



CHAPTER lvii.

An Act to alter the constitution of the Dartmouth Harbour Commissioners and the tolls to be taken at the quays at Dartmouth and for other purposes. A.D. 1922.
[20th July 1922.]

WHEREAS by the Dartmouth Harbour Order 1863 (hereinafter referred to as "the Order of 1863") confirmed by the Pier and Harbour Orders Confirmation Act 1863 the Dartmouth Harbour Commissioners were incorporated and empowered to maintain regulate and improve the harbour of Dartmouth and to execute certain works on the left bank of the river at Kingswear and for that purpose were authorised to expend money and to levy tolls for the use of such works :

And whereas by the Dartmouth Harbour Order 1870 which was confirmed by the Pier and Harbour Orders Confirmation Act 1870 (No. 1) the Dartmouth Harbour Improvement Act 1882 (hereinafter referred to as "the Act of 1882") and the Dartmouth Harbour Order 1894 confirmed by the Pier and Harbour Orders Confirmation (No. 1) Act 1894 the Order of 1863 was amended and further provision was made for the regulation of the harbour :

And whereas under the Order of 1863 the Dartmouth Harbour Commissioners are a body corporate consisting of eleven members of whom ten are appointed as follows :—

Three by the Minister of Transport as successor of the Board of Trade ;

[Price 1s. 9d. Net.]

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Two by the mayor aldermen and burgesses of the borough of Dartmouth (hereinafter referred to as "the corporation" and "the borough" respectively);

Two by the Great Western Railway Company as successors of the Dartmouth and Torbay Railway Company; and

Three by the other appointed and elected Dartmouth Harbour Commissioners :

And—

One is elected by the owners of property and rate-payers in the parish of Kingswear :

And whereas it is provided by the Order of 1863 that no person shall be capable of acting as a Commissioner for the purposes of that Order (other than a person appointed to be a Commissioner by the Minister of Transport) unless he is possessed of property to the value of three thousand pounds and no provision is made by any of the Orders aforesaid or the Act of 1882 for the retirement of any person who may be appointed or elected a Commissioner :

And whereas the two Commissioners who were last appointed by the corporation have ceased to be members of the town council of the borough :

And whereas it is expedient that the constitution of the Dartmouth Harbour Commissioners be altered and enlarged and that the corporation and the trading and shipping interests in the harbour be represented by direct election on the body constituting the harbour authority for the harbour and that provisions with respect to the appointment and election of Commissioners be made as provided by this Act :

And whereas under the Act of 1882 a quay river wall and embankment (hereinafter referred to as "the Dartmouth quays") were constructed by the Dartmouth Harbour Commissioners on the right bank of the river at Dartmouth and by section 32 of that Act the Dartmouth Harbour Commissioners were empowered to charge in respect of the use thereof the rates and tolls specified in Schedule B to that Act in substitution for the tolls or other dues which the corporation were at that time entitled to levy in respect of the use of the site of the Dartmouth quays and in consideration thereof the Dartmouth Harbour Commissioners were required by

section 33 of that Act to account for and pay to the corporation one-half of the tolls rates and charges levied under that schedule and received in respect of the use of the Dartmouth quays :

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And whereas in pursuance of the provisions of section 19 of that Act the corporation purchased the Dartmouth quays from the Dartmouth Harbour Commissioners and are responsible for the maintenance thereof :

And whereas the rates and tolls which were authorised by the Act of 1882 are not commensurate with the advantages afforded by the Dartmouth quays or the cost of maintaining the same and it is expedient that the harbour authority for the harbour be authorised and required to demand and take rates and tolls more in keeping with the use which is made of the Dartmouth quays and that the corporation contribute towards the cost of obtaining the necessary powers for that purpose :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed by the corporation.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1.—(1) This Act may be cited as the Dartmouth Harbour Act 1922.

Short and
collective
titles.

(2) The Dartmouth Harbour Order 1863 confirmed by the Pier and Harbour Orders Confirmation Act 1863 the Dartmouth Harbour Order 1870 confirmed by the Pier and Harbour Orders Confirmation Act 1870 (No. 1) the Dartmouth Harbour Improvement Act 1882 the Dartmouth Harbour Order 1894 confirmed by the Pier and Harbour Orders Confirmation (No. 1) Act 1894 and this Act may be cited together as the Dartmouth Harbour Acts 1863 to 1922.

2. The provisions of the Commissioners Clauses Act 1847 except sections 6 to 10 inclusive and except the sections with respect to the election and rotation of the

Commis-
sioners
Clauses Act.
1847 incor-
porated.

[Ch. Ivii.] *Dartmouth Harbour* [12 & 13 GEO. 5.]
Act, 1922.

A.D. 1922. — commissioners where the commissioners are to be elected by the ratepayers or other like class of electors are (except where inconsistent with or expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-
tion.

3.—(1) In this Act—

“The Commissioners” means the Dartmouth Harbour Commissioners as reconstituted by this Act;

“The clerk” means until the tenth day of November one thousand nine hundred and twenty-two the clerk to the Dartmouth Harbour Commissioners as constituted at the passing of this Act and thereafter the clerk to the Commissioners;

“The harbour” means the harbour of Dartmouth;

“The harbour office” means the principal office for the time being of the Commissioners;

“The corporation” means the mayor aldermen and burgesses of the borough of Clifton-Dartmouth & Hardness commonly called “Dartmouth”;

“The council” means the council of the borough of Dartmouth;

“The town clerk” means the town clerk of the borough of Dartmouth;

“The corporation members” “the Kingswear member” “the embankment member” and “the harbour members” mean respectively the Commissioners or the Commissioner from time to time appointed or elected in accordance with the provisions of this Act by the corporation the Kingswear Parish Council or the persons by this Act qualified to elect the embankment member and the harbour members respectively;

“The Order of 1863” and “the Act of 1882” mean respectively the Dartmouth Harbour Order 1863 confirmed as aforesaid and the Dartmouth Harbour Improvement Act 1882.

(2) In the application to this Act of the Harbours Docks and Piers Clauses Act 1847 the expressions “packet boat or Post Office packet” and “Post Office bag of letters” used in that Act shall mean respectively a vessel employed by or under the Post Office or the

Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act :

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Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

4. From and after the tenth day of November one thousand nine hundred and twenty-two the number of the Commissioners shall be thirteen instead of eleven as prescribed by the Order of 1863 and the Commissioners shall be appointed or elected as follows :—

Constitu-
tion of Com-
missioners.

Two Commissioners appointed from time to time by the Minister of Transport ;

One Commissioner appointed from time to time by the Admiralty ;

Four Commissioners elected from time to time by the corporation ;

One Commissioner elected from time to time by the persons partnerships or companies by this Act qualified to elect the embankment member ;

Two Commissioners elected from time to time by the persons partnerships or companies by this Act qualified to elect the harbour members ;

Two Commissioners appointed from time to time by the Great Western Railway Company ; and

One Commissioner appointed from time to time by the parish council of Kingswear.

5. The Commissioners to be appointed by the Minister of Transport the Admiralty and the Great Western Railway Company respectively shall be appointed and may at any time be removed by the Minister of Transport the Admiralty and the directors of the Great Western Railway Company respectively and each such appointment and any such removal shall be notified in writing to the clerk by the Minister of Transport the Admiralty and the Great Western Railway Company respectively.

Appoint-
ment &c. of
Minister of
Transport
Admiralty
and Great
Western
Railway
Company
members.

6.—(1) The first corporation members shall be elected at the quarterly meeting of the council to be held on the ninth day of November one thousand nine hundred and twenty two.

Election and
rotation and
qualification
of corpo-
ration
members.

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(2) On the first day of June one thousand nine hundred and twenty-three the corporation member who was lowest on the poll at the first election shall go out of office.

(3) On the first day of June one thousand nine hundred and twenty-four the corporation member who was next lowest on the poll at the first election shall go out of office.

(4) On the first day of June one thousand nine hundred and twenty-five the corporation member who was next lowest on the poll shall go out of office.

(5) On the first day of June one thousand nine hundred and twenty-six the remaining corporation member elected at the first election shall go out of office.

(6) On the first day of June in each succeeding year the corporation member who had been longest in office without being re-elected shall go out of office.

(7) If there shall have been no poll at the first election or equality of votes between any two or more members the order of retirement of the members elected at that election shall be determined in manner provided by section 20 of the Commissioners Clauses Act 1847 and that section is for the purposes of this section incorporated with this Act.

(8) In each instance the places of the retiring corporation members shall be supplied by the election of another corporation member at the last quarterly meeting of the council immediately preceding the date of such retirement and every corporation member going out of office shall if still qualified be capable of re-election as a corporation member.

(9) Every corporation member shall be a member of the council and a corporation member shall in the event of his ceasing to be a member of the council and notwithstanding the preceding provisions of this section cease to be a Commissioner on the first day of June following that event.

(10) The election of every corporation member and the fact that a corporation member has ceased to be a member of the council shall forthwith be notified in writing to the clerk by the town clerk.

Election
retirement
and qualifi-
cation of.

7.—(1) The first Kingswear member shall be appointed at a special meeting of the Kingswear Parish Council to be held in the month of October or before

the tenth day of November in the year one thousand nine hundred and twenty-two and he shall subject to the provisions of this Act continue in office until the first day of June one thousand nine hundred and twenty-five when he shall retire.

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—
Kingswear
member.

(2) A Kingswear member shall be appointed at the annual meeting of the Kingswear Parish Council to be held on the fifteenth day of April in the year one thousand nine hundred and twenty-five and on the fifteenth day of April in each succeeding third year and his appointment shall take effect as from the first day of the succeeding month of June and he shall subject to the provisions of this Act continue in office for a period of three years and shall then retire.

(3) Every Kingswear member shall either be a member of the Kingswear Parish Council or be possessed of the requisite qualification to be such a member and a Kingswear member ceasing to possess such qualification shall cease to be a Commissioner on the first day of June following that event.

(4) Every Kingswear member going out of office shall if still qualified be capable of re-appointment as a Kingswear member.

(5) The appointment of a Kingswear member and the fact that a Kingswear member has ceased to possess his qualification as such shall be forthwith notified in writing to the clerk by the clerk to the Kingswear Parish Council.

8.—(1) The first embankment member and the first harbour members shall be elected on the ninth day of November one thousand nine hundred and twenty-two in the manner by this Act provided and they shall subject to the provisions of this Act continue in office until the first day of June one thousand nine hundred and twenty-five when they shall retire.

Election and
rotation of
embank-
ment and
harbour
members.

(2) Except as aforesaid the embankment member and the harbour members shall be elected in the manner by this Act provided in the month of May one thousand nine hundred and twenty-five and in the month of May in each succeeding third year and their election shall take effect as from the first day of the succeeding month of June and they shall subject to the provisions of this Act continue in office for a period of three years and shall then retire.

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(3) Any embankment member or harbour member going out of office shall if still qualified be capable of re-election.

Qualifica-
tion of em-
bankment
and harbour
members.

9. Every person of full age fulfilling the following conditions and subject to the provisions of this Act no other person shall be qualified to be an embankment member or a harbour member respectively (that is to say) (a) having by himself or by any person on his behalf paid or being partner in a firm or director or local agent of a company which has paid to the Commissioners rates or tolls under section 30 of this Act or coal dues under section 38 of the Act of 1882 to the amount of one pound or upwards during the twelve months ending on the thirty-first day of December immediately preceding the day of election or (b) being at the date of nomination the owner or co-owner or a director or local agent of a company who is the owner of shipping hulks or other floating craft registered or stationed at or habitually using the port of Dartmouth to the amount of twenty-five tons or upwards on which rates or duties have been paid to the Commissioners during the twelve months ending the thirty-first day of December immediately preceding the day of election and (in each case) being at the date of nomination either a ratepayer of the borough of Dartmouth or having a place of residence within a radius of five miles of the town hall at Dartmouth Provided that only one partner in any firm or one director of any company shall be qualified to be a candidate by the payment of harbour rates tolls or dues by that firm or company and in case more than one partner in any firm or more than one director of any company are nominated at any election the nomination of the partner or director first nominated shall alone be valid unless any other partner or director nominated shall be otherwise qualified.

Disqualifi-
cation of
Commis-
sioners.

10. A person shall be disqualified from being or acting as a Commissioner if—

- (A) He is an infant or alien;
- (B) He has within five years before his election or since his election been convicted either on indictment or summarily of any crime and sentenced to imprisonment with hard labour without the option of a fine or any greater punishment and has not received a free pardon

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- or has been adjudged bankrupt or made a composition or arrangement with his creditors ;
- (c) The company through or as representing which he derives his qualification is not registered in England or if an order has been made for a binding resolution passed for the winding up of such company ;
 - (D) He holds any paid office under the Commissioners ;
 - (E) He or the partnership or company through or as representing which he derives his qualification is concerned in any bargain or contract entered into with the Commissioners or participates in the profits of any such bargain or contract or of any work done under the authority of the Commissioners :

Provided that a person shall not be disqualified from being a Commissioner or be deemed to be concerned or to participate in any manner in any contract or in the profit thereof or of any work to be done under the authority of the Dartmouth Harbour Acts 1863 to 1922 or any of them or any Act incorporated therewith by reason only of his having any share or interest in :—

- (A) Any lease sale or purchase to or by the Commissioners of land or any agreement for the same or for compensation for damage to land ; or
- (B) Any agreement with the Commissioners for the loan of money or any security for the payment of money only ; or
- (c) Any newspaper in which any advertisement relating to the affairs of the Commissioners or their undertaking is inserted ; or
- (D) Any company incorporated by Act of Parliament or Royal Charter or under the Companies Acts 1862 to 1907 or the Companies (Consolidation) Act 1908 ; or
- (E) Any agreement for the use in the ordinary course of business or trade as a customer of the Commissioners of any of the premises or property of the Commissioners or for the employment in the ordinary course of business or trade as a customer of the Commissioners of any of the officers or servants of the Commissioners :

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Provided also that no Commissioner shall vote on any question relating to any contract or work in which he is concerned by reason of his having any share or interest as aforesaid and if he shall so vote his vote shall not be counted and he shall in addition to any other penalty or forfeiture be liable to a penalty not exceeding one hundred pounds.

Where a person is disqualified by being adjudged bankrupt or having made a composition or arrangement with his creditors the disqualification shall cease in the case of bankruptcy when the adjudication is annulled or when a discharge is obtained with a certificate that the bankruptcy was caused by misfortune without any misconduct or at the expiration of five years from the date of any discharge without such certificate as aforesaid and in case of composition or arrangement the disqualification shall cease on payment of the debts in full or at the expiration of five years from the date of such composition or arrangement.

Qualifica-
tion of
electors of
embank-
ment and
harbour
members.

11. The qualification of electors of the embankment member and the harbour members shall subject to the provisions of this Act be regulated as follows (that is to say) :—

- (1) Every person who shall have paid to the Commissioners on account of quay rates or tolls under section 30 of this Act or on account of coal dues under section 38 of the Act of 1882 the sum of one pound or upwards during the twelve months ending the thirty-first December immediately preceding the day of election shall be qualified to vote for the embankment member according to the following scale (that is to say) One vote for the first five pounds so paid or any part thereof and an additional vote for each additional twenty-five pounds so paid or any part thereof above the first five pounds :
- (2) (A) Every person being the owner of shipping hulks or other floating craft registered or stationed at or habitually using the port of Dartmouth on which rates or duties to the amount of one pound or upwards have been paid to the Commissioners during the twelve months ending the thirty-first December immediately preceding the day of election shall

be qualified to vote for each of the harbour members according to the following scale (that is to say) One vote in respect of the first twenty-five tons of nett tonnage or any part thereof and an additional vote for each additional fifty tons or any part thereof above the first twenty-five : A.D. 1922.

(B) The whole amount of tonnage so owned by each person shall be added together and if sufficient shall constitute his or their qualification :

- (3) In the case of a partnership or body corporate or co-ownership the votes of such partnership or body or co-ownership shall be entered on the appropriate list to be made in accordance with the section of this Act of which the marginal note is "Lists of electors of embankment and harbour members to be made out" in the name of such partnership or body or co-ownership and shall be given as if they were the votes of one individual :
- (4) In the case of a person trading either in a partnership name or in any other name other than his own the trade or partnership name of such person shall be inserted in the appropriate list and such person shall vote in the name so appearing :
- (5) No person shall be entitled to more than six votes in all in respect of each vacancy to be filled.

12. As from the first day of January one thousand nine hundred and twenty-two the clerk shall subject to the provisions of this Act prepare and keep separate annual registers of the persons mentioned in the section of this Act of which the marginal note is "Qualification of electors of embankment and harbour members" and shall from time to time insert therein the names and addresses of all persons entitled to be included in such registers respectively together with particulars of the amounts from time to time paid to the Commissioners by each such person for rates tolls or duties or of the tonnage of the shipping hulks or other floating craft in respect of which they are entitled to vote. Registers.

A.D. 1922.
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Custody of registers.

13. The registers shall be kept at the harbour office and shall be in charge of the clerk and each register shall immediately before the preparation of the lists of electors to be compiled therefrom be certified in writing by the clerk as containing to the best of his knowledge and belief correct particulars in accordance with the provisions of this Act.

Qualifica-
tion &c.
relating to
embank-
ment and
harbour
members at
1922
election.

14. For the purposes of the qualification of the embankment member and the harbour members to be elected on the ninth day of November one thousand nine hundred and twenty-two and of the electors entitled to vote at those elections and the preparation printing and revision of the registers and lists of such electors the rates and tolls or dues paid to the Dartmouth Harbour Commissioners as constituted immediately before the passing of this Act shall be substituted for rates or dues paid to the Commissioners and such registers and lists shall be compiled from such information as the Dartmouth Harbour Commissioners constituted as aforesaid have available and all duties and liabilities in connection with the registers and lists by this Act imposed upon the Commissioners shall be imposed upon and performed by the Dartmouth Harbour Commissioners constituted as aforesaid.

Lists of
electors of
embank-
ment and
harbour
members to
be made
out.

15.—(1) The clerk shall on or before the seventh day of September one thousand nine hundred and twenty-two and on or before the thirty-first day of January one thousand nine hundred and twenty-five and on or before the thirty-first day of January in every succeeding third year make out and deliver to the Commissioners separate lists of the persons who at the elections to be held on the ninth day of November one thousand nine hundred and twenty-two and in the month of May in each succeeding third year respectively are qualified to vote at the election of the embankment member and the harbour members respectively.

(2) Each list shall be made out in alphabetical order and shall contain the names and places of business or residence of every such person and there shall be placed opposite the name of each elector the number of votes to which he is entitled under the provisions of this Act.

(3) The lists shall be signed by the clerk and shall be certified by him to be accurate to the best of his knowledge and if the clerk fails to make out such lists and

deliver the same within the time by this Act provided or knowingly and wilfully make any false entry therein or knowingly and wilfully omits therefrom any entry that ought to be made therein under the provisions of this Act he shall for every such offence be liable to a penalty not exceeding fifty pounds. A.D. 1922.

16. On or before the twenty-first day of September one thousand nine hundred and twenty-two and on or before the fourteenth day of February one thousand nine hundred and twenty-five and on or before the fourteenth day of February in each succeeding third year the Commissioners shall cause the lists of electors of the embankment member and the harbour members respectively made out as hereinbefore provided to be printed and printed copies thereof for seven days thereafter to be posted on a board affixed on the outer wall of the harbour office and to be kept at such office for public inspection during office hours and during the period aforesaid the Commissioners shall deliver printed copies of each such list to any person requiring the same on payment of such sum as the Commissioners shall fix not exceeding two shillings for each copy. Printing and sale of lists of electors of embankment and harbour members.

17.—(1) On or before the twenty-first day of September one thousand nine hundred and twenty-two and on or before the first day of March one thousand nine hundred and twenty-five and on or before the first day of March in each succeeding third year the Minister of Transport shall on the request of the Commissioners appoint a person to be revisor of the lists of electors of the embankment member and the harbour members made out as hereinbefore provided. Revision of lists of electors of embankment and harbour members.

(2) The revisor shall within seven days next after the twenty-eighth day of September one thousand nine hundred and twenty-two and within seven days next after the seventh day of March one thousand nine hundred and twenty-five and within seven days next after the seventh day of March in each succeeding third year revise at the office of the Commissioners the lists of electors of the embankment member and the harbour members made out under this Act and notice of the time appointed for the commencement of such revision shall be posted on the outer wall of the harbour office on every day for the five days before the day so appointed and shall be

A.D. 1922. — advertised at least once during such five days in some local newspaper published or circulating in Dartmouth.

(3) On every such revision any person whose name is not inserted in the appropriate list may in person or by his agent claim to have his name inserted therein and any person whose name is or ought to be inserted in any of the lists may in person or by his agent claim to have the number of votes attributed or to be attributed to him corrected or correctly inserted therein and may object to the name of any person being retained or inserted in that list or to such person having the number of votes therein attributed to or claimed by him.

(4) Notice in writing of any such claim or objection shall be left with or sent by registered post by the person making the same to the clerk at the harbour office and (in the case of an objection) to the person whose name or number of votes is challenged at his place of business or if none at his residence on or before the twenty-eighth day of September one thousand nine hundred and twenty-two or the first day of March in which the revision is to take place as the case may require or in each case on or before such later date as the revisor may approve but the revisor shall not consider any such objection until he is satisfied that the person affected thereby has had a reasonable opportunity of being heard thereon.

(5) The revisor shall in pursuance of such applications and objections as aforesaid and after affording reasonable opportunity to the parties affected thereby to be heard as above provided correct the lists of electors of the embankment member and the harbour members by inserting in the appropriate list the name of any person which is not in that list and which it is shown to his satisfaction ought to be therein and by erasing therefrom the name of any person which is therein and which it is shown to his satisfaction ought not to be therein and by altering correcting or erasing any entry which it is shown to his satisfaction is inaccurate and by inserting any entry which it is shown to his satisfaction ought to be therein And the revisor shall also strike out the name of any person shown to his satisfaction to be dead and shall correct clerical and other errors (if any) in any list so as to bring the same into conformity with the facts.

(6) The decision of the revisor with respect to the lists shall be final and conclusive and the revisor shall

forthwith after every revision sign his name at the foot of the lists revised and if the revisor neglects to complete the revision as provided by this Act he shall be liable to a penalty not exceeding fifty pounds.

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18. For the purposes of the revision the Commissioners shall produce to the revisor such of their books accounts and papers as the revisor may require and shall afford to the revisor all reasonable and proper facilities for revising the lists in pursuance of this Act.

Commis-
sioners to
produce
books &c.
to revisor.

19. Every list purporting to be a list revised according to this Act and signed by the revisor shall be *primâ facie* evidence of the same being a list duly revised and signed according to this Act and of all the provisions of this Act relating to such list or to the revision thereof having been duly complied with.

Evidence of
revised list.

20. The revised lists shall be conclusive evidence that the persons therein named and no others are entitled to vote at the election of the embankment member and the harbour members respectively to be held in that year and that the persons named in each such list are entitled to the number of votes stated therein.

Revised
lists to be
conclusive
evidence of
right to
vote.

21. Every revised list of electors of the embankment member and the harbour members shall within seven days from the revision thereof be printed by the Commissioners and thenceforth until the day of election the Commissioners shall cause printed copies thereof to be sold at a reasonable price (not exceeding two shillings for each copy) to all persons desiring to buy the same.

Printing and
sale of re-
vised lists.

22. With respect to the election of the embankment member and the harbour members the following provisions shall have effect:—

Election of
embank-
ment and
harbour
members.

(1) The clerk shall be the returning officer whose decision in reference to any question arising shall be final:

(2) Twenty-eight days at least prior to the day of election the returning officer shall give public notice requiring the names of candidates to be sent in to him. Such notice shall be printed and posted on a board to be affixed on the outer wall of the harbour office and in addition thereto shall be inserted in a local newspaper published

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or circulating in Dartmouth twice at least before the time for nomination of candidates shall expire :

- (3) Fourteen days at least prior to the day of election the name of each candidate shall be intimated to the returning officer in the form A or the form C (as the case may require) set forth in the Schedule to this Act or to the like effect and such form shall be signed by two electors of the embankment member or of the harbour members (as the case may be) and by the candidate in approval of his nomination Provided that no candidate shall be his own nominator :
- (4) Any candidate may withdraw from his candidature by notice signed by him and delivered to the returning officer by four o'clock in the afternoon of the day immediately succeeding the last day for sending in nominations :
- (5) If at four o'clock in the afternoon of the day immediately succeeding the last day for sending in nominations the number of duly qualified candidates is not more than the number of vacancies to be filled there shall be no poll and the returning officer shall on the day of election declare the candidate or candidates as the case may be duly elected but if the number of duly qualified candidates is more than the number of vacancies to be filled a poll shall be taken in manner hereinafter provided :
- (6) Seven days at least prior to the day of election the returning officer shall in the event of a poll send by post to each elector at the address given in the respective lists of electors of the embankment member and the harbour members hereinbefore provided for a voting paper in the form B or the form D (as the case may require) set forth in the Schedule to this Act or to the like effect (with such variations as may be necessary in the case of a by-election of a harbour member) containing the names of the candidates and the votes of such elector shall be recorded in accordance with the directions in the said form :
- (7) Every elector may vote for as many candidates of the class for whom he is entitled to vote as

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there are members of that class to be elected and the returning officer shall in summing up the votes allow to each of the candidates so voted for the number of votes to which the elector is entitled according to the list of electors :

- (8) The votes of a partnership or of a person trading in a partnership name or in any other name other than his own name shall be given in the partnership or trade name :
- (9) It shall not be competent to use any voting paper or to reckon the same for the purposes of any poll unless it has been delivered by post or otherwise to the returning officer in a sealed envelope addressed to him so that the same shall be received by him at the harbour office not later than the day before the day of election :
- (10) On the day of election and not before the voting papers shall be opened and the votes shall be counted by the returning officer and the candidate or candidates who shall be found to have the greatest number of valid votes shall be declared by the returning officer the duly elected embankment member and harbour members respectively :
- (11) Any candidate or an agent appointed by him in writing may be present at the opening of the voting papers and counting of the votes :
- (12) The returning officer shall make a return under his hand to the Commissioners of the persons elected and every person so returned shall be deemed duly elected and in case of an equality of votes the returning officer shall determine by lot between the candidates so equal :
- (13) In the event of the requisite number of embankment and harbour members not being elected at any election the Commissioners shall within one month thereafter at a special meeting elect a member to fill each vacancy.

23. If any of the corporation members the Kingswear member the embankment member or either of the harbour members die or resign or if his office becomes vacant from any cause between two elections or dates for appointment the vacancy shall be filled as follows :—

Mode of
supplying
occasional
vacancies.

- (1) If the member whose office becomes vacant was a corporation member the council may elect

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—

another member in his place at a special meeting called for the purpose unless the vacancy occurs after the thirty-first day of January and before the next usual quarterly meeting of the council in which case the election shall take place at that meeting :

- (2) If the member whose office becomes vacant was the Kingswear member the Kingswear Parish Council may appoint another Kingswear member to fill the vacancy at a special meeting to be called for the purpose unless the vacancy occurs after the thirty-first day of January and before the fifteenth day of April in any year in which the Kingswear member is to go out of office in which case the vacancy shall be filled at the annual meeting of the Kingswear Parish Council to be held on the fifteenth day of April in that year in accordance with the provisions of this Act :
- (3) If the member whose office becomes vacant was the embankment member or a harbour member another embankment member or harbour member shall be elected in his place at a by-election to be held in the manner hereinbefore in this Act provided with respect to the elections of the embankment member and the harbour members unless the vacancy occurs after the thirty-first day of January in the year in which the embankment member and the harbour members are to go out of office and before the triennial election in that year in which case the vacancy shall not be filled until that triennial election :
- (4) Every person elected a Commissioner under this section shall as to continuance in office and in all other respects be in the same position as the Commissioner in whose place he has been elected.

Errors in elections &c. not to vitiate acts of Commissioners.

24. Any act of the Commissioners or of any member thereof shall not be invalid or illegal by reason of any irregularity in the nomination or election of any member or by reason of the non-delivery of or the too late delivery of or any error in any list of electors or by reason of any irregularity in the making or publishing of any such list

or any notice in respect thereof or by reason of any failure or omission on any occasion to elect any member or by reason of any other irregularity error failure or omission in or about any nomination or election or in or about any matter preliminary or incidental thereto.

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25. The Commissioners shall hold their first meeting at the harbour office on the tenth day of November one thousand nine hundred and twenty-two at the hour of eleven-thirty o'clock in the forenoon and other meetings of the Commissioners shall be held at the same place at least once in every month on such days and at such times as the Commissioners shall from time to time appoint and the annual meeting shall be held on the first day of June in each year commencing with the year one thousand nine hundred and twenty-three or on such other day as the Commissioners shall from time to time appoint.

Meetings of
Commis-
sioners.

26. The quorum of a meeting of the Commissioners shall be five if and so long as there is any Commissioner appointed by the Minister of Transport or the Admiralty and shall be four if and so long as the offices of all Commissioners appointed by the Minister of Transport and the Admiralty are vacant.

Quorum.

27. The expenses incurred by the Commissioners in the making preparing printing and revising of the lists of electors and in any way incidental thereto including a fee not exceeding three guineas to the revisor and the costs and expenses of the Minister of Transport in connection with the appointment of the revisor and the expenses incurred by the Commissioners in printing and sending voting papers or otherwise in relation to elections under this Act shall be defrayed by the Commissioners out of the rates tolls and dues levied and to be retained by them under the Dartmouth Harbour Acts 1863 to 1922.

Expenses of
revision of
lists and
elections.

28. The Commissioners may hold special meetings and the chairman of the Commissioners for the time being or any three or more Commissioners may at any time by writing delivered to the clerk require a special meeting to be convened and the clerk shall convene a meeting accordingly and shall give at least three clear days' notice thereof to each Commissioner.

Special
meetings of
Commis-
sioners.

29. Where by this Act any proceeding or act is directed or allowed to be taken or done on a certain

Where day
for any pro-
ceeding falls

A.D. 1922.
—
on Sunday
&c. pro-
ceeding to
be taken on
next day.

day then if that day happens to be a Sunday or a day appointed for a public fast humiliation or thanksgiving the proceeding or act shall be considered as taken or done in due time if it is taken or done on the next day afterwards not being one of the days hereinbefore specified.

Rates and
tolls at
corporation
quay.

30.—(1) From and after the thirty-first day of December one thousand nine hundred and twenty-two the Commissioners may demand and receive in respect of the vessels using or lying alongside or the persons goods animals and things embarking or shipped from or disembarking or unshipped at or deposited upon the quays constructed under the provisions of the Act of 1882 and transferred to the corporation by virtue of section 19 of that Act in lieu of the tolls specified in Schedule B to that Act:—

(A) The rates authorised by section 10 of the Order of 1863 and described under the numbers I II and III in Schedule A to that Order as the maximum rates to be taken in respect of the like matters or services at the works in that Order described; and

(B) A rate not exceeding two pence for every passenger who shall land on any part of the quays aforesaid from or embark therefrom on board any British vessel registered or in respect of which a passenger steamer certificate has been issued under the Merchant Shipping Act 1894 or any vessel licensed by the corporation or any other local authority to carry twelve passengers or upwards or any foreign vessel in respect of every time of landing or embarking.

(2) The Commissioners shall demand and take all reasonable steps to recover in respect of the matters and services at the quays aforesaid such rates and charges not exceeding the maximum charges by this section authorised as they may think fit.

(3) From and after the thirty-first day of December one thousand nine hundred and twenty-two section 33 of the Act of 1882 shall be read and have effect as if the net amount received by the Commissioners on account of the rates authorised by this section were referred to therein instead of the tolls rates and charges authorised by

Schedule B to that Act and no mortgagee of the Commissioners shall have any claim upon the one half of the tolls rates and charges payable by the Commissioners to the corporation by virtue of that section.

A.D. 1922.

(4) Nothing in this section contained shall be deemed to restrict or interfere with the existing rights vested in any persons under the provisions of section 7 of the Act of 1882.

31. Officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the quays constructed under the provisions of the Act of 1882 and transferred to the corporation by virtue of section 19 of that Act.

Officers
exempt
from rates.

32. Nothing in this Act shall prejudice alter or affect the rights of the Great Western Railway Company under an agreement made the fourth day of October one thousand eight hundred and eighty-eight between the Dartmouth Harbour Commissioners as then constituted of the first part the corporation of the second part and the Great Western Railway Company of the third part.

Saving for
Great
Western
Railway
Company.

33. Nothing in this Act shall prejudicially affect the rights of holders of bonds or mortgages created by the Commissioners and subsisting at the passing of this Act.

Saving of
rights of
bondholders
and mort-
gagees.

34. Article 2 and paragraphs 1 and 2 of Article 3 of the Order of 1863 are hereby repealed.

Partial repeal
of Order of
1863.

35.—(1) The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid in the first instance by the corporation out of the district fund or general district rate and one moiety of such costs charges and expenses as so taxed shall be repaid to them by the Commissioners out of their general funds or out of money to be borrowed by them for that purpose under the powers of the Dartmouth Harbour Acts 1863 to 1922 or some or one of them.

Costs of
Act.

(2) For the purpose of defraying the costs charges and expenses payable by the corporation as aforesaid the corporation may borrow the requisite sum according

A.D. 1922.

and subject to the provisions of the Public Health Act 1875 and may mortgage the district fund and general district rate of the borough of Dartmouth for the purpose of securing the repayment of any moneys so borrowed and the interest thereon Provided that no sanction on the part of the Minister of Health shall be required to the borrowing of such moneys and that all such moneys shall be repaid within the period of five years from the passing of this Act.

The SCHEDULE referred to in the foregoing
Act.

FORM A.

DARTMOUTH HARBOUR.

NOMINATION OF EMBANKMENT MEMBER.

We A.B. [here insert name and designation] and B.C. [here insert name and designation] hereby nominate [here insert name and designation of candidate] for election as embankment member.

Given under our hands this _____ day of
19 _____

Elector.

Elector.

And I the said _____
approve of the said nomination.

hereby sanction and

Candidate.

To the clerk to the Commissioners for the harbour of
Dartmouth.

DIRECTIONS FOR SIGNING.

This nomination shall be signed by two electors of the embankment member and the candidate and delivered to the returning officer fourteen days at least prior to the day of _____ 19 _____ being the day of election.

Each candidate must be nominated by a separate nomination paper.

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The nomination paper shall be signed in case of a partnership by one of the partners in the partnership name and in the case of a company shall be sealed with the seal of the company countersigned by the secretary or one of the directors and in the case of a municipal corporation sealed with the seal of the corporation countersigned by the town clerk.

FORM B.

DARTMOUTH HARBOUR.

Election of embankment member on the _____ day of _____
19

VOTING PAPER.

Number of Voting Paper.	Name and Address of Voter.	Number of Votes.
Names and Addresses of Candidates.		Column for Voter's Cross.

I or we (as the case may be) vote for the person in the list against whose name I (or we) have placed a cross.
(Signed)

Signature of witness
Address of witness
.....

DIRECTIONS FOR VOTING.

The voter shall place a X against the name of the candidate for whom he votes in the column for that purpose and shall sign the voting paper in the presence of a witness who must affix his signature and address in verification of the signature of the voter.

The voter can only vote once at each election of an embankment member and can only vote for one candidate.

The cross placed against the name of the candidate voted for will entitle him to the number of votes specified in the above voting paper.

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The voting paper must be delivered by post or otherwise to the returning officer in a sealed envelope addressed to him so that the same shall be received by him at the Harbour Office Dartmouth not later than the day before the day of election and must be entire.

In case of a partnership the voting paper is to be signed by one of the partners in the partnership name and in the case of a company in the corporate name and countersigned by the secretary or one of the directors.

In the case of a municipal corporation the voting paper is to be signed by the mayor and countersigned by the town clerk for the time being of such corporation.

FORM C.

DARTMOUTH HARBOUR.

NOMINATION OF HARBOUR MEMBER.

We A.B. [here insert name and designation] and B.C. [here insert name and designation] hereby nominate [here insert name and designation of candidate] for election as a harbour member.

Given under our hands this _____ day of
19 _____

Elector.

Elector.

And I the said _____
of the said nomination.

hereby sanction and approve

Candidate.

To the clerk to the Commissioners for the harbour of
Dartmouth.

DIRECTIONS FOR SIGNING.

The nomination shall be signed by two electors of the harbour members and the candidate and delivered to the returning officer fourteen days at least prior to the _____ day of
19 _____ being the day of election.

Each candidate must be nominated by a separate nomination paper.

The nomination paper shall be signed in case of a partnership by one of the partners in the partnership name and in the case of a company shall be sealed with the seal of the company countersigned by the secretary or one of the directors and in the case of a municipal corporation sealed with the seal of the corporation countersigned by the town clerk.

FORM D.

A.D. 1922.

DARTMOUTH HARBOUR.

Election of two harbour members on the _____ day
of 19 _____.

VOTING PAPER.

Number of Voting Paper.	Name and Address of Voter.	Number of Votes.

Names and Addresses of Candidates.	Column for Voter's Cross.

I or we (as the case may be) vote for the persons in the list against whose name I (or we) have placed a cross.

Signature of witness

Address of witness

.....

DIRECTIONS FOR VOTING.

The voter shall place a X against the name of the two candidates for whom he votes in the column for that purpose and shall sign the voting paper in the presence of a witness who must affix his signature and address in verification of the signature of the voter.

The voter can only vote once at each election of the harbour members.

The cross placed against the name of the two candidates voted for will entitle each of them to the number of votes specified in the above voting paper.

The voting paper must be delivered by post or otherwise to the returning officer in a sealed envelope addressed to him so that the same shall be received by him at the Harbour Office Dartmouth not later than the day before the day of election and must be entire.

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Act, 1922.

A.D. 1922.

In case of a partnership the voting paper is to be signed by one of the partners in the partnership name and in the case of a company in the corporate name and countersigned by the secretary or one of the directors.

In the case of a municipal corporation the voting paper is to be signed by the mayor and countersigned by the town clerk for the time being of such corporation.

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