



Harbours and Passing Tolls, &c. Act 1861

1861 CHAPTER 47

PART VII

MAINTENANCE OF RAMSGATE, DOVER, WHITBY, AND BRIDLINGTON HARBOURS

Ramsgate Harbour

22 Transfer of Ramsgate Harbour to Board of Trade.

On and after the First Day of *January* One thousand eight hundred and sixty-two the Harbour of *Ramsgate* and the Soil thereof, and all Property, Real and Personal, vested in the Trustees of the said Harbour, or in any Person in trust for the Purposes of the said Harbour, with their actual and reputed Appurtenances, subject to all Leases, Contracts, Charges, or other Liabilities affecting the same, shall be transferred to and are hereby vested in the Board of Trade.

23 Transfer of Powers to Board of Trade.

All Powers, Eights, and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour of *Ramsgate*, or the Property belonging thereto, which may by virtue of any Act of Parliament, Charter, or otherwise, be vested in or exerciseable by the Trustees of *Ramsgate* Harbour, shall be transferred to and are hereby vested in the Board of Trade.

24 Debts, &c. of Trustees enforceable against Board of Trade.

All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Trustees of *Ramsgate* Harbour, in respect of any Property, Powers, Rights, or Privileges hereby transferred to the Board of Trade, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Board of Trade, and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the

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Non-performance thereof, shall be enforceable by or against the Board of Trade, to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the said Trustees of *Ramsgate* Harbour.

25 Accounts of Trustees of Ramsgate Harbour to be made up.

The Accounts for the Trustees of *Ramsgate* Harbour for the Period antecedent to the said Transfer shall be finally made up, and shall be audited, settled, allowed, approved, and transmitted to the Honourable the House of Commons, as required by the Acts relating to the Harbour ; and thenceforth the Trustees and all Persons who at any Time shall have been Trustees of the Harbour, and their respective Representatives, shall be freed from all Liabilities whatsoever, under or by virtue of the Acts relating to the Harbour or any of them.

26 Indemnification of Trustees of Ramsgate Harbour.

The Board of Trade shall out of the *Ramsgate* Harbour Fund indemnify the Trustees of *Ramsgate* Harbour and their respective Representatives from all Liabilities not arising from their own personal wrongful Act or Default, to which the Trustees at the Time of this Act coming into operation are or but for this Act would become subject.

27 Rates to be taken in Ramsgate Harbour.

On and after the First Day of *January* One thousand eight hundred and sixty-two the Board of Trade may, for the Purpose of maintaining and improving the Harbour of *Ramsgate*, in lieu of the Rates heretofore levied, impose and levy Rates on Vessels entering and using the said Harbour, and on Goods shipped or unshipped in the said Harbour, not exceeding the Rates specified in the Schedule (A.) annexed to " The Burgh Harbours (*Scotland*) Act, 1853," with the Exceptions and Modifications hereinafter mentioned ; that is to say,

- (1) In the Case of any Vessel carrying Passengers the Board of Trade may, instead of levying a Tonnage Rate on the Vessel, levy on every Passenger embarking from or landing on the Pier or Piers of the said Harbour on or from the said Vessel, a Rate not exceeding Threepence, to be paid if demanded before the Passenger is allowed to embark or land :
- (2) On every Ton of Coal, Coke, or Culm shipped or unshipped in the said Harbour, the Board of Trade may levy a Rate not exceeding Sixpence :
- (3) Whenever any Vessel enters the Harbour in distress, and for the Purpose of repairing the said Vessel any Goods are unshipped therefrom, and the Rates upon the Unshipment of such Goods are duly paid, then if such Goods are afterwards re-shipped in the said Harbour without any Change in the Ownership thereof having taken place, no further Rates shall be leviable upon the said Goods in respect of such Reshipment:
- (4) No Rates shall be levied on Fishing Boats belonging to *Ramsgate* :
- (5) No Rate shall be levied on Vessels using the said Harbour solely as a Harbour of Refuge, and remaining therein not more than Sixty Hours:

And the Board of Trade may from Time to Time vary such Rates by reducing or raising the same, so that they do not exceed the Rates herein-before authorized.

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28 Board of Trade to receive Percentage on Salvage.

On and after the First Day of *January* One thousand eight hundred and sixty-two, the Board of Trade shall be entitled to receive a Per-centage of Five Pounds in the Hundred on all Salvage paid or liable to be paid in respect of any Ship or Boat, or Cargo or Apparel of any Ship or Boat, or any "Wreck or other Property, which may be brought into the said Harbour; and such Per-centage shall be deducted from the Salvage, and shall be paid to the Board of Trade before the Remainder of the Salvage is paid over to the Salvors, and shall be recoverable by the same Means by which the Salvage is recoverable.

29 Gross Sum of 2,000l. to be paid to Mayor, &c. of Sandwich in lieu of annual Payment of 200l.

From and after the First Day of *January* One thousand eight hundred and sixty-two, the Sum of Two hundred Pounds a Year heretofore paid to the Mayor, Aldermen, and Burgesses of Sandwich out of the Revenues of the Harbour of *Ramsgate* shall cease, and in lieu thereof there shall be paid to them, on or before that Day, by the Board of Trade, out of the *Ramsgate* Harbour Fund hereinafter mentioned, a single Sum of Two thousand Pounds.

30 Application of the said Sum of 2,000l.

The said Mayor, Aldermen, and Burgesses shall apply the said Sum of Two thousand Pounds in Payment or Part Payment of any Debts lawfully charged on the said annual Sum of Two hundred Pounds, heretofore paid to them either alone or in common with other Property or Income of the said Mayor, Aldermen, and Burgesses; and the Remainder, if any, of such Debts, shall be paid by the said Mayor, Aldermen, and Burgesses out of any Rate or Rates they may have Power to levy in respect of the Harbour of Sandwich; and the said Mayor, Aldermen, and Burgesses may, notwithstanding any Prohibition contained in any Act of Parliament as to the maximum Amount of such Rate or Rates, raise the same to such Amount as may be necessary for satisfying such Debts as aforesaid.

31 Income of Ramsgate Harbour to be carried to Ramsgate Harbour Account.

All Money and Income received by the Board of Trade in pursuance of this Act shall be carried to a separate Account, entitled " The *Ramsgate* Harbour Fund Account," and, subject to any other Charges specified in this Act, the same shall be applied to the Management, Maintenance, and Improvement of the said Harbour.

32 Ramsgate Harbour Accounts to be rendered to the Treasury and signed by Accountant of Board of Trade.

The Board of Trade shall, whilst *Ramsgate* Harbour remains in their Hands, render to the Commissioners of Her Majesty's Treasury periodical Accounts of the whole of the Receipts and Expenditure in respect thereof, such Accounts to be signed and declared to by the Accountant appointed by the Board of Trade for that Purpose, and the said Commissioners shall cause the same to be examined and audited in such Manner as they think fit. 3

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33 Such Accounts to be laid before Parliament.

The Board of Trade shall as soon as practicable after the Meeting of Parliament in every Year, cause the Accounts of *Ramsgate* Harbour for the preceding Year to be laid before both Houses of Parliament.

34 Board of Trade may continue Ramsgate Harbour Superannuation Fund or wind up the same.

Whereas the Trustees of *Ramsgate* Harbour have established a Benefit or Superannuation Fund for Persons employed by them at weekly Wages, by means of Contributions from the Workmen, and of Sums added out of the Be venues of the Harbour: And whereas there is a considerable Capital now standing to the Credit of the said Fund: Be it enacted, That the Board of Trade shall either continue the said Benefit or Superannuation Fund in accordance with the Regulations now in force with respect to the same, or such other Regulations as may from Time to Time be approved by them, or shall wind up the said Fund in such a Manner that every Pension granted by the Trustees before the Fifteenth Hay of *March* One thousand eight hundred and sixty-one, or granted by them after that Day and allowed by the Board of Trade, shall be fully paid, and that every Contributor not in receipt of a Pension granted before such Time as aforesaid shall be repaid the Amount he has contributed, with Interest at Three *per Centum per Annum*: In case the said Fund is wound up, the Capital of the said Fund now in the Hands of the Trustees shall be employed in satisfying its Liabilities; if the said Capital is insufficient for the Purpose, the Deficiency shall be made up out of the *Ramsgate* Harbour Fund, but if the said Capital is more than sufficient for the Purpose, any Surplus shall be carried to the Credit of the last-mentioned Fund.

35 Board of Trade may allow Compensation to Persons deprived of Offices.

The Board of Trade shall allow Compensation or Superannuation Allowance to any Person in the Employ of the Trustees of *Ramsgate* Harbour not having Claims on the Benefit or Superannuation Fund herein-before mentioned, whose Salary or Emoluments are by reason of the passing of this Act abolished or made less than they were before the Fifteenth Day of *March* One thousand eight hundred and sixty-one, or who being continued in the Employ of the Board of Trade afterwards retires from the Service, so that no such Compensation or Superannuation Allowance shall exceed the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service, and so that no such Compensation or Superannuation Allowance shall be granted, except in the Oases and upon the Conditions in and upon which the same would or might be granted if such Persons had been employed in the Public Civil Service; and any Compeusation or Superannuation Allowance so allowed shall be paid out of the *Ramsgate* Harbour Fund.

36 Deficiency of Income to be supplied by Monies voted by Parliament.

If at any Time whilst the Harbour of *Ramsgate* is vested in the Board of Trade, the Income and Revenue applicable to the Purposes of managing, maintaining, and improving the said Harbour of *Ramsgate* are insufficient for such Purposes, or for the other Purposes to which the said *Ramsgate* Harbour Fund is applicable, it shall be lawful for the Commissioners of Her Majesty's Treasury to advance such Sums as may be requisite for the said Purposes out of Monies to be provided for the Purpose by Parliament.

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37 Harbour to be free from Rates.

The Harbour of *Ramsgate* shall not be assessed, rated, or liable to pay to any County, Parochial, or other Rates or Cesses; and *Ramsgate* Harbour, and all Property and Income vested in or belonging to the Board of Trade in respect of the said Harbour, and all Premises or Property used or applied by the Board of Trade for the Purpose of the said Harbour, and all Instruments or Writings used by the Board of Trade in respect of the said Harbour, shall be exempted from all public Taxes and Duties of every Kind ; save only that Parochial or other local Rates shall still be payable on those Parts of the said Property at *Ramsgate* on which they have heretofore been paid.

38 Town Dues on Coal not to be levied in certain Cases.

No Dues shall be levied by the Commissioners for paving, lighting, watching, and improving the Town of *Ramsgate* on Coal, Culm, and Coke imported, landed, or shipped within the Parish or Harbour of *Ramsgate* in the following Cases; that is to say,

- (1) When the same are wholly and in good Faith consumed in and for the Purposes of the said Harbour or in Vessels lying in the said Harbour :
- (2) When the same are wholly and in good Faith consumed by the Engines or on the Premises of any Railway Company having Access by means of a continuous Line of Railway or Tramway to the said Harbour:
- (3) When the same are conveyed on any such Railway to and delivered from the same at any Place beyond the Parish of *Ramsgate*, and the adjoining Parish of Saint Lawrence, and are not thereafter delivered within either of those Parishes:

And if, in any of such Cases, Dues have in the first instance been paid to the said Commissioners, the Parties who have paid them shall be allowed a Drawback or Return thereof, to be paid by the said Commissioners out of any Funds under their Control; but if any Person fraudulently obtains or endeavours to obtain the said Drawback without being legally entitled to the same, he shall be liable for every such Offence to a Penalty not exceeding Fifty Shillings; and such Penalty may be recovered and shall be applied in the same Manner as Penalties are recovered and applied under the Act (Local and Personal) of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for better paving, lighting, watching, and improving the Parish of Ramsgate in the County of Kent*³, and for regulating the Police thereof.

39 Provisions of 10 & 11 Vict. c. 17. incorporated with this Act.

For the Purposes of *Ramsgate* Harbour, "The Harbours, Docks, and Piers Clauses Act, 1847," shall be deemed to be incorporated with this Act, and for the Purposes of such Incorporation this Act shall be deemed to be " the Special Act; " the Rates and Monies hereby made leviable on account of the Harbour of *Ramsgate* shall be deemed to be " the Rates authorized to be levied by the Special Act; " and the Board of Trade shall be deemed to be " the Undertakers."

40 Certain Parts of Property of Trust to be within Ramsgate Police Jurisdiction.

So much of the Sea Shore belonging to the Trustees of *Ramsgate* Harbour, and lying either to the Eastward or Westward of the said Harbour as is for the Time being used as a public Highway, or as lies between High and Low Water Mark, shall be deemed to be a public Highway within the Parish, so far and so far only as relates to any Offences

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committed thereon contrary to the Provisions of the said Act (Local and Personal) of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for better paving, lighting, watching, and improving the Parish of Ramsgate in the County of Kent, and for regulating the Police thereof*, for which the Offenders would have been liable to Fine, Penalty, or Forfeiture in case the same Offences had been committed on any other public Highway within the said Parish of *Ramsgate*.

Dover Harbour

41 Harbour of Dover to be vested in a Board of Trustees to be called " The Dover Harbour Board."

From and after the passing of this Act, the Harbour of *Dover* and the Soil thereof, and all Property, Real and Personal, vested in the Warden and Assistants of the Harbour of *Dover* in the County of *Kent*, or in any Person in trust for the Purposes of the said Harbour, with their actual and reputed Appurtenances, subject to all Liabilities affecting the same, shall be transferred to and vested in a Board of Trustees, to be called " The *Dover* Harbour Board," constituted as herein-after mentioned ; and the said *Dover* Harbour Board shall be a Body Corporate, with a perpetual Succession and a Common Seal, and having a Capacity to hold Lands subject to the Provisions of this Act.

42 Rights of imposing Rates transferred to Dover Harbour Board.

All Rights and Privileges of imposing, collecting, or recovering any Taxes or Rates, of purchasing any Lands, or of doing any other Matter or Thing relating to the said Harbour of *Dover*, or the Property belonging thereto, or to the said Warden and Assistants of *Dover* Harbour, which may, by virtue of any Act of Parliament, Charter, or otherwise, be vested in or exerciseable by the Warden and Assistants of *Dover* Harbour, shall, on and after the passing of this Act, by force and virtue of this Act, be transferred to and vested in the said *Dover* Harbour Board.

43 Existing Debts, &c. enforceable by or against Board.

All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Warden and Assistants of *Dover* Harbour, in respect of any Property, Powers, Eights, or Privileges transferred to the said *Dover* Harbour Board as aforesaid, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the *Dover* Harbour Board; and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the Nonperformance thereof, shall, on and after the passing of this Act, be enforceable by or against the said *Dover* Harbour Board to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the said Warden and Assistants of *Dover* Harbour.

44 After 1st January 1862 Board may impose Rates for Harbour Purposes.

After the First Day of *January* One thousand eight hundred and sixty-two the said *Dover* Harbour Board may, for the Purpose of maintaining and improving the said Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods landed or shipped in the Harbour, not exceeding the Rates specified in Schedule A. annexed to " The Burgh Harbours (*Scotland*) Act (1853)," and

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may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule; and any Rates so imposed may be either in lieu of or in addition to any other Rates leviable by the said Warden and Assistants, and which by this Act the said *Dover* Harbour Board are authorized, on and after the said First Day of *January* One thousand eight hundred and sixty-two, to levy as aforesaid.

45 Debts incurred prior to 15th March 1861, and secured on Passing Tolls, shall be paid by Board out of Rates.

Subject to the Right of the Creditor as reserved by this Act, all Debts legally incurred previously to the Fifteenth Day of *March* One thousand eight hundred and sixty-one, and secured on the Passing Tolls levied in respect of *Dover* Harbour, either alone or in common with other Property, shall be paid by the said Harbour Board out of any Rates they may have Power to levy, and out of any Real or Personal Property of which they may have become seised or possessed ; and for the Purpose of paying such Debts, and the permanent Improvement of the said Harbour, the said Harbour Board may sell the Real and Personal Property vested in them as aforesaid, or any Part thereof, and apply the Monies arising from such Sale accordingly.

46 Compensation to Officers not re-appointed by Board to Offices of equal Value.

If any of the present Officers of the Warden and Assistants of *Dover* Harbour shall not be appointed by the said Harbour Board to the same Offices as those they now hold, or to others of an equal annual Value, then the said Harbour Board may, with the Consent of the Board of Trade, allow such Compensation or Superannuation Allowance as the said Harbour Board may think fit to any such Officer or Officers, but so that no such Compensation or Superannuation Allowance shall exceed the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service under the Act of the Twenty-second Year of the Reign of Her present Majesty, Chapter Twenty-six, or of any other Act for regulating such Compensation or Superannuation Allowance for the Time being in force; and any Compensation or Superannuation Allowance so allowed shall be paid out of the Revenue of the said Harbour Board.

47 Constitution of Dover Harbour Board.

The said *Dover* Harbour Board shall consist of Seven Members, Four of whom shall form a Quorum; the said Seven Members shall be the Lord Warden for the Time being of the Cinque Ports, Two Burgesses of the Borough of *Dover* elected by the Town Council every Three Years, and to be eligible for Re-election, a Member to be from Time to Time appointed by the President of the Board of Trade for the Time being, a Member to be from Time to Time appointed by the First Lord of the Admiralty for the Time being, a Member to be from Time to Time appointed by the South-eastern Railway Company under their Common Seal, and a Member to be from Time to Time appointed by the London, Chatham, and *Dover* Railway Company, under their Common Seal: Provided, that in the event of either or both of the said Railway Companies failing or declining to appoint a Member of the said Harbour Board within One Calendar Month' after having been required so to do by the President of the Board of Trade, then such President shall, from and after such Default, be entitled thereafter to appoint from Time to Time another Member or Members in lieu thereof, as the Case may be ; and the said Lord Warden shall ex officio be Chairman of the said Harbour

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Board; and the said Lord Warden shall also from Time to Time nominate under his Hand One of the Members of the said Harbour Board to be his Deputy, to preside at all Meetings at which the said Lord Warden shall not be present; and in the event of an Equality of Votes at any Meeting of the said Board the Chairman of such Meeting shall be entitled to a Casting Vote in addition to his ordinary Vote.

48 Members of Board not to hold Places of Profit or be concerned in Contracts.

No Member of the said Harbour Board shall enjoy any Office or Place of Profit under this Act; and no such Member shall directly or indirectly by himself or his Partner have any Share or Interest in or be in any Manner concerned in any Contract or Bargain relating to any Works to be ordered, done, or executed under the Provisions of this Act or any other Act, or any Charter, relating to *Dover* Harbour, or in the Execution of any such "Works, or in the supplying of any Materials for any such Works, or for the Use of the said Harbour or Board ; and if any Member of the said Board shall disobey this Enactment, every such Member so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, and shall, upon being convicted of any such Offence, become then and be for ever afterwards incapable of being or acting as a Member of the said Board ; and no such Contract or Bargain as aforesaid, which any such offending Member has entered into contrary to the Intent of this Enactment shall be enforced against the said Board : Provided nevertheless, that all Acts and Proceedings of any Person acting as a Member of the said Board previous to his being convicted of any such Offence, shall, notwithstanding such Conviction, be good, valid, and effectual.

49 If the Debts are paid out of Public Monies, they may be recovered as Debts due to the Crown.

If at any Time any Debts hereby made payable by the said *Dover* Harbour Board are paid out of Monies provided by Parliament in pursuance of this Act, the Amount so paid shall be deemed to be a Debt due to the Crown from the said *Dover* Harbour Board, and shall be recoverable accordingly.

50 No new Debts to be incurred till existing Debts are discharged, without Treasury consent.

Until the Debts charged on the Revenues of *Dover* Harbour previously to the said Fifteenth Day of *March* One thousand eight hundred and sixty-one are discharged, it shall not be lawful for the *Dover* Harbour Board to charge the said Revenues or any Part thereof with any new Debt, or to undertake any new Works, without the Consent of the Commissioners of Her Majesty's Treasury.

51 Power to Corporation of Dover to transfer Dues to Harbour.

The Mayor, Aldermen, and Burgesses of *Dover*, herein-after called the Corporation, may at any Time hereafter, by Deed under their Common Seal, transfer to the said *Dover* Harbour Board, to be applied by them to the Purposes of the Harbour, all or any of their Powers, Bights, and Privileges, whether exercised by them in the Capacity of Corporation or of Local Board of Health, of levying Bates and Dues on Coal, Culm, and Coke imported, and of levying Bates and Dues on Ships or on Goods carried in Ships; and thereupon the said *Dover* Harbour Board may exercise the Powers, Bights,

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and Privileges so transferred in as full a Manner as but for such Transfer the said Corporation might have exercised the same.

52 Corporation and Harbour Board may apportion Debts as between themselves.

The said Corporation and the said *Dover* Harbour Board may, on any such Transfer as aforesaid, enter into such Arrangements as they may think fit, for the apportioning as between themselves the Incidence of any Debt charged on the Rates and Dues so transferred, and for granting Indemnities to each other for the Purpose of carrying such Arrangements into effect.

53 Reservation of Rights of Creditors.

Any Creditor shall, in respect of any Advance made by him on the Security of the Rates and Dues hereby authorized to be transferred to the said *Dover* Harbour Board, have the same Claim against the said Rates and Dues when transferred to the said *Dover* Harbour Board, and against the said *Dover* Harbour Board to the Extent of the Rates and Dues so transferred, as he would, if such Transfer had not been made, have had in respect of the same Debt against such Rates and Dues in the Hands of the said Corporation and against the said Corporation in respect thereof.

Whitby and Bridlington Harbours

54 Debts on Harbours to be paid out of Consolidated Fund.

The Principal and Interest of all Debts which have previously to the Fifteenth Day of *March* One thousand eight hundred and sixty-one been legally charged on the Tolls or Revenues of the Harbours of *Whitby* or *Bridlington*, shall be chargeable upon the Consolidated Fund of the United Kingdom, and shall be paid in such Manner as the Commissioners of Her Majesty's Treasury may direct; and the Debt payable to the Public Works Loan Commissioners charged upon the Tolls or Revenues of the Harbour of *Bridlington* shall cease from the First Day of *January* One thousand eight hundred and sixty-two.

55 Compensation to Servants of Whitby Trustees.

The Commissioners of Her Majesty's Treasury may allow out of Monies to be voted by Parliament such Compensation or Superannuation Allowance as they may think fit to any Person in the Employ of the Trustees of *Whitby* Harbour who by reason of the passing of this Act is deprived of any Salary or Emolument, so that no such Compensation or Superannuation Allowance exceeds the Proportion of Salary or Emoluments which might be granted under similar Circumstances to a Person in the Public Civil Service.

56 Trustees and Commissioners not to charge Passing Tolls with further Debts.

It shall not be lawful for the Trustees of *Whitby* Harbour or the Commissioners of *Bridlington* Harbour to charge the Passing Tolls levied by them with any new Debts; nor shall it be lawful for them, until the First Day of *January* One thousand eight hundred and sixty-two, to undertake any new Works without the Consent of the Commissioners of Her Majesty's Treasury.

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57 Power to Trustees of Whitby Harbour to levy Rates.

The Trustees of *Whitby* Harbour may, for the Purpose of maintaining and improving the Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods shipped or unshipped in the Harbour, not exceeding the Rates specified in Schedule A. annexed to " The Burgh Harbours (*Scotland*) Act, 1853," and may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule ; and any Rates so imposed may be either in lieu of or in addition to any other Rates leviable by the said Trustees.

58 Power to Town Commissioners of Whitby to transfer Dues to Harbour.

The Commissioners acting under the Act of the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act for letter paving, cleansing, lighting, watching and improving the Town of Whitby in the North Biding of the County of York*, may, if they shall think fit, at any Time hereafter, by Deed transfer to the said Trustees of *Whitby* Harbour, to be applied by them to the Purposes of the Harbour, all or any of the Powers, Rights, and Privileges which they may possess of levying Rates and Dues on Coal or other Articles imported, or of levying Rates and Dues on Ships or on Goods carried in Ships; and thereupon the said Trustees may exercise the Powers, Rights, and Privileges so transferred in as full a Manner as but for such Transfer the said Commissioners might have exercised the same.

59 Reservation of Rights of Creditors.

Any Creditor shall, in respect of any Advance made by him on the Security of the Rates and Dues hereby authorized to be transferred to the said Trustees of *Whitby* Harbour, have the same Claim against the said Rates and Dues when transferred, and against the said Trustees to the Extent of the Rates and Dues so transferred, as he would, if such Transfer had not been made, have had in respect of the same Debt against such Rates and Dues in the Hands of the said Commissioners, and against the said Commissioners in respect thereof.

60 Trustees and Commissioners may apportion Debt as between themselves.

The said Trustees and Commissioners may, on every such Transfer as last aforesaid, enter into such Arrangements as they may think fit for the apportioning as between themselves the Incidence of any Debt charged on the Rates and Dues so transferred, and for granting Indemnities to each other for the Purpose of carrying such Arrangements into effect.

61 Vessels using Whitby Harbour to pay Toll for support of Tide Lights.

On and after the First Day of *January* One thousand eight hundred and sixty-two, all Vessels exceeding Ten Tons entering or leaving the Harbour of *Whitby* shall pay to the Trustees of *Whitby* Harbour such Sum or Toll, not exceeding One Penny per Ton, as such Trustees may from Time to Time direct to be paid to them, for the Support, Maintenance, and Improvement of the existing or any future Tide Lights at the Entrance of the Harbour: Provided always, that any Vessel which shall have paid such Toll on entering the Harbour may again leave the Harbour without further Payment of Toll.

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62 Power to Commissioners of Bridlington Harbour to levy Rates.

The Commissioners of *Bridlington* Harbour may, for the Purpose of maintaining and improving the Harbour, with the Consent of Her Majesty in Council, impose Rates on Vessels using the Harbour, and on Goods shipped or unshipped in the Harbour, not exceeding the Rates specified in Schedule (A.) annexed to "The Burgh Harbours (*Scotland*) Act, 1853," and may from Time to Time, with the like Consent, vary such Rates by reducing or raising the same, so that they do not exceed the Rates mentioned in the said Schedule; and any Rates so imposed may be either in lieu of or in addition to any other Rates leviable by the said Commissioners.

63 Incorporation of Harbours, Docks, and Piers Clauses Act.

For the Purpose of the Rates to be taken at the Harbours of *Dover*, *Whitby*, and *Bridlington*, so much of " The Harbours, Docks, and Piers Clauses Act, 1847," as relates to the Collection and Recovery of Rates, shall be deemed to be incorporated with this Act, and for the Purposes of such Incorporation this Act shall be deemed to be " the Special Act; " the Rates and Monies hereby made leviable on account of the said Harbours shall be deemed to be " the Rates authorized to be levied by the Special Act;" and each of the Authorities hereby authorized to levy such Rates shall be deemed to be " the Undertakers."