



CHAP. lxxi.

An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Cliftonville, Gillingham, Rosslare, Saint Just, Fowey, and Padstow. [12th July 1869.]

A.D. 1869.

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 it is expedient that the several provisional orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, 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.

Confirmation
of orders in
schedule.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1869.

Short title.

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The SCHEDULE OF ORDERS.

1. CLIFTONVILLE.—Construction of a pier.
2. GILLINGHAM.—Power to levy rates at existing pier.
3. ROSSLARE.—Construction of a pier.
4. SAINT JUST.—Construction of a harbour and piers.
5. FOWEY.—Improvement and regulation of harbour.
6. PADSTOW.—Improvement of harbour.

*Cliftonville.***CLIFTONVILLE.***Order for the construction, maintenance, and regulation of a Pier at Cliftonville, in the parish of Hove, in the county of Sussex.*Incorporation
of Company.

1.—The following persons, namely, James Easton the younger, Edward Easton, William Anderson, and all other persons and corporations subscribing to the undertaking authorized by this Order, and their executors, administrators, successors, and assigns respectively, shall be and are hereby constituted into a company for the purpose of making, maintaining, and regulating the pier and works authorized by this Order, and for those purposes shall be and are hereby incorporated by the name of "The Cliftonville Pier Company," and by that name shall be one body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes, but subject to the restrictions of this Order.

Undertakers.

2.—The Cliftonville Pier Company, in this Order called the Company, shall be the undertakers of the works authorized by this Order.

Incorporation
of Clauses
Acts.

3.—"The Companies Clauses Consolidation Act, 1845," and Part I. of "The Companies Clauses Act, 1863," are hereby incorporated with this Order; and the words "special Act" in such Acts mentioned shall apply to and include this Order.

Capital.

4.—The capital of the Company shall be twenty-five thousand pounds in two thousand five hundred shares of ten pounds each.

Shares not to
be issued until
one-fifth paid
up.

5.—The Company shall not issue any share created under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.

Calls.

6.—No call shall exceed two pounds ten shillings a share, or be made payable within three months of a previous call.

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 assent of the Board of Trade having been first obtained. A.D. 1869.
Fowey.

29.—This Order shall not prejudice or affect the rights and privileges of the Honourable George Matthew Fortescue, his heirs, successors, or assigns, as owners of any ancient ferry within the limits of this Order. Saving rights
of the Hon.
G.M. Fortescue.

30.—This Order may be cited as "The Fowey Harbour Order, 1869." Short title.

PADSTOW.

Padstow.

Order for the improvement and further regulation of the Harbour of Padstow in the County of Cornwall.

1.—The Commissioners constituted under the Act of the seventh year of the reign of Her present Majesty Queen Victoria, cap. 24, intituled "An Act for regulating, maintaining, and improving the port of Padstow in the county of Cornwall, and the navigable parts of the River Camel or Allen, in the same county," in this Order called "the Local Act," shall be the undertakers of the works authorized by this Order, and the expression "the Commissioners," used in this Order, shall mean the Commissioners under that Act. Preamble.

2.—From and after the passing of the Act confirming this Order, section 113 of the Local Act shall be and is hereby repealed. Repeal of
sect. 113. of the
Local Act.

3.—For the purposes of the works authorized by this Order, the Commissioners may from time to time, by agreement, enter upon, take, and use all or any part of the land shown on the plans deposited for the purposes of this Order, as intended to be taken and used for the purposes of the proposed works. Power to take
lands by agree-
ment.

4.—Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited for the purposes of this Order, as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Commissioners may, on the sites designated by this Order, and in accordance with the deposited plans and sections, execute and maintain within the limits of deviation shown on the plans the works authorized by this Order, with such alterations and additions (if any) thereto as the Board of Trade may from time to time consent to for the benefit of navigation. Power to ex-
ecute works.

5.—The works authorized by this Order comprise the following:—

1. The lowering of the bluff of Stepper Point on the western side of the entrance to the harbour of Padstow, commencing at the outer end, on the lines and according to the plan laid down by the Royal Commissioners on Harbours of Refuge, for the improvement of Padstow as a Harbour of Refuge, and specified in the report of the said Royal Commissioners addressed to Her most gracious Majesty, and dated the 15th day of April 1859. Description of
works.

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2. The making and maintaining a place of deposit for the stone and material which may be raised and removed during the lowering of the said bluff.

3. The building of six or more cottages at a place near Hawker's Cove, in the said harbour, for the purpose of providing residences for a boat's crew as near the entrance of the harbour as convenient.

Further powers
as to works.

6.—The Commissioners may also execute and maintain all landing-places, roads, approaches, buildings, and other works and conveniences which from time to time they may think necessary for effectuating any of the purposes of this Order; and may do any of the works authorized by this Order, either by themselves, their servants, or by others; or may contribute any portion of the cost of the said works, should the same or any part thereof be undertaken by persons other than the said Commissioners, and generally make such arrangements as may appear to them desirable for carrying out the said works.

Power to take
leases from
C. P. Brune,
Esq., and
succeeding
Lords of the
Manor of
Padstow.

7.—The Commissioners may, upon such conditions as they may be able to arrange, take to themselves, their successors and assignees, a lease for any term not exceeding 10 years from the 29th day of September 1869 from Charles Prideaux Brune, Esq., lord of the manor of Padstow, or his successors, of the lands at or near Stepper Point shown upon the deposited plans, and by such lease obtain authority from him or them to lower the same Bluff at Stepper Point, and to make and maintain the said place of deposit; and also a lease for any term not exceeding seventy-two years from the 25th day of March 1870, of the land near Hawker's Cove, shown upon the said plans, as a site on which to build the proposed cottages, and which cottages, with the gardens annexed thereto, shall occupy a space not exceeding three acres; and any three of the Commissioners may by their hands and seals execute the counterparts of such leases on behalf of the whole number of Commissioners.

Power to sell
materials to be
removed from
Stepper Point.

8.—The Commissioners may make marketable and sell the material to be removed from Stepper Point by reason of the lowering of the said bluff, as authorized by this Order.

Power to levy
new rates.

9.—The Commissioners may demand and receive, in addition to the tolls and rates by the Local Act authorized to be levied for and at the said harbour of Padstow, any sums not exceeding the several rates specified in the schedule hereto in respect of the vessels described in the same schedule.

Application of
rates and
income.

10.—The Commissioners shall apply all money received by them from the rates authorized by the Local Act or this Order, and all other income coming into their hands in respect of the works authorized by that Act or this Order, or from land or property connected therewith, for the purposes and in the order following, and not otherwise:

- (1.) In paying the costs of and connected with the preparation of this Order, so far as the same are not paid out of money borrowed:
- (2.) In paying the expense of the maintenance, repair, management, and regulation of the harbour.

Subject to providing for payments (1) and (2) the rates authorized by this Order, or so much of such rates as shall not be required for the purpose of making such payments, shall be applied as follows:—

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- (3.) In paying year by year the interest accruing on money borrowed and applied for the purposes of works authorized by this Order, which interest shall be deemed payable out of the rates authorized by this Order in exoneration so far as may be of the rates authorized by the Local Act:
- (4.) In creating a sinking fund for the discharge of the principal of money borrowed and applied for the purposes of works authorized by this Order.

And subject to payments (1) and (2), which shall be made primarily out of the rates authorized by the Local Act, the last-mentioned rates shall be applied as follows:—

- (5.) In paying year by year the interest on money borrowed and applied for the purposes of the Local Act, and so much of the interest on money borrowed for the purposes of this Order as shall not be discharged by payment (3):
- (6.) The surplus (if any) of the rates authorized by the Local Act shall be disposed of according to the provisions of that Act.

11.—The operation of the 53rd and 68th sections of the Local Act shall be extended to suit the purposes of this Order, so that it shall be lawful for the Commissioners from time to time to borrow at interest on the credit of the rates leviable by them under the Local Act and this Order, and any other property vested in them, any sum or sums of money which they may be entitled to raise under the said 53rd section, and apply the same for the purposes authorized by the Local Act and this Order, and also to apply the same for payment of the costs of and connected with the preparation of this Order.

Extension of borrowing powers contained in the Local Act.

12.—All money borrowed under the Local Act or this Order shall be applied only for the purposes of the Local Act and this Order.

Application of money borrowed.

13.—The Commissioners shall keep a separate account of the rates received under this Order, and the application thereof, as distinguished from the rates received under the Local Act, and also a separate account of the moneys expended for the purposes of works authorized by this Order only as distinguished from the purposes of the Local Act; and when by means of the sinking fund in this Order mentioned there shall have been provided a sum equal to the amount expended for the purposes of works authorized by this Order, then the additional rates authorized by this Order shall cease to be levied, unless the Board of Trade shall otherwise direct, and then such rates shall be levied to such extent only, and subject to such conditions, as the Board of Trade may approve.

Separate account of moneys. Limitation of levy of rates.

14.—All the other provisions of the Local Act, so far as applicable, and not altered by this Order, shall extend to the works by this Order authorized, and to the harbour of Padstow as improved by virtue of the provisions in this Order contained; and to all deeds, contracts, orders, matters, and things which are by this Order authorized to be executed and done by or on behalf of the Commissioners.

Application of rest of the Local Act.

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Certain fishing vessels under stress of weather exempt from rates.

15.—“The Harbours, Docks, and Piers Clauses Act, 1847,” shall not be incorporated with this Order.

16.—Fishing vessels belonging to the 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 harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under the Local Act and this Order.

Customs' officers.

17.—Officers of customs in the execution of their duty shall at all times have free ingress, passage, and egress to, through, and out of the harbour and works of the Commissioners, by land, and with their vessels and otherwise, without payment.

Commissioner may provide dredges, engines, &c.

18.—The Commissioners may, for the purposes of the harbour, or any of them, from time to time purchase, provide, lease, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit; or may sell or dispose of the same, and the money thereby realised shall be applied to carrying into effect the purposes of this Order, or some of them.

Saving rights under Crown Lands Act.

19.—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.

Construction of Acts.

20.—The Local Act, so far as not by this Order repealed, and this Order, shall be read and construed together as one Act.

Short title.

21.—This Order may be cited as “The Padstow Harbour Improvement Order, 1869.”

SCHEDULE to which the foregoing Order refers.

For every vessel, laden or partly laden, entering the said harbour, and being within a line drawn from the outer end of Stepper Point to Trebetherick Point, and not approaching nearer to the town of Padstow than a line drawn from the south side of Saint George's Cove to the south side of Bray Hill, per register ton	£ s. d. 0 0 1
For every vessel in ballast or unladen, entering the said harbour, and being within the said limits, and departing again without taking in any cargo, per register ton	0 0 0½