



CHAPTER ci.

An Act to alter and amend the Maryport Improvement Acts, 1866 to 1878; to authorise new Works; to extend the powers of the Trustees; and for other purposes. A.D. 1879.

[3d July 1879.]

WHEREAS an Act was passed in the session of Parliament holden in the twenty-ninth and thirtieth years of Her Majesty, intituled the Maryport Improvement and Harbour Act, 1866, whereby powers were conferred upon the Trustees thereby appointed for improving and regulating the district and harbour of Maryport as therein defined: 29 & 30 Vict.
c. ccxlv.

And whereas by the Maryport District and Harbour Act, 1868, the constitution of the Trustees was altered, and they were empowered to make a dock and other works as therein provided, and by the Maryport District and Harbour Gas Act, 1877, and by the Maryport Improvement Act, 1878, further powers were conferred on the Trustees, and by the last-mentioned Act it was provided that the several Acts above recited might be cited for all purposes as the Maryport Improvement Acts, 1866 to 1878: 31 & 32 Vict.
c. lxx.
40 & 41 Vict.
c. xxxviii.
41 & 42 Vict.
c. cliii.

And whereas it has been found inexpedient to proceed with the construction of the dock authorised by the Maryport District and Harbour Act, 1868, and the powers of the Trustees for purchasing lands and executing the works in that behalf authorised have expired:

And whereas it is expedient that the limits of the existing harbour of Maryport should be extended, and that the Trustees should be authorised to construct the dock, basin, railways, piers, and other works for the improvement of the harbour of Maryport, and for facilitating traffic there, herein-after described, and that further powers for the regulation and management of the harbour should be conferred upon them, and that for the purposes aforesaid they should be authorised to levy additional rates, and to raise a further sum of money:

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And whereas it is expedient that the Maryport Improvement Acts, 1866 to 1878, should be, in such respects as are herein-after mentioned, altered and amended :

And whereas it is expedient to confer certain powers on the Trustees, and the Maryport and Carlisle Railway Company, and the London and North-Western Railway Company, and Mistress Elizabeth Pocklington Senhouse, and the other corporations and persons herein-after mentioned in that behalf in relation to their respective undertakings, and to authorise agreements between them :

And whereas the Trustees have caused estimates to be prepared of the moneys which they will require with respect to the dock, basin, railways, piers, and other works, and such estimates amount to the sum of one hundred and ten thousand pounds :

38 & 39 Vict.
c. 55. And whereas the said works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act, 1875, and it is expedient that the trustees should be authorised to borrow money for the purposes of the same in the manner by this Act provided :

And whereas an absolute majority of the whole number of the Trustees, at a meeting held on the twelfth day of November one thousand eight hundred and seventy-eight, after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Maryport Advertiser and Weekly News," a newspaper circulating in the district (such notice being in addition to the ordinary notices required for summoning such meeting), resolved that the expense in relation to promoting the Bill for this Act should be charged on the harbour fund and harbour dues and rates :

And whereas such resolution was published twice in the "Maryport Advertiser and Weekly News," a newspaper circulating in the said district, and has received the approval of the Local Government Board and of one of Her Majesty's Principal 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 fourteenth day of January one thousand eight hundred and seventy-nine, being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district and harbour of Maryport, as defined in the Maryport District and Harbour Act, 1868, by resolution, in the manner provided by Schedule III. annexed to the Public Health Act, 1875, with respect to resolutions

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of owners and ratepayers under that Act, have consented to the promotion of the Bill for this Act: A.D. 1879.

And whereas plans and sections showing the lines and levels of the dock, basin, railways, piers, and other works authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Cumberland, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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:

1. This Act may be cited for all purposes as the *Maryport Improvement (Harbour) Act, 1879.* Short title.

2. The following Acts are (save where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;	Incorporation of general Acts. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.
The Railways Clauses Consolidation Act, 1845, and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863;	8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.
The Harbours, Docks, and Piers Clauses Act, 1847, with the exception of the following sections; (that is to say,)	10 & 11 Vict. c. 27.
The sections with respect to lifeboats;	
The sections with respect to keeping a tide and weather gauge;	
The sections numbered 25 and 26, relating to rates;	
The sections numbered 74, 75, and 76, as to damage done to works;	

and the words "piers or quays" in the sixty-eighth section of that Act shall include timber, ponds, yards, warehouses, and places for storing goods; and that Act shall be construed in connexion with this Act, and have effect as if the words "or standing in the name of" had been inserted in the forty-fifth section of that Act, after the words "belonging to" in the ninth line of that section in the Queen's Printer's copy thereof;

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And the provisions of Part I. of the Railways Clauses Act, 1863, shall extend to the embankment, dock, basin, and other works, as well as to the railways hereby authorised :

Provided that sections 14 and 15 of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to the construction of works for the accommodation of the officers of the Customs shall not be put in force by the Commissioners of Her Majesty's Customs until the opening of the dock and basin to be constructed under the powers of this Act.

Interpre-
tation of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction :

The expression "the Act of 1866" means the Maryport Improvement and Harbour Act, 1866 :

The expression "the Act of 1868" means the Maryport District and Harbour Act, 1868 :

The expression "the district" shall mean the district as defined by the Maryport District and Harbour Act, 1868 :

The expression "the harbour" shall include the limits of the harbour of Maryport, as herein-after defined :

The expression "wharfs" shall include wharfs, yards, quays, piers, and places, for receiving, storing, depositing, and loading and unloading goods, but shall not include warehouses :

The expression "the home trade" shall include every port or place within the following limits; that is to say, the United Kingdom, the Islands of Guernsey, Jersey, Sark, Alderney, and Man, and the Continent of Europe between the River Elbe and Brest inclusive :

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, 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 :

When Mistress Elizabeth Pocklington Senhouse is named in this Act, such designation shall include all her successors in right or title.

29 & 30 Vict.
c. ccxiv.,
31 & 32 Vict.
c. lxx.,
40 & 41 Vict.
c. xxxviii.,

4. Except where the same may be repugnant to or inconsistent with this Act, the Maryport Improvement Acts, 1866 to 1878, and this Act shall be read together and have effect and be construed and executed as if they were one Act, and the several words and

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expressions to which meanings are assigned in those Acts shall have in this Act the same respective meanings, unless there be something in the subject or context repugnant to such construction.

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41 & 42 Vict.
c. cliii.,
and this Act
to be read as
one Act.

5. The limits of the harbour of Maryport are hereby extended so as to include, in addition to the limits specified in the thirty-fourth section of the Act of 1868, the dock, basin, railways, piers, and other works, lands, and easements by this Act authorised to be constructed or acquired, and also all parts seaward of low water mark of ordinary spring tides within a curve struck with a radius of three hundred yards from the western end of the extension of the south pier by this Act authorised.

Extension of
limits of
Maryport
Harbour.

6. Subject to the provisions of this Act, the Trustees may make and maintain in the lines and according to the levels shown on the deposited plans and sections, the embankment, dock, basin, railways, piers, and other works herein-after described, with all proper stations, gates, approaches, sidings, wharfs, warehouses, drops, staiths, hurries, cranes, weighing machines, platforms, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands described in the deposited book of reference as may be required for that purpose.

Power to
make dock
and other
works.

7. The works which the Trustees are by this Act authorised to make and maintain are as follows; (that is to say,)

Description
of works.

- (1.) An embankment in the township of Ellenborough and parish of Dearham, in the county of Cumberland, and on the foreshore adjoining that township and parish as shown on the deposited plans, commencing on the western side of the branch railway constructed by the Whitehaven Junction Railway Company, under the powers of the Whitehaven Junction Railway (New Branches) Act, 1858, and described in the fifth section of that Act, and numbered 1 therein (which branch railway is now the property of the London and North-western Railway Company, and is herein-after called the London and North-western Railway), at or near a point one hundred and eighty yards or thereabouts southward of the point where the said railway crosses the road in the said township and parish leading from Ellenborough Place, in that township and parish, to the seashore (which road is a continuation in a straight line, or nearly so, and in a north-westerly direction of the said Ellenborough Place); and thence extending in a westerly direction for a distance of one hundred and twenty-

21 & 22 Vict.
c. cxxvii.

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five yards or thereabouts, and then in a north-westerly direction for a distance of two hundred and thirty-five yards or thereabouts, and then in a direction parallel, or nearly so, to the western side of the Elizabeth Dock, belonging to the Trustees, to the south side of the South Pier, belonging to the Trustees, and terminating at or near a point one hundred and fifty yards or thereabouts from the western extremity of that pier.

- (2.) A dock situated in the said township of Ellenborough and parish of Dearham, and on the foreshore of the sea adjoining the said township and parish, and within the embankment lastly described, one hundred and fifteen yards wide or thereabouts, as shown on the deposited plans, with an entrance at its northern end leading from a basin hereinafter described in the said township of Ellenborough and parish of Dearham, and on the foreshore of the sea adjoining that township and parish, which dock will be parallel, or nearly so, to the western side of the Elizabeth Dock, and the centre line of which at its southern end or commencement will be at or near a point two hundred and sixty yards or thereabouts northward of the point where the London and North-western Railway crosses the said road leading from Ellenborough Place aforesaid to the seashore, and at its northern end or termination at or near a point two hundred and eighty-four yards or thereabouts northward from the commencement of the said dock.
- (3.) A basin in the said township of Ellenborough and parish of Dearham, and on the foreshore adjoining that township and parish, which basin will be at the northern end of the dock and entrance lastly herein-before described, and will have its southern side at a distance of thirty-three yards or thereabouts from the dock, and will extend northward to the channel of the River Ellen, and from eastward to westward from the pier called "The Jetty," the property of the Trustees, to a distance of one hundred and ninety-five yards from the said jetty.
- (4.) An extension of the South Pier from the western extremity thereof down to low-water mark or thereabouts, the length of such extension being thirty-three yards or thereabouts, and the removal of the portion of the South Pier lying within the area to be occupied by the basin next herein-before described;

- (5.) A pier commencing from a point eighty-five yards or thereabouts landwards from the western extremity of the North Pier, and extending on the northern side of the channel of the River Ellen in a westerly direction for a distance of one hundred and seventy-five yards or thereabouts, and the removal of so much of the North Pier as extends from the western extremity thereof to a point eighty-five yards or thereabouts landwards from the said western extremity. A.D. 1879.
- (6.) A railway (No. 1), 3 furlongs 2·5 chains in length, in the said township of Ellenborough and parish of Dearham, and on the foreshore of the sea adjoining that township and parish, commencing by a junction with the London and North-western Railway at or near a point one hundred and sixteen yards or thereabouts southward of the point where that railway crosses the said road leading from Ellenborough Place to the seashore, and thence extending by the side of and along the western side of the proposed dock, and terminating at a point near the north-western corner of the said proposed dock.
- (7.) A railway (No. 2), 2 furlongs 9·7 chains in length, in the said township of Ellenborough and parish of Dearham, and on the foreshore of the sea adjoining that township and parish, commencing by a junction with the Maryport and Carlisle Railway at or near a point fifty-eight yards or thereabouts south-eastward of the point where that railway crosses the public highway leading from and out of the Maryport and Workington turnpike road to Irish Street and Glasson, and the south side of the harbour of Maryport, and thence extending by the side of and along the eastern side of the said proposed dock, and terminating near the north-eastern corner of that dock.
- (8.) A railway (No. 3), 1 furlong 2·1 chains in length, in the said township of Ellenborough and parish of Dearham, and on the foreshore of the sea adjoining that township and parish, commencing by a junction with railway (No. 2), fifty-five yards or thereabouts from the commencement of railway (No. 2), and terminating by a junction with railway (No. 1) at or near a point one hundred and twenty-five yards or thereabouts, measuring in a north-westerly direction from the point where the London and North-western Railway crosses the said road leading from Ellenborough Place to the seashore.

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- (9.) A railway (No. 4), 8·6 chains in length, in the said township of Ellenborough and parish of Dearham, and on the foreshore of the sea adjoining that township and parish, commencing by a junction with the sidings leading from the works of the Solway Hematite Iron Company (Limited) to the Maryport and Carlisle Railway, at or near a point seventy-five yards or thereabouts southwards of the point where the said sidings leading from the works of the Solway Hematite Iron Company (Limited) cross the said road leading from Ellenborough Place to the seashore, and terminating by a junction with railway (No. 3) at or near a point thirty yards or thereabouts, measuring in an easterly direction, from the termination of railway (No. 3).
- (10.) A railway (No. 5), 9 chains in length, in the said township of Ellenborough and parish of Dearham, and on the foreshore of the sea adjoining that township and parish, commencing by a junction with the sidings leading from the works in the occupation of Messieurs John Gilmour, Gavin Anderson, James Wood, and Allan Gilmour, (trading under the style of and herein-after called the Maryport Hematite Iron Company,) to the Maryport and Carlisle Railway at or near a point eighty-five yards or thereabouts southward of the point where the said sidings leading from the said works cross the road leading from Ellenborough Place to the seashore, and terminating by a junction with railway (No. 3) at or near a point twenty yards or thereabouts, measured in an easterly direction, from the termination of railway (No. 3).
- (11.) The deepening, dredging, scouring, cleansing, widening, altering, and improving the channel of the River Ellen, and the entrance thereto in the said township of Ellenborough and parish of Dearham, and in the said township of Netherhall and parish of Cross Canonby, or either of them, and on the foreshore of the sea and of the River Ellen, and in the sea adjacent to those townships and parishes respectively from or near the entrance to the Elizabeth Dock Basin belonging to the Trustees, to or near a point two hundred yards or thereabouts, measuring in a westerly direction, from the western end of the said South Pier belonging to the Trustees.

Power to deviate.

8. In the execution of the said works, the Trustees may deviate from the lines of the said works as delineated upon the deposited plans to any extent not exceeding the limits of deviation shown on

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those plans, and may deviate from the levels shown upon the deposited sections to any extent not exceeding ten feet; but no deviation of such works shall be made from the lines thereof as marked on the deposited plans, even within the limits of deviation 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 is expressly authorised by the Board Trade.

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9. The quantity of land to be taken by the Trustees by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed one acre.

Lands for extraordinary purposes.

10. 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 four years from the passing of this Act.

Time for compulsory purchase limited.

11. The Trustees may, in the construction of the railways by this Act authorised, carry the same with a double line only across and on the level of the line of the London and North-western Railway Company, in the township of Ellenborough in the parish of Dearham: Provided always, that the London and North-western Railway shall not be crossed by more than two lines of railway, such crossings to be either at the points of crossing by the railways 2 and 3, as shown on the deposited plans, or at such other two intermediate points as shall, if not agreed on between the principal engineers of the Trustees and of that company, be determined by an arbitrator to be appointed on the application of either the Trustees or that Company by the Board of Trade; and further, that the line and levels of the railway of that company shall not be altered without their consent under their common seal, and that no passengers shall be carried on the railways of the Trustees over such level crossings.

Power to cross certain lines on the level.

12. The Trustees may make the arch of the bridge for carrying the railway (No. 2.) over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned in connexion therewith; (that is to say,)

Height and span of bridge.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
37	Dearham	Public highway	Ft. in. 10 6	Ft. in. 25 0

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Period for
completion
of works.

13. The works by this Act authorised shall be completed within ten years from the passing of this Act, and if they shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Trustees for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed: Provided always, that this Act or anything therein contained, shall not restrain the Trustees from making from time to time any improvements or alterations of any existing works or conveniences, or from making any new works or conveniences, which, if this Act were not passed, they might lawfully make.

Lights on
works.

14. The Trustees shall, during the whole time of the constructing, altering, extending, or removal of the works described in section 7, sub-sections (1), (2), (3), (4), (5), exhibit and keep burning at their own expense, every night, from sunset to sunrise, such lights (if any) as the Board of Trade from time to time requires or approves, and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also, on or near the work, when completed, always maintain, exhibit, and keep burning at their own expense, every night, from sunset to sunrise, such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves.

If the Trustees fail to comply in any respect with the provisions of the present section, they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Trustees to
exhibit
lights.

15. The Trustees shall at the outer extremity of the works hereby authorised, exhibit and keep burning, from sunset to sunrise, such lights (if any) as the Corporation of Trinity House shall from time to time direct.

Application
of certain
provisions of
31 & 32 Vict.
c. lxx.

16. The provisions of sections 42 and 43 of the Act of 1868, as to local survey and works affecting tidal water, shall apply to the works by this Act authorised as if they were here repeated *mutatis mutandis*.

Moneys to
be carried to
Harbour
Fund.

17. All moneys which shall come to the hands of the Trustees under the provisions of this Act shall be carried to the harbour fund.

Power to
borrow on
mortgage.

18. The Trustees from time to time, in addition to any existing mortgage debt, and in addition to the sum of thirty-two thousand pounds which they were authorised to borrow under the provisions of the Act of 1866, may borrow on the security of the harbour fund, as defined by section 170 of the Act of 1866, any sum not exceeding in the whole one hundred and ten thousands pounds.

19. For securing the repayment of moneys borrowed under the authority of this Act, the Trustees may mortgage the Harbour fund, and the provisions of the Commissioners Clauses Act, 1847, with respect to mortgages to be executed by the Commissioners shall apply to any mortgages to be executed by the Trustees under this section, except where such provisions are in this Act expressly altered or varied.

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 Power to mortgage.
 10 & 11 Vict.
 c. 16.

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

Provision as to loan by Public Works Loan Commissioners.
 24 & 25 Vict.
 c. 47.

(1.) That loan and the security therefor shall not have priority over any loan previously borrowed under this or the recited Acts or the security therefor, except so far as the creditors consent to such priority under the Public Works Loan Act, 1875, or otherwise, but shall have priority over any loan subsequently borrowed in pursuance of this or the recited Acts and the security therefor; and

38 & 39 Vict.
 c. 89.

(2.) The amount which the Trustees are authorised by this or the recited Acts to borrow 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.

21. Every mortgage made in pursuance of the preceding sections shall be by deed duly stamped and truly stating the consideration, and may be in the form in the Schedule (A.) to this Act annexed, or to the like effect.

Form of mortgage.

(1.) The Trustees may from time to time, if they think fit, issue to holders of such mortgages as aforesaid coupons for the interest from time to time to fall due thereon, in such form as the Trustees think fit, so as every coupon do refer to the mortgage to which it relates, and do specify the amount and time of payment of one half-year's interest to fall due on the principal money secured by the mortgage, and be authenticated in such manner as the Trustees may prescribe (which authorisation shall be presumed until the contrary is shown), and on presentation to the treasurer of a coupon he shall pay to the person presenting it the amount of interest therein expressed, and thereby appearing to be payable, and on audit of the treasurer's accounts the coupon shall be accepted as a sufficient warrant for his

Trustees may issue coupons for interest on mortgage.

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payment of the amount for which it was issued, but the treasurer shall not be bound to make any payment of interest beyond the amount of the money of the Trustees then in his hands and applicable in that behalf.

Money
borrowed
on mortgage
may be paid
by instal-
ments.

(2.) All moneys borrowed or re-borrowed by the Trustees by mortgage as aforesaid may be borrowed and re-borrowed for any term not exceeding seventy years from the day upon which such moneys were first borrowed, and shall be repaid by yearly or half-yearly instalments, or by means of a sinking fund: Provided that when the payment is not made by equal instalments, the instalment or instalments payable in each year, together with interest payable in such year in respect of the principal moneys owing of which such instalment or instalments form part, shall in every year amount to the same sum.

Sinking fund
for payment
of money
borrowed on
mortgage.

(3.) The Trustees, in case they borrow any moneys under the preceding provisions of this Act repayable by a sinking fund, shall within twelve months after the borrowing of the same, and thenceforth annually on the same day set apart as a sinking fund for the repayment of moneys so borrowed on mortgage as aforesaid, out of the fund upon the security of which such moneys have been borrowed, such a sum as will be sufficient to pay within the period of seventy years from the time of borrowing such proportion of the principal moneys so borrowed as shall not be repayable by yearly or half-yearly instalments (after giving credit for moneys received in respect of the sales of land acquired under the powers of this Act), to be accumulated in the way of compound interest by investing in any securities in which Trustees are for the time being authorised to invest, and the Trustees shall from time to time apply the said sinking fund in payment of a portion of such principal moneys until thereby or otherwise the whole of such proportion of the principal moneys has been fully paid: Provided always, that whenever any of such principal moneys have been so paid off, the Trustees shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the interest of the principal money so paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to or in excess of the

annual interest of the principal moneys then due and outstanding, the Trustees may, in lieu of investing the said yearly income, apply the same in payment of such interest and may, during such periods, discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto. A.D. 1879.

(4.) 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 for a sinking fund or to be paid as an instalment in respect of moneys borrowed on mortgage under the preceding provisions of this Act, transmit to the Board of Trade a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same and the interest thereon have been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund has been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, such clerk shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Board of Trade by such return or otherwise that the Trustees have failed to pay any instalment, or to set apart the sum required by the preceding provisions of this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by the said provisions, the Board of Trade 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 as part of the sinking fund, and such order shall be enforceable by a writ of Mandamus to be obtained by the Board of Trade out of the High Court of Justice.

Annual return to Board of Trade as to sinking fund in respect of moneys borrowed on mortgage.

(5.) With respect to a receiver the following provisions shall have effect; (namely,)

As to appointment of a receiver.

The mortgagees of the Trustees under the preceding provisions of this Act may enforce payment of arrears of interest or principal, or principal and interest, by the appointment of a receiver. In order to authorise

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the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

Power to reborrow.

(6.) If the Trustees pay off any part of any money borrowed by them under the preceding provisions of this Act otherwise than by instalments or by means of a sinking fund they may reborrow the same, and so from time to time: Provided always, that all moneys so reborrowed shall be repaid within the period of seventy years from the time the moneys originally borrowed were so borrowed.

Protection of lenders from inquiry.

(7.) A person lending money to the Trustees, secured by mortgage, shall not be bound or entitled to inquire as to observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application of the money lent, or of any part thereof.

Transfer of mortgages.

22. With respect to transfers of mortgages made under the preceding provisions of this Act, the following provisions shall take effect; (namely,)

(1.) Any person entitled to a mortgage may transfer his interest to any other person, by deed duly stamped, and truly stating the consideration, and such transfer may be in the form in the Schedule (B.) to this Act annexed, or to the like effect:

(2.) Within thirty days after the date of every such deed of transfer it shall be produced to the clerk to the Trustees, who shall cause an entry thereof to be made in a register of transfers of mortgages on payment of a sum not exceeding five shillings, and after such entry every such transfer shall entitle the transferee, his representatives and assigns, to the full benefit of the original mortgage in all respects (including the power of transfer), and any person having made such a transfer shall not have power to release or discharge the mortgage transferred or any money thereby secured.

Power to borrow under 38 & 39 Vict. c. 83.

23. The Trustees, if they think fit, in lieu of borrowing on the security of mortgages as herein-before provided, may borrow the moneys which they are by the preceding provisions of this Act authorised to borrow, or any part thereof, under the powers and subject to the provisions of the Local Loans Act, 1875, by means of a loan or loans to be raised by the issue of debentures, debenture stock, or annuity certificates, or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised shall be charged upon the harbour fund, and such fund shall be the local rate within the meaning and for the purposes of the Local Loans Act, 1875.

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All such moneys shall be discharged within seventy years from the day upon which the same were first borrowed, and such discharge, or any part thereof, shall be effected by means of a sinking fund, if the Trustees shall so think fit; and if the Trustees at any time think fit to for many such sinking fund, all sums paid into the same shall, as soon as may be, be invested by the Trustees in any manner in which trustees are by law for the time being authorised to invest trust moneys.

24. All mortgages granted by the Trustees in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

Existing mortgages to have priority.

25. All moneys from time to time borrowed under the preceding provisions of this Act, or otherwise received on capital account, shall be applied by the trustees to the following purposes :

Application of borrowed moneys and capital.

Firstly. In payment of the costs, charges, and expenses preliminary to, of, and incidental to the application for, and the preparing, applying for, obtaining, and passing of this Act, or otherwise in relation thereto; and

Secondly. In payment of the expenses chargeable to capital incurred by the Trustees in acquiring any lands, rights, and privileges and incidental thereto, and in the execution under this Act of the works hereby authorised and incidental thereto, and generally for carrying out the purposes of this Act to which capital is properly applicable.

26. All moneys from time to time received by the Trustees by way of revenue under this Act, and carried to the harbour fund as in this Act provided, shall be applied to the following purposes :

Application of revenue.

Firstly. In payment of the establishment charges and the expenses properly chargeable to revenue of repairing, renewing, managing, and maintaining the existing harbour, dock, basin, piers, and other works, and the dock, basin, piers, railways, and other works by this Act authorised :

Secondly. In payment of the interest on the existing mortgage debt of the Trustees, and on the moneys that may be borrowed under the Act of 1866, and under the preceding provisions of

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this Act, and from time to time owing upon the security of the harbour fund :

Thirdly. In making provision for the repayment of the existing mortgage debt of the Trustees, and of moneys that may be borrowed under the provisions of the Act of 1866, and under the preceding provisions of this Act, and under the powers and subject to the provisions of the Local Loans Act, 1875, or otherwise, and the balance if any of any moneys shall be applied in increasing the harbour fund.

Application
of certain
provisions of
31 & 32 Vict.
c. lxx.

27. The following provisions of the Act of 1868 shall apply to the limits of the Harbour of Maryport as extended by this Act, and also to the dock, basin, piers, railways, and other works by this Act authorised, as well as to the existing docks, basin, railways, tram-roads, and other works of the Trustees, as if the same were here repeated, mutatis mutandis :

Section 49. (Master and owner of vessels and floats of timber to be answerable for damage to harbour) :

Section 50. (Power to run docks dry for the purpose of repairs) :

Section 51. (Vessels to be always kept so loaded with ballast or otherwise as to be safely removed) :

Section 52. (Trustees may exclude dangerous articles from the harbour) :

Section 53. (Trustees may advance sums for freight) :

Section 54. (Expressions in Merchant Shipping Act to include the Trustees) :

Section 55. (Goods and chattels stolen may be laid as property of Trustees).

Tonnage
rates on
vessels.

28. The Trustees may from time to time demand and take for every vessel (except a steam-tug or lighter when in use as such) using or entering the harbour, and for every vessel (except as aforesaid) leaving the harbour, any sum for every ton measurement of such vessel not exceeding the rates mentioned in the Schedule (C.) to this Act, and every such sum shall be payable by the master of such vessel.

Further
rates on
vessels
remaining
more than
forty-two
days.

29. If any such vessel using the harbour, whether it has previously paid or been liable to pay any such tonnage rates or not, remain in the harbour for more than forty-two days, the Trustees may demand and take for such vessel a further rate of twopence a ton for every week, and so in proportion for any period less than a week during which the vessel so remains beyond forty-two days; but no such additional rate shall be payable for any vessel prevented from leaving the harbour by any embargo or by stress of weather;

and in the case of any vessel which shall have used or entered the harbour, and in respect of which all the rates or dues which may by this Act be demanded shall have been paid, and shall have gone to sea and put back from stress of weather, the number of days such vessel shall have used the harbour before going to sea and the number of days such vessel shall use the harbour after so putting back (excluding the time she shall have been at sea) shall be accounted as the number of days such vessel shall have used the harbour, and such vessel shall not be liable on so putting back to pay any of the rates mentioned in the Schedule (C.) to this Act.

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30. 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 Schedule (C.) to this Act, as they shall think fit: Provided always, that the same rates shall be charged to all such vessels equally under the same circumstances.

Power to agree for payment of special rates by certain vessels.

31. The Trustees may demand and take for every passenger, including his ordinary luggage, not exceeding fifty-six pounds in weight, embarking or disembarking within any dock or basin, or at or upon any pier, quay, wharf, jetty, or other work of the like nature, now or hereafter vested in or constructed or acquired by the trustees, any sum not exceeding one shilling, and for all luggage belonging to any passenger beyond fifty-six pounds in weight, they may demand and take any further sum not exceeding threepence per hundredweight.

Rates on passengers and luggage.

32. The Trustees may from time to time demand and take for all goods which are shipped or unshipped, conveyed, received, or delivered within the harbour, or at or upon any pier, quay, wharf, jetty, or other work of the like nature, now or hereafter vested in or constructed or acquired by the Trustees, or upon or from the lands of the Trustees, or which shall be discharged from one vessel into another vessel, or into the waterway of the harbour, any sum not exceeding the several rates in the Schedule (D.) to this Act, and every such rate shall be payable by the owner or consignee of the goods.

Rates on goods as in Schedule (D.)

33. Provided always, that the Trustees shall not demand and take the rates set forth in Schedules (C.) and (D.) to this Act until they shall have entered into a contract for the construction of the new dock and basin by this Act authorised, and shall have expended thereon at least ten thousand pounds, but until those events shall

New rates not to be taken until contract made, &c.

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A.D. 1879. have happened the Trustees may demand and take the rates authorised by the Act of 1866.

Rates for
warehouses,
cranes, &c.
as in Sched-
ule (E.)

34. The Trustees may from time to time demand and take for the use of any of the warehouses, wharfs, cranes, and weighing machines belonging to them from the owner or person having the charge of any goods deposited therein, or loaded, unloaded, or weighed by means thereof, any rates not exceeding the several rates specified in the Schedule (E.) to this Act.

Rate for
shipment
of coals, &c.
at dock.

35. The Trustees may (in addition to any other sums which they are by this Act empowered to demand) demand and take for the shipment at the dock by this Act authorised of coals, coke, culm, or iron ore by means of drops any sum not exceeding twopence per ton.

Officers of
Customs to
have free
access to
harbour.

36. All officers of Customs and all officers and men of the coast-guard being in the execution of their duty shall have free ingress and egress into and out of the harbour and through the gates and entrances of any dock or basin or other work within the same, and may freely pass and repass with their vessels and boats through any locks and water communications within the same, and at all times, provided the state of the tide and of the said water communication will admit of such passing, without payment of any toll or sum for so doing.

Trustees
may appoint
meters, &c.

37. The Trustees may appoint such person or persons as they may think fit to be meters and weighers within the harbour, and no persons except such as shall be appointed or allowed by the Trustees shall exercise the calling of meter or weigher therein: Provided always, that nothing herein contained shall prevent the London and North-western Railway Company or the Maryport and Carlisle Railway Company (herein-after called "the two companies") from appointing meters, weighers, or porters for purposes of traffic conveyed by them over their railways.

Tolls on
railways as
in Schedule
(F.)

38. The Trustees may demand and take in respect of passengers, goods, animals, and things conveyed on any of the railways by this Act authorised any tolls and charges not exceeding those mentioned in the Schedule (F.) to this Act, which shall include every expense incidental to the conveyance, except a reasonable charge for loading and unloading goods or things, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Trustees.

Maximum
rates for
passengers.

39. The maximum rate of charge to be made by the Trustees for the conveyance of passengers upon the railways, including the tolls

for the use of the railways and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,) A.D. 1879.

For every passenger conveyed in a first-class carriage, the sum of threepence per mile;

For every passenger conveyed in a second-class carriage, the sum of twopence per mile;

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile;

and every fractional part of a mile shall for the purpose of this section be deemed a mile.

40. The maximum rate of charge to be made by the Trustees for the conveyance of animals, goods, and minerals on the railways, including the tolls for the use of the railways, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Trustees) shall not exceed the sums in that behalf specified in the fourth column of the Schedule (F.) to this Act. Maximum rates for animals, goods, &c.

41. Every passenger travelling upon the railways by this Act authorised may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. Passengers luggage.

42. Nothing in this Act shall prevent the Trustees from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Trustees in relation thereto, or in respect to the conveyance of animals or goods by passenger trains. Trustees may take increased charges by agreement.

43. The several rates by this Act authorised to be demanded and taken by the Trustees may be demanded and taken by such persons, at such places, at such times, and under such regulations as the Trustees may from time to time appoint. Collection of rates.

44. The Trustees may, in addition to any other remedies for the recovery of tolls, rates, and charges, recover the tolls, rates, and charges by this Act made payable for any vessel from the owner or Recovery of tolls, &c.

A.D. 1879. master thereof, and the tolls, rates, and charges made payable for animals, goods, or things from the owner or consignee of the animals, goods, or things, and in every such case the tolls, rates, and charges may be recovered by the Trustees in any court of competent jurisdiction.

Running powers to the two companies and others.

45. Mistress Elizabeth Pocklington Senhouse and her lessees and licensees, and also the two companies, the Solway Hematite Iron Company (Limited), and the Maryport Hematite Iron Company (and which two last-named companies are herein-after called "the iron companies"), and all companies and persons lawfully working or using their respective undertakings, may respectively run over, work, and use with their own engines, carriages, and servants, and for the purposes of their traffic of every description, the railways hereby authorised: Provided that such use shall be subject to the payment of the tolls and charges authorised by this Act, and to the reasonable byelaws and regulations of the Trustees.

Power to enter into traffic arrangements.

46. The Trustees on the one hand, and Mistress Elizabeth Pocklington Senhouse and her lessees and licensees and the two companies and the iron companies, or any or either of them, on the other hand, may from time to time enter into contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

The use and working of the railways by this Act authorised, or any of them, and the conveyance of traffic thereon, and also the use and working of any tramroads, sidings, or drops to be used in connexion therewith respectively:

The appropriation for the joint or separate use of the Trustees and Mistress Elizabeth Pocklington Senhouse and her lessees and licensees and the two companies and the iron companies, or any of them, of any railways, tramroads, sidings, drops, warehouses, quays, wharves, or other conveniences belonging to the Trustees:

The conditions with respect to the matters aforesaid:

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for the railways or tramroads of the contracting parties, and the fixing and division between the said parties of the receipts arising from such traffic.

Limitation of tolls, &c.

47. Provided always, that notwithstanding anything in this Act contained to the contrary as respects the tolls and charges for the use of the railways, and as respects the charge for the use of the drops, including in every case terminals, the Trustees shall demand

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and take those tolls to such an extent only as will be sufficient to defray— A.D. 1879.

1st. Interest at the rate of five pounds per centum per annum on the cost of constructing the railways, tramroads, sidings, and drops, the amount of such cost to be agreed upon between the Trustees and the two companies and the iron companies (or any three of the four last-mentioned companies) respectively :

2nd. The cost of maintaining and repairing the railways, tramroads, sidings, and drops :

3rd. The cost of working the railways, tramroads, sidings, and drops, and of labour in connexion therewith :

but the amount of such tolls and charges to be payable by each of the two companies or by the iron companies shall be computed only on such cost of construction of the railways, and of such works as shall be required and agreed to by each company, or as shall be settled by arbitration as herein-after mentioned, and of such maintenance and repair working and labour in proportion to the user of such railways and works by each such company: Provided always, that if at any time any dispute shall arise as to the extent of the railways, tramroads, sidings, and drops, or the amount of capital expended or to be expended thereon, or as to the cost of their maintenance and repair, or of their working, or of labour in connexion therewith, or the proportions in which the sums are to be payable by each of the two companies or of the iron companies for such tolls and charges, such dispute shall be settled by an arbitrator to be from time to time appointed by the Board of Trade on the application of the Trustees, or of the two companies, or of the iron companies, or any of them, and the costs of, incident to, and consequent on any such application shall be borne and paid as such arbitrator shall direct: Provided also, that any such application, or any proceeding arising thereunder, shall not, during the pendency of such arbitration, prevent the Trustees demanding and taking such tolls and charges for the use of the railways and drops as are by this Act authorised, but the Trustees shall, if such arbitrator shall award that such tolls and charges ought to have been reduced, make to the parties (if any) aggrieved by such demanding and taking a drawback or allowance to such extent as such arbitrator shall award to be just and proper.

48. All works to be constructed by the Trustees under the authority of this Act in any way affecting the London and North-western Railway, or the works or lands belonging to the London and North-western Railway Company, shall be constructed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the London and North-western

As to construction of works affecting the London and North-western Railway.

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Railway Company, in such manner and according to plans previously approved by such engineer, but at the expense in all things of the Trustees, and in case any difference shall arise between the Trustees and that company as to the said plans, or as to the points at which such railway shall be so crossed according to the enactment hereinbefore contained with respect thereto, such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application either of the Trustees or of that Company, and the costs of and incident to any such application and consequent thereon shall be borne and defrayed as such arbitrator shall direct, and such works shall, as far as may be practicable, be so constructed as to cause no injury to such railway, lands, or works, or obstruction to or interference with the passage of traffic thereon, and if any such injury, obstruction, or interference shall arise, the Trustees shall make full compensation to the London and North-western Railway Company for such injury, obstruction, or interference, and shall effectually indemnify and hold harmless that company from all claims and demands, losses, damages, costs, and expenses upon or against or incurred or paid by them by reason of any accidents, except such as may be occasioned by the negligence of that company or their servants happening in the working of the said respective railways owing to the railway of that company being so crossed on the level; and with respect to any lands belonging to or under the control of the London and North-western Railway Company which the Trustees are under this Act authorised to take or interfere with, the Trustees shall not purchase or take the same, but they may purchase and take, and that company may and shall sell and grant accordingly, an easement or right of using such lands for the purposes for which but for this enactment the Trustees might purchase and take the same. The amount to be paid by the Trustees for the acquisition of such easement shall, in case of difference between the Trustees and that company, be determined by arbitration in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement. The Trustees shall also bear and pay to that company all such additional cost which in the judgment of their principal engineer they may incur or be put to in maintaining and renewing the permanent way, rails, and other appliances of their railway owing to the said crossings thereof on the level; they shall also bear and pay to that company the expense of the employment by them during the construction of the said railways at such crossings of a sufficient number of inspectors and watchmen to be appointed by that company for watching their said railway and works with reference to and

during such construction, for the prevention of danger and accident to such railway and works and to the traffic thereon; and they shall also bear and pay to that company the cost of the providing, erecting, altering, maintaining, and working by that company, and whether on their own lands or on the lands of the Trustees, all such signals and other conveniences as such engineer of that company shall consider necessary owing to the said respective crossings on the level, and the working and management of such signals and conveniences, wherever situate, shall be under the management of that company, and all such sums, costs, and expenses shall be recoverable by that company from the Trustees with full costs by all and the same means as any simple contract debt.

A.D. 1879.

49. All works to be constructed by the Trustees under the authority of this Act in any way affecting the Maryport and Carlisle Railway, or the works or lands belonging to the Maryport and Carlisle Railway Company, shall be constructed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Maryport and Carlisle Railway Company, in such manner and according to plans previously approved by such engineer, but at the expense in all things of the Trustees, and in case any difference shall arise between the Trustees and that company as to the said plans, such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application either of the Trustees or of that company, and the costs of and incident to any such application and consequent thereon shall be borne and defrayed as such arbitrator shall direct, and such works shall, as far as may be practicable, be so constructed as to cause no injury to such railway, lands, or works, or obstruction to or interference with the passage of traffic thereon, and if any such injury, obstruction, or interference shall arise, the Trustees shall make full compensation to the Maryport and Carlisle Railway Company for such injury, obstruction, or interference; and with respect to any lands belonging to or under the control of the Maryport and Carlisle Railway Company which the Trustees are under this Act authorised to take or interfere with, the Trustees shall not purchase or take the same, but they may purchase and take, and that company may and shall sell and grant accordingly, an easement or right of using such lands for the purposes for which but for this enactment the Trustees might purchase and take the same. The amount to be paid by the Trustees for the acquisition of such easement shall, in case of difference between the Trustees and that company, be determined by arbitration in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.

As to construction of works affecting the Maryport and Carlisle Railway.

A.D. 1879.

Power to Trustees to alter levels of rails, &c. of railways of the two companies, and tramways belonging to the iron companies and to Mistress Senhouse.

50. Subject to the provisions of this Act, the Trustees may alter either temporarily or permanently such portions of the lines, levels, and points of junction of the railways of the two companies, and of the private tramroads or sidings belonging or reputed to belong to Mistress Elizabeth Pocklington Senhouse and the iron companies, as are within the limits of deviation shown on the deposited plans, to such extent and in such manner as may be necessary for the purposes of the dock, basin, railways, and other works by this Act authorised, and may re-construct and re-arrange all or any of such railways and tramroads or sidings as are within such limits. Provided always, that no such alteration affecting the railway of the London and North-western Railway Company shall be made without their consent under their common seal. Provided further, that nothing in this section contained shall authorise the Trustees to do any act whereby the efficient working of the traffic on the said railways and tramroads or sidings shall be interfered with.

Differences as to alteration of rails, &c. to be settled by arbitration.

51. If any difference shall arise between the Trustees and the two companies and the said Mistress Elizabeth Pocklington Senhouse and the iron companies, or any or either of them, as to the mode in which such alteration, re-construction, or re-arrangement shall be carried out, the same shall be determined by an arbitrator to be appointed on the application of either of the said parties by the Board of Trade, but the provisions of this section shall not apply to any alteration affecting the railway of the London and North-western Railway Company.

Application of further provisions of 31 & 32 Vict. c. lxx.

52. The several provisions of the under-mentioned sections of the Act of 1868 shall apply to the harbour as by this Act extended, and the several works hereby authorised and the powers hereby conferred, as if they were here repeated, *mutatis mutandis* :

Section 79. (Provision that harbour shall not be liable to district rate) :

Section 80. (Persons entering into contracts for towing vessels not disqualified as trustees) :

Section 81. (Saving rights of the Crown) :

Section 83. (Saving rights of Her Majesty's Principal Secretary of State for the War Department) :

Section 84. (Saving rights of Lord of the Manor of Ellenborough) :

Section 85. (Railways not to be exempt from any general Act).

Saving rights of the Crown in the foreshore.

53. 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

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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. A.D. 1879.

54. All costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be borne by the Trustees, and shall be paid by them out of the harbour fund, and such costs shall include the costs incurred by the Trustees in complying with the provisions of the Act of the Session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act and all matters relating thereto as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons. Expenses of Act.

A.D. 1879.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

HARBOUR OF MARYPORT.

MORTGAGE DEED.

No. _____ £ _____

THE MARYPORT IMPROVEMENT (HARBOUR) ACT, 1879.

BY virtue of the above-mentioned Act the Trustees for the District and Harbour of Maryport, in consideration of _____ pounds paid to them by _____ grant to executors, administrators, and assigns, the harbour fund.

To hold until the said sum of _____ pounds be repaid to _____ or them, with interest at the yearly rate of _____ in the hundred, by equal half-yearly payments on the _____ day of _____ and the _____ day of _____ in every year from the day of the date hereof, the principal to be repaid on the _____ day of _____ one thousand eight hundred and _____ at the option of either party, and all payments to be made at the office of the Trustees.

Given under the seal of the Trustees for the District and Harbour of Maryport this _____ day of _____ one thousand eight hundred and _____

Clerk.

SCHEDULE (B.)

FORM OF TRANSFER OF MORTGAGE.

THE MARYPORT IMPROVEMENT (HARBOUR) ACT, 1879.

I, A.B. _____ of _____, in consideration of _____ pounds paid to me by C.D. _____ of _____ transfer to him, his executors, administrators, and assigns, the mortgage No. _____ of the harbour fund of the Trustees for the District and Harbour of Maryport for _____ pounds, and interest at the yearly rate of _____ pounds in the hundred, granted on the _____ day of _____ by the said Trustees (*or if the transfer be by endorsement* the within written security), and all my right and interest in and under the same.

As witness my hand and seal this _____ day of _____ one thousand eight hundred and _____

SCHEDULE (C.)

TONNAGE RATES.

INWARD CHARGES.	s.	d.
For every vessel with a cargo from any port or place within the limits of the home trade, per register ton - - - - -	0	6
For every vessel with a cargo from any port or place beyond the limits of the home trade, per register ton - - - - -	0	9
For every vessel entering the harbour in ballast or having on board cargo not exceeding one-half her registered tonnage, per register ton -	0	3

OUTWARD CHARGES.

For every vessel clearing either with or without a cargo on board for any port or place within the limits of the home trade, per register ton - - - - -	0	6
For every vessel clearing either with or without a cargo on board for any port or place beyond the limits of the home trade, per register ton - - - - -	0	9

Paddle steam vessels entering the harbour may, in the discretion of the trustees, be charged one-third in addition to the above rates.

SCHEDULE (D.)

RATES OF TOLLS ON GOODS.

	s.	d.
For every ton of coal, coke, culm, cinders, iron ore, stone, lime, tiles, or bricks - - - - -	0	2
For every ton of pig iron - - - - -	0	4
For every ton of iron or steel rails, bar, bolt, or cast iron - -	0	6
For every fifty cubic feet of pine or fir timber - - - - -	0	8
For every fifty cubic feet of any other description of timber - -	1	0
And in case any such timber as aforesaid shall continue in the harbour for a longer period than one week, then for each week beyond such first week - - - - -	0	6
For every fifty cubic feet of deals, deal ends, battens, or batten ends	0	8
For every fifty cubic feet of lathwood - - - - -	0	6
For every one hundred and twenty staves - - - - -	0	6
For every ton weight of goods, wares, or merchandise of every other kind, character, or description, and whether liquid or solid -	1	0
Or at the option of the Trustees for every forty cubic feet of such goods and merchandise - - - - -	1	0
For every package or parcel of goods, wares, or merchandise, less than a ton, the same sum as is payable in respect of a ton.		
For every horse, mule, and other beast of draught or burthen -	1	6
For every ox, cow, bullock, steer, or heifer - - - - -	1	6
For every calf, pig, sheep, lamb, or other small animal - - -	0	6
For every reclaimed or domestic fowl - - - - -	0	1

SCHEDULE (E.)

WAREHOUSE and WHARFAGE RATES and RENT and TOLLS for Use of CRANES
and WEIGHING MACHINES.

R A T E S.		Wharfage.	Rent per Week.	For use of Cranes and Weighing Machines.
		s. d.	s. d.	s. d.
Alum - - - - -	per ton - - -	0 1	0 2	0 5
Apples - - - - -	per cwt. - - -	0 2	0 0 $\frac{1}{2}$	0 1
Ashes - - - - -	per ton - - -	0 9	0 2	0 4
Bacon - - - - -	per cwt. - - -	0 1	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
Beer or cyder - - -	per 18 gallons - -	0 1	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
Bellows - - - - -	each - - - - -	0 4	0 0 $\frac{1}{2}$	0 1
Blood manure - - -	per ton - - -	1 0	0 6	0 6
Bones - - - - -	ditto - - - - -	0 6	0 2	0 6
Brass wire - - - - -	ditto - - - - -	1 6	0 3	0 6
Bricks and tiles, common - - -	per 1,000 - - -	1 0	0 2	1 0
„ paving, malt, kiln, tiles - -	per 100 - - - -	0 6	0 1	0 6
„ fire - - - - -	per 1,000 - - -	2 0	0 4	2 0
Brimstone or fuller's earth - -	per ton - - - -	1 0	0 1	0 6
Brooms - - - - -	per dozen - - -	0 1	0 0 $\frac{1}{4}$	0 0 $\frac{1}{2}$
Butter - - - - -	per 56 lbs. - - -	0 1	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
Copper and other metallic ores - -	per ton - - - -	0 4	0 1	0 6
Copper and brass battery - - -	ditto - - - - -	1 2	0 2	0 6
„ nails, wrought copper, or brass -	ditto - - - - -	1 6	0 2	0 6
Chairs - - - - -	each - - - - -	0 1	0 0 $\frac{1}{4}$	0 0 $\frac{1}{2}$
Cattle - - - - -	ditto - - - - -	0 6	—	0 6
Carriages - - - - -	ditto - - - - -	2 0	—	2 0
„ cart - - - - -	ditto - - - - -	1 6	—	1 6
„ chaise, four-wheel - - - - -	ditto - - - - -	1 6	—	1 6
„ phaeton or gig - - - - -	ditto - - - - -	1 3	—	1 3
„ omnibus - - - - -	ditto - - - - -	5 0	—	5 0
„ stage coach - - - - -	ditto - - - - -	4 0	—	4 0
„ waggon - - - - -	ditto - - - - -	2 6	—	2 6
„ harrows or ploughs - - - - -	ditto - - - - -	0 6	—	0 3
Carboys, large - - - - -	ditto - - - - -	0 6	—	0 2
„ small - - - - -	ditto - - - - -	0 3	—	0 1
Cement or plaster of Paris - - -	per cwt. - - - -	0 0 $\frac{1}{2}$	0 0 $\frac{1}{4}$	0 0 $\frac{1}{4}$
Candles - - - - -	per 28 lbs. - - -	0 1	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
Cheese - - - - -	per ton - - - -	1 6	0 9	0 6
Coal culm or stone coal - - - -	ditto - - - - -	0 2	0 1	0 6
Corn, wheat, barley, oats, beans, &c.	per 100 lbs. - - -	0 1	0 1	0 1
Cotton - - - - -	per cwt. - - - -	0 1	0 1	0 0 $\frac{1}{2}$
Coffee - - - - -	ditto - - - - -	0 1	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
Cork, wood, loose - - - - -	per ton - - - -	2 3	0 4	0 9
Corks, large - - - - -	per cwt. - - - -	0 1 $\frac{1}{2}$	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
„ small - - - - -	ditto - - - - -	0 1	0 0 $\frac{1}{4}$	0 0 $\frac{1}{2}$
Deals - - - - -	per 150 - - - -	1 0	0 2	2 0
Deal ends - - - - -	ditto - - - - -	0 4	1 0	0 9
Dogs - - - - -	each - - - - -	0 2	—	0 1
Drugs - - - - -	per cwt. - - - -	0 4	0 1	0 1
Earthenware and pottery - - - -	ditto - - - - -	0 1	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
Eggs - - - - -	per 1,000 - - -	0 2	0 2	0 1

RATES.		Wharfage.	Rent per Week.	For use of cranes and weighing machines.
		s. d.	s. d.	s. d.
Fish	per cwt.	0 1½	0 1	0 1
Flax	per ton	1 9	0 4	0 9
Flour or Meal	per cwt.	0 2	0 1	0 1
Fruit	per cwt.	0 2	0 1	0 1
Furniture and goods per measure	per foot	0 0¼	0 0¼	0 0¼
" "	per 5 square feet	0 2½	0 1	0 1
Fustic	per ton	1 6	0 3	0 6
Glass (new)	per cwt.	0 2	0 1	0 1
" (old)	per cwt.	0 1	0 1	0 1
Guano	per ton	1 0	0 6	0 9
Gunpowder	per 14 lbs.	0 2	—	0 1
Hampers, empty	per dozen	0 2	0 0¼	0 1
Hardware	per cwt.	0 2	0 1	0 1
Hemp	per ton	1 9	0 4	0 9
Hops	per cwt.	0 1	0 1½	0 1
Horses	each	2 0	—	2 0
" ponies	ditto	1 0	—	1 0
" asses or mules	ditto	1 0	—	1 0
Indigo	per cwt.	0 6	0 1½	0 2
Iron, bar, bolt, pig, guns, shot, wire, cast iron, gun carriages	per ton	0 6	0 1	0 9
" broken or ballast	ditto	0 4	0 1	0 9
Juice (liquorice, &c.)	per cwt.	0 3	0 0½	0 1
Lead or sheet lead	per ton	1 0	0 2	0 4
" white or red	ditto	1 6	0 3	0 4
Leather	per cwt.	0 2½	0 1	0 1½
Limestone	per ton	0 2	0 0½	0 6
Lime	per ton	0 2	0 1	—
Logwood	per ton	1 6	0 2	0 6
Manure	per ton	0 2	0 6	0 9
Marble, black, under 2 tons	per ton	2 0	0 4	2 0
" 2 and under 5 tons	per ton	3 0	0 6	3 0
" above 5 tons	per ton	5 0	0 6	5 0
Molasses	per 18 gallons	0 1½	0 0½	0 1
Mustard	per 14 lbs.	0 1	0 0¼	0 0½
Music per case, large	per foot	0 0½	0 6	1 0
" " small	ditto	0 0½	0 3	0 6
Nitre of Phosphate	per ton	1 0	0 6	0 6
Nuts	per bushel	0 1	0 0¼	0 0½
Oak knees, large	each	0 2	0 2	0 1
" small	ditto	0 1	0 1	0 0½
Oak bark, loose	per ton	1 0	0 4	2 0
Oak, ash, elm, or other timber	per 50 feet	1 3	0 3	1 3
Oil	per 18 gallons	0 2	0 0½	0 1
Pepper	per cwt.	0 4	0 1	0 1
Pigs	each	0 2	—	0 2

RATES.				Wharfage.	Rent per Week.	For use of cranes and weighing machines.	
				s. d.	s. d.	s. d.	
Potatoes	-	-	-	per ton	1 0	0 6	1 0
Pork or beef	-	-	-	per cwt.	0 1	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
Rags	-	-	-	per ton	1 6	0 3	0 6
Rice	-	-	-	per cwt.	0 1	0 0 $\frac{1}{2}$	0 1
Rope or junk	-	-	-	ditto	0 1	0 1	0 1
Salt or rock salt	-	-	-	per ton	0 6	0 2	0 6
Saltpetre or nitre, rough	-	-	-	ditto	1 8	-	0 4
" " refined (cakes)	-	-	-	ditto	2 6	-	0 9
Seeds	-	-	-	per cwt.	0 3	0 0 $\frac{1}{2}$	0 1
Sheep	-	-	-	each	0 2	-	0 2
Shumac	-	-	-	per cwt.	0 2	0 0 $\frac{1}{4}$	0 1
Shoes, boots, &c.	-	-	-	per dozen	0 2	0 1	0 1
Slates	-	-	-	per ton	0 6	0 1	0 4
Soap	-	-	-	per cwt.	0 2	0 0 $\frac{1}{2}$	0 1
Soda	-	-	-	per cwt.	0 2	0 1	0 1
Spars, 6-in. and under 8 diam.	-	-	-	each	0 3	0 1	0 2
" 8-in. " 12 "	-	-	-	ditto	0 6	0 1	0 2
" 12-in. and upwards	-	-	-	ditto	1 0	0 2	0 3
Sugar, refined	-	-	-	per cwt.	0 1	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
" raw	-	-	-	per cwt.	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
Sulphur	-	-	-	per ton	0 4	0 2	0 6
" ore	-	-	-	ditto	0 4	0 2	0 6
Tallow	-	-	-	per cwt.	0 0 $\frac{1}{2}$	0 0 $\frac{1}{4}$	0 0 $\frac{1}{2}$
Tar	-	-	-	per 32 gallons	0 1	0 1	0 1
Tea	-	-	-	per cwt.	0 3	0 2	0 1 $\frac{1}{2}$
Tin	-	-	-	per ton	2 0	0 2	0 6
Tin plates	-	-	-	per cwt.	0 0 $\frac{1}{2}$	0 0 $\frac{1}{4}$	0 0 $\frac{1}{2}$
Tobacco	-	-	-	per cwt.	0 1	0 0 $\frac{1}{4}$	0 0 $\frac{1}{2}$
Vegetables	-	-	-	per ton	0 6	0 2	0 2
Vinegar	-	-	-	per 18 gallons	0 3	0 1	0 1
Wines or spirits	-	-	-	per 18 gallons	0 3	0 1	0 2
Wool	-	-	-	per 10 cwt.	1 0	0 1	0 4
Yarn	-	-	-	per 10 cwt.	0 9	0 2	0 2
Yeast	-	-	-	per 18 gallons	0 1	0 0 $\frac{1}{2}$	0 1
Zinc, manufactured	-	-	-	per cwt.	0 1	0 0 $\frac{1}{2}$	0 0 $\frac{1}{2}$
Small parcels	-	-	-	each	0 2	0 1	0 1

For every other article of goods, wares, or merchandise whatsoever which shall be shipped from, or landed or deposited upon the wharfs or quays in the harbour, such reasonable rates as the Trustees shall think fit.

And for the use of the warehouses such reasonable rate, rent, or sum as the Trustees shall think fit.

For any fractional part of any weight, measure, or number the same rate as the full or complete weight, measure, or number.

SCHEDULE (F.)

	Toll.		Carriage or Waggon.		Locomotive Power.		Maximum Rates.	
	s.	d.	s.	d.	s.	d.	s.	d.
For every passenger - - - - -	0	2	0	0½	0	0½	0	3
For every ton of coal, coke, culm, cinders, iron ore, stone, lime, tiles, or bricks - - - - -	0	1¼	0	0¼	0	0¼	0	1½
For every fifty cubic feet of timber - - - - -	0	2½	0	0¼	0	0½	0	2¾
For every ton weight of goods, wares, merchan- dise, or things of every other kind, character, or description, and whether liquid or solid - -	0	2½	0	0¼	0	0½	0	2¾
For every carriage, not being a carriage adapted and used for travelling on a railway, carried or conveyed on a truck or platform, per ton - -	0	4	0	0¼	0	0½	0	4¼
For any single piece of timber, stone, machinery, or other single article, the weight of which with the carriage shall exceed eight tons, the Trustees may demand such sum as they think fit - - - - -	—	—	—	—	—	—	—	—
For every package or parcel of goods, wares, merchandise, or thing less than a ton, the same sum as is payable in respect of a ton - - - - -	—	—	—	—	—	—	—	—
For every horse, mule, or other beast of draught or burthen - - - - -	0	4	0	0½	0	0½	0	4½
For every ox, cow, bull, steer, or heifer - - -	0	4	0	0½	0	0½	0	4½
For every calf, pig, sheep, lamb, or other small animal - - - - -	0	2	0	0½	0	0½	0	2
For any fractional part of any weight, measure, or number, the same rate as the full or complete weight, measure, or number.								

