

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXIII.

An Act to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of *Dunbar*, for the Purpose of improving the *Victoria* Harbour of *Dunbar*.

[25th *August* 1857.]

WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned:* And whereas another Act was passed in the Nineteenth Year of the Reign of Her said present Majesty, intituled *An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the Poor*, and which said Act recites the aforesaid Act and several other Acts which had been passed, making Provisions for and regulating Loans and Advances to be made by the Commissioners therein mentioned or appointed in pursuance thereof, who are commonly called and herein-after referred to as the Public Works Loan Commissioners: And whereas an Act was passed in the Eleventh and Twelfth Years of the Reign of Her said present Majesty, intituled *An Act for the Amendment and Continuation of the Burgh Customs and Water Shore and Harbour Rates of the Burgh of* Dunbar, *and for other Purposes connected with the said Burgh, and the Supply of Water to the same and the Harbour thereof*, whereby it was, amongst

57 G. 3. c. 34.

19 & 20 Vict. c. 17.

11 & 12 Vict. c. cxxii.

other Things, enacted that the Magistrates and Town Council of *Dunbar*, as Trustees for putting into execution the Purposes of that Act, should levy and take, in respect of the Articles mentioned in the Schedule A. annexed to the said Act, the several Rates and Duties therein mentioned, and also should levy and take the Duties mentioned in Schedule B. to the said Act, and the other Rates, Duties, and Assessments therein mentioned; and it was by the said Act declared that the said Trustees should have full Powers by an Act of Town Council to borrow any Sum or Sums of Money not exceeding Five thousand Pounds for the Purposes of the Harbours, Markets, and other Works, exclusive of the Supply of Water, and to convey, assign, and make over the respective Rates, Duties, and Assessments thereby granted, or such Parts thereof as they should think proper, as a Security to any Person or Persons who should advance any Sum of Money thereon: And whereas an Application has been made to the said Public Works Loan Commissioners by the Magistrates and Town Council of *Dunbar*, as such Trustees as aforesaid, for the Loan of the Sum of Twenty thousand Pounds in aid of the Expense of repairing the Sea Wall and extending the Accommodation of the *Victoria* Harbour, which has been constructed upon the Property of the said Burgh, near to the old Harbour thereof, and it is deemed expedient to make an Advance of Money out of the Consolidated Fund for the Purpose of such Loan: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Treasury to charge the Consolidated Fund, and direct the Issue thereout of 20,000*l.*

I. For the Purpose of such Loan it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to direct the Issue out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, of any Sum or Sums of Money not exceeding in the whole Twenty thousand Pounds, such Sum or Sums to be placed to the Credit of the Commissioners for the Reduction of the National Debt, to the Account intituled "The Commissioners for the "Reduction of the National Debt, on account of the Public Works "Loan Fund," and to be applied by the said Public Works Loan Commissioners for the said Loan.

Public Works Loan Commissioners to advance the same.

II. It shall be lawful for the said Public Works Loan Commissioners to advance and lend to the said Trustees of the said last-recited Act any Sum or Sums of Money not exceeding in the whole Twenty thousand Pounds for the Purposes aforesaid, upon such Security as is after mentioned.

Power for Harbour Trustees to borrow Money of

III. It shall be lawful for the said Trustees, by an Act of the Town Council of *Dunbar*, to borrow of the said Public Works Loan Commissioners any Sum or Sums of Money, not exceeding in the whole

whole the Sum of Twenty thousand Pounds, in addition to the said Sum of Five thousand Pounds by the said last-recited Act authorized to be borrowed, and by Instrument in Writing, in such Form as the said Public Works Loan Commissioners may direct, to convey and assign by way of Mortgage, for the Purpose of securing any Monies to be so borrowed and the Interest thereof, as well the respective Rates and Duties by the said Act granted and leviable for or in respect of the said *Victoria* Harbour, as all Teind Duty for or in respect of Herrings, Lobsters, and other Fish to which the said Magistrates and Council are now in anywise entitled in respect of the said *Victoria* Harbour and the said old Harbour, or either of them, or otherwise howsoever, and also all Monies to accrue from the granting of Licences in lieu of any Teind Duty in pursuance of the Powers in the said last-recited Act contained, such Mortgage to be made to the Secretary for the Time being of the said last-mentioned Commissioners, or as they shall direct; and in any Mortgage so to be made there shall be contained a Reservation to the said Magistrates in Council out of the said Rates, Duties, and other the Premises to be included in such Mortgage annually One Fourth Part of the said Teinds or Licence Money in lieu of Teinds, provided such One Fourth Part do not exceed in Amount in any Year the Sum of One hundred Pounds, but if such One Fourth Part shall in any Year exceed the Sum of One hundred Pounds then the Sum of One hundred Pounds only in lieu of such One Fourth Part to be by them applied for the Maintenance, Improvement, and Repairs of the old Harbour of the said Burgh: Provided always, that no Advance shall be made to the said Trustees upon the Security hereby authorized so long as the Rates, Duties, and Teinds to be comprised in such Security shall be subject to the Payment of any Sum or Sums of Money previously advanced on the Security thereof, without the Consent in Writing of the Person or Persons entitled thereto, giving Priority to the Security to be made under this Act over the Security of such Person or Persons so consenting.

the Public Works Loan Commissioners.

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time and at all Times, so long as any Principal Monies shall remain unpaid in respect of any Mortgage to be made to the said Public Works Loan Commissioners as aforesaid, to authorize and require the said Magistrates and Town Council to alter, vary, increase, or diminish the Rates, Duties, and Teinds comprised in such Mortgage, whether leviable under the said Act or otherwise (not exceeding the maximum Amount of Rates, Duties, and Teinds leviable under the said Act or otherwise): Provided, that such Rates, Duties, and Teinds be not diminished to such an Extent as to be insufficient to raise the said Sum of One hundred Pounds per Annum to be paid to the said Trustees as aforesaid, and to direct how and which of the said Rates, Duties, and Teinds shall be collected

Power for Treasury to increase or diminish Rates, &c., and to exercise Powers of Borrowers relating thereto.

collected and received, and also for the said Commissioners of Her Majesty's Treasury from Time to Time, when and as they may deem it expedient so to do, to exercise all the Powers, Rights, and Privileges now vested in the said Magistrates and Council in relation to or affecting the said Rates, Duties, and Teinds to be comprised in any such Mortgage or any of them.

Accounts to be kept.

V. From Time to Time and at all Times, so long as any Principal Monies shall remain unpaid in respect of any Mortgage to be made by the said Public Works Loan Commissioners as aforesaid, fair and regular Accounts shall be kept by the said Trustees of all Monies received or paid in respect of the Rates, Duties, and Premises comprised in any such Mortgage, and of the Intromissions of the said Trustees, and shall be balanced to the Thirty-first Day of *October* annually, and within One Calendar Month thereafter Copies of such Accounts, signed by the Provost, Treasurer, and Town Clerk of the said Burgh, shall be forwarded to the Commissioners of Her Majesty's Treasury; and the said Trustees shall from Time to Time, when and as the last-mentioned Commissioners shall require, produce the Documents and Vouchers instructing the same, as the said Commissioners shall direct.

Powers, &c. of Public Works Loan Acts to have the same Force as if re-enacted in this Act.

VI. All and every the several Clauses, Powers, and Provisions, Priorities, Advantages, and Penalties, contained in all or any of the Acts relating to the said Public Works Loan Commissioners, and in all other Acts of Parliament whatsoever relating to the said Commissioners, and recited or referred to in the said recited Act of the Nineteenth Year of the Reign of Her present Majesty, shall, so far as the same can be made applicable and are not varied by this Act, be taken to extend to this Act, and to everything to be done in pursuance of this Act, and to the Securities to be given in pursuance thereof, and as if such Clauses, Powers, and Provisions, Priorities, Advantages, and Penalties, were herein repeated and set forth and made applicable to the Securities to be given in pursuance of this Act, and every other Matter or Thing to be done by virtue of this Act.

Short Title.

VII. In reciting this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Dunbar* Harbour Loan Act, 1857."

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