



ANNO DECIMO

# VICTORIÆ REGINÆ.

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## Cap. vi.

An Act for extending and enlarging a certain Pier in *Pile Harbour* in the Parish of *Dalton-in-Furness* in the County Palatine of *Lancaster*, and to alter the Act relating thereto. [11th *May* 1847.]

**W**HEREAS an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for erecting and main- 6 & 7 Vict. c. 42.*  
*taining a Pier in Pile Harbour in the Parish of Dalton-in-Furness in the County Palatine of Lancaster*, and by the said Act *John Abel Smith* Esquire was empowered to make and complete a Pier at or from *Rampside* to *Roe Island*, and from *Roe Island* into *Pile Harbour*, in the Parish of *Dalton-in-Furness* in the County Palatine of *Lancaster*, with such other Works and Conveniences connected therewith as he or they should consider to be requisite or suitable for the several Purposes therein mentioned: And whereas the said *John Abel Smith* has built the said Pier so authorized as aforesaid, and the extending and enlarging of the said Pier on the North and East Sides of *Roe Island* aforesaid, and the making and erecting of a Pier, Stage, or Jetty on the South Side of the said Pier between the Pier Head or Cross Piece in *Pikestone Bed Hollow* and *Roe Island* aforesaid, together with convenient Roads, Avenues, and Approaches thereto,  
[Local.] O would

would be of great public Utility, and the said *John Abel Smith* is willing and desirous, at his own Expence, to make and construct such additional Works: And whereas it is expedient that the said recited Act should be enlarged, and that further Powers should be given to the said *John Abel Smith* to enable him to make and construct such additional Works as aforesaid; but the several 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, That the Act of Parliament following, (that is to say,) "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

8 & 9 Vict.  
c. 18. incor-  
porated with  
this Act.

Short Title.

II. And be it enacted, That in citing the said recited Act in other Acts of Parliament, and in legal Instruments, and in other Proceedings, it shall be sufficient to use the Expression "The *Pile Pier Act, 1843*;" and that in citing this Act in other Acts of Parliament, and in legal Instruments, and in other Proceedings, it shall be sufficient to use the Expression "The *Pile Pier Act, 1847*."

Certain Pro-  
visions of re-  
cited Act  
extended to  
this Act.

III. And be it enacted, That all Provisions, Matters, and Things contained in the said recited Act (except such of them as are inconsistent with the Purposes of this Act, or are by this Act altered or otherwise provided for) shall extend to the several other Purposes and Things hereby authorized to be done as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

Works to be  
made ac-  
cording to  
deposited  
Plan, &c.

IV. And whereas Plans of the proposed Extension and Enlargement of the said Pier, and of the said additional Pier, Stage, or Jetty, and also Books of Reference, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace of the County of *Lancaster*; be it enacted, That, subject to the Provisions in this Act and in the Act incorporated herewith, and in the said recited Act, contained, it shall be lawful for the said *John Abel Smith*, his Heirs and Assigns, by himself and others, at his and their own proper Costs and Expences, to make, build, construct, and complete an additional Pier or Piers, Jetty or Jetties, on the North and East Sides of *Roe Island* aforesaid into the Harbour of *Pile*, and an additional Pier, Stage, or Jetty on the South Side of the said Pier so authorized to be made and completed by the said recited Act as aforesaid, between the Pier Head or Cross Piece in *Pikestone Bed Hollow* and *Roe Island* aforesaid, all in the Parish of *Dalton-in-Furness* aforesaid with proper and sufficient Quays, Wharfs, Landing Places, Cranes, Weighing Machines, and such other Erections, Buildings, and Works attached thereto, or connected therewith, with all necessary or convenient Roads, Avenues, and Approaches thereto, as he or they shall consider to be requisite or suitable upon the Lands delineated upon the said Plans, and described in the said Books of Reference.

V. And

V. And be it enacted, That it shall not be lawful for the said *John Abel Smith*, or his Heirs or Assigns, to construct below High-water Mark at ordinary Spring Tides any Pier, Jetty, or other Work hereby authorized to be made, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve of, such Approval being signified as last aforesaid; and where any such Pier, Jetty, or other Work shall have been constructed, it shall not be lawful for the said *John Abel Smith*, his Heirs or Assigns, at any Time to alter or extend the same, without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Pier, Jetty, or other Work shall be commenced or completed contrary to the Provisions of this Act, or if the same, or any of them, or any Part thereof, shall be abandoned by the said *John Abel Smith*, his Heirs, Executors, Administrators, or Assigns, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said *John Abel Smith*, his Heirs and Assigns, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

Works below High-water Mark not to be executed without Consent of the Admiralty.

VI. And be it enacted, That it shall be lawful for the said *John Abel Smith*, his Heirs and Assigns, subject to the Provisions of this Act, to enter into, purchase, and take such of the Lands described in the Plans and Books of Reference herein-before mentioned as shall be necessary for the Purposes of this Act.

Power to take Lands, &c.

VII. And be it enacted, That the Powers of the said *John Abel Smith*, his Heirs and Assigns, for the compulsory Purchase or taking of Lands for the Purposes of this Act, shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period within which Lands are to be purchased.

VIII. And be it enacted, That after the Expiration of Five Years from the passing of this Act all the Powers hereby given to the said *John Abel Smith*, his Heirs and Assigns, for executing the said additional Pier or Piers, Jetty or Jetties, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said additional Pier or Piers, Jetty or Jetties, as shall then be completed, and except such Powers as shall hereby be declared to be continued for a longer Period.

Period for Completion of Works.

IX. And be it enacted, That the Powers of the said *John Abel Smith*, his Heirs and Assigns, for the compulsory Purchase or taking of Lands for the Purposes of the said recited Act, shall not be exercised after the Expiration of One Year from the passing of this Act.

Compulsory Power of purchasing Lands under recited Act limited.

X. And

Same Tolls  
to be taken  
on extended  
Pier as un-  
der recited  
Act.

X. And be it enacted, That it shall not be lawful for the said *John Abel Smith*, his Heirs or Assigns, at any Time to demand or take a greater Amount of Toll, or make any greater Charge, for the Use of the said Pier or the additional Works hereby authorized to be made than he or they is or are by the said recited Act authorized to demand.

Pier to be  
free on Pay-  
ment of  
Tolls.

XI. And be it enacted, That at all Times hereafter whilst the said *John Abel Smith*, his Heirs or Assigns, shall demand and receive any Tolls or Rates for the Use of the said Pier or other Works, all Companies or Persons shall be entitled to use the said Pier and other Works upon Payment of the Tolls or Rates for the Time being charged by the said *John Abel Smith*, his Heirs or Assigns, in respect of the same, but subject nevertheless to the Bye Laws, Rules, and Regulations to be from Time to Time made by the said *John Abel Smith*, his Heirs or Assigns, by virtue of any of the Powers or Authorities given to or conferred upon him or them in that Behalf.

Officers of  
Customs, &c.  
exempted  
from Pay-  
ment of Toll.

XII. And be it enacted, That every Vessel and Boat belonging to, or employed in the Service of, or seized or detained on behalf of Her Majesty, Her Heirs and Successors, and every Vessel in the Service of the Customs or Excise or Post Office, and all Officers or Persons employed therein respectively, or in the Service or Employ of the Admiralty or Ordnance, shall have free Use of the said Piers, Jetties, Quays, Wharfs, Landing Places, Cranes, Weighing Machines, and other Erections, Roads, and Approaches thereto, without any Charge or Rate whatsoever being made for the same, and without any Toll or Rate being payable for any Stores belonging to or purchased for Her Majesty's Service, or for any Baggage belonging to such Officers or Persons aforesaid; and nothing in this Act contained shall confer any Power or Control over any of the said Vessels or Boats, their Officers or Crews: Provided always, that if any Person shall claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Public Act.

XIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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