



### CHAPTER clxxxix.

An Act to alter the Filey Pier and Harbour Order, 1878, and to dissolve the Company empowered thereby and re-incorporate them with fresh powers. [26th August 1880.] A.D. 1880.

**W**HEREAS the Filey Fishery Harbour and Pier Company, Limited, (herein-after referred to as "the old company,") were incorporated under the provisions of the Companies Acts, 1862, 1867, and 1877, for the purpose of constructing a harbour in Filey Bay, on the coast of the north riding of the county of York, and works connected therewith : 25 & 26 Vict.  
c. 89.  
30 & 31 Vict.  
c. 131.  
40 & 41 Vict.  
c. 26.

And whereas by the Filey Pier and Harbour Order, 1878, (herein-after referred to as the Order of 1878,) the old company were authorised to construct the pier, breakwaters, and works in the said Order mentioned, and to exercise the various powers and privileges thereby conferred upon them : 41 & 42 Vict.  
c. cxiv.

And whereas the capital of the old company was fixed by the memorandum and articles of association at fifty thousand pounds, divided into five thousand shares of ten pounds each, and has since been increased by special resolution to one hundred and fifty thousand pounds, and six hundred and forty-five of those shares have been subscribed for and payments have been made thereon :

And whereas the old company have not raised any money upon mortgage :

And whereas the old company have not commenced the execution of the works authorised by the said Order :

And whereas the harbour will be more commodious and better protected if the works as described in the said Order are altered and extended, and the Company have entered into an agreement for the purchase of the land required for the altered works :

And whereas the Company have also entered into a contract for the execution of the altered works conditional upon the necessary powers being obtained in the present session :

And whereas it is expedient that the works should be accordingly altered, and that for executing the same in accordance with the

A.D. 1880. powers of this Act the old company should be dissolved and re-incorporated, subject to the provisions herein-after contained :

And whereas plans and sections showing the lines, situation, and levels of the intended works have been deposited with the clerk of the peace for the north riding of the county of York, and are in this Act referred to as the deposited plans and sections :

And whereas the objects aforesaid 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 :

Short title.

1. This Act may be cited as the Filey Harbour Act, 1880

Construction of Act.

2. The Order of 1878, as amended by this Act, and this Act shall be read and have effect together as one Act, and all the provisions of the Order of 1878 with respect to the old company and works thereby authorised shall, as amended by this Act, extend and apply to the Company and the works authorised by this Act.

Repeal of certain sections of Order of 1878.

3. Sections 4, 5, 10, 20, 31, and 32 of the Order of 1878 shall from and after the commencement of this Act be repealed.

Incorporation of general Acts. 8 & 9 Vict. c. 16. 10 & 11 Vict. c. 27.

4. Subject to the provisions of this Act—

The Companies Clauses Consolidation Act, 1845 ;

The Harbours, Docks, and Piers Clauses Act, 1847, except the provisions thereof with respect to keeping a tide and weather gauge, and section 25 (rates not to be taken until the works shall be completed) ;

26 & 27 Vict. c. 92.

And sections 13, 18, and 19 of the Railways Clauses Act, 1863, are, except where varied by or inconsistent with this Act, incorporated with and form part of this Act.

Interpretation of terms.

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

The expression "the Company" means the Company incorporated by this Act ;

And the expression "superior court" or "court of competent jurisdiction" 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.

Dissolution and re-incorporation of Company.

6. From and after the passing of this Act the old company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of that company,



and all other persons and corporations who have subscribed to or who shall hereafter become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for the purpose herein-after mentioned, and shall be incorporated by the name of "The Filey Harbour Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase and take by agreement and hold and dispose of lands and other property for the purposes of this Act.

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7. The Company shall be established for the purpose of constructing and maintaining the piers or breakwaters and works by this Act authorised, and for improving and maintaining the harbour of Filey, and for the other purposes of this Act.

General powers of the Company.

8. All moneys, securities, credits, choses in action, books, papers, plans, effects, and other property whatsoever which immediately before the passing of this Act belonged to the old company or to any trustee on their behalf, and the benefit of all contracts and engagements entered into by or on behalf of that company and immediately before the passing of this Act in force, shall be and the same are hereby vested in the Company to the same extent and for the same estate and interest as the same were previously to the passing of this Act vested in the old company or any trustee on their behalf, and may according to the provisions of this Act be held and enjoyed, sued for, recovered, and disposed of by the Company as they think fit.

Present property of old company vested in the Company.

9. Subject to the provisions of this Act, and as from the date of the passing thereof, the memorandum and articles of association of the old company shall, as to any prospective operation thereof, be wholly void, but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said articles incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the old company if this Act had not been passed.

Memorandum and articles to be void, without prejudice to remedies for antecedent breaches thereof.

10. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old company, or the members thereof as such, shall be as valid as if the said memorandum and articles of association had not been avoided by this Act, and the incorporation of the Com-

Nothing to affect previous rights and liabilities.

A.D. 1880. — pany and avoidance of the said memorandum and articles shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, and claims and demands, both present and future, which, if the Company were not incorporated and the said memorandum and articles of association were not avoided by this Act and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands the Company and its shareholders and property shall to all intents and purposes represent the old company, and the members thereof as such, and the property of the old company, as the case may be, and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

Contracts  
prior to Act  
to be binding.

11. All purchases, sales, conveyances, grants, assurances, deeds, securities, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the old company, or any trustees or persons acting on behalf of that company, or by, to, or with any person to whose rights and liabilities they have succeeded, and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually, as if the Company had been a party thereto instead of the old company, or the trustees or persons acting on behalf of the old company.

Company to  
satisfy  
liabilities of  
old company.

12. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the old company immediately before the passing of this Act were subject, and shall indemnify the shareholders, directors, officers, and servants of the old company, and their respective representatives, from all such obligations and liabilities, and from all costs and expenses in that behalf.

Payment of  
debts due to  
or from the  
old company.

13. All persons who immediately before the passing of this Act owed any money to the old company shall pay the same, with all interest (if any) due or accruing upon the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or recoverable from the old company, or for the payment of which the Company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

Certificates  
and transfers  
to remain  
in force.

14. Notwithstanding the avoidance of the memorandum and articles of association of the old company, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under the said memorandum



and articles of association for and with respect to any shares in the old company shall remain in full force and continue and be available in all respects as if such memorandum and articles of association had not been avoided.

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**15.** All documents, books, and writings which if the said dissolution and avoidance had not been made would have been receivable in evidence shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such dissolution and avoidance.

Books and writings continued evidence.

**16.** The books kept by the old company for entering the names and designations of the shareholders thereof, with the number of their shares and the proper distinguishing numbers of such shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the register of shareholders required to be kept by the Companies Clauses Consolidation Act, 1845.

Present register of members to be continued.

**17.** Subject to the provisions of this Act, the capital of the Company shall be two hundred thousand pounds, divided into twenty thousand shares of ten pounds each.

Capital.

**18.** The several persons who immediately before the passing of this Act were the registered shareholders of the old company shall be entitled, instead of the share or shares held by them, to a share or shares, as the case may be, of equal nominal amount of the Company, on which there shall be deemed to have been paid up the same amount as had been paid at the passing of this Act on the share or shares of the old company so held.

Allotment of shares to present shareholders.

**19.** Every such share or shares of the Company shall be deemed to be in substitution for the share or shares in the capital of the Company for which it is substituted, and shall be subject and liable to the same calls, trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances, if any, as immediately before the passing of this Act affected the share or shares in the old company for which it is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Vesting of shares in present shareholders.

**20.** The Company shall call in and cancel any existing certificates of the shares in the old company, and the holders of any existing certificates of shares shall not be entitled to any certificates instead thereof until they shall have delivered up to the Company to be cancelled the certificates of their share or shares in the old company, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Company to cancel existing share certificates and issue new certificates in lieu thereof.

A.D. 1880. **21.** The Company shall not issue any share of less nominal value than ten pounds, nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares to be  
of not less  
than ten  
pounds nomi-  
nal value.

Calls. **22.** One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to  
borrow on  
mortgage. **23.** The Company may from time to time, under and subject to the provisions of this Act, borrow on mortgage of the rates and dues which they are authorised to levy under the Order of 1878 and this Act any sum or sums not exceeding in the whole sixty-six thousand pounds; provided that in respect of each one hundred thousand pounds of capital issued and accepted, and one half whereof shall have been paid up, the Company may borrow a sum or sums not exceeding in the whole thirty-three thousand pounds, but no part of either sum of thirty-three thousand pounds shall be borrowed until shares for so much of the portion of capital in respect of which such borrowing powers are exercised as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof, and any mortgages granted by the Company in pursuance of the powers of this section shall be in the form set forth in the schedule to this Act, or as near thereto as circumstances will admit.

24. The mortgagees of the rates and dues of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise 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 six thousand pounds in the whole.

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Appointment  
of receiver.

25. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Debenture  
stock.  
26 & 27 Vict.  
c. 118.

26. All money to be raised by the Company by mortgage or debenture stock under the provisions of this Act shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of  
mortgages  
and debenture  
stock  
over other  
debts.

8 & 9 Vict.  
c. 18.  
23 & 24 Vict.  
c. 106.

27. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act and for the general purposes of the Company.

Application  
of moneys.

28. The first ordinary meeting of the Company shall be held within three months after the passing of this Act, and the future ordinary meetings of the Company shall be held in the months of March and September in every year.

First  
ordinary  
meeting.

29. The quorum of all general meetings, whether ordinary or extraordinary, shall be eight shareholders holding not less in the aggregate than two thousand pounds in ordinary shares of the Company.

Quorum for  
meetings of  
Company.

30. The number of directors shall be eight, but the Company may from time to time reduce the number, provided that the number be not less than four.

Number of  
directors.



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Qualification  
of directors.

Quorum.

First direc-  
tors.

Election of  
directors.

Power to  
take lands by  
agreement.

Power to  
borrow on  
mortgage of  
lands and  
buildings.

Power to  
abandon  
works and to  
construct  
substituted  
works.

**31.** The qualification of a director shall be the possession in his own right of not less than three hundred pounds in the capital of the Company.

**32.** The quorum of a meeting of directors shall be five while their number is more than seven, and three while their number is seven or less.

**33.** Henry Bentley, Robert Cammish, Edwin Harrison Green, the Honourable Claud John, commonly called Lord Claud John Hamilton, Kelburne King, Thomas Marr Lee, Lord Londesborough, and James Young shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act.

**34.** At that meeting the shareholders present in person and by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall, subject to the power herein-before contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

**35.** The Company may purchase by agreement and hold any lands shown on the deposited plans not exceeding one hundred and twenty acres, and may from time to time sell or lease any part thereof not required for the works by this Act authorised.

**36.** The Company may from time to time borrow on mortgage of any lands, warehouses, and buildings belonging to them, other than lands forming the site of the piers or breakwaters by this Act authorised, such sum or sums of money as may be agreed between the Company and the persons lending the same.

**37.** The Company may, instead of the works authorised by the Order of 1878, and subject to the provisions of the said Order, as amended by this Act, make and maintain, in the situation and according to the levels shown on the deposited plans and sections, the works herein-after described, with all necessary and convenient shipping and landing places, quays, tramways, warehouses and



other buildings, cranes, lifts, buoys, moorings, and other works and conveniences, and may dredge and deepen from time to time the bed or shore of the sea within the limits of the harbour. The works herein-before referred to and authorised by this Act are—

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(a.) A solid pier or breakwater, commencing near high-water mark at ordinary spring tides, about thirty yards north of the boundary line between the north and east ridings of the county of York, thence extending seaward in an easterly direction for a distance of about thirteen hundred and fifty yards, and thence curving in a north-easterly direction for a further distance of about one hundred and fifty yards, and terminating in the sea about two hundred and seventy-five yards southward of low-water line on Filey Brigg :

(b.) A solid pier or breakwater, commencing at Carr Naze Point, extending in an easterly and south-easterly direction along the Brigg and Spittal Rocks for a distance of about six hundred yards, and thence curving for about one hundred yards in a southerly direction to and terminating at a point in the sea about one hundred yards on the west side of the extremity of the said rocks, and about one hundred and eighty yards eastward of the termination of the pier or breakwater first herein-before described :

Provided that, notwithstanding anything contained in this Act or in the deposited plans and sections, the width of the piers or breakwaters hereby authorised, and the works required for the protection thereof, shall be such as the Board of Trade shall with all convenient despatch prescribe, after full inquiry and hearing the Company, if they desire to be heard.

**38.** The Company shall not at any time commence to dredge below high-water mark of ordinary spring tides without the previous consent of the Board of Trade, to be signified in writing under the hand of one of their secretaries or assistant secretaries, and then only according to such plan and under such restrictions and regulations, both as to the distance to which the substances or materials dredged by them shall be taken and as to the positions at which the same shall be discharged, and under such other general restrictions and regulations, as the Board of Trade approve of, such approval being signified as last aforesaid; and when any such dredging shall have been completed with such consent as aforesaid, the Company shall not at any time extend the same without obtaining, previously to making any such extension, the like consent and approval.

Company  
not to dredge  
below high-  
water mark  
of ordinary  
spring tides  
without con-  
sent of the  
Board of  
Trade.

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Period for  
completion  
of works.

39. If the works by this Act authorised are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and maintaining the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Rentcharge  
payable to H.  
B. Firman.

40. And whereas the Company have agreed to purchase for the purposes of this Act from Humphrey Brooke Firman, in consideration of an annual rentcharge, subject as herein-after provided, certain lands adjoining the works by this Act authorised, including certain lands on which part of the pier secondly described in this Act will be constructed: Therefore, if the Company fail to complete the works by this Act authorised within five years from the passing of this Act, or shall be wound up, or if the works shall cease to be used as a harbour, or if the said rentcharge shall be in arrear for three half-yearly payments thereof or more, and if within twelve months after any of such events the Company, or their mortgagees or assigns, do not redeem the said rentcharge in manner nerein-after provided and pay all arrears thereof, then and in any such case the person for the time being entitled to receive the said rentcharge may enter upon all or any of the said lands (except so much thereof as forms the site of the said pier secondly described) in the name of the whole, and thereupon the same lands (except as aforesaid) shall go and be to the same uses as the rentcharge stood limited immediately before such re-entry, and the said rentcharge shall thereupon cease to be payable, but without prejudice to any remedies for the recovery of all arrears of the said rentcharge up to the day of such re-entry, and for that purpose the said rentcharge shall be apportionable up to that day; and the Company may at any time after the passing of this Act, on giving to the person for the time being entitled to the said rentcharge, or leaving at his last known place of abode, six months notice in writing, redeem and extinguish the same by payment to him of a sum equal to twenty-five years purchase of the said rentcharge, and the money paid for such redemption and extinction shall be paid in the same manner as if it had been the purchase money for land taken by the Company under the Lands Clauses Consolidation Acts, 1845, 1860, and 1869.

32 & 33 Vict.  
c. 18.

Deposit to be  
made by the  
Company.

41. Before the works authorised by this Act are commenced the Company shall invest in the Consolidated Three Pounds per Centum per Annum Annuities or other Government securities, in the joint names of Charles Cecil Trevor, Assistant Secretary of the Harbour Department of the Board of Trade, and Henry Bentley, of Woodlesford, near Leeds (in [this section called the trustees), the sum of



twenty thousand pounds, which sum when so invested shall be and continue a fund in trust for the following purposes; (that is to say,) A.D. 1880.

First. In case the Company do not within five years after the passing of this Act complete such works, then the trust fund shall be applied in or towards removing or completing, in such manner and to such extent as the trustees direct, such parts of such works as are then made but left unfinished, or in restoring the site thereof, as near as may be, to its former condition;

Secondly. Or in case the Company after having commenced such works at any time thereafter fail for one year to proceed with or make reasonable progress in making the works, then the trustees, if they in their discretion think proper, may forthwith apply the trust fund for or towards completing such works or part thereof, or in removing such part of the works as are made but left unfinished, or in restoring the site thereof, as near as may be, to its former condition, in like manner as if the five years had actually expired;

Thirdly. If any balance shall remain in the hands of the trustees after paying all expenses to arise under and incident to this section, such balance shall be paid by the trustees to the Company:

Provided that as soon as one half of the works hereby authorised shall have been constructed a sum equal to one half of the sum invested under this section shall be repaid by the trustees to the Company, and the residue of the said sum shall be repaid on the completion of the works, or, with the consent of the Board of Trade, at any earlier time, and the interest or dividends accruing upon the said sum, or so much thereof as shall remain invested in accordance with this section, shall be from time to time paid by the trustees to the Company.

No personal liability shall attach to the trustees in connexion with or under this Act.

42. In case of the death of the said Charles Cecil Trevor or Henry Bentley, or either of them, or of the successor of either of them, or of any person appointed as herein-after mentioned, or in case they, or either of them become unable or unwilling to act as the trustees, the place of the said Charles Cecil Trevor, or of any successor to him, shall be supplied by some person appointed by the Board of Trade, and the place of the said Henry Bentley, or of any successor to him, shall be supplied by some person appointed by the Company, and every such appointment shall be in writing and signed by a Secretary or Assistant Secretary of the Board of

Provision for appointment of trustee in room of a vacating trustee.

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Levying of rates.

43. The powers to demand and take rates conferred on the Company by the Order of 1878 may be exercised when it shall have been certified under the hand of a Secretary or an Assistant Secretary of the Board of Trade that the Company have constructed and so far completed any portion of the works by this Act authorised as to afford protection and shelter for vessels.

Limits of harbour.

44. The limits of the harbour and of the authority of the Company, as defined by the Order of 1878, shall be extended and comprise the area below high-water line lying within an imaginary line parallel to the pier or breakwater firstly described in this Act, at a distance of two hundred yards southward of the southern side thereof, and extending seaward to a point at a distance of one thousand seven hundred and fifty yards from the high-water line, and from that point due north to Filey Brigg: Provided that nothing herein contained shall enable the Company to exercise any power or authority upon or otherwise interfere with any part of any lands and foreshore belonging to John Baker.

Proof to be given to Board of Trade before commencement of works.

45. The Company shall not commence any of the works authorised by this Act until they shall have proved to the satisfaction of the Board of Trade that they are in a position to complete the piers and breakwaters by this Act authorised, and a certificate under the hand of a Secretary or an Assistant Secretary of the Board of Trade that the proof aforesaid has been given shall be sufficient evidence thereof.

Saving rights of the Crown.

46. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any land lying below low-water mark, or any other land belonging to Her Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, otherwise than in accordance with the terms of certain articles of agreement, made the fifth day of April one thousand eight hundred and seventy-eight, between the Queen's most Excellent Majesty of the first part, the Honourable Charles Alexander Gore, one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, of the second part, and the old company of the third part, and such articles of agreement shall hereafter be read and shall have effect as if the harbour works therein referred to were the works referred to and authorised by this Act.

Saving rights of the Crown in the foreshore.

47. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the



shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's most Excellent Majesty her heirs or successors.

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48. Nothing in this Act contained shall be deemed to exempt the Company from the provisions of the Merchant Shipping Act, 1854, or of any general Act relating to harbours or docks, or dues on shipping or on goods carried in ships, now in force or which may be passed during the present or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the rates or dues authorised to be taken by the Company.

Company  
not exempt  
from pro-  
visions of  
17 & 18 Vict.  
c. 104., &c.

49. All costs, charges, and expenses of and incident to the passing of this Act, or preparatory thereto, shall be paid by the Company.

Expenses of  
Act.

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The SCHEDULE referred to in the foregoing Act.

FORM OF MORTGAGE.

Mortgage No. £

Dated the day of .

By virtue of the Filey Harbour Act, 1880, and in consideration of the sum of £ paid to the Filey Harbour Company by *A.B.* of , the Filey Harbour Company do hereby grant and assign unto the said *A.B.* , his executors, administrators,

and assigns, such proportion of the rates and dues arising by virtue of the said Act from the harbour, piers, and breakwaters thereby authorised as the said sum of £ doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and dues, to hold to the said *A.B.*

, his executors, administrators, and assigns, from this day until the said sum of £ , with interest at per centum per annum for the same, shall be fully paid and satisfied [the principal sum to be repaid at the end of years from the date hereof], *if the mortgage be for a term.* In witness whereof the common seal of the said Company was hereunto affixed this day of in the presence of .