



## CHAPTER clv.

An Act to extend and define the limits of the harbour of Poole to authorise the Poole Harbour Commissioners to construct works to acquire lands and to raise additional money to confer further powers upon the Commissioners and for other purposes. A.D. 1914.

[7th August 1914.]

**W**HEREAS under the provisions of an Act passed in the twenty-ninth year of the reign of His Majesty King George the Second intituled “An Act for the better ascertaining recovering and collecting certain duties payable upon the importation and exportation of goods and merchandises into or out of the harbour of the town and county of Poole and also of ballast and boomage duties payable in respect of ships and vessels coming into and out of the said harbour and for the enlarging better repairing and keeping in repair the said harbour and the quays and wharves and for providing a proper place for keeping gunpowder in or near the said town and for establishing and regulating the nightly watch and enlightening the streets in the said town” (in this Act called “the Act of 1756”) as amended and varied by the Poole Harbour Order 1891 and the Poole Harbour Order 1894 (which two Orders are in this Act called respectively the Order of 1891 and the Order of 1894 and are collectively referred to as “the Orders of 1891 and 1894”) the mayor aldermen and burgesses of the borough of Poole (in this Act called “the corporation”) acting by the council of the said borough as trustees were constituted the trustees of the quays and harbour of Poole with powers to execute works and to levy rates and duties on goods and ships and the other powers in the said Acts and Orders specified:

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—

And whereas by the Order of 1891 the corporation were authorised to borrow at interest the sum of twenty thousand pounds and by the Order of 1894 the corporation were authorised to borrow at interest the sum of five thousand pounds:

And whereas by the Poole Harbour Act 1895 (in this Act called "the Act of 1895") the Poole Harbour Commissioners (hereinafter called "the Commissioners") were constituted and incorporated and the then existing undertaking of the corporation was vested in the Commissioners:

And whereas the limits of the existing harbour of Poole are purported to be defined by an inquisition taken in the fifteenth year of the reign of King Edward the Third in the year one thousand three hundred and forty-two in pursuance of a writ of inquisition directed to the escheator of the King for the county of Dorset as varied by section 4 of the Order of 1891 and section 4 of the Order of 1894 and doubts have arisen as to the true construction of the said inquisition and Orders and it is expedient that the limits of the harbour be extended and defined in the manner hereinafter provided:

And whereas the borrowing powers conferred by the Orders of 1891 and 1894 have been exhausted and of the moneys borrowed by the Commissioners or their predecessors thereunder there remains owing the sum of fourteen thousand eight hundred and fifty pounds and no more:

And whereas it is expedient to authorise the Commissioners to effect further improvements to acquire additional lands and to execute additional works for the benefit of the trade and shipping at the harbour and to borrow further moneys for those purposes:

And whereas it is expedient that the Commissioners should be authorised to establish a ferry between the Sandbanks and South Haven Point and in the event of any franchise or right of ferry being found to exist between such points to acquire such franchise or right (if any) from the owner or owners thereof and that power should be conferred upon the Commissioners as in this Act contained with respect to ferries:

And whereas it is expedient that further powers as contained in this Act should be conferred upon the Commissioners:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans showing the lands



required or which may be taken for the purposes or under the powers of this Act and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Dorset and are hereinafter respectively referred to as the deposited plans sections and book of reference: A.D. 1914.

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

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

1. This Act may be cited for all purposes as the Poole Harbour Act 1914 and shall come into force on the day prescribed by the section of this Act of which the marginal note is "Constitution of Commissioners to be amended." Short title and commencement.

2. The following enactments (as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act) shall be incorporated with this Act (that is to say):— Incorporation of Acts.

The provisions of the Commissioners Clauses Act 1847 except sections 6 to 10 and except the section with respect to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors and except the section with respect to the accounts to be kept by the Commissioners and except that section 57 shall be construed as if the amount mentioned therein were five hundred pounds instead of one hundred pounds:

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices the sections of that Act being construed as if the expression "the Commissioners" had been inserted therein instead of the expression "the Company":

The provisions of the Harbours Docks and Piers Clauses Act 1847 except sections 25 and 26 and 79 and 80 and except (unless the Board of Trade shall otherwise require)

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the provisions with respect to lifeboats and with respect to keeping a tide and weather gauge the sections in the said Act being construed as if the expression "the Commissioners" had been inserted therein instead of the expression "the undertakers":

Provided that the following expressions used in the said Act shall have the following respective meanings (that is to say):—

The expressions "packet boat" and "Post Office packet" mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "Post Office bag of letters" means a mail bag as defined by the same Act. Provided also that nothing in the said Act or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire:

The Lands Clauses Acts except sections 16 17 and 127 of the Lands Clauses Consolidation Act 1845 and in construing those Acts the Commissioners shall be deemed the promoters of the undertaking.

Interpretation.

**3.** In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have for the purposes of this Act the same respective meanings. And—

The expression "the Commissioners" means the Poole Harbour Commissioners;

"The clerk" means the clerk of the Commissioners;

"The harbour" means the harbour as extended and defined by this Act;

The expression "high water" means high water of ordinary tides.

Limits of harbour.

**4.**—(1) As from the commencement of this Act the limits of the harbour shall be—

(A) The area below high-water mark situate seawards of an imaginary line drawn due north and south through the confluence of the Rivers Frome and Piddle or Trent and enclosed by an imaginary line commencing at Flaghead Chine at a point on the line of high water marked A upon the map or plan hereafter in



this section referred to and extending thence in a south three degrees west (magnetic) direction for a distance of twenty-four and a half cables or thereabouts to a point marked B on the said map or plan and thence in a south-west-by-west two degrees west (magnetic) direction for a distance of five cables or thereabouts to a point marked C on the said map or plan and thence in a north-north-west (magnetic) direction for a distance of thirteen cables to a point on the line of high water marked D on the said map or plan except the area between high-water mark and low-water mark extending from Flaghead Chine to the southernmost extremity of the peninsula known as the Sandbanks and from the point marked D hereinbefore referred to to the break-water to the north thereof shown on the said map or plan:

- (B) All that portion of the quays at Poole commencing from a point situate twenty feet on the east side of the bridge between Poole and Hamworthy continuing to the extremity of the east quay extension and extending in breadth throughout from the face of the quay wall to the metal of the London and South Western Railway Company's line which is nearest to the quay wall and also all other the quays docks lands lights buildings erections and equipment vested in or belonging to the Commissioners for the purposes of their undertaking:

Provided that notwithstanding anything hereinbefore contained the Commissioners may enter upon the area which is expressly excluded from the limits of the harbour by paragraph (A) of this subsection for the purpose of maintaining or repairing the groynes and other works erected by them which are situated upon or adjoining such area:

Provided further that nothing herein contained shall prejudice take away or impair any rights estates powers privileges or authorities of the London and South Western Railway Company upon or over any portion of the quays.

(2) The said limits are shown upon a map or plan (being a copy of the second edition (1902) of the Ordnance survey scale six inches to one mile) signed in triplicate by the Right

A.D. 1914. Honourable the Earl of Plymouth the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy whereof has been deposited in the Office of the Clerk of the Parliaments of the House of Lords another copy in the Private Bill Office of the House of Commons and another copy at the office of the Commissioners.

(3) In case of any discrepancy between the limits delineated on the said map or plan and the limits described in subsection (1) of this section the said map or plan shall be deemed to be correct and shall prevail.

(4) So much of the inquisition taken in the fifteenth year of the reign of King Edward III. in the year one thousand three hundred and forty-two as purports to define the limits of the harbour of Poole shall as from the commencement of this Act be hereby cancelled and annulled.

(5) Section 4 (Limits) of the Order of 1891 and section 6 (Limits) of the Order of 1894 shall as from the commencement of this Act be hereby repealed.

Power to  
make training  
wall.

5. Subject to the provisions of this Act the Commissioners may make and maintain in the lines or situation and according to the levels shown on the deposited plans and sections the works in the borough of Poole or in the bed of the sea adjacent thereto by this Act authorised and may enter on 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 that purpose.

The works hereinbefore referred to include the works following with all such incidental works and conveniences connected therewith as the Commissioners from time to time think fit (that is to say):—

A training wall or embankment commencing at a point on the foreshore south of the Haven Hotel at the entrance to Poole Harbour at a distance of three hundred and forty feet or thereabouts measured in an easterly direction from the south-west corner of the Haven Hotel and one hundred feet or thereabouts in a south-easterly direction from high-water mark and extending from such point a distance of seven hundred and fifty feet or thereabouts measured in a south-easterly direction Provided that the said training wall or embankment shall not be



carried for a greater length than three hundred and seventy-five feet from the point of commencement thereof without the special sanction of the Board of Trade. A.D. 1914.

**6.** From and after the commencement of this Act the training wall or embankment by this Act authorised shall for all purposes be deemed to be situate within the borough of Poole in the county of Dorset. Works to be deemed within borough of Poole.

**7.** Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade. Works below high-water mark to be subject to approval of Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

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 cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

**8.** If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Commissioners on in over through or across tidal lands or tidal waters or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily. Survey of works by Board of Trade.

**9.** If a work authorised by this Act and constructed by the Commissioners on in over through or across tidal lands or tidal waters 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 Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily. Abatement of work abandoned or decayed.

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Provision  
against  
danger to  
navigation.

**10.** In case of injury to or destruction or decay of the works by this Act authorised or any part thereof the Commissioners 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 and shall apply to that corporation for directions as to the means to be taken and the Commissioners 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.

Power to  
deviate in  
construction  
of works.

**11.** Subject to the provisions of this Act the Commissioners may in the execution of the works by this Act authorised deviate laterally from the lines thereof as shown on the deposited plans to any extent within the limits of deviation shown thereon and may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding seven feet upwards or downwards:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the previous consent in writing of the Board of Trade.

Period for  
completion of  
works.

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

Power to  
acquire mud-  
lands.

**13.** Subject to the provisions of this Act the Commissioners may enter upon take and use for the general purposes of their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited book of reference (that is to say):—

(A) Certain mudlands bounded on the south-west by an imaginary straight line drawn due north-west from the north-eastern corner of the premises situate on the sandbanks known as "Bay View" until it reaches the Main Channel on the west by the Main Channel on the north-west by Salterns Pier and on the north-east east and south sides by the line of high water:

(B) Certain mudlands bounded on the south by the Main Channel on the west by the Quay Channel and the



line of high water round the southern and eastern shores of the town of Poole on the north and north-east by the line of high water and on the east by Salterns Pier: A.D. 1914.

- (c) Certain mudlands bounded on the south by the Wareham Channel on the west by the boundary line of the parishes of Saint James Poole and Hamworthy on the north by the line of high water and on the east by the Quay Channel:
- (d) Certain mudlands bounded on the south-west by the line of high water between a point one hundred and eight yards or thereabouts north-west of Poole Bridge and a point on the Hamworthy shore where an imaginary line drawn due north-east from Hamworthy Rectory would strike the said shore on the north-west by part of the said imaginary line continued in a due north-easterly direction to a point on the opposite shore at Sterte and on the north-east and south-east by the Back Water Channel:
- (e) Certain mudlands situate in and surrounded by the said Back Water Channel and lying to the south-east of the said imaginary line from Hamworthy Rectory to the opposite shore:
- (f) Certain mudlands bounded on the south-west by the said Back Water Channel on the north-west by part of the last-mentioned imaginary line and on the north-east east and south-east sides thereof by the line of high water.

**14.** All private rights of way over any lands which are under the powers of this Act authorised to be acquired compulsorily shall as from the date of their acquisition be extinguished. Provided that the Commissioners shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

**15.** The powers of this Act for the compulsory purchase of lands by the Commissioners shall cease after the expiration of three years from the commencement of this Act. Period for compulsory purchase of lands.

**16.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the Persons under dis-

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ability may  
grant ease-  
ments &c.

provisions of those Acts and of this Act grant to the Commissioners 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 of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to  
retain sell  
&c. lands.

17. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any other Act or Acts to the contrary the Commissioners may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they think fit and in the case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell and exchange and dispose of any rents reserved on the sale exchange lease or disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Commissioners shall not sell lease exchange or otherwise dispose of any such lands or interests in lands without the consent in writing of the mayor aldermen and burgesses of the borough of Poole as to the purpose for which such sale lease exchange or other disposition is intended to be made which consent shall not be unreasonably withheld and any question as to the reasonableness or unreasonableness of the withholding of any such consent shall be determined by an arbitrator to be appointed in default of agreement by the Board of Trade on the application of either party after notice in writing to the other.

Subsidiary  
powers in  
connection  
with under-  
taking.

18. The Commissioners may in connection with the works by this Act authorised and also for the general purposes of their undertaking exercise upon all or any of the lands shown on the deposited plans and described in the deposited book of reference when entered upon by the Commissioners under the provisions of this Act and upon any lands for the time being



belonging or leased to the Commissioners all or any of the powers following (that is to say): — A.D. 1914.

(1) They may subject as hereinafter mentioned divert alter stop up remove or otherwise interfere with either temporarily or permanently any sewers drains gas and water mains and pipes telegraphic telephonic electric and other wires pipes and apparatus and other works so far as may be necessary or desirable the Commissioners providing or causing to be provided a proper substitute before interrupting the flow of gas water electrical energy or sewage in any premises And in the exercise of any of such powers the Commissioners shall do as little damage as may be and shall make full compensation to all parties interested for any damage by them sustained by reason or in consequence of the exercise of such powers the amount thereof to be determined except as hereinafter mentioned in the manner provided by the Lands Clauses Acts for settling cases of disputed compensation Provided that the Commissioners shall not remove alter or in any way interfere with any telegraphic telephonic or electric cables wires pipes or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

(2) They may from time to time make lay down provide maintain lease sell manage and dispose of all necessary or convenient rails sidings junctions turntables stations signals bridges approaches roads gates warehouses sheds offices buildings yards quays wharves wharf walls retaining walls river walls embankments telegraphic and telephonic works waterworks pumps reservoirs pipes sewers drains culverts sluices jetties groynes shipping places slipways landing places walls staiths stairs stages gantries coal and other tips machinery gridirons cuts channels locks dock entrances timber ponds cranes hydraulic and other lifts hoists drops dolphins moorings mooring posts buoys beacons and other works buildings appliances and conveniences:

Provided that any telegraphic or telephonic works made laid down provided or maintained by the Commissioners under

A.D. 1914. this section shall not be used in contravention of the exclusive privilege of the Postmaster-General under the Telegraph Act 1869:

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 except in accordance with and subject to the provisions of section 15 of that Act and any difference which may arise under that section and any question as to the amount of compensation to be paid to any such undertakers shall be determined in manner provided by that Act:

Provided further that the Commissioners shall not divert stop up remove or otherwise interfere with any sewer drain or other work or apparatus belonging to the mayor aldermen and burgesses of the borough of Poole except under the superintendence and to the reasonable satisfaction of the said mayor aldermen and burgesses or their surveyor.

Works &c.  
to form part  
of under-  
taking.

**19.** The works by this Act authorised and any land or property powers rights estates or interests acquired or works executed by the Commissioners under or by virtue of this Act shall form part of the undertaking of the Commissioners and may subject to the provisions of this Act be maintained managed exercised and enjoyed accordingly and subject as aforesaid the Commissioners shall have and may exercise and enjoy in over and upon the said works and such land and property and in relation thereto all the rights powers and privileges granted to conferred upon or vested in the Commissioners under the Acts and Orders relating to the Commissioners and the harbour or any of them.

No erections  
on foreshore  
or bed of  
harbour  
without  
licence.

**20.**--(1) Subject to the provisions of this Act no person shall make or form any recess dock bed for boats or barges basin pier jetty landing place quay or embankment wall reclamation or other work on the foreshore or bed of the harbour without a licence of the Commissioners to be signified under their common seal.

(2) This section shall not apply to or affect any works or powers of executing altering or maintaining works before the commencement of this Act authorised or conferred under or by virtue of any Act of Parliament or Provisional Order confirmed by Parliament or any works which may be executed altered or maintained by the mayor aldermen and burgesses of the



borough of Poole upon the lands which are coloured pink upon the plan signed in duplicate by Hugh Fortescue Wilms-hurst Gwatkin on behalf of the Commissioners and by Charles Lisby on behalf of the said mayor aldermen and burgesses. A.D. 1914.

(3) If the Commissioners shall refuse to grant a licence under this section a difference shall be deemed to have arisen between the Commissioners and the person making application for such licence and the same shall be determined by an arbitrator to be appointed in default of agreement by the Board of Trade upon the application in writing of either of the parties to such difference and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

(4) The Commissioners may grant licences for the execu-tion of any landing stages slipways piers jetties or any protective or other works on the foreshores or bed of the harbour for such consideration and subject to such conditions as they think fit but no such licence shall take effect until it has been consented to by the Board of Trade.

**21.** Subject to the provisions of this Act and without prejudice to the provisions of the section of this Act of which the marginal note is "Crown rights" any person who at any time digs carries away or removes any sand gravel shingle rock soil or other material from the foreshore or bed of the harbour or deposits the same thereon without first having obtained the licence in writing of the Commissioners or who having obtained such licence so digs carries away removes or deposits any sand gravel shingle rock soil or other material or does so at any place or in any quantity or manner other than the place quantity or manner permitted by such licence shall for every such offence be liable to a penalty not exceeding twenty pounds :

Sand &c. not to be re-moved from or deposited on bed or foreshore of harbour without licence.

Provided that the provisions of this section shall not affect the right of any existing company or person owning docks or piers to dredge the entrances and approaches to the docks and piers of such company or person or any other powers of dredging vested in or customarily exercised by such company or person at the passing of this Act.

**22.** It shall be lawful for the Commissioners and they are hereby authorised and empowered for the purposes of main-taining and improving the navigation of the harbour from time to time as occasion may require to dredge cleanse and scour

Power to dredge.

A.D. 1914. the harbour and to alter vary deepen restrict cleanse dredge cut enlarge diminish contract shorten widen straighten and improve the bed and channels thereof and to reduce or remove any shoal or shoals whatsoever within the harbour and in the exercise of such powers to abate and remove or cause to be abated and removed all impediments and obstructions whatsoever in the harbour or on the foreshores or bed thereof which may now or at any time hereafter be injurious to the harbour or obstruct or tend to obstruct the free navigation thereof and may use and appropriate any materials so dredged or removed in reclaiming any portions of the lands acquired under the provisions of the section of this Act of which the marginal note is "Power to acquire mudlands":

Provided that no material excavated or dredged under the provisions of this section shall be deposited in any place below high-water mark otherwise than in such position and under such restrictions as may be fixed by the Board of Trade:

Provided further that the powers conferred upon the Commissioners by this section shall not be exercised in such a manner as to injuriously affect any existing piers or works of any company or person including any pier which may be erected similar in length and position to that until recently existing at Russel Quay and the approaches thereto and to Shipstal Point.

Commis-  
sioners not  
to reclaim  
mudlands  
without  
consent of  
Board of  
Trade.

**23.** Nothing in this Act contained shall authorise the Commissioners to carry out any works of reclamation upon the lands described in the section of this Act of which the marginal note is "Power to acquire mudlands" except with the consent of the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Any alteration or extension of any such works shall be subject to the like approval.

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 cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

Power for  
Commis-

**24.** The Commissioners may for the purposes of dredging scouring cleansing and deepening the bed shore and channels of



the harbour from time to time provide purchase lease or hire such steam or other dredgers tugs steam or other hoppers lighters or other vessels steam engines piling engines pumps machinery implements tools apparatus plant or other materials as they think fit and may from time to time sell let on hire or dispose of the same.

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Commissioners to provide apparatus.

**25.** For the protection of the Bournemouth Gas and Water Company (in this section referred to as "the Bournemouth Company") the following provisions shall unless otherwise agreed in writing between the Bournemouth Company and the Commissioners have effect (that is to say):—

For protection of Bournemouth Gas and Water Company.

(1) Nothing in this Act shall in any way limit or amend the existing powers of the Bournemouth Company or authorise any interference with or necessitate any alteration in the coal unloading plant of the Bournemouth Company in order to enable the Bournemouth Company to have proper access to the harbour or the foreshore thereof by means of such plant as provided by section 18 of the Bournemouth Gas and Water Act 1903 or (except as provided by this section or as otherwise agreed in writing) authorise any interference with any of the existing mains pipes or other works of the Bournemouth Company:

(2) All works matters or things which under the provisions of this Act the Commissioners may be empowered to do or execute with reference to the mains pipes syphons or other works of the Bournemouth Company shall be done and executed by and at the cost of the Commissioners but to the reasonable satisfaction and under the direction of and in such manner as shall be required by the engineer of the Bournemouth Company and such works matters or other things shall not be commenced until after fourteen days' previous notice thereof in writing shall have been given to the Bournemouth Company except in case of emergency in which case as long notice as possible shall be given and the Commissioners shall not lay down any such mains pipes syphons or other works contrary to the regulations of any Act of Parliament relating to the Bournemouth Company and any such mains pipes syphons or other works which may be removed under the aforesaid powers of this Act shall

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be and remain the property of the Bournemouth Company Provided always that if the Bournemouth Company shall elect themselves to execute or do any portion of the works matters and things which the Commissioners may by this Act be empowered to execute or do with reference to or affecting the mains pipes syphons apparatus or other works of the Bournemouth Company and of such their election shall give seven days' notice in writing to the Commissioners by leaving the same at their head office the Bournemouth Company may themselves execute or do that portion of the said works matters and things under the superintendence and to the reasonable satisfaction of the surveyor to the Commissioners and the reasonable expense of and incident thereto shall be repaid by the Commissioners to the Bournemouth Company on demand:

- (3) Notwithstanding anything in this Act contained the Commissioners shall be responsible for and make good to the Bournemouth Company all costs losses damages and expenses which may be occasioned to the Bournemouth Company or to any of their mains pipes syphons apparatus property works and conveniences (including any loss of gas and all injury or loss by explosion or otherwise) through by reason of or consequent on any act or omission of the Commissioners or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others in or about the execution of works authorised by this Act and the Commissioners will effectually indemnify and hold harmless the Bournemouth Company from all claims and demands upon or against them by reason of any such act or omission as aforesaid:
- (4) The Bournemouth Company may if they deem fit employ watchmen or inspectors to watch and inspect the removal raising sinking or alteration of position of any of the mains pipes syphons and apparatus of the Bournemouth Company and the reasonable wages of such watchmen or inspectors other than officials or servants in the regular employ of the Bournemouth Company carrying out such watching and



inspection during ordinary hours shall be borne by the Commissioners and be paid by them to the Bournemouth Company :

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- (5) The fact that any work or thing has been done or executed in accordance with any requirements of the Bournemouth Company or in accordance with any direction or award of an arbitrator shall not excuse the Commissioners from paying or making good to the Bournemouth Company under this Act any forfeiture costs losses damages or expenses or from indemnifying the Bournemouth Company under this Act :
- (6) Any difference arising between the Commissioners and the Bournemouth Company respecting any of the matters referred to in this enactment shall be referred to and settled at the request of either party by an engineer to be appointed as arbitrator by the President for the time being of the Institution of Civil Engineers and the Arbitration Act 1889 shall apply to the reference.

**26.** For the protection of the Right Honourable Ivor Churchill Baron Wimborne his heirs and successors in title and assigns the lord or lords of the manor of Great Canford and the owner or owners for the time being of the estate known as "the Canford Estate" in the county of Dorset (in this section referred to as "the owner") the following provisions shall without prejudice to the provisions of the section of this Act the marginal note of which is "Crown rights" unless otherwise agreed in writing between the owner and the Commissioners apply and have effect (that is to say) :—

For protection of Lord Wimborne.

- (1) For the purpose of ascertaining the purchase money and compensation to be paid by the Commissioners to the owner for and in respect of any mudlands or foreshore of the owner authorised to be acquired by the Commissioners by this Act the sections of this Act whereof the marginal notes are "No erections on foreshore or bed of harbour without licence" and "Sand &c. not to be removed from or deposited on bed or foreshore of harbour without licence" (which sections are in this section referred to as "the said sections") shall not be deemed to apply to the said mudlands or foreshore :

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- (2) If the Commissioners reclaim any mudlands or foreshore adjoining any lands belonging to the owner the Commissioners shall forthwith offer to sell such part or parts thereof as they do not require for the purposes of the harbour to the owner who shall be entitled at any time within six months after receiving from the Commissioners such offer to purchase the same or any part or parts thereof from the Commissioners on giving to them one month's notice of his intention so to do and on the expiration of such notice the Commissioners shall sell and convey to the owner the reclaimed mudlands to which the notice relates at the price at which the Commissioners acquired the same and the owner shall in addition pay to the Commissioners the costs of reclaiming such mudlands and interest at the rate of four per cent. calculated from the date of expenditure of such moneys as represent the said price and the total cost of reclamation Provided always that if and when the Commissioners execute any work on any mudlands reclaimed and retained by them they shall make compensation to the owner in respect of any adjoining land or property of the owner which may be injuriously affected by the execution user and maintenance of such works by the Commissioners such compensation to be ascertained in manner provided by the Lands Clauses Acts in relation to the compulsory purchase of land:
- (3) The Commissioners shall not unreasonably withhold a licence under the provisions of the said sections in reference to the exercise and enjoyment by the owner of the rights powers and privileges vested in him as owner of any foreshore of and mudlands in the harbour nor shall the Commissioners be entitled to demand and take any fee or make any charge for or in respect of granting a licence under the said sections or any consideration whatsoever for and in respect of the erection of any work on the said foreshore or mudlands or the exercise by the owner of any of the said rights powers and privileges:
- (4) The said sections shall not apply to any recess dock bed for boats or barges basin pier jetty landing place quay or embankment wall reclamation or other work



(in this section referred to as "the existing works") belonging to the owner or his lessees or tenants and nothing in this Act shall affect the existing works or the powers and rights of the owner his lessees and tenants of maintaining enlarging extending and improving the existing works and of dredging in connection therewith Provided only that nothing shall be done by the owner his lessees or tenants under this section to interfere with or diminish the tidal flow or scour or the convenience of navigation:

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- (5) The Commissioners shall not execute any work or do any act or thing or grant a licence under the said sections for any erection or work of any kind whatsoever on the foreshore and mudlands adjacent to the existing works and any enlargement extension or improvement thereof which will or may prevent or interfere with the free uninterrupted and safe user of the existing works and any enlargements extensions or improvements thereof as aforesaid or prevent or impede the enlargement extension or improvement of the existing works:
- (6) If any question shall arise between the Commissioners and the owner under the provisions of the three immediately preceding subsections of this section the same shall be referred to a single arbitrator in case the parties agree upon one and otherwise to two arbitrators one to be appointed by each party in accordance with and subject to the provisions of the Arbitration Act 1889.

**27.** For the protection of the Right Honourable John Earl of Eldon his heirs and successors in title and assigns the lord or lords of the manor or reputed manor of Arne and the owner or owners for the time being of the Arne Estate in the county of Dorset (in this section referred to as "the owner") the following provisions shall without prejudice to the provisions of the section of this Act the marginal note of which is "Crown rights" (unless otherwise agreed in writing between the owner and the Commissioners) apply and have effect (that is to say):--

For protection of Earl of Eldon.

- (1) With reference to the sections of this Act whereof the marginal notes are "No erections on foreshore or bed of harbour without licence" and "Sand &c. not

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—

“ to be removed from or deposited on bed or foreshore  
“ of harbour without licence ” (which sections are in  
this section referred to as “ the said sections ”) the  
said sections shall not apply to any quay which may  
be erected similar in length and position to that  
until recently existing at Russel Quay nor shall the  
Commissioners unreasonably withhold a licence under  
the provisions of the said sections in reference to  
the exercise and enjoyment by the owner of the  
rights powers and privileges vested in him as owner  
of any foreshore of and mudlands in the harbour  
nor shall the Commissioners be entitled to demand  
and take any fee or make any charge for or in  
respect of granting a licence under the said sections  
or any consideration whatsoever for and in respect  
of the erection of any work on the said foreshore  
or mudlands or the exercise by the owner of any of  
the said rights powers and privileges Any question  
as to the reasonableness or unreasonableness of with-  
holding any such licence shall be determined by the  
Board of Trade on the application of either party  
after notice in writing to the other :

- (2) In the case of any work now existing or erected in  
accordance with the provisions of this Act and com-  
prising in particular a quay similar in length and  
position to that until recently existing at Russel  
Quay and suitable moorings for vessels lying thereat  
and the approaches to Shipstal Point and moorings  
thereat in this section referred to as “ permitted  
works ” nothing in this Act shall affect the right of  
the owner or his lessees or tenants of maintaining  
enlarging extending or improving such permitted  
work and of dredging in connection therewith pro-  
vided only that nothing shall be done by the owner  
his lessees or tenants under this section to inter-  
fere with or diminish the tidal flow or scour or the  
convenience of navigation :
- (3) The Commissioners shall not execute any work or do  
any act or thing or grant a licence under the said  
sections for any erection or work of any kind what-  
soever on the foreshore or mudlands adjacent to the  
permitted works and any enlargement extension or



improvement thereof which will or may prevent or interfere with the free uninterrupted and safe user of the permitted works and any enlargements extensions or improvements thereof as aforesaid or prevent or impede the enlargement extension or improvement of the permitted works:

- (4) If any question shall arise between the Commissioners and the owner under the provisions of the two immediately preceding subsections of this section the same shall be referred to a single arbitrator in case the parties agree upon one and otherwise to two arbitrators one to be appointed by each party in accordance with and subject to the provisions of the Arbitration Act 1889.

**28.** For the protection of Messrs. B. Fayle and Company Limited and their successors in the business of clay merchants the following provisions shall (unless otherwise agreed in writing between the said Messrs. B. Fayle and Company Limited or their successors and the Commissioners) apply and have effect (that is to say):—

For protection of Messrs. B. Fayle and Company Limited.

- (1) With regard to the sections of this Act whose marginal notes are “No erections on foreshore or bed of harbour without licence” and “Sand &c. not to be removed from or deposited on bed or foreshore of harbour without licence” (in this section referred to as “the said sections”) nothing in such sections shall affect the existing piers and moorings at Goathorn Point and Middlebere or the power or rights of the said Messrs. B. Fayle and Company Limited or their successors in maintaining enlarging extending and improving the said piers and moorings and of dredging in connection therewith or of replacing the pier and moorings formerly existing at Wych nor shall any charge be made for licences (if any) needed in connection therewith Provided only that nothing shall be done by the said Messrs. B. Fayle and Company Limited or their successors under this section to interfere with or diminish the tidal flow or scour or the convenience of navigation:
- (2) The Commissioners shall not execute any work or do any act or thing or grant a licence under the said sections for any erection or work of any kind whatsoever on the foreshore and mudlands adjacent

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to the said piers and moorings and any enlargement extension or improvement thereof which will or may prevent or interfere with the free uninterrupted or safe user of the said piers and moorings and any enlargement extension or improvement thereof as aforesaid or prevent or impede the enlargement extension or improvement of the said piers and moorings:

- (3) If any question shall arise between the Commissioners and the said Messrs. B. Fayle and Company Limited or their successors under the provisions of the two immediately preceding subsections of this section the same shall be referred to a single arbitrator in case the parties agree upon one and otherwise to two arbitrators one to be appointed by each party in accordance with and subject to the provisions of the Arbitration Act 1889.

For protec-  
tion of  
William  
Llewelin.

**29.** For the protection of William Llewelin his heirs and successors in title and assigns and the owner or owners for the time being of the estate known as the Upton House Estate in the county of Dorset (in this section referred to as "the owner") the following provisions shall without prejudice to the provisions of the section of this Act the marginal note of which is "Crown rights" unless otherwise agreed in writing between the owner and the Commissioners apply and have effect (that is to say):--

- (1) With reference to the sections of this Act whereof the marginal notes are "No erections on foreshore or bed of harbour without licence" and "Sand &c. not to be removed from or deposited on bed or foreshore of harbour without licence" (which sections are in this section referred to as "the said sections") the Commissioners shall not unreasonably withhold a licence under the provisions of the said sections in reference to the exercise and enjoyment by the owner of the rights powers and privileges vested in him as owner of any foreshore of and mudlands in the harbour nor shall the Commissioners be entitled to demand and take any fee or make any charge for or in respect of granting a licence under the said sections or any consideration whatsoever for and in respect of the erection of any work



on the said foreshore or mudlands or the exercise by the owner of any of the said rights powers and privileges: A.D. 1914.

- (2) Nothing in this Act shall affect the rights of the owner of maintaining enlarging extending and improving the ancient causeway from the mainland to Pergins Island and the existing boathouse and landing place belonging to the owner and of dredging in connection therewith provided only that nothing shall be done by the owner under this section to interfere with or diminish the tidal flow or scour:
- (3) If any question shall arise between the Commissioners and the owner under this section the same shall be determined by the Board of Trade on the application of either party after notice in writing to the other.

**30.**—(1) The Commissioners may themselves provide moorings in the harbour and may on such terms and conditions as they may think fit and for such reasonable fees as may be determined by byelaw under the provisions of this Act grant licences to any person to place lay down maintain use and have moorings in the harbour and may contribute to the cost of any moorings placed or laid down by any such person. Moorings and licences and charges therefor.

(2) The Commissioners may by licence confer on any person the privilege or preferential right of user of any moorings provided by the Commissioners in consideration of a contribution or periodical payment by such person to the Commissioners.

(3) The Commissioners may charge for the use by any vessel of any of the moorings provided by them or under their control such rates as they shall think reasonable and such rates shall be recoverable by the Commissioners in like manner as other dues and rates leviable by them.

**31.** The Commissioners may --

- (1) Purchase take and use compulsorily or by agreement any franchise or right (if any) of ferry between the Sandbanks and South Haven Point within the harbour and any property (real and personal) rights powers and privileges held or enjoyed by the owner or owners of such franchise or right (if any) of ferry for the purposes thereof and the provisions of the Lands Clauses Acts incorporated with this Act shall so far as applicable extend Purchase and establishment of ferries.

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and apply to the purchase and taking of such franchise or right (if any) of ferry property rights powers and privileges as if the same were lands within the meaning of those Acts:

- (2) Establish a new ferry or new ferries within the harbour at such point or points as they may deem expedient and either in substitution for or in addition to any existing ferry:
- (3) Purchase hire provide maintain use and work steam and other boats and construct and maintain landing stages and other works and conveniences for the purposes of their ferries:
- (4) Lease any ferry or ferries or grant licences to boatmen or others working the same:

Provided always that the Commissioners shall not under this Act establish any new ferry or ferries unless and until they shall have acquired any franchise or right (if any) of ferry which any such new ferry would interfere with or prejudicially affect Provided also that nothing in this Act shall recognise or confirm any title right or claim to any existing or other ferry across the harbour as an ancient ferry.

Power to take tolls for ferries.

**32.** The Commissioners may demand and receive for the use of any ferry purchased or established by them under this Act any tolls not exceeding the sums mentioned in the First Schedule to this Act but without prejudice to any existing right of His Majesty and save as provided by the Army Act nothing in this Act or any former Act shall extend to authorise any ferry rates or tolls to be demanded or received for the conveyance of any person when on duty in the service of the Crown (including in such expression any Government Department) or his baggage or of any goods for the service or being the property of the Crown or of any mail bag as defined by the Post Office Act 1908.

Lists of tolls to be exhibited.

**33.** Lists of the ferry tolls from time to time appointed by the Commissioners to be taken under this Act shall be exhibited in conspicuous places where such tolls shall respectively be payable.

Taking and recovery of tolls.

**34.** The ferry tolls shall be paid to such persons and at such places upon or near the ferry and in such manner and under such regulations as the Commissioners shall by notice annexed to the lists of tolls appoint and the Commissioners



may recover such tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction. A.D. 1914.

**35.** If any dispute arise concerning the amount of the ferry tolls due to the Commissioners by virtue of this Act the same shall be ascertained by a court of summary jurisdiction. Disputes as to tolls.

**36.** If any person shall knowingly and wilfully and with intent to defraud refuse or neglect to pay his ferry toll when the same shall be payable by virtue of this Act he shall for every such offence be liable to a penalty not exceeding forty shillings. Penalties on persons practising frauds.

**37.** Every toll collector who shall commit any of the following offences shall upon conviction be liable to a penalty not exceeding ten pounds for each such offence (that is to say):— Penalties in case of offences by toll collectors.

If he refuse to tell his Christian name and surname to any person demanding the same who shall have paid or tendered the ferry tolls demanded of him or if he give a false name to any such person:

If he wilfully and with intent to defraud demand or take a greater or less ferry toll from any person than he shall be authorised to do by virtue of this Act and of the orders of the Commissioners made in pursuance thereof.

**38.** The Commissioners may appoint employ remunerate and dismiss such officers servants toll collectors and other persons as in their opinion may be required for any of the purposes of this Act. Appointment of officers &c.

**39.** Notwithstanding anything in this Act contained the following provisions shall subject to the provisions of the section of this Act of which the marginal note is "Crown rights" apply and have effect for the protection and benefit of George Henry William Hervey and the Honourable Sir John Eldon Bankes their heirs or successors in estate or other the owner or owners for the time being of the Bankes Settled Estates situate in the parishes of Swanage Studland Corfe Arne and Wareham or elsewhere in the Isle of Purbeck (all of whom are in this section included in the expression "the owners" which expression shall also be deemed to include the lord or lords for the time being of the manors of Studland Corfe and Langton Wallis and the hundred of Hasilore) (that is to say):— For protection of Bankes Settled Estates.

(1) The provisions contained in the sections of this Act of which the marginal notes respectively are "No

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“ erections on foreshore or bed of harbour without  
“ licence ” and “ Sand &c. not to be removed from  
“ or deposited on bed or foreshore of harbour with-  
“ out licence ” shall not apply to the foreshores of  
the manors of Studland Corfe Langton Wallis or the  
hundred of Hasilore or to the foreshores adjoining  
any lands belonging to the owners but except for  
the purpose of protecting their property the owners  
shall not without the consent of the Commissioners  
do or permit any act or thing on the foreshores  
which may materially obstruct or diminish the tidal  
flow or scour into or out of the harbour :

- (2) The provisions contained in the section of this Act of which the marginal note is “ Power to dredge ” shall not authorise the Commissioners to take use or in any way to interfere with the foreshores of the manors of Studland Corfe and Langton Wallis or the hundred of Hasilore or the foreshores adjoining any lands belonging to the owners without the consent in writing of the owners :
- (3) The Commissioners shall not exercise the powers contained in the section of this Act of which the marginal note is “ Moorings and licences and charges therefor ” in that portion of the harbour which is to the seaward of South Haven Point without the consent in writing of the owners and the owners shall be entitled to lay down provide and maintain such moorings and to exercise such powers as they would have been entitled to lay down provide and maintain and exercise in the said portion of the harbour if this Act had not been passed :
- (4) During such period as the owners shall be willing to grant or shall have granted to the Commissioners a lease of the ferry belonging or reputed to belong to the owners between South Haven Point and the Sandbanks and after the expiration of any such lease during such period as the owners shall themselves work the said ferry (charging only the tolls scheduled to this Act) the Commissioners shall not exercise the compulsory powers contained in subsection (1) of the section of this Act of which the marginal note is “ Purchase and establishment of ferries ” The said



leases shall be for such terms not exceeding twenty-one years and at such rent and in such form as may be mutually agreed between the owners and the Commissioners or failing agreement as may be settled on the application of either party by one of the conveyancing counsel to the court:

- (5) Nothing contained in subsections (2) and (3) of the section of this Act of which the marginal note is "Purchase and establishment of ferries" shall authorise the Commissioners save as mentioned in the immediately preceding subsection to establish a new ferry or new ferries to any point in the manors of Studland Corfe Langton Wallis or hundred of Hasilore or on the lands of the owners or to construct and maintain landing stages or other works and conveniences for the purposes of ferries in the said manors or on any lands belonging to the owners without their consent in writing and upon such terms as they think fit.

40. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the Poole Bridge Company shall unless otherwise agreed between the Commissioners and the said company under their respective seals apply and have effect (that is to say):—

For protection of Poole Bridge Company.

- (1) The Commissioners shall not establish any new ferry or ferries in or across the channels known as Quay Channel and Back Water Channel:
- (2) In the event of the Commissioners acquiring by purchase or lease or otherwise the ancient ferry between Poole and Hamworthy nothing in this Act contained shall extend or be deemed to extend to authorise the Commissioners to exercise any rights in relation to the said ferry other than those now appurtenant thereto:
- (3) The powers conferred upon the Commissioners by the section of this Act whereof the marginal note is "Power to dredge" shall not be exercised in such a manner as to injuriously affect the bridge between Poole and Hamworthy commonly known as Poole Bridge as now existing or any bridge or works which may be erected in place thereof or by way of

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addition thereto under the existing powers of the Poole Bridge Company:

- (4) Nothing in this Act contained shall in any way limit or amend the powers rights privileges and authorities of the said company or authorise any interference with or necessitate any alteration in the said bridge.

Power to borrow.

**41.** For the purposes of this Act and for the general purposes of their undertaking the Commissioners may from time to time borrow and re-borrow at interest further moneys not exceeding in the aggregate fifteen thousand pounds and for the purpose of securing the repayment of any moneys so borrowed the Commissioners may mortgage all or any of their property revenues and tolls.

Repayment of money borrowed.

**42.** The Commissioners shall pay off all moneys borrowed by them under this Act within thirty years from the time or respective times of borrowing the same by any one or more of the methods mentioned in the Local Loans Act 1875 and sections 13 14 and 15 of that Act are hereby incorporated with this Act and shall apply accordingly Provided that the Commissioners shall not invest any sinking fund or sinking funds created under this Act in their own securities.

Reborrowing.

**43.** Any moneys borrowed by the Commissioners under this Act and repaid otherwise than in manner provided by this Act may be from time to time reborrowed by the Commissioners but so that the same shall be repaid within the period limited by this Act and for the purposes of repayment and of sections 14 and 15 of the Local Loans Act 1875 the moneys borrowed and the moneys originally borrowed shall be deemed to form the same loan.

Annual return to Board of Trade as to sinking fund.

**44.** The clerk shall within forty-two days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same



period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to and be recoverable by that Board in the same manner as penalties recoverable in a summary manner under the Public Health Act 1875 may be recovered by parties aggrieved within the meaning of that Act.

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If it appears to the Board of Trade by such return or otherwise that the Commissioners have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act that Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by that Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

**45.** All moneys borrowed under this Act shall be applied only for the purposes and in the manner following and not otherwise (that is to say):—

Application of money borrowed.

In payment of the cost of the construction of the permanent works and conveniences and the acquisition of land or rights in or over land by this Act authorised to be constructed or acquired and for the other purposes of this Act or of the harbour undertaking to which capital money is properly applicable.

**46.** The Commissioners may at any time in addition to the purposes to which moneys received by them from the rates authorised by the Act of 1756 and by the Order of 1891 are by that Act or Order made applicable apply such moneys in paying the expenses of the maintenance repair alteration extension and management of the works authorised by this Act and the lands and property connected therewith and in paying year by year the interest of any moneys borrowed for the purposes of this Act and in providing sums for the repayment of such borrowed moneys by annual appropriations or instalments (if either of such modes of repayment shall be adopted) or in the creation of a sinking fund in manner provided by this Act.

Application of harbour rates to maintenance &amp;c. of works.

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Money may  
be borrowed  
on cash  
account.

47. The Commissioners may from time to time for temporary purposes accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners and they may from time to time secure the money to be advanced on such cash account with interest for the same upon the property revenue and tolls of the Commissioners Provided that the whole sum due and owing by the Commissioners on such cash account shall not at any time exceed the sum of five thousand pounds.

Rates on  
small vessels.

48. From and after the commencement of this Act the Commissioners may within the harbour subject and according to the provisions of this Act demand receive and recover for the use of the harbour and the conveniences connected therewith and in respect of vessels and boats in addition to any rates which they are now authorised to demand receive and recover the following rates (that is to say):—

	£	s.	d.
For every undecked or unregistered lighter entering the harbour from the sea per ton of estimated carrying capacity - - -	0	0	1
For every boat undecked or unregistered carrying passengers for hire using the harbour per week or part of a week during which passengers are so carried - - - - -	0	5	0
For every houseboat not exceeding twenty-five feet in length measured over all for every year or part of a year during which it so uses the harbour - - - - -	1	0	0
For every houseboat exceeding twenty-five feet and not exceeding fifty feet in length as aforesaid for every year or part of a year during which it so uses the harbour - - -	2	0	0
For every houseboat exceeding fifty feet in length as aforesaid for every year or part of a year during which it so uses the harbour -	4	0	0

Provided that no rate or rates shall be charged by the Commissioners in the case of any boat carrying passengers for hire in respect of any week during which passengers are carried on not more than two days or in the case of any boat solely propelled by oars or sails.



**49.** Notwithstanding anything contained in the Order of 1891 or this Act the Commissioners shall in respect of decked vessels passing through the harbour limits from the sea to any place to the west of those limits be entitled to demand levy and recover boomage rates not exceeding the sum of twopence per registered ton in respect of such vessels either when entering from the sea or when returning to the sea but not both on entering and returning.

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Boomage  
rates.

**50.**—(1) As from the commencement of this Act there shall be appointed annually on or before the first day of May by the recorder for the time being of the borough of Poole on the application of the Commissioners one person or a firm being a member or members of the Institute of Chartered Accountants in England and Wales or of the Society of Incorporated Accountants and Auditors and not being a Commissioner or Commissioners (in this section called “the auditor”) whose duty shall be to inspect and examine the accounts for the year ending the twenty-fifth day of March next before his appointment and in case the auditor shall find the same to be correct he shall certify the same in writing to the Commissioners and in case the auditor shall find the same or any part thereof not to be correct he shall have power to make all such inquiries as under the circumstances may be necessary and expedient and shall make to the Commissioners a special report in writing of the facts connected therewith and the Commissioners shall be at liberty to pay to the auditor such sum as they may consider reasonable as a remuneration for such auditing.

Audit of  
accounts.

(2) Section 34 (Audit of accounts) of the Act of 1895 is hereby repealed.

**51.**—(1) In addition to the powers of making byelaws contained in the Harbours Docks and Piers Clauses Act 1847 and the Acts and Orders relating to the Commissioners and the harbour the Commissioners may subject to the provisions of this Act from time to time make vary or repeal such byelaws as they shall think fit for all or any of the following purposes (that is to say):—

Additional  
byelaws.

- (A) For regulating and controlling the beacons buoys and moorings and the use thereof and for prescribing the fees which may be charged by the Commissioners in respect of moorings placed or laid down by persons other than the Commissioners:

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—

- (B) For regulating the use of the rails sidings and turntables on and along the docks quays and piers and other works of the Commissioners and the moving of engines carriages waggons and trucks along the same :
- (C) For regulating the taking on board and landing or discharging passengers :
- (D) For regulating the towing of vessels at the harbour the size and number of vessels towed at one time in one train the order and manner in which the towage shall be given and the duties and conduct of all persons employed on the tugs used at the harbour for towing vessels with regard to the rate of speed at which they may proceed within the harbour or with regard to any other matter :
- (E) For regulating the terms and conditions of granting licences of the Commissioners for such tugs :
- (F) For regulating controlling limiting and prescribing the use of any ferry and landing stage within the limits of the harbour and the conduct of persons using any such ferry or stage :
- (G) For preventing annoyance to passengers or the commission of any nuisances in or upon any ferry or stage :
- (H) For regulating the conveyance of passengers passengers' luggage goods and vehicles in or upon any such ferry or stage and the embarkation and disembarkation of the same respectively and for prohibiting and preventing the embarkation of any goods or vehicles in any such ferry which may in the opinion of the Commissioners be injurious to or prejudicially affect the use of the same or the traffic to be carried therein :
- (I) For regulating the management and use of all or any of the piers and landing places used in connection with any such ferry and the admission of persons thereto and the conduct of persons thereat and thereon Provided that such regulations shall not be applied so as to restrict the powers in relation to the existing pier at Sandbanks vested in George Habgood by virtue of the Poole (Sandbanks) Pier Order 1897.



(2) Any person aggrieved by the refusal of the Commissioners to grant any licence which they are empowered by the provisions of this section to grant or by the withdrawal or refusal to renew any such licence may appeal to a petty sessional court who shall have power to hear and determine such appeal and to make such order as they may think fit.

(3) Nothing in this section shall extend or apply to the ancient ferry belonging to the mayor aldermen and burgesses of the borough of Poole between Poole and Hamworthy.

**52.** The provisions contained in the section of this Act of which the marginal note is "Limits of harbour" shall not be deemed to alter or extend the operation of the schedule to the Order of 1891 as regards rates on goods so as to make such rates chargeable in respect of goods which could not be charged under the Order of 1891.

Limiting  
rates on  
goods.

**53.** The agreement made the twentieth day of April one thousand nine hundred and fourteen between the Commissioners of the one part and the mayor aldermen and burgesses of the borough of Poole of the other part set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto.

Confirmation  
of scheduled  
agreement.

**54.** Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Poole (in this section called "the corporation") shall unless otherwise agreed between the Commissioners and the corporation apply and have effect (that is to say):—

For protec-  
tion of Poole  
Corporation.

(1) In the event of the corporation acquiring by purchase or lease or otherwise from the Commissioners any portion of the foreshore which is included within the limits of the harbour under the provisions of the section of this Act the marginal note whereof is "Limits of harbour" the rights powers duties and obligations of the Commissioners under this Act or otherwise shall cease in relation to any such portion of the foreshore as aforesaid:

(2) If any sewer or drain belonging to the corporation shall be silted up or otherwise damaged by or in consequence of the construction of the works by this Act authorised the Commissioners shall forthwith clean out such sewer or drain and shall continue to clean

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out the same as and when it may be necessary so to do if further silting up results from the same cause until works in substitution therefor have been constructed by them in pursuance of the next succeeding subsection of this section :

- (3) If any such sewer or drain shall be so silted up by the causes aforesaid as to render necessary further works for the purpose of disposing of the sewage and other matter which was disposed of by any such sewer or drain as aforesaid the Commissioners shall at the request of the corporation and to their reasonable approval construct such further works :
- (4) If any difference or question shall arise between the Commissioners and the corporation under the foregoing provisions of this section such difference shall be referred to a single arbitrator to be agreed upon or failing agreement to be appointed on the application of the Commissioners or the corporation after notice in writing to the other by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration :
- (5) Notwithstanding anything contained in the section of this Act of which the marginal note is "Purchase and establishment of ferries" the Commissioners shall not except with the consent of the corporation purchase and take or acquire the ancient ferry belonging to the corporation between Poole and Hamworthy and notwithstanding anything contained in the said section the Commissioners shall not establish any ferry or ferries in or across the channels known as Quay Channel and Back Water Channel :
- (6) Nothing contained in this Act shall take away prejudice or interfere with any rights powers or privileges of the corporation under the provisions of the Poole Fisheries Order 1885 confirmed by the Oyster and Mussel Fisheries Order Confirmation Act 1885.

Crown  
rights.

**55.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any manner interfere with or restrict the use of 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 the said Commissioners and Board are hereby respectively authorised to give).

A.D. 1914.

**56.** The Commissioners shall in the session of Parliament held in the year one thousand nine hundred and fifteen introduce into Parliament a Bill or apply to the Board of Trade for a Provisional Order for amending the constitution of the Commissioners so as to provide for the representation upon the Board of Commissioners of the corporation of Wareham and the riparian owners and traders affected by the extension of the limits of the harbour under the provisions of this Act.

Constitution  
of Commis-  
sioners to be  
amended.

This Act shall not (except as regards the section of this Act whereof the marginal note is "Costs of Act") have effect unless and until the said Bill has been passed into an Act or the said Provisional Order has been duly made and confirmed by Parliament And this Act shall come into force on the day on which the said Bill shall be passed or Provisional Order confirmed as aforesaid which day is hereinbefore referred to as "the commencement of this Act."

**57.** All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners.

Costs of  
Act.

A.D. 1914.

The SCHEDULES referred to in the foregoing Act.THE FIRST SCHEDULE.

FERRY TOLLS.							For each crossing.
							s. d.
For each person -	-	-	-	-	-	-	0 2
For each dog -	-	-	-	-	-	-	0 1
For each pig sheep calf lamb or animal of any other description							0 3
For each bicycle barrow handcart mailcart perambulator or similar vehicle	-	-	-	-	-	-	0 2
For each tricycle	-	-	-	-	-	-	0 3
For each motor bicycle	-	-	-	-	-	-	0 3
For any other vehicle or goods not herein specified such reasonable tolls as may from time to time be appointed by the Commissioners.							

THE SECOND SCHEDULE.

AN AGREEMENT made the twentieth day of April one thousand nine hundred and fourteen between the COMMISSIONERS FOR THE HARBOUR OF POOLE (hereinafter called "the Commissioners") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF POOLE (hereinafter called "the corporation") of the other part.

WHEREAS the Commissioners are promoting in the present session of Parliament a Bill (hereinafter called "the Poole Harbour Bill") authorising them amongst other things to acquire certain mudlands situate within the harbour of Poole and in the said Bill more particularly described :

And whereas the corporation by virtue of the award of the Commissioners acting under or in pursuance of an Act passed in the forty-fifth year of the reign of King George III. cap. xcii. intituled "An Act for enclosing lands in the parish of Great Canford in the county of Dorset and in the town and county of the town of Poole" or otherwise claim to be the owners in fee simple of certain portions of such mudlands so authorised to be acquired :

And whereas the parties hereto have agreed to enter into these presents :



Now it is hereby agreed by and between the parties hereto in manner following (that is to say):— A.D. 1914.

1. If the Commissioners acquire any of the mudlands referred to in the clause of the said Poole Harbour Bill of which the marginal note is "Power to acquire mudlands" they shall forthwith acquire the portions of the said mudlands which are described in the next succeeding paragraph of this agreement.

2. When and so soon as the Commissioners shall have by the exercise of the powers intended to be conferred upon them by the said Poole Harbour Bill or otherwise acquired those portions of the said mudlands which are hereinafter in this paragraph described they shall forthwith upon request in writing made to them by the corporation make and execute to the corporation their successors and assigns a conveyance in fee simple in possession free from incumbrances of the said portions of the said mudlands which may be held by the corporation and dealt with by them as part of their corporate estate Provided that the corporation shall accept as sufficient and satisfactory such title to the said portions of mudlands as the Commissioners accept in respect of mudlands adjoining the same and acquired by them under the provisions of the said Bill The portions of the said mudlands hereinbefore referred to are as follows (that is to say):—

Firstly all that piece or parcel of land lying below the line of high-water mark situate at Parkstone Bay in the harbour of Poole containing by admeasurement fourteen acres and two roods or thereabouts and more particularly delineated upon a plan which has been signed in duplicate by Hugh Fortescue Wilmshurst Gwatkin on behalf of the Commissioners and by Charles Lisby on behalf of the corporation and thereon coloured blue:

And secondly all that piece or parcel of land also lying below the line of high-water mark and situate in Poole Harbour aforesaid containing by admeasurement thirty-eight acres and two roods or thereabouts and more particularly delineated upon the said plan signed in duplicate as aforesaid and thereon coloured pink.

3. In consideration of the conveyance to the corporation of the mudlands specified in paragraph 2 hereof and of the lease referred to in the next succeeding paragraph the corporation will (upon notice in writing from the Commissioners requiring them so to do) forthwith on the execution of such conveyance and lease make and execute to the Commissioners their successors and assigns an assignment of the interest of the corporation in so much of the mudlands referred to in the said clause of the said Bill of which the corporation claim to be the owners in fee simple as hereinbefore recited as may be the equivalent in area of the mudlands referred to in paragraph 2 of

A.D. 1914. this agreement and as may be specified in the said notice to be given by the Commissioners to the corporation.

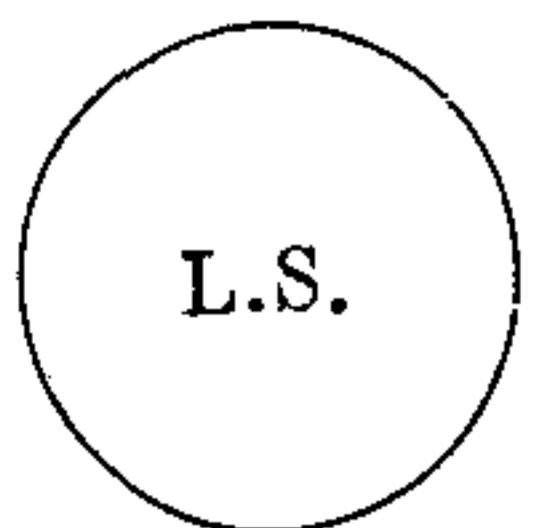
4. When and so soon as the Commissioners shall by the exercise of the powers of the said Bill or otherwise have acquired so much of the foreshore as extends from high-water mark for a distance of fifty feet below high-water mark between the point marked "Bay View" upon the plans deposited in respect of the said Bill and a point three hundred and forty yards north-west of Lilliput Pier they shall forthwith upon receipt of a request in writing from the corporation requiring them so to do grant to the corporation a lease thereof for a term of fifty years at a nominal rent and otherwise upon such terms as may be agreed or failing agreement determined by the arbitration of a single arbitrator to be appointed failing agreement by the Local Government Board but so that nothing shall be done or permitted thereon by the corporation which may interfere with the tidal flow without the consent in writing of the Commissioners. The said portion of the foreshore is shown by a green colour upon the plan referred to in this agreement.

5. The Commissioners will use their best endeavours to cause this agreement to be scheduled to and confirmed by the said Bill.

6. This agreement is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein either party may withdraw from this agreement.

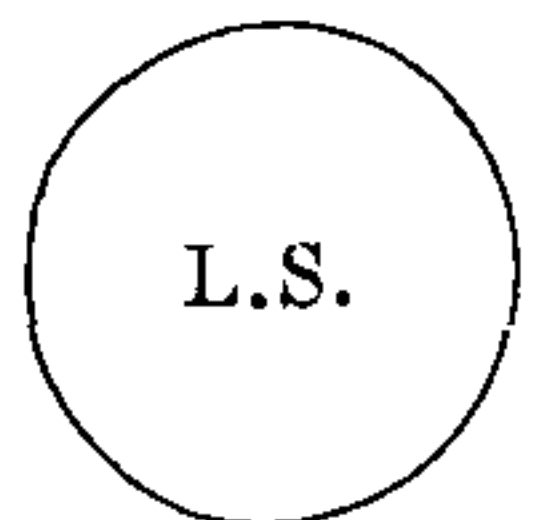
In witness whereof the Commissioners have caused their common seal to be hereunto affixed and the corporation have caused their corporate seal to be hereunto affixed the day and year first above written.

The common seal of the Commissioners for the }  
harbour of Poole was hereunto affixed in the }  
presence of



G. C. A. KENTISH Mayor.  
HUGH F. W. GWATKIN Clerk.

The corporate seal of the mayor aldermen and }  
burgesses of the borough of Poole was hereto }  
affixed in the presence of



G. C. A. KENTISH Mayor.  
CHARLES LISBY Town Clerk.

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