CHAPTER clxx.

An Act to amend the Peterhead Harbours Act 1873 the Peterhead Harbours Amendment Act 1876 and the Peterhead Harbours Order 1881 to confer further powers upon the Trustees of the Harbours of Peterhead and for other purposes. [17th August 1894.]

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WHEREAS by the Peterhead Harbours Act 1873 (herein-after called the Act of 1873) certain Trustees named and appointed to be elected in manner therein provided (herein-after called the Trustees) were incorporated and authorised to construct a new harbour near the North Harbour of Peterhead to execute works of deepening at the South Harbour and other works and to raise money for those purposes: 36 & 37 Vict. cap. clvii.

And whereas by the Peterhead Harbours Amendment Act 1876 (herein-after called the Act of 1876) some of the works authorised by the Act of 1873 were abandoned and certain new works authorised and the Act of 1873 was in other respects amended: 39 & 40 Vict. cap. clxxiv.

And whereas by the Peterhead Harbours Order 1881 (herein-after called the Order of 1881) further powers were conferred upon the Trustees with respect to the rates and dues leviable at the harbours:

And whereas the fishing boats frequenting the port have much increased in size in recent years and therefore require a greater depth of water in the harbours:

And whereas the deepening of the harbours is necessary for realising the full benefit of the works already made:

And whereas it is expedient that the Trustees should be authorised to provide erect and maintain a fish market and to make provisions for the regulation use occupation and letting of the same and to levy and recover tolls rents and stallages in respect thereof:

And whereas it is expedient to vary in some respects the tolls rates and duties which the Trustees are now authorised to levy at or upon or in respect as well of the existing harbours piers and works as of the harbours as authorised to be extended and of the intended

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piers and other works and conveniences and to make new provisions for levying and collecting such tolls rates and duties:

And whereas it is expedient to authorise the Trustees to apply their funds to the purposes of this Act and that the provisions herein-after contained with respect to the borrowing powers of the Trustees should be enacted:

And whereas the Trustees are indebted to the North of Scotland Bank Limited in certain sums of money and it has been agreed that the provisions herein-after contained should be made with respect thereto:

And whereas the provisions of the Act of 1873 and the Act of 1876 with respect to the sinking fund are and have proved to be so onerous as to unduly burden the resources of the Trustees and the Trustees have been unable to comply with those provisions and to fully set apart the sums which they are required to appropriate for the purposes of the said fund and it is expedient that the existing provisions with respect to the sinking fund should be amended as herein-after provided and that the obligations on the Trustees in relation thereto in so far as not implemented and fulfilled should be extinguished:

And whereas it is expedient that the commissioners of the burgh of Peterhead being a rating authority in the burgh within the meaning of section seven of the Public Works Loans Act 1882 and the feuars managers or other representatives of the community of feuars of the town of Peterhead should be authorised to guarantee as and by way of collateral security as herein-after provided such sum or sums for such periods and on such conditions as are herein-after prescribed towards the payment of the annual interest and principal and instalments of principal of the moneys to be borrowed for the purposes of this Act or under the powers of this Act:

And whereas the Great North of Scotland Railway Company possess a branch railway to the harbours from their terminus at Peterhead and that company are willing and it is expedient that the Trustees should be authorised to acquire that railway or part thereof by agreement and to work the same:

And whereas it is expedient to confer on the Trustees the other powers in this Act mentioned:

And whereas plans and sections showing the lines situation and levels of the works authorised by this Act and the limits within which the same are to be constructed and the lands and property that may be acquired therefor and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands and property were duly deposited with the sheriff-clerk of the county of Aberdeen at

Aberdeen and at Peterhead which plans sections and book of reference are herein-after respectively referred to as the deposited plans sections and book of reference:

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

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

Short title.

1. This Act may be cited as the Peterhead Harbours Act 1894.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned in the Acts of 1873 and 1876 have the same respective meanings unless varied by this Act or there be something in the subject or context repugnant to such construction Provided always that the expression "the Act of 1873" when used in this Act means the Peterhead Harbours Act 1873 "the Act of 1876" means the Peterhead Harbours Amendment Act 1876 "the Order of 1881" means the Peterhead Harbours Order 1881 "the recited Acts" means the Act of 1873 the Act of 1876 and the Order of 1881 the expression "the commissioners" means the commissioners of the burgh of Peterhead acting under the Burgh Police (Scotland) Act 1892 the expression "feuars managers" means the committee of managers or the trustees or other representatives of the community of feuars of the town of Peterhead holding under the Governors of the Maiden Hospital founded by the Company of Merchants of the city of Edinburgh and Mary Erskine proprietors of the estate of Peterhead now styled the Governors of the Merchant Maiden Hospital Edinburgh incorporated by scheme made in terms of the Educational Endowments (Scotland) Act 1882 and approved by Her Majesty by Order in Council dated the 17th day of November one thousand eight hundred and eighty-eight the expression "the sheriff" means the sheriff of the counties of Aberdeen Banff and Kincardine or any of his substitutes officiating either at Peterhead or Aberdeen.

Incorporation of general Acts.

3. The Lands Clauses Acts the Harbours Docks and Piers Clauses Act 1847 the Railways Clauses Act 1863 in so far as those Acts respectively are incorporated with the recited Acts and also the clauses of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof are except where expressly varied by this Act incorporated with and form part of this Act Provided that those clauses shall with reference to this Act be read and have

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effect as if the words "the harbours and works" were used in place of the word "railway" "Centre of the railway" means with respect to the works by this Act authorised to be constructed the boundaries of the harbours by this Act authorised.

Power to execute new works.

4. Subject to the provisions of this Act the Trustees may make and maintain the works herein-after described in the situation and upon the lands delineated upon the deposited plans and described in the deposited book of reference and according to the levels defined on the deposited sections and within the limits shown on the said plans and they may construct and maintain such subsidiary works in connexion therewith as they think necessary and may enter upon take and use such of the said lands and property as shall be necessary for those purposes respectively.

Description of works.

5. The works herein-before referred to and authorised by this Act are the following and will be wholly situate within the town and parish of Peterhead and county of Aberdeen and the tidal waters and sea adjacent thereto viz.:—

(1) A quay commencing at or near the landward end of the existing Port Henry Pier and extending thence in a southerly direction for a distance of two hundred and ninety yards or thereabouts until it meets the North-West Pier and thence in a north-easterly direction for a distance of twenty yards or thereabouts in line with the north-west side of the last-mentioned pier and there terminating;

(2) The removal of the existing wall and the raising and levelling of the land on or adjoining the west side of the intended quay (No. 1);

(3) The removal of two bridges the northernmost ends of which are situated respectively twenty-seven yards and seventy-seven yards or thereabouts measuring in a southerly direction from the landward end of Port Henry Pier carrying the rails of the Harbour Branch of the Great North of Scotland Railway over openings now or formerly used as launching places or accesses to Port Henry Harbour and the filling up of such openings to the level of the platforms of those bridges;

(4) The removal of the existing slipway situate at or near the landward end of Port Henry Pier and the construction of a new slipway immediately to the eastward and parallel to the site of the existing slipway;

(5) The excavation and deepening of Port Henry Harbour over the whole area included within the quays and piers thereof now existing and proposed to be constructed;

(6) A pier or jetty projecting from the intended quay (No. 1) and at right angles thereto commencing at a point one hundred

and fifty yards or thereabouts measured in a southerly direction from the landward end of Port Henry Pier and thence extending in an easterly direction seventy-three yards or thereabouts and there terminating in the bed of Port Henry Harbour;

(7) A pier or jetty projecting from the North-West Pier and at right angles thereto commencing at a point one hundred and forty yards or thereabouts measured in a south westerly direction from the seaward extremity thereof and thence extending in a north-westerly direction for a distance of twenty-two yards or thereabouts and there terminating in the bed of Port Henry Harbour;

(8) The removal of a portion of the North-West Pier commencing at its seaward extremity and thence extending for a distance of eighty-eight yards or thereabouts and refacing the seaward extremity of the remaining portion of the said pier;

(9) An extension of Port Henry Pier commencing at the south-east extremity thereof and thence extending in an easterly direction for a distance of seventy yards or thereabouts and there terminating in the bed of the sea;

(10) A spur or jetty commencing at or near the south-east extremity of Port Henry Pier and thence extending in a southerly direction for a distance of twenty-three yards or thereabouts and there terminating in the bed of Port Henry Harbour;

(11) An entrance to Port Henry Harbour from the outer basin of the North Harbour situated between the last-mentioned spur or jetty and the end of the North-West Pier after the removal of the seaward portion thereof before described;

(12) The excavation and deepening of a portion of the outer basin of the North Harbour including the site of the portion of the North-West Pier intended to be removed so as to form an approach channel commencing at the said entrance (No. 11) and thence extending in an easterly direction for a distance of sixty-five yards or thereabouts;

(13) An entrance to Port Henry Harbour through the said North-West Pier at a point one hundred and fifty-seven yards or thereabouts from its seaward extremity communicating with the inner basin of the North Harbour such entrance being spanned by a moveable bridge;

(14) An embankment commencing on the north-east side of Port Henry Pier at a point seventy-seven yards or thereabouts from the south-eastern extremity of that pier and thence extending in a north-easterly direction for a distance of one hundred and seventy-seven yards or thereabouts and thence in a curvilinear

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form until it meets the existing sea wall at Roanheads at a point two hundred and seventy yards or thereabouts from the landward end of Port Henry Pier and there terminating;

(15) The reclaiming raising and making up the ground or foreshore within the last-mentioned embankment.

General powers of improvement.

6. The Trustees may on any lands to be acquired by them under this Act stop up permanently roads accesses passages slipways and rights of way and they may improve and make new and suitable accesses and approaches to the existing harbours and the intended works and in so far as may be necessary they may from time to time temporarily shut up and discontinue alter divert raise lower or cross all roads streets railways watercourses bridges sewers drains water or gas pipes telegraph telephone and other works of whatsoever kind and remove all walls fences or other obstructions and if necessary they may shut up wholly or partially the said harbours and works during the execution of the intended works:

Provided always that the Trustees shall do as little damage as may be and that they shall provide substitutes for any sewers drains water or gas pipes so interfered with by them and make compensation to all parties injuriously affected by the exercise of the powers in this section contained:

The Trustees shall not alter divert or in any way interfere with any telegraph telephone or other works belonging to or used by the Postmaster General except in accordance with and subject to the provisions of the Telegraph Act 1878:

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 1890 to which the provisions of section 15 of the first-mentioned Act apply:

None of the works authorised by this section shall be constructed below high-water mark without the consent in writing of the Board of Trade having been first obtained.

Power to excavate and deepen.

7. The Trustees may with the consent in writing of the Board of Trade excavate and deepen the beds of the harbours the entrance channels and the sea adjacent thereto beyond the limits of the works authorised by section 5 of this Act.

Limits of deviation.

8. Subject to the provisions of this Act the Trustees may in the execution of the works hereby authorised deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans and they may deviate from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet:

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 been first obtained.

Power to alter plans and sections with the sanction of the Board of Trade.

9. The Trustees in carrying out the purposes of this Act within the limits aforesaid may make any alterations on the works shown upon the deposited plans and sections at or near the mouth of the North Harbour and the entrance to Port Henry Harbour and they may construct any other subsidiary works which to them may from time to time appear expedient Provided always that they shall before adopting and carrying any such alterations into execution submit plans and sections thereof to the Board of Trade and no such alterations or works shall be adopted or executed by the Trustees unless approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of that Board.

Works to be part of the harbour undertaking.

10. The limits of the harbours as defined by the recited Acts shall be extended so as to include the works authorised by this Act and the lands acquired under authority hereof and such works and lands shall be comprised in the undertaking of the Trustees and the rates and duties leviable and the payments and charges receivable under the recited Acts as amended by this Act shall also be the rates and duties leviable and payments and charges receivable under this Act and shall subject to the provisions of the recited Acts be applicable to the purposes of those Acts and of this Act.

Power to erect a fish market.

11. The Trustees may erect and provide a fish market for the accommodation of the burgh and port of Peterhead at any convenient place on or adjacent to the harbours with all such appliances and fittings as they deem necessary and suitable for the purposes thereof and they may divide or allocate any part or parts thereof into stalls or other defined or limited spaces and make provision for the cleansing and general management thereof and may in like manner divide or allocate the ground outside the same or any part thereof as they from time to time deem suitable and convenient for traffic or for the purposes of such market and such market shall be open daily or otherwise as the Trustees shall from time to time determine and during such hours as they shall fix Nothing in this section shall exempt the Trustees from any action or other proceeding for nuisance in the event of any nuisance being caused by the erection or use of such market.

Officer for fish market.

12. The Trustees may from time to time appoint such person as they think fit to superintend the traffic within the market and to carry out the regulations and orders of the Trustees thereat.

Use and letting of fish market.

13. The Trustees may demand levy and recover a reasonable rate as market dues on all white fish brought into the market and also from parties using the market for the purpose of selling herrings or any other kinds of fish by sample and the Trustees may also let or grant the privilege or exclusive use of any stalls or defined spaces in such market by the day week month quarter half year year or

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otherwise (but not for more than a year at any one time) to fish dealers and others for the deposit and public or private sale of fish and for other traffic connected therewith at or for such rates rents or other payments and on such other terms and conditions as the Trustees shall from time to time think fit and such rates rents and payments shall be payable in advance and no person shall be allowed by the Trustees to have access to or the use of such market for the purpose of depositing or conducting sales of fish or for other traffic of any kind until payment thereof.

Receptacle for fish offal and refuse.

14. The Trustees shall provide in or near such fish market a receptacle for all fish offal and fish refuse and other refuse whatsoever and the occupier of every stall or space shall daily before the close of business for the day deposit or cause to be deposited in such receptacle all such offal and refuse and all putrid or decayed or decaying fish or other matter whatsoever which may be in such stall or space and sweep wash and clean the same and such offal and refuse shall be the property and at the disposal of the Trustees.

Regulations for fish traffic.

15. Any person committing a breach of any of the provisions of this Act or any byelaw relating to the fish market or traffic thereat shall be guilty of an offence and shall be liable for each such offence in a penalty not exceeding five pounds and the Trustees may from time to time make such byelaws as they think fit for the conduct and management of the fish traffic at the harbours and in and adjacent to the fish market under such penalties as shall be therein specified and such byelaws shall be deemed to be within the power to make byelaws conferred by the Commissioners Clauses Act 1847 and the Harbours Docks and Piers Clauses Act 1847 respectively in so far as incorporated with the recited Acts and this Act and shall be subject to approval or confirmation by the sheriff in the manner therein provided.

Trustees may borrow on security of market revenues.

16. The Trustees may borrow any moneys not exceeding five thousand pounds for the erection of the fish market or purposes in connexion therewith on the security of the market revenues.

Period for compulsory purchase of lands.

17. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Period for completion of works.

18. If the works by this Act authorised are not completed within twelve years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Trustees for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Purchase of lands by agreement.

19. The Trustees may by agreement purchase feu or take on lease for purposes connected with their undertaking in addition to

the lands authorised to be compulsorily taken by this Act or the recited Acts any quantity of land not exceeding in the whole ten acres but nothing in this section shall exempt the Trustees from any action or other proceeding for nuisance in the event of any nuisance being caused by them on any lands so taken.

Repeal of Schedule A to Order of 1881 and substitution of new schedule.

20. After the expiration of one month from the passing of this Act Schedule A to the Order of 1881 shall be cancelled and repealed but nevertheless the Trustees shall be entitled to recover all moneys which shall have become due and payable to them under such schedule and in lieu of such schedule and in substitution therefor the Trustees may subject and according to the provisions of the recited Acts with reference to the rates thereby authorised demand and receive in respect of vessels described in the schedule to this Act the several rates in such schedule mentioned.

Rates on fish &c.

21.—(1) The Trustees may subject and according to the provisions of the recited Acts demand levy collect receive and take on fish offal imported into or exported out of the harbours a rate of sixpence per ton and also the rates on fish fresh not enumerated on herrings imported and exported and on lime all specified in Schedule B to the Order of 1881 or the following rates respectively viz:—

(1) On fish fresh or salt sprinkled not enumerated imported per one pound value threepence;

(2) On fish fresh or salt sprinkled not enumerated exported per ton one shilling and threepence;

(3) On herrings fresh or salt sprinkled imported per $37\frac{1}{2}$ gallons twopence halfpenny;

(4) On herrings fresh or salt sprinkled exported per ton one shilling and threepence;

(5) On herrings cured per $26\frac{2}{3}$ gallons threepence halfpenny;

(6) On lime per ton or 30 bushels sevenpence halfpenny:

The Trustees may also demand levy collect receive and take the following rates on herring barrel staves and heading imported into or exported out of the harbours instead and in lieu of and in substitution for the rates on herring barrel staves specified in the aforesaid Schedule B viz.:—

On herring barrel staves and heading not under $\frac{5}{8}$th inch in thickness per 1,000 superficial feet one shilling and threepence:

The Trustees may also demand levy collect receive and take the following rate viz.:—

On all other staves and heading under $\frac{5}{8}$th inch in thickness per 1,000 superficial feet tenpence.

(2) Without prejudice to the Trustees rights to levy and recover rates for goods shipped and unshipped in the harbours from the

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several persons described in sections 79 and 80 of the Act of 1873 the Trustees may levy sue for and recover the rates for white fish and for fresh or salt sprinkled herrings brought into the harbours either from the fish salesmen or auctioneers who dispose of such fish or herrings or from the persons purchasing or receiving delivery of the same otherwise than as carriers (who shall respectively be entitled to deduct the amount of such rates from the price at which such fish or herrings were sold or purchased) and such fish salesmen auctioneers and purchasers or receivers otherwise than as carriers of such fish or herrings shall when required be respectively bound to furnish the Trustees or their collector of rates with a true account under their hands of the quantity or value of such fish or herrings and to verify the same by the production of their books and every person who shall refuse to give such account or who shall subscribe a false account shall be deemed guilty of an offence for which he shall be liable in a penalty not exceeding ten pounds.

(3) The master of every vessel engaged in the herring or white fishery shall if required report his arrival in the harbours to the collector of rates on every occasion on which such vessel enters the harbours and should he import into the harbours any white fish or fresh or salt sprinkled herrings he shall also be bound on arrival or before sailing to deliver to the collector of rates a statement of the quantity or value of such white fish or fresh or salt sprinkled herrings so imported and the names of the fish salesmen or auctioneers who are to dispose or may have disposed thereof or the purchaser or purchasers thereof or other persons who are to receive or have received delivery of the same and should he refuse or fail to make such report or to deliver such statement or deliver to the collector a false statement of any of the particulars foresaid he shall be deemed guilty of an offence for which he shall be liable in a penalty not exceeding ten pounds.

(4) Section 5 of the Order of 1881 whereof the marginal note is "Trustees may alter rates in schedule" shall apply to the rates by this Act authorised.

Provision as to ranking of borrowed moneys.

22. All moneys borrowed and owing by the Trustees or that may be borrowed by them under the powers of the recited Acts to the extent of the sum of one hundred and ten thousand pounds shall unless in so far as any part of such sum shall be paid off by means of the sinking fund have priority over any moneys in excess of that amount which may after the passing of this Act be borrowed by the Trustees Notice of such priority shall be indorsed on the assignments to be granted by the Trustees to the lenders for any moneys borrowed in excess of the said sum of one hundred and ten thousand pounds Provided that the sum of one thousand nine hundred and

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sixty-four pounds eighteen shillings and eightpence due by the Trustees to the North of Scotland Bank Limited as the balance upon a current banking account shall be deemed to be and be part of and be included in the said sum of one hundred and ten thousand pounds with the priority and privileges pertaining thereto and an assignment in terms of the recited Acts shall be granted therefor by the Trustees to the said North of Scotland Bank Limited Notwithstanding anything contained in a bond for a credit upon a cash account to the extent of twenty thousand pounds granted by the Trustees to the North of Scotland Banking Company incorporated under the Companies Act 1862 now the said North of Scotland Bank Limited dated the second and eleventh days of October one thousand eight hundred and seventy-six the Trustees may exercise the borrowing powers contained in the recited Acts to the extent of thirty-three thousand pounds in addition to the said sum of one hundred and ten thousand pounds without the consent of the said North of Scotland Bank Limited but the Trustees may with the consent in writing of that bank exercise the borrowing powers contained in the recited Acts to any farther extent within the limits thereof.

Nothing herein contained shall affect the priorities in respect of moneys borrowed under the Harbours and Passing Tolls &c. Act 1861.

New provisions as to sinking fund.

23. Section 104 of the Act of 1873 and so much of section 16 of the Act of 1876 as relates to the establishment of a sinking fund are hereby repealed and in lieu thereof and in substitution therefor the Trustees shall on the first day of March in the year one thousand eight hundred and ninety-five and on the first day of March annually thereafter appropriate and set apart out of the revenues of the trust such an annual sum as shall by accumulation with compound interest thereon at the rate of three per centum per annum be sufficient to pay off within seventy-five years from the passing of this Act the whole of the moneys borrowed by the Trustees previous to the passing of this Act from any person other than the Public Works Loan Commissioners and to pay off any moneys borrowed after the passing of this Act under the powers of this Act or the recited Acts from any person other than the Public Works Loan Commissioners within seventy-five years from the time of borrowing such moneys and such sinking fund shall be applied in paying off the moneys borrowed by the Trustees and remaining unpaid until the same be wholly paid off and to no other purpose whatsoever Provided always that such sinking fund shall in the first instance be applied by the Trustees in paying off the moneys borrowed under the authority of an Act passed in the seventh and eighth years of the reign of His Majesty King George the Fourth intituled "An Act for the more effectually "enlarging and improving the harbour of Peterhead in the county of

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"Aberdeen" and remaining unpaid at the passing of this Act and whenever any of the principal moneys borrowed from any persons other than the Public Works Loan Commissioners have been paid off the Trustees shall thenceforward until the whole of such principal moneys have been paid pay into the sinking fund every year in addition to the other sums herein required to be set apart and appropriated a sum equal to the annual interest at the rate of three pounds per centum per annum of the principal moneys so paid off.

All arrears of payments due by the Trustees at the passing of this Act in respect of the sinking fund provided by the Act of 1873 and the Act of 1876 are hereby cancelled and extinguished.

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

24. The treasurer of the Trustees shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act transmit to the Secretary for Scotland a return in such form as may be prescribed by him and verified by statutory declaration if so required by him showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds If it appear to the Secretary for Scotland by such return or otherwise that the Trustees have failed to set apart the sum required by this Act 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 by this Act the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose Section 18 of the Act of 1876 is hereby repealed.

Collateral securities for borrowed moneys.

25. As collateral security for the moneys to be borrowed under the powers contained in the recited Acts and this Act or any part thereof and the due and punctual payment of the principal and interest thereof:—

Powers to burgh commissioners to guarantee.

(1) The commissioners being a rating authority as defined by section 7 of the Public Works Loans Act 1882 may (subject to the provisions of this Act) if they think it expedient for the inhabitants at large of the Burgh of Peterhead charge any fund or rate under their control for the purpose of aiding the

Trustees in raising a loan from the Public Works Loan Commissioners or any other persons and may give such aid by guaranteeing the principal and interest of the loan or by borrowing the sum required and advancing it to the Trustees or partly in one way and partly in the other;

But only under special resolution.

(2) The commissioners shall not give any charge under the power conferred on them by this Act except in pursuance of a special resolution for the purpose passed at one meeting of the commissioners and published once at least in each of two successive weeks in a local newspaper circulating in Peterhead and confirmed at a second meeting of the commissioners held not less than fourteen days after the first publication of notice of such resolution and not less than three months after the meeting at which the resolution is passed;

Harbour Trustees to furnish accounts to burgh commissioners.

(3) The Trustees shall in the month of September in every year so long as any guarantee of the commissioners under this Act is in force ascertain whether their resources will enable them after retaining in hand a proper balance for current expenditure and claims and a reserve not exceeding three hundred pounds for contingencies to meet the interest on and any instalments due or falling due towards repayment of principal of any loan raised by them from the Public Works Loan Commissioners or any other persons If their resources will after retaining such balance and reserve as aforesaid be insufficient they shall before the end of the same month of September by writing under the hand of their clerk claim payment of such sum as they shall deem to be the amount of the deficiency from the commissioners The commissioners in order to enable them to judge of the propriety of such claim may by themselves or by any person or persons on their behalf examine the books accounts and papers of the Trustees so far as they relate to or affect the subject matter of the claim and the Trustees shall give to the commissioners or such person or persons as aforesaid all other information in their possession or power relating to or affecting the said subject matter If the commissioners should be of opinion that the amount of the claim is incorrect or that the claim is otherwise improper and signify such opinion under the hand of their clerk to the Trustees the matter in difference shall be referred to the determination of an arbiter to be appointed by the Board of Trade as herein-after provided If in manner aforesaid it should be found that there is a deficiency it shall be the duty of the commissioners to fulfil their guarantee by providing and paying the amount of such deficiency to the Trustees but the

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commissioners shall in respect of any claim to be made by the Trustees in any month of September be allowed as respects one half of the amount till the end of the following month of November and as respects the other half of the amount till the end of the following month of May during which to raise and provide the amount payable by them Such amount when paid to the Trustees shall be applied by them in meeting the actual deficiency and for no other purpose and if there is any surplus of such amount after paying the actual deficiency such surplus shall be repaid to the commissioners;

Proceedings in case of default.

(4) If the commissioners make default in fulfilling their guarantee in manner by this Act provided the Trustees may recover the amount due thereunder as a simple contract debt by action in any court of competent jurisdiction or the Board of Trade may on the application of the Trustees or of the Public Works Loan Commissioners or other persons lending moneys to them as aforesaid order the commissioners to remedy their default and such order may on the application of the Trustees or of the Public Works Loan Commissioners or other persons be enforced by judgment or decree of the Court of Session in Scotland but the remedies hereby provided shall be in addition to all other powers and remedies which the lenders may have under the charge or guarantee in pursuance of the provisions of this Act;

Sums paid under guarantee to be repaid.

(5) All sums paid by the commissioners in fulfilment of their guarantee shall be repaid by the Trustees to the commissioners with interest at the rate of three per centum per annum from the date of payment as soon as the resources of the Trustees will admit and any doubt or difference as to the time and amount of any such repayment shall on the application of the commissioners stand referred to and be settled by an arbiter to be named by the Board of Trade;

Application of money repaid.

(6) All moneys repaid by the Trustees to the commissioners shall be carried to the credit of the fund or rate out of which any payments have been made by the commissioners on account of their guarantee;

Powers to burgh commissioners to provide sums for purpose of guarantee.

(7) The commissioners shall provide out of the assessments levied by them within the burgh of Peterhead any sums from time to time required for the fulfilment of their guarantee and shall from time to time raise and levy as part of such burgh assessments such sums as may be necessary for that purpose;

Power to Trustees for feuars &c. to guarantee moneys.

(8) In like manner and for the like purpose the feuars managers may by deed under the hand of their chairman and clerk signed at a meeting of the said managers specially convened for that purpose and as specially authorised by that meeting bind and

oblige the said community of feuars to pay to the Trustees or to the said commissioners or to the lender or lenders of the moneys to be borrowed under the powers contained in the recited Acts and this Act or any part thereof in the event of the revenues of the Trustees being ascertained to be insufficient in manner herein-before provided to meet the interest on and any instalments due or falling due towards repayment of principal of any loan raised by the Trustees from the Public Works Loan Commissioners or other persons as aforesaid and may by such deed charge the lands and properties belonging to the said community of feuars and assign the feu duties rights and income thereof and all other property belonging to them in security for the payment of the said principal and interest or any part thereof such sum to be payable annually or at such dates for such term of years and subject to such conditions as may be stipulated and expressed in such deed;

Time for repayment of loans to burgh commissioners.

(9) Moneys borrowed by the commissioners after the passing of this Act under the provisions of this section shall be repaid within sixty years from the time of borrowing by equal annual instalments of principal or of principal and interest;

Saving for existing charges.

(10) All charges existing at the time of the passing of this Act on the burgh assessments shall during the continuance thereof have priority over any guarantee or security given by the commissioners under the authority of this Act;

Reference of disputes.

(11) Any dispute arising between the Trustees and the commissioners or the feuars managers with respect to the construction of this Act or the giving effect to the same or with respect to their duties or obligations under this Act shall on the written application of either party to the Board of Trade stand referred to and be determined by an arbiter to be appointed by that Board and the determination of such arbiter shall be binding on the Trustees the commissioners and the said community of feuars and be final for all purposes.

Permanent lights.

26. The Trustees shall at the outer extremities of the works authorised by this Act exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Northern Lighthouses may from time to time direct If the Trustees fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Lights on works during construction.

27. The Trustees shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their

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own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

If the Trustees fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Powers contained in section 51 of the Act of 1873 reserved and applied.

28. All the powers conferred by section 51 of the Act of 1873 for the execution and maintenance of works and conveniences and for effecting the purposes in that section mentioned and generally in regard to the undertaking of the Trustees shall apply to this Act and the purposes of the same as fully and effectually as if the powers and provisions of that section were re-enacted in this Act.

Restriction on taking houses of labouring class.

29. The Trustees shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied upon the said fifteenth day of December but have been or shall be subsequently so occupied For the purposes of this section the expression "labouring class" means and includes 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.

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

30. The provisions of the Railways Clauses Act 1863 for the protection of navigation shall so far as applicable to the works by this Act authorised extend and apply to the purposes of this Act as if the works hereby authorised were railway works and the Trustees were a company authorised to execute the same.

Power to purchase Harbour Branch Railway or part thereof.

31. The Trustees may purchase and the Great North of Scotland Railway Company may sell the railway of the said company at Peterhead known as the Harbour Branch Railway or any part thereof and the land occupied thereby or in connexion therewith in so far as such land is the property of the said company in consideration of such sum and on such terms as may be agreed between the Trustees and the said company but nothing in this Act or on the deposited plans shall entitle the Trustees to interfere with any of the property rights or interests of the said company otherwise than with their consent in writing under their common seal.

If railway sold to Trustees to be

32. On the completion of any such purchase and sale any part of the said railway sold and conveyed to the Trustees shall be deemed

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to be comprised in the undertaking of the Trustees and the Trustees and the said company may enter into and carry into effect agreements with respect to the working management and maintenance of the railway or so much thereof as is sold to the Trustees and as to the collecting and apportionment of the rates and charges levied and recovered in respect of traffic.

part of their undertaking.

Provision as to loans by Public Works Loan Commissioners.

33. If the Trustees borrow any money from the Public Works Loan Commissioners under this Act and the Harbours and Passing Tolls &c. Act 1861 and the Acts amending the same—

(1) That loan and the security therefor shall not have priority over any loan previously borrowed under this Act or the security therefor except so far as the creditors consent to such priority under the Public Works Loans Act 1875 or otherwise but shall have priority over any loan subsequently borrowed in pursuance of this Act or any other special Act and the security therefor; and

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

Application of money borrowed.

34. Any moneys which the Trustees have borrowed or are authorised to borrow under the recited Acts and not required for the purposes of those Acts may be applied to the purposes of this Act and to the general purposes of the harbour undertaking being in all cases purposes to which capital is properly applicable.

Act not to abridge rights of Merchant Maiden Hospital &c.

35. Nothing in this Act contained shall extend or be construed to extend to take away alter abridge lessen change or intrude upon the rights jurisdiction power or authority of the Governors of the Merchant Maiden Hospital Edinburgh incorporated by scheme made in terms of the Educational Endowments (Scotland) Act 1882 and approved by Her Majesty by Order in Council dated the seventeenth day of November one thousand eight hundred and eighty-eight superiors of the town and proprietors of the estate of Peterhead or the magistrates and public managers of Peterhead and community of feuars thereof in and about or concerning the harbours or the piers quays docks and other works built or to be built as aforesaid nor without the consent of the said governors to take away abridge lessen or intrude upon the rights privileges and property of the said governors but the same shall remain as entire and effectual to them to all intents and purposes as if this Act had not been passed.

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Act not to exempt from provisions of Merchant Shipping Acts.

36. Nothing in this Act contained shall be deemed to exempt the harbours or the Trustees from the provisions of any of the Merchant Shipping Acts or of any general Act relating to harbours or docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates authorised by the recited Acts and this Act.

Saving rights of the Crown.

37. Nothing contained in this Act shall authorise the Trustees to take use or in any way interfere with any land soil tenements or hereditaments or any rights in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the consent in writing of the Board of Trade on behalf of Her Majesty first had and obtained for that purpose (which consent such Board is hereby authorised to give) or to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights under Crown Lands Act.

38. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 20 21 and 22 of the Crown Lands Act 1866.

For protection of salmon fishings belonging to Crown.

39. It shall not be lawful for the Trustees to construct any work on any land over which a right of salmon fishing belongs to Her Majesty without the previous consent in writing of the Commissioners or Commissioner for the time being of Her Majesty's Woods Forests and Land Revenues having the management of the Land Revenue of the Crown in Scotland and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Act 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 or Commissioner and one being appointed by the Trustees or by an umpire to be appointed by the said referees and the charges and expenses of such referees or their umpire shall be paid by the Trustees.

Compensation for damage (if any)

40. The Trustees shall make compensation for the damage or injury (if any) which may be sustained by Her Majesty or Her tenants in respect of any right of salmon fishing through the exercise

of the powers of this Act 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 Her Majesty The amount of such compensation shall be subject to the provisions of the section of this Act whereof the marginal note is "For protection of salmon fishings belonging to Crown." — to salmon fishings.

41. Nothing in this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts 1878 to 1893 or any order licence or act of the Board of Agriculture or of any local authority made granted or done thereunder. Saving Contagious Diseases (Animals) Acts.

42. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of the rates and duties authorised by the recited Acts and this Act or out of moneys to be borrowed under the authority of the recited Acts. Costs of Act.

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SCHEDULE.

RATES ON VESSELS &.

I.—Rates for Vessels not engaged in the Herring or White Fishery.

	£	s.	d.
For all vessels to or from any port in Great Britain or Ireland per register ton - - - - - - - - -	0	0	4
The rate for any such vessel after having entered or sailed from the harbours and been charged the foregoing rate on fifty occasions during any period of twelve consecutive months commencing on the date of the first of such occasions shall during the remainder of such period of twelve consecutive months be exempt from the foregoing rate.			
For all vessels to or from all other places not in Great Britain or Ireland per register ton - - - - - -	0	0	8
For all vessels built at the port of Peterhead and launched into or entering the harbours without having proceeded on a voyage per register ton - - - - - - - -	0	0	2
For vessels entering the harbours for safety or convenience or wind-bound and not breaking bulk nor taking in goods (stores for their own use excepted) the following rates shall be paid namely :—			
One penny per register ton if from any port or place in Great Britain or Ireland ;			
And twopence per register ton if from any other port or place.			
But in case of all vessels if they break bulk or take in goods (except stores as aforesaid) full rates shall be paid.			

The rates above specified shall not be charged both on the arrival of a vessel inwards and on her next following sailing outwards but shall be charged only on one of them and it shall be in the option of the Trustees to charge the said rates either on the arrival inwards or on the sailing outwards If the rates shall be charged on the sailing outwards there shall be deducted therefrom the amount of rates that may have been previously paid on the arrival inwards but if any vessel having arrived inwards sail outwards in ballast the rates shall be charged only on the arrival inwards.

For vessels sailing from the harbours and put back by stress of weather or other cause without having accomplished the voyage no additional rates shall be charged on such return.

For vessels remaining in the harbours there shall be paid in advance a rate of one penny per register ton for each month or for any period less than a month in which such vessels shall remain in the harbours after the expiration of one month from their arrival Any period less than a month after the expiration of any entire month shall for the purposes of the above rate be deemed a month and the rate shall not be chargeable for any vessels while such vessels may be liable for graving dock dues.

	£	s.	d.
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For all vessels passing from one harbour to another through the cut or canal between the north and south harbours excepting vessels moved from one part or division of the harbours to the other by direction of the harbour master per register ton - -	0	0	1
EXEMPTION.—No rates shall be charged for steam tugs plying by the authority or licence of the Trustees while such steam tugs are employed only in towing vessels into or out of the harbours.			

II.—RATES FOR VESSELS ENGAGED IN THE HERRING FISHERY.

For all vessels engaged in the prosecution of the herring fishery in any fishing season (the period to be embraced in such season to be defined by the Trustees in each year) as a composition in full of rates for such vessels for the period of such fishing season payable in advance for each vessel - - - -	1	5	0
For all vessels engaged in the prosecution of the herring fishery for which the said composition shall not have been paid in any fishing season to be defined as above mentioned on each occasion of entering the harbours in such season for each vessel:—			
If discharging herrings - - - - -	0	2	6
If not discharging herrings - - - -	0	1	0
For all vessels engaged in the prosecution of the herring fishery from the 1st June to the commencement of any herring fishing season to be defined as above mentioned and from the expiration of such fishing season to the 1st October thereafter as a composition in full of rates for such vessels for both or either of the two last-mentioned periods payable in advance for each vessel - -	0	5	0
For all vessels engaged in the prosecution of the herring fishery for which the last-mentioned composition shall not have been paid on each occasion of any such vessel entering the harbours during the two periods last mentioned or either of them for each vessel -	0	1	0

III.—RATES FOR VESSELS ENGAGED IN THE WHITE FISHERY.

For all vessels not exceeding thirty tons register and not propelled by steam for any one year commencing on 1st October as a composition in full of rates for such vessels for that period for each vessel payable in advance:—			
If manned by not fewer than five hands - - -	0	10	0
If manned by fewer than five hands - - -	0	5	0
For all vessels for which the said composition shall not have been paid entering the harbours on each occasion of any such vessel so entering for each vessel:—			
If not exceeding thirty tons register and not propelled by steam:—			
If discharging fish - - - - -	0	1	6
If not discharging fish - - - - -	0	1	0

	£	s.	d.
If exceeding thirty tons register and including all vessels propelled by steam of whatever tonnage for each vessel :—			
If discharging fish per register ton - - -	0	0	2
If not discharging fish per register ton - - -	0	0	1
The rates on the last-mentioned class of vessels for any period of twelve months may be compounded for by a payment in advance for each vessel of—			
If exceeding thirty tons register - - - -	7	0	0
If not exceeding thirty tons register - - -	3	10	0

Fishing vessels of less than eighteen feet in length measured from the after part of the stern post to the fore part of the stem both aloft shall be exempted from the above rates.

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