

**CHAPTER clxx.**

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Torquay, and Tralee and Fenit. A.D. 1888.

[7th August 1888.]

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict.
c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

And whereas it is expedient to amend the Torquay Harbour and District Act, 1886.

Be it therefore 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. The several Orders, as amended, set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force. Confirmation
of Orders
in schedule.

2. The Local Board and the Commissioners respectively mentioned in the said Orders shall not, under the powers of this Act or of the said Orders without the consent of the Local Government Board in England, or of the Local Government Board for Ireland in Ireland, as the case may be, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district in England, or in Ireland in any urban sanitary district as defined by the Special pro-
vision as to
houses of
labouring
class.

A.D. 1888. Public Health (Ireland) Act, 1878, as the case may be, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section, the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Repeal of s. 38
of Torquay
Harbour and
District Act,
1886.

Short title.

3. Section thirty-eight of the Torquay Harbour and District Act, 1886, is hereby repealed.

4. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act, 1888.

THE SCHEDULE OF ORDERS.

1. TORQUAY.—Amendment of local Acts and former Orders and construction of works.
 2. TRALEE AND FENIT.—Amendment of former Order.
-

SCHEDULE.

A.D. 1888.

Torquay.TORQUAY.

Order for amending the Torquay Harbour Act 1803 the Torquay Harbour Orders 1864 and 1868 and the Torquay Harbour and District Act 1886 and for the construction and maintenance and regulation of additional piers and works at or near Torquay in the county of Devon.

1. This Order may be cited as the Torquay Harbour Order 1888 and this Order together with the Torquay Harbour Act 1803 in this Order called the Act of 1803 the Torquay Harbour Orders 1864 and 1868 and the Torquay Harbour and District Act 1886 in this Order called the Act of 1886 (so far as that Act refers to the Torquay Harbour) as such Orders or Acts are varied by this Order shall be read and construed as one Act or Order. Short title.

2. The Local Board of Health for the district of Torquay (in this Order called the Local Board) shall be the Undertakers for carrying this Order into execution. Undertakers.

3. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 (except with respect to the taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the Undertaking) are hereby (except so far as varied by or inconsistent with this Order) incorporated with this Order. Incorporation of Acts.

4. The following words and expressions in this Order and the schedule hereto and in the Acts Orders and schedules incorporated herewith have respectively the following meanings unless inconsistent with the context (that is to say):— Interpretation of terms.

“Cart” includes railway and other trucks wheelbarrows and any vehicles made or used for the conveyance of fish goods materials or things ;

“Carriage” includes any vehicle for the conveyance of persons ;

“Collector of rates” means the person appointed to collect the rates and tolls authorised to be levied and includes assistants of the collector ;

“Fish” includes shell fish shrimps and prawns ;

“Goods” includes wares and merchandise and animals of every description and all articles in respect of which rates or tolls are payable except fish ;

“Master” when used in relation to any vessel means any person whether the owner master or other person lawfully or wrongfully having or taking the command charge or management of any vessel for the time being ;

“Net” includes tackle and gear relating to fishing vessels ;

“Owner” when used in relation to goods or fish includes any consignor consignee shipper broker salesman or agent for the sale or custody of such goods or fish as well as the owner thereof ;

“Rates” means any rates or duties or other payment in the nature thereof and includes tolls and dues ;

“Vessel” includes ship lighter keel barge boat wherry raft or craft or any other kind of vessel whether navigated by steam or otherwise ;

A.D. 1888.

Torquay.

"Warehouse" includes counting-house office shed lean-to salt store ice well ice store cellar and any building and erection for purposes of trade or business ;

And words and expressions to which meanings are assigned by the enactments incorporated herewith have in this Order (unless the context otherwise requires) the same respective meanings provided that the expression "superior courts" or "court of competent jurisdiction" or any like expression 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.

Power to take
lands by agree-
ment.

5. For the purposes of the works authorised by this Order the Local Board may from time to time by agreement enter on take and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they may from time to time require for the purposes of the works authorised by this Order and of the conveniences connected therewith.

Power to take
easements by
agreement.

6. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Order grant to the Local Board any easement right or privilege not being an easement of water required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Lands for
extraordinary
purposes and
agreement for
purchase of
Duchy rights.

7. The Local Board may purchase and hold in addition to the aforesaid land any land not exceeding in the whole thirty-five acres and may further enter into contracts agreements or arrangements with His Royal Highness the Prince of Wales for the purchase of all or part of the fundus and foreshore of or appertaining to the Duchy of Cornwall and adjoining the limits and works authorised by this Order.

No exemption
from pro-
ceedings for
nuisance.

8. This Order or anything herein contained shall not exempt the Local Board from any proceedings on account of any nuisance caused by them on any land taken by them.

Power to
execute works.

9. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade may from time to time require before the completion of the works in order to prevent injury to navigation the Local Board may in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon) and within the limits of deviation shown on those plans construct and maintain the works authorised by this Order.

The works authorised by this Order comprise the following :—

- (1.) A pier (herein-after referred to as Pier No. 1) commencing at or near a point on the Torbay Road 1,000 feet from the west corner of the existing coal stores and extending therefrom into the sea in a south-south-westerly direction for 850 feet or thereabouts ;
- (2.) A pier (herein-after referred to as Pier No. 2) commencing at the termination on the sea-side of Pier No. 1 and proceeding thence in a southerly direction for 150 feet or thereabouts measured on the inner side of the pier ;

A.D. 1888.

Torquay.

(3.) A pier (herein-after referred to as Pier No. 3) commencing at the termination on the sea-side of Pier No. 2 and proceeding thence in a south-south-easterly direction for 405 feet or thereabouts leaving an entrance to the harbour between the head of the existing pier commonly called or known as the "Promenade Pier" and the proposed Pier No. 3 of 350 feet or thereabouts ;

(4.) A quay (herein-after referred to as Quay No. 4) commencing at a point 310 feet from the west corner of the existing coal stores and 250 feet from the south-west corner of the Torbay Hotel and extending in a north-westerly direction 680 feet or thereabouts to the commencement of the said Pier No. 1 ;

(5.) A quay (herein-after referred to as Quay No. 5) forming a continuation of the said Quay No. 4 in a south-easterly direction 220 feet then in a south-south-westerly direction 180 feet then in a south-easterly direction 160 feet then in a north-easterly direction for 70 feet forming a continuation of the existing fish quay ;

(6.) A quay (herein-after referred to as Quay No. 6) to be formed along the south-west side of the existing south pier commencing at a point 80 feet from the south-east end of the pier and extending 200 feet in length 16 feet in width ;

(7.) All proper approaches wharves landing-places warehouses and other works and conveniences for the use of passengers and for landing storing lading and embarking goods merchandise and fish and storage and sale of the same and other purposes The dredging scouring cleansing and removing of any rocks banks of sand or mud within or adjoining the said intended piers harbour and other works or in the approaches thereto ;

(8.) To enclose reclaim and convert to the purposes of their undertaking or for the widening or construction of roads or pleasure grounds or any other purpose any part of the bed or foreshore of the harbour and any other lands and foreshore that will be enclosed by the proposed quay walls or embankments or that may be acquired by the Local Board by agreement or otherwise under the provisions of the Order.

10. The Local Board may also subject to the rules and regulations of the Board of Trade connect the Quay No. 5 with Quay No. 6 by means of a drawbridge or swingbridge and convert the harbour referred to in the Torquay Harbour Orders 1864 and 1868 as the old harbour into a floating dock by the construction of gates and other necessary appliances machinery and conveniences requisite for that purpose and may fill up any portion of the old harbour for the purpose of making pleasure grounds and making or widening roads paths or approaches in connexion therewith.

Subsidiary
works.

11. The Local Board in constructing the works authorised by this Order may alter and deviate the same to any extent laterally within the limits of deviation and vertically not exceeding five feet but in any case only with the approval in writing of the Board of Trade first obtained.

Power to
deviate.

12. Every person who wilfully obstructs in any manner the execution of or damages in any manner any of the works within the limits of the harbour as extended by this Order shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds.

Obstruction of
and damage
to works.

13. The limits within which the Local Board shall have authority and which shall be deemed the limits to which this Order and the Acts and Orders

Limits of
Order.

A.D. 1888.

Torquay.

incorporated herewith and the power to levy rates extend shall be the present harbour and works and the works by this Order authorised and the area below high-water mark within the following limits :—

- (A.) An imaginary line drawn due west from the south-east point of the outer of certain rocks commonly called or known as the "Mill Stones" for a distance of 1,500 feet ;
- (B.) An imaginary line drawn due east in continuation of line A, until it meets the shore or cliff at high water mark ;
- (C.) An imaginary line 300 feet outside of and parallel to the proposed Pier No. 1 by this Order authorised, extending seawards a distance of 1,200 feet from the Torbay Road ;
- (D.) An imaginary line connecting the seaward extremities of lines A. and C.

Powers to dredge &c. at or near harbour and works authorised by this Order.

Power of Local Board as to sand seaweed &c. within harbour limits.

14. The Local Board may from time to time repair maintain and improve the present harbour and the works hereby authorised and may from time to time improve deepen straighten dredge and alter the same and the bed thereof and entrance thereto.

15. All sand mud seaweed accretions and detritus and other materials lying growing or floating or dredged up or removed within the limits of the authority of the Local Board shall become and be the property of the Local Board who may from time to time sell or otherwise dispose of the same or remove and lay down the same within the harbour and afterwards from time to time again take up and remove and sell or otherwise dispose of the same and all money arising therefrom after the payment of the expenses connected therewith shall be applied as rates received under this Order are applicable but works affecting the soil below high-water mark shall not be commenced without the consent of the Board of Trade having been first obtained in writing.

Local Board may provide steam engines dredgers &c.

16. The Local Board may purchase hire or provide maintain and use such steam engines steam vessels piling engines steam and other cranes diving bells dredgers ballast lighters barges boats buoys mooring posts mooring craft weighing machines cranes warps warping ropes tackle machinery staging appliances and conveniences as they think proper for carrying on the business of their harbour and works or for any of the purposes of this Order and may demand and take such sums for the use thereof as they think reasonable.

Establishment of ferries.

17. The Local Board may from time to time establish maintain and regulate ferries across the harbour as they think fit.

Mode of working ferry.

18. Where the Local Board acquire or establish under this Order any ferry across the harbour they may work the ferry by hand by horse or by steam power or may place or lay down any chains or ropes in and across the harbour and work any ferry by means of such chains or ropes but if any ferry be worked by such means it shall be so worked as not to interfere with any vessel navigating the harbour.

Vessels not to obstruct ferries.

19. No vessel nor any cable or hawser attached thereto shall at any time be placed or remain so as to obstruct any ferry acquired or established by the Local Board across the harbour or the approach by water thereto or the direct passage of any ferry boat across the harbour and if any vessel cable or hawser be placed or remain contrary to this enactment the ferryman may remove the obstruction and the master of the vessel shall be liable to a penalty for every such offence

not exceeding five pounds. Provided that before the ferryman remove such obstruction he shall put on board such vessel proper assistance for the protection of the vessel and the master thereof shall pay the reasonable expenses for such assistance.

A.D. 1888.

Torquay.

20. The Local Board may from time to time demand and take for any ferry established by them any sums not exceeding the tolls specified in Part IV. of the schedule to this Order but no toll shall be demanded or payable of or in respect of any officer of the Board of Trade or of the Customs passing or repassing in execution of his duty.

Tolls for
ferries.

21. On and after the 1st day of January 1889 the schedule to the Order of 1864 shall be varied as follows namely Table I. and the items as to fish in Table II. of that schedule shall be and the same are hereby repealed and in lieu thereof the Local Board may demand and take the rates specified in Part I. of the schedule hereto and until the certificate mentioned in the next following section of this Order has been obtained the rates leviable before this Order takes effect as the same are so varied by this section of this Order shall continue payable and may be demanded and received by the Local Board.

Rates varied
until certificate
obtained.

22. When a certificate has been obtained from the Board of Trade that the Local Board have expended a sum of not less than twelve thousand pounds on the piers and quays by this Order authorised and that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given Tables IV. and V. of the schedule to the Order of 1864 shall be and the same are as from the time of obtaining such certificate repealed but without prejudice to the right of the Local Board to recover money due at the time of repeal and in lieu thereof the rates specified in Parts II. and III. of the schedule to this Order shall become payable and the Local Board may subject and according to the provisions of this Order for the use of the whole of the present harbour piers quays and works and the piers quays and works by this Order authorised and within the limits of this Order demand and take in respect of the vessels fishing and other boats goods wares merchandise and things described in the schedule to the Torquay Harbour Order 1864 as varied by this Order any sums not exceeding the rates mentioned in that schedule with the variation made therein on and after the 1st day of January 1889 under this Order.

Power to
take rates
dues &c. in
schedule.

23. The Local Board may from time to time confer vary and extinguish exemptions from or may enter into a composition with any person with respect to the payment of the rates authorised by this Order and the Acts and Orders to be read with this Order but so that no preference be in any case given and that anything done under this section shall not prejudice the other provisions of this Order.

Power to
compound
for rates.

24. The Local Board within one month after sending to the clerk of the peace the copy of their annual account in abstract (which account shall be made up at the end of the day on the 25th day of March in each year) shall send a copy of the same to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account. If the Local Board refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Annual
account to be
sent to Board
of Trade.

25. The Local Board shall from time to time revise the rates received by them under this Order and the former Orders so that their income under such Orders

Rates to be
revised.

A.D. 1888.

Torquay.

may always be so far as practicable sufficient and not more than sufficient for the purposes of such Orders and if at any time and from time to time the clear annual income derived from the harbour and works on the average of the then three last preceding years after payment of all expenses and outgoings shall exceed the amount sufficient to answer the purposes of such Orders the Board of Trade may if in their discretion they think fit reduce the rates leviable under such Orders to such extent as will be sufficient to provide the amount aforesaid and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding those authorised by such Orders.

Certain fishing vessels under stress of weather exempt from rates.

26. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the harbour and works authorised by this Order and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Officers of Board of Trade and others exempt from rates.

27. Officers of the Board of Trade and of the Customs and coastguard being in the execution of their duty shall at all times have free ingress passage and egress on into through and out of the harbour and works by land and with their vessels and otherwise without payment.

Lifeboat crew to be exempt from tolls.

28. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the harbour and works without payment.

Life-saving apparatus may be attached to pier, &c.

29. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the pier harbour or works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier harbour and works.

Power to borrow.

30. The Local Board for the purpose of executing the works hereby authorised may from time to time borrow at interest (in addition to any sums they may be entitled to borrow under the Act of 1886 or under the provisions of the Public Health Act or any other public or local Act) further sums of money to the amount of fifty-five thousand five hundred pounds upon the security of the revenue of the harbour undertaking as defined by the Act of 1886 and extended by this Order, and of the district fund and general district rates of the urban sanitary district of Torquay, and section 46 of the Act of 1886 shall apply to all mortgages made under the provisions of this Order.

Repayment and re-borrowing of money borrowed.

31. All sums borrowed by the Local Board under this Order shall be repaid within fifty years from the date when they are borrowed and sections forty-seven to fifty-four of the Act of 1886 shall with the necessary variation apply to the repayment of moneys borrowed under this Order.

A.D. 1888.

*Torquay*Application
of money
borrowed.

32. All moneys borrowed under this Order shall be applied only for the purposes of this Order and in the following order and not otherwise (that is to say) :—

(1.) In payment of all costs charges and expenses of and incidental to preparing applying for and obtaining this Order and of borrowing money under this Order :

(2.) In construction of the works by this Order authorised and for the other purposes of this Order to which capital is properly applicable.

33. The Local Board shall apply all the rates received under this Order for the purposes and in the order following and not otherwise (that is to say) :—

Application
of rates and
income.

(1.) In paying the costs charges and expenses of and incidental to the collection and recovery of rates receivable under this Order ;

(2.) In paying the expenses of managing regulating and maintaining the harbour and the works connected therewith ;

(3.) In paying year by year the interest on money borrowed and remaining due when this Order takes effect, and the instalments of principal payable in respect of such money according to the priority of the securities for the same ;

(4.) In paying year by year the interest upon money borrowed under this Order ;

(5.) In paying year by year the instalments and appropriations and in setting apart the sinking fund for the repayment of moneys borrowed ;

(6.) In repaying to the account of the general district rates or district fund of the urban sanitary district of Torquay any contributions received from time to time from such rates or fund for the purpose of discharging interest instalments of principal appropriations or sinking fund and also in repaying any moneys raised for the purposes of the harbour and works and charged on the said district rates or district fund.

And any balance remaining after the purposes aforesaid are effected shall be applied to the improvement of the harbour and works and not otherwise.

34. The Local Board shall keep a separate account of expenditure on capital account under this Order and in such account shall distinguish between the expenditure relating to the works and things authorised by this Order and the obtaining of this Order from all the other expenditure of the Local Board and the provisions of the Act of 1886 section 11 relating to the audit of accounts shall apply to and be observed with respect to the account kept under the provisions of this Order.

Separate
account.

35. The Local Board may subject to confirmation by the Board of Trade make byelaws to regulate the fish traffic on the piers and quays within the limits of the harbour as extended by this Order and the carts and carriages used in connexion with such traffic and to prevent the deposit and accumulation of nets barrels fish boxes carts and carriages or other matters and things used in connexion with the said traffic upon these quays and by such byelaws the Local Board may set apart certain quays or portions of or special portions upon the said quays for particular descriptions of traffic or business and without prejudice to and so as not to interfere with any general statutory requirements may require the owners of all boats using the harbour so extended to have such owners names and a number or distinctive appellation painted legibly and conspicuously upon such boats and to register the same in a book to be provided by the Local Board and

Power to make
byelaws.

A.D. 1888.

Torquay.

to existing
laws
extended to
new works
and power to
make byelaws
as to those
works.

Harbour as
extended to
form part of
parish of
Tormoham.

parts of Har-
bours, &c. Act
accepted.

As to lights
during the
construction
of works.

As to lights
after comple-
tion of works.

Provision
against danger
to navigation.

kept at the office of the harbour-master and the Local Board may impose for the breach of any such byelaws a reasonable penalty not exceeding five pounds to be recovered by the Local Board in a summary manner.

36. From and after the passing of the Act confirming this Order all byelaws at that time having validity within the limits of the present harbour shall be in like manner enforceable by the Local Board within the limits of this Order without any further confirmation by the Board of Trade and thereafter (but subject to such confirmation) the Local Board may from time to time make and alter further byelaws for the management and regulation of the new piers quays and pleasure grounds by this Order authorised and for the regulation of persons using the same (for pleasure or business) as the Local Board may deem proper and the Local Board may impose for the breach of any such byelaws reasonable penalties not exceeding five pounds to be recovered as in the last preceding section mentioned.

37. From and after the passing of the Act confirming this Order the harbour as extended in this Order shall be deemed to form part of the parish of Tormoham in the county of Devon and be within the district and under the jurisdiction of the Local Board.

38. Sections sixteen to nineteen inclusive and twenty-five and twenty-six of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Local Board shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the harbour and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

39. Before commencing the works authorised by this Order the Local Board shall apply to the Board of Trade for directions as to the lights (if any) to be exhibited and shall in all respects obey any direction given on such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works by this Order authorised. If the Local Board refuse or neglect to observe any directions of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds.

40. After completion or permanent discontinuance or abandonment of the works authorised by the former Orders or this Order the Local Board shall at the outer extremity of the works or the completed portions thereof exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to lighting and the Local Board shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to apply.

41. In case of injury to or destruction or decay of the pier or works or any part thereof the Local Board shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as

shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Local Board shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

A.D. 1888.

Torquay.

42. In the following cases (that is to say) :

Powers to
cease in
certain events.

1. If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced ; or

2. If such works after having been commenced should be virtually suspended for twelve consecutive calendar months ;

the powers by this Order given for executing such works respectively or otherwise in relation thereto shall cease to be exercised except as to so much of such works as shall be then completed unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced or that they have been virtually suspended for twelve consecutive calendar months shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

43. This Order shall not be taken as a consent to the surrender of nor shall anything in this Order prejudice or affect any property interests rights powers authorities or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Her Majesty's Woods or either of them.

Saving of
Crown rights.

44. The consent of His Royal Highness the Prince of Wales in right of his Duchy of Cornwall signified to this Order shall not be taken as a consent to the surrender of and nothing in this Order contained shall prejudice or affect any property rights powers authorities or privileges of His Royal Highness or of the possessor of the Duchy of Cornwall for the time being.

Saving rights
of Duchy of
Cornwall.

45. All the costs charges and expenses of or incident to preparing and obtaining of this Order or otherwise incurred in relation thereto shall be paid by the Local Board.

Costs of Order.

A.D. 1888.

Torquay.

SCHEDULE to which the foregoing Order refers.

PART I.

RATES ON VESSELS ENTERING THE LIMITS OF THE HARBOUR.

| | s. | d. |
|---|----|----|
| For every vessel per register ton - - - - - | 0 | 6 |
| For every vessel remaining in the harbour beyond one month for each additional fourteen days per register ton every fraction of fourteen days being considered as fourteen days - - - - - | 0 | 2 |
| For every two-oared boat yearly - - - - - | 1 | 6 |
| For every four-oared boat yearly - - - - - | 2 | 6 |
| For every vessel not exceeding five tons yearly - - - - - | 10 | 0 |
| For every other vessel over five tons and not exceeding ten tons yearly - | 20 | 0 |
| For every vessel when solely employed in the fishery on the coast yearly per register ton - - - - - | 1 | 0 |
| For every open boat not making a yearly payment entering the harbour each time - - - - - | 1 | 0 |

RATES ON FISH.

On soles salmon turbot brill red mullet dorey lobsters prawns (or other first-class fish)—

| | | |
|---|---|---|
| Not exceeding 28 lbs. - - - - - | 0 | 1 |
| Exceeding 28 lbs. and not exceeding 56 lbs. - - - - - | 0 | 2 |
| „ 56 lbs. „ 84 lbs. - - - - - | 0 | 3 |
| „ 84 lbs. „ 112 lbs. - - - - - | 0 | 4 |

On herrings pilchards sprats conger eels ray gurnet and whiting pout—

 $\frac{1}{2}$ d. per cwt. or any less quantity.

On mackerel whiting dabs plaice cod hake bass bream grey mullet shrimps and every other description of fish or shell fish not particularly designated in this schedule—

1d. per cwt. or any less quantity.

On fish salted preserved or dry per cwt. - - - - - 0 1

LUGGAGE.

For any portmanteau trunk parcel or other article of passengers luggage per packet - - - - - 0 2

PART II.

RATES ON PASSENGERS LANDING OR EMBARKING WITHIN THE LIMITS OF THE HARBOUR.

For every passenger - - - - - 0 3

A.D. 1888

Torquay.

PART III.

RATES FOR PROMENADERS ON THE PRESENT BREAKWATER OR ON THE PIERS
 OR QUAYS (NUMBERED 1 2 AND 3) AUTHORISED BY THE FOREGOING
 ORDER.

s. d.

| | | |
|--|---|---|
| For every person who shall use any part of the works above described for the purpose of walking for exercise pleasure or any other pur- pose except for embarking or disembarking for each time any sum not exceeding - - - - - | 0 | 4 |
| For every bath or sedan chair including the driver taken on any part of those works for each time any sum not exceeding - - - - - | 0 | 6 |
| For every perambulator taken thereon for each time any sum not exceeding - - - - - | 0 | 2 |

RATES FOR PROMENADERS ON THE QUAY AND PLEASURE GROUND (NUMBERED
 4 AND 8) AUTHORISED BY THE FOREGOING ORDER.

| | | |
|--|---|---|
| For every person who shall use any part of the works above described for the purpose of walking for exercise pleasure or any other pur- pose except for embarking or disembarking for each time any sum not exceeding - - - - - | 0 | 4 |
| For every bath or sedan chair including the driver taken on any part of those works for each time any sum not exceeding - - - - - | 0 | 6 |
| For every perambulator taken thereon for each time any sum not exceeding - - - - - | 0 | 2 |

PART IV.

FERRY TOLLS.

| | | |
|-------------------------------|---|---|
| For every passenger - - - - - | 0 | 1 |
|-------------------------------|---|---|

A.D. 1888.

TRALEE AND FENIT.

Tralee and
Fenit.*Order for amending the Tralee and Fenit Pier and
Harbour Order, 1880.*

Short title.

1. This Order may be cited as the Tralee and Fenit Pier and Harbour Order, 1888, and this Order and the Tralee and Fenit Pier and Harbour Order, 1880 (in this Order called the Order of 1880), as amended by this Order, shall be read and construed together as one Order, and the Order of 1880 and this Order may be cited together as the Tralee and Fenit Pier and Harbour Orders, 1880 and 1888.

Amendment of
subsections 5
and 6 of
section 2 of
the Order
of 1880 as to
qualifications.

2. Subsection 6 of section 2 of the Order of 1880 shall be read and construed as if the qualification for a person entitled to be a Commissioner under that subsection had been the payment of dues, rates, or duties on merchandise imported or exported or partly imported and partly exported in the period prescribed by that subsection on one thousand tons and upwards instead of on two thousand tons and upwards as provided by that subsection, and as if the scale of qualification for voting for Commissioners, so far as regards the first vote, had been the payment of dues, rates, or duties on merchandise imported or exported or partly imported and partly exported in the period prescribed by that subsection on one thousand to four thousand tons one vote, instead of on two thousand to four thousand tons one vote as provided by that subsection, and the word "dues" in subsections 5 and 6 of the said section 2, and in this section for the purpose of the qualification of persons to be Commissioners and for voting for Commissioners includes dues, rates, or duties paid to the Commissioners on merchandise as regards the harbour as defined by the Order of 1880, and the ship canal and undertaking herein-after mentioned, or either of them, in the year ending the 31st of December 1888, and thereafter in each year ending the 31st of December preceding the election of Commissioners under subsections 5 and 6 of section 2 of the Order of 1880 as amended by this Order and under this Order.

Provision
for electing
Commissioners
under sub-
sections
5 and 6 of
section 2 of
the Order of
1880.

3. A meeting for the election of Commissioners to act in pursuance of the provisions of subsections 5 and 6 respectively of section 2 of the Order of 1880, as amended by this Order, shall be convened and held within three months after the 1st January 1889, such meeting to be convened by notice by the clerk to the Commissioners, stating the time, place, and purpose of the meeting, and the names of the persons qualified to elect and to be elected, published by advertisement in one or more newspapers published in Tralee, seven clear days at the least before the day of election; and the proceedings at such elections shall, notwithstanding section 3 of the Order of 1880, be conducted in accordance with the provisions of sections 18, 19, 22, 23, and 26, and 28, 29, and 30, and 32 to 35 inclusive of the Commissioners Clauses Act, 1847, so far as mutatis mutandis the same are applicable, and also in accordance with the provisions of subsections 5 and 6 of the said section 2 of the Order of 1880 as amended by this Order.

The chairman shall return the names of the persons elected to be Commissioners at such meeting to the Commissioners, and the persons so elected shall

hold office as Commissioners until the time of the commencement of the annual meeting of the Commissioners to be held as prescribed by section 40 of the Commissioners Clauses Act, 1847, in the year 1892, and shall then go out of office; their successors shall be elected at a meeting convened in like manner under the said subsections 5 and 6 as amended by this Order, to be held within one month before the said annual meeting of the Commissioners in the year 1892, and the names of the persons so elected shall be returned to the Commissioners, and the said persons shall hold office as Commissioners from the time of the commencement of the said annual meeting to be held in the year 1892 until the time of the commencement of the annual meeting of Commissioners in 1895, and shall then go out of office, and the election of their successors shall be carried out in like manner in all respects at a meeting to be held in every successive third year within one month before the annual meeting of Commissioners to be held in that year.

A.D. 1888.

Tralee and
Fenit.

4. The limits of the harbour constituted by the Order of 1880 within which the Commissioners shall have authority, and which shall be deemed the limits to which this Order and the Order of 1880, as amended by this Order, extend, shall, except as regards the power to levy rates, dues, and charges, extend to and comprise, in addition to the limits prescribed by the Order of 1880, the ship canal and undertaking mentioned in the Acts ninth George the Fourth, chapter one hundred and eighteen, and sixth and seventh William the Fourth, chapter one hundred and fourteen, and the following areas, being the limits of the harbour of Tralee as defined by the said Act ninth George the Fourth, chapter one hundred and eighteen, now vested in the Commissioners (that is to say) all that and those the islands, shores, creeks, rocks, wharves, or landing-places situate, lying, and being between the shore or beach immediately under Kilgobbin Church and Blennerville Bridge on the south side of the bay or harbour of Tralee, and all that and those the several islands, shores, creeks, rocks, wharves, or landing-places situate, lying, and being between the small or lesser Samphire Island and Blennerville Bridge on the north side of the said bay or harbour of Tralee, and all that and those the sea or space lying or being between the said northern and southern shores limits and boundaries. But this Order or anything herein contained shall not authorise the levying of any rates, dues, or charges except within the limits authorised by the Order of 1880, in case this Order had not been made, but all rates, dues, or charges which could have been levied if this Order had not been made, may still continue to be recovered and received.

Extension of
limits of juris-
diction except
for rates.

5. The schedule of rates annexed to the Order of 1880 is hereby amended in the following particulars (that is to say):

Amendment
of schedule
to Order of
1880.

- (1.) In Part I., tonnage duties for all vessels to load or unload to or from foreign ports or places per register ton, instead of the sum of eightpence the sum of one shilling shall be deemed to be inserted.
- (2.) In Part V., rates for ballast, instead of the sum of one shilling and ninepence per ton the sum of three shillings and sixpence per ton shall be deemed to be inserted.

6. The Commissioners may construct, lay down, and maintain mooring buoys within or adjoining the harbour authorised by the Order of 1880 and this Order for the accommodation of vessels using the said harbour, and the Commissioners

Power to lay
down mooring
buoys.

A.D. 1888.

Tralee and
Fenit.Power to
borrow.Existing
mortgages to
have priority.Borrowed
money to be
applied for
purposes of
the harbour.Account to be
made up on
25th March.Power to
make agree-
ments with
Tralee and
Fenit Railway
Company or
any other
railway
company.Custom-house
officers and
others exempt
from rates.Provision
against danger
to navigation.

may make byelaws for the regulation and control of vessels using such mooring buoys subject to the same being allowed and confirmed in the same manner as other byelaws made by the Commissioners under the Order of 1880, and the Commissioners may, notwithstanding the provisions of section 4 of this Order, demand and receive such rates or other considerations as they may think reasonable for the use of any such mooring buoys.

7. The Commissioners, for the purposes of this Order and the Order of 1880, and in addition to the sum they are already authorised to borrow, may borrow any further sum not exceeding five thousand pounds on the security of the tolls, duties, rates, and charges authorised to be levied and taken by the Commissioners, and the Commissioners may grant bonds, debentures, or mortgages of such tolls, duties, rates, and charges, or of any part or parts thereof, in security of the repayment of the money so borrowed with interest thereon.

8. All mortgages granted by the Commissioners under the Order of 1880, and all moneys otherwise secured upon any of the property now vested in the Commissioners, and which shall be subsisting at the time of the passing of the Act confirming this Order shall, during the continuance of such mortgages and securities, have priority over any mortgages or securities to be granted or created by the Commissioners under the authority of this Order.

9. Every part of the money borrowed under this Order shall be applied for the purposes of the Order of 1880 and of this Order and of the undertaking of the Commissioners.

10. The annual account in abstract of the Commissioners, a copy whereof is required to be sent to the clerk of the peace and to the Board of Trade, shall be made up to the end of the day on the 25th day of March in each year.

11. The Commissioners and the Tralee and Fenit Railway Company, or any other railway company, may, subject to the approval of the Board of Trade in writing, from time to time enter into and carry into effect contracts, agreements, and arrangements for or with respect to the working, use, and management, and also the interchange, accommodation, conveyance, and delivery of the traffic between the railway of the Company and the pier and harbour of the Commissioners; the amount and proportion of the payments to be made and the conditions to be performed with respect to such working, use, and management; the levying, fixing, and division and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of such traffic; and the rents, payments, allowances, rebates, and drawbacks to be paid, made, or allowed by the contracting parties to each other for or on account of any of the matters to which any contract, agreement, or arrangement relates.

12. Officers of the Board of Trade and of the Customs being in the execution of their duty shall at all times have free ingress, passage, and egress to, in, through, out of, and from the pier, harbour, and works by and with their vessels and otherwise without payment.

13. In case of injury to, or destruction, or decay of the pier or works of the Commissioners, or any part thereof, the Commissioners shall lay down such buoys, exhibit such lights, or take such other means for preventing, so far as may be, danger to navigation, as shall from time to time be directed by the Commissioners of Irish Lights; and shall apply to the last-mentioned

Commissioners for directions as to the means to be taken, and the Commissioners under this Order shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply, or refuse or neglect to obey any direction given in reference to the means to be taken.

A.D. 1888
Tralee and
Fenit.

14. The time limited by the Order of 1880 for the completion of the works thereby authorised shall be and the same is hereby extended for a period of three years after the passing of the Act confirming this Order.

Extension
of time for
construction
of works.

15. All costs, charges, and expenses of or incident to preparing and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the Commissioners out of any of their funds.

Costs of Order.

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