



CHAPTER CXXV.

An Act to incorporate the Trustees of the Town Port and Harbour of Whitehaven in the county of Cumberland to extend their powers to authorise additional Waterworks and Harbour Works and for other purposes.

A.D. 1885.

[22nd July 1885.]

WHEREAS under and by virtue of the several Local Acts^s enumerated in the First Schedule to this Act (hereinafter referred to as "the former Acts" and separately as Acts of the respective years in which they were respectively passed) and which are wholly or partially in force the town port and harbour of Whitehaven (which town is hereinafter called "the town" and which port and harbour are hereinafter called "the harbour") are governed both for municipal and sanitary purposes and for harbour purposes by a body of Trustees (hereinafter called "the Trustees") twenty-one in number:

And whereas the Trustees consist in pursuance of such of the provisions of the former Acts as are now in force of the lord of the manor of St. Bees for the time being or his deputy five persons nominated by the said lord of the manor of St. Bees and fifteen elective Trustees elected by the shipowners shipmasters and rate-payers of Whitehaven:

And whereas the town and the harbour are administered by the Trustees as one board but the accounts of the town and of the harbour are kept separate and distinct from each other:

And whereas the former Acts or some of them provided that the Trustees should purchase take and hold all lands easements and other property necessary for carrying into execution the powers of those Acts in the name of the said lord of the manor of St. Bees for the time being in trust for the purposes of those Acts and such property or some of it stands accordingly in his name And it is expedient that the Trustees shall be empowered to hold the said lands easements and property and all other property necessary to be

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(Incorporation) Act, 1885.

A.D. 1885. — acquired for the purposes of the former Acts and this Act in their own name and be constituted a body corporate with perpetual succession and a common seal :

And whereas it is expedient that further powers should be conferred on the Trustees as the urban sanitary authority under the Public Health Act 1875 for the town with respect to the purchase of unsanitary premises and other matters :

And whereas it is expedient that further provision be made relative to the election of the elective Trustees and the filling up of casual vacancies including the application to elections of the Ballot Act 1872 :

And whereas it is expedient to authorise the Trustees to extend and improve their present water supply and to take from Ennerdale Lake a quantity of water greater than that now authorised to be taken under the provisions of the Water Acts hereinafter mentioned and to construct new works for such purposes :

And whereas it is expedient to authorise the Trustees to provide market accommodation to establish markets to make byelaws and regulations with respect thereto and to the existing market and market place and to provide for the levying of tolls duties rates and charges and other payments in respect of the same :

And whereas it is expedient to authorise the Trustees to borrow money and to levy rates for town purposes as by this Act provided :

And whereas it is expedient to authorise the Trustees to sell exchange mortgage or otherwise dispose of any of their lands houses or buildings acquired for but which may not be necessary for harbour and water purposes and to enable them to apply the moneys thereby obtained in the manner provided by this Act :

And whereas it is expedient to authorise the Trustees to construct a graving dock and to make certain alterations and improvements in and additions to the existing harbour :

And whereas it is expedient that the Trustees should be authorised to borrow moneys and to take tolls rates duties and charges as by this Act provided in respect of the harbour and for harbour purposes and to alter and vary the rates and duties authorised by the former Acts :

And whereas it is expedient to extend the time limited by the former Acts or some or one of them for the commencement of the sinking funds for repayment of moneys borrowed and that further provision should be made with reference to sinking funds and for the redemption of mortgages and bonds :

And whereas it is expedient to authorise the Trustees to exercise their statutory powers of borrowing money for the time being either

for town or harbour purposes by means of the creation and issue of debentures or of stock :

And whereas an estimate has been prepared for the execution of the waterworks by this Act authorised and such estimate is twenty-one thousand pounds :

And whereas the works included in such estimate are permanent works within the meaning of section two hundred and thirty-four of the Public Health Act 1875 :

And whereas in order to effectuate the purposes of this Act it is expedient that the former Acts be in divers particulars altered amended or repealed or the powers therein contained extended and made applicable for the purposes of this Act :

And whereas an absolute majority of the whole number of the Trustees at a meeting held on the twenty-fifth day of November one thousand eight hundred and eighty-four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Cumberland Pacquet a local newspaper published and circulating in the town such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged as follows (that is to say) :

Out of the harbour funds one-fourth ;

Out of the waterworks funds and rates two-fourths ; and

Out of the town funds other than the waterworks funds one-fourth of such expenses :

And whereas such resolution was published twice in the said local newspaper and has received the approval of the Local Government Board in respect of matters within their jurisdiction and in respect of other matters of one of Her Majesty's Secretaries of State :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Trustees at a further special meeting held in pursuance of a similar notice on the sixth day of January one thousand eight hundred and eighty-five being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the said town by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections of the waterworks and plans and sections of the harbour works by this Act authorised and books of reference to those plans containing the names of the owners or

A.D. 1885. — reputed owners lessees or reputed lessees and of the occupiers of all lands and property to be taken compulsorily have been deposited with the clerk of the peace of the county of Cumberland (which plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively):

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 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:—

PART I.—PRELIMINARY.

Short title. **1.** This Act may be cited as the *Whitehaven Town and Harbour (Incorporation) Act 1885* and this Act and the former Acts may be cited together as the *Whitehaven Town and Harbour Acts 1708 to 1885*.

Division of Act into parts. **2.** This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Incorporation of the Trustees.
 Part III.—Town purposes.
 Part IV.—Harbour purposes.
 Part V.—Miscellaneous town and harbour purposes.

Effect of schedules. **3.** The schedules to this Act shall be read and have effect as if they were part of this Act.

Interpretation of terms. **4.** In this Act the following words and expressions have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction:—

The expression “the Trustees” means the Trustees acting in execution of the former Acts and this Act and by this Act incorporated.

The expressions “elective Trustees” and “elective Trustee” mean respectively the Trustees and Trustee elected under the provisions of the former Acts and this Act.

The expression “the lord of the manor” means the lord of the manor of St. Bees for the time being and his deputy or deputies for the time being.

The expressions “the town” and “the sanitary district” mean the town and the urban sanitary district of Whitehaven.

The expression “the harbour” means the port and harbour of Whitehaven and all docks quays piers wharves buildings lands

property houses offices sheds tramways railways buoys and moorings connected therewith and also the railways Nos. 1 and 2 authorised by the Act of 1871 together with all stations sidings signals signal-stations and boxes connected with such railways and also any additions to and improvements in the harbour from time to time made by the Trustees.

The expression "the Public Health Acts" means the Public Health Act 1875 and any Act amending the same.

The expression "water purposes" means purposes in connection with the water undertaking of the Trustees and all powers rights duties capacities liabilities and obligations including the supplying of water borrowing and paying off money and levying rates or charges exercised by or imposed on the Trustees with reference to the water undertaking of the Trustees.

The expression "general district purposes" means purposes in connection with the town (other than water purposes) including paving lighting sewerage and the disposal of sewage the regulation of sanitary matters and markets and generally matters connected with the administration of the town and all powers rights duties capacities liabilities and obligations including the power of borrowing and paying off money and making and levying rates and application of funds exercised by or imposed on the Trustees with reference to such purposes.

The expression "town purposes" means "water purposes" and "general district purposes."

The expression "harbour purposes" means purposes in connection with the harbour other than town purposes and all powers rights duties capacities liabilities and obligations including the power of borrowing and paying off money and making and levying tolls rates duties or charges exercised by or imposed on the Trustees with reference to such purposes by the former Acts or this Act.

The expression "the water funds" means moneys arising from the water rates and charges and revenues arising from the water undertaking of the Trustees.

The expression "the general district funds" means moneys arising from the lamp and paving rate sewerage rate or general district rate and from any other rates tolls and charges other than the water funds and the harbour funds.

The expression "the harbour funds" means moneys arising from the harbour tolls rates duties rents and charges and the harbour undertaking of the Trustees.

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The expression "the town funds" means "the general district funds" and "the water funds."

The expression "the former Acts" means the several Local Acts wholly or partially in force immediately before the passing of this Act relating to the town port and harbour of Whitehaven and enumerated in the first schedule to this Act and separately referred to as Acts of the years in which they were respectively passed.

The expression "the Water Acts" means the Act of 1849 the Act of 1864 Part III of the Act of 1876 Part IV of the Act of 1879 (which Acts or parts of Acts are included amongst the former Acts but specially relate to the water supply) and any other Act or part of any Act now in force relating to the supply of water to the town.

The expression "superior court" or "courts of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated with this Act or any part or parts thereof shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

The expression "statutory authority" with reference to borrowing powers by the Trustees means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge or other security representing or granted in lieu of consideration money for the time being existing under the former Acts or under this Act or under any Act of Parliament public or local passed or to be passed or under any provisional order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed with reference to the town or harbour respectively.

The word "property" means and includes real and personal property and any estate or interest in any property real or personal and any debt and any thing in action and any other right or interest.

PART II.—INCORPORATION OF THE TRUSTEES.

5. From and after the passing of this Act the Trustees for the time being acting under the powers of the former Acts and this Act

Incorporation of the Trustees.

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and their successors shall be and are hereby constituted a body corporate under the name of "the Trustees of the town and harbour of Whitehaven" with perpetual succession and a common seal and shall have power to purchase take hold and dispose of land and other property for the purposes of the former Acts and this Act and may sue and be sued in their corporate name.

6. From and after the passing of this Act all property (not being any legal estate or interest in copyhold or customary land or land conveyed by way of mortgage for securing money subject to the trust hereafter mentioned or any such share stock annuity or property as is only transferable in books kept by a company or other body or in manner prescribed by or under Act of Parliament) now vested in or held by or in the name of the lord of the manor or any other person or persons expressly and exclusively in trust for the purposes of any of the former Acts or for the Trustees shall be and the same is hereby transferred to and vested in the Trustees as such body corporate as aforesaid and forthwith after the passing of this Act any legal estate or interest in copyhold or customary land or land conveyed by way of mortgage or any such share stock annuity or property as is only transferable in books kept by a company or other body or in manner prescribed by or under Act of Parliament now vested in or held by or in the name of the lord of the manor or any other person or persons expressly and exclusively in trust for the purposes of any of the former Acts or for the Trustees shall at the expense of the Trustees be transferred by the lord of the manor or other the person or persons aforesaid to the Trustees as such body corporate as aforesaid by means of such acts deeds assurances and things as are requisite and necessary for effectually vesting such last-mentioned property in the Trustees as such body corporate as aforesaid. Provided that all such property beforementioned shall vest in or be transferred to the Trustees for the same estate and interest and subject to the same rights obligations contracts agreements rents and covenants as the same was held or possessed by the lord of the manor or other person or persons as aforesaid immediately before the passing of this Act and all provisions in any of the former Acts requiring and authorising any property to be taken or held by or in the name of the lord of the manor or any other person or persons in trust for the purposes of such Acts or any of them or for the Trustees shall be and are hereby repealed but nothing in this section contained shall affect or invalidate anything duly done or suffered under and by virtue of such provisions of the former Acts. Provided always that this section shall not apply to any property in which any beneficial interest

Vesting of
property.

A.D. 1885. whatever is vested in or enjoyed by the lord of the manor or such other person or persons as aforesaid or which is vested in or held by or in the name of the lord of the manor or such other person or persons in trust for any purpose whatsoever other than the purposes of any of the former Acts or for any person whomsoever other than the Trustees And further provided that property vested in the Trustees for town purposes shall not be subject to any liabilities contracted or to be contracted for harbour purposes and property vested in them for harbour purposes shall not be subject to any liabilities contracted or to be contracted by them for town purposes.

Transfer to
incorporated
Trustees of
powers of
Trustees.

7. From and after the passing of this Act the Trustees by this Act incorporated shall have in addition to all other powers and authorities conferred on them by this Act all the powers rights duties capacities privileges jurisdictions authorities liabilities and obligations including the power to make alter repeal or enforce byelaws rules and regulations which were immediately before the passing of this Act vested in or imposed on the Trustees and the former Acts as each is amended by any subsequent Act or by this Act shall subject to the provisions of this Act be read and construed as applying to the Trustees by this Act incorporated.

Election by
ballot ac-
cording to
Ballot Act
1872.

8. Section 25 of the Act of 1879 shall be and the same is hereby repealed and sections 21 22 23 and 24 of the said Act shall apply and have full force and effect with respect to elections of the elective Trustees which take place after the passing of this Act as if section 25 had not been enacted.

Filling up
casual
vacancies.

9. Notwithstanding anything in the former Acts or in the Acts incorporated therewith contained on every casual vacancy arising among the elective Trustees by the death resignation disqualification or ceasing to be a Trustee from any other cause than that of going out of office by rotation or by reason of a person elected declining to accept office in case such vacancy shall not within the space of three calendar months thereafter be filled up by a majority of the surviving or continuing elective Trustees under the powers of the former Acts then and in every such case an election shall be held in the month of November next following by the same persons and in the same manner as an election to fill an ordinary vacancy caused by a Trustee retiring by rotation and the person so elected shall hold office until the time when the person in whose place he is elected would regularly have gone out of office by rotation and he shall then go out of office.

Order of
filling up
casual
vacancies.

10. In case of more than one casual vacancy in the office of an elective Trustee being filled at the same election the Trustee elected

by the smallest number of votes shall be deemed to be elected in the place of him who would regularly have first gone out of office and the Trustee elected by the next smallest number of votes shall be deemed to be elected in the place of him who would regularly have next gone out of office and so with respect to the others and if there has not been a contested election or if any doubt arises the order of rotation shall be determined by a majority in number of the elective Trustees present and voting at a special meeting of elective Trustees called for the purpose.

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PART III.—TOWN PURPOSES.

ADDITIONAL POWERS.

(a) *Waterworks.*

11. Subject to the provisions of this Act the Water Acts as amended by any subsequent Act and by this Act and this Part of this Act shall be read and construed together as one Act.

Water Acts and this Part of this Act to be construed together.

12. The following Acts with the exception of the sections herein mentioned shall for the purposes of the waterworks by this Act authorised and of the supply of water by the Trustees and so far as the provisions of these Acts respectively are applicable for such purposes and are not inconsistent with or modified by the provisions of this Act be incorporated with this Part of this Act (that is to say) :—

Incorporation of general Acts.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 which Acts are in this Act referred to as the Lands Clauses Acts.

The Waterworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the Undertakers and except the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” contained in section 44 of that Act.

The Waterworks Clauses Act 1863.

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

13. In this Part of this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless the same be varied by this Act or unless there be something in the subject or context repugnant thereto In construing those Acts

Interpretation of terms in general Acts.

A.D. 1885. — for the purposes of this Part of this Act and the former Acts as amended by this Act unless the context otherwise requires the expressions “the Undertakers” and “the Promoters of the undertaking” “the Company” and other like expressions shall mean the Trustees The provisions of the Railways Clauses Consolidation Act 1845 incorporated herewith shall apply only to the new and enlarged weir or overfall hereby authorised and shall for the purposes of this Part of this Act be read as if “new and enlarged weir or overfall” were therein mentioned instead of “the railway” and “boundaries of new and enlarged weir or overfall” instead of “centre of railway.”

Power to
make and
maintain
additional
waterworks.

14. Subject to the provisions of this Act the Trustees may make and maintain in and according to the lines and levels shown on the deposited plans and sections the several waterworks hereinafter described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference with respect to the waterworks authorised by this Act as may be required for the purposes of the same The waterworks authorised by this Act are:—

1. A new and enlarged weir or overfall to be situated at or near the existing weir or overfall across the River Ehen at the place at which Ennerdale Lake otherwise Broadwater discharges its waters into the said river which said new weir or overfall will be situated in the township of Ennerdale otherwise Ennerdale and Kinniside and in the parish of Saint Bees ;
2. An aqueduct or line of main pipes commencing at or near the existing water gauge house belonging to the Trustees and situated near to the said existing weir and in the township last aforesaid and terminating at or in the existing service reservoir of the Trustees at or near Scragill in the township of Preston Quarter in the said parish of Saint Bees ;

Together with all necessary and proper embankments channels basins bye-washes weirs culverts cuts bridges road diversions road approaches and other roads and communications sewers drains sluices filtering beds wells weirs meters engines engine houses and other buildings pumps conduits catch-waters tanks pipes and other apparatus for the effectual construction maintenance and use of the said intended works or incidental thereto.

Trustees may
impound
waters of

15. Notwithstanding anything contained in the Water Acts the Trustees may subject to the provisions of this Act impound store

up take and divert by means of their existing waterworks and of the said waterworks authorised by this Act and appropriate and use for all or any of the purposes of the supply of water as provided by the Water Acts as amended by this Act and by this Act the waters of Ennerdale Lake to an extent not exceeding two millions of gallons of water per day and the provisions contained in the Water Acts shall be read and construed as if the amount of water which the Trustees were thereby authorised to take from Ennerdale Lake had been two millions of gallons of water per day instead of one million of gallons of water per day as thereby provided Provided always that the Trustees shall not take from the said lake any water in excess of one million gallons of water per day until they have executed the works necessary for raising the surface level of the said lake one foot as nearly as may be by means of the said new and enlarged weir or overfall as shown on the deposited sections and such raising of the said lake shall subject to the provisions of this Act be deemed to be full compensation to all persons entitled to use and for the user by them of the waters thereof and of the river Ehen flowing therefrom.

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 Ennerdale
 Lake.

16. The Trustees may from time to time enter into contracts with the owner lessee or occupier of any tenement or hereditament within the parishes townships or places of Moresby Parton Sandwith or Rottington in the county of Cumberland or elsewhere in the neighbourhood of any of their water mains pipes or works although not within the water limits prescribed by the Water Acts or with any corporation local board or other local authority for supplying such owner lessee or occupier corporation local board or local authority with water in bulk upon such terms and conditions and for such periods as may be agreed upon between the Trustees and those other parties respectively Provided always that the Trustees shall not supply water under the powers of this section if and so long as their doing so would prevent them from giving throughout the limits of the supply of water for domestic purposes as prescribed by the Water Acts of 1849 and of 1864 a sufficient supply of water for domestic purposes as provided by those Acts Provided further that the Trustees shall not supply water by agreement within the district of any corporation local board or local authority now or at any time hereafter supplying water within that district except with the consent in writing of such corporation local board or local authority Provided further that the Trustees shall not supply water by agreement within the district of the Cleator Moor local board except with the consent in writing of the said local board.

Power to
 supply water
 by agree-
 ment.

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Provision for
the protec-
tion of the
Cleator Moor
Local Board.

17. For the protection of the Cleator Moor Local Board (herein-
after called "the Cleator Board") be it enacted as follows:—

- (1) In this section "street" includes any public highway road bridge lane or footway and "the district" means the district of the Cleator Board.
- (2) Before the Trustees shall break up any street within the district they shall give to the Cleator Board notice thereof in writing and such notice shall be delivered to the clerk to the Cleator Board not less than fourteen days before the works shall be commenced.
- (3) Before the Trustees shall commence any works within the district which shall cause any temporary diversion of any street such diversion shall be approved of by the surveyor of the Cleator Board and the Trustees shall before commencing any such works at their own expense make such arrangements for the passage of traffic as the Cleator Board shall require.
- (4) The provisions of sections 18 to 23 (both inclusive) of the Railways Clauses Consolidation Act 1845 shall extend and apply to the water mains pipes and apparatus of the Cleator Board and to the Cleator Board in respect thereof as though the Cleator Board were a water company or society and the Trustees a railway company and their undertaking a railway.
- (5) If by reason of the exercise by the Trustees of any powers granted them under this Act any additional water mains pipes sewers or drains or any increased length or capacity thereof respectively be rendered necessary for the purposes of the water mains pipes sewers or drains of the Cleator Board the same shall be respectively provided laid and constructed by the Cleator Board at the cost of the Trustees.
- (6) If by reason of the exercise by the Trustees of any powers granted to them under this Act the Cleator Board shall at any time incur additional cost in repairing or altering any water mains pipes or apparatus or any sewer or drain such additional cost shall be repaid by the Trustees to the Cleator Board.
- (7) Before the Trustees interfere with any existing sewer or drain of the Cleator Board they shall to the reasonable satisfaction of the Cleator Board and in accordance with plans and sections to be previously submitted and reasonably approved of by the Cleator Board under the hand of their clerk for the time being construct a sufficient substituted sewer or drain for the Cleator Board and connect the same with the sewer or drain so interfered with.
- (8) All works to be executed by the Trustees under this section shall be so executed at the cost in all respects of the Trustees

in accordance with plans and sections to be approved of by the Cleator Board under the hand of their clerk for the time being and under the superintendence and to the reasonable satisfaction of the surveyor of the Cleator Board and the reasonable cost of such superintendence shall be paid by the Trustees to the Cleator Board.

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- (9) If any difference arise between the Trustees and the Cleator Board touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the president for the time being of the Institution of Civil Engineers and the costs of the reference shall be in the discretion of the arbitrator.

18. In constructing and maintaining the aqueduct or line of main pipes by this Act authorised and any mains pipes or other works crossing or affecting any of the railways forming part of the joint Whitehaven Cleator and Egremont Railway undertaking belonging jointly to the London and North-Western and Furness Railway Companies (hereinafter referred to as the two companies) or any of the works thereof respectively or any lands belonging to or used by the two companies in connection with such railways and the works thereof the Trustees shall observe perform and be bound by the following provisions stipulations and conditions namely—

For the protection of the London and North-Western Railway and Furness Railway Companies.

- (1) The said aqueduct or line of main pipes where it will cross the Whitehaven Cleator and Egremont Railway of the two companies at the Cleator Moor passenger station and at the Cleator Moor goods station respectively shall unless otherwise agreed in writing between the Trustees and the two companies be carried along the bridges carrying the Ennerdale Road over that railway and the approaches thereto by mains or pipes which for the entire length of such crossings and for 25 feet on each side of such bridges and approaches shall be of such materials dimensions quality and thickness as the principal engineer of the two companies for their said joint undertaking shall in writing reasonably approve and according to plans and sections to be previously so approved and so that with respect to such crossings the Trustees shall not without the consent in writing of such engineer deviate the said mains or pipes laterally or vertically from the lines and levels thereof as shown on the deposited plans and sections and all such works for and at such crossings as also all other mains pipes and works laid constructed or executed by the Trustees crossing or in any

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way affecting any of the said railways works or approaches or any such lands or property and all maintenance repairs and renewals thereof respectively shall be done and executed by the Trustees to the reasonable satisfaction in all respects and under the superintendence of such engineer and in all things at the expense of the Trustees and whenever any such works maintenance repairs or renewals are commenced they shall be executed and completed with all due despatch and shall be so constructed executed and maintained that the said railways works or approaches respectively shall not be injured nor the traffic upon the said railways in any way impeded.

(2) In case the Trustees shall not at all times duly maintain and keep repaired and renewed the said aqueduct or line of main pipes and the works at such or any other crossing of the said railways or in case of any accident happening to or defect appearing in or there being any leakage from or bursting of those pipes at or near such crossings or of any other mains or pipes at any other crossing of the said railways the two companies may if need be and (except in case of emergency) after reasonable notice in writing to the Trustees effect such maintenance repairs and renewals and all works necessary to stop such leakage and bursting and recover from the Trustees the amount of their expenditure in that behalf with full costs by all and the same means as any simple contract debt is recoverable and if by reason of or of the failure of any works operations or proceedings of the Trustees or any of their contractors or the agents servants or workmen of the Trustees or of their contractors the said railways works or approaches at or near any such crossings shall be injured the Trustees shall forthwith make good the same or in case they shall make default in that behalf then the two companies may make good the same and recover as aforesaid from the Trustees the amount of their expenditure in that behalf with full costs and if any interruption shall be occasioned to the traffic on the said railways by reason of or of the failure of any works operations or proceedings of the Trustees or of any of their contractors or the agents servants or workmen as aforesaid the Trustees shall pay to the two companies all costs and expenses to which they may be put as also compensation for all loss and inconvenience to be sustained by them by reason of any such interruption such costs expenses and compensation to be recovered as aforesaid with full costs.

(3) Notwithstanding anything in this Act to the contrary whenever and so often as the two companies shall require to widen

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lengthen strengthen reconstruct alter or repair any such bridges or approaches or to widen or alter their railways or to lift or support any such bridges or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the aqueducts mains pipes or other works of the Trustees shall be temporarily diverted and shall except in cases of emergency give to the Trustees three clear days' notice in writing requiring such diversion such aqueducts mains pipes or other works shall be diverted accordingly at the expense of the Trustees and under the superintendence of their engineer if such engineer shall give such superintendence but only for so long as the two companies may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs or expenses in any way relating thereto.

- (4) The Trustees shall not without the consent in writing of the two companies under their common seals purchase take enter upon or use temporarily or permanently any lands property or works or any estate right easement privilege or authority in over or upon the same respectively or alter vary or interfere with the said railways or any of the works thereof or thereto appertaining.

19. And whereas John Dickinson of Red How in the parish of Lamplugh is or claims to be the owner of the said lake and the ground and soil thereof and of the exclusive right of fishing therein and of boating thereon And whereas in pursuance of the Acts of 1849 and 1864 the annual or yearly sums of ten pounds and twenty-five pounds respectively are paid by the Trustees to the said John Dickinson in consideration of the power contained in the Water Acts of impounding and drawing from the said lake one million gallons of water per diem for the purpose of supplying the districts or places mentioned in the said Acts and of their erecting and maintaining on land of the said John Dickinson a gauge house and other apparatus for measuring the same And whereas the Trustees have agreed to pay the said John Dickinson his heirs and assigns or other the owner or owners for the time being of the said lake the additional annual sum of one hundred and fifty pounds for ever for and in consideration of the additional powers contained in this Act for impounding and drawing the further one million gallons of water per diem in like manner and the power of distributing according to the provisions of this Act as well the further one million gallons as also the one million gallons

Provision
for annual
payment
to John
Dickinson.

A.D. 1885. which they at present are entitled to draw under the powers of the
Water Acts Be it enacted as follows :

- (1) The said annual sum of one hundred and fifty pounds together with the said annual sums of ten pounds and twenty-five pounds respectively shall be charged upon and payable out of the town funds but shall be primarily charged upon the water funds and shall be paid to the said John Dickinson his heirs and assigns or other the owner or owners for the time being of the said lake half-yearly on the 2nd day of February and the 2nd day of August in every year by equal payments the first half-yearly payment thereof to be made on the first of the said days which shall happen after the expiration of two years and a half from the passing of this Act unless in the meantime the Trustees shall commence to draw from the said lake any part of the additional million gallons per diem in which case payment shall commence and be due on the first half-yearly day after the drawing thereof and in default of payment such annual sum shall be recoverable from the Trustees in the same manner as any money borrowed by them upon mortgage by virtue of the Water Acts or this Act.
- (2) All works erected by the Trustees for the protection of the lands of John Dickinson his heirs and assigns or other the owner or owners for the time being of the said lake or lands shall for ever be kept and maintained in good and substantial repair by the Trustees and if the Trustees shall at any time fail to keep the said works in repair or in such a state as shall prevent injury to the lands of the said John Dickinson it shall be lawful for the said John Dickinson his heirs and assigns or other the owner or owners for the time being of the said lake or lands after one month's notice in writing to the Trustees or their clerk requiring them to repair or to execute such works as may be necessary for preventing such injury as aforesaid and after failure of the Trustees within a reasonable time to comply with such notice himself or themselves to enter upon the lands and works of the Trustees and to execute all such repairs and alterations of the said works as may be necessary for effectually preventing such injury as aforesaid and to recover the expenses of such repairs and alterations with full costs of suit in any court of competent jurisdiction.
- (3) If any damage or injury shall from time to time be done to the lands of the said John Dickinson his heirs and assigns or other the owner or owners for the time being of the said lands by reason or in consequence of any of the rights hereby

granted or reserved to the Trustees the Trustees shall from time to time and as occasion requires make good the same or make full compensation to the said John Dickinson his heirs and assigns or other the owner or owners for the time being of the said lands for all loss and damage thereby occasioned and the amount of compensation for such damage shall in case of difference be settled by arbitration.

- (4) For the purpose of measuring the quantity of water to be drawn by the Trustees from the said lake they shall cause to be erected and for ever thereafter maintained in a proper state of repair in the said lake or on the margin thereof proper gauges or other apparatus and such gauges and other apparatus shall be respectively open at all reasonable times to the inspection and examination of the said John Dickinson his heirs and assigns or other the owner or owners for the time being of the said lake and all the owners and occupiers of mills upon the said River Ehen and other persons interested in the flow of water of the said river and to the duly authorised agents of all such persons respectively. Provided that if any difference shall arise between the Trustees and the said John Dickinson his heirs and assigns or other the owner or owners for the time being of the said lake or between the Trustees and the owners or occupiers of any such mills or other persons interested in the waters of the said river as aforesaid or any of them as to the proper construction or maintenance of the said gauges or other apparatus such difference shall from time to time be settled by an arbitrator to be appointed by the parties differing and in default of such appointment for one calendar month after such difference shall have arisen and notice in writing to appoint such arbitrator shall have been given by one of the parties to the other then by the president for the time being of the Institute of Civil Engineers and such arbitrator shall have power to decide by which of the parties and in what proportions the costs of such appointment and arbitration shall be paid.

20. And whereas in the construction of the works by this Act authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands buildings and premises shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said premises without material detriment thereto therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners and other persons interested in the lands buildings and

Owners may be required to sell parts only of certain lands and buildings.

[Ch. cxxv.] *Whitehaven Town and Harbour* [48 & 49 VICT.]
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premises in this section mentioned and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such premises without material detriment thereto be required to sell and convey to the Trustees the portions only of the premises so required without the Trustees being obliged or compellable to purchase the whole or any greater portion thereof the Trustees paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

The lands buildings and premises of which portions only may be required are as follows (that is to say):—

No. on deposited Plans.	Description of Property.	Township and Parish.
9a 10a 11a 11b 12a and 13a.	Pasture land and coach-house garden house inn yards stables coach-houses sheep pens piggeries and outoffices landing - stage pasture and bowling green.	Township of Ennerdale otherwise Ennerdale and Kinniside parish of St. Bees.

Provided always that the portions so to be purchased by the Trustees shall consist of so much (and no more except with the consent in writing of the said John Dickinson his heirs or assigns or other the owner or owners for the time being of the said lands) of the lands in front of the Anglers' Hotel as is shown on the plan signed in duplicate by Thomas Hawksley and thereon coloured red And the Trustees may purchase the same without being compelled or liable in respect thereof to purchase the said hotel or any other portion of the hotel premises.

The said piece of land shall only be used for the purpose of erecting thereon any works which the Trustees may be desirous of erecting for the purpose of protecting the hotel from flooding or damage or risk thereof and after the construction of the said works the said John Dickinson and his tenant or tenants or any other persons with his permission shall have the right at all times of passing freely to and fro without hindrance or restriction over the said strip of land shown on the said plan and over the said works or any of them in this clause mentioned.

For all damage (if any) to the said hotel occasioned by or notwithstanding the existence of the last-mentioned works compensation shall be forthwith paid by the Trustees to the said John Dickinson his heirs or assigns or other the owner or owners for the time being of the said hotel and premises.

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21. The provisions in this Act contained for the protection of the said John Dickinson shall be in addition to and not in derogation of any rights to compensation for damage (other than damage arising from drawing off water in accordance with the Water Acts or this Act) which the said John Dickinson his heirs and assigns may otherwise possess under the Lands Clauses Acts herewith incorporated in reference to the waterworks by this Act authorised.

Provision as to compensation to John Dickinson.

(b) Borrowing Powers. General District Rate.

22. The Trustees may (in addition to all moneys which by virtue of the former Acts they are authorised to borrow on account of their water undertaking) from time to time borrow on mortgage on the security of the water funds for the purposes of the waterworks authorised to be constructed by this Part of this Act and generally on account of the water undertaking of the Trustees any sum or sums of money not exceeding in the whole twenty-one thousand pounds and the Trustees may also (with the sanction and approval of the Local Government Board) borrow for market purposes the sum of nine thousand pounds on the security of the general district funds.

Power to Trustees to borrow money for water purposes and market purposes.

23. In lieu of the lamp and paving rate and sewerage rate at present levied by the Trustees under the former Acts the Trustees shall on and from the 25th day of March next after the passing of this Act levy and collect a general district rate in accordance with the provisions of the Public Health Act 1875 And from and after the said 25th day of March last mentioned the lamp and paving rate and sewerage rate shall except as to so much of such rates as may be in arrear and unpaid cease to be levied and collected in the town.

General district rate substituted for lamp and paving rate and sewerage rate.

24. The Trustees shall keep separate accounts of all funds received and expended as well on account of capital as of revenue in respect of the water purposes and general district purposes respectively.

Separate accounts for water and general district purposes.

25. The moneys raised by the Trustees under the powers of any statutory authority for water purposes and for general district

Application of borrowed money for

A.D. 1885.
—
water and
general
district
purposes.

purposes by borrowing or otherwise on capital account shall be applied as follows (that is to say) :—

- (1) The sums raised or borrowed or authorised to be raised or borrowed shall remain applicable to those purposes to which the same were severally made specially applicable.
- (2) The additional sums of twenty-one thousand pounds and nine thousand pounds authorised to be borrowed by the Trustees under the authority of this Act shall be applied by them :

(First) In payment of the costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act as specified in the last section of this Act.

(Second) As regards the said sum of twenty-one thousand pounds in payment for lands easements and property for the purpose of the additional waterworks and supply of water authorised by this Act and for making and constructing such works and any works in connection therewith as authorised by this Act and incidental thereto and as regards the said sum of nine thousand pounds for market purposes to which capital is properly applicable.

Application
of water
purposes
revenues.

26. The Trustees shall subject to the provisions of this Act apply all rates or sums received by them for water purposes and all other receipts and credits on account of water purposes (except borrowed money and other receipts on capital account) as follows (that is to say) :—

First. In payment of the expenses of and incidental to the making levying and recovering the rate or rates applicable to water purposes and the borrowing of moneys and in payment of the expenses of conducting managing and maintaining and otherwise carrying on the administration of the water purposes of the Trustees and of all matters relating or incidental thereto including all establishment charges connected therewith.

Second. In payment of any rentcharge ground rent or other rent for land or property held by the Trustees or payable by them for the water purposes of the Trustees.

Third. In payment of the interest upon moneys raised by them by borrowing or by debenture stock for water purposes.

Fourth. In payment of the sum or sums required to be annually set apart and appropriated for the purpose of the sinking funds with reference to moneys borrowed for water purposes.

Application
of general
district
revenues.

27. The Trustees shall subject to the provisions of this Act apply all rates or sums received by them for general district purposes and all other receipts and credits on account of general district

purposes (except borrowed money and other receipts on capital account) as follows (that is to say): A.D. 1885.

First. In payment of the expenses of and incidental to the making levying and recovering the rate or rates applicable to sewerage or other general district purposes and the borrowing of moneys and in payment of the expenses of conducting managing and maintaining and otherwise carrying on the administration of the general district purposes and of all matters relating or incidental thereto including all establishment charges connected therewith.

Second. In payment of any rentcharge ground rent or other rent for land or property held by the Trustees for sewerage or other general district purposes.

Third. In payment of the interest upon moneys raised by borrowing or by debenture stock for sewerage or other general district purposes.

Fourth. In payment of the sum or sums required to be annually set apart and appropriated for the purposes of the sinking funds with reference to moneys borrowed for sewerage or other general district purposes.

(c.) Ashpits and Nuisances.

28. The term "ashpit" in the Public Health Act 1875 shall for the purposes of the execution of that Act or of this Act within the town include any ash-tub or other proper receptacle for the deposit of ashes faecal matter or refuse. Definition of "ashpit" in Public Health Act 1875.

(d.) Purchase by Agreement of Unsanitary Premises.

29. The Trustees may with the sanction of the Local Government Board acquire by agreement any premises or houses within the sanitary district which may be in a condition or state dangerous to health so as to be unfit for human habitation and may pull down or improve such premises or houses and rebuild any such houses and apply their general district funds to such purposes and that either with or without adopting the provisions of the Artizans and Labourers Dwellings Act 1868 as amended by the Artizans and Labourers Dwellings Act (1868) Amendment Act 1879 or any other Act amending the same. Purchase by agreement of unsanitary premises.

(e.) Markets.

30. Notwithstanding anything in the former Acts contained the Trustees shall have and be invested with and may exercise in the Power to establish markets.

A.D. 1885. town all the powers of an urban authority with regard to markets under the Public Health Act 1875.

Power to erect market-house &c.

31. The Trustees may erect and maintain within their district a market-house for the sale of such marketable commodities as they shall think fit and such buildings erections and conveniences for the purposes of the market as they may think fit and may from time to time alter enlarge and improve the said market-house and other buildings and the Trustees may let on lease the market-house or all or any of the markets and the tolls arising therefrom for any term not exceeding three years upon such terms and conditions as may be agreed upon with a clause against subletting and may if they think fit let the said market-house for other purposes.

Power to levy tolls &c.

32. The Trustees may from time to time levy demand and take in respect of the markets such tolls and stallages as with the sanction and approval of the Local Government Board shall from time to time be prescribed in the byelaws to be made by the Trustees and may from time to time with the like sanction and approval repeal alter or amend any of such tolls and stallages.

PART IV.—HARBOUR PURPOSES.

(1.) INCORPORATION OF ACTS.

Incorporation of Acts for harbour purposes.

33. The following Acts with the exception of the sections herein mentioned shall for harbour purposes only and so far as the provisions of these Acts respectively are applicable for such purposes and are not inconsistent with the provisions of this Act be incorporated with this Part of this Act (that is to say):—

The Harbours Docks and Piers Clauses Act 1847 with the exception of sections 16 and 17 with respect to lifeboats and sections 18 and 19 with respect to keeping a tide and weather gauge unless the Board of Trade shall at any time require a lifeboat or a tide and weather gauge to be provided and sections 25 and 26 and 31 with respect to the rates to be taken.

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883.

The provisions of the Railways Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

The following sections of the Railways Clauses Act 1863 (that is to say) section 13 (lights on works) section 18 (abatement of works abandoned or decayed) section 19 (survey of works by Board of Trade).

(2.) ADDITIONAL POWERS.

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(a.) *Harbour Works.*

34. Subject to the provisions of this Act and subject also to such alterations (if any) in the deposited plans and sections as the Board of Trade may require from time to time before completion of the works in order to prevent injury to navigation the Trustees may make and maintain in the lines and according to the levels shown on the deposited plans and sections the harbour works shown on those plans and sections and hereinafter described together with all necessary and proper buildings and other conveniences in connection therewith and the Trustees may for the purposes of the said harbour works from time to time enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited books of reference with reference to such harbour works The said Harbour Works authorised by this Act are :—

Power to construct and maintain new harbour works and description of harbour works.

- (1) A graving dock with all necessary gates sluices culverts valves bollards cradles altars and ladders commencing at a point three yards or thereabouts from the north-west side of Strand Street and at a distance of forty-one yards or thereabouts from the south-west end thereof and terminating at the south-east side of the existing swing bridge over the slipway known as the Patent Slip ;
- (2) A widening of the quay known as the Custom House Quay ;
- (3) A widening and raising of the quay known as the New Tongue ;
- (4) An improvement of the existing approach to the West Pier by widening the same in a south-westerly direction by means of a new sea wall commencing at the angle at the west face of the West Pier opposite the New Quay and proceeding in a south-easterly direction for a distance of eighty-four yards or thereabouts and proceeding from thence in a south-westerly direction for a distance of sixty yards and terminating at the angle of the yard wall adjoining the Wellington Pit ;
- (5) The removal of the existing building and enclosure known as the Fort situate at the south-east end of the said West Pier together with the adjacent limekiln ;
- (6) The excavating deepening and otherwise improving the north harbour and the outer harbour and the entrances thereto.

35. No deviation of the said harbour works shall be made from the lines thereof as marked on the deposited plans even within the

Consent of Board of Trade to be

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—
given to
variation of
work.

limits shown on such plans in such manner as to diminish the navigable space without the previous consent of the Board of Trade or otherwise than in such manner as shall be expressly authorised by the Board of Trade.

(b.) *Borrowing Powers.*

Power to
borrow
additional
money for
harbour
purposes.

36. The Trustees may (in addition to any moneys which by virtue of the former Acts they are now authorised to borrow for harbour purposes) for the purpose of paying off liabilities incurred by the Trustees under the former Acts with reference to harbour purposes and for the purpose of the harbour works authorised by this Act borrow on mortgage in the manner prescribed by the Act of 1876 with reference to the moneys thereby authorised to be borrowed for harbour purposes on mortgage on the security of all or any part of the tolls rates dues and charges which they are authorised to take with reference to the harbour any sum of money not exceeding the sum of eighty thousand pounds.

Power to
borrow for
harbour con-
tingencies.

37. The Trustees may also in case it shall become necessary by reason of any damage by storms and tempest occurring to the harbour or any of the piers or works thereof or of any accident happening thereto or any failure of any part of the said harbour piers or works or any other emergency from accident or other cause that money should forthwith be raised for repairing such injury or preventing further damage or for the protection and security of the said harbour borrow on mortgage for those purposes in manner last aforesaid any further sum of money not exceeding the sum of twenty-five thousand pounds.

Application
of borrowed
money for
harbour
purposes.

38. The moneys raised by the Trustees under the powers of the former Acts for harbour purposes or of this Act by borrowing or otherwise on capital account for harbour purposes shall be applied as follows (that is to say):—

- (1) The sums raised or borrowed or authorised to be raised or borrowed under the powers of the former Acts for harbour purposes shall remain applicable to those purposes to which the same were severally made specially applicable by the former Acts.
- (2) The additional sum of eighty thousand pounds authorised to be borrowed by the Trustees under the authority of this Act for harbour purposes shall be applied by them:—

First. In payment of the costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act as specified in the last section of this Act.

Second. In payment of existing liabilities with reference to the existing harbour and harbour purposes and for lands and property for the purpose of the new harbour works authorised by this Act and for making and constructing such works and incidental thereto respectively and generally for purposes and works connected with the harbour being in every case purposes and works to which capital is properly applicable.

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39. Nothing in this Act contained shall operate to empower the Trustees to borrow any loan from the Public Works Loan Commissioners Provided that if the Public Works Loan Commissioners shall advance any loan to the Trustees under the Harbour and Passing Tolls &c. Act 1861 and the Acts amending the same:—

As to borrowing from Public Works Loan Commissioners.

(1) That loan and the security therefor shall not have priority over any loan previously borrowed under this Act or any of the former Acts for harbour purposes or the security therefor except so far as the creditors consent to such priority under the Public Works Loans Act 1875 or otherwise but shall have priority over any loan subsequently borrowed in pursuance of this Act or any other special Act for harbour purposes and the security therefor and

(2) The amount which the Trustees are authorised by this Act or any other special Act to borrow for harbour purposes shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same.

(c.) *Rates.*

40. In lieu of the tolls rates and duties authorised or imposed under or by virtue of section 38 of the Act of 1859 and specified in schedules C and D to that Act the Trustees may from and after the passing of this Act levy demand receive and take in respect of the harbour the several tolls rates and duties and charges specified in the second schedule to this Act Provided always that save as regards the rates and duties for which other tolls rates duties and charges are substituted by this Act the Trustees may from and after the passing of this Act levy demand receive and take the several tolls rates duties and charges authorised by the former Acts with respect to all matters relating to the harbour and harbour purposes and matters connected therewith which the Trustees were by such Acts authorised to levy and take.

Rates.

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Amendment
of Act of
1818.

41. Notwithstanding anything contained in the Act of 1818 or any other of the former Acts section 30 of the Harbours Docks and Piers Clauses Act 1847 shall have full force and effect in relation to the harbour so as to enable the Trustees to vary all or any of the tolls rates duties and charges as therein mentioned.

Rates to be
charged
equally.

42. The tolls rates duties and charges levied by the Trustees shall at all times be charged equally to all persons in respect of the same class or description of vessel or of voyages and the same description of goods and all the said tolls rates duties and charges shall be payable to the Trustees at their office at the harbour or at such other place as they may from time to time fix and appoint and for all such tolls rates duties and charges the Trustees in addition to all other available remedies may retain in security any goods or property of the party or parties liable to the payment of the same and may in default of payment sell such goods or property or any part thereof and apply the proceeds in payment of such tolls rates duties and charges and the expense of sale.

Trustees
may agree
for special
rates on
steamers.

43. The Trustees may from time to time agree with the master or owner of any steam vessel trading to or from the harbour for the payment in respect of such vessel of such special rates dues or sums of money other than those mentioned in the schedules to this and the former Acts as they shall think fit Provided always that the same rates shall be charged to all such vessels equally under the same circumstances.

Trustees
may agree
for special
rates for
fishing ves-
sels or vessels
coming in
for refuge or
repair.

44. The Trustees may also from time to time agree with the master or owner of any fishing vessel belonging to or entering or trading to or from the harbour or any steam or sailing vessel occasionally calling at the harbour or putting in through stress of weather or for repairs only for the payment in respect of any such vessel of such special rates dues or sums of money other than those mentioned in the schedules to this and the former Acts as they shall think fit Provided always that the same rates shall be charged to all such vessels equally under the same circumstances.

Application
of harbour
revenues.

45. The Trustees shall apply all tolls rates duties or charges received by them for harbour purposes and all other receipts and credits on account of harbour purposes (except borrowed money and other receipts on capital account) as follows (that is to say):

First. In payment of the expenses of and incidental to the making levying and recovering of the tolls rates duties and charges applicable to harbour purposes and the borrowing of moneys and in payment of the expenses of conducting managing and maintaining the harbour and of all matters relating

or incidental thereto including all establishment charges connected therewith.

Second. In payment of any ground rent rentcharge or other rent for any land or property connected with the harbour or required for the purposes thereof.

Third. In payment of the interest upon moneys raised by borrowing or by debenture stock for harbour purposes.

Fourth. In payment of the sum or sums required to be annually set apart and appropriated for the purposes of the sinking fund with reference to moneys borrowed for harbour purposes.

Fifth. In forming a contingency fund (if the Trustees shall think fit) to meet any unforeseen accident or extraordinary damage which may happen or be caused to the docks piers wharves walls or other works buildings or conveniences connected with the harbour and in aid of the sum herein-before authorised to be borrowed for those purposes.

Sixth. The residue if any after the purposes aforesaid shall have been effected shall be paid and applied for the improvement of the harbour and for carrying into effect the objects of this Act with reference to harbour purposes and the powers duties and obligations of the Trustees with reference thereto.

46. Nothing in this Act contained shall be deemed to exempt the harbour or the Trustees from the provisions of any of the Merchant Shipping Acts or of any general Act relating to harbours or docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under authority of Parliament of the tolls rates duties and charges authorised by the former Acts or by this Act with reference to harbour purposes.

Nothing to exempt harbour and dock from provisions of Merchant Shipping Acts.

PART V.—MISCELLANEOUS TOWN AND HARBOUR PURPOSES.

(1.) PROVISIONS WITH REFERENCE TO WORKS.

47. In making the several waterworks and harbour works shown on the deposited plans and sections and by this Act authorised the Trustees may subject to the provisions of this Act deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and may deviate vertically from the levels shown on the deposited sections as regards the aqueduct or line of main pipes of the waterworks and as regards the harbour works to any extent not exceeding five

Limits of lateral and vertical deviation.

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A.D. 1885. — feet upwards and five feet downwards Provided that no deviation shall be made below high-water mark from the lines and levels shown on the deposited plans without the consent in writing of the Board of Trade.

Period for compulsory purchase of lands.

48. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

49. If any work shown on the deposited plans is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Trustees for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed but nothing in this section shall restrain or prevent the Trustees from extending enlarging altering or removing any of the engines machinery mains pipes or other apparatus for maintaining and improving their supply of water at any time and from time to time as occasion requires subject to the provisions of the Water Acts as amended by this Act and of this Act.

Power to take easements &c. by agreement.

50. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Trustees and the Trustees may take and hold any easement right or privilege not being an easement of water in which other parties than the parties to the agreement have any right or interest required for the purposes of this Act in or over or affecting any such lands at a yearly rent or otherwise and the provisions of the Lands Clauses 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.

Power to acquire additional lands.

51. In addition to the lands which the Trustees are authorised to purchase and take compulsorily they may for any of the purposes of this Act but subject to the provisions of this Act from time to time by agreement purchase in fee either absolutely or in consideration of any yearly or other rent or take on lease any additional quantity of land not exceeding in the whole five acres for town purposes and any additional quantity of land not exceeding in the whole five acres for harbour purposes or any easement or right (not being an easement or right to take water in which other parties than the parties to the agreement have any right or interest) in or over such additional lands which they may from time to time think requisite for the several purposes authorised by this Act but the Trustees shall not erect any buildings upon such lands other

than offices or residences for persons in their employ or such buildings and works as may be incident to or connected with the purposes of the undertaking under their charge. A.D. 1885.

52. The Trustees shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them. Provision as to houses occupied by labouring class.

(2.) DEBENTURES—STOCK—SINKING FUNDS—OTHER MONEY—
 PROVISIONS—NOTICES.

53. In lieu of borrowing or of re-borrowing the whole or any part of the moneys which the Trustees are authorised to raise by issuing mortgages under any statutory authority the Trustees may from time to time borrow the same or such part thereof as they may think fit by the issue of debentures charged on the security of the respective rates or the tolls rates duties or charges which they are respectively empowered to levy and take and to apply for the purpose of raising money on mortgage and that in the manner prescribed by the Local Loans Act 1875 and section 5 of the said Act with reference to debentures is hereby incorporated and made applicable for such purpose to the Trustees and such debentures may be for any amount not less than one hundred pounds. Power to create debentures.

54. For enabling the Trustees to issue stock in the exercise of any borrowing powers under any statutory authority exerciseable by them for borrowing money the following provisions shall have effect with reference to the Trustees (that is to say): Power to create stock.

- (1) The Trustees may raise any money which they have power to borrow for water purposes or for general district purposes or for harbour purposes by the creation and issue of stock to be called "The town of Whitehaven (water) debenture stock." "The town of Whitehaven (general district) debenture

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stock" or "The harbour of Whitehaven debenture stock" as the case may be which stocks unless otherwise specified are hereinafter called "debenture stock". The town of Whitehaven (water) debenture stock may be created and issued in lieu of any money authorised to be borrowed for the waterworks undertaking of the Trustees and shall be charged on the water funds. The town of Whitehaven (general district) debenture stock may be created and issued in lieu of any money authorised to be borrowed for general district purposes and shall be charged on the general district funds and the harbour of Whitehaven debenture stock may be created and issued in lieu of any money authorised to be borrowed for harbour purposes and shall be charged on the harbour funds. Debenture stock shall be issued by the Trustees in such amounts at such prices and with such fixed interest (not exceeding five pounds per centum per annum) being the same for all issues of the same class of stock and redeemable at par or at such other price as shall be fixed on the creation or issue thereof and the Trustees may issue such stock at such times and subject to such conditions not being inconsistent with the provisions of this Act and being equally applicable to all issues of stock of the same class at all times as the Trustees on or before the creation thereof from time to time by resolution determine. The interest shall be payable half-yearly on the first day of January and first day of July or such other days as the Trustees may determine on issuing the same excepting when such days fall on a Saturday Sunday or day observed as a public holiday at the Bank of England and then upon the day next following such excepted day or days;

- (2) Debenture stock shall be transferable by deed and shall have all the incidents of personal estate and such deed may be in the form in the first part of the third schedule to this Act or to the like effect and such deed shall exclusively relate to such transfer and shall not contain any recital trust power or proviso whatsoever;
- (3) A person becoming entitled to any debenture stock in consequence of the death or bankruptcy of the owner or by any lawful means other than by such deed as aforesaid shall produce such evidence of his title as may be reasonably required by the Trustees and the same shall be entered in the register hereinafter mentioned as a transfer;
- (4) The Trustees shall cause entries of the debenture stock from time to time issued by them to be made in a separate

register for each class of debenture stock with the names and addresses of the holders and the amounts of their holdings;

- (5) The registers shall be accessible for inspection at all reasonable times to mortgagees and holders of debentures and of debenture stock of the Trustees without charge and such registers shall be evidence of all matters therein entered under the provisions of this Act;
- (6) The Trustees shall deliver to each holder of debenture stock a certificate stating the amount held by him and the Trustees shall not be bound to register any transfer except upon the production of the certificate relating to the debenture stock to be transferred. The said certificate shall be admitted in all courts of justice as *prima facie* evidence of the title of the stockholder his executors administrators or assigns to the sum therein specified. Such stock certificate may be in the form in the second part of the third schedule to this Act or to the like effect and shall be sealed with the seal of the Trustees and shall be signed by the chairman of the Trustees for the time being or his deputy or in their absence by two Trustees and also by the clerk of the Trustees and the conditions on which such stock is issued shall be shortly stated on such certificate and such certificate shall be endorsed with a certificate under the hand of the said clerk in the form set forth in the third part of the third schedule to this Act or to the like effect and for such certificate the Trustees may demand any sum not exceeding one shilling where the amount of the stock transferred does not exceed one hundred pounds and two shillings and sixpence where the amount of the stock transferred exceeds the sum of one hundred pounds;
- (7) If any such certificate be worn out or damaged then the same may upon the production thereof be cancelled and another similar certificate may be given to the holder of the stock therein specified or if such certificate be lost or destroyed then upon proof thereof to the satisfaction of the Trustees a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made in the said register and for every such certificate given in pursuance of this sub-section a fee not exceeding one shilling where such certificate relates to an amount of stock not exceeding one hundred pounds and two shillings

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- and sixpence where such certificate relates to an amount of stock exceeding one hundred pounds may be demanded ;
- (8) The holder of any share in debenture stock shall not be entitled to require payment of the nominal amount of stock held by him except at the time and upon the conditions declared by the Trustees at the time of the issue of such stock ;
- (9) The interest on all debenture stock of the same class and on all mortgages or debentures of the same class at any time created and issued or granted by the Trustees under this or any subsequent Act or subsequent statutory authority shall subject to the provisions of this Act as to preserving the priorities of all bonds or mortgages made by the Trustees before the passing of this Act and subject to the provisions of any subsequent Act or subsequent statutory authority rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament or statutory authority or resolutions by which such securities were authorised respectively and shall have priority over all principal moneys of the same class secured by such mortgages or debentures or debenture stock ;
- (10) Separate and distinct accounts shall be kept by the Trustees showing how much money has been received for or on account of each class of debenture stock and how much money borrowed or owing on mortgage or debenture which they have power so to borrow has been paid off by debenture stock or raised thereby instead of being borrowed on mortgage or debenture ;
- (11) The powers of the Trustees to raise money on mortgage or on debenture shall be diminished by the amount of money raised by debenture stock so from time to time created and issued.

Existing mortgages protected.

55. Nothing in this Act contained shall prejudice or affect any charge on the rates or property of the Trustees subsisting at the passing of this Act or the rights or interests of any mortgagee or other person having any lien or claim on any of the tolls rates duties or charges which may be altered or otherwise affected by this Act and every such mortgagee or other person shall have during the continuance of his mortgage the same or the like lien or claim on any substituted tolls rates duties or charges to be imposed or levied under the authority of this Act which he previously had on any tolls rates duties or charges for which other tolls rates duties or charges are substituted by this Act.

Priority of mortgages preserved.

56. All mortgages or bonds made by the Trustees before the passing of this Act affecting any tolls rates duties or charges or

fund or revenue by this Act authorised to be mortgaged or charged shall during their respective continuance have priority over any mortgage debenture or debenture stock granted under and for the purposes of or authorised by this Act.

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57. (1) Trustees or other persons for the time being authorised to invest money in the mortgages debentures or debenture stock of any railway or other company shall unless the contrary is provided by the instrument authorising the investment have the same power of investing that money in debentures or debenture stock issued by the Trustees under this Act (other than in any such securities made payable to bearer) as they have of investing it in the mortgages debentures or debenture stock aforesaid.

Holdings of
stock by
trustees.

(2) Provided that where two or more persons are successively interested in trust money no investment thereof shall be made in redeemable stock at a price exceeding the redemption value of the stock.

58. Any person lending or paying money to the Trustees shall not be bound to inquire as to the observance by them of any of the provisions of the former Acts or this Act or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Protection
of lenders
from inquiry.

59. The provisions in the former Acts authorising the appointment of a receiver for enforcing the payment by the Trustees of arrears of interest or principal or principal and interest shall be and the same are hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced before the passing of this Act under any such provisions and the mortgagees or debenture holders of the Trustees under the former Acts or this Act may enforce the payment of arrears of interest or principal or principal and interest due on their mortgages or debentures by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom application for a receiver shall be made shall not be less in the case of moneys raised for town purposes than one thousand pounds in the whole and in the case of moneys raised for harbour purposes of four thousand pounds in the whole.

Arrears of
mortgages
&c. may be
enforced by
a receiver.

60. The debenture stockholders of the Trustees for the time being may enforce the payment of arrears of interest or principal or principal and interest due on their debenture stock by the appointment of a receiver and in order to authorise the appointment of a receiver the amount of arrears of interest or principal or

Arrears of
debenture
stock may
be enforced
by receiver.

A.D. 1885. — principal and interest owing to the debenture stockholders by whom the application for a receiver shall be made shall not be less than one thousand pounds in the case of any arrears due in respect of moneys raised for town purposes and of four thousand pounds in case of any arrears due in respect of moneys raised for harbour purposes.

Application of borrowed money.

61. All money borrowed by the Trustees under this Act shall be applied for the purposes of this Act only to which capital is properly applicable and to the special purposes for which the money is by this Act authorised to be borrowed and applied.

Audit of accounts.

62. The provisions of the Public Health Act 1875 relating to the audit of accounts so far as regards town purposes shall apply and be observed with respect to the accounts kept under the provisions of this Act with reference to town purposes.

Accounts to distinguish between capital and revenue.

63. The Trustees shall keep accounts of moneys received and expended by them and in those accounts they shall distinguish between moneys received and expended on account of capital and moneys received and expended on account of revenue.

Trustees may sell &c. lands not wanted.

64. The Trustees may subject to the provisions of the Lands Clauses Acts with respect to the sale of superfluous lands sell exchange mortgage or otherwise dispose of any land houses or buildings or any parts thereof acquired by the Trustees under the provisions of the former Acts or of this Act for harbour purposes or for waterworks purposes and which may not be wanted for the purposes thereof respectively And for any of such purposes may make and execute any deed under their common seal And the proceeds of such sale or sales shall be applied towards discharge of any principal moneys which may have been borrowed with reference to harbour purposes or with reference to waterworks purposes as the case may be or if no such principal moneys are outstanding shall be carried to the credit of the harbour funds or to the credit of the water funds as the case may be.

Mode of discharge of moneys borrowed.

65. The Trustees shall pay off the additional sum of twenty-one thousand pounds which they are authorised to borrow under the provisions of this Act for waterworks purposes and the additional sums of eighty thousand pounds and twenty-five thousand pounds which they are authorised to borrow under the provisions of this Act for harbour purposes by any one or more of the methods including a sinking fund mentioned in the Local Loans Act 1875 with respect to the discharge of loans borrowed in the manner provided by that Act within sixty years from the time or times when

the same shall be respectively borrowed and they shall also pay off the additional sum of nine thousand pounds which they are authorised to borrow under the provisions of this Act for market purposes within such period from the time or times of borrowing the said last-mentioned sum or any part thereof as shall be fixed by the Local Government Board at the time or times of borrowing and section 15 of the Local Loans Act 1875 shall apply accordingly Provided always that any borrowed moneys applied in paying the costs charges and expenses of this Act shall be paid off within twenty years from the time of borrowing.

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66. And whereas the arrears due on the 25th day of March 1884 and at the passing of this Act on account of money borrowed under statutory authority to the sinking fund on the sewerage account amounts to the sum of nine thousand three hundred and ninety-two pounds and to the sinking fund on the water account amounts to the sum of six thousand five hundred and ninety-six pounds Therefore the Trustees shall forthwith create two sinking funds for the discharge within twenty years of the said respective arrears and shall annually pay into such funds respectively the following amounts that is to say:

Arrears of
sinking
funds.

(1) Into the sewerage sinking fund not less than the sum of three hundred and thirteen pounds yearly and every year;

(2) Into the waterworks sinking fund not less than the sum of two hundred and twenty pounds yearly and every year;

Until such respective arrears shall be fully liquidated.

(3) The amounts paid into the said sinking funds by the Trustees under this section shall be applied for such sinking funds only and in manner prescribed by section 15 of the Local Loans Act 1875 which shall apply accordingly Provided that if the Trustees at any time apply the whole or any part of any sinking fund set apart under this Act in or towards discharge of the moneys for the repayment of which the fund has been established they shall pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied.

67. The clerk to the Trustees shall within twenty-one days after the expiration of each year during which any sum is required to be set apart by them for the sinking funds under this Act or appropriated or paid as an instalment or annual repayment under the preceding provisions of this Act transmit to the Local Government Board in the case of the town funds and to the Board of Trade in the case of the harbour funds a return in such form and verified

Annual
return to
Local
Government
Board or
Board of
Trade with
respect to
sinking
funds.

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(Incorporation) Act, 1885.

A.D. 1885. in such manner as those Boards may from time to time prescribe respectively showing the amounts which have been appropriated or paid by instalments or annual repayments or invested for the purpose of such sinking funds during the year next preceding the making of such returns and the description of the securities upon which the same have been invested and the purposes to which any portion of the moneys invested for the sinking funds or the interest thereof has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such returns the clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board or the Board of Trade (as the case may be) and be recoverable by the said Boards respectively as the case may be in a summary manner. If it appear to the Local Government Board or to the Board of Trade as the case may be by such returns or otherwise that the Trustees have failed to pay any instalment or to make any appropriation or annual repayment or set apart the sums required by the preceding provisions of this Act for the sinking funds or have applied any portion of the moneys set apart for those funds or the interest thereof to any purposes other than those authorised the Local Government Board or the Board of Trade as the case may be 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 or applied by the Trustees as part of the sinking funds and any such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board or the Board of Trade as the case may be out of the Queen's Bench Division of the High Court of Justice.

Commence-
ment of
period for
sinking
funds for
harbour
purposes.

68. The period for the formation of a sinking fund for the repayment of moneys borrowed under the Acts of 1871 1876 and 1882 for harbour purposes shall notwithstanding anything contained in those Acts or the former Acts or this Act commence and be calculated from the end of five years from the passing of this Act.

Re-borrow-
ing.

69. If the Trustees pay off any money borrowed under any statutory authority except by means of the sinking funds or by means of instalments or appropriations or annual repayments or by the sale of surplus lands or other moneys received on capital account it shall be lawful for them again to borrow the amount so paid off and so from time to time. Provided that all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made and any amounts from time to time re-borrowed shall be deemed to form the same loan

as the moneys in lieu of which such re-borrowing has been made and the obligations of the Trustees with respect to the repayment of such moneys by instalments or appropriations or annual repayments or by means of a sinking fund shall not be in any way affected by such re-borrowing. A.D. 1885.

70. Except as is by this Act otherwise expressly provided nothing in this Act contained shall operate to diminish or vary any obligation to provide sinking funds or otherwise to redeem and pay off the moneys borrowed or authorised to be borrowed or raised by the Trustees under the provision of any statutory authority authorising money to be borrowed either for town purposes or for harbour purposes. Provision as to sinking funds.

71. Any information summons demand or notice or other such document to be given made or filed by the Trustees under this Act or the Public Health Acts may be in writing or print or partly in writing and partly in print and if the same require authentication by the Trustees the signature thereof by the clerk of the Trustees shall be a sufficient authentication. Authenti-
cation of
notices.

(3.) SAVING CLAUSES.

72. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order licence or act of Her Majesty's Privy Council made granted or done thereunder or of any order regulation licence or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the markets or the undertaking to which this Act relates or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament. Saving for
general Acts
relating to
animals.

73. Nothing in this Act except as is by this Act otherwise expressly provided shall take away lessen prejudice or alter any of the estates rights privileges franchises powers or authorities of or belonging to or vested in the Earl of Lonsdale his heirs or assigns or in the lord of the manor or any right the lord of the manor may now have of using any of the present hurries or staiths or approaches thereto in the harbour under and by virtue of the former Acts or any of them but those Acts and all the powers and provisions matters and things therein contained so far as the same are in force at the passing of this Act or are not expressly repealed altered or modified by the powers and provisions of this Act shall Saving rights
of lord of
the manor of
St. Bees.

A.D. 1885. — continue in full force and effect in like manner as if this Act had not been passed.

Saving rights
of John
Dickinson.

74. Save as by this Act expressly provided nothing in this Act contained shall take away lessen prejudice or alter any of the estates rights privileges franchises powers or authorities of the said John Dickinson his heirs and assigns or other the owner or owners for the time being of the lake and lands now belonging to or claimed by the said John Dickinson but such estates rights privileges franchises powers and authorities shall as against the Trustees be deemed to follow extend to and include the ordinary high-water level of the lake wheresoever it may be and in like manner to extend to and follow the surface of the lake and that the said John Dickinson his heirs and assigns or other the owner or owners for the time being of the said lake shall as against the Trustees have the same sole and exclusive rights of any and every kind and nature over the additionally submerged parts and the shores thereof up to the ordinary high level water mark as he has hitherto had over the soil and shores of the said lake.

Savingrights
of Thomas
Ainsworth.

75. Nothing in this Act except as is by this Act otherwise provided shall take away lessen prejudice or alter any of the estates rights privileges franchises powers or authorities of the trustees or other representatives of Thomas Ainsworth deceased.

Savingrights
of the Crown
in the fore-
shore.

76. Nothing contained in this Act shall authorise the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give): neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

(4.) COSTS OF ACT.

Costs of Act.

77. All the preliminary and other costs charges and expenses of and incidental to the preparing for obtaining and passing this Act including the costs incurred by the Trustees in complying with the provisions of the Act 35 and 36 Victoria c. 91. with respect to the Bill for this Act or otherwise in relation thereto as taxed and ascertained by the taxing officer of the House of Lords or House of Commons shall be paid by the Trustees out of any of

their funds arising from borrowing either for town or for harbour purposes and shall be charged to the several accounts of the Trustees in manner following (that is to say) to the Harbour Account one-fourth to the Water Purposes Account two-fourths and to the General District Purposes Account one-fourth of such expenses.

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—

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SCHEDULES.

FIRST SCHEDULE.

FORMER LOCAL ACTS RELATING TO THE TOWN PORT AND HARBOUR
OF WHITEHAVEN.

PART I.

Year Statute and Chapter.

1708.—7 Anne cap. 5.
 1711.—10 Anne cap. 3.
 1739.—13 Geo. II. cap. 14.
 1760.—1 Geo. III. cap. 44.
 1761.—2 Geo. III. cap. 87.
 1787.—28 Geo. III. cap. 61.
 1792.—32 Geo. III. cap. 75.
 1806.—46 Geo. III. cap. 115.
 1816.—56 Geo. III. cap. 44.
 1818.—58 Geo. III. cap. 15.

PART II.

Abbreviated Title.	Year Statute and Chapter.
The Whitehaven Waterworks Act 1849 - -	1849.—12 Vict. cap. 17.
The Whitehaven Harbour Act 1858 - -	1858.—21 Vict. cap. 2.
The Whitehaven Town and Harbour Act 1859 -	1859.—22 Vict. cap. 14.
The Whitehaven Waterworks Act 1864 - -	1864.—27 & 28 Vict. cap. 121.
The Whitehaven Dock and Railways Act 1871 -	1871.—34 & 35 Vict. cap. 91.
The Whitehaven Harbour and Town Improvement Act 1876.	1876.—39 & 40 Vict. cap. 105.
The Whitehaven Town and Harbour Act 1879 -	1879.—42 & 43 Vict. cap. 185.
The Whitehaven Harbour and Dock Act 1882 -	1882.—45 & 46 Vict. cap. 133.

SECOND SCHEDULE.

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FIRST PART.

HARBOUR DUTIES to be paid on all GOODS WARES and MERCHANDISE imported or brought coastwise into the Harbour.

The like duties as are specified in and authorised by schedule C. to the Act of 1859.

SECOND PART.

HARBOUR DUTIES to be paid on all GOODS WARES and MERCHANDISE exported or sent coastwise from the Harbour.

Goods wares and merchandise exported and sent to any port or place to pay one half of the several duties imposed upon and payable in respect of any such like goods on their importation.

EXEMPTIONS from the above DUTIES.

1. All empty barrels and all returned empty boxes barrels casks sacks and packages are exempted from duties.

2. All goods landed from any vessels and reshipped in the same vessel in the original packages and without being transferred from the lander or if the said goods have been put into other packages from the original packages having been destroyed or damaged shall only pay duties on landing and may be reshipped in the same vessel upon her departure outward without paying duties again.

3. All goods landed from one vessel and reshipped in the original packages by another vessel shall on landing pay one rate of duties only.

THIRD SCHEDULE.

FIRST PART.

Form of Transfer.

I (or "we" as the case may be)
of _____ in consideration of the sum of
pounds paid to me (or "us" as the case may be) by
of _____ do hereby transfer to
the said _____ his (or "their" as the case may be)
executors administrators and assigns the sum of
town of Whitehaven (water or general district debenture stock as the case may
be) or harbour of Whitehaven debenture stock standing in my name (or "our"
names as the case may be) in the books kept of such stock and all my (or "our"
as the case may be) property right and interest in and to the same and the
interest thereon.

In witness whereof I (or "we" as the case may be) have hereunto set my
hand and seal (or "our hands and seals" as the case may be) this _____ day
of _____ 18 .

Witness

[Local.-125.]

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SECOND PART.

Form of Certificate.

Town of Whitehaven (water or general district debenture stock as the case may be) or harbour of Whitehaven debenture stock.

Certificate No.

Register No.

Amount.

Pounds.

This is to certify that _____ of
is (or "are" as the case may be) the proprietor (or "proprietors" as the case may be) of _____ pounds of the town of Whitehaven (water or general district debenture stock as the case may be) or of the harbour of Whitehaven debenture stock issued by the Trustees of the town and harbour of Whitehaven pursuant to Act of Parliament.

Given under the common seal of the trustees of the town and harbour of Whitehaven this _____ day of _____ 18 .

Present when the seal of the said Trustees was affixed hereto
at a meeting of the said Trustees

L.S.

A. B.

Chairman of the said Trustees.

Or as the case may be

C. D.

E. F.

} Trustees.

G. H. Clerk to the said Trustees.

[NOTE.--The conditions on which the stock is issued to be shortly stated on the certificate.]

THIRD PART.

Form of Certificate by Clerk.

I _____ clerk to the trustees of the town and harbour of Whitehaven do hereby certify that the sum secured by the within written stock certificate is within the borrowing powers of the said Trustees as fixed by Act of Parliament.

Witness my hand this

day of

18 .

G. H.

Clerk to the said Trustees.

Witness