CHAPTER clxxiv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Kirkcaldy Corporation. [15th August 1904.]

A.D. 1904.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict. c. 47.

Be it therefore enacted by the King'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:—

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Short title.

2. This Act may be cited as the Kirkcaldy Corporation Order Confirmation Act 1904.

A.D. 1904.

SCHEDULE.

KIRKCALDY CORPORATION.

Provisional Order to authorise the provost magistrates and councillors of the royal burgh of Kirkcaldy to construct and work additional tramways in and adjacent to the burgh and to dissolve the harbour commissioners of Kirkcaldy and to vest the harbour in the provost magistrates and councillors and to authorise them to extend and improve the harbour and for other purposes.

WHEREAS the burgh of Kirkcaldy in the county of Fife hereinafter called "the burgh" is a royal burgh under the municipal administration of the provost magistrates and councillors thereof (hereinafter called "the Corporation"):

And whereas by the Kirkcaldy Corporation and Tramway Act 1899 (hereinafter called "the 1899 Act") the Corporation were authorised to construct and work certain tramways in the burgh of Kirkcaldy and in the adjoining burgh of Dysart:

And whereas the Corporation have constructed and are working Tramways Nos. 1 2 4 5 8 9 10 11 12 13 and 14 authorised by the 1899 Act:

And whereas Tramways Nos. 10 11 and 12 have been wholly and Tramways Nos. 8 and 13 have been partly constructed as double lines in place of as single lines as authorised by said Act which double lines are the Tramways Nos. 1 2 and 3 by this Order sanctioned and authorised:

And whereas it is expedient that the Corporation should be authorised to construct and work certain additional tramways in the burgh of Kirkcaldy:

And whereas the harbour of Kirkcaldy formerly belonged to and was under the management of the Corporation:

And whereas by the Kirkcaldy Harbour and Petty Customs Act 1849 (hereinafter called "the 1849 Act") it was provided that the right and property in the said harbour of Kirkcaldy should be transferred from the Corporation to and vested in a separate body incorporated by the said Act by the name of "the Commissioners of Kirkcaldy Harbour" (hereinafter called "the harbour commissioners") which body was to consist of the provost and two

bailies of the burgh of Kirkcaldy and six inhabitants of the burgh elected as therein provided and two commissioners of supply for the county of Fife nominated as therein provided :

And whereas by the Kirkcaldy Burgh and Harbour Act 1876 (hereinafter called "the 1876 Act") it was provided that the harbour commissioners should consist of the provost and four bailies of the burgh and nine other persons qualified to be electors in the election of the town council within the burgh and two commissioners of supply for the county of Fife :

And whereas by the 1849 Act the harbour commissioners were authorised to extend enlarge and improve the harbour and for that purpose to borrow sums not exceeding in all the sum of forty-eight thousand pounds :

And whereas by the 1849 Act the harbour commissioners were authorised to borrow said sums of money only on the security of the harbour and its revenues :

And whereas it was found impracticable to raise the necessary amount of money to carry out the authorised improvements on the harbour owing to the security being limited as aforesaid to the harbour and its revenues :

And whereas it is necessary in order to accommodate the trade and industry of the burgh that the harbour should be extended and improved :

And whereas it is impossible to raise the necessary money unless authority is obtained to grant securities therefor over the rates of the burgh :

And whereas it is expedient to dissolve the harbour commissioners and to retransfer to and vest in the Corporation the right and property of the said harbour :

And whereas the harbour commissioners have unanimously passed a resolution approving of the promotion of this Order :

And whereas it is expedient that further borrowing powers should be conferred on the Corporation for the purpose of the tramway undertaking :

And whereas it is also expedient that the Corporation for the purpose of extending and improving the harbour should be authorised to borrow money and to raise a special harbour rate for that purpose :

And whereas it is expedient that the other provisions in this Order contained should be sanctioned :

A.D. 1904.

And whereas plans and sections showing the lines situations and levels of the tramways and of the harbour works respectively authorised by this Order and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and property required or which may be taken for the tramway purposes and the harbour purposes respectively under the powers of this Order were duly deposited with the principal sheriff clerk for the county of Fife at his offices at Cupar and Kirkcaldy and also with the town clerk of Kirkcaldy at his office in Kirkcaldy and are in this Order respectively referred to as "the deposited plans sections and books of reference":

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title and commencement.

1. This Order may be cited as the Kirkcaldy Corporation Order 1904 and shall come into operation at the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order."

Order divided into Parts.

2. This Order is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Tramways.
Part III.—Harbour.
Part IV.—Financial.
Part V.—Supplementary.

PART I.

PRELIMINARY.

Interpretation.

3. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated herewith the following words and expressions have for the purposes of this Order the meanings hereby assigned to them (that is to say):—

"The promoters of the undertaking" "the undertakers" and "the company" respectively mean the provost magistrates and councillors of the burgh;

"The railway" means the harbour works by this Order authorised or any of them and "the centre line of the railway" means the boundaries of those works respectively.

In this Order unless inconsistent with or varied by this Order the following words and expressions shall have the following meanings (that is to say):—

"The burgh" means the royal burgh of Kirkcaldy within the municipal boundaries thereof;

"The Corporation" means the provost magistrates and councillors of the burgh;

"The Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1903 and any Act amending the same;

"The tramways" means the tramways authorised or sanctioned by this Order;

"The Corporation tramways" means the tramways and also the tramways authorised by the 1899 Act;

"Sheriff" means the sheriff of the county of Fife or any of his substitutes;

"The harbour" means the harbour of Kirkcaldy as it at present exists and also as extended and improved under this Order;

"The county" means the county of Fife;

"Tramway revenue" means and includes all moneys received for or in relation to the Corporation tramways other than borrowed moneys and other moneys which ought to be carried to the account of capital.

Part II.

Tramways.

Incorporation of portions of Tramways Act 1870.

4. Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as they are applicable for the purposes of and are not varied by or inconsistent with this Order are hereby incorporated with and form part of this Order.

Tramways already constructed sanctioned.

5. The construction of the several tramways hereinafter described which have already been constructed by the Corporation is hereby sanctioned and confirmed and the Corporation is hereby authorised to maintain and work these tramways as part of their undertaking.

A.D. 1904.

The following are the tramways hereinbefore referred to already constructed and now sanctioned and authorised :—

Tramway No. 1 A tramway 1 mile 5 furlongs 8·20 chains or thereabouts in length consisting of 4·4 chains or thereabouts of single line and 1 mile 5 furlongs 3·8 chains or thereabouts of double line situate wholly in the burgh commencing by a junction with the authorised and existing tramway in Whyte's Causeway at a point in the causeway 0·25 chain or thereabouts west of the junction of the causeway with Hill Street passing thence along Whyte's Causeway Wemyssfield Bennochy Road Victoria Road Nairn Street Factory Road and Overton Road into and terminating in Junction Road by a junction with the authorised and existing tramway at a point in that road 0·7 chain or thereabouts west of the junction of that road with St. Clair Street :

Tramway No. 2 A tramway 3 furlongs 0·4 chain or thereabouts in length consisting of 1·4 chains or thereabouts of single line and 2 furlongs 9 chains or thereabouts of double line commencing at a point in the Abbotshall Road 1·1 chains or thereabouts south of the junction of that road with Nicol Street passing thence along Abbotshall Road (where a portion of one line lies outside the burgh) and terminating in Bennochy Road by a junction with tramway No. 1 at a point 0·6 chain or thereabouts north of the junction of that road with St. Brycedale Avenue :

Tramway No. 3 A tramway 1·4 chains or thereabouts in length (double line) situate wholly in the burgh commencing in Wemyssfield by a junction with Tramway No. 1 at a point 1 chain or thereabouts south of the junction of Wemyssfield with St. Brycedale Avenue passing thence into and terminating in Abbotshall Road by a junction with Tramway No. 2 at a point 1·1 chains or thereabouts west of the junction of that road with Wemyssfield.

The whole of the said tramways are situated in the parish of Kirkcaldy and Dysart and county of Fife and they are wholly situated within the burgh except the portion before specified of Tramway No. 2 which portion is situated in said parish outside of the boundary of the burgh.

Power to make new tramways.

6. Subject to the provisions of this Order the Corporation may make form lay down work use and maintain the several tramways hereinafter described in the lines and according to the

levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all necessary and proper junctions rails plates sleepers tubes pulley pits underground chambers manholes shafts wires cables chains engines machinery channels apparatus waiting rooms stables engine houses carriage houses station sheds buildings works and conveniences connected therewith respectively and may equip the same with the necessary plant and rolling stock:—

Tramway No. 1A A tramway 3·6 chains or thereabouts in length (double line) situate wholly in the burgh commencing in Wemyssfield by a junction with Tramway No. 1 at a point 1·8 chains or thereabouts north-east of the junction of Wemyssfield with Whyte's Causeway passing thence along Wemyssfield in a north-easterly direction and terminating by a junction with Tramway No. 1 at a point 5·40 chains or thereabouts north of the junction of Wemyssfield with Whyte's Causeway:

Tramway No. 4 A tramway 3·5 chains or thereabouts in length (double line) commencing at a point in the Abbotshall Road 3 chains or thereabouts south of the junction of that road with Nicol Street passing thence along Abbotshall Road and terminating in that road by a junction with the authorised and existing tramway at a point 0·5 chain or thereabouts north-east of the junction of that road with Nicol Street (where a portion of one line lies outside the burgh):

Tramway No. 5 A tramway 3 furlongs 2·3 chains or thereabouts in length (double line) situate wholly in the burgh commencing by a junction with Tramway No. 4 in the Abbotshall Road at a point 2·1 chains or thereabouts from the commencement of Tramway No. 4 and passing into and along Nicol Street and terminating in the Milton Road by a junction with Tramway No. 7 at a point 0·6 chain or thereabouts north-east of the junction of that road with Nicol Street:

Tramway No. 6 A tramway 1·6 chains or thereabouts in length (double line) situate in the burgh (except for a portion of one line which lies outside the burgh) commencing by a junction with Tramway No. 4 at a point 0·3 chain or thereabouts from the termination of Tramway No. 4 in the Abbotshall Road passing thence into Nicol Street and terminating in that street by a junction with

A.D. 1904.

Tramway No. 5 at a point 0·7 chain or thereabouts east of the junction of that street with Abbotshall Road:

Tramway No. 7 A tramway 5 furlongs 5·20 chains or thereabouts in length (double line) situate wholly in the burgh commencing by a junction with Tramway No. 4 at a point 1·7 chains or thereabouts from the commencement of Tramway No. 4 in the Abbotshall Road passing thence along Abbotshall Road through Milton Road and terminating in High Street by a junction with existing tramway at the junction of that street with Milton Road:

Tramway No. 8 A tramway 2·3 chains or thereabouts in length (single line) situate wholly in the burgh commencing by a junction with existing tramway at a point in Links Street 1·1 chains or thereabouts south of the junction of that street with Hendry's Wynd passing thence along Links Street in a northerly direction and terminating by a junction with existing tramway at a point 1·2 chains or thereabouts north of the junction of that street with Hendry's Wynd:

Tramway No. 9 A tramway 2·8 chains or thereabouts in length (double line) situate wholly in the burgh commencing in High Street by a junction with existing tramway at a point 0·8 chain or thereabouts south of the junction of that street with Charlotte Street passing thence along High Street in a northerly direction and terminating by a junction with existing tramway at a point 2 chains or thereabouts north of the junction of that street with Charlotte Street;

Tramway No. 10 A tramway 2·0 chains or thereabouts in length (single line) situate wholly in the burgh commencing in High Street by a junction with existing tramway at a point 1·3 chains or thereabouts north-east of the junction of that street with Malcolm's Wynd passing thence along High Street in a northerly direction and terminating by a junction with the authorised and existing tramway at a point 3·3 chains or thereabouts north of the junction of that street with Malcolm's Wynd:

Tramway No. 11 A tramway 3 furlongs 2·2 chains or thereabouts in length consisting of 3·85 chains or thereabouts of single line and 2 furlongs 8·35 chains or thereabouts of double line situate wholly in the burgh commencing in Abbotshall Road by a junction with Tramway No. 7 at a point 0·7 chain or thereabouts north-west of the junction

of that road with Pratt Street passing thence along Pratt Street in a southerly direction and terminating in Bridgeton by a junction with Tramway No. 12 at a point 0·8 chain or thereabouts south-east of the junction of Bridgeton with Links Street:

Tramway No. 12 A tramway 4·25 chains or thereabouts in length (double line) situate wholly in the burgh commencing in Bridgeton at a point 3 chains or thereabouts south-east of the junction of Bridgeton with Links Street passing thence in a north-westerly direction into and terminating in Links Street by a junction with the authorised and existing tramway at a point 1·25 chains or thereabouts north-east of the junction of that street with Bridgeton.

The whole of the said tramways are situated in the parish of Kirkcaldy and Dysart and county of Fife and they are wholly situated within the burgh except the portions before specified of Tramways Nos. 4 and 6 which portions are situated in said parish outside of the boundary of the burgh.

Single line to be laid in Milton Road unless it is widened.

7. Tramway No. 7 shall be laid in Milton Road as a single line only until and except so far as that road shall have been so widened that there shall be not less than 3 feet 6 inches between the outside of the footpath on either side of the road and the nearest rail of the said tramway.

Period for completion of tramways.

8. The tramways shall be completed within three years from the commencement of this Order and on the expiration of that period the powers by this Order granted for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Extension of time.

9. The period for the completion of Tramways Nos. 6 and 7 authorised by the 1899 Act is hereby extended for a further period of one year from the termination thereof that is till 1st August 1907.

Incorporation of certain sections of 1899 Act.

10. The following sections of the 1899 Act (that is to say):—

Section 9 (Inspection by Board of Trade);

Section 10 (Tramways to be kept on level of surface of road);

Section 11 (Further provisions as to construction of tramways);

Section 12 (Gauge and rails of tramways);

Section 13 (Penalty for not maintaining rails and roads);

A.D. 1904.

Section 15 (Application of road materials excavated in construction of works);
Section 16 (Temporary tramway to be made where necessary);
Section 17 (Power to Corporation to work tramways);
Section 18 (Rates for passengers);
Section 19 (Passengers' luggage);
Section 22 (As to fares on Sundays or holidays);
Section 24 (Periodical revision of rates and charges);
Section 25 (Provisions as to motive power);
Section 26 (Special provisions as to use of electrical power);
Section 31 (Temporary use of omnibuses);
Section 35 (Statement and balance sheet and estimates to be laid before Corporation);
Section 36 (Application of tramway revenue);
Section 37 (Byelaws);
Section 38 (Amendment of Tramways Act 1870 as to byelaws by Corporation);
Section 39 (Orders &c. of Board of Trade);
Section 40 (Recovery of penalties);
Section 41 (Agreements for construction &c. of tramways);
Section 42 (Lease of tramways &c.);
Section 43 (Provision as to general Tramways Act);

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to and in relation to the tramways.

Repeal of existing provisions as to cheap fares for labouring classes and enactment of new provisions.

11. The provisions of section 23 of the 1899 Act for cheap fares for labouring classes are hereby repealed and the following provisions in lieu thereof shall apply to the Corporation tramways:—

(1) The Corporation at all times after the opening of any of the Corporation tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning

from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Corporation in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes:

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable:

(3) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

For protection of Postmaster-General.

12.—(A) Notwithstanding anything in this Order contained if any of the works authorised to be executed by this Order involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect in lieu of the provisions contained in subsection (B) of section 29 of the 1899 Act which subsection is hereby repealed:—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:

A.D. 1904.

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations :

(5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right

A.D. 1904.

to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the tramways of the Corporation.

Corporation not to carry goods.

13. Notwithstanding anything contained in the 1899 Act the Corporation shall not except for their own purposes as a municipal corporation carry on any of their tramways goods animals minerals or things other than passengers and passengers' luggage not exceeding the weight in the 1899 Act mentioned and small parcels not exceeding 112 pounds in weight and in respect of such small parcels the Corporation may demand and take the rates or charges set forth in section 20 of the 1899 Act.

For protection of North British Railway Company.

14. Section 30 of the 1899 Act shall extend and apply to and in relation to the tramways by this Order sanctioned and authorised to be constructed.

Power to make additional crossovers and to double tramway lines.

15. The provisions of section 14 of the 1899 Act are hereby repealed and the following provisions in lieu thereof shall apply to the Corporation tramways:—

(1) The Corporation may subject to the provisions of this Order with the consent of the Board of Trade make maintain alter and remove such crossovers passing-places sidings junctions and other works in addition to those particularly specified in and authorised by the 1899 Act and by this Order as they may find necessary or convenient for the efficient working of the Corporation tramways or for providing access to any warehouses stables or carriage houses or works of the Corporation:

(2) Notwithstanding anything shown on the deposited plans relating to any of the Corporation tramways the Corporation may with the consent of the Board of Trade lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the Corporation tramways and if at any time the road in which any tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Corporation may with the like

consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may see fit:

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of 30 feet or upwards a less space than 9 feet 6 inches would intervene between it and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not except with the consent of the Board of Trade be so laid if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

Attachment of brackets to buildings.

16. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the Corporation tramways by mechanical power:

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to the sheriff who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as he may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of the sheriff under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall

A.D. 1904.

apply and the sheriff shall have the same powers as under proviso (1):

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rent shall be deemed to be the owner.

Penalty for malicious mischief.

17. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of the Corporation tramways anything which is calculated to obstruct or interfere with the working of such tramways or to cause injury to any person he shall (without prejudice to any proceedings by way of interdict or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Corporation shall be liable to a penalty not exceeding twenty pounds.

PART III.

HARBOUR.

Incorporation and Repeal of Acts.

Incorporation of Acts.

18. The following Acts and Parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order) are incorporated with and form part of this Order (that is to say):—

The Lands Clauses Acts:

The Harbours Docks and Piers Clauses Act 1847 with the exception of clauses 25 and 26 and also with the exception of the clauses with respect to lifeboats with respect to keeping a tide and weather gauge unless the Board of Trade require the same to be kept or provided and with respect to the police of the harbour dock or pier:

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith.

19. The provisions of section 57 of the Burgh Police (Scotland) Act 1903 shall apply in all cases of disputed compensation in regard to lands acquired by the Corporation under this Order for harbour purposes.

Provisions of section 57 of Burgh Police (Scotland) Act 1903 to apply in certain cases.

20. The following portions of the 1849 Act and the 1876 Act are hereby repealed viz. :—

Repeal of portions of 1849 and 1876 Acts.

Of the 1849 Act Sections 4 9 to 24 29 to 35 and 49 and Schedule F.:

Of the 1876 Act Sections 64 to 68 70 and 71 and Schedule IV.

Dissolution of Harbour Commissioners.

21. From the commencement of this Order the commissioners of Kirkcaldy Harbour incorporated by the 1849 Act are hereby dissolved.

Harbour commissioners dissolved.

22. The right and property of and in the harbour and the piers jetties docks quays wharves ways warehouses and embanked ground dwelling-houses and tenements and all other works and buildings materials implements matters and things connected with the said harbour and all and every right of ferry (if any) now vested in the harbour commissioners including the exclusive right of ferry (if any) betwixt the harbour and Leith or Newhaven on the opposite side of the Firth of Forth and generally all property and rights heritable and movable which immediately before the commencement of this Order belonged to or were vested in the harbour commissioners or any person on their behalf and all powers and authorities of the harbour commissioners in relation thereto shall be and the same are hereby as from that date vested in and may be exercised by the Corporation to the same extent and for the same estate and interest as the same were at the commencement of this Order vested in or were exercised by the harbour commissioners or any person on their behalf and may be held recovered and enjoyed accordingly.

Vesting harbour undertaking in Corporation.

23. All mortgages bonds securities for money contracts agreements and obligations granted made or entered into previous to the commencement of this Order by the said harbour commissioners in favour of or with any person or persons whomsoever and all liabilities arising out of the same and all debts owing by the harbour commissioners at said date shall be enforceable against and recoverable from the Corporation by such person or persons and

Saving existing securities.

A.D. 1904.

shall be chargeable and charged upon the property vested in the Corporation in virtue of the immediately preceding section of this Order and shall remain in full force and effect and be and continue valid in law until the same be fully satisfied performed and discharged provided always that nothing herein contained shall prejudice or affect any other security which any mortgagee or creditor may hold for payment of his debt.

Conveyances &c. to harbour commissioners to remain in force.

24. All conveyances leases deeds contracts agreements bonds covenants guarantees and securities made or entered into before the commencement of this Order to with or in favour of or by the harbour commissioners shall be and remain as good valid and effectual in favour of or against or with reference to the Corporation and may be founded on carried out and enforced in like manner and as fully to all intents and purposes as if the Corporation instead of the harbour commissioners had been parties thereto.

Actions &c. not to abate.

25. Any action prosecution or other proceeding whatever commenced either by or against the harbour commissioners before the commencement of this Order shall not abate or be discontinued or prejudicially affected by this Order but may be maintained prosecuted or continued by in favour of or against the Corporation in like manner and as fully to all intents and purposes as if the Corporation instead of the harbour commissioners were parties to such action prosecution or proceeding.

Officers in employment of commissioners continued until removed.

26. All officers and servants of the harbour commissioners other than the clerk acting or employed in connection with the harbour at the commencement of this Order shall hold their respective offices and employments under the Corporation together with the salaries and emoluments attached thereto until lawfully removed therefrom by the Corporation and all such officers and servants shall have the same powers privileges and advantages under and in the execution of this Order and shall be liable to the same penalties obligations restrictions and regulations in every respect as they respectively had and were under prior to the commencement of this Order.

Compensation to clerk of harbour commissioners for loss of office.

27. The Corporation shall pay to William Millie Dow the present clerk to the harbour commissioners for his loss of office such compensation as may be mutually agreed and failing agreement as shall be fixed by an arbiter to be nominated by the Secretary for Scotland whose decision shall be final.

28. All persons who shall have received any rates dues assessments duties or other moneys or who may owe or be subject to the payment of any money by virtue of the 1849 Act or who shall have in their custody or possession any boats crafts machinery tools money books accounts receipts papers writings or any other matters or things exclusively relating to the harbour or connected therewith shall be liable to account for pay and deliver over the same and every part thereof to the Corporation.

Officers of harbour commissioners to account under this Order.

Improvement of Harbour.

29. For the purpose of improving and extending the harbour the Corporation may subject to the provisions of this Order and to the powers of deviation hereinafter contained make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes or in connection therewith The said works authorised by this Order are—

Power to construct and description of works.

Work No. 1 An extension of the present east pier in a direction about 25 degrees east of south (true) for a length of 500 feet the whole thereof being on the foreshore or bed of the Firth of Forth:

Work No. 2 A new south pier commencing on the shore at a point about 70 feet north of the east corner of St. James' Church and running thence for a length of about 450 feet in a direction about 19 degrees south of east (true) and thereafter for a length of about 350 feet in a direction about 18 degrees north of east (true) and terminating at a point about 200 feet south (true) of the present end of the east pier the whole thereof being on the foreshore or bed of the Firth of Forth:

Work No. 3 The conversion of the northern end of the present tidal harbour into a wet dock of about three and one-third acres in area by the construction of a dam across the said tidal harbour close to the south side of the present west pier (which dam will form its southern quay) and by the removal of the present west and middle piers and the construction of new quays on the west side of the present wet dock and of the tidal harbour the said new wet dock communicating with the sea by an entrance provided with

A.D. 1904.

gates placed in the dam which forms the southern quay thereof:

Work No. 4 The construction on the foreshore or bed of the Firth of Forth of a new tidal harbour on the south side of Work No. 3 and bounded on the north side by the southern quay of the new wet dock on the west side by the shore on the east side by the present east pier and a part of the extension of that pier described in Work No. 1 and on the south side by the new south pier described in Work No. 2 the entrance to the said Work No. 4 from the sea being formed by an opening left between the termination of the said Work No. 2 and the extension of the east pier:

Work No. 5 The reclamation from the sea of a portion of the foreshore of the Firth of Forth enclosed by Work No. 4 and lying on the western side thereof.

The said works will be situate in the burgh in the parish of Kirkcaldy and Dysart in the county of Fife and partly on the foreshore or bed of the Firth of Forth.

Power to make subsidiary works.

30. The Corporation may subject to the provisions of this Order make and maintain on in over or in connection with the said works hereinbefore described or any of them all necessary landing-places tramways sidings signals excavations embankments walls approaches wharves warehouses fish-curing stations sheds cranes mooring buoys lights and other works machinery and conveniences.

Limits of deviation.

31. In constructing the works by this Order authorised the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent approved by the Board of Trade Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade having first been obtained.

Penalty for obstructing works.

32. If any person wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the harbour works or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that

person shall for each offence be liable to a penalty not exceeding ten pounds and shall in addition be liable to repay to the Corporation any expenses incurred by them in making good such damage.

Consent of Board of Trade to works.

33. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in accordance with the terms of such consent.

Survey of works by Board of Trade.

34. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

35. If a work constructed by the Corporation on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Power to make road connections &c.

36. Subject to the provisions of this Order and within the limits shown on the deposited plans the Corporation for the purposes of the harbour works by this Order authorised or any of them or works connected therewith may make and maintain junctions and communications with any existing roads highways streets or footways which may be intersected or interfered with by any of the said works or be contiguous thereto and for the purposes of any such junctions or communications may alter the line or level of any existing road highway street or footway and may remove alter divert stop up enclose use or appropriate all or any part of any road highway street footway bridge stream watercourse sewer drain gas water or other main or pipe telegraph telephone or other wire main pipe work or apparatus within the limits aforesaid the Corporation first providing all proper substituted works and making reasonable compensation to any person who suffers damage from the exercise of the powers in this section contained Provided that

A.D. 1904.

the Corporation shall not alter divert or in any way interfere with telegraphic telephonic or electrical apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided further that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1902 to which the provisions of section 15 of the said Act of 1882 apply.

Excavating rock and dredging harbour.

37. Within the harbour limits as hereinafter defined and for the purpose only of the construction improvement and maintenance of the harbour and the harbour works the Corporation may excavate and remove any rock stone shingle sand or mud and dredge scour deepen and improve the entrance channels approaches and site of the harbour.

Disposal of rock and dredging &c.

38.—(1) All rock stone shingle sand mud and other materials excavated dredged up or removed within the harbour limits shall be the property of the Corporation and they may sell or otherwise dispose of the same or lay down and use the same in another place within those limits as they think fit Provided that no excavated materials of any kind shall be deposited below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(2) All money arising from any sale or other application of rock stone shingle sand mud and other materials under this section after payment of any expenses connected therewith shall be applied as part of the revenue of the harbour.

Omission or misstatement in plans or books of reference may be corrected.

39. If there be any omission misstatement or erroneous description of any lands or of the owners lessees or occupiers of lands shown on the deposited plans or specified in the deposited books of reference the Corporation may after giving ten days' notice to the owners lessees and occupiers of the lands in question apply to the sheriff for the correction thereof and if it appear to the sheriff that such omission misstatement or erroneous description arose from accident or mistake he shall certify the same accordingly in duplicate and shall in such certificate state the particulars of the omission and in what respect any such matter is misstated or erroneously described and the decision of the sheriff in such matter shall be final.

Certificates to be deposited.

40. The certificate of the sheriff granted under the immediately preceding section shall be deposited in the office at Cupar of the

sheriff clerk and a duplicate thereof shall be deposited with the clerk of the parish council of the parish of Kirkcaldy and Dysart and such certificate and duplicate thereof shall be kept by such sheriff clerk and clerk of the parish council respectively along with the other documents to which they relate and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate and the Corporation may enter on purchase take and use for the purposes of this Order any lands in accordance with such certificate as if such omission misstatement or erroneous description had not been made.

Power to take servitudes &c. by agreement.

41. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may by agreement if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which other parties than the grantors have an interest) required for the purposes of this Order or any of them in over or affecting any such lands and the provisions of the said Acts with respect to lands and ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Additional lands by agreement for harbour purposes.

42. The Corporation may for the purposes of the harbour purchase lease or take by agreement and hold any lands not exceeding in the whole three acres in addition to the lands which they are by this Order authorised to take by compulsion Provided that nothing in this Order shall exempt the Corporation from any action or proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so purchased leased taken and held.

Restrictions on displacing persons of labouring class.

43.—(1) The Corporation shall not under the powers by this Order granted purchase or acquire in any district for the purpose of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such

A.D. 1904.

houses on the fifteenth day of December last or for such number or proportion of those persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the court of session to be obtained by the Secretary for Scotland.

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Order granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the court of session and shall be carried to and form part of

the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands and heritages for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 145 of the Public Health (Scotland) Act 1897 shall be incorporated with this Act and shall apply to the purchase of lands by the Corporation for the purposes of any scheme under this section in the same manner in all respects as it would apply to the Corporation as local authority within the meaning of that Act and as if the scheme were one of the purposes of that Act.

(7) The Corporation may on any lands and heritages belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may by private bargain or public auction sell demise let or otherwise dispose of such dwellings and any lands and heritages purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply under the powers of this Order:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated solely for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Corporation shall contain proper covenants for securing that the buildings on such lands shall during such period be used exclusively for the purpose of such dwellings:

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he may see fit.

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connection with any scheme under this section all or any of the powers vested in

A.D. 1904.

them respectively under the Public Health (Scotland) Act 1897 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Corporation shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) Any houses on any of the lands shown on the plans deposited with reference to this Order occupied or which may have been occupied by persons of the labouring class within five years before the commencement of this Order which have been acquired by or on behalf of the Corporation and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Corporation shall for the purposes of this section be deemed to have been acquired under the powers of this Order and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate.

(11) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Limiting time for exercise of compulsory powers of purchase.

44. The powers for the compulsory purchase of lands for the purposes of this Order shall not be exercised after the expiration of three years from the commencement of this Order.

45. On the expiration of seven years after the commencement of this Order the powers by this Order given to the Corporation for constructing the harbour works by this Order authorised shall cease except as to so much thereof as shall then be completed Provided that the Board of Trade may on application in writing to them before the expiration of the said period by the Corporation extend the period for completion of the said works for such period not exceeding fourteen years after the commencement of this Order as they may think fit by a consent under the hand of the Secretary or an Assistant Secretary of the said Board.

Period for completing harbour works.

Harbour Limits.

46. The limits within which the Corporation shall have authority and within which the powers of the harbour master may be exercised shall comprise the works by this Order authorised and the following area below high-water mark of ordinary spring tides (namely):—

Harbour limits.

(1) The area included within an imaginary straight line commencing at high-water mark of ordinary spring tides at the southern end of the lane called Castle Brae Lane or Wynd running thence in a south by east (true) direction across the foreshore to low-water mark thence in a south 18 degrees west (true) direction for a distance of 1170 yards or thereabouts and thence in a west (true) direction for a distance of 600 yards or thereabouts to a point at high-water mark of ordinary spring tides opposite the end of Rose Street Kirkcaldy which limits are in this Order termed "the harbour limits":

(2) The limits within which the power to levy rates may be exercised hereinafter termed "the rating limits" shall comprise the harbour works and the area lying within 100 yards of any part of the works.

47. A map or plan showing the harbour limits having been signed in triplicate by the Secretary for Scotland one copy thereof shall within two weeks after the commencement of this Order be deposited in the office of the Secretary for Scotland another copy thereof shall be deposited with the town clerk at his office and another copy thereof shall be deposited with the Board of Trade.

Deposit of plan of harbour limits.

In case of any discrepancy between the harbour limits delineated on the said harbour map or plan and the harbour limits

A.D. 1904.

as described in the section of this Order of which the marginal note is "Harbour limits" the said map or plan shall be deemed to be correct and shall prevail.

Harbour Committee.

Constitution of Harbour Committee.

48. In the event of the Corporation appointing a committee of their number for the management of the harbour the Corporation shall if they see fit be entitled to add to the membership of such committee a number of municipal electors not being members of the town council and not exceeding six but the whole proceedings of such harbour committee shall be subject to the control and approval of the Corporation in the same manner as other committees appointed by the Corporation Sections 34 and 35 of the Town Councils (Scotland) Act 1900 shall mutatis mutandis apply to such added members of the harbour committee.

Rates.

Power to levy harbour rates.

49. From and after the commencement of this Order the Corporation may subject and according to the provisions of this Order levy demand receive and take in respect of vessels persons animals goods matters and things any sums not exceeding the rates or charges specified in the First Schedule to this Order or otherwise authorised by this Order.

Rates for use of warehouses &c.

50. The Corporation may (so far as the rates specified in the First Schedule to this Order do not extend) levy demand recover and receive such rates or other consideration as they may think reasonable for the use of any cranes warehouses rails tramways fish-curing stations buildings and conveniences in connection with the harbour belonging to or provided by them or in respect of any services rendered by them in connection with the harbour.

Corporation may provide dredgers &c. and charge for use thereof.

51. The Corporation may purchase provide take on lease or hire from time to time such dredgers engines tugs vessels lighters cranes or other appliances as they think fit for the purposes of the harbour and in connection therewith or for the use and accommodation of vessels frequenting the harbour and may demand recover and receive such reasonable sums for the use of the same as they think proper.

Supply of and rate for water.

52. If and so long as the Corporation shall make and maintain such provisions and appliances as may be necessary for furnishing

to vessels resorting to the works a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charge as they may think fit not exceeding the rate specified for that purpose in the First Schedule to this Order for pure and wholesome water supplied by them.

Power to compound for rates.

53. The Corporation may agree with the master or owner of any vessel using the harbour or works or conveniences of the Corporation for the purposes of business or pleasure for a payment of a fixed sum payable in advance as a composition by the year or other shorter or longer period for all or any of the rates payable by or in respect of such vessel Provided always that if the Corporation at any time make any such agreement by way of composition as aforesaid the masters or owners of all other vessels of the same description using the harbour or works or conveniences of the Corporation in like manner and under similar circumstances may compound for the rates payable by them respectively upon like terms with those contained in such agreement and the Corporation shall accept such composition accordingly to the intent that such composition may not be made with partiality or in favour of any particular person.

Certain fishing vessels under stress of weather exempt from rates.

54. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when driven by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom 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 Order.

Revision of rates.

55.—(1) The rates to be levied by the Corporation under this Order with reference to the harbour shall from time to time be adjusted by the Corporation within the maximum rates authorised to be taken by this Order in such a manner that so far as possible the income of the harbour shall not for the time being be more than is sufficient for the purposes of this Order as regards the administration and maintenance of the harbour undertaking and for paying off any moneys borrowed on account of the harbour and interest thereon and recouping the burgh on account of the special harbour rate levied on the burgh or other burgh funds applied towards the harbour undertaking and the purposes thereof.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear

A.D. 1904.

annual income derived from the harbour undertaking on the average of the three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order as aforesaid that Board may if they think fit reduce the maximum rates to such sums as will be sufficient to provide the amount aforesaid and may at any time raise those maximum rates again so that they do not exceed the sums authorised to be taken by this Order with reference to the harbour.

Dues to be paid upon arrival of vessels.

56. All rates or dues shall be paid upon the arrival of the vessel to some collector of dues at the harbour office of the Corporation or at such other place or places as the Corporation may fix by byelaw in that behalf.

Authorising deposit on account of dues.

57. Any collector of dues may receive by way of deposit and on account of the rates or dues to which any vessel or cargo may be liable such a sum of money as shall in his opinion be sufficient to cover the amount thereof.

Penalty for not making a true report of ship's destination &c.

58. Any person applying to make payment of rates or dues may be questioned by the collector of dues as to the most distant port from which such vessel has arrived or to which such vessel is bound and if such person shall refuse to answer any reasonable question or shall wilfully give a false or untrue answer he shall be liable to a penalty not exceeding fifty pounds.

Securing dues on ships before departing.

59. No vessel shall leave the harbour until a certificate from some collector of dues of the payment of all rates or dues payable to the Corporation in respect of such vessel shall have been produced to and left with the collector of dues and if any vessel liable to such rates or dues shall depart from the port without the production and leaving of such certificate as aforesaid the owner of such vessel shall be liable to the payment by way of damage to the Corporation of a sum not more than double the amount of the rates or dues which should have been paid and in addition thereto the master of such vessel shall be liable to a penalty not exceeding twenty pounds.

Collectors to refuse entry when previous rates on vessels are unpaid and vessels may be detained.

60. While any rates or dues remain unpaid in respect of any vessel or any goods therein liable thereto the collector of dues shall not receive any further or other entry in respect of such vessel and the Corporation may cause such vessel to be detained until all such rates or dues shall have been paid.

61. All officers of the Board of Trade being in the execution of their duty shall have free ingress and egress into and out of the harbour and premises and through the entrance of the same and also freely to pass with their vessels and boats through the water communications of the harbour and premises at all times without payment of any toll or sum for so doing.

Officers of Board of Trade to have free access to harbour without payment.

Pilots.

62. It shall be lawful for the Corporation to license and appoint a sufficient number of pilots for the harbour and also for conducting vessels departing from or coming into the harbour out of and into the Firth of Forth and to fix the rate of pilotage to be paid to such pilots and to remove and displace them at pleasure and such pilots shall before being licensed be examined as to their fitness and capacity to be such pilots by three competent persons being duly certificated shipmasters well acquainted with the coast and shall be certified by such persons to be fully qualified and if any person shall act as a pilot within the harbour or precincts thereof without having obtained such certificate or without being licensed or appointed as aforesaid every person so offending shall forfeit and pay for each offence a penalty not exceeding twenty pounds Provided always that nothing herein contained shall be deemed or construed to exempt the harbour from the provisions of any general Act relating to pilots which may pass during the present or any future session of Parliament.

Pilots.

63. All masters of vessels inward bound of such tonnage as are by law required to take pilots who shall refuse to take or receive a pilot licensed as aforesaid shall be liable to pay the full pilotage in respect of such vessels respectively which shall be recoverable summarily.

Penalty for non-observance of pilotage.

Meters and Weighers.

64. It shall be lawful for the Corporation to appoint and license a sufficient number of persons to be meters and weighers within the harbour and all meters or weighers who shall measure or weigh any goods delivered out of or put on board any vessel shall within six hours after such vessel has been discharged or loaded attend at the Shore Dues Office and give an account of such goods and every meter or weigher who shall fail so to give such account or shall give a false account shall for every such offence be liable to a penalty not exceeding forty shillings Provided always that

Meters and weighers.

A.D. 1904.

nothing herein contained shall extend to compel any officer of Customs to attend and give an account of any goods measured or weighed by him as such officer.

Ferries.

Corporation may regulate ferries and license vessels to ply thereat.

65. It shall be lawful for the Corporation from time to time to make such rules and regulations for the proper conducting of any ferry the right to which (if any) may vest in them under this Order as to them shall seem fit and to grant licence to such vessels as shall be approved by them to ply at the said ferry under such conditions and restrictions as to the number of passages to be made and the number of the crew to be carried by the vessels so licensed and the hours and times of sailing as they shall consider proper and if any owner or master of any vessel plying at the said ferry shall commit a breach of any of the conditions or restrictions of such licence or shall neglect or refuse to conform to such rules and regulations as shall be made by the Corporation from time to time for the regulation of the said ferry or if it shall appear to the Corporation that any vessel licensed by them as aforesaid has become unfit or inefficient for the purpose of the said ferry it shall be lawful for the Corporation to suspend withdraw or revoke such licence and to prevent such vessel and the owner and master thereof from continuing to ply at the said ferry Provided that all the rules and regulations so to be made as last aforesaid shall be submitted to and approved by the respective sheriffs of the counties of Edinburgh and Fife before the same shall become valid and effectual under this Order.

Rates payable at ferries may be leased by Corporation.

66. Subject to the provisions herein contained as to the said right of ferry it shall be lawful for the Corporation to let on lease the exclusive right and licence to ply at the said ferry (if any) which may vest in them under this Order by public roup or sale for any period not exceeding five years upon giving notice of such roup at least fourteen days previous thereto by advertisement inserted in any one or more of the newspapers published in the county of Fife or in the burgh of Kirkcaldy and to agree with the person or company to whom such exclusive right and licence shall be let for the payment of a fixed sum by the year or other shorter period as a composition for the rates payable by or in respect of the vessels used for the purposes of the said ferry and goods and passengers carried thereby and in case no bidder shall offer or in case such exclusive right or licence shall not be let it shall be lawful for the

Corporation by private contract to let such exclusive right and licence to ply at the said ferry to any person or company willing to undertake the same for any period not exceeding five years and to agree with such person or company for the payment of a fixed sum by the year or other shorter period as a composition for the rates payable by or in respect of the vessels used for the purposes of the said ferry and passengers and goods carried thereby and that upon such conditions and under such regulations and restrictions as the Corporation shall judge expedient.

Byelaws.

Byelaws respecting harbour.

67. In addition to the powers of making byelaws contained in the Harbours Docks and Piers Clauses Act 1847 the Corporation may subject to the provisions of this Order make such byelaws as they may think fit for all or any of the following purposes (that is to say):—

(1) For the protection of the harbour works and of the buildings accommodations machinery and appliances connected therewith and for regulating the use thereof and the conduct of persons frequenting or using the same:

(2) For the regulation and control of vessels and boats within the harbour limits and the fishermen and others frequenting resorting to or employed at the harbour within the harbour limits:

(3) For the regulation of the embarking disembarking loading and unloading of any goods or traffic at the harbour works or within the harbour limits:

(4) The byelaws may provide for imposing and recovering a penalty not exceeding five pounds for the breach or non-observance of any byelaw:

Provided that no byelaws to be made by the Corporation under the Harbours Docks and Piers Clauses Act 1847 or under this Order with reference to the harbour shall come into operation unless and until the same have been confirmed by the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

Present byelaws to remain in force.

68. All byelaws and regulations which at the commencement of this Order are in force in the harbour shall be deemed to be byelaws and regulations of the Corporation and shall continue in force until altered.

A.D. 1904.

Recovery of penalties.

69. All penalties under this Order with reference to the harbour undertaking hereby authorised shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.

Life-saving Apparatus.

Life-saving apparatus may be attached to pier.

70. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour works.

Life-buoys.

71. The Corporation shall at all times keep on the harbour works a sufficient number of life-buoys and life-lines in good order and fit and ready for use.

Lights.

As to lights during construction of works.

72.—(1) Before commencing the harbour works the Corporation shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

(2) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights on works.

73.—(1) After completion or permanent discontinuance or abandonment of the harbour works the Corporation shall exhibit at the outer extremity of the works or the completed portion thereof or in such other place as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

A.D. 1904.

(2) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

As to buoys and lights in case of decay of works.

74.—(1) In case of injury to or destruction or decay of the harbour works or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

(2) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

Miscellaneous.

Extension of 10 & 11 Vict. c. 27 (secs. 28 and 99) as to exemption of Government officers.

75. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Nothing to exempt harbour or Corporation from provisions of Merchant Shipping Act.

76. Nothing contained in this Order shall be deemed to exempt the harbour or the Corporation from the provisions of the Merchant Shipping Act 1894 or from any general Act relating to merchant shipping harbours or docks or to dues on shipping or on goods carried in vessels now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates authorised by this Order.

Saving rights of Crown.

77. Nothing herein contained shall authorise the Corporation to take use or in any way interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of

A.D. 1904.

the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Compensation for damage to salmon fishings.

78. It shall not be lawful for the Corporation to construct any work on any land over which a right of salmon fishing belongs to His Majesty without having previously paid to the Commissioners of Woods such compensation as may be agreed upon for any injury which the works by this Order authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned And in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be settled by two referees one being appointed by the said Commissioners and one being appointed by the Corporation or by an umpire to be appointed by the said referees The Corporation shall make compensation for the damage or injury (if any) which may be sustained by His Majesty or His tenants in respect of any right of salmon fishing through the exercise of the powers of this Order although the works causing such injury or damage may be constructed elsewhere than on any land over which a right of salmon fishing belongs to His Majesty The amount of such compensation shall failing agreement be settled by arbitration as aforesaid.

Part IV.

Financial.

Power to borrow for tramway purposes.

79. The Corporation in addition to any money which they may lawfully have borrowed or which they are or may be authorised to borrow under the provisions of any Act of Parliament may from time to time borrow at interest on the credit and security of the tramway revenue and of the burgh general assessment leviable by them under the Police Acts or partly of the tramway revenue and partly of the said burgh general assessment as they may resolve such sums of money not exceeding in the whole the sum of sixty-five thousand pounds as shall be necessary for the construction of the tramways and works by this Order authorised including the necessary tramway plant and rolling stock and for paying the costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto or so much of said costs charges and expenses as the Corporation may allocate to the tramway undertaking (all in this Order called "tramway purposes") and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than

by means of the sinking fund they may again borrow the amount so paid off and so from time to time Provided that if the burgh general assessment is by reason of its limitation insufficient along with the tramway revenue to enable the Corporation to raise the moneys required for tramway purposes on advantageous terms the Board of Trade may extend the limit of such assessment to such amount as they shall think fit.

Power to borrow for harbour purposes.

80. The Corporation in addition to any money which they may lawfully have borrowed or which they are or may be authorised to borrow under the provisions of any Act of Parliament may from time to time borrow at interest on the credit and security of the harbour revenue and of the special harbour assessment hereinafter authorised or partly of the harbour revenue and partly of the said harbour assessment as they may resolve such sums of money not exceeding in the whole the sum of one hundred and forty thousand pounds as shall be necessary for paying and discharging the existing debts mortgages and obligations of the harbour commissioners including compensation to officials and for the construction of the harbour extension and improvement works by this Order authorised and for paying the costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto or so much of said costs charges and expenses as the Corporation may allocate to the harbour undertaking (all in this Order called "harbour purposes") and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by means of the sinking fund they may again borrow the amount paid off and so from time to time.

Power to Corporation to impose and levy special harbour rate or assessment for harbour purposes.

81. The Corporation may from and after the fifteenth day of May in the year nineteen hundred and five for harbour purposes charge in equal proportions all owners and occupiers of lands and heritages within the burgh a special harbour rate or assessment not exceeding one shilling in the pound in any year which special rate or assessment shall be levied and recovered in the same manner as the general improvement rate authorised by the Police Acts is levied and recovered and all the provisions of those Acts with respect to the mode of imposing levying and recovering the general improvement rate shall be deemed to be incorporated herein and mutatis mutandis shall extend and apply to the said special harbour rate or assessment authorised by this Order Provided that the Corporation shall levy the said special harbour rate for the purpose of providing for the repayment of any moneys borrowed under the

A.D. 1904.

powers of this Order for harbour purposes and for the payment of interest thereon whenever the harbour revenue from other sources is insufficient for that purpose.

Contingency fund.

82. The Corporation may if they think fit form and maintain a contingency fund not exceeding fifteen thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the harbour or works connected therewith and for that purpose appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they may think fit in any year out of the surplus revenue of the harbour and may deposit any such amount in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise or invested in securities in which trustees in Scotland may lawfully invest money (but not in securities of the Corporation) until required for any of the aforesaid purposes.

Application of harbour revenue.

83. The Corporation shall apply all rates and other money received by them by way of revenue in respect of the harbour undertaking including moneys received from the special harbour assessment by this Order authorised for the purposes and in the order following (that is to say) :—

(1) In payment of the costs of and connected with the preparing obtaining and confirming of this Order so far as those costs are not paid out of money borrowed under this Order :

(2) In payment of the expenses properly chargeable to revenue for conducting managing and maintaining the harbour and works connected therewith :

(3) In providing the interest on any moneys raised or borrowed by the harbour commissioners prior to the commencement of this Order until the repayment thereof :

(4) In providing the interest on any moneys raised or borrowed by the Corporation for harbour purposes under the powers of this Order together with the amount necessary to provide for the repayment of the moneys so raised or borrowed :

(5) In making such payments (if any) as the Town Council think fit to the contingency fund authorised by this Order :

(6) In paying to the common good of the burgh the annual sum of three hundred pounds at present payable to the Corporation by the harbour commissioners:

(7) In recouping the burgh for the proceeds of any special harbour rate or other burgh funds which may have been levied on or contributed by the burgh for harbour purposes:

(8) Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Corporation in the general improvement of the harbour.

Separate account for harbour undertaking.

84. The Corporation shall keep an account for their harbour undertaking separate from the other accounts of the burgh showing all moneys received on account of the harbour undertaking and all moneys expended thereon.

Annual return to Board of Trade with respect to sinking fund on money borrowed for harbour purposes.

85.—(1) The town clerk shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid in respect of money borrowed for harbour purposes under this Order transmit to the Board of Trade a return in such form as may be prescribed by the Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested or deposited for the purpose of the sinking fund on the moneys so borrowed during the year preceding the making of the return and the description of the securities upon which the amount has been invested or deposited and also showing the purpose to which any portion of the moneys invested or deposited for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested or deposited at the end of the year.

(2) The town clerk in the event of any default in making the return shall be liable to a penalty not exceeding twenty pounds.

(3) If it appears to the Board of Trade by the return under this section or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which the default has been made shall be set apart and invested or deposited as part of

A.D. 1904.

the sinking fund and that order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Annual account to be sent to Board of Trade. 25 & 26 Vict. c. 19.

86.—(1) The Corporation within one month after sending to the sheriff clerk the copy of their annual account in abstract shall send a copy of it to the Board of Trade and the 16th section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The account shall be made up to the 15th day of May in each year.

(3) If the town council refuse or neglect to comply with this section they shall for each refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain sections of 1899 Act applicable to money borrowed for tramway purposes.

87. The following sections of the 1899 Act (that is to say) :—

Section 61 (Bonds for borrowed money) ;

Section 65 (Rates to include interest on sinking fund) ;

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions in this Order apply mutatis mutandis to and in relation to the moneys borrowed and reborrowed by the Corporation for tramway purposes under the powers of this Order.

The following provision shall be added to and form part of said section 61 (that is to say) :—

Provided that all bonds shall be sufficiently signed by one councillor and the town clerk at a meeting of the Corporation either with or without the common seal being adhibited.

Bonds for money borrowed for harbour purposes.

88. All bonds to be granted for money borrowed for harbour purposes under the authority of this Order may be signed by one councillor and the town clerk at a meeting of the Corporation either with or without the common seal being adhibited and may be in the form contained in the Second Schedule to this Order or to the like effect and the Corporation may grant bonds accordingly for the moneys so to be borrowed and may assign the harbour revenue and the said special harbour rate or assessment in security thereof and of the interest thereon and such bonds may be assigned in the form provided in section 377 of the Burgh Police (Scotland) Act 1892.

A.D. 1904.

Certain sections of 1899 Act applicable to moneys borrowed for tramway and harbour purposes.

89. The following sections of the 1899 Act (that is to say):—

Section 62 (Interest warrants);

Section 63 (Borrowing on cash account);

Section 64 (Register of bonds);

Section 66 (Present bonds and securities by Corporation not to be prejudiced);

Section 67 (Protection of lenders from inquiry);

Section 68 (Application of money borrowed);

Section 69 (Act not to restrict borrowing powers of Corporation);

Section 73 (Annual return to Secretary for Scotland with respect to sinking fund);

Section 74 (Bonds to be lien on tramway revenue and assessment):

Section 75 (For appointment of judicial factor);

Section 76 (Powers of judicial factor);

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Order apply mutatis mutandis to and in relation to the moneys borrowed and re-borrowed by the Corporation both for tramway purposes and for harbour purposes under the powers of this Order.

Period of repayment of moneys borrowed.

90. The Corporation shall pay off all moneys borrowed by them under this Order within the respective periods (in this Order respectively referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed under this Order for tramway purposes within such period as the Corporation may fix but not exceeding thirty years from the date of borrowing:

As to moneys borrowed under this Order for harbour purposes within such period as the Corporation may fix but not exceeding fifty years from the date of the completion of the works by this Order authorised or from 15th May 1909 whichever of these two dates shall be the earlier:

As to moneys borrowed for payment of the costs charges and expenses of this Order within five years from the commencement of this Order.

A.D. 1904.

Sinking fund.

91.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed or maintained either—

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Corporation the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per

centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Corporation in addition to the payments provided for by this Order.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amount payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Corporation be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Corporation be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may discontinue the annual payments to such sinking fund.

A.D. 1904.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Corporation may determine.

First instalment of sinking fund.

92. The payment of the first instalment or the first equal annual payment to the sinking fund shall be made within one year after the date of borrowing the sum in respect of which the payment is made except in the case of moneys borrowed for harbour purposes in which case the first payment shall be made not later than the 15th day of May 1910 or one year after the date of the completion of the harbour works whichever of these two dates shall be the earlier.

Part V.

Supplementary.

Signature of deeds.

93. Notwithstanding the terms of section 82 of the 1899 Act all deeds (including mortgages and bonds) granted and executed by the Corporation shall be good valid and effectual if subscribed by one councillor and the town clerk at a meeting of the Corporation either with or without the common seal being adhibited.

Costs of Order.

94. All the costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of the moneys to be borrowed by them under the authority of this Order.

The SCHEDULES referred to in the foregoing Order.

FIRST SCHEDULE.

I.—Rates on Vessels entering or using the Harbour of Kirkcaldy.

		s.	*d.*
All vessels from Asia or Africa to the east of the Cape of Good Hope including the Cape or from South America	- per ton register	1	0
From the West Indies West Coast of Africa Cape de Verde Islands Greenland and Davis' Straits Fisheries	- per ton register	0	10

	s.	d.
From within the Straits of Gibraltar or North America per ton register	0	10
From the Baltic above the Sound Archangel Portugal France and Spain without the Straits of Gibraltar Newfoundland Madeira and Western Islands - - - - - per ton register	0	8
From Norway Sweden Denmark Holstein Hamburgh Bremen Holland Flanders that is without the Baltic and no further south than Dunkirk - - - - - per ton register	0	7
From ports in Great Britain and Ireland - - per ton register	0	6
All steam vessels carrying goods and passengers - per ton register	0	4
All steam vessels from ports in the Firth of Forth as far as Anstruther on the north and North Berwick on the south carrying passengers and their luggage exclusively per gross ton	0	2
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 - - - - - per ton register	0	2
All boats entirely open landing or taking on board goods or dried or salted fish - - - - - - each	1	6
All drave or large boats entering the harbour with fresh fish - each	1	0
All tugs and other trawl fishing vessels and all steam tugs employed in fish trawling on arrival - - - - each	5	0
Steam tugs belonging to the port or regularly frequenting it for the privilege of coaling accommodation 8s. each per month payable in advance subject to the regulations in the following Schedule.		

A.D. 1904.

REGULATIONS APPLICABLE TO THE FOREGOING RATES ON VESSELS.

1. The rates before specified shall be payable by the masters of vessels using the harbour and the rates on any vessel entering the harbour light or in ballast shall be paid within twenty-four hours after arrival and the rates on any other vessel shall be paid upon arrival or before the cargo is discharged.

2. All vessels going from the harbour to any port in the Firth of Forth to take in or land any part of a cargo and returning to the harbour shall pay upon their return one penny per ton register.

3. All vessels entering the harbour from stress of weather shall pay half dues but if they shall land or take on board goods (stores for their own use excepted) they shall pay full rates.

4. All vessels or hulls of vessels entering the harbour either for repair or to be fitted out shall pay anchorage dues at the rate of fourpence per ton register.

5. All vessels remaining in the harbour to pay after one month one penny per registered ton per month in advance when they are lying in the harbour and twopence per ton when they are lying in the dock.

6. All vessels going from the harbour to any part in the Firth of Forth or the Firth of Tay to be repaired and returning to the harbour without taking on board goods (necessary stores for the following voyage excepted) shall be exempted from rates.

A.D. 1904.

7. All vessels entering the harbour in ballast to load coastwise coals lime ironstone or street manure only to pay twopence per ton register.

8. Steam tugs not belonging to the port but regularly frequenting it shall mean such tugs coming into the harbour at least three times within any period of a month and such tugs shall be liable in the monthly rate on steam tugs under the foregoing Schedule as from the date of the first arrival which shall be payable before leaving the harbour on the third arrival.

9. Steam trawling vessels engaged in fishing in addition to the monthly coaling rate on steam tugs payable by any such vessels for each entry to the harbour the tonnage rates (if any) applicable to such vessels are in the option of the Corporation - - - - - - each 3*s.*

10. All vessels not specially comprehended in the above Table of Rates and having no nett registered tonnage for entry to the harbour the tonnage rate charged on gross tonnage or in the option of the Corporation - 3*s.*

II.—RATES ON GOODS SHIPPED OR UNSHIPPED AT THE HARBOUR OF KIRKCALDY.

		s.	*d.*
Agricultural implements	per ton	1	6
Ale and beer in casks	per cwt.	0	6
Ale and beer in bottles	per ton	1	6
Alkali	per ton	1	0
Alum	per ton	1	0
Apples	per ton	1	0
Ashes—pot pearl weed and wood	per ton	1	6
Asphalt	per ton	1	0
Bacon or ham	per ton	1	8
Barilla	per ton	1	6
Bark	per ton	1	0
Barytes	per ton	1	0
Basket rods	per ton	1	8
Beef or pork	per ton	1	8
Biscuit ship	per ton	1	0
Blacking	per cwt. or 5 cubic feet	0	1½
Bleaching powder	per ton	1	6
Blubber	per ton of 252 gallons	1	3
Boiler composition	per ton	1	0
Bone dust	per ton	1	0
Bones	per ton	1	0
Books and stationery	per ton	2	0
Boots and shoes	per ton	2	0
Bottles	per ton	1	8
Boxes empty	per ton	1	6
Brass	per ton	3	4

		s.	d.
Bricks common size	... per 1000	1	6
Do. fire and bath	... per 1000	2	0
Brimstone refined	... per ton	2	0
Do. rough	... per ton	0	9
Brooms	... per dozen	0	1
Butter	... per ton	2	0
Candles	... per ton	1	6
Cane reeds	... per ton	1	6
Carrots	... per ton	0	6
Casks (empty) not being returned packages	... per cwt.	0	3
Other casks in proportion.			
Cattle:			
Bulls	each	0	6
Cows and oxen	each	0	6
Calves	each	0	3
Horses	each	0	6
Pigs	each	0	1
Sheep	per score	1	0
Lambs	per score	0	6
Asses and mules	each	0	6
Wild animals	each	1	0
Food and feeding stuffs	per ton	0	9
Cement	per ton	1	0
Chalk	per ton	0	6
Cheese	per ton	1	0
Chimney-cans 3 feet high and above	per 100	3	0
Do. under 3 feet high	per 100	2	0
China ware	per ton	2	6
Chrome ore	per ton	0	6
Cider	per ton	1	6
Cigars	per ton	8	0
Cinders and coke	per ton	0	7
Clay viz. china clay or stone clay	per ton	0	6
Other kinds in proportion.			
Cloth comprehending all fabrics of jute flax tow hemp coir etc. whether pure or mixed such as sheeting linen goods hessians dowlas sailcloth canvas sacking bagging cotton goods floorcloth tarpauling pocketing carpeting etc. and bags and sacks of all kinds	per ton	2	8
Coaches chaises and other four-wheeled carriages	each	7	6
Gigs carts and other two-wheeled carriages	each	5	0
Coals Scotch	per ton	0	2
Coals English-smithy and culm	per ton	0	3½
Cocoanuts	per 100	0	3
Coffee	per ton	1	0
Codilla (see Tow).			

A.D. 1904.

		s.	d.
Copper	per ton	3	6
Do. old	per ton	2	6
Do. ore	per ton	0	9
Copperas	per ton	0	8
Coprolites	per ton	0	6
Cordage	per ton	1	6
Corkwood and corks	per ton	3	0
Cork cuttings	per ton	1	0
Corn :			
Barley—bere or big	per ton	0	8¾
Do. pot shelled and pearl	per ton	1	0
Beans	per ton	0	8
Bran	per ton	0	8
Indian corn	per ton	0	7
Malt	per ton	1	1¼
Oats	per ton	1	0¼
Pease	per ton	0	8
Do. split	per ton	1	0
Rye	per ton	0	8¾
Tares	per ton	0	8
Wheat	per ton	0	9
Cotton wool	per ton	2	0
Do. seed	per ton	1	0
Do. waste	per ton	0	10
Crystal	per ton	2	6
Cutch	per ton	1	0
Dissolved bones and other artificial manure not enumerated	per ton	1	0
Dogs	each	0	3
Draff	per quarter	0	0½
Drain pipes	per ton	1	0
Drugs and all merchandise for druggists	per ton	2	0
Dyestuffs not enumerated	per ton	1	6
Earthenware	per ton	1	6
Eggs	per ton	1	0
Envelopes straw (for bottles)	per ton	1	6
Esparto grass	per ton	1	0
Feathers	per ton	5	0
Felt	per ton	1	8
Fibre (cocoanut)	per ton	1	0
Fire clay	per ton	0	6
Fish dried and salted	per ton	1	3
Haddocks cod salmon and all fresh fish not enumerated	per ton	1	0
Flax	per ton	2	3
Flint ground	per ton	0	9
Do. stones	per ton	0	6
Floorcloth (see Cloth).			

		s.	*d.*
Flower roots	per ton of 40 c.f.	2	0
Flour and meal of all kinds	per ton	1	0
Fruit	per ton	1	0
Furniture	per ton	1	6
Gambia	per ton	1	6
Glass window	per ton	1	8
Do. broken	per ton	0	4
Glucose	per ton	1	6
Glue	per ton	1	8
Graphite	per ton	2	0
Gravel	per ton	0	4
Grease	per ton	1	0
Green fruit not enumerated	per ton	2	0
Groceries :			
Almonds figs cinnamon currants pepper pimento plums prunes raisins &c.	per ton	1	0
Guano	per ton	1	0
Gunpowder	per ton	5	0
Gypsum ground	per ton	1	0
Do. unground	per ton	0	9
Haberdashery and clothing comprehending cotton silk flannel and hosiery goods &c.	per ton	2	8
Hair :			
Cow ox bull horse or goats' hair and wool	per ton	3	4
Hardware	per ton	2	6
Hats	per ton	7	6
Hay	per ton	1	0
Hemp rough	per ton	2	3
Herrings fresh	per cran of 37½ gallons	0	1½
Do. cured	per cwt.	0	2
Hides and kipps wet	per ton	1	0
Do. dried	per ton	2	0
Honey	per ton	1	0
Hoops of iron	per ton	1	0
Hoops of wood	per ton	1	0
Hops	per ton	2	0
Horns slugs tips and hoofs	per ton	2	6
Household furniture	per ton	4	0
Husbandry utensils	per ton	1	0
Ice	per ton	0	9
India-rubber and gutta-percha goods	per ton	2	0
Indigo	per ton	3	4
Ink	per ton	1	8
Iron ;			
Bar bolt and rod	per ton	1	0
Railway bars and chairs	per ton	1	0

A.D. 1904.

Iron—*continued.*		s.	d.
Plate sheet and forged	per ton	1	0
Castings	per ton	1	0
Made work including boilers	per ton	1	6
Machinery	per ton	1	6
Cast iron goods commonly called ironmongery when in bulk	per ton	1	6
Old scrap iron	per ton	0	4
Pig iron	per ton	0	4
Ore	per ton	0	2
Joiner work	per ton	1	6
Junk or old rope	per ton	1	0
Jute	per ton	1	0
Kelp	per ton	0	6
Lard	per ton	1	0
Lead ore	per ton	1	0
Do. pig	per ton	1	6
Do. black red and white	per ton	2	0
Do. shot	per ton	1	6
Do. pipes	per ton	1	6
Leather	per ton	2	0
Lemons	per ton	2	0
Limes	per ton	2	0
Lime	per ton	0	6
Limestone	per ton	0	4
Linseed rape cotton &c. cakes	per ton	1	6
Loam or moulding sand	per ton	0	2
Locust beans	per ton	1	0
Madder	per ton	2	6
Do. roots	per ton	2	0
Manganese	per ton	1	0
Mangold wurtzel	per ton	0	4
Manure street	per ton	0	1
Do. chemical (see Dissolved bones).			
Marble	per ton	1	0
Matches lucifer	per ton of 40 c.f.	1	0
Mats cargo and dunnage	per 100	0	6
Meal (see Flour).			
Metal patent	per ton	3	0
Mill furnishings not enumerated	per ton	1	6
Mill waste	per ton	0	8
Molasses and treacle	per ton	1	0
Moss litter	per ton	0	9
Mouldings	per ton	1	0
Musical instruments	per ton	7	6
Mussels	per ton	0	9
Naphtha	per ton	2	0

		s.	d.
Nitrate of soda	per ton	1	0
Do. potash	per ton	1	0
Nets fishing or other	per ton	1	6
Nuts not enumerated	per ton	1	0
Oakum or old junk	per ton	1	0
Ochre	per ton	1	0
Oils	per ton	2	0
Onions	per ton	1	0
Oranges	per ton	2	0
Ores	per ton	0	9
Oysters	per ton	1	0
Paints not enumerated	per ton	2	0
Paper	per ton	2	0
Do. pulp	per ton	0	9
Passengers' luggage if under 5 cwt. free if above ...	per ton	4	0
Pears	per ton	1	6
Peats	per ton	0	6
Peel orange lemon &c.	per ton	2	0
Petroleum	per ton	1	0
Pewter	per ton	1	6
Phosphates mineral	per ton	1	0
Pitch	per cwt.	0	2½
Plants of trees or shrubs	per ton of 40 c.f.	1	0
Plants	per ton	1	0
Plaster of Paris	per ton	1	0
Porter in casks	per ton	1	6
Do. in bottles	per ton	1	6
Potatoes	per ton	0	5
Poultry including pigeons game &c.	per doz.	0	2
Any less quantity		0	1
Pulp of wood	per ton	1	0
Pumice stones	per ton	1	6
Pyrites	per ton	1	0
Quills undressed	per ton	1	6
Rabbits hares &c.	per ton	3	4
Rags linen	per ton	1	0
Other rags old ropes old or waste paper &c. ...	per ton	0	8
Rape cakes (see Linseed).			
Rice	per ton	1	0
Resin	per ton	1	8
Residuum of bleachers	per ton	0	3
Rope	per ton	1	6
Sacks	per ton	1	6
Saddlery not enumerated	per ton	2	6
Salt rock (white and agricultural)	per ton	0	8
Saltpetre	per ton	2	6

A.D. 1904.

		s.	d.
Sand	per ton	0	1
Sawdust	per ton	0	9
Seeds of all kinds except those for crushing	per ton	1	6
Seeds for crushing	per ton	1	0
Shumach	per ton	1	6
Skins untanned :			
Calf wet	per ton	1	0
Do. dried	per ton	2	0
Sheep	per score	0	3
Deer	per score	0	10
Kid	per score	0	4
Lamb	per score	0	3
Seal	per score	0	3
Sheep dressed	per ton	2	0
Hare and rabbit	per score	0	1
Screws	per ton	0	4
Other skins in proportion to those enumerated.			
Slates undersize	per 1200	0	10
Sizeable	per 1200	1	3
Oversize	per 1200	2	0
Moss and drain slates and slate slabs	per ton	1	6
Slates school and slate pencils	per ton	2	6
Snuff	per ton	2	6
Soap	per ton	2	0
Soapers' waste	per ton	0	4
Do. salts	per ton	0	6
Soda	per ton	1	0
Spermaceti	per ton	2	0
Spirits	per ton	3	4
Starch	per ton	2	8
Steel	per ton	2	0
Do. old	per ton	1	0
Stones :			
Ground	per ton	0	9
Rubble freestone	per ton	0	1
Hewn Ashlar freestone	per ton	0	2
Rough Ashlar freestone	per ton	0	1½
Rubble causeway	per ton	0	1
Causeway stones dressed	per ton	0	1½
Pavement	per ton	0	3
Kerb	per ton	0	1½
Gravestones	each	3	0
Scythe stones	per gross	0	4
Grindstones	each	0	2
Millstones common	each	1	6
Do. burr	each	2	6

		s.	d.
Straw	per ton	0	10
Stucco	per ton	0	9
Sugar raw and refined	per ton	2	0
Do. moulds	per 100	0	9
Sulphate of ammonia	per ton	1	6
Sulphur	per ton	1	6
Tallow	per ton	2	0
Tanners' waste	per ton	0	8
Tar	per cwt.	0	2½
Tea	per ton	2	6
Thread	per ton	2	8
Tiles common size	per 1000	1	3
Do. drain common size	per 1000	0	9
Others in proportion.			
Tin of all kinds	per ton	3	0
Tinware	per ton	2	0
Tobacco unmanufactured	per ton	4	0
Do. manufactured	per ton	2	6
Do. pipes	per ton	2	6
Tongues smoked or pickled	per doz.	0	1½
Tortoiseshell	per cwt.	0	6
Tow and codilla	per ton	1	8
Toys	per ton of 40 c.f.	1	8
Do.	per ton of 20 cwt.	5	0
Turmeric	per ton	2	6
Turnips	per ton	4	0
Turpentine	per ton	1	8
Twine and twisted yarn	per ton	2	6
Valonia	per ton	2	0
Varnish	per ton	2	8
Vases or sculptured marble	per ton	5	0
Vegetables not enumerated	per ton	1	8
Veneers of all kinds	per ton	5	0
Verdigris	per ton	2	0
Vermilion	per cwt.	0	6
Vinegar	per ton	2	8
Vitriol	per ton	1	8
Water soda and seltzer	per ton	2	0
Whalebone dressed and undressed	per ton	5	0
Whiting	per ton	0	6
Willow reeds	per ton	1	8
Wine in casks	per ton	4	0
Do. bottles	per ton	2	0
Wire rope	per ton	1	6
Wood viz.:			
Ash birch elm oak teak and other hard woods in logs	per 50 c.f.	1	0

A.D. 1904.

Wood—*continued.*		*s.*	*d.*
Pine pitch pine fir deals and deal ends battens &c. ...	per 50 c.f.	0	9
Wainscot logs and oak or wainscot boards and planks	per 50 c.f.	1	6
Masts and spars viz. :			
Spars and rickers under 4 inches diameter	per 60 pieces	1	0
Do. 4 inches diameter and under 6 inches	per 60 pieces	1	6
Spars and rickers 6 inches in diameter and above	per 50 c.f.	0	9
Oars and oar rafters	per 120 pieces	1	0
Handspikes boat-hook handles and hoops ...	per 120 pieces	0	9
Lathwood 4 feet long	per fathom of 216 c.f.	1	4
Do. 6 feet long	per fathom of 216 c.f.	2	0
Do. 8 feet long	per fathom of 216 c.f.	2	8
Firewood	per fathom of 216 c.f.	0	4
Cart-wheel spokes and felloes	per 60 pieces	0	4
Treenails and wedges	per 1000 pieces	0	6
Flooring dressed	... per 50 c.f.	0	9
Delivered by weight:			
Mahogany	per ton	1	6
Barwood boxwood brazilwood camwood ebony fustic lignumvitæ logwood Nicaragua wood red wood sassafras &c.	per ton	2	0
Manufactured viz. :			
Doors windows &c. for building and other framed goods	per ton	2	0
Staves :			
American pipe	per 1000	10	0
Do. single hogshead	per 1200	4	0
Do. single barrel	per 1200	2	0
Do. hogshead billets	per 1200	6	8
Do. barrel	per 1200	5	4
West India	per 1200	4	0
Brandy	per 1200	16	0
Baltic and Hamburg pipe	per 1200	20	0
Do. do. hogshead	per 1200	13	4
Do. do. best barrel	per 1200	6	8
Do. do barrel inferior quality ...	per 1200	3	4
Miscellaneous woods :			
Burnwood	per ton	0	6
Sleepers 9 feet long and 12 inches diameter ...	per 100	3	6
All others in proportion.			
Pit props not exceeding 4 inches diameter	per 72 lineal feet	0	$0\frac{3}{4}$
Do. all above	per 72 lineal feet	0	$1\frac{1}{2}$
Wreck materials to be charged one-half per cent. on the value.			

		s.	d.
Wood flour	per ton	0	9
Wool	per ton	1	6
Yarn:			
Flax cotton tow hemp and jute	per ton	2	8
Worsted	per ton	3	4
Yeast	per ton	1	6
Zinc	per ton	1	0

Rules and Regulations applicable to the above Rates on Goods.

1. The above rates shall be payable by the owners of goods shipped or unshipped within the rating limits.

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

3. 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.

4. The Corporation may demand and take a rate upon all such goods as are not specified in the said schedule equal to the rate for the time being payable in respect of goods of a similar nature package and quality.

5. One shilling per ton shall be paid on all machinery boilers and other fittings placed on board of vessels entering the rating limits for repair or to be fitted out and sixpence per ton on all old machinery boilers &c. taken out of such vessels.

6. All goods shipped over side or sent direct from one vessel into another shall pay one half of the rates above specified but no goods landed or deposited in the sheds or remaining on the quays over night shall be entitled to this exemption.

7. All goods upon which the rates above specified have been paid on being unshipped within the rating limits shall be exempted from payment of rates on being again shipped unless such goods shall have changed owners or undergone some process of manufacture and all grain sold in the stock market upon which the rates or petty customs shall have been paid shall when shipped within the rating limits be exempted from payment of the above rates.

8. All fresh fish of every description brought into the extended burgh in small boats for sale exclusively within the extended burgh and not sold for the purpose of being cured shall be exempted from payment of the above rates.

III.—Light Dues on Vessels.

		s.	d.
On each vessel entering	per registered ton	0	$0\frac{3}{4}$

But rates for lights shall only be demanded and received so long as a light or lights are duly exhibited during the proper hours.

A.D. 1904.

IV.—Rates on Passengers.

	s.	d.
For any passenger embarking or disembarking within the rating limits any sum not exceeding	0	2

(To be charged against and levied from the vessel or in the option of the Corporation to be levied from each passenger.)

V.—Ground Rent.

For timber and other goods on all spare ground set apart or let for storing same per superficial square yard of ground per month:—Deals and battens 2*d.* spars 1½*d.* square timber 1*d.* other goods 2*d.* per square yard.

All payments per month and in advance.

VI.—Rate for supplying Water.

		s.	d.
Pure and wholesome water	per 25 gallons	0	1½

SECOND SCHEDULE.

Form of Bond.

Kirkcaldy Harbour.

Bond No.

By virtue of the Kirkcaldy Corporation Order 1904 we the royal burgh of Kirkcaldy in consideration of the sum of instantly advanced and paid to us for the purposes of the Kirkcaldy harbour by do hereby bind and oblige the said burgh out of the revenues of the Kirkcaldy harbour and out of the first and readiest of the moneys to be raised under the special harbour assessment by the said Order authorised to be imposed and levied to pay at the term of to the said executors or assignees the said sum of and also the interest thereof at the rate of per centum per annum from the date hereof at the terms of Whitsunday and Martinmas in each year until the said sum is paid declaring that as we have herewith delivered to the said interest warrants or coupons for the interest to become due at the several terms prior to and at the term of payment before specified we shall not be bound to make payment of interest during the currency of this loan except on delivery of the said interest warrants or coupons at or after the date when they shall respectively fall due and for the further security of the said we do hereby assign to the said

executors or assignees such proportion of the said harbour revenues and of the said moneys to be raised under the said assessment as shall be equivalent to the said sum now paid to us and the interest thereon as aforesaid from the date hereof to the term of payment and we consent to the registration hereof for preservation and execution In witness whereof these presents are signed by one of the town councillors and the town clerk this day of

A.D. 1904.

E. F. (adding designation) Witness.
G. H do. Witness.

L.S.

A. B. Town Councillor.
C. D. Town Clerk.

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