

**CHAP. lxxxii.**

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

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

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

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

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

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirma-
tion of
Orders in
Schedule.

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

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The SCHEDULE OF ORDERS.

1. ALUM BAY.—Power to levy rates at existing pier.
2. DARTMOUTH.—Amendment of former Order.
3. ILFRACOMBE.—Improvement and regulation of harbour.
4. PENRYN.—Maintenance and regulation of harbour.
5. WALTON-ON-THE-NAZE.—Extension of time for construction of works authorized by former Order.

Alum Bay.

ALUM BAY.

*Order for the regulation of a Pier at Alum Bay in the Parish of
Freshwater in the Isle of Wight.*Power to take
rates in sche-
dule.

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

Certain fishing
vessels under
stress of
weather exempt
from rates.

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

Pass tickets for
use of pier.

3.—The Company may grant to passengers, promenaders, and other persons, pass tickets for the use of the pier and works, at such rates, on such terms, and for such periods, not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the Special Act.

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Ilfracombe.

ILFRACOMBE.

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

Undertakers.

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

Repeal of
Local Act
except as to
rates.

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

Old rates to
continue till
new rates
leviable.

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

Power to take
lands by agree-
ment.

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

Lands Clauses
Acts incorpo-
rated.

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

Power to
execute works.

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

Description
of works.

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

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

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- (1.) The widening of the existing quay on the south side thereof, from the slip in front of the Britannia Hotel to the present pier in front of the Pier Hotel.
- (2.) The construction of a quay or pier in an easterly direction from the south-east corner of the present quay near the "Golden Lion Hotel," in a straight line to the east end of Warp House Quay, adjoining the present line of steps at the end of the same quay.
- (3.) The clearance and removal of all rock, stone, and other obstruction, outside or on the southern side of the proposed line of quay.
- (4.) The erection of a jetty at the east end of the said Warp House Quay, commencing from the eastern extremity of the before-described quay, running in an easterly direction one hundred and fifty feet, or thereabouts; and then in a north-easterly direction two hundred and fifty feet, or thereabouts; and in a westerly direction two hundred and fifty feet, or thereabouts, to the Benrick Rock, as shown on the plans and sections deposited for the purposes of this Order.
- (5.) The construction of a slipway for the launching of the life boat.

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

Limits of
harbour.

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

Power to levy
rates.

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

Recovery of
dues.

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

Customs
officers.

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*Pier and Harbour Orders
Confirmation Act, 1870 (No. 1.)*

[33 & 34 VICT.]

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Certain fishing
vessels under
stress of
weather ex-
empt from
rates.

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

Application of
rates and
income.

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

- (1.) In paying the expenses of and connected with the applying for, obtaining, and making of this Order:
- (2.) In paying the expenses of the maintenance, repair, management, and regulation of the harbour, lighthouse, and works:
- (3.) In paying, year by year, the interest of any money borrowed under this Order, or otherwise under this Order becoming a charge on the rates and duties authorized by this Order:
- (4.) In paying the cost of executing, maintaining, and repairing such other works, buildings, sheds, warehouses, wharves, jetties, cranes, and conveniences as are authorized by this Order:
- (5.) In creating a Sinking Fund for the repayment of the principal of money borrowed under this Order, or otherwise under this Order becoming a charge on the rates and duties authorized by this Order, in the manner, and, so far as the circumstances of the case will admit, in the proportion specified by "The Commissioners Clauses Act, 1847:"
- (6.) In the further general improvement of the harbour.

Commence-
ment of new
rates.

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

Cesser of old
rates.

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

Charges on old
rates.

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

17. The undertakers may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole eight thousand pounds, on mortgage of the harbour, land, and works, and the property connected therewith, and the rates and duties authorized by this Order; and any money which, under the provisions of this Order, shall become charged on the rates authorized by this Order, and shall be discharged otherwise than by means of the sinking fund in this Order mentioned, may be re-borrowed, if required, for the purposes of this Order, and so toties quoties. A.D. 1870.
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Power to borrow.
18. Every part of the moneys borrowed under this Order shall be applied only for the purposes of this Order. Application of money borrowed.
19. The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Order, except so much thereof as relates to the appointment of a receiver at the expiration of one calendar month after the time appointed for payment of any interest. Commissioners Clauses Act as to mortgages incorporated.
20. The mortgagees of the undertakers may enforce payment of the arrears of interest, or of principal and interest, due on their respective mortgages by the appointment of a receiver, at the expiration of three calendar months from the time limited for such payments respectively, and the amount necessary to authorize a receiver is one thousand pounds in one or more mortgages, bonds, or debentures. Appointment of receiver.
21. The following provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order, namely, sections fourteen to twenty (both inclusive). Clauses of Harbours Act not incorporated.
22. The undertakers may grant to passengers, promenaders, and others, tickets for the use of the piers and jetty, or the extension thereof authorized by this Order, on such terms and for such periods not exceeding one year as are agreed on, but so that no preference be given to any person. Tickets for use of pier.
23. A pass ticket granted by the undertakers shall not be transferable, and shall not be used by any person other than the person for whom it is granted, or by any person after the period limited for its use. Tickets not transferable.
24. If any person acts in any way in contravention of the last preceding provision, or uses or attempts to use any false or counterfeit pass ticket, every person so offending shall for every such offence be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847." Penalty for using false tickets.
25. The undertakers shall have the appointment of meters and weighers within the limits of the harbour, and also the appointment of crane attendants and quay porters, in like manner and under the same regulations as meters and weighers. Meters and weighers.
26. When the undertakers commence receiving the rates and duties authorized by this Order, they shall at their own expense provide and employ, and thenceforth continue to provide and employ, a sufficient number of efficient quay porters, whose duty it shall be to attend to all vessels and ropes within Quay porters to be provided gratuitously by the undertakers.

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

Warp to be provided if required.

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

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

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

Steam engines, lighters, &c.

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

Pilotage, &c.

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

Existing rights reserved.

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

Light to be exhibited.

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

Powers to cease in certain events.

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

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

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

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

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

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

Rights of Corporation of Bridgwater.

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

Saving as to Board of Trade.

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

Short title.

SCHEDULE to which the foregoing Order refers.

I.—TONNAGE DUTIES.

	s.	d.
For all vessels putting in wind bound or otherwise, and not loading or unloading, per register ton	0	1
For all vessels entering the limits of the harbour to load or discharge cargo, or to land or embark passengers from or to any port in the United Kingdom, per register ton not exceeding	0	2
For all vessels from or to foreign ports, discharging or unloading in the harbour, per register ton	0	4
For every skiff, trawler, or other undecked or half-decked boat, not exceeding fifteen tons register, each time of entering the limits of the harbour	1	0
For every such boat as last mentioned above fifteen tons register to be charged according to tonnage dues for vessels wind bound, per ton	0	1
Yawls and other open boats every time of entering the limits of the said harbour	0	8
Trawlers, for one year	4	4
Open boats, for one year, payable in advance	2	2
For all vessels laying up in the harbour for any time or portion of time not exceeding six months	4	4
After that time, per register ton per month, the sum of	0	1
For every ton of ballast taken in or discharged within the limits of the harbour, per ton	0	2
For entering the harbour one rate only shall be demanded and received in respect of any vessel within any 24 hours, and one rate only shall be paid going and returning by each vessel regularly trading between ports east and west of Ilfracombe.		

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II.—RATES ON GOODS.

Ilfracombe.

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

	s.	d.	
Grates and stoves, per cwt.	0	3	A.D. 1870.
Guano, per ton	1	0	
Gunpowder, per cwt.	0	3	<i>Ilfracombe.</i>
Hand carts and perambulators, not exceeding	0	6	
Haberdashery, per cwt.	0	2	
" in boxes, per foot	0	1	
Herrings, per barrel	0	2	
Other cured fish, per cwt.	0	2	
Iron, per ton	0	8	
Iron castings and hoops, per ton	1	0	
Lead, per ton	1	0	
Leather, tanned, per cwt.	0	3	
Lemonade, per gross	0	6	
Limestone, per ton	0	2	
" for agricultural purposes	0	1	
Manures, artificial, &c.	1	0	
Marble blocks	1	6	
" worked	2	6	
Oranges and lemons, per box	0	2	
" " " chest	0	3	
Potatoes, per ton	0	8	
Portlock pebbles, per ton	0	2	
Soda, per ton	1	0	
" water, per gross	0	6	
Spirits and Wines:—			
" " per hogshead	1	0	
" " " gallon	0	1	
Stones:—			
" Healing, per ton	0	8	
" Flooring " "	0	4	
" Kerb and ashlar " "	0	3	
" Bath stone " "	0	4	
All stones not above mentioned	0	4	
Soap, per ton	1	0	
Sugar of all kinds, per ton	1	6	
Tobacco, per cwt.	0	4	
Vegetables, per barrel	0	2	
" " crate	0	4	
Vinegar, per hogshead	0	6	
Wood of all kinds:—			
" per load of 50 cubic feet	0	10	
For all goods, wares, merchandise, or other commodities not enumerated in the foregoing schedule:—			
per ton of 40 cubic feet, or ditto of 20 cwt.	0	8	
In charging the rates on goods the gross weight or measurement shall be taken. No article to be landed or embarked without paying a charge of at least one penny	0	1	

A.D. 1870. III.—RATES FOR THE USE OF CRANES, WEIGHING MACHINES, AND SHEDS.

Ilfracombe.

1st.—Rates of Craneage.

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

2nd.—Weighing Machines.

For goods weighed, for each ton or part of a ton any sum not exceeding
ing

	0	6
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3rd.—Shed Dues.

For each ton of goods of 40 cubic feet or for each ton of 20 cwt. which shall remain in the sheds or other works of the pier for a longer time than 48 hours, the sum of 3*d.*, and a further sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours.

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

	0	1
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IV.—RATES ON PASSENGERS AND PROMENADERS.

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

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

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

	0	2
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For every Bath or sedan chair taken on the piers or jetty, for each and every time any sum not exceeding

	0	4
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For every perambulator

	0	2
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For any hackney carriage standing for hire, per day

	0	6
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Penryn.

PENRYN.

*Order for the maintenance and regulation of the Harbour of Penryn
in the County of Cornwall.*Constitution
of harbour
authority.

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