CHAPTER lxxix.

An Act to enable the Trustees of the Port and Harbour of Alloa to construct additional works to raise further money and for other purposes. [26th July 1889.]

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WHEREAS by the Alloa Harbour Consolidation Act 1872 (in this Act called "the Act of 1872") Trustees were incorporated under the name and style of "the Trustees of the port and harbour of Alloa" (in this Act called "the Trustees") and the undertaking of the former Trustees acting under the Acts recited in the Act of 1872 (herein-after called "the former Acts") was transferred to and vested in the Trustees and the Trustees were authorised to make and maintain an extension and improvement of the then existing wet dock of Alloa Harbour and a wet dock or basin and all proper approaches works and conveniences connected therewith and to borrow on the security of the rates by the Act of 1872 authorised to be levied and the other revenues of the harbour any sum or sums not exceeding in the whole the sum of £35000 and it was by the Act of 1872 provided that the sums which had been borrowed and were due under the provisions of the former Acts should be deemed a part of the said sum of £35000 and that the sinking fund provided for should in the first instance be applied by the Trustees in paying off the principal sums of the debts due at the passing of the Act of 1872 to the then creditors of the trust if required by such creditors in so far as such principal sums might not previously have been paid off or extinguished or re-borrowed under the provisions of the Act of 1872 and thereafter in paying off the principal sums borrowed under the authority of the Act of 1872:

35 & 36 Vict. c. clx.

And whereas by the Alloa Harbour Act 1878 (in this Act called "the Act of 1878") the Trustees were authorised in addition to the said sum of £35000 to borrow on the security of the rates by the Act of 1872 authorised to be levied and the other revenues of the harbour any sums not exceeding in the whole the sum of

41 & 42 Vict. c lxx.

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£15000 and it was enacted that all bonds securities or vouchers of debt granted by the former Trustees under the provisions of the former Acts and subsisting at the passing of the Act of 1878 and all bonds and assignations in security or other securities granted by the Trustees in pursuance of the powers of the Act of 1872 and subsisting at the passing of the Act of 1878 should during the continuance thereof have priority over any bonds and assignations in security or other securities granted by virtue of the Act of 1878 and subject thereto that the respective creditors in or holders of bonds and assignations in security or other securities to be granted for any part of the said sums of £35000 or £15000 should be entitled one with another to their respective proportions of the rates and other revenues of the Trustees according to the respective principal sums contained in and due under such bonds and assignations in security or other securities and to be repaid such principal sums and the interest thereon without any preference one above another by reason of the priority of advancing such moneys or of the dates of any such bonds and assignations in security or other securities:

And whereas the Trustees under the powers of the Act of 1872 executed the extension and improvement of the wet dock existing at the passing of that Act but have not constructed the wet dock or basin by that Act authorised:

And whereas the amount now due and owing of the moneys borrowed by the former Trustees and the moneys borrowed by the Trustees are as follows:—

Amount secured by bonds securities or vouchers of debt granted by the former Trustees under the former Acts and subsisting at the passing of the Act of 1878 - - - -	£2500	0	0
Amount secured by bonds and assignations in security or other securities granted by the Trustees under the Act of 1872 and subsisting at the passing of the Act of 1878 - -	32380	0	0
Amount borrowed by the Trustees under the Act of 1872 after the passing of the Act of 1878 -	120	0	0
Total amount authorised to be borrowed by the Trustees by the Act of 1872 - - -	£35000	0	0
Amount borrowed by the Trustees under the Act of 1878 - - - - -	14962	18	0
Total amount of the present bond debt of the Trustees - - - - -	£49962	18	0

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And whereas the Trustees have not created or issued any funded debt which they had power to create and issue under the Act of 1872 and the Act of 1878 (both herein-after called "the recited Acts") and it is expedient that the provisions of the recited Acts conferring powers on the Trustees to fund the moneys thereby authorised to be borrowed and the other provisions of the recited Acts relating to funded debt should be repealed and that the Trustees should be authorised to create and issue the debenture stocks herein-after mentioned in manner herein-after provided:

And whereas the revenue of the harbour is at present insufficient to meet the interest on the moneys borrowed and the other annual outgoings chargeable against revenue:

And whereas there is at present a considerable shipping trade at the port of Alloa but the depth of water in the existing dock and the entrance thereto is insufficient to admit of the larger class of vessels now generally employed in the shipping trade and traffic has been and is in danger of being to a greater extent diverted from the port:

And whereas it would be of advantage to the public and to the trade of Alloa were a new and deeper lock or entrance to the existing wet dock constructed and the dock itself deepened and improved so as to accommodate vessels of greater draught and size and it is expedient that the Trustees should be authorised to carry out those works and the other works by this Act authorised and for those purposes and the other purposes of this Act to borrow additional money and also to levy certain new and increased rates in respect of the use of the harbour and dock:

And whereas the North British Railway Company are interested in providing improved dock accommodation at Alloa and it is expedient that they should be empowered to lend money to the Trustees on the security of the rates and other revenues of the harbour and that that company should be authorised to apply for that purpose any money which they are authorised to raise or other funds belonging to them and also to guarantee the interest on any bonds and assignations in security or other securities or on any stock which the Trustees have already granted or may from time to time grant and create and issue to the extent herein-after mentioned:

And whereas it is expedient subject as is herein-after provided that the North British Railway Company should appoint a Trustee and that the co-partners for the time being trading under the name or style of the Alloa Coal Company or the majority of such co-partners or the survivors or survivor of them should also appoint a Trustee and that the constitution of the trust should be altered as in this Act provided:

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And whereas the whole of the bondholders under the former Acts and upwards of three fourths in value of the bondholders under the Act of 1872 and upwards of three fourths in value of the bondholders under the Act of 1878 being the whole of such bondholders excepting certain testamentary trustees and executors have consented in writing to the provisions of this Act with respect to the moneys borrowed under the former Acts and the recited Acts and now due and owing and the interest thereon and to the rankings thereof and of the moneys to be borrowed under the authority of this Act and the interest thereon:

And whereas the Trustees have hitherto been unable to set apart any money to the sinking fund by the recited Acts provided and it is expedient that the provisions of the recited Acts with reference to such sinking fund should be amended:

And whereas plans and sections of the works authorised by this Act showing the lines and levels thereof and also books of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Clackmannan and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Alloa Harbour Act 1889.

Recited Acts and this Act to be read as one Act.

2. The recited Acts as respectively amended by any subsequent Act shall be read and construed together with this Act.

Interpretation.

3. In this Act the following words and expressions shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The former Trustees" shall mean the Trustees at the passing of the Act of 1872 acting under the Acts recited in that Act or any of them:

"The former Acts" shall mean the Acts recited in the Act of 1872:

"The recited Acts" shall mean the Act of 1872 and the Act of 1878.

Power to construct works.

4. Subject to the provisions of this Act the Trustees may on the lands belonging to them make and maintain in the lines and according to the levels shown on the deposited plans and sections the principal works herein-after described with all proper and necessary works and conveniences connected therewith The principal works herein-before referred to and authorised by this Act will be wholly situate in the parish of Alloa and county of Clackmannan and are:—

(1.) A new lock or entrance to the existing wet dock of the Trustees commencing in and out of the River or Firth of Forth and the foreshore thereof at a point one hundred and ten yards or thereabouts in a south-westerly direction from the centre of the existing dock gate or caisson and terminating in the west wall of the said dock twenty-eight yards or thereabouts in a southerly direction from the centre of the said dock gate or caisson:

(2.) An excavation and deepening of the bed of the said existing wet dock over the whole area thereof.

Limits of deviation.

5. In constructing the works by this Act authorised the Trustees may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that no deviation shall be made from the lines shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space or channel of the river without the previous consent of the Board of Trade or otherwise in such manner as is expressly authorised by the Board of Trade.

Penalty for obstructing construction of works.

6. Every person who shall wilfully obstruct any person acting under the authority of the Trustees in setting out the lines of the works by this Act authorised or who shall pull up or remove any poles or stakes driven into the ground for the purpose of setting out the lines of the said works or deface or destroy the said works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Lights on works.

7. The Trustees shall on or near the works below high-water mark hereby authorised during the whole time of their construction exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve If the Trustees fail to comply in any respect with the provisions of the present section they shall for

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each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Trustees to exhibit lights.

8. The Trustees shall at the outer extremity of their harbour works exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct If the Trustees fail to comply with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Period for completing works.

9. On the expiration of seven years after the passing of this Act the powers by this Act given to the Trustees for constructing the works hereby authorised shall cease to be exercised except as to so much thereof as shall then be completed.

Abatement of works by Board of Trade.

10. If any such work be completed or begun contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the expense of the Trustees and the amount thereof shall be a debt due from the Trustees to the Crown and be recoverable accordingly with costs of suit.

Abatement of works abandoned or decayed.

11. If any work constructed by the Trustees on in over through or across tidal lands or tidal waters is abandoned or suffered to fall into decay the Board of Trade may abate and remove the same or any part thereof and restore the site thereof to its former condition at the expense of the Trustees and the amount of such expense shall be a debt due from the Trustees to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Trustees.

Survey of work by Board of Trade.

12. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Trustees on in over through or across tidal lands or tidal waters or of the intended site of any such work the Trustees shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Trustees to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Trustees.

Power to dredge river and remove obstructions.

13. The Trustees may with the consent in writing of the Board of Trade from time to time dredge scour and deepen the foreshore and bed or channel of the River Forth adjacent to and between the new lock or entrance to their existing wet dock when constructed under the authority of this Act and the mid-channel of the River Forth for the purpose of improving and maintaining a means of

access to their dock and they may with the like consent likewise dredge and remove from the bed or channel of the river the bank or shoal known as the Dunmore Bank and also from time to time dredge scour and deepen the bed or channel of the said river and remove deposits of sand silt or other obstructions to navigation therein between the ferry from north to south Alloa and the ferry in the river known as Kincardine Ferry Provided always that no such operations ex adverso of the lands and estate of Airth belonging or reputed to belong to Thomas Philip Grahame shall be executed within or to the south of the area of the River Forth defined and coloured red on two duplicates of the deposited plans which are docqueted and subscribed as relative hereto by Patrick Walter Meik civil engineer of London and Edinburgh under date twenty-ninth June one thousand eight hundred and eighty-nine and one of which duplicates has been delivered to the said Thomas Philip Grahame and the other of which duplicates has been delivered to the Trustees and it shall be lawful for the sheriff of the county of Stirling on the application of the said Thomas Philip Grahame or the proprietor of the estate of Airth for the time being and he is hereby required on such application to appoint an engineer who shall have power from time to time to make all necessary inspections to satisfy himself that the said operations ex adverso of the said estate are being executed in accordance with the provisions hereof and according to such plan And if at any time it shall be proved to the satisfaction of the said sheriff that the said operations in so far as ex adverso of the estate of Airth are not being executed as aforesaid the Trustees shall bear the charges of the inspections made by such engineer to be so appointed by the sheriff and all expenses connected with any such application and the carrying out of the provisions herein contained for the protection of the estate of Airth.

Power to provide dredgers and other plant.

14. The Trustees may for the purposes of this Act from time to time purchase lease provide or hire such dredgers engines tugs vessels lighters plant or other appliances or materials as they think fit and may from time to time as they think fit sell and dispose of or let the same.

List of shipowners to be supplied by registrar of shipping.

15. So much of the Act of 1872 as gives to the Trustees and any person appointed by them the right of access to and inspection of the books of the custom house at Alloa for the purpose of making up lists of shipowners entitled to vote at elections of Trustees is hereby repealed and on or before the fifteenth day of September one thousand eight hundred and eighty-nine and on or before the fifteenth day of September in each succeeding year the Trustees shall apply to the registrar of shipping for the port of Alloa for a

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list of shipowners appearing on the register on the first day of September preceding with the respective names and registered tonnage of the vessels in respect of which they are registered and the number of shares in each of such vessels held by them and such registrar shall within fourteen days after receiving such application supply such list on payment of expenses which may be incurred in making the same.

Power to borrow additional money.

16. In addition to the moneys which the Trustees are authorised to borrow by the recited Acts the Trustees may from time to time under the authority of this Act borrow on the security of the rates by the Act of 1872 and this Act authorised to be levied and the other revenues of the harbour any sums not exceeding in the whole the sum of forty thousand pounds and if after having borrowed the said sums or any part thereof the Trustees pay off the same otherwise than by means of the sinking fund herein-after provided it shall be lawful for them again to borrow the amount so paid off and so from time to time.

Trustees may borrow on credit of cash account.

17. The Trustees may accept and take from any bank or banking company on the security of the said rates and revenues credit on a cash account to be opened and kept with such bank or banking company in the name of the Trustees according to the usage of bankers in Scotland to the extent of the sum which the Trustees are by this Act authorised to borrow as aforesaid or any part thereof provided that the whole sum due and owing by the Trustees on such cash account and for money borrowed by them under the powers conferred by this Act shall never when taken together exceed the sum of forty thousand pounds.

Provisions of Act of 1872 as to bonds transfers interest and discharges made applicable to this Act.

18. Sections fifty-four to sixty-two both inclusive and sixty-six and sixty-seven of the Act of 1872 with respect to the form and execution of bonds and assignations in security or other securities granted under the authority of that Act and the register transfer and transmission thereof the payment of interest and coupons therefor and discharges and other purposes shall be and are hereby made applicable to the money to be borrowed and the bonds and assignations in security or other securities to be granted under the authority of this Act in the same manner as if the money to be borrowed and the bonds and assignations in security or other securities to be granted under the authority of this Act had been borrowed or granted under the authority of the Act of 1872 and sections sixty-three sixty-four and sixty-five of the Act of 1872 are hereby repealed Provided that it shall not be necessary in any bonds and assignations in security or other securities to be hereafter granted by the Trustees to insert therein a period for the repayment of the principal moneys secured thereby.

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As to rate of interest on and repayment of moneys already borrowed.

19. Notwithstanding the terms and provisions of the bonds securities or vouchers of debt subsisting at the passing of this Act granted by the former Trustees in respect of moneys borrowed by them under the former Acts or of the bonds and assignations in security or other securities granted by the Trustees in respect of moneys borrowed by them in pursuance of the powers of the recited Acts the rate of interest from and after the passing of this Act payable on and in respect of all such moneys herein-before in this section referred to shall be four per centum per annum and the like rate of interest shall be payable on and in respect of all moneys to be borrowed by the Trustees under the authority of this Act and no holder of any such security as aforesaid shall be entitled to require repayment of the principal money comprised in such security except out of the sinking fund to be provided as herein-after prescribed.

Rankings and priorities of borrowed moneys.

20. The several moneys borrowed by the former Trustees and by the Trustees and due and owing to the creditors of the trust at the passing of this Act and the moneys to be borrowed and raised by the Trustees under the authority of this Act shall be postponed to the payment of the interest on the said respective moneys and shall rank according to the priorities following (that is to say):—

(1.) All principal sums contained in and due under bonds securities or vouchers of debt granted by the former Trustees under the former Acts and subsisting at the passing of this Act shall as regards repayment rank together pari passu and have priority over all principal moneys borrowed and to be borrowed by the Trustees under the recited Acts and this Act:

(2.) All principal sums contained in and due under any bonds and assignations in security or other securities granted by the Trustees under the Act of 1872 and subsisting at the passing of the Act of 1878 shall as regards repayment rank together pari passu and have priority over all principal moneys borrowed by the Trustees after the passing of the Act of 1878 and to be borrowed by them under the recited Acts and this Act:

(3.) Notwithstanding anything in the Act of 1872 and the Act of 1878 contained all principal sums borrowed by the Trustees under the Act of 1872 after the passing of the Act of 1878 and under the Act of 1878 and remaining due at the passing of this Act and all principal sums to be borrowed or raised by the Trustees under the authority of the recited Acts and this Act shall rank together pari passu.

Trustees not to borrow from Public Works Loan

21. Nothing in this Act shall operate to empower the Trustees to borrow any loan from the Public Works Loan Commissioners Provided that if the Public Works Loan Commissioners advance any

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Commissioners.

loan to the Trustees under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same:—

(1.) Such loan and the security therefor shall not have priority over any loan previously borrowed by the Trustees or the security therefor except so far as the creditors consent to such priority under the Public Works Loans Act 1875 or otherwise but shall have priority over any loan subsequently borrowed by the Trustees and the security therefor: and

(2.) The amount which the Trustees are authorised by this Act to borrow shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same.

Repeal of provisions of recited Acts as to funded debt.

22. Sections seventy-one to seventy-five both inclusive of the Act of 1872 and six of the Act of 1878 are hereby repealed.

Power to create and issue debenture stocks.

23. The Trustees may and shall from time to time on the request of any holder or holders of bonds securities or vouchers of debt granted by the former Trustees under the former Acts and of bonds and assignations in security or other securities granted by the Trustees under the recited Acts or this Act and then subsisting (all herein-after in this Act called "harbour securities" or "harbour security" as the case may require) create and issue to such holder or holders debenture stock which shall bear interest at the rate of four pounds per centum per annum payable half-yearly on such days in each year as the Trustees from time to time appoint of the respective classes or denominations following (that is to say):—

(A.) In lieu of debt secured by harbour securities granted by the former Trustees under the former Acts stock to be called "Alloa Harbour Redeemable A Debenture Stock" (herein-after referred to as A Debenture Stock):

(B.) In lieu of debt secured by harbour securities granted by the Trustees under the Act of 1872 and subsisting at the passing of the Act of 1878 stock to be called "Alloa Harbour Redeemable B Debenture Stock" (herein-after referred to as B Debenture Stock): and

(C.) In lieu of debt secured by harbour securities granted by the Trustees under the Act of 1872 after the passing of the Act of 1878 and under the Act of 1878 and to be granted under this Act stock to be called "Alloa Harbour Redeemable C Debenture Stock" (herein-after referred to as C Debenture Stock):

Provided that if in any half year there is not revenue for that period available for payment of the full amount of interest on the said debenture stocks for that half year the deficiency shall be made

good out of the surplus revenues of any previous or subsequent half year Provided further that on the Trustees paying off any moneys borrowed by them or by the former Trustees otherwise than by means of the sinking fund herein-after provided they may issue stock of a class or denomination applicable as aforesaid and of a corresponding amount to the moneys so paid off instead of re-borrowing the same and the Trustees may also from time to time raise the moneys which they are by this Act authorised to borrow or any portion thereof by the creation and issue of C Debenture Stock.

Holders of existing debts may by agreement take stock therefor.

24. The holder or holders of any harbour security for the time in force or subsisting may agree with the Trustees to surrender and discharge the same or any part thereof not less in amount than one hundred pounds in exchange for debenture stock and shall be entitled to receive in exchange for every one hundred pounds held by them respectively one hundred pounds of debenture stock applicable as herein-before provided to the harbour security held by them and so surrendered and discharged and so in proportion for any fraction of one hundred pounds.

Powers of conversion to Trustees &c.

25. Any person or persons by whom any harbour security is held and all persons enabled by the Lands Clauses Consolidation (Scotland) Act 1845 section seven to sell land under that Act may continue to hold any such harbour security held by him or them or in substitution therefor may accept and hold stock created and issued under the powers of this Act as if such person or persons were the absolute owner or owners of such harbour security in his or their own right.

Converted stock subject to same trusts &c.

26. All stock issued under this Act in substitution for or on account of any harbour security shall be subject and liable to the same trusts powers provisions and declarations agreements charges liens and encumbrances as affected such harbour security and so as to give effect to and not to annul any testamentary or other disposition of or affecting the same and every such disposition shall take effect with reference to a proportionate amount of the substituted stock.

Ranking of stocks.

27. Each class of stock created and issued under the powers of this Act shall have the same ranking and priority as attached to the harbour securities for which such stock is substituted and all certificates of stock shall be indorsed with notice accordingly and no holder of any portion of any stock shall have any priority or preference over any holder of the same class of stock by reason of the creation or issue of such portion of stock before the creation or issue of any other portion of the same class of stock.

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Incidents of stocks.

28. The several stocks shall be and shall have all the incidents of movable or personal estate and the Trustees shall not be bound to take notice of or see to the execution of any trust whether express implied or constructive to which any portion of the stocks may be subject.

Register of stocks.

29.—(1.) The Trustees shall keep a book (herein-after called the stock register) in which shall be entered the names and addresses of the holders from time to time of the several stocks and the amounts held by them.

(2.) The stock register so kept shall be evidence of all matters therein entered under the provisions of this Act.

(3.) The stock register shall be accessible for inspection at all reasonable times to holders of the several stocks without charge.

Certificates of stocks.

30.—(1.) The Trustees shall deliver to each holder of each class of stock a certificate stating the amount held by him and such certificate shall be admitted in all courts as primâ facie evidence of the title of such holder his executors administrators successors or assignees to the sum therein specified and any such certificate may be in the form in Schedule (A.) to this Act or to the like effect.

(2.) If any such certificate be worn out or damaged then the same may on the production thereof be cancelled and a similar certificate may be given to the holder of the stock therein specified or if any such certificate be lost or destroyed then on proof thereof to the satisfaction of the Trustees a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made in the stock register.

Mode of transfer of stocks.

31.—(1.) The several stocks shall be transferable by deed which may be in the form in Schedule (B.) to this Act or to the like effect but the Trustees shall not be bound to register any transfer except on production of the certificate relating to the stock to be transferred or on proof to the reasonable satisfaction of the Trustees that such certificate has been lost or destroyed.

(2.) The deed of transfer when duly executed shall be delivered along with the old certificate to and kept by the Trustees who shall cause an entry thereof to be made in a book to be called the register of transfers of stock and a new certificate or certificates for the stock transferred shall be issued in exchange for the old certificate which shall be cancelled.

Closing of register of transfers.

32.—(1.) The register of transfers of stock may be closed during such time (not exceeding fourteen days) immediately preceding each half-yearly payment of interest on the several stocks as may be directed by the Trustees.

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(2.) The persons who on the day after such closing are inscribed in the stock register as holders of stock shall as between them and their transferees of any stock be entitled to the interest then next payable on such stock.

Transmission of stocks.

33.—(1.) The executors or administrators of a deceased holder of any stock shall be the only persons recognised as having any title to the stock of such holder or any interest therein.

(2.) Any person becoming entitled to any stock in consequence of the death bankruptcy or insolvency of any holder or otherwise than by transfer of the stock shall produce such evidence of his title as may reasonably be required by the Trustees.

(3.) The Trustees shall not be required to recognise any transfer of stock granted by any executors or administrators until the confirmation probate or letters of administration has been left with the Trustees for registration.

Receipts of joint holders for interest.

34. If two or more persons are registered as joint holders of any stock the first person named in the stock register may give effectual receipts for any interest on such stock unless notice to the contrary shall have been given to the Trustees by any other joint holder.

Powers to redeem and re-borrow.

35. It shall be lawful for the Trustees at any time after the expiration of fifteen years from the passing of this Act upon giving six months notice in writing to the holders of any stock or any part thereof to redeem and pay off at par all or any part of such stock and in lieu thereof it shall be in the option of the Trustees to create and issue a new stock at the same or a lower rate of interest of an amount equivalent to the amount of stock so paid off and so from time to time and any moneys so re-borrowed shall rank pari passu with the class of stock so redeemed.

Fees.

36. Fees not exceeding those specified in Schedule (C.) to this Act may be taken by or on behalf of the Trustees in the cases therein mentioned and the same shall be applied to the general purposes of their undertaking.

Former provisions as to judicial factor &c. repealed.

37. Sections nine and ten of the Act of 1878 with reference to the appointment of a judicial factor and his powers and duties are hereby repealed but without prejudice to any such appointment made or proceedings for any such appointment pending before the passing of this Act.

Arrears under recited Acts and this Act may be enforced

38. In the event of any interest on any principal moneys borrowed or on any stock created and issued by the Trustees not being paid within two months after the same shall have become due and after twenty-one days previous demand thereof

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by appointment of judicial factor.

in writing to the clerk to the Trustees containing notice of the intention to make the application after mentioned and which twenty-one days may form part of the said two months it shall be lawful for any holder or holders of harbour securities or of stock having such interest in arrear to the amount of two hundred pounds to render his or their security effectual by the appointment of a judicial factor or in the event of there being at any time a surplus derived from revenue in the hands of the Trustees amounting to not less than one thousand pounds or whenever the sinking fund herein-after mentioned including the accumulations of interest and income thereof shall amount to not less than two thousand pounds and the Trustees shall fail to apply such surplus or the amount so standing to the credit of the sinking fund in or towards payment of any principal money remaining due on any harbour security within twenty-one days after a demand for payment thereof shall have been made in writing to the clerk to the Trustees containing notice of the intention to make the application after mentioned it shall be lawful for any holder or holders of any harbour security by whom such demand shall have been made to render his or their security effectual by the appointment of a judicial factor and the application for any such appointment shall be made by summary petition to the Court of Session or in the time of vacation to the Lord Ordinary on the Bills who are hereby respectively authorised and required on such application being made to appoint some person as judicial factor to the effect and with the powers herein-after mentioned unless previously to such application being advised the sums due in respect of which such application is made with interest and expenses shall have been paid or unless the said court or Lord Ordinary as the case may be shall be satisfied that consignation thereof should under the circumstances be accepted in lieu of payment and such consignation be made accordingly and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor.

39. The judicial factor so appointed on finding security in common form shall exercise all the powers conferred by the recited Acts and this Act upon the Trustees for and in relation to levying fixing and recovering the several rates and charges by the Act of 1872 and this Act authorised to be levied and managing and maintaining the undertaking of the Trustees and the Trustees shall deliver to him all books and documents necessary for that purpose and after defraying the expense of such application the said judicial factor shall from time to time apply and pay over the balance of the sums received by him in the manner herein-after in this Act provided with regard to the application of the rates dues charges

and other revenues of the harbour and such judicial factory shall continue not only until all arrears of interest due at the date of the appointment of such judicial factor and any interest which shall have become due during his continuance in office with expenses including the expenses of the application for such appointment and of carrying the purposes thereof into execution and for obtaining the judicial factor's discharge shall have been paid but also until any half year's interest which although not due may become current during his continuance in office and a sufficient sum to meet expenses shall have been paid or consigned in one of the banks in Scotland incorporated by or under Act of Parliament or Royal Charter and upon payment and consignment as aforesaid it shall be lawful for the Trustees to apply to the Court of Session or Lord Ordinary as aforesaid for the recall of the appointment of the judicial factor who may recall such appointment accordingly.

Application of money.

40. All money by this Act authorised to be borrowed shall be applied in defraying the cost of the works to be constructed and executed under the authority of this Act and of the Act of 1872 and the works incidental thereto respectively including the dredging scouring and deepening the bed or channel of the River Forth and for the other purposes of this Act to which capital is properly applicable.

North British Railway Company may lend money to Trustees.

41. The North British Railway Company (herein-after in this Act called "the company") may from time to time on an application made to them by the Trustees in writing under the hand of their clerk and delivered or sent by post to the secretary of the company lend to the Trustees on the security of the rates by the Act of 1872 and this Act authorised to be levied and the other revenues of the harbour such sums of money not exceeding in the whole ten thousand pounds as the Trustees may require for the construction and execution of the works authorised by the Act of 1872 and this Act and for other harbour purposes and such sums of money shall form and rank as part of the sum of forty thousand pounds by this Act authorised to be borrowed.

Power to company to apply existing authorised capital to purposes of this Act.

42. The company may apply to the purposes of this Act to which capital is properly applicable any money which they are authorised to raise by any other Act and which may not be required for purposes to which by that Act it is authorised to be applied or any other funds of the company properly applicable in that behalf.

Power to company to guarantee interest on moneys

43. The company may guarantee interest on any bonds and assignations in security or other securities or on any stock which the Trustees have already granted or may from time to time grant and create and issue under the recited Acts and this Act or any of

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borrowed by Trustees.

them for principal sums not exceeding in the whole twenty-five thousand pounds.

Reduction in number of Trustees.

44. The number of Trustees provided by the Act of 1872 to be chosen by the shipowners and ratepayers qualified as by that Act provided shall on and from the thirtieth day of November one thousand eight hundred and ninety be reduced to four and the vacancies caused by two of the Trustees elected by such shipowners and ratepayers going out of office on that date shall not be filled up and on the thirtieth day of November in each succeeding year the shipowners and ratepayers shall elect two Trustees to supply the vacancies caused by two of the Trustees elected by them going out of office in manner provided by the Act of 1872.

North British Railway and Alloa Coal Companies may each appoint a Trustee.

45. The company shall on their advancing in loan to the Trustees under the powers of this Act not less than the sum of five thousand pounds and the co-partners for the time being trading under the name or style of the Alloa Coal Company or the majority of them or the survivors or survivor of them (herein-after in this Act called the said co-partners) shall on their or his advancing to the Trustees in loan in addition to the moneys already advanced by them to the former Trustees and the Trustees and remaining due at the passing of this Act not less than the sum of five thousand pounds which shall form and rank as part of the sum of forty thousand pounds by this Act authorised to be borrowed and so long as such loans shall not be reduced to less than the said respective amounts be entitled to appoint a Trustee and the respective Trustees to be so appointed shall go out of office on the thirtieth day of November in every year after their appointment if in office at that date and the company and the said co-partners may if qualified as aforesaid of new appoint the Trustee previously appointed by them and so retiring from office or appoint a new Trustee in his place and all such appointments shall be in writing and as regards the company under their common seal and shall be deposited with the clerk of the Trustees or in the event of a vacancy in the office of clerk with the sheriff clerk of the county of Clackmannan until the vacancy in the office of clerk be filled up Provided that whenever and so long as the amount of the respective loans by the company and the said co-partners to the Trustees shall be reduced to less than five thousand pounds the Trustee appointed by the company or the said co-partners whose loan shall be so reduced shall cease to act as a Trustee Provided further that section 28 of the Act of 1872 shall not apply to the Trustees to be appointed as aforesaid.

Differences among

46. If any dispute or difference shall at any time arise between the Trustees appointed by the Earl of Mar and Kellie for the time

Trustees to be referred.

being the Trustees appointed by the shipowners and ratepayers the Trustees appointed by the Commissioners of Police for the town of Alloa the Trustee appointed by the company or the Trustee appointed by the said co-partners and the other Trustees in regard to any matter arising in the execution of the recited Acts and this Act such dispute or difference shall be referred to the sheriff of the county of Clackmannan on the application of the Trustees or Trustee who may be in the minority touching such matter and the said sheriff shall have power summarily to dispose of the same and his decision shall be final and binding on the Trustees.

New anchorage rates as in Schedule (D.)

47. In lieu of the rates specified in the Schedule (F.) annexed to the Act of 1872 and which the Trustees are by that Act authorised to levy the Trustees may from and after the passing of this Act levy on and in respect of all vessels entering and stopping or anchoring in or using or departing from the harbour or the precincts thereof the rates specified in the Schedule (D.) to this Act annexed and such rates shall be paid by the owner agent master consignee or other person in charge of such vessel Provided always that none of those rates shall be leviable in respect of vessels passing to or from South Alloa or any other port above and not so stopping or anchoring within the limits of the harbour as to obstruct the free passage to and from the wet dock or open quays such quays being held to be situate eastward of the line of ferry between North and South Alloa.

Rate for vessels remaining in dock.

48. Subject to the provisions of the Act of 1872 the Trustees may from and after the passing of this Act levy on and in respect of all vessels remaining in any wet dock of the harbour over one month a charge of one halfpenny per registered ton per week or any part of a week in addition to any other rates or dues payable on and in respect of any such vessel and that in lieu of the charge on and in respect of vessels remaining over three months in such wet dock specified in Schedule (G.) annexed to the Act of 1872 and such charge by this section authorised shall be paid by the owner agent master consignee or other person in charge of such vessel.

Rates on goods in Schedule (E.)

49. Subject to the provisions of the Act of 1872 the Trustees may from and after the passing of this Act levy on and in respect of the goods materials or things enumerated in the Schedule (E.) to this Act annexed shipped or unshipped in the harbour or the precincts thereof the rates specified in that schedule which shall be paid by the owner or consignee of such goods materials or things or other person in charge thereof and the Schedule (H.) annexed to the Act of 1872 in so far as inconsistent with the said Schedule (E.) to this Act is hereby amended.

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Rates for use of cranes &c. and loading and removal of ballast as in Schedule (F.)

50. The Trustees may levy for and in respect of the use of cranes lifts and other machinery worked by steam hydraulic or other mechanical power and other appliances at the harbour and the loading and removal of ballast the rates respectively specified in the Schedule (F.) to this Act annexed and the Trustees may from time to time enter into agreements with any company or person under which such company or person shall have the sole use of any of the said cranes lifts and other machinery during such periods and at and for such rates charges or other consideration as the Trustees may fix and determine.

Rent for storage ground.

51. The Trustees may levy and receive from the owners or consignees of all timber pitwood ballast and other goods articles and things stored or laid on any ground of the Trustees set apart by them to be let for storage purposes a rent or charge at the rate of one penny halfpenny for each month or part of a month for every superficial square yard of such ground so occupied and such rent or charge shall be in addition to any other rates or dues payable on and in respect of such timber pitwood ballast goods articles and things.

Power to vary the rates.

52. Section ninety-five of the Act of 1872 is hereby repealed and in lieu thereof and of the provisions in section thirty of the Harbours Docks and Piers Clauses Act 1847 the Trustees may from time to time vary the rates by the Act of 1872 and this Act authorised or any of them respectively in such manner as they may think expedient by reducing or raising the same Provided that such rates do not in any case exceed the amounts authorised by the Act of 1872 and this Act and provided also that the rates be at all times charged equally to all persons in respect of the same description of vessel performing a voyage between the harbour of Alloa and the same port or ports and the same description of goods but no reduction or variation in the said rates shall take place unless with the consent of at least two thirds of the Trustees present at a meeting specially called for the purpose of considering as to the expediency of making such reduction or variation.

Application of revenue.

53. Notwithstanding anything in the recited Acts contained the rates dues and charges leviable by the Trustees under the Act of 1872 and this Act and their other revenues shall be applied in the order of priority following (that is to say) :—

(1.) In maintaining working and managing the harbour and dock and in dredging and cleansing the same and the entrances thereto and in defraying the other necessary expenses of the Trustees chargeable to revenue :

(2.) In paying interest on the moneys borrowed by the former Trustees under the former Acts and by the Trustees under the Act of 1872 before the passing of the Act of 1878 and remaining due at the passing of this Act and on any stock into which such moneys or any part thereof may be converted all such interest ranking pari passu:

(3.) In dredging scouring and deepening the bed or channel of the River Forth by this Act authorised:

(4.) In paying interest on the moneys borrowed by the Trustees under the Act of 1872 after the passing of the Act of 1878 and under the Act of 1878 and this Act and on any stock into which such moneys or any part thereof may be converted all such interest ranking pari passu:

(5.) In paying the sums by this Act provided to be set apart as a sinking fund for the payment of the moneys already borrowed or which may be borrowed by the Trustees:

(6.) Any surplus which may remain after paying or applying as above shall be applied in improving deepening and extending the harbour and dock and works connected therewith and in providing plant and appliances or in reducing the rates dues and charges leviable in respect thereof.

Sinking fund.

54. Sections seventy of the Act of 1872 and thirteen of the Act of 1878 are hereby repealed and the Trustees shall every year from and after the expiration of five years from the passing of this Act set apart such sums as they think fit not being less than one pound per centum on the largest amount at any time owing by the Trustees on harbour securities and debenture stock as a sinking fund and such sinking fund and the income arising therefrom shall from time to time be invested in Government or heritable securities or by way of deposit in any bank in Scotland incorporated by Royal Charter or under the provisions of any Act of Parliament and shall subject to the provisions of this Act be increased by accumulation in the way of compound interest and shall from time to time as the Trustees see fit be applied towards the repayment of money borrowed and outstanding and the purchase and extinction of any stock created and issued and outstanding and to no other purpose whatever Whenever the said sinking fund including the accumulations of interest and income thereof shall amount to not less than two thousand pounds the Trustees shall pay and apply the same in manner and according to the priorities following (that is to say) :—

(1.) In repayment to the holders of harbour securities granted by the former Trustees under the former Acts and subsisting at the passing of this Act and of any certificates of stock which

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may be issued in lieu thereof respectively of the moneys for the time being due to them thereunder:

(2.) In repayment to the holders of harbour securities granted by the Trustees under the Act of 1872 and subsisting at the passing of the Act of 1878 and of any certificates of stock which may be issued in lieu thereof respectively of the moneys for the time being due to them thereunder:

(3.) In repayment to the holders of harbour securities granted by the Trustees under the Act of 1872 after the passing of the Act of 1878 and under the Act of 1878 and this Act and of any certificates of stock which may be issued in lieu thereof respectively of the moneys for the time being due to them thereunder:

Provided that the securities in each class herein-before specified to be from time to time paid off by means of the sinking fund shall be determined on by the Trustees by lot at a meeting of the Trustees to be held for the purpose in Alloa after advertisement thereof published at least eight days before the holding of such meeting once in a daily newspaper published in Edinburgh and once in a newspaper published in Alloa if any or in the county of Clackmannan or if there is no newspaper published in the county of Clackmannan in a newspaper of a county adjoining or nearest thereto in which a newspaper is published Provided further that if in any year the Trustees fail to set apart to the sinking fund the sum by this section required to be set apart thereto or any portion thereof they shall in their annual published account for that year plainly set forth the amount in respect of which they have so made default and carry on such amount together with interest after the rate of four per centum per annum as a liability of the following year and so on from year to year.

Annual return to Secretary for Scotland with respect to sinking fund.

55. The treasurer to the Trustees shall within two months after the expiration of each financial year during which any sum is by this Act set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so set apart in any year and also showing the purposes to which any portion of such sinking fund and the interest or income thereof has been applied during the same period and the total amount remaining to the credit of such fund at the end of the same period and in the event of any wilful default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland

as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the Trustees have failed to set apart any money required by this Act to be set apart by them for the said sinking fund or have applied any portion of the moneys set apart to that fund or any interest or income thereof to any purposes other than those authorised by this Act the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart as part of the sinking fund and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Nothing to exempt harbour &c. from provisions of Merchant Shipping Acts.

56. Nothing in this Act contained shall be deemed to exempt the harbour or the Trustees from the provisions of the Merchant Shipping Act 1854 or the Merchant Shipping Act Amendment Act 1855 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 shall 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 authorised by the Act of 1872 and this Act.

Saving rights of the Crown.

57. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or 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 the said Act or Acts contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights under Crown Lands Act.

58. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty twenty-one and twenty-two of the Crown Lands Act 1866.

Costs of Act.

59. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of the rates authorised

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by the Act of 1872 and this Act and the other revenues of the Trustees or the money authorised to be borrowed or raised by this Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Stock Certificate.

Alloa Harbour.

Number_____ £

This is to certify that *A.B.* of
(design him) is the proprietor of
pounds of Alloa Harbour Redeemable A Debenture Stock (or Alloa Harbour Redeemable B Debenture Stock or Alloa Harbour Redeemable C Debenture Stock as the case may be) issued under the powers of the Alloa Harbour Act 1889 and it is further certified that this amount is not in excess of the borrowing powers of the trust.

Given under the common seal and signed by three of the Trustees of the port and harbour of Alloa this day of 188 .

L.S.

_____ Trustee.
_____ Trustee.
_____ Trustee.

_____ Clerk.
_____ Treasurer.

SCHEDULE (B.)

Form of Transfer.

I *A.B.* of (design him) in consideration of the sum of pounds paid to me by *C.D.* of (design him) do hereby transfer to the said *C.D.* his executors administrators and assignees the sum of Alloa Harbour Redeemable A Debenture Stock (or Alloa Harbour Redeemable B Debenture Stock or Alloa Harbour Redeemable C Debenture Stock as the case may be) standing in my name in the register of such stock and all interest now due and to become due thereon.

In witness whereof &c.

SCHEDULE (C.)

Fees.

	£	s.	d.
On original issue of stock certificate - - - -	0	2	6
On any new stock certificate - - - - -	0	2	6
On transfer including certificate - - - -	0	5	0

SCHEDULE (D.)

Anchorage Rates to be levied from all Vessels entering and stopping or anchoring in or using or departing from the Harbour of Alloa or the precincts thereof.

	Per Register Ton. £	s.	d.
All vessels (oversea and coastwise) each time they come to the harbour - - - - - - -	0	0	3
All steam and sailing vessels excepting steam vessels carrying passengers only from ports in the Firth of Forth as far as Anstruther on the north and North Berwick on the south -	0	0	2
All steam vessels carrying passengers and their luggage exclusively shall be charged one halfpenny per ton on the gross tonnage.			

Light Dues.

On all vessels using the quays or dock - - -	0	0	$0\frac{1}{4}$

It shall be in the power of the Trustees to compound and agree for the dues with the owners of steam and other vessels plying in the Firth of Forth.

SCHEDULE (E.)

Rates on the following Goods Materials or Things shipped or unshipped in the Harbour or the precincts thereof.

	s.	d.
Ballast, per ton - - - - - - -	0	$1\frac{1}{2}$
Coal, per ton - - - - - - -	0	2
Corn, wheat, malt, barley, beans, peas, tares, oats, rye, buckwheat, Indian corn, maize, and raw rice, per quarter - -	0	2
Esparto fibre, per ton - - - - - -	0	6
Moss litter, per ton - - - - - -	0	4

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	s.	d.
Straw, per ton - - - - - - -	0	6
Timber:		
Pipe staves and others in proportion, per 120 in number -	1	0
Pitwood, per 1,000 lineal feet - - - -	0	10

All goods loaded from another vessel overside to be charged half rates.

SCHEDULE (F.)

Rates for the use of Cranes, Lifts, and other Machinery worked by Steam Hydraulic or other Mechanical Power.

If the weight lifted in each lift is less than twenty tons the charge to be per ton lifted as follows:—

	d.
For coals and minerals per ton - - - - -	2
For general goods per ton - - - - -	3

If the total number of lifts for one vessel does not exceed ten in one day or if the weight to be lifted in one lift exceeds twenty tons the rates to be fixed by the Trustees from time to time or according to arrangement.

Rates for use of Rails &c.

For the use of rails turntables capstans and other appliances including the working of the traffic over or by means of the same:—

	d.
On all goods minerals or other articles imported or exported to be charged against the shippers and importers per ton - - -	2

Rates for Loading and Removing Ballast.

For loading ballast into and removing ballast from vessels in the harbour or dock and conveying ballast to and from and depositing at the place of deposit thereof as by agreement and failing agreement not exceeding two shillings and sixpence per ton.

All ballast landed and not removed within four days by the parties depositing the same to become the property of the Trustees.

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