



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

C A P. LVIII.

An Act for confirming, with Amendments, certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to *Carrickfergus, Hastings, Maldon, Northam, and Shanklin.* [29th June 1865.]

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

And whereas the Board of Trade have made certain Provisional Orders: And whereas those Orders have been amended by Parliament, and are as so amended set out in the Schedule: And whereas it is expedient that the Orders so set out in the Schedule hereto 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 Orders set out in the Schedule hereto shall be and are hereby confirmed, and all the Provisions thereof in Manner and

Orders in
Schedule
confirm

28° & 29° VICTORIÆ, Cap.58.

Pier and Harbour Orders Confirmation.

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.

Short Title.

2. This Act may be cited as The Pier and Harbour Orders Confirmation Act, 1865.

The SCHEDULE of Orders.

1. CARRICKFERGUS.
 2. HASTINGS.
 3. MALDON.
 4. NORTHAM.
 5. SHANKLIN.
-

SCHE-

SCHEDULE to which the foregoing Order refers.

Cattle, viz. :	s.	d.
Bulls, cows, and oxen, each	-	2 0
Calves, each	-	1 0
Horses, each	-	3 0
Pigs or sheep, each	-	0 6
Coals, Scotch, English, and culm, per ton	-	1 0
Fish:		
Dried and salted, per cwt.	-	0 3
Fresh, per cwt.	-	0 2
Wood:		
Fir, pine, and other descriptions not enumerated, per load of fifty feet	-	1 0
Oak, teak, and other hard wood, per load of forty feet	-	1 6
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per load of forty feet	-	1 6
All other goods not particularly enumerated:		
Light goods, per barrel bulk	-	0 4
Heavy goods, per ton	-	1 8

MALDON.

Order for the Improvement, Maintenance, and Regulation of the Harbour at Maldon in the County of Essex.

1. There shall be a body of Commissioners for carrying this Order into execution, not exceeding in number 14, which Commissioners and their successors are hereby, for the purposes of this Order, incorporated by the name of The Maldon Harbour Improvement Commissioners, and by that name shall be a 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.

Incorporation
of Commis-
sioners.

2. The term "the Commissioners," where hereafter used in this Order, means The Maldon Harbour Improvement Commissioners.

Meaning of
"the Commis-
sioners."

3. The appointment of the Commissioners shall be regulated as follows:—

Appointment
of the several
Commis-
sioners.

(1.) The following ten persons are hereby appointed Commissioners,
namely, Henry Ward, The Honourable William Swabey, William

6 P

Michael

Pier and Harbour Orders Confirmation.

Michael Tuffnell, Henry Thomas Eve, Thomas Isaac, Adolphus Piggot, John Granger Sadd, Robert Smith, William Humpherys, and Marven Porter Hicks :

- (2.) The Commissioners, when incorporated, shall have power to appoint from time to time (but it shall not be obligatory on them to appoint) to be Commissioners other persons, not exceeding two in number, in addition to the ten persons herein-before named :
- (3.) Whenever a vacancy is caused by death, resignation, or otherwise in the office of any person appointed a Commissioner by this Order or by the Commissioners, the Commissioners shall by a special order appoint another person to fill the vacancy, and so toties quoties :
- (4.) The Board of Trade may, if they think fit, at any time after the passing of an Act confirming this Order, appoint two persons to be Commissioners, and whenever a vacancy is caused by death, resignation or otherwise, in the office of any one of those two Commissioners, may, if they think fit, appoint another person to fill the vacancy, and so toties quoties.

Incorporation
of parts of
10 & 11 Vict.
c. 16.

4. The Commissioners Clauses Act, 1847, (except sections 17, 19 to 35, both inclusive, and 95,) shall be incorporated with this Order, and shall, as far as the nature and circumstances of the case will admit, apply to the Commissioners collectively and severally, subject to the following provisions :—

- (1.) No person shall be capable of acting as a Commissioner (other than a person appointed to be a Commissioner by the Board of Trade) unless he is seized or possessed of property to the value of one thousand pounds :
- (2.) With reference to section 39 of the last-mentioned Act, the prescribed number (constituting a quorum) of the Commissioners shall be five :
- (3.) The Board of Trade shall appoint a permanent auditor of the accounts of the Commissioners.

Undertakers.

5. The Commissioners shall be the undertakers of the works authorized by this Order.

Commence-
ment of Com-
missioners'
powers.

6. The Commissioners shall be deemed fully constituted and incorporated and shall commence to act under this Order immediately on the Commencement of this Order.

Limits of har-
bour.

7. The limits within which the Commissioners shall have authority (which shall be deemed the limits to which this Order extends) shall extend in and over the whole of the river Blackwater, from that part which is intercepted by the cross section No. 8. shown on the plan deposited with the Clerk of the Peace for the county of Essex of the proposed works (herein-after referred to as the deposited plan) to the bridge called Fullbridge at Maldon, and in and over the whole of Heybridge Creek up to the Stonebridge at Heybridge, and in and over all creeks, bays, inlets, and outlets running in, to, or out of the said river and creek within the aforesaid limits.

Power to take
lands by
agreement.

8. For the purposes of the works authorized by this Order the Commissioners may from time to time, by agreement, enter on, take, and use such lands near the entrance to, within, or around Heybridge Creek as may be required for the proposed works, not exceeding in the whole two acres.

9. The

Pier and Harbour Orders Confirmation.

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

Incorporation
of Lands
Clauses Acts.

10. Subject to the provisions of this Order, the Commissioners may, on the site designated by this Order, and according to the deposited plans and sections, execute and maintain the works shown on the deposited plans and sections.

Power to
execute works.

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

Description of
works.

The cutting, deepening, widening, straightening, dredging, scouring, altering, and improving the course of the channel of the River Blackwater, commencing fifty yards or thereabouts above or to the south of the entrance to Heybridge Basin, and terminating five yards or thereabouts below or east of Fullbridge:

The cutting, deepening, widening, straightening, dredging, scouring, altering, and improving the course of that part of the River Blackwater, known as Heybridge Creek, commencing at the junction of the said creek with the said river, and terminating one hundred and thirty yards or thereabouts north of a piece of ground the property of the Great Eastern Railway Company:

The construction and maintenance of wharves or landing-places for enabling ships and other vessels to load and unload and discharge coals and other goods and commodities on the north side of the River Blackwater, at or near the entrance to and on the west side of Heybridge Creek.

12. The limits of deviation for the works authorized by the said Order shall extend to high-water mark on each side of the channel of the River Blackwater, as shown on the deposited plan.

Defining limits
of deviation.

13. If the entrance from the River Blackwater into the creek or channel in which the lock standing at the mouth of the canal of the said Company of Proprietors is built, or the said creek or channel, or any part thereof respectively, shall, by reason of the execution of any of the works authorized by this Order, be silted up or rendered less deep or narrower or less commodious than the same now is, the Commissioners shall (after reasonable notice so to do), at their own expense, dredge and cleanse the said entrance and the said creek or channel in such manner that the obstruction shall be wholly removed, and the said entrance and the said creek or channel shall be rendered as deep and wide and as commodious as the same now is; and if in the case aforesaid the Commissioners shall neglect so to dredge and cleanse the said entrance or the said creek or channel, or to remove the obstruction therefrom, the said Company of Proprietors may dredge and cleanse the same respectively, and may remove the obstruction therefrom, and shall recover the expenses thereby incurred from the Commissioners as liquidated damages.

Entrance to
creek to be
kept open.

14. If any of the works of the said Company of Proprietors shall be injuriously affected by the works authorized by this Order, or by any insufficiency or deficiency in the execution of the works authorized by this Order, the Commissioners shall make compensation to the said Company of Proprietors for any loss that may be sustained by them thereby; the amount

Compensation
to be made to
Company if
works affected.

of

Pier and Harbour Orders Confirmation.

of such compensation shall be settled by arbitration, or by a jury, in the manner provided by The Lands Clauses Consolidation Act, 1845, Section 68, which section (for the purpose of this present clause only) shall be incorporated with this Order.

Rates in
Schedule.

15. Subject and according to the provisions of this Order, the Commissioners may (from and after the expiration of six months from the commencement of this Order) demand and receive in respect of vessels described in the Schedule hereto any sums not exceeding the sums specified in that Schedule.

Exemption
from rates.

16. Vessels coming up the River Blackwater for the purpose of discharging and which shall discharge their cargoes below the limits of jurisdiction defined by this Order into lighters, barges, or boats for the purpose of being carried and which shall be carried into Heybridge Basin, thence to be carried by the canal of the Company of Proprietors of the Chelmer and Blackwater Navigation, or by land, shall not be liable to the rates leviable under this Order.

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

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

Custom house
Officers exempt
from rates.

18. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, through, and from the harbour by land, and with their vessels and otherwise, without payment.

Borrowing
powers.

19. The Commissioners may from time to time borrow and reborrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of Twelve thousand pounds, on the security of the works authorized by this Order, and of the lands and property connected therewith, and of the rates, tolls, and dues authorized by this Order, or of any of those particulars, or of any other property of the Commissioners.

Repayment
of money
borrowed by
instalments, or
sinking fund.

20. The Commissioners shall, out of the tolls, rates, and duties aforesaid, either pay off the money borrowed under this Order by annual or other instalments within thirty years reckoned from the expiration of two years after the commencement of this Order, or else appropriate as a sinking fund every year, beginning with the expiration of the same term of two years, and until the money so borrowed is fully paid off, a sum equal to one thirtieth part of the money borrowed, and such sinking fund shall be invested, accumulated, and applied according to the provisions of section 84 of The Commissioners Clauses Act, 1847.

Receiver.

21. The mortgagees of the Commissioners may enforce the payment of the arrears of interest, or of the arrears of principal and interest, due to them on their respective mortgages by the appointment of a receiver; and the amount to authorize a requisition for a receiver is One hundred pounds.

Money how to
be applied.

22. Every part of the money borrowed under this Order shall be applied only for the purposes authorized by this Order.

Application
of rates and
moneys re-
ceived by the
Commissioners.

23. The Commissioners shall apply all rates, tolls, and dues received under this Order, after defraying the expenses of collecting the same, and all other moneys coming to their hands from the works authorized by this Order, or the lands

Pier and Harbour Orders Confirmation.

lands 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 and making of this Order:
2. In paying the expenses of the construction, maintenance, management, and regulation of the works authorized by this Order:
3. In paying the interest accrued due on any money borrowed under this Order:
4. In from time to time providing the instalments or setting apart and appropriating the sinking fund prescribed by this Order for the repayment of money borrowed, as and when any such instalment or such sinking fund is required to be provided or set apart and appropriated:
5. In and towards the purposes of the said harbour.

24. The Commissioners may, for the purposes of the works authorized by this Order, or any of them, from time to time purchase, lease, provide, or hire such steam or other dredges, steam or other engines, steam tugs, steam or other vessels, diving bells, ballast lighters, rubbish lighters tools, plant, or other materials as they think fit, and may from time to time, as they think fit, sell and dispose of any such dredges, engines, tugs, vessels, diving bells, lighters, tools, plant, and materials as aforesaid, and shall apply the money thereby realized for carrying into effect the purposes of this Order or some of them.

Commissioners
may provide
engines,
lighters, &c.

25. The Commissioners from time to time may maintain the works authorized by this Order, and dredge and deepen the said river and creek within the limits of this Order, and may place and maintain moorings and buoys in the said river and creek within the limits aforesaid, and do all such lawful acts as they think necessary or proper for preventing or removing obstructions or impediments thereon or therein, and generally for preserving and facilitating the navigation within the limits of this Order; and the soil, gravel, and other materials taken out of or removed from the said river and creek within the limits of this Order shall become and be the property of the Commissioners, who may from time to time sell or otherwise dispose of the same, or remove and lay down the same within the limits of this Order, and afterwards from time to time again take up and remove and sell or otherwise dispose of the same; and all moneys arising therefrom, after payment of the expenses connected therewith, shall be applied for the purposes of this Order.

Power to
maintain and
dredge, &c.

26. The Commissioners shall be a local authority within the meaning of The Merchant Shipping Act, 1854, and the Acts amending the same, and shall have all the powers conferred by those Acts on local authorities.

Pilotage,
lights, buoys,
and beacons.

27. The Commissioners shall not acquire for extraordinary purposes lands exceeding in extent in the whole three acres.

Lands for
extraordinary
purposes.

28. Sections 16, 17, 18, 19, 25, and 26 of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.

Parts of
Harbours
Clauses Act
excepted.

29. Byelaws made under this Order and The Harbours, Docks, and Piers Clauses Act, 1847, shall not come into operation until allowed and confirmed by the Board of Trade, which allowance and confirmation shall be sufficient for all purposes; and it shall not be lawful for the harbour master, by virtue of section 52 of that Act, or of any other authority, or for the Commissioners, to

Confirmation
of byelaws and
provision for
management
of harbour.

Pier and Harbour Orders Confirmation.

give or cause to be given any direction respecting any matter mentioned in that section, or provided for in the byelaws, further or otherwise than as the byelaws expressly authorize him or them to do so.

Saving for
corporations,
&c.

30. Nothing in this Order shall take away or abridge any right, privilege, power, jurisdiction, or authority given or reserved to any person or corporation by any local or special Act of Parliament without the consent in writing of such person or corporation.

Short title.

31. This Order may be cited as The Maldon Harbour Order, 1865.

SCHEDULE to which the foregoing Order refers.

FOR EVERY VESSEL CARRYING CARGO COMING INTO, AND FOR EVERY
VESSEL CARRYING CARGO GOING OUT OF, MALDON HARBOUR.

	s.	d.
If under 50 tons, per ton register	0	3
If of 50 tons and under 100 tons, per ton register	0	6
If of 100 tons and under 200 tons, per ton register	0	9
If of 200 tons or upwards, per ton register	1	0

Unregistered vessels to pay at the same rate per ton according to the actual measurement thereof.

Vessels carrying cargo both on coming in and on going out of the harbour to pay full rate on inwards cargo, and half rate on outwards cargo. Barges of less than 50 tons are exempt from the half rate on such outwards cargo.

NORTHAM.

Order for the Construction, Maintenance, and Regulation of a Pier at Northam in the County of Devon.

The Under-
takers.

1. The Northam Pier Company (Limited), hereafter in this Order called the Company, shall be the Undertakers of the works authorized by this Order.

Power to
take specified
lands by
agreement.

2. For the purposes of the works authorized by this Order, the Company may, from time to time, by agreement, enter on, take, and use all or any part of the lands shown on the deposited plans as intended to be taken for the purposes of the proposed works.

Lands Clauses
Acts incor-
porated.

3. The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation Act Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, are hereby incorporated with this Order.

Lands for
extraordinary
purposes.

4. The Company shall not purchase for extraordinary purposes land exceeding in extent in the whole three acres.

Power to make
works.

5. Subject to the provisions of this Order, the Company may, on the lands taken by them under this Order, and in the lines, and according to the levels,
and