



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cv.

An Act to amend the Act 3 *Victoria*, Chapter 44., for regulating and preserving the Harbour of *Workington* in the County of *Cumberland*, in relation to the Securities to be granted for borrowed Money; and for other Purposes.

[23d *June* 1864.]

WHEREAS an Act was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for regulating and preserving the Harbour of Workington, in the County of Cumberland, and for other Purposes relating thereto*; and the said Act, which is herein-after referred to as "the recited Act," has been and still is being carried into effect in relation to the said Harbour, and has proved of great local and public Advantage: And whereas by the Act now in recital it is enacted that it shall be lawful for the Trustees for carrying into execution the several Purposes of the said Act from Time to Time to borrow and take up at Interest any Sum or Sums of Money on the Credit of the several Tonnage Rates or Dues and other Duties connected with the said Harbour (the Anchorage Dues therein referred to being excepted), and by Writing under the Hands and Seals of any Five or

3 & 4 Vict.
c. xlv.

[*Local.*]

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more of them to mortgage, grant, or assign the said Tonnage Rates or Dues and other Duties connected with the said Harbour (the said Anchorage Dues excepted) to any Person or Persons who should advance or lend such Money, or to his Trustee or Trustees, as a Security for the Money so to be borrowed, together with such lawful Interest as the said Trustees and the Parties lending such Money should agree upon: And whereas, in pursuance of the recited Act, the Sum of Sixteen thousand Pounds has been borrowed by the said Trustees, and secured pursuant to the Powers contained in the said Act; but the said Act does not expressly authorize the said Trustees to borrow and take up Money at Interest upon Terminable Securities, and Doubts and Disputes have arisen as to whether they have Power so to do, and it is expedient that express Powers should be granted to them for that Purpose: And whereas, in consequence of the Increase of the Trade carried on in the said Harbour, it is expedient that the said Trustees should be authorized to borrow an additional Sum of Money, and to provide and use Steam Tugs and other Vessels, Steam Engines, and other Apparatus for the Purposes of the said Harbour, and from Time to Time to acquire by Agreement additional Lands adjacent to the said Harbour; but these Objects 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, in manner following; (that is to say,)

Certain Sections of 10 & 11 Vict. c. 16. incorporated with recited Act and this Act.

1. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Liabilities of the Commissioners and to legal Proceedings by or against the Commissioners, and such Parts of the said Act relating to Mortgages as are herein-after referred to; that is to say, Sections Seventy-five, Seventy-six, Seventy-nine, Eighty-one, Eighty-two, Eighty-three, Eighty-four, Eighty-five, and Eighty-eight are hereby incorporated with the recited Act and this Act, except so far as the same are altered or varied by this Act.

Provisions of 3 & 4 Vict. c. xlv. applicable to Monies borrowed, &c., to apply with this Act.

2. All the Powers and Provisions of the recited Act, in so far as the same are not altered or varied by this Act, or by the Parts of "The Commissioners Clauses Act, 1847," incorporated therewith as aforesaid, are hereby incorporated with this Act, and shall apply to the Monies herein-after authorized to be borrowed, and to the Rates and Charges herein-after authorized to be taken, and to the Lands herein-after authorized to be purchased by Agreement, in the same Manner as if such Monies had been authorized to be borrowed, and such Rates and Charges had been authorized to be taken, and such Lands had been authorized to be purchased by Agreement under the Powers of the recited Act.

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3. It shall be lawful for the Trustees for the Time being for carrying into execution the several Purposes of the recited Act, or any Five or more of them, in order to pay off the said Sum of Sixteen thousand Pounds and Interest, or any Part thereof, and for the other Purposes of the recited Act and this Act, to borrow and take up at Interest, on the Security of the several Tonnage Rates or Dues and other Duties and Charges leviable by them in respect of the said Harbour (the said Anchorage Dues excepted) any Sum or Sums of Money not exceeding in the whole, including the said Sum of Sixteen thousand Pounds, the Sum of Fifty thousand Pounds, and to assign the said Rates or Dues and other Duties and Charges as a Security for any Sum or Sums of Money so to be borrowed with Interest according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and the Sum or Sums of Money so to be borrowed and secured shall be made payable at the End of some Term or Terms of Years to be in such Securities expressed or otherwise as shall be agreed upon between the said Trustees and the Person or Persons from whom such Sum or Sums shall be so respectively borrowed and received: Provided always, that the Sums so to be borrowed shall be applied to the Purposes herein-before mentioned and to no other Purpose whatever.

Power to Trustees to borrow Monies on Security of Rates, &c.

4. It shall be lawful for any Person entitled for the Time being to any of the Assignments or Mortgages for the Money herein-before authorized to be borrowed, and his Executors, Administrators, and Assigns, by deed in Writing under his or their respective Hands and Seals duly stamped, and in which the Consideration for the same shall be truly stated, to transfer the same respectively to any other Person whomsoever according to the Form in the Schedule (B.) to this Act annexed or to the like Effect; which Transfer shall within Twenty Days after the Date thereof be produced to the Clerk of the said Trustees, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sum of Money thereby transferred, in the Register Book to be kept for entering Copies of the original Securities, for which Entry the said Clerk shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry made every such Transfer shall entitle the Person to whom the same shall be made, and his Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Transfer of Mortgages.

5. It shall be lawful for the said Trustees for the Time being, or any Five or more of them, to agree with any Holder of or other Person for the Time being entitled to any Assignment or Mortgage, already granted or hereafter to be granted in pursuance of the recited Act, to exchange or renew his Assignment or Mortgage for an Assignment or Mortgage to be made according to the Form in the said Schedule (A.) to this Act annexed, provided that the whole Sum borrowed

Subsisting Securities may be changed and renewed according to Form in Schedule.

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borrowed and secured at any One Time under the Authority of the recited Act and this Act shall not exceed the said Sum of Fifty thousand Pounds.

Reborrowing.

6. If, after having borrowed any Part of the Money hereby authorized to be borrowed on Assignment or Mortgage, the said Trustees shall desire to pay, or shall actually pay off, the same otherwise than out of the Sinking Fund or the Sums set apart for the same, or the surplus Income, it shall be lawful for them again to borrow the Amount so paid off at the same or such other Rate of Interest as they may at the Time find it necessary to agree to pay, and so from Time to Time as Occasion may require.

Amount to be set apart annually as a Sinking Fund.

7. One Fortieth Part of the Sums borrowed at the Time under the Authority of the recited Act and of this Act shall be set apart every Year as a Sinking Fund.

Trustees may purchase Lands by Agreement.

8. It shall be lawful for the said Trustees from Time to Time to purchase and acquire by Agreement any Lands adjacent to the Limits of the Harbour, as described in the recited Act, not exceeding in the whole Ten Acres; and any Lands so acquired shall, from and after the Period at which they shall become vested in the said Trustees, form Part of the said Harbour of *Workington*; and all the Powers and Provisions of the recited Act and this Act shall thereafter apply to such Lands to the same Extent as if such Lands had been included within the Limits of the said Harbour specified in the recited Act.

Steam Tugs and Apparatus may be provided.

9. The said Trustees may from Time to Time build, purchase, hire, provide, and use all such Steam Tugs, Ballast Lighters, Hoppers, Steam Engines, Piling Engines, Diving Bells, and other Vessels, Machinery, Implements, and Apparatus as they may think requisite for any of the Purposes of the recited Act and of this Act, and may make such reasonable Rates and Charges for the Use of the same respectively as they from Time to Time may think fit.

Recited Act not to be affected except as altered by this Act.

10. Nothing in this Act contained shall be deemed or construed to annul, suspend, or prejudice any of the Powers or Provisions contained in the recited Act in relation to the Harbour and Town of *Workington*, save and except so far as the same are hereby expressly altered or varied, or as may be necessary for fully and effectually carrying the Purposes of this Act into effect.

Harbour not exempt from General Acts.

11. Nothing in this Act contained shall exempt the Harbour of *Workington* or the said Trustees from the Provisions of the Merchant Shipping Acts or of any General Act already passed, or which may be hereafter passed, relating to Harbours or to Dues on Shipping or on Goods

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Goods carried in Ships, or to Pilotage, or to Lights, Buoys, and Beacons, or to the Powers and Privileges of the General Lighthouse Authorities, or from any future Revision and Alteration under the Authority of Parliament of the Rates and Duties authorized by the recited Act.

12. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Workington Harbour Act, 1864.*" Short Title.

13. The Costs and Charges of passing this Act, and preparatory and incidental thereto, shall be paid by the said Trustees. Expenses of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. _____

Form of Assignment or Mortgage.

By virtue of the Workington Harbour Act, 1864, we of the Trustees authorized in this Behalf by the said Act, in consideration of the Sum of _____ Pounds Sterling, paid to the Treasurer of the said Trustees by *A.B.*, of _____ for the Purposes of the Act 3 Vict. (Local), Chapter 44., and of the Workington Harbour Act, 1864, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Tonnage Rates or Dues and other Duties and Charges leviable by the said Trustees in respect of the Harbour of Workington (the Anchorage Monies due to and collected for or on account of the Lords of the Manors of Workington and Seaton respectively excepted) as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed and shall from Time to Time be owing upon the Credit of the said Rates or Dues, Duties, and Charges; 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. In witness whereof we have hereunto set our Hands and Seals this _____ Day of _____ in the Year of our Lord

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SCHEDULE (B.)

Form of Transfer.

I, *A.B.*, of [or I, *C.D.*, of *Executor*
or Administrator of *A.B.*, late of *or otherwise, as the*
Case may happen to be] in consideration of the Sum of _____ to
me paid by *E.F.*, of _____ do hereby assign and transfer
unto the said *E.F.*, his Executors, Administrators, and Assigns, a
certain Security Number _____ bearing Date the _____ Day
of _____ in the Year of our Lord _____ under
the Hands and Seals of _____ of the Trustees for
carrying into execution the Purposes of an Act passed in the Third
Year of the Reign of Her Majesty Queen Victoria, intituled “ An
“ Act for regulating and preserving the Harbour of Workington in the
“ County of Cumberland, and for other Purposes relating thereto,”
and of “ The Workington Harbour Act, 1864,” and the Principal Sum
of _____ thereby secured, and all Interest now due or hereafter
to grow due thereon, and all my Right and Interest in and to the
same. In witness hereof I have hereunto set my Hand and Seal
the _____ Day of _____ in the Year of our
Lord _____

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