CHAPTER cxl.

An Act for enabling the Ayr Harbour Trustees to construct a Slip Dock and other Works, to acquire additional Lands, and to borrow additional Money; for sanctioning the Wet Dock constructed by them; for defining the limits of the Harbour; and for other purposes. [21st July 1879.] A.D. 1879.

WHEREAS by the Ayr Harbour Act, 1855, (herein-after called "the Act of 1855,") the Ayr Harbour Trustees were constituted and were authorised to maintain, improve, and manage the harbour of Ayr (which as heretofore existing and as defined by this Act is herein-after called "the harbour") and the works connected therewith, and to levy the rates therein specified: 18 & 19 Vict. c. cxix.

And whereas by the Ayr Harbour Amendment Act, 1866, (herein-after called "the Act of 1866,") the Ayr Harbour Trustees were incorporated and authorised to construct a wet dock and breakwater at the harbour, and to levy certain rates, and the Glasgow and South-western Railway Company (herein-after called "the railway company") were authorised to make certain railways to points at or near the north wall of the harbour and to the said wet dock: 29 & 30 Vict. c. ccviii.

And whereas by the Ayr Harbour Amendment Act, 1873, (herein-after called "the Act of 1873,") the Ayr Harbour Trustees were reconstituted: 36 & 37 Vict. c. li.

And whereas the Ayr Harbour Trustees (who as incorporated by the Act of 1866, and reconstituted by the Act of 1873, are herein-after called "the Trustees") are under the Act of 1855, the Act of 1866, and the Act of 1873 (which are herein-after called "the Harbour Acts") authorised to borrow, on the security of the rates leviable under the powers of the Act of 1855 and the Act of 1866, any sums not exceeding in the whole two hundred thousand pounds:

And whereas by the Glasgow and South-western Railway Act, 1878, (herein-after called "the Railway Act of 1878,") the railway company were required to abandon the construction of the railways 41 & 42 Vict. c. cciv.

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authorised by the Act of 1866, and to make in lieu thereof certain railways therein described:

And whereas in carrying into effect the powers of the Act of 1866 the Trustees found that it would be desirable for the trade of the harbour that the wet dock should be of larger dimensions than those shown on the plans thereof referred to in that Act, and the said dock was in part constructed beyond the limits described on those plans and authorised by that Act, and it is expedient that the said dock as actually constructed should be sanctioned:

And whereas it is expedient that the Trustees should be authorised to make and maintain, in connexion with the harbour, a slip dock, with a bridge across the same and relative works, a road of access and wharf, a bridge across the entrance to the said wet dock, and other works and conveniences, to acquire additional lands, to borrow additional money, and to levy new and altered rates; and that the limits of the harbour should be extended and defined:

And whereas plans showing the lines and situation of the slip dock and bridge across the same, the road of access and wharf, and the bridge across the entrance to the wet dock by this Act authorised to be made, and the lands by this Act authorised to be acquired, and sections showing the levels of the said several works, and a book of reference 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 several purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk for the county of Ayr, and are herein-after respectively referred to as the deposited plans, sections, and book 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 Ayr Harbour Amendment Act, 1879.

Incorporation of general Acts.

8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.
26 & 27 Vict. c. 92.
10 & 11 Vict. c. 27.
10 & 11 Vict. c. 16.

2. The Lands Clauses Consolidation (Scotland) Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, sections 13 to 19, both inclusive, of the Railways Clauses Act, 1863, the Harbours, Docks, and Piers Clauses Act, 1847, excepting sections 25 and 26 of the last-mentioned Act, and the clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners, excepting section 84 of that Act, are (except where expressly varied by this Act) incorporated with

and form part of this Act: Provided always, that the Trustees shall not be bound to provide a life-boat, mortar and rockets, or a tide or weather gauge and barometer until required by writing under the hand of the Secretary of the Board of Trade. A.D. 1879.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the company" and the word "work" in the Railways Clauses Act, 1863, so far as incorporated with this Act, mean respectively the Trustees and the works by this Act authorised to be executed by the Trustees. The expression "the commissioners" in the Commissioners Clauses Act, 1847, so far as incorporated with this Act, means the Trustees. The expression "the prescribed limits" in the Harbours, Docks, and Piers Clauses Act, 1847, means the limits of the harbour by this Act prescribed.

Power to Trustees to make slip dock and other works.

4. Subject to the provisions of this Act, the Trustees may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works herein-after specified, and all proper approaches and other works and conveniences in connexion therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference (except as herein-after provided) as may be required for and in connexion with those works and for the other purposes of the harbour. The works herein-before referred to and authorised by this Act are—

(1.) A slip dock, extending from the southern bank of the River Ayr, at a point about fifty yards northward from the life-boat house at the harbour, to a point about ninety yards north-westward from Cromwell Cottage, with a drawbridge or swingbridge across the same near the life-boat house, and ways, rails, an engine-house, hydraulic or other machinery, and appurtenances;

(2.) A road of access and wharf along and adjoining the north quay of the harbour and the quay on the eastern side of the entrance to the said wet dock, commencing at or near the junction of York Street with North Harbour Street, and terminating at or near the entrance gates of the said wet dock; and

(3.) A drawbridge or swingbridge across the entrance to the said wet dock at or near the dock gates thereof:

Provided always, that the Trustees shall not, without the previous consent in writing of Her Majesty's Principal Secretary of State

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for the War Department for the time being, enter upon, take, or use any part of the lands numbered on the deposited plans and book of reference 9, in the parish of Ayr, until they shall have provided for the public service, upon a site to be reclaimed by the Trustees about forty yards seaward from the present site, or upon such other convenient site as may be agreed upon between the said Secretary of State, the Trustees, and the provost, magistrates, and council of the royal burgh of Ayr, a new battery, enclosed by a fence or wall, together with a powder magazine and shothouse, equal in dimensions, construction, and convenience to those now existing on the said lands, and to be held and used by and on behalf of the said Secretary of State upon the same conditions as he now holds the said existing buildings.

Trustees may connect existing railways with North Quay.

5. The Trustees shall at their own cost, by a single line of railway only in each case, carry the Ayr Dock Line No. 1 and the three existing permanent lines of the railway company leading down to the North Quay, across the road of access and wharf by this Act authorised, to the said North Quay, but such single lines shall be subject to the provisions of section 22 of the Railway Act of 1878: Provided always, that before constructing or altering the said lines the Trustees shall submit to the engineer of the railway company the plans of the same, and that in the event of difference the said plans shall be adjusted by an arbitrator to be appointed by the Board of Trade on the application of either party, and that in constructing the said road of access and wharf the same shall, so far as it extends to the westward of the public road numbered on the deposited plans 10, in the parish of Newton-upon-Ayr, be restricted to a width of eighty feet from the face of the quay wall.

Power to dredge river opposite slip dock.

6. The Trustees may dredge and deepen the River Ayr opposite the entrance to the slip dock authorised by this Act, and may from time to time keep the same dredged and deepened, so as to afford proper ingress to and egress from the said slip dock.

Powers of deviation.

7. In constructing the works by this Act authorised the Trustees may deviate from the lines thereof as delineated on the deposited plans to any extent within the limits of deviation shown on those plans, except as herein-after provided, and may deviate from the levels of the said works as delineated on the deposited sections to any extent not exceeding ten feet as respects the slip dock and the bridge across the same, and not exceeding five feet as respects the other works.

Provisions as to works connected with slip dock.

8. Whereas it has been agreed between the Trustees and the provost, magistrates, and council of the royal burgh of Ayr, that the powers of this Act conferred on the Trustees for the acquisition

of lands and execution of works shall be exercised, subject to the provisions in this section contained: Therefore—

(1.) The Trustees shall not take or acquire any lands, or execute any works for the purposes of or in connexion with the slip dock by this Act authorised, to the seaward of an imaginary line parallel to and distant sixty feet at all points seaward from the line delineated on the deposited plans as representing high-water mark of ordinary spring tides on the seaward side of the said slip dock:

(2.) The Trustees shall, simultaneously with constructing and completing the said slip dock, construct and complete the drawbridge or swingbridge across the same by this Act authorised, and such bridge shall be not less than six feet in clear width, and the piers thereof shall be constructed of sufficient strength and width for carrying a bridge twelve feet in clear width:

(3.) The Trustees shall, simultaneously with constructing and completing the said slip dock, construct and complete as part of the works connected therewith, and shall open for public use, a good and sufficient road, thirty feet in clear width, all along the seaward side of the land to be acquired and walled in for the slip dock, together with a permanent bulwark for protecting the said road from the sea. The ground required for the said road shall be reclaimed by the Trustees, but the solum shall belong to and be vested in the said provost, magistrates, and council.

Owners may be required to sell parts only of certain lands and buildings.

9. And whereas it may happen that portions only of the lands, buildings, and manufactories shown on the deposited plans as subject to be taken by the Trustees for certain of the purposes of this Act will be sufficient for those purposes, and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore, notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act, 1845, the owners of and other persons interested in the lands, buildings, and manufactories described in the Schedule (A.) to this Act, and whereof portions only may be required for the purposes of this Act, may, if such portions can in the judgment of the jury, arbiter, or other authority assessing or determining the compensation under the Lands Clauses Consolidation (Scotland) Act, 1845, be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Trustees such portions only, without the Trustees being required to purchase the whole or any greater portions of such properties, the Trustees always paying for the portions taken by them, and making compen-

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sation for any damage sustained by the owners thereof or other persons interested therein by severance or otherwise.

Power to make sheds and other conveniences.

10. The Trustees may from time to time erect sheds, warehouses, offices, workshops, hydraulic and other machinery, and cranes, and lay down wharves, lines of rails, and sidings, and construct other works and conveniences, upon and around the docks, quays, and other portions of the harbour, and make junctions between the said lines of rails and sidings and the Ayr Dock lines authorised by the Railway Act of 1878, and any other lines of railway which may hereafter be formed to the harbour, and may from time to time maintain, remove, and alter the said several works and conveniences: Provided always, that nothing in this section shall authorise the Trustees to take any lands otherwise than by agreement: Provided further, that the power hereby conferred of making junctions shall be subject to the provisions of section 9 of the Railways Clauses Act, 1863, with respect to junctions.

Trustees and railway company may enter into agreements with respect to works.

11. The Trustees and the railway company may enter into agreements and arrangements with each other with respect to the use of any rails, sidings, or other works which may be formed by the Trustees in connexion with the Ayr Dock lines authorised by the Railway Act of 1878.

Sanctioning wet dock as constructed.

12. The construction by the Trustees of the wet dock at the harbour and works connected therewith as the same now exist, and the application of the funds of the Trustees to the construction and maintenance thereof, are hereby sanctioned, and the said wet dock and works as so constructed shall form part of the undertaking of the Trustees, and be maintained by them, and all the powers and provisions of the Harbour Acts with respect to the wet dock and works connected therewith as authorised by the Act of 1866 shall apply to the wet dock and works connected therewith as actually constructed.

Defining limits of harbour.

13. The limits of the harbour as defined on the plan showing the proposed limits thereof, which was deposited on the thirtieth day of November one thousand eight hundred and seventy-eight in the office at Ayr of the principal sheriff clerk of the county of Ayr, shall be deemed to be the limits of the harbour with respect to conservancy and otherwise, and shall include all the works and lands already formed, acquired, or reclaimed, and which may hereafter be formed, acquired, or reclaimed, by the Trustees, and also the waterway of the River Ayr between the highest point to which spring tides flow at the lower weir near the Ayr Mills and the sea, and the land on each side of the portion of the said river

which is situate between the new bridge of Ayr and the sea, to the extent shown on the said plan, and also the seashore and sea in front of the said several lands and of the mouth of the said river, from a point about six hundred yards westward from the south pier-head at the mouth of the said river to a point about six hundred yards north-westward from the point where the road called Saltpans Road joins the seashore; and all the provisions of the Harbour Acts with respect to the harbour shall apply to the harbour as hereby defined; Provided always, that neither the portion of the main line of the Glasgow and South-western Railway which is carried by a bridge over the waterway of the River Ayr within the limits of the harbour, nor the said bridge, shall be held to be within those limits, but the waterway under the said bridge shall be within those limits: Provided further, that the portion of the waggon road or private railway near to the Saltpans Road as shown on the said plan, and leading from the estate of Auchincruive belonging to Richard Alexander Oswald, to his lands situate upon the north side of the harbour shall, so soon as the said private railway shall have been made, be excluded from the limits of the harbour.

Power to Trustees to borrow money.

14. In addition to the sums which the Trustees are by the Harbour Acts authorised to borrow, they may from time to time borrow any sums not exceeding in the whole one hundred thousand pounds, and for the sums so borrowed and the interest thereon they may grant mortgages or assignations, in security of the rates leviable under the authority of this Act, in the manner provided by the Commissioners Clauses Act, 1847, and this Act.

Power to borrow on cash account.

15. The Trustees may accept and take from any bank or banking company in Scotland 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 sums which the Trustees are by the Harbour Acts and this Act authorised to borrow, or any part thereof, and may mortgage and assign the several rates leviable under the authority of this Act, in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account, with interest thereon, in the manner provided by the Commissioners Clauses Act, 1847, and this Act; provided that the principal sums due and owing by the Trustees at any one time under the powers of the Harbour Acts and this Act shall never when taken together exceed the sum of three hundred thousand pounds.

Mode of subscribing mortgages, &c.

16. All mortgages or assignations in security, whether for definite sums or for cash credits or cash accounts, which may be

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granted by the Trustees, and all drafts or orders on such cash credits or cash accounts, and all other drafts or orders on account of the Trustees, shall be signed by any two or more of the Trustees who shall be authorised so to do at any meeting of the Trustees, and shall be countersigned by the clerk of the Trustees as evidence that such authority has been given: Provided always, that no Trustee or clerk shall by his subscription of any such mortgage or assignation in security, draft, or order be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Provision as to judicial factor.

17. The provisions of the Harbour Acts with respect to the enforcement of the payment of arrears of principal and interest due on mortgages or assignations in security by the appointment of a judicial factor shall be and are hereby made applicable to the moneys which may be borrowed under the authority of this Act, in the same manner and to the same effect as those provisions are applicable to money borrowed under the authority of the Harbour Acts.

Priority of mortgages over other debts of trustees.

18. All money raised or which may be raised by the Trustees on mortgage or assignation in security under the provisions of this Act shall have priority against the Trustees and the property from time to time of the Trustees over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Trustees or their property in respect of any feu duty or ground annual payable or to become payable by them in pursuance of the Lands Clauses Consolidation (Scotland) Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or sum reserved by or payable under any lease granted or made to the Trustees in pursuance of any Act relating to them which is entitled to rank in priority to or pari passu with the interest on their mortgages or assignations in security, nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Trustees for the purposes of their undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Trustees.

Existing mortgages to have priority.

19. All mortgages or assignations in security granted by the Trustees in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall be read and construed as if the rates authorised by this Act

had been the rates mentioned in such mortgages or assignations in security, and all such mortgages or assignations in security shall, during the continuance thereof, have priority over any mortgages or assignations in security granted by the Trustees in pursuance of this Act. A.D. 1879.

Provision as to loans by Public Works Loan Commissioners. 24 & 25 Vict. c. 47.

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

(*a.*) That 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 38 & 39 Vict. c. 89.

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

Sinking fund for paying off money borrowed.

21. From and after the expiration of seven years after any moneys shall have been borrowed by the Trustees under the powers of this Act, and in addition to the sinking fund provided by the Act of 1873, the Trustees shall annually, out of the rates and revenues received by them under the Harbour Acts and this Act, set apart and invest in the public funds, or by way of deposit in any bank in Scotland incorporated under Act of Parliament or by royal charter, or on heritable security, a sum equal to one pound per centum on the aggregate amount of the principal moneys previously borrowed under the additional borrowing powers conferred by this Act, and shall accumulate the same at compound interest as a sinking fund, and shall apply such sinking fund from time to time in paying off such principal moneys: Provided always, that whenever any of such principal moneys have been so paid off, the Trustees shall thenceforth, until the whole be paid off, pay annually into such sinking fund, in addition to the sum required to be set apart as aforesaid, a sum equal to the annual interest of the moneys so paid off: Provided also, that whenever and so long as the yearly income arising from the said sinking fund shall be equal to the annual interest of the principal moneys borrowed as aforesaid under the authority of this Act, so far as then remaining

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unpaid, the Trustees may, instead of accumulating such yearly income, apply the same in payment of the interest upon the principal moneys so remaining unpaid, and may during such period discontinue the annual payments to the said sinking fund.

Annual return to Board of Trade with respect to sinking fund.

22. The treasurer of the Trustees shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act or the Act of 1873, transmit to the Board of Trade a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof has been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return, the treasurer shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Board of Trade, by such return or otherwise, that the Trustees have failed to set apart the sum required by this Act or the Act of 1873 for the sinking fund, or have applied any portion of the moneys set apart for that fund and interest thereof to any purposes other than those authorised by those Acts, the Board of Trade 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 and invested 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.

Application of moneys borrowed.

23. All moneys borrowed by the Trustees under this Act shall be applied only to the purposes of this Act and of the Harbour Acts.

Power to apply existing funds to purposes of this Act.

24. The Trustees may apply to the purposes of this Act any funds or revenues which they may have received or may receive under the authority of the Harbour Acts, and which may not be required for the purposes of those Acts.

Power to levy rates.

25. In respect of the new works by this Act authorised, and in lieu of the several rates authorised by the Harbour Acts, the Trustees may levy and recover any rates not exceeding the respective rates specified in the Schedules (B.), (C.), (D.), (E.), (F.), (G.), and (H.) to this Act; and all the provisions of the Harbour Acts, and of the Harbours, Docks, and Piers Clauses Act, 1847, incorporated herewith, with respect to the collection and recovery of

rates, shall apply to the collection and recovery of the rates by this Act authorised: Provided always, that the rules and regulations contained in the said schedules, as well as the rates specified therein, shall be deemed to be parts of this Act, and that such rules and regulations may be enforced by penalties in the same manner as byelaws made by the Trustees under the authority of the Harbours, Docks, and Piers Clauses Act, 1847: Provided also, that the Trustees may make reasonable charges for any work done, services rendered, facilities afforded, and plant, machinery, or appliances provided by them for the despatch of business at the harbour, or the convenience of shipmasters, merchants, and others concerned with the traffic thereat, in so far as such charges are not expressly provided for in this Act.

Power to let slip dock and other works and land.

26. The Trustees may let on lease the slip dock by this Act authorised, and the works and land connected therewith, or any portion of the same, and the rates leviable in respect thereof, and any of the sheds, warehouses, offices, workshops, ground, and other works and conveniences at the harbour, and may demand and recover such rents for the same as they think fit.

Amending 18 & 19 Vict. c. cxix. s. 24. as to general meetings.

27. From and after the passing of this Act the general meetings of the Trustees shall be held upon the second Thursday in the month of March, the second Thursday in the month of June, the second Thursday in the month of September, and the second Thursday in the month of December in each year, instead of upon the second Wednesday in each of those months, as prescribed by the twenty-fourth section of the Act of 1855; and the meeting held on the second Thursday in the month of December in each year shall be the annual meeting of the Trustees.

Amending 18 & 19 Vict. c. cxix. s. 25. as to special meetings.

28. Special general meetings of the Trustees may be held at any time upon the conditions prescribed in the twenty-fifth section of the Act of 1855, and a special general meeting may also be held at any time on the requisition of the provost of the burgh of Ayr, provided notice of such meeting be given by the clerk of the Trustees by letter delivered or sent by post in time to be delivered in ordinary course of post at the usual place of abode or place of business of each of the Trustees at least forty-eight hours previous to any such meeting, and that every such requisition and notice shall mention the object of such meeting.

Saving right of Richard Alexander Oswald to compensation.

29. Nothing in this Act contained shall alter, prejudice, or affect any right which may be legally claimed by the said Richard Alexander Oswald to compensation from the Trustees for any right or privilege which may be legally possessed and exercised by him, or to which he is entitled, in or over any part of the quays or works

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of the harbour of Ayr, or for any right to which he may be legally entitled of exemption from harbour rates, and of which he may be deprived under the powers of this Act, which right to compensation, with the objections of the Trustees and other parties thereto, are hereby saved and reserved entire.

Compensation for injury to certain fishings.

30. In the event of the fishings possessed by the said Richard Alexander Oswald within and around the harbour of Ayr being in any measure injuriously affected by the works constructed under the authority of this Act, the said Richard Alexander Oswald, or the owner and the tenant or tenants, lessee or lessees, of the said fishings for the time being, shall be entitled to compensation in the same manner as if the said fishings were included in the word "lands" as defined in the Lands Clauses Consolidation (Scotland) Act, 1845, and every case of compensation to be ascertained under this section shall be ascertained according to the provisions contained in that Act; provided that the claims for such compensation shall be made within five years from the completion of the said works.

Saving rights of the Crown under 29 & 30 Vict. c. 62.

31. 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 reserved by or mentioned in sections 20, 21, and 22 of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Saving rights of the Crown in the foreshore.

32. Nothing contained in this Act 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 this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Trustees not exempt from provisions of present or future general Shipping Acts.
17 & 18 Vict. c. 120.

33. Nothing in this Act contained shall exempt the Trustees or the harbour or any of the works by this Act authorised from the provisions of the Merchant Shipping Act, 1854, or of any general Act amending that Act, or relating to docks or harbours, or to shipping, or to goods carried in ships, or to pilotage, or to lights, buoys, and beacons, now in force or which may hereafter pass during this or any future session of Parliament.

Expenses of Act.

34. 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 to be levied or the moneys authorised to be borrowed by the Harbour Acts and this Act.

SCHEDULES to the preceding Act.

SCHEDULE (A.)

LANDS, BUILDINGS, AND MANUFACTORIES WHEREOF PART MAY BE TAKEN UNDER THE POWERS OF THIS ACT WITHOUT TAKING THE WHOLE.

FOR SLIP DOCK, AND RELATIVE WORKS.

Parish.	No. on Deposited Plans.	Description of Property.	Owners or Reputed Owners.	Lessees or Reputed Lessees.	Occupiers.
Ayr -	16	Timber yard -	The Corporation acting under the Ayr Burgh Act, 1873.	James Paton & Sons. James Burnside Paton. Robert Paton, junior.	James Paton & Sons. James Burnside Paton. Robert Paton, junior.
Ayr -	24	Yard - -	The Corporation acting under the Ayr Burgh Act, 1873.	Richard Anderson -	Richard Anderson. Alexander Lucas. Irvine and Crawford. George Irvine. Hugh Crawford. Samuel Savage. The Corporation acting under the Ayr Burgh Act, 1873, as police commissioners. The Ayr Harbour Trustees.
Ayr -	26	Limekilns, shed, and road.	The Corporation acting under the Ayr Burgh Act, 1873.	Richard Anderson -	Richard Anderson. Thomas Reid.
Ayr -	27	Sawpit and shed -	The Corporation acting under the Ayr Burgh Act, 1873.	—	Alexander Lucas.
Ayr -	28	Carpenter's shed -	The Corporation acting under the Ayr Burgh Act, 1873.	—	Irvine and Crawford. George Irvine. Hugh Crawford.

FOR ROAD OF ACCESS AND WHARF.

Newton-upon-Ayr.	5	Sail loft, stores, workshops, and office.	James Paton and Sons. James Burnside Paton. Robert Paton, junior.	—	Frederick Gibbs. Potts, Forbes, and Co. James Alexander Potts. James Paton and Sons. James Burnside Paton. Robert Paton, junior.
Newton-upon-Ayr.	6	Boat shed, wood store, and joiner's shop.	James Paton and Sons. James Burnside Paton. Robert Paton, junior.	—	James Paton and Sons. James Burnside Paton. Robert Paton, junior. George Irvine.
Newton-upon-Ayr.	7	Blacksmith's shop (unused), store.	James Paton and Sons. James Burnside Paton. Robert Paton, junior.	—	James Paton and Sons. James Burnside Paton. Robert Paton, junior. Newton, Keates, and Co. William Keates. Joseph Andrew Keates. George Onslow Newton. Samuel Charles Newton. John Fenwick Allen.
Newton-upon-Ayr.	8	Yard - -	James Paton and Sons. James Burnside Paton. Robert Paton, junior.	—	James Paton and Sons. James Burnside Paton. Robert Paton, junior. Andrew McKissock.
Newton-upon-Ayr.	9	Mason's shed -	James Paton and Sons. James Burnside Paton. Robert Paton, junior.	—	Andrew McKissock.

SCHEDULE (B.)

RATES FOR TOWING VESSELS.

	s.	d.
For every vessel of 40 tons register or upwards towed into or out of the harbour - - - - - per register ton	0	1
Vessels to be towed for the above rates from or to half a mile beyond the present pier-head of the harbour.		
For every such vessel towed from one berth in the harbour to another per register ton	0	1

SCHEDULE (C.)

RATES FOR PILOTAGE.

For every vessel of 40 tons register or upwards coming into or going out of the harbour - - - - per register ton	0	2

SCHEDULE (D.)

RATES ON VESSELS ENTERING OR USING THE HARBOUR, WITH OR WITHOUT CARGO.

I.—Harbour Rates.

	s.	d.
For every vessel under 15 tons register - - per register ton	0	2
For every vessel of 15 tons and under 50 tons register per register ton	0	3
For every vessel of 50 tons and under 100 tons register per register ton	0	4
For every vessel of 100 tons register and upwards per register ton	0	5
For every vessel remaining in the harbour longer than 24 lawful days, per week (additional) - - - - per register ton	0	0½
Every lighter from any vessel in the harbour shall be exempt from the above-mentioned rates; but if any vessel do not enter the harbour, for every lighter from any such vessel, for each trip per register ton	0	2
For every boat, entirely open, landing or taking on board goods, or dried or salted fish - - - - - per boat	0	6
For every drave or large boat entering the harbour with fresh fish per boat	1	0

II.—Anchorage Rates.

For every vessel under 20 tons register - - - per vessel	1	0
For every vessel of 20 tons and under 40 tons register - per vessel	1	6
For every vessel of 40 tons and under 60 tons register - per vessel	2	0
For every vessel of 60 tons and under 80 tons register - per vessel	2	6
For every vessel of 80 tons and under 100 tons register - per vessel	3	0

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		s.	d.
For every vessel of 100 tons and under 150 tons register	per vessel	4	0
For every vessel of 150 tons and under 200 tons register	per vessel	5	0
For every vessel of 200 tons and under 500 tons register	per vessel	7	0
For every vessel of 500 tons register and upwards -	per vessel	10	0

III.—Rates for Planks and Shutes.

Vessels under 20 tons register to be exempt.

For every vessel of 20 tons and not exceeding 25 tons register	per vessel	0	6
For every vessel exceeding 25 tons but not exceeding 100 tons register - - - - - -	per vessel	1	0
For every vessel of 100 tons register and upwards -	per vessel	2	0

SCHEDULE (E.)

RATES ON GOODS AND OTHER ARTICLES SHIPPED, UNSHIPPED, OR TRANSHIPPED AT OR IN THE HARBOUR.

		s.	d.
Ale, beer, and porter in casks - - - -	per ton	0	10
Ale, bottled - - - - - -	per ton	1	4
Bark - - - - - - -	per ton	1	0
Beef or pork - - - - - -	per ton	1	0
Blubber - - - - - - -	per ton	1	0
Bone dust - - - - - - -	per ton	0	6
Bones of cattle - - - - - -	per ton	0	4
Bottles, empty - - - - - -	per ton	0	10
Bricks - - - - - - -	per ton	0	4
Butter - - - - - - -	per ton	1	0
Cakes, feeding, linseed, cotton, rape, &c. - -	per ton	0	6
Casks, empty - - - - - -	each	0	2
Cattle :			
Bulls - - - - - - -	each	0	4
Cows and oxen - - - - -	each	0	4
Calves - - - - - -	each	0	1
Horses - - - - - -	each	0	6
Pigs - - - - - - -	each	0	1
Sheep - - - - - - -	per score	0	10
Lambs - - - - - -	per score	0	6
Chalk - - - - - - -	per ton	0	6
Cheese - - - - - - -	per ton	0	10
Chimney cans - - - - - -	each	0	$0\frac{1}{2}$
Clay, fire, manufactured - - - -	per ton	0	6
Clay, pipe - - - - - - -	per ton	0	4
Clay, common - - - - - -	per ton	0	2
Cloth, haberdashery, &c. - - - -	per ton	1	0

		s.	d.
Coaches:			
Chaises and other four-wheeled carriages	each	1	0
Gigs, carts, and other two-wheeled carriages	each	0	8
Coals—Scotch, English, smithy, and culm	per ton	0	2
Copper	per ton	1	0
Corks and corkwood	per ton	1	3
Corn:			
Wheat, malt, barley, beans, peas, tares, oats, rye, buck-wheat, and Indian corn	per ton	0	6
Crystal	per ton	1	6
Dissolved bones and other artificial manure	per ton	0	8
Dogs, sporting only	each	0	2
Drugs	per ton	1	0
Earthenware	per ton	0	8
Eggs	per ton	1	8
Fish, dried and salted	per ton	1	0
Haddocks, cod, salmon, and all fresh fish not enumerated	per ton	1	0
Flax	per ton	1	0
Flour	per ton	0	8
Glass	per ton	1	6
Groceries:			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, oranges, and the like	per ton	1	4
Guano	per ton	0	8
Gunpowder	per ton	5	0
Hams	per ton	1	0
Hardware	per ton	1	0
Hares and rabbits	per dozen	0	2
Any less quantity		0	1
Hay	per ton	0	8
Hemp	per ton	1	0
Herrings:			
Fresh	per ton	1	0
Cured	per ton	0	9
Hides:			
Ox, cow, or horse—salted or dried	per ton	1	0
Calf skins	per 120	0	6
Sheep skins	per 120	0	6
Lamb skins	per 120	0	3
Hoops of wood	per ton	1	0
Household furniture:			
New	per ton	1	6
Belonging to parties changing their residence only	per ton	1	0
Husbandry utensils	per ton	1	0
Iron:			
Bar, bolt, and rod	per ton	0	8
Pig or old	per ton	0	4
Kelp	per ton	0	8
Lead, all kinds	per ton	1	0

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		s.	*d.*
Leather, tanned and dressed - - - - -	per ton	1	0
Lime - - - - - - -	per ton	0	6
Loam or moulding sand - - - - -	per ton	0	2
Machinery - - - - - - -	per ton	1	0
Manure, street - - - - - -	per ton	0	2
Meal - - - - - - -	per ton	0	8
Milk - - - - - - -	per ton	1	8
Musical instruments - - - - -	per ton	1	6
Nitrate of soda - - - - -	per ton	0	8
Oils - - - - - - -	per ton	1	0
Ores:			
Copper, iron, lead, and other ores - - -	per ton	0	8
Passengers luggage not exceeding one cwt., free,			
All above one cwt. - - - - -	per ton	1	0
Peats - - - - - - -	per ton	0	3
Phosphate rock - - - - -	per ton	0	6
Pitch, coal tar - - - - -	per ton	0	4
Pitch, other - - - - -	per ton	0	10
Potatoes - - - - - - -	per ton	0	6
Poultry, including pigeons, game, &c. - -	per dozen	0	1
Any less quantity - - - -	-	0	$0\frac{1}{2}$
Rags, linen - - - - - -	per ton	1	0
Other rags, old ropes, and the like - - -	per ton	0	10
Rape cakes - - - - -	per ton	0	6
Salt - - - - - - -	per ton	0	8
Seeds:			
Flax, clover, rye grass, and other seeds - - -	per ton	1	0
Skin, seal - - - - -	per 120	0	8
Slates - - - - - - -	per ton	0	6
Spirits - - - - - - -	per ton	1	0
Stones:			
Freestone and pavement - - - -	per ton	0	3
Granite - - - - - -	per ton	0	6
Scythe stones - - - - -	per score	0	1
Mill stones - - - - - -	each	0	6
Limestone and other stones - - - -	per ton	0	2
Paving stones - - - - -	per ton	0	4
Steel - - - - - - -	per ton	1	0
Sugar - - - - - - -	per ton	1	0
Sulphate of ammonia - - - - -	per ton	0	8
Tallow - - - - - - -	per ton	1	0
Tar - - - - - - - -	per ton	0	10
Tea - - - - - - -	per ton	1	8
Tiles - - - - - -	per ton	0	6
Tin of all kinds - - - - - -	per ton	1	0
Tobacco - - - - - - -	per ton	1	6
Treenails - - - - - -	per ton	0	8
Turnips - - - - - -	per ton	0	6

		s.	d.
Turpentine	per ton	1	0
Valonia	per ton	0	8
Vegetables	per ton	0	6
Vinegar	per ton	1	0
Vitriol	per ton	1	0
Whalebone	per ton	1	6
Whiting	per ton	0	6
Wine	per ton	1	0
Wine, bottled	per ton	1	0
Wood:			
Fir, pine, and other descriptions not enumerated	square timber per ton	0	6
Oak or wainscoat	square timber per ton	0	8
Home grown	per ton	0	6
Firewood	per ton	0	6
Laths and lathwood	per ton	0	6
Handspokes	per 120	0	8
Oars	per 120	1	3
Prop-wood, per 100 lineal feet not exceeding 3-inch scantling at small end		0	4
Prop-wood, per 100 lineal feet not exceeding 4-inch scantling at small end		0	5
Prop-wood, per 100 lineal feet not exceeding 5-inch scantling at small end		0	6
Spars under 22 feet in length, above $2\frac{1}{2}$ and under 4 inches diameter	per 120	1	6
Spars $2\frac{1}{2}$ inches in diameter and under	per 120	1	0
Spars 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	3	4
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	8	0
Spokes of wheels, not exceeding 2 feet in length	per 120	0	3
Spokes, exceeding 2 feet in length	per 120	0	4
Wedges	per 1,000	0	8
Pipe staves, and others in proportion	per standard hundred	0	8
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	0
Wool	per ton	1	0
Yarn	per ton	1	0
Zinc	per ton	1	0
All articles not specified in the preceding table may be charged, per ton weight		1	6

In charging the preceding rates the gross weight or measurement to be taken.

Each fraction of any weight, measure, or quantity herein-before specified may be charged according to the number of quarters of such weight, measure, or quantity contained therein, and any fraction of a quarter shall be deemed a quarter.

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SCHEDULE (F.)

RATES FOR CRANES, CAPSTANS, HOISTS, WEIGHING MACHINES, RAILS, WAREHOUSES, SHEDS, QUAYS, OR WHARVES, HURRIES, HAWSERS, AND DISCHARGING BALLAST.

I.—For the Use of Hand Cranes kept for Lifts not exceeding Eight Tons.

							s.	d.
For each lift not exceeding		1 ton					0	3
„	exceeding	1 ton	and not exceeding	2 tons			0	8
„	„	2 tons	„	3 tons			1	6
„	„	3 tons	„	4 tons			2	8
„	„	4 tons	„	5 tons			4	2
„	„	5 tons	„	6 tons			6	0
„	„	6 tons	„	7 tons			8	2
„	„	7 tons	„	8 tons			10	8

it being optional to the Trustees to charge either according to these rates, or at the rate of two shillings and sixpence per hour or any part of an hour for the time the crane is employed. It shall be optional to the Trustees to supply labour for working the above cranes, and if they supply such labour the men's wages shall be charged in addition to the above rates.

II.—For Steam or Hydraulic Cranes.

						£	s.	d.
For each lift not exceeding		one ton				0	0	10
„	exceeding	one	and not exceeding	two tons		0	1	8
„	„	two	„	three tons		0	3	4
„	„	three	„	four tons		0	7	4
„	„	four	„	five tons		0	12	0
„	„	five	„	six tons		0	16	0
„	„	six	„	eight tons		1	4	0
„	„	eight	„	ten tons		1	12	0
„	„	ten	„	twelve tons		2	0	0
„	„	twelve	„	fifteen tons		2	12	0

Any lift exceeding fifteen tons, four shillings and sixpence for each ton or part of a ton.

No charge for any single employment of any such crane to be less than the above rate for three tons.

III.—For the Use of Cranes for Masting and Unmasting Vessels.

						£	s.	d.
For masting or unmasting any vessel		not exceeding	200	tons	register	2	2	0
„	exceeding	200	and not exceeding	400	tons register	3	3	0
„	„	400	„	600	„	4	4	0
„	„	600	„	800	„	5	5	0
„	„	800	„	1,000	„	6	6	0

For masting or unmasting any steam vessel, two thirds of the above rates.

For lifting, in or out, a single mast, one half of the above rates.

When the same vessel is unmasted and re-masted, one and a half times the above rates.

It shall be optional to the Trustees to supply labour for working the above cranes, and if they supply such labour the men's wages shall be charged in addition to the above rates.

IV.—For Hydraulic Capstans.

For any capstan for hauling waggons or trucks, per ton or part of a ton of articles hauled, one penny.

V.—For Coal Cranes and Hoists.

For each ton or part of a ton of coals or minerals shipped, one penny.

VI.—For Use of Weighing Machines, including Steelyards and all others.

For weighing coals, minerals, or old iron, one penny per ton.
For weighing any other articles or goods, twopence per ton or part of a ton.
For use of weight indicator on cranes, twopence per ton or part of a ton.

VII.—For Use of Rails belonging to the Trustees.

For all goods, minerals, and other traffic thereon, one halfpenny per ton or part of a ton; or in the case of railway companies, such yearly or periodical payment for the use of the rails as may be agreed on with such companies in lieu of the rate per ton.

For all goods, minerals, or other articles conveyed on such rails and removed without being shipped, an additional rate of one penny per ton for each day or part of a day during which the same shall remain on the said rails, but the payment of such rate shall not confer right to use the said rails except for harbour traffic.

VIII.—For Use of Warehouses, Sheds, and Quays or Wharves.

For each ton or part of a ton which shall remain in any warehouse or shed, or on any quay or wharf, for a shorter time than forty-eight hours, threepence, and for each day during which the same shall remain after the first forty-eight hours, one penny halfpenny, but the payment of such rate shall not confer right to use such warehouse or shed, or such quay or wharf, after such forty-eight hours; and all articles must be removed from the warehouses, sheds, quays, or wharves within twenty-four hours after notice has been given to that effect by the Trustees or their harbour-master or other officer; and failing their being so removed, the Trustees or their officers shall be entitled to remove and store the same where they think proper, at the risk and expense of the owners or consignees, or, in the option of the Trustees, they may charge, and the owners or consignees shall pay, one shilling per ton or part of a ton per day for any articles remaining un-removed after the expiration of such twenty-four hours.

IX.—For Use of Hurries.

For each ton or part of a ton shipped by means of the hurries, one halfpenny.

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X.—For Ballast.

For discharging ballast other than limestone, eightpence per bucket.

For discharging limestone ballast, ninepence per bucket.

For supplying ballast, such reasonable rate as the Trustees may from time to time determine, having regard to the cost of labour and other expense at the time.

The master of the vessel to send one or more men to steady the buckets at the hatchmouth; and when the ballast requires to be wheeled in the hold, the wheeling to be done at the expense of the owner or master of the vessel.

The Trustees shall have exclusive control over the supplying of ballast to and the discharging and removal of ballast from vessels at the harbour.

SCHEDULE (G.)

RATES FOR USE OF SLIP DOCK.

1. For haulage upon the slip, every vessel shall be charged threepence per register ton for the first one hundred and fifty tons, and one penny halfpenny per register ton for each additional ton.

2. Every vessel while remaining upon the slip shall be charged one penny per register ton per day, Sundays and holidays excepted.

3. Every vessel hauled upon and launched from the slip shall be charged as if remaining thereon for three days at least; but when remaining for more than three days, the days on which vessels are hauled upon and launched from the slip shall be reckoned as one day.

4. Steam vessels shall be charged by the ton of measurement, including the engine room.

5. No vessel shall be allowed more than twenty tons of ballast on board at the time she is taken on the slip, unless paid for at the rate of sixpence per ton.

6. In calculating harbour rates on vessels remaining in the harbour longer than twenty-four lawful days, the time during which they may have been on the slip shall be deducted.

7. No vessel shall be allowed the use of the slip without the consent of the harbour-master, and no vessel shall be allowed to remain on the slip longer than twenty-four hours after notice for its removal has been given by the harbour-master.

SCHEDULE (H.)

MISCELLANEOUS RATES AND REGULATIONS.

Rates on each vessel entering the harbour, for police and lighting and cleansing the quays, per register ton, one halfpenny.

Coals and other articles shall not be discharged on the quays, except for immediate shipment.

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