages debentures or debenture stock charged upon the net revenue of the undertaking of the Board or any part thereof any further sum or sums not exceeding in the whole one hundred thousand pounds as the same may be agreed on between the company and the Board towards constructing the works authorised by this Act and for any other purposes of the harbour to which capital money is properly applicable.

Formation of sinking fund.

36.—(1) After payment of all working expenses rents anchorage dues rates and taxes and interest on the A Debenture Stock and B Debenture Stock and interest upon any other debentures debenture stock mortgages or charges which may be issued in respect of capital moneys to be expended in the extension or improvement of the undertaking of the Board or in carrying out any of the other objects authorised by this Act and after the creation of the reserve fund herein-after authorised the Board shall within twelve months after the issue of any A Debenture Stock and thence annually on the same day so long as the Lonsdale trustees shall not have received the full amount due to them for principal and interest in respect of their said debt of seventy-five thousand pounds set aside the sum of one thousand pounds per annum as a sinking fund for the redemption of the seventy-five thousand pounds A Debenture Stock.

(2) Any stock so redeemed shall either be cancelled or at the discretion of the Board be transferred by the Lonsdale trustees to a nominee of the Board to be held in trust for the Board.

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(3) Any moneys of the sinking fund not immediately required may be invested in Exchequer Bonds or in any investment in which trust funds may by law for the time being be invested and the interest on any such investment shall from time to time be added to the sinking fund.

(4) The interest on any debenture stock transferred to a nominee of the Board may be retained by the Board as part of the revenue of their undertaking.

Application of revenue.

37. The Board shall in each year apply all their dues tolls charges and other revenue so far as the same will extend for the purposes and in the order following (that is to say):—

(1) In payment of working expenses rents anchorage dues rates and taxes:

(2) In payment of the interest on the A Debenture Stock:

(3) In payment of the interest on the B Debenture Stock and on any other debentures debenture stock mortgages or charges which may be created for the purpose of extending or improving the undertaking of the Board or of carrying out any of the other objects authorised by this Act:

(4) In the creation of a reserve fund to such an amount as the Board may think fit not exceeding ten thousand pounds for the purpose of extending or improving the undertaking of the Board and of meeting any sum by which the dues tolls and revenue of the undertaking may be insufficient for the payment of the working expenses of the Board Any moneys forming part of the reserve fund and not required in any year may be invested in the purchase in the names of trustees for the Board of any A Debenture Stock or of any investment on which trust funds may by law be invested:

(5) In payment of one thousand pounds into the sinking fund herein-before mentioned for the purpose of the A Debenture Stock:

(6) In reducing the dues tolls rates and charges from time to time as and when circumstances shall permit the same to be done.

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PART VII.

DUES &c.

Power to take tolls.

38. The Board may from time to time fix demand take and recover all such ship dues tonnage craneage and other rates tolls rents duties and other charges for or in respect of the use of the harbour or of any channel leading thereto or any part or parts thereof respectively and of any docks graving docks warehouses sheds railways tramways basins wharves quays jetties cranes lifts hurries staithes locks and other works connected therewith or in any way forming part of the whole of the undertaking of the Board and for or in respect of all services and labour performed used or employed by the Board in connexion therewith as could have been demanded taken or recovered by the Lonsdale trustees in respect of the Lonsdale undertaking at the date of the passing of this Act No vessel shall be liable to any dues payable under the provisions of this Part of this Act by reason of entering the port unless it shall break bulk therein or shall come within three hundred yards of some part of the works of the Board.

As to exemptions.

39. The Board may confer exemptions from such portion as they think fit of any dues tonnage craneage and other rates tolls rents duties and other charges payable under this Act Provided that every such exemption shall be made equally to all persons in respect of all vessels in the like circumstances and of all cargo falling within the same class or description.

Rates for railways.

40. Subject to the provisions of existing leases and agreements relating to the construction of any railways or sidings upon any part of the Lonsdale undertaking and in use at the date of the agreement and subject to the provisions of the agreement and except as by this Act or the recited Acts otherwise provided the Board may take for the use of their railways and sidings such reasonable tolls rates and charges as they may appoint not exceeding the following (that is to say) :—

Where the cargo is conveyed in trucks other than those of the Board sixpence per ton ;

Where the cargo is conveyed in the Board's trucks eightpence per ton :

And such charges shall include the provision of locomotive power and all costs of shunting at the quays.

Board may load &c. vessels.

41. The Board upon request in that behalf made by the owner or captain of the vessel or the consignee of the cargo may

load and discharge any vessel in the port or at any quay duly authorised for such purpose and may measure weigh ship unship tranship land reland barge pile unpile house unhouse remove tare mark cooper repair sample watch insure porter collect receive and deliver articles and perform any other duties or services in respect of goods merchandise and things brought to or within the premises or works of the Board and may make such reasonable charges as the Board think fit for any such service and for any plant or material used in such service and may sell such cargo or any part thereof for payment of any claim for rents and charges or for Custom duties and may prohibit any persons other than those appointed by the Board from performing such duties or services Provided that no such sale shall be made by the Board until ten days previous notice in writing containing particulars of such claim or duties and of the intention to sell the said cargo for satisfaction thereof shall have been given to the owner of the said cargo and such notice shall be served by sending the same in a registered letter by post addressed to the residence or place of business of such owner appearing on the manifest of the cargo. A.D. 1905

Power to revise dues

42. The Board may except as herein-after mentioned from time to time reduce the shipping dues harbour rates craneage rates and any other dues tolls rates and charges at the date of the passing of this Act payable in respect of their undertaking to any extent consistent with the due maintenance of the revenue of their undertaking and may (subject to the section of this Act the marginal note of which is "For protection of company") from time to time if in the opinion of the Board the revenue of their undertaking so require raise any of the said dues rates tolls and other charges whether the same shall have been so lowered or not but so as not thereby to exceed the several amounts respectively authorised by this Act or any of the recited Acts Provided that subject to the said section for the protection of the company the Board shall not until the Lonsdale trustees shall have received the full amount of capital and interest due in respect of the said sum of seventy-five thousand pounds reduce the ship dues tonnage rates and craneage rates now payable at the said dock and harbour below the amounts now payable and set forth in the schedule to the agreement without the consent in writing of the Lonsdale trustees.

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Saving rights to anchorage dues.

43. Nothing in this Act contained shall prevent or hinder the dues known as anchorage dues within the harbour from being paid or payable by the master or person having the charge of every vessel now liable to pay the same to the lord or lords for the time being of the respective manors of Workington and Seaton or to their assigns as the same were paid before the passing of this Act.

Anchorage dues to be collected as before.

44. The anchorage dues aforesaid shall from time to time be collected and paid by the Board in the same manner and upon the same terms in all respects as before the passing of this Act those anchorage dues were by the Lonsdale trustees collected and paid over to the lord or lords respectively of the manors of Workington and Seaton.

PART VIII.

CRANES.

Power to supply cranes.

45. The Board shall supply and maintain a sufficient number of cranes for the service of the harbour and dock and shall not use or permit to be used any crane or cranes except those provided by the Board without the consent in writing of the Lonsdale trustees The Board may also provide and maintain any requisite tips staithes barges trucks gear machinery appliances and labour for the discharging unloading removal and loading of cargo from or into vessels in the harbour docks premises and works of the Board and may at the request of any owner or master of or agent for any vessel themselves effect such discharge unloading removal and loading making reasonable charges therefor.

PART IX.

TRANSIT SHEDS AND WAREHOUSES.

Power to provide transit sheds.

46. With the consent and subject to the regulations of the Commissioners of Customs the Board may provide transit sheds and bonded warehouses for the reception of goods and may from time to time repair and with the like consent renew alter discontinue or remove the same and may keep the same provided with all requisite apparatus and conveniences for weighing and measuring goods and may demand and take for the use of such sheds apparatus and appliances such rents and charges as they with the sanction of the Commissioners of Customs may from time to time fix.

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Deposit of goods in transit sheds.

47. The master or owner of or the agent for any vessel may with the permission of the Board and subject to such regulations as the Commissioners of Customs may deem necessary for the security of the revenue cause any goods upon giving due notice to the proper officer of Customs to be landed and deposited in such transit sheds without previously making any entry thereof and such goods so landed and deposited in such transit sheds shall for all purposes be considered as still on board the vessel from whence the same shall have been landed and shall be removeable only from such transit sheds in the same manner and by the same process in all respects as the same might by law have been removed from such vessel in case the same were still actually on board thereof Provided always that nothing herein shall affect or limit the rights or obligations of the said master agent or owner of the said vessel or the owner of the goods under the contract made for the carriage thereof with respect to the mode time or place of delivery or landing thereof.

Board may enter goods if not entered by owner or consignee.

48. If the cargo of any vessel lying at any quay or wharf shall not be duly entered with the Customs and the landing order lodged with the proper officer of the Customs the Board may on the requisition of the shipmaster or shipowner or of the agent of such shipmaster or shipowner or without such requisition if and when the despatch of business is hindered by reason of such cargo not being so entered cause a landing entry to be made of such cargo or of so much thereof as shall not have been entered and passed as aforesaid (such goods being such as by law may be warehoused) and may land such goods and warehouse or otherwise take charge of the same.

Board may erect or adapt warehouses.

49. The Board may provide such offices and warehouses as they shall deem proper and may alter vary and remove the same and also may fit up adapt and use for the said purpose any existing buildings belonging to the Board.

Board may appropriate parts of works to use of particular trades &c.

50. The Board subject to the provisions of the agreement may as they think fit set apart and appropriate any lands or any part or parts of the port or the whole or any part of any docks quays wharves jetties water spaces transit and other sheds bonded and other warehouses or other buildings works or conveniences other than private wharves to or for the use and accommodation of any particular trades persons companies vessels or class of vessels or goods and may in addition to the

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other rates by this Act authorised to be demanded and taken demand and take such reasonable charges for such use and accommodation as they from time to time think fit.

Board may make other charges.

51. The Board shall subject to the provisions of the agreement be entitled to make all reasonable charges for work done and services rendered and for facilities afforded and plant machinery or appliances provided by them and used for the despatch of business at the dock and works for the convenience of shipmasters merchants and others concerned with the traffic thereat in so far as such charges are not expressly provided for by this Act or any of the recited Acts.

Power for Board to insure against fire.

52. The Board may if they think fit insure from loss of damage by fire their sheds and warehouses and the contents thereof or any of them but they shall not be under any obligation to do so.

Delivery warrants.

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

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

(1) The Board at the request of any person warehousing or depositing any goods in any warehouse or upon or in any of the quays wharves or sheds specially appropriated for the purpose or entitled to any goods so warehoused or deposited may if they think fit issue and deliver to him a certificate of the goods so warehoused or deposited or a warrant for the delivery of the goods so warehoused or deposited or any part thereof and such goods or such part thereof shall be respectively specified in the warrant :

Warrant not to be given till 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 Board have notice in writing and all rates rents charges and expenses payable to the Board with respect to the warehousing or depositing of the goods or for services performed by them in respect thereof are paid or discharged :

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

Board 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 Board 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 last 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 subsection and that the certificate or warrant is issued under the powers of this Act:

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

Lands &c. for transit sheds and warehouses.

54. For the purpose of providing transit sheds and warehouses (whether free or bonded) the Board may exercise the following powers and the following provisions shall have effect (that is to say):—

(1) They may by agreement purchase or take by way of exchange or on lease or hire any lands warehouses or buildings:

(2) They may sell let or lease or otherwise dispose of any such lands for the erection thereon by any person or company of such sheds and warehouses:

(3) They may hold use or let such sheds and warehouses and may appropriate them or any of them to and for the use of certain trades persons or companies for such periods and at such rents or for such other payments and upon such terms and conditions as may be agreed on between the contracting parties:

(4) They may with the consent and subject to the regulations of the Commissioners of Customs make all such usual and proper provisions and regulations as they think fit with respect to the management and

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user of the transit sheds and warehouses and the security of the goods therein:

(5) All transit sheds and bonded warehouses shall be erected or provided only with the consent and subject to the regulations of the Commissioners of Customs.

Part X.

Byelaws.

Additional byelaws.

55. In addition to the powers of making byelaws contained in any other enactment enabling the Board to make byelaws they may subject to the provisions of this Act make such byelaws as they think fit for all or any or either of the following purposes (that is to say):—

For prohibiting removing and regulating the placing of any matters or things which in the judgment of the Board may interfere with the navigation of the harbour or the safe and convenient user thereof or of the dock premises or works of the Board;

For regulating the use of the harbour the speed of vessels navigating the same and the conduct of the masters officers and crews of vessels and of other persons using and frequenting the same;

For prescribing the terms conditions and payments on which licences for tugboats and masters thereof shall by the Board be granted suspended or declared to be forfeited and for regulating the conduct of persons so licensed;

For prohibiting the user in the harbour or the approaches thereto of tugboats unlicensed or in charge of unlicensed persons;

For regulating the times and manner of paying and the places for payment of the tolls rates and charges for the use of the harbour and any channel leading thereto docks tramways warehouses transit and other sheds works and appliances of the Board and for the use of tugboats whether of the Board or otherwise;

For regulating the management and use of the transit sheds of the Board:

And such byelaws except so far as they relate solely to the Board or their officers or servants shall be subject to the provisions with respect to byelaws of the Harbours Docks and Piers Clauses Act 1847 except section 85 of that Act but no such byelaws shall have any force or effect unless and until the same be confirmed by the Board of Trade and no byelaws relating to transit sheds or bonded warehouses or charges for the use of the same shall have any force or effect unless and until they shall have been sanctioned by the Commissioners of Customs and only so long as such sanction shall continue.

Any person who offends against any byelaw shall be liable for every offence to a penalty not exceeding five pounds and to a daily penalty not exceeding forty 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 by the Board or by any person or company for any loss or injury to them or him or to their or his property consequent on such offence.

Part XI.

Miscellaneous.

For protection of company.

56. For the protection of the company the following provisions shall have effect unless otherwise expressly agreed to in writing between the company and the Board (that is to say):—

Except as in this section provided nothing in this Act shall be deemed to alter or prejudicially affect any existing shipping facilities privileges or rights of the company on the south quay of the old harbour in respect of the future use and exercise of which the Board shall not demand any larger charge or payment than that at present received by the Lonsdale trustees If the company extend their existing sidings along that quay in an eastward direction for any length not exceeding two hundred and fifty feet (to which the Board so far as they lawfully may do hereby consent) they shall in and upon such extension have and may exercise the like facilities privileges and rights which they now have and may exercise and shall be subject to the same conditions to which they for the time being shall be subject in respect of their existing facilities privileges and rights:

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The Board may at any time alter or rearrange any shipping facilities for the time being existing on substituting therefor shipping facilities equally convenient for the company.

Saving rights of London and North Western Railway Company.

57. Nothing in this Act shall take away lessen extend increase alter or interfere with any existing rights and privileges of the London and North Western Railway Company in connexion with the harbour and dock works and the quays railways and approaches thereto as such rights and privileges exist at the date of the passing of this Act and the provisions of section 41 of the Act of 1869 shall apply as if they had been herein repeated with the substitution of the words "the Board" for the words "the Earl."

Saving rights of Cleator and Workington Junction Railway Company.

58. Nothing in this Act shall take away lessen extend increase alter or interfere with any existing rights and privileges of the Cleator and Workington Junction Railway Company in connexion with the Lonsdale dock and works and the quays railways and approaches thereto as such rights and privileges exist at the date of the passing of this Act.

Saving rights of lords of manors of Workington and Seaton.

59. Nothing in this Act except as by this Act is expressly provided shall take away lessen prejudice or alter any of the estates rights privileges franchises powers or authorities of the respective lords for the time being of the manors of Workington and Seaton respectively.

Saving rights of Crown.

60. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained shall authorise the Board to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent such Commissioners and such Board are hereby respectively authorised to give.

Provision for Merchant Shipping and General Acts.

61. Nothing in this Act shall be deemed or construed to exempt the harbour or the harbour limits from the provisions

of the Merchant Shipping Act 1894 and of any Act amending that Act or of any present or future general Act relating to harbours or to dues on shipping or goods carried in ships or to lights buoys and beacons or from the rights powers and privileges of the general lighthouse authorities or from the revision and alteration under the authority of Parliament of the rates authorised by this Act.

Costs of Act.

62. The costs charges and expenses incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Board out of moneys to be borrowed under the powers of this Act.

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The SCHEDULES referred to in this Act.

THE FIRST SCHEDULE.

ARTICLES OF AGREEMENT made the twenty-eighth day of April one thousand nine hundred and five between the Right Honourable JAMES WILLIAM LOWTHER of No. 16 Wilton Crescent London S.W. Member of Parliament and GEORGE HENRY HOPKINSON of No. 93 Pimlico Road London S.W. Esquire trustees of the will of the Right Honourable William Earl of Lonsdale deceased (herein-after called "the Trustees") of the first part the Right Honourable HUGH CECIL EARL OF LONSDALE (herein-after called "the said Earl") of the second part and CAMMELL LAIRD AND COMPANY Limited being a company incorporated under the Companies Acts 1862 to 1893 and whose registered office is situate at the Cyclops Steel and Iron Works Saville Street Sheffield in the county of York (herein-after referred to as "the said Company") of the third part.

WHEREAS by the Workington Dock and Harbour Act 1882 the Trustees were authorised to enter into agreements subject to the confirmation thereof by Parliament with (amongst others) any company incorporated by Act of Parliament or with any person or persons acting on behalf of any harbour trustees or commissioners proposed to be constituted for the sale and transfer to such harbour trustees or commissioners of the harbour undertaking as thereby defined (whether the works authorised by the said Act should or should not have been commenced or completed) of all the rights properties powers and privileges of the trustees as the undertakers for the purposes of the said Act subject to all mortgages and liabilities affecting the same in consideration of payment in cash or by a perpetual annuity charged on the said harbour undertaking or by debentures debenture stock or preference shares or stock of or in any trust company or other corporate body formed or empowered to purchase the said undertaking or partly by one and partly by another or others of the foregoing methods:

And whereas by an agreement dated the eighteenth day of June one thousand nine hundred and made between the Right Honourable James Lowther (since deceased) and the said George Henry Hopkinson of the first part the said Earl of the second part and James Fletcher and six other persons therein respectively described therein-after called the promoters of the third part the said James Lowther and George Henry Hopkinson

with the consent of the said Earl agreed for the consideration therein mentioned to sell to the promoters the Lonsdale undertaking as defined in the Workington Railways and Docks Act 1900 including the lands and hereditaments therein described and coloured yellow on the plan therein mentioned subject to confirmation by Parliament:

And whereas by the Workington Railways and Docks Act 1900 the said agreement was confirmed and the same Act contained a provision (section 26 subsection 4) that if the purchase of the Lonsdale undertaking was not completed within three years from the passing of the said Act all power to purchase the same should cease and the said agreement should as from that date be annulled:

And whereas the said purchase was not completed within the said period of three years:

And whereas the Trustees have contracted and agreed with the said Company acting on behalf of a Board of Trustees to be called the Workington Harbour and Dock Board and to be formed under the Act intended to be applied for as herein-after mentioned for the sale and transfer to such Board subject to the confirmation thereof by Parliament of the Lonsdale undertaking as defined in the said Workington Railways and Docks Act 1900 including the lands and hereditaments herein-after mentioned for the consideration and upon and subject to the terms and conditions in these articles contained:

And whereas the said Company intend in the next session of Parliament to promote a Bill for confirming this agreement and to enable the said Workington Harbour and Dock Board (herein-after called the Board) to acquire hold and manage the said undertaking lands and premises:

Now therefore it is hereby agreed by and between the Trustees (with the consent of the said Earl testified by his executing these presents) and the said Company as follows:—

1. The Trustees shall subject to the confirmation of this agreement by Parliament sell and the Board shall within six calendar months after the passing of the said Bill into an Act purchase from the Trustees the Lonsdale undertaking as defined in the fourth section of the said Workington Railways and Docks Act 1900 including the lands and hereditaments coloured yellow on the said plan and also so much of the North Jetty as lies to the south of the said land coloured yellow and between it and the River Derwent and also so much of the bed of the River Derwent and harbour below high-water mark of ordinary spring tides as is in front of and adjoining to the said land coloured yellow and the part of the North Jetty last herein-before mentioned on the south side thereof as belongs to the said Trustees Together with all the rights and property powers and privileges of the Trustees as the undertakers for the purposes of the Workington Dock and Harbour Act 1882 or as the harbour and dock authority or otherwise under that Act subject to the reservation to the trustee of the will of the Right Honourable Henry Earl of Lonsdale deceased of the fishery in the River Derwent and the anchorage dues payable by the masters or persons having charge of vessels entering the

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harbour of Workington free from all incumbrances but subject to all statutory enactments unrepealed by the said intended Act and to all existing leases agreements rights of way easements rights privileges powers and authorities affecting the same or any part thereof and as to easements now existing and in use under terminable agreements grants or leases subject to a reservation of such easements or other substituted easements which may hereafter be agreed upon between the parties hereto or between the Trustees and the said Board in perpetuity in favour of the Trustees their lessees and tenants and of the trustee of the will of the said Henry Earl of Lonsdale his lessees and tenants for the time being of the hereditaments in respect of which the same are now used respectively and subject also to the rights granted to the Saint Helens Colliery and Brickworks Company Limited and their assigns by lease dated the first day of May one thousand nine hundred and three to construct maintain and use a railway from the premises thereby demised to the Lonsdale Dock over (amongst other lands) the said lands coloured yellow on the said plan and also reserving to the trustee of the will of the said Henry Earl of Lonsdale and his lessees the like right in perpetuity on and after the determination of the said lease.

2. The consideration for the said sale shall be the sum of one hundred thousand pounds which shall be paid and secured to the Trustees in manner following that is to say the sum of twenty-five thousand pounds part thereof shall be paid to the Trustees by the Company on the completion of the purchase and the sum of seventy-five thousand pounds the remainder thereof shall be secured by the creation and issue to the Trustees by the Board of seventy-five thousand pounds redeemable debenture stock bearing interest at the rate of three pounds ten shillings per centum per annum payable half-yearly The said stock shall as regards both principal and interest be wholly and solely charged upon and remain always a first charge over the undertaking of the Board for the time being The Board may also from time to time after three months notice in writing of their intention so to do pay to the Trustees in cash any aliquot part of the said sum of seventy-five thousand pounds (not being less than five thousand pounds at any one time) and in such case and on being paid all interest up to the date of payment the Trustees shall transfer to a nominee or transferee of the Board such an amount of A Debenture Stock as shall be equal in nominal amount to the amount of cash so paid by the Board to the Trustees The said sum of twenty-five thousand pounds shall be secured together with interest after the rate of four pounds per centum per annum to the said Company or other the person or corporation paying the same by the like debenture stock but ranking as regards payment of both principal and interest after the security for the said sum of seventy-five thousand pounds.

The said Bill shall contain a clause or clauses providing that after payment of working expenses rents anchorage dues rates and taxes and interest on the aforesaid debenture stocks for seventy-five thousand pounds and twenty-five thousand pounds respectively and on any other debentures

debenture stock mortgages or charges which the Board in its discretion may consider it expedient to raise for the purpose of extending or improving the undertaking of the Board and on money borrowed at the like discretion for the purpose of carrying out any of the other objects authorised by the said Bill and the creation of a reserve fund to such an amount as the Board may think fit not exceeding ten thousand pounds for the purpose of extending or improving the undertaking of the Board and of meeting any sum by which the dues tolls and revenue of the undertaking may be insufficient for the payment of the working expenses of the Board there shall be paid out of any surplus income the annual sum of one thousand pounds into a sinking fund for the redemption of the aforesaid debenture debt of seventy-five thousand pounds Subject to the provisions of section 91 of the said Workington Railways and Docks Act 1900 the said Bill shall contain a further clause providing that until the said debenture debt of seventy-five thousand pounds shall be fully paid by the Board or their nominees the Board shall not reduce the ship dues or tonnage rates now payable at the said dock and harbour below the amounts now payable and set forth in the schedule hereto without the consent in writing of the Trustees The said Bill shall also contain a further clause providing that the Board shall supply and maintain a sufficient number of cranes for the service of the dock and harbour and shall not use or permit to be used any crane or cranes except those provided or to be provided by the Board without the like consent of the Trustees and that subject as aforesaid they shall not reduce the craneage rates now charged and specified in the said schedule without such consent.

3. The Board shall consist of five members who and their successors for the time being shall be nominated by the said Company The names of the first members shall be set forth in the Bill which shall also provide for the tenure of office resignation and removal of such members and their successors.

4. In the event of the Board constructing or promoting the construction of a new dock on the south side of the River Derwent at Workington the Board shall at the same time connect it with the property of the Trustees on the north side by a railway and bridge across the said River Derwent.

5. The purchase shall be fully completed and carried out within six calendar months after the passing of the said Bill into an Act and the costs of both vendors and purchasers of carrying out the sale and purchase shall be borne and paid by the said Company but such costs shall not include the costs of any application to the High Court of Justice by the Trustees their mortgagees or any other persons or person If the purchase shall not be completed at the time herein-before mentioned interest at the rate of four pounds per centum per annum shall be paid upon the said sum of one hundred thousand pounds from the expiration of the said period of six months until completion The Board shall notwithstanding be entitled to the rents and profits of the undertaking from the expiration of the said period of six months it paying the costs of carrying on the same and all other outgoings after that date.

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6. This agreement is conditional upon the Bill passing into law and upon this agreement being scheduled to and confirmed by the intended Act.

7. Nothing herein contained shall prejudice the right of the Trustees or of the said Earl or of any of them to present a petition or petitions against the said Bill and appear with or without counsel and witnesses to support the insertion of clauses and provisions for their protection Provided that if the said Company shall procure the insertion in the said Bill of a clause confirming this agreement and of other provisions satisfactory to the Trustees then the Trustees will at the request and expense of the said Company support the passage of the said Bill into law.

8. This agreement is made subject to such alterations as Parliament may see fit to make therein.

As witness the hands of the parties of the first and second parts and the common seal of the said Company.

The SCHEDULE referred to in the above agreement.

	£	*s.*	*d.*
Tonnage rates—			
For every new vessel launched into the said harbour the sum per ton of - - - - - -	0	0	7
For every vessel entering the said harbour inwards from any port in Great Britain Ireland and the Isle of Man for each voyage per ton - - - -	0	0	7
From any other port in Europe Asia Africa or America for each voyage per ton - - - - -	0	0	9
Towage rates—			
Steamers inwards per ton - - - -	0	0	$0\frac{1}{2}$
„ outwards „ - - - - -	0	0	$0\frac{1}{2}$
Sailing vessels towage inwards per ton - - -	0	0	1
„ „ „ outwards „ - - -	0	0	1
Special towage by agreement with the harbour master.			
Harbour boat—			
Vessel of 20 tons register - - - -	0	1	6
„ 20 „ to 50 - - - -	0	3	0
„ 50 „ to 80 - - - -	0	4	0
„ 80 „ to 100 - - - -	0	5	0
„ 100 „ to 150 - - - -	0	6	6
„ 150 „ to 200 - - - -	0	8	0
„ 200 „ to 300 - - - -	0	10	6
„ 300 „ to 400 - - - -	0	12	6
„ 400 „ to 500 - - - -	0	15	0
Above 500 - - - - - -	1	1	0
Ballast—			
Hoppering ballast per ton - - - -	0	0	6

			£	*s.*	*d.*
Craneage—					
For discharging	timber	per ton	0	0	8
,,	coke	,,	0	0	8
,,	scrap iron	,,	0	0	6
,,	bar iron	,,	0	0	3
,,	tram rails	,,	0	0	4
,,	ballast	,,	0	0	4
,,	pig iron	,,	0	0	4
,,	plate iron	,,	0	0	4
,,	lime stone	,,	0	0	4
,,	mould sand	,,	0	0	4
,,	coal	,,	0	0	4
,,	rivets	,,	0	0	4
,,	rails	,,	0	0	2½
,,	cement	,,	0	0	4
,,	spiegel iron	,,	0	0	4
,,	foreign iron stone	,,	0	0	2½
,,	coasting iron stone	,,	0	0	2½
,,	steel sleepers	,,	0	0	2½
,,	creosoted sleepers	,,	0	0	4

JAMES W. LOWTHER.
G. H. HOPKINSON.
LONSDALE.

The common seal of Cammell Laird and Company Limited was affixed hereto in the presence of } L.S.

ALEX. WILSON }
A. G. LONGDEN } Directors.

F. J. MAW Secretary.

THE SECOND SCHEDULE.

Form of certificate of A Debenture Stock.

Workington Harbour and Dock Board A Debenture Stock.

Certificate No. Amount pounds.

Register No.

This is to certify that

of is registered in the books of the Workington Harbour and Dock Board as the proprietor of pounds Workington Harbour and Dock Board A Debenture Stock created by virtue of the Workington Harbour and Dock Act one thousand nine hundred and five bearing interest at the rate of pounds per centum per annum payable half-yearly

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on the day of and the day of in every year the first payment to be made on the day of next.

The above-mentioned A Debenture Stock is redeemable at par by means of a sinking fund of one thousand pounds per annum and further stock to an amount at any one time of not less than five thousand pounds may also at the option of the Board be redeemed at par at any time on giving three months' notice in writing.

Given under the common seal of the Workington Harbour and Dock Board this day of .

Entered A.D. one thousand nine hundred and .

L.S.

Secretary to the Board.

NOTE.—This stock certificate must be deposited with the deed of transfer whether for the whole or any portion thereof before a new certificate can be issued in exchange All certificates will bear the common seal of the Board.

THE THIRD SCHEDULE.

I in consideration of the sum of paid by (herein-after called "the said transferee") do hereby bargain sell assign and transfer to the said transferee Debenture Stock of and in the undertaking called the Workington Harbour and Dock Board to hold unto the said transferee executors administrators and assigns subject to the several conditions on which held the same immediately before the execution hereof and the said transferee do hereby agree to accept and take the said Debenture Stock subject to the conditions aforesaid.

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