CHAPTER cxxiv.

An Act to consolidate the Irvine Harbour Orders, 1867 and 1870, and to authorise the construction of new Works at the Harbour; and for other purposes. [7th July 1873.]

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WHEREAS by "The Irvine Harbour Improvement Order, 1867," (herein-after termed "the Order of 1867,") confirmed by "The Pier and Harbour Orders Confirmation Act, 1867 (No. 2)," the sections therein specified of the Local Act seventh George the Fourth, chapter one hundred and seven, relating to the Harbour of Irvine in the county of Ayr (herein-after termed "the Local Act") were repealed in whole or in part as therein mentioned, and Trustees were appointed and incorporated by the name of "The Irvine Harbour Trustees," for the purpose of carrying the Order of 1867 into execution, with the powers and under the provisions therein specified:

30 & 31 Vict. c. 73.

And whereas by "The Irvine Harbour Order, 1870," (herein-after termed "the Order of 1870,") confirmed by "The Pier and Harbour Orders Confirmation Act, 1870 (No. 2)," the Order of 1867 was amended, and further powers were conferred on the Irvine Harbour Trustees:

33 & 34 Vict. c. clviii.

And whereas the Irvine Harbour Trustees, in the exercise of the powers conferred on them by the Orders before recited (herein-after termed "the Orders of 1867 and 1870"), have proceeded with the execution of the works thereby authorised, and have borrowed on the security of the harbour and works and lands and property connected therewith, and of the rates authorised by the Orders of 1867 and 1870, the sum of sixteen thousand four hundred and eighty pounds, and have expended the said sum in carrying the Orders of 1867 and 1870 into execution:

And whereas the trade and shipping of the Harbour of Irvine have greatly increased and are increasing, and it is expedient that the harbour should be further extended and improved:

And whereas it is expedient that the Orders of 1867 and 1870 should be repealed, and that the provisions thereof should be consolidated, and that the undertaking of the Irvine Harbour Trustees

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should be vested in Trustees to be incorporated by this Act, and that the Trustees should be authorised to construct and maintain the cut or channel, wet docks, and other works herein-after described for the accommodation of vessels entering or using the harbour and shipping and discharging goods, to levy rates, and to borrow a further sum of money for defraying the expense of the said works, and for the general purposes of their undertaking:

And whereas these objects cannot be effected without the authority of Parliament:

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

Short title.

1. This Act may be cited as "The Irvine Harbour Act, 1873."

Interpretation of terms.

2. The following expressions shall have the several meanings hereby assigned to them; that is to say,

The expression "the Trustees" means the Irvine Harbour Trustees incorporated by this Act:

The expression "the existing Trustees" means the Trustees appointed and acting under the Orders of 1867 and 1870:

The expression "the harbour" means and includes the Harbour of Irvine and the works in and connected therewith within the limits herein-after defined.

Provisions of general Acts herein named incorporated.

3. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Harbours, Docks, and Piers Clauses Act, 1847," with the exception of sections sixteen, seventeen, eighteen, nineteen, twenty-five, and twenty-six, are (except where expressly varied by this Act) incorporated with and form part of this Act; and the expression "the harbour, dock, or pier" in the last-mentioned Act, as incorporated with this Act, means and includes the Harbour of Irvine and the works in and connected therewith within the limits herein-after defined: Provided that sections sixteen, seventeen, eighteen, and nineteen shall come into operation with respect to the harbour when required by the Board of Trade.

Certain sections of 26 & 27 Vict. c. 92. incorporated.

4. Sections thirteen, eighteen, and nineteen of "The Railways Clauses Act, 1863," are incorporated with and form part of this Act; and in construing the said sections as incorporated with this Act the expression "the Company" means the Trustees incorporated by this Act, and the word "work" means the works authorised by this Act.

10 & 11 Vict. c. 16. incorporated.

5. "The Commissioners Clauses Act, 1847," so far as not altered by this Act, and with the exception of the clauses with respect to

the following matters, that is to say, with respect to the qualification of commissioners, and with respect to the election and rotation of the commissioners where the commissioners are to be elected by the ratepayers or other like class of electors, and with the exception of section eighty-four, is incorporated with this Act.

Commencement of Act.

6. The provisions of this Act with respect to the election of shipowners and traders as Trustees under this Act shall commence and take effect from and after the passing of this Act; and the whole other provisions of this Act shall commence and take effect from and after the completion of the first election of shipowners and traders under the provisions of this Act, which is herein-after termed and referred to as the commencement of this Act.

Part of 7 G. 4. c. cvii. relating to the harbour, and Orders of 1867 and 1870, repealed.

7. From and after the commencement of this Act, so much of the Local Act seventh George the Fourth, chapter one hundred and seven, as relates to the Harbour of Irvine, and the Orders of 1867 and 1870, shall be and are hereby repealed, subject to the provisions of this Act.

Present Harbour Trustees to act temporarily.

8. The power and duty of carrying into effect the provisions of this Act, so far as the same take effect previous to the completion of the first election of shipowners and traders under this Act, shall be vested in and performed by the existing Trustees.

Incorporation of Trustees.

9. From and after the commencement of this Act, the power and duty of carrying into effect the provisions of this Act shall be vested in and be performed by a body of Trustees, consisting of the provost, magistrates, and town council of the burgh of Irvine, and the convener of the incorporated trades of Irvine, and their and his successors in office respectively, and such number of owners of vessels registered as belonging to the Harbour of Irvine, not exceeding seven, and such number of traders at the harbour, not exceeding four, as may annually be elected in the manner herein-after provided; and the Trustees and their successors in office shall be and are hereby incorporated by the name of "The Irvine Harbour Trustees," and by that name shall be a body corporate, with perpetual succession and a common seal, and shall have power to purchase, lease, take, hold, and dispose of lands and other property for the purposes and subject to the provisions of this Act.

Qualification of shipowners.

10. For the purposes of the election of the said seven or any less number of shipowners to be Trustees under this Act, any person who is the owner or part owner to the extent of at least twenty tons of or in any vessel or vessels registered in the books of the Custom House as belonging to the Port of Irvine shall be qualified to vote in the election of the Trustees and to be elected one of the Trustees.

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Qualification of traders.

11. For the purpose of the election of the said four or any less number of traders to be Trustees under this Act, any person who resides or has his place of business in or within three miles of the parliamentary boundaries of the burgh of Irvine, and who during the year ending on the thirty-first day of August one thousand eight hundred and seventy-three, or during any subsequent year ending on the thirty-first day of August, shall have paid, either as principal or as agent for any person residing beyond the said limits, the sum of five pounds or upwards of rates leviable under this Act in respect of vessels or goods, shall be qualified to vote in the election of the Trustees and to be elected one of the Trustees.

Lists of qualified shipowners and traders to be made up.

12. Lists of the shipowners and traders respectively qualified as aforesaid shall be made up by the clerk to the existing Trustees and be open to public inspection in their office on or before the fourteenth day of September one thousand eight hundred and seventy-three, and lists of the shipowners and traders respectively qualified as aforesaid shall be made up annually thereafter by the clerk to the Trustees and be open to public inspection in the office of the Trustees on or before the fourteenth day of September in every year; and any shipowner or trader claiming to be qualified as aforesaid, whose name is not contained in the lists or either of them, may deliver or transmit to the clerk a statement of his qualification, and if the clerk shall refuse or delay to insert his name in the proper list, such shipowner or trader may apply by summary petition to the sheriff to have his name inserted therein, and such petition shall be intimated to the existing Trustees or to the Trustees, as the case may be; and on proof of his qualification being given to the sheriff by such shipowner or trader, and after hearing the existing Trustees or the Trustees, as the case may be, if appearance be made by them, the sheriff shall, if he thinks fit, order the name of such shipowner or trader to be inserted in the list of shipowners or the list of traders, as the case may be; and the sheriff may take such proceedings and make such orders as to costs and otherwise on and with respect to such petition as he thinks fit.

Election of Trustees by shipowners and traders.

13. A meeting of shipowners and a meeting of traders respectively qualified as aforesaid shall be held in the burgh of Irvine on the first Monday of October one thousand eight hundred and seventy-three, and on the first Monday of October in every year thereafter; and at every such meeting of shipowners the shipowners present may choose one of their number to be chairman of the meeting, and may thereafter elect such number of persons qualified as aforesaid, not exceeding seven, as they think fit, to be Trustees under this Act; and at every such meeting of traders the traders present may choose one of their number to be chairman of the meeting, and may there-

after elect such number of persons qualified as aforesaid, not exceeding four, as they think fit, to be Trustees under this Act; and a copy of the minutes of every such meeting signed by the chairman shall be sufficient evidence of the election of the Trustees therein stated to be elected.

Notice of meeting for election of Trustees.

14. Notice of every meeting of shipowners and traders respectively for the election of Trustees, stating the time and place and object of the meeting, shall be inserted by the clerk to the Irvine Harbour Trustees in the case of the first election under the provisions of this Act, and in the case of every subsequent election by the clerk to the Trustees, in one newspaper published in the county of Ayr fourteen days at the least previous to such meeting.

Chairman of Trustees.

15. The Provost of the burgh of Irvine for the time being shall ex officio be the chairman of the Trustees.

Meetings of Trustees.

16. The first meeting of the Trustees shall be held in the council room of the burgh of Irvine on the second Monday of October one thousand eight hundred and seventy-three, at the hour to be fixed by the chairman; and an annual meeting of the Trustees shall be held on the second Monday of October in every year thereafter at the place above mentioned and at the hour to be fixed by the chairman.

Limits of harbour.

17. The limits within which the Trustees shall have authority, and which shall be deemed the limits to which this Act extends, shall comprise the Harbour of Irvine and the works in and connected therewith already constructed or authorised to be constructed by the Orders of 1867 and 1870, or to be constructed under the authority of this Act, and the beds or channels of the rivers Irvine and Garnock in and through the harbour and from the harbour to the Bay of Irvine, and the lands, foreshore, and sea on which the harbour and works are or may be situate, and which limits are in this Act termed "the limits of the harbour."

Undertaking vested in the Trustees.

18. From and after the commencement of this Act, the whole undertaking of the Irvine Harbour Trustees, and all the estate, interest, powers, rights, and privileges of the Irvine Harbour Trustees in or over the harbour, and the lands, works, and property connected therewith, shall be and are hereby vested in the Trustees incorporated by this Act, subject to the debts, contracts, obligations, and liabilities affecting the same; and the harbour and works connected therewith shall thereafter be maintained, repaired, regulated, extended, and improved, and the works authorised by the Orders of 1867 and 1870 may be executed and completed, by the Trustees under the authority and subject to the provisions of this Act and the Acts incorporated herewith.

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Provision for payment of debts.

19. All money borrowed under the authority of the Local Act or of the Orders of 1867 and 1870, and all other debts and money due or payable by the existing Trustees at the commencement of this Act, shall be payable and paid by the Trustees; and all rates and arrears of rates, and all other debts and money belonging, due, or payable to the existing Trustees at the commencement of this Act, shall be payable to the Trustees, and shall be recoverable by them in the same way as such rates and arrears of rates and other debts and money would or might have been payable to or recoverable by the existing Trustees if this Act had not been passed.

Conveyances and contracts to remain in force.

20. All conveyances, contracts, and other deeds granted by, to, or in favour of the existing Trustees shall be and remain as valid and effectual as if this Act had not been passed, and may be enforced by and against the Trustees in the same way and to the same extent and effect as such conveyances, contracts, and other deeds might or could have been enforced by or against the existing Trustees if this Act had not been passed.

Actions not to abate.

21. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity by or against the existing Trustees which was pending or to which they were parties at the commencement of this Act; and such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Trustees in the same manner and as effectually as the same might have been maintained, prosecuted, or continued by or in favour of or against the existing Trustees if this Act had not been passed, the Trustees being, in reference to the matters aforesaid, in all respects substituted for the existing Trustees.

General saving of rights and liabilities.

22. Except as is by this Act otherwise expressly provided, everything before the commencement of this Act done or suffered by or with reference to the existing Trustees shall be as valid as if the Trustees had not been incorporated and the Orders of 1867 and 1870 and the portion of the Local Act before mentioned had not been repealed by this Act, and such incorporation and repeal and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the Trustees were not incorporated and the Orders of 1867 and 1870 and the said portion of the Local Act were not repealed, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands the Trustees and their property shall to all intents and purposes repre-

sent the existing Trustees and their property, as the case may be; and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act. A.D. 1873.

Power to construct works.

23. And whereas plans and sections of the cut or channel, wet docks, and other works by this Act authorised to be made and maintained, describing the lines, situations, and levels thereof respectively, and the lands in or through which the same are to be made, and which will or may be required to be taken for the purposes thereof, and books of reference to such plans containing the names of the owners, lessees, and occupiers of such lands, have been deposited with the principal sheriff clerk of the county of Ayr at his offices in Ayr and Kilmarnock: 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 cut or channel, wet docks, and other works herein-after described, with all proper approaches, communications, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose.

Description of works.

24. The works by this Act authorised to be made and maintained are the following:

First. A cut or channel for the river Irvine, commencing at a point on that river four hundred and eighty-four yards or thereabouts north-westward from the north-east corner of the north boundary wall of the shipbuilding yard lately occupied by the Irvine Shipbuilding Company, and terminating at or near the junction of the river Garnock with the river Irvine:

Second. A tidal basin or wet dock, commencing at or near the east end of the new wharf and extending in an easterly direction for a distance of four hundred and seventeen yards or thereabouts, and terminating three hundred yards or thereabouts south-westward from the north-east corner of the north boundary wall of the said shipbuilding yard, with a quay wall extending from the commencement of the intended tidal basin or wet dock on the north side of the harbour to or near to the junction of the river Garnock with the river Irvine:

Third. A wet dock to be situate between the intended cut or channel and the intended tidal basin or wet dock herein-before described, commencing one hundred and sixty yards or thereabouts northward from the east end of the new wharf, and extending in an easterly direction four hundred and seventeen yards or thereabouts, and terminating one hundred and seventy-

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seven yards or thereabouts south-westward from the north-east corner of the north boundary wall of the said shipbuilding yard.

Power to divert waters and stop up portion of channel.

25. The Trustees, within the limits of deviation shown on the plans deposited with reference to this Act, may divert the waters of the river Irvine and the river Garnock, or either of them, into the cut or channel first before described, and may stop up the existing channel of the river Irvine from the commencement of the said cut or channel to the termination of the tidal basin or wet dock second before described, and may appropriate and use the solum and banks of the said existing channel for the purposes of this Act, or may sell and dispose of the same or any part thereof in such manner, at such times, and on such terms as they think fit.

Entry on lands for surveys and works.

26. The Trustees may from time to time enter upon any lands which they are authorised to purchase compulsorily for the purposes of this Act, and survey the same and ascertain and set out the parts thereof required for the purposes of this Act; and the Trustees may on any such lands acquired by them make, erect, and maintain all walls, arches, culverts, and buildings in connexion with the several works herein-before described, and may dredge and excavate the harbour to such extent as may be necessary for the purposes of the cut or channel and wet docks and other works by this Act authorised.

Power to deviate.

27. In constructing the works by this Act authorised the Trustees may deviate laterally from the lines thereof delineated on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans, and may deviate vertically from the levels of the said works as defined on the deposited sections to any extent not exceeding five feet.

Saving railways of Glasgow and South-western Railway Company.

28. The Trustees shall not, without the previous consent of the Glasgow and South-western Railway Company in writing under their common seal, enter upon, take, use, or otherwise interfere with any of the railways which have been laid by the said company at the harbour and on the quays or wharfs thereof, and now used or occupied by them, or any railways which may be laid by the said company on the quay or wharf now in course of construction between the new wharf and the west wharf and to be used or occupied by them under agreements between the Trustees and the said company.

Powers for compulsory purchases limited.

29. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Lands for extraordinary purposes.

30. In addition to the lands acquired and held by the existing Trustees under the powers of the Local Act and the Orders of 1867 and 1870, or to be acquired by the Trustees under the powers of this Act, the Trustees may by agreement purchase for extraordinary purposes any quantity of land not exceeding ten acres in connexion with the harbour and works authorised by this Act.

Period for completion of works.

31. The works by this Act authorised shall be completed within ten years after the passing of this Act, and on the expiration of that period the powers by this Act granted to the Trustees for executing the said works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Rates on vessels as in Sched. (A.)

32. The Trustees may demand and receive for and in respect of vessels entering within or leaving the limits of the harbour or using the works in or connected with the harbour, or any of them, any sums not exceeding the several rates specified in the Schedule (A.) to this Act annexed.

Rates on goods as in Sched. (B.)

33. The Trustees may demand and receive for and in respect of animals and goods shipped, unshipped, or transhipped within the limits of the harbour, or at any of the works in or connected therewith, any sums not exceeding the several rates specified in the Schedule (B.) to this Act annexed.

Rates for sheds and cranes as in Sched. (C.)

34. The trustees may demand and receive for and in respect of the use of sheds, cranes, hurries, and weighing machines erected or provided by them at the harbour any sums not exceeding the several rates specified in the Schedule (C.) to this Act annexed.

Certain fishing vessels exempt from rates.

35. Fishing vessels shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Act.

Officers of customs.

36. Officers of customs being in the execution of their duty shall at all times have free ingress, passage, and egress to, through, and out of the harbour and works by land, and with their vessels and otherwise, without payment.

Rates may be leased.

37. The Trustees may from time to time lease the rates authorised to be levied by this Act for any period not exceeding ten years, and for such rent or consideration and on such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering the said rates as the Trustees have or might exercise under "The Harbours, Docks, and Piers Clauses Act, 1847," and this Act.

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Borrowing powers.

38. In addition to the money borrowed under the authority of the Local Act and the Orders of 1867 and 1870, the Trustees may from time to time borrow on mortgage such money as may be required for the purposes of the works authorised by this Act and the general purposes of their undertaking, not exceeding in the whole the sum of two hundred and sixty thousand pounds, on the security of the rates authorised to be levied by this Act, and of the harbour and the works, lands, and property connected therewith; and any money borrowed under this Act, and discharged otherwise than by means of the sinking fund, may be re-borrowed for the purposes of this Act, and so toties quoties.

Trustees may borrow on cash account.

39. 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 amount of the sum which the Trustees are authorised to borrow, or any part thereof, and may grant security on the rates authorised to be levied by this Act, and the harbour and works, lands, and property connected therewith, for the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided that the whole money borrowed by the Trustees on mortgage and on cash account shall not at any time exceed the sum of two hundred and seventy-six thousand four hundred and eighty pounds.

Application of money borrowed.

40. The money borrowed by the Trustees under the authority of this Act shall be applied for the purposes of this Act only.

Form of mortgages and transfers.

41. The mortgages and assignations in security to be granted by the Trustees for money borrowed under the authority of this Act, and all transfers thereof, may be in the forms contained in the Schedules (D.) and (E.) to this Act annexed, or to the like effect.

Application of rates.

42. The Trustees shall apply all money received by them from the rates authorised to be levied by this Act, and all other revenue arising from the harbour and works or from the lands or property connected therewith, for the following purposes; (that is to say,) in paying the costs of this Act; in paying the interest on money borrowed under the authority of the Local Act and of the Orders of 1867 and 1870, and of this Act; in paying the expense of the maintenance, repair, and management of the harbour and works connected therewith; in paying the cost of the works authorised by the Orders of 1867 and 1870 and this Act, and of purchasing and acquiring lands and property for the purposes thereof, and generally in paying any expense incurred in improving the harbour.

Sinking fund.

43. In order to discharge the principal money borrowed on the security of the rates, the Trustees shall every year after the expiration of ten years from the passing of this Act appropriate and set apart out of the rates a sum equal to one pound ten shillings per centum of the money which shall have been from time to time borrowed, as a sinking fund to be applied in paying off the said principal money, and shall from time to time cause such sinking fund to be deposited in one of the banks in Scotland incorporated by Act of Parliament or Royal Charter, to be increased by accumulation in the way of compound interest or otherwise until the same shall be of sufficient amount to pay off the principal money to which such sinking fund shall be applicable, or some part thereof which the Trustees think ought then to be paid off, at which time the same shall be so applied.

Arrears may be enforced by appointment of a judicial factor.

44. The mortgagees of the Trustees may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages and assignations in security by the appointment of a judicial factor; and in order to authorise the appointment of a judicial factor in respect of principal the amount owing to the mortgagees by whom application for a judicial factor is made shall not be less than five thousand pounds in the whole; and the word "receiver" in "The Commissioners Clauses Act, 1847," as incorporated with this Act, shall mean "judicial factor."

Appointment of auditor.

45. The sheriff of the county of Ayr or the sheriff substitute at Ayr shall from time to time, on the application of the Trustees, appoint a properly qualified person, not being one of the Trustees or holding office under them, to be the permanent auditor of the accounts of the Trustees; and if the office of such auditor become vacant by death or any other cause, the said sheriff or sheriff substitute shall from time to time, on the application of the Trustees, appoint a person properly qualified as aforesaid to supply the vacancy.

Trustees may provide dredges, engines, &c.

46. The Trustees may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, tools, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realised shall be applied for carrying into effect the purposes of this Act.

Pilotage and local authority.

47. The Trustees shall be a pilotage authority and local authority within the meaning of "The Merchant Shipping Act, 1854," and the Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

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Meters and weighers.

48. The Trustees shall have the appointment of meters and weighers within the limits of the harbour.

Saving existing securities.

49. Nothing in this Act contained shall prejudice any security given for money borrowed under the authority of the Local Act or the Orders of 1867 and 1870, and remaining due at the passing of this Act; and every security so given shall have priority over securities given for money borrowed under the authority of this Act.

Security to burgh of Irvine postponed.

50. The mortgages and assignations or other securities granted under the Local Act and under the Order of 1870, and any other mortgages and assignations or other securities which may be granted in substitution for the same respectively, shall, during the continuance of any such mortgages and assignations or other securities, have priority over the mortgages and assignations or other securities granted by the Irvine Harbour Trustees to the magistrates and town council of the burgh of Irvine under the authority of the Order of 1867 for the sum of ten thousand pounds; and the interest on money borrowed under the authority of the Local Act and the Order of 1870 shall be paid by the Trustees year by year out of the rates authorised to be levied by this Act and the other revenue of the harbour in priority to the interest on the said sum of ten thousand pounds, and the principal moneys borrowed under the authority of the Local Act and the Order of 1870 shall be repaid by the Trustees in priority to the said sum of ten thousand pounds.

Reserving Merchant Shipping and general Acts.

51. Nothing in this Act contained shall exempt the harbour or the works at or connected therewith, or the Trustees, from the provisions of the Merchant Shipping Acts, or of any general Act relating to harbours or to dues on shipping or on goods carried in ships, now in force or which may 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 this Act.

Saving rights of the Crown.

52. 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.

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Saving rights under Crown Lands Act.

53. 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 or reserved by sections twenty, twenty-one, and twenty-two of "The Crown Lands Act, 1866."

Expenses of Act.

54. 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 money to be borrowed or the rates to be levied under the authority of this Act.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

Rates on Vessels.

	Per Register Ton. s.	d.
For every vessel under the burden of fifteen tons - -	0	4
For every vessel of the burden of fifteen tons and under fifty tons -	0	6
For every vessel of the burden of fifty tons and under one hundred tons - - - - - - - -	0	8
For every vessel of the burden of one hundred tons and under one hundred and fifty tons - - - - -	0	10
For every vessel of the burden of one hundred and fifty tons and upwards - - - - - - - -	1	0
All lighters from any vessel in the roads shall be exempted from rates; but if the vessel do not enter the harbour, every lighter shall pay for each trip - - - - - -	0	2
All boats, entirely open, landing or taking on board goods, or dried or salted fish, one shilling each.		
All drave or large boats entering the harbour or precincts thereof with fresh fish, fourpence each.		

Rates for Pilotage.

For all vessels entering or leaving the harbour, per registered ton, twopence.

SCHEDULE (B.)

Rates on Goods.

		s.	d.
Albertite or bitumen - - - -	per ton	1	6
Ale - - - - - -	per hogshead	0	6
Do., bottled - - - -	per barrel bulk	0	3
Bark - - - - - -	per ton	1	0
Beef or pork - - - - -	per ton	1	4
Do. - - - - - -	per barrel	0	2
Blubber - - - -	per tun of 252 gallons	1	0
Bone dust - - - - - -	per ton	2	0
Bones of cattle - - - - -	per ton	0	6

		s.	d.
Bottles	per gross	0	2
Bricks	per 1,000	0	8
Casks :—			
Empty, not being returned packages	per puncheon	0	3
Other casks in proportion.			
Cattle :—			
Bulls	each	0	3
Cows and oxen	each	0	2
Calves	each	0	0½
Horses	each	0	3
Pigs	each	0	0½
Sheep	per score	0	6
Lambs	per score	0	3
Chalk	per ton	0	8
Chimney cans	per 100	1	4
Clay, fire, manufactured	per ton	0	6
Do., common	per ton	0	2
Cloth, haberdashery and millinery	per barrel bulk	0	2
Coaches :—			
Chaises and other four-wheeled carriages	each	0	8
Gigs, carts, and other two-wheeled carriages	each	0	6
Coal, Scotch, English, smithy, or culm	per ton	0	4
Coke	per ton	0	4
Copper	per ton	1	4
Coprolites	per ton	2	0
Corks	per barrel bulk	0	3
Corn :—			
Wheat and malt	per quarter	0	3
Barley, oats, rye, beans, peas, tares, buckwheat, and Indian corn	per quarter	0	2
Crystal	per barrel bulk	0	2
Dissolved bones and other artificial manures	per ton	2	0
Dogs (sporting only)	each	0	2
Drugs	per barrel bulk	0	4
Earthenware	per crate	0	8
Eggs	per barrel bulk	0	2
Fish :—			
Dried and salted	per ton	2	6
Haddocks, cod, salmon, and all fresh fish not enumerated	per barrel bulk	0	2
Flax	per ton	2	6
Flour	per sack	0	3
Do.	per barrel	0	1½
Glass	per barrel bulk	0	3
Groceries :—			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0	3
Guano	per ton	0	8

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		s.	*d.*
Gunpowder - - - - - -	per barrel	0	3
Hardware - - - - - -	per barrel bulk	0	3
Hares and rabbits - - - - -	per dozen	0	2
Any less quantity - - - - - -		0	1
Hay - - - - - - -	per ton	1	0
Hemp - - - - - - -	per ton	2	6
Herrings:—			
Fresh - - - - - - -	per cran	0	1
Cured - - - - - -	per barrel	0	3
Hides:—			
Ox, cow, or horse, salted or dried - -	per ton	3	4
Calf skins - - - - - -	per 120	0	10
Sheep skins - - - - - -	per 120	0	10
Lamb skins - - - - - -	per 120	0	5
Hoops of wood - - - - - -	per 100	0	1
Hops - - - - - -	per barrel bulk	0	3
Household furniture (new) - -	per barrel bulk	0	3
Do., belonging to parties changing their residence only - - - -	per 10 barrels bulk	0	6
Husbandry utensils - - - - -	per ton	1	4
Do. - - - - - -	per barrel bulk	0	3
Iron:—			
Bar, bolt, and rod - - - - -	per ton	1	4
Pig or old - - - - - -	per ton	0	8
Pots and all hollow cast-iron goods - -	per ton	1	4
Do., commonly called ironmongery - - -	per ton	1	4
Kelp - - - - - - -	per ton	1	0
Lead, all kinds - - - - -	per ton	1	4
Leather, tanned and dressed - - -	per ton	1	8
Lime - - - - -	per chaldron of 16 bolls	1	6
Limestone - - - - - -	per ton	0	3
Loam or moulding sand - - - -	per ton	0	3
Machinery - - - - - -	per ton	1	4
Do. - - - - - -	per barrel bulk	0	3
Manure, street - - - - -	per ton	0	2
Marl - - - - - -	per ton	0	8
Meal - - - - - -	per 140 lbs.	0	2
Musical instruments - - - -	per barrel bulk	0	3
Oils - - - - - - -	per tun	1	0
Ores:—Copper, iron, lead, and others - -	per ton	1	0
Passengers luggage:—			
Not exceeding one barrel bulk, free.			
Exceeding one barrel bulk - -	per barrel bulk	0	3
Peats - - - - - - -	per ton	0	3
Pitch - - - - - - -	per barrel	0	3
Porter - - - - - - -	per hogshead	0	4
Do. bottled - - - - - -	per barrel bulk	0	2
Potatoes - - - - - - -	per ton	1	0

		s.	d.
Poultry, including pigeons, game, &c.	per dozen	0	1
Any less quantity		0	0½
Rags:—			
Linen	per ton	1	8
Other rags, old ropes, and the like	per ton	0	10
Rape, cotton, or linseed cake	per ton	2	0
Salt	per ton	0	10
Seeds:—			
Clover	per barrel bulk	0	3
Flax and rape	per barrel bulk	0	3
Flax in bulk	per barrel bulk	0	3
Garden seeds	per barrel bulk	0	3
Hemp and canary	per barrel bulk	0	3
Rye grass	per 8 bushels	0	3
Skins, seal	per 120	0	8
Slates:—			
Under size	per 1,000	0	8
Sizeable	per 1,000	1	0
Over size	per 1,000	1	6
Soda	per barrel bulk	0	3
Spirits:—			
Foreign or British, imported	per gallon	0	1
Do., exported	per gallon	0	0½
Stones:—			
Rubble	per ton of 16 cubic feet	0	2
Hewn ashlar freestone	per ton of 16 cubic feet	0	4
Rough ashlar freestone	per ton of 16 cubic feet	0	3
Pavement, not exceeding 3 inches thick	per 70 feet superficial	0	4
Do., exceeding 3 inches thick	per 16 cubic feet	0	4
Scythe stones	per score	0	2
Mill stones	each	2	6
Burr stones	per ton	5	0
Steel	per ton	2	0
Sugar	per ton	2	0
Tallow	per ton	2	0
Tar	per barrel	0	3
Tea	per chest	0	4
Tiles, roofing	per 1,000	0	9
Tiles or pipes, for draining	per 1,000	0	8
Tin of all kinds	per ton	2	0
Tobacco	per ton	2	6
Treenails, not exceeding 2 feet in length	per 1,000	1	6
Do. exceeding 2 feet in length	per 1,000	2	6
Turnips	per ton	1	0
Turpentine	per hogshead	0	8
Vegetables	per cartload	0	2
Vinegar	per hogshead	0	6
Vitriol	per carboy	0	3

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			s.	d.
Whalebone	- - - - -	per ton	2	6
Whitening	- - - - - -	per ton	1	0
Wine	- - - - - -	per hogshead	1	6
Do., bottled	- - - -	per barrel bulk	0	6
Wood:—				
Fir, pine, and other descriptions not enumerated	- - - -	per load of 50 feet	0	10
Oak or wainscot	- - -	per load of 50 feet	1	0
Firewood	- - -	per fathom of 216 cubic feet	1	6
Laths or lathwood	- -	per fathom of 216 cubic feet	1	6
Handspokes	- - - - -	per 120	3	0
Oars	- - - - - -	per 120	5	0
Spars, under 22 feet in length and above 2½ and under 4 inches in diameter	- - - -	per 120	4	0
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter	- - - -	per 120	6	6
Spars of all lengths, above 4 and under 6 inches in diameter	- - - - -	per 120	12	0
Barrel staves	- - - - -	per 120	3	0
Spokes of wheels, not exceeding 2 feet in length	-	per 120	2	0
Do., exceeding 2 feet in length	-	per 120	2	6
Wedges	- - - - -	per 1,000	2	0
Pipe staves	- - - - -	per 120	1	2
Hogshead staves	- - - -	per 120	1	0
Lignum vitæ, fustic, logwood, mahogany, and rosewood	-	per ton	1	4
Coalpit props, common	- - -	per dozen	0	1½
Do., crowns	- - - -	per dozen	0	2
Wool	- - - - - -	per cwt.	0	6
Yarn	- - - - - -	per ton	1	0
Zinc	- - - - - -	per ton	1	4
All other goods not particularly enumerated in the above table:—				
Light goods	- - - -	per barrel bulk	0	2
Heavy goods	- - - - -	per ton	1	4

In charging the rates on goods the gross weight or measurement of all goods to be taken; and for any less weights, measures, and quantities than those above specified a proportion of the respective rates to be charged.

Five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

SCHEDULE (C.)

RATES FOR THE USE OF SHEDS, CRANES, HURRIES, AND WEIGHING MACHINES.

1. Sheds :—

For each ton of goods of eight barrels bulk, or for each ton of goods of twenty hundredweight, which shall remain in the sheds or on the quays of the harbour for a longer time than forty-eight hours, threepence ; and one penny halfpenny per ton for each day during which such goods shall remain after the first forty-eight hours.

2. Cranes :—

		s.	d.
All goods or packages not exceeding one ton	-	0	3
Exceeding one ton and not exceeding two tons	-	0	4
Exceeding two tons and not exceeding three tons	-	0	6
Exceeding three tons and not exceeding four tons	-	0	8
Exceeding four tons and not exceeding five tons	-	0	10
Exceeding five tons and not exceeding six tons	-	1	0
Exceeding six tons and not exceeding seven tons	-	1	2
Exceeding seven tons and not exceeding eight tons	-	1	4
Exceeding eight tons and not exceeding nine tons	-	1	8
Exceeding nine tons and not exceeding ten tons	-	2	0
Exceeding ten tons	-	3	0

3. Hurries :—All goods - per ton 0 4

4. Weighing Machines :—

For goods weighed, one penny for each ton or part of a ton.

SCHEDULE (D.)

FORM OF MORTGAGE AND ASSIGNATION IN SECURITY.

We, the Irvine Harbour Trustees, have this day borrowed from *A.B.* the sum of pounds [*or* have this day obtained a cash credit with the (*insert name of bank*) to the extent of pounds] for the purposes of "The Irvine Harbour Act, 1873," and in security of the payment of the said sum [*in the case of a cash account add*, or such part thereof as may from time to time be drawn out by cheques or orders signed by the clerk or treasurer to the said Trustees] at the term of next, with interest thereof at the rate of per centum per annum from the date hereof, payable

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half-yearly at the terms of Whitsunday and Martinmas in each year, until paid [*or* periodically from the date of advance until repaid, *as the case may be*], we hereby assign to the said *A.B.* and his heirs, executors, and assignees [*or* to the said bank] the rates authorised to be levied at the Harbour of Irvine by the said Act; and the said sums, principal and interest, are hereby declared to be a lien on the said rates and on the said harbour and the works, lands, and property connected therewith. And we consent, &c. [*insert registration and testing clauses according to the form of the law of Scotland*].

SCHEDULE (E.)

Form of Transfer.

I, *A.B.*, do hereby transfer the sum of with interest thereof from and after the term of next, contained in and due by the within written mortgage and assignation in security, and all right and interest which I have under the same, to *C.D.*, his heirs, executors, and assignees. In witness whereof [*insert testing clause according to the form of the law of Scotland*].

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