CHAP. xcvii.

An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Coatham, Hythe (Southampton), Johnshaven, Newlyn, Redcar, and Cork. [13th July 1871.] A.D. 1871.

WHEREAS a Provisional Order made by the Board of Trade under The General Pier and Harbour Act, 1861, is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict. c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act, and set out in the schedule to this Act, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Confirmation of Orders in schedule.

1. The several Orders set out in the schedule to this Act shall be and the same are hereby confirmed, and all the provisions thereof in manner and form as they are set out in the said schedule shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as the Pier and Harbour Orders Confirmation Act, 1871 (No. 2).

The SCHEDULE OF ORDERS.

1. Coatham.—Construction of pier.
2. Hythe (Southampton).—Construction of pier.
3. Johnshaven.—Construction of pier.
4. Newlyn.—Extension of time for construction of works authorised by, and amendment of, former Order.
5. Redcar.—Extension of time for construction of works authorised by, and amendment of, former Order.
6. Cork.—Order for the maintenance and regulation of the Harbour and Port of Cork.

Coatham.

COATHAM.

Order for the construction, maintenance, and regulation of a Pier at East Coatham in the North Riding of the County of York.

Undertakers.

1. The Coatham Victoria Pier Company, Limited, in this Order called the Company, shall be the Undertakers of the works authorised by this Order.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Consolidation Act, 1845, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and the Lands Clauses Consolidation Act, 1869, shall respectively be incorporated with this Order.

Powers to take lands by agreement.

3. For the purposes of the works authorised by this Order, the Company may from time to time, by agreement, enter on, take, and use all or such parts of the land shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier and works, and the conveniences connected therewith.

Land for extraordinary purposes.

4. The Company may purchase and hold for extraordinary purposes any land not exceeding in the whole five acres.

Power to make works.

5. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time, before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier and works authorised by this Order.

6. The works authorised by this Order comprise the following :— Description of works authorised.

"A pier, jetty, and landing-places at East Coatham in the north riding of the county of York, with all necessary works, roads, and approaches, landing-stages, and other conveniences connected therewith, for the embarking and landing of passengers, fish, goods, and merchandise, and for other purposes; such pier, jetty, and landing-place to commence from or near Newcomen Promenade, at a point opposite or near to the northern end of Newcomen Street, and to extend thence seawards for a distance of 750 yards or thereabouts to a point beyond the rocks called 'West Scar Rocks.'"

7. The Company may, for the use of the pier, jetty, and landing-place, and works connected therewith, demand and receive, in respect of the vessels, goods, persons, and things described in the Schedule hereto, any sums not exceeding the rates in that Schedule specified. Power to take rates according to schedule to this Order.

8. The Company may erect upon or near to the pier and works or approaches toll-houses, shops, saloons, bazaars, and reading, refreshment, and other rooms; and may construct floating and other baths, and landing-stages, upon or adjacent to the said pier and works; and may lease the same, or any of them, upon such terms and conditions, and for such period not exceeding three years, to take effect in possession, as the Company think fit, and the Company may also lease the tolls, rates, and dues authorised to be taken by this Order, upon such terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of his lease all the same powers of levying and recovering tolls, rates, and dues as the Company have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise to which [redacted] Power to erect toll-houses, shops, &c., and baths and landing-stages, and lease same, and tolls, &c.

9. If at any time it appear to the Board of Trade that the clear annual profits divisible on the subscribed and paid-up capital of the Company on the average of the then three last preceding years amount to or exceed the rate of ten per centum per annum on the nominal value of the shares, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates received by the Company to such extent as may to the Board of Trade seem fit. If the Company refuse or neglect to comply with any such requirement, they shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal or neglect shall continue: Provided that if at any subsequent time the profits fall below the said rate of ten per centum per annum the Company may, with the sanction of the Board of Trade, again raise the said rates to an amount not exceeding the amount authorised by this Order. Power to Board of Trade to revise rates.

10. The Company, within one month after sending to the clerk of the peace for the county the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade; and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act shall apply to such account. If the Company refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds. Company to send annual account to Board of Trade.

11. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced Certain fishing vessels under stress of wea-

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ther exempt from rates.

by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier and works authorised by this Order, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Company may contract with persons for the use of pier.

12. The Company may grant to passengers and promenaders or others pass tickets for the use of the pier and works, on such terms and conditions, and for such period not exceeding one year, as are agreed on, but so that no preference be given to any person. A pass ticket shall not be transferable, and shall not be used by any person other than the person to or on whose behalf it is granted, or by any person after the period limited for its use. If any person act in any way in contravention of this provision, or use or attempt to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, recoverable and applicable as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act.

Custom House officers exempt from rates.

13. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress to, on, along, and from the pier and works, by land and with their vessels and otherwise, without payment.

Crew of lifeboat, &c. and passengers exempted.

14. All seafaring men and other persons going to, or returning from, the lifeboats and apparatus for saving life stationed at or near Redcar shall at all times have free ingress, passage, and egress to, on, along, and from the pier without payment, provided that such seafaring men and other persons comprise only the crews of the lifeboats and the officers of coastguard and other persons for the time being actually employed for the purpose of saving life or exercising or using the apparatus, and also such other persons as may have been brought ashore therein or thereby from vessels in distress.

Steam engines, diving bells, lighters, &c.

15. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, dredging machines, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences, as they think proper, for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable.

Meters and weighers.

16. The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Parts of Harbours, &c. Act, 1847, excepted.

17. The following sections of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order; namely, sections 16 to 19 inclusive, and 21 to 23 inclusive.

Part V. of 24 & 25 Vict. c. 47. to apply.

18. Part V. of the Harbours and Passing Tolls, &c. Act, 1861, shall apply to the works authorised by this Order.

Restriction on use of pier.

19. Nothing in this Order shall entitle any person, with any vessel or boat, to ship or unship at the pier, jetty, or landing-place authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which in the judgment of the Company might in any manner interfere with the use of

the pier, jetty, or landing-place for recreation, or for the embarking or landing of passengers.

Light to be exhibited.

20. The Company shall at the outer extremity of the pier and works authorised by this Order exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House Deptford Strond.

Saving rights under Crown Lands Act, 1866.

21. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Power to cease in certain events.

22. In the following cases; that is to say,

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or,

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate [illegible] to the effect that the works have not

Costs of Order.

23. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the Company.

Short title.

24. This Order may be cited as "The Coatham Victoria Pier Order, 1871."

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels using the Pier.

	s.	*d.*
For every vessel under the burden of 15 tons, per ton - - -	0	4
For every vessel of the burden of 15 tons and under 50 tons, per ton -	0	6
For every vessel of the burden of 50 tons and under 100 tons, per ton -	0	8
For every vessel of the burden of 100 tons and under 150 tons, per ton -	0	10
For every vessel of 150 tons and upwards, per ton - - -	1	0
All lighters, for each trip, per ton - - - - -	0	2
All boats entirely open, landing or taking on board passengers or goods, each - - - - - - - -	0	6

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II.—Rates for Goods shipped or unshipped at the Pier.

	s.	*d.*
Light goods, per cubic foot - - - - - -	0	1
Heavy goods, per ton - - - - - - -	2	0

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

III.—Rates for the Use of Cranes, Weighing Machines, and Sheds.

1st. Rates of Cranage.

All goods or packages not exceeding 1 ton - - - -	0	4
Exceeding 1 ton and not exceeding 2 tons - - - -	0	6
Exceeding 2 tons and not exceeding 3 tons - - - -	0	8
Exceeding 3 tons and not exceeding 4 tons - - - -	0	10
Exceeding 4 tons and not exceeding 5 tons - - - -	1	0
Exceeding 5 tons and not exceeding 6 tons - - - -	1	2
Exceeding 6 tons and not exceeding 7 tons - - - -	1	4
Exceeding 7 tons and not exceeding 8 tons - - - -	1	6
Exceeding 8 tons and not exceeding 9 tons - - - -	1	10
Exceeding 9 tons and not exceeding 10 tons - - - -	2	4
Exceeding 10 tons - - - - - - -	3	6

2nd. Weighing Machines.

For goods weighed, for each ton or part of a ton - - - -	0	2

3rd. Shed Dues.

For each ton of goods of 40 cubic feet, or for each ton of goods of 20 cwt., which shall remain in the sheds or other works of the pier for a longer time than 48 hours - - - - -	0	3
And per ton for each day during which such goods shall remain after first 48 hours - - - - - - -	0	2
For any portmanteau, trunk, parcel, or other article of passengers luggage, for each day or part of a day, per package - - -	0	2

IV.—Rates for supplying Water on Pier.

For water supplied from mains on pier, per 1,000 gallons - - -	10	0

V.—Rates on Passengers and Promenaders using the Pier.

For every passenger or other person who shall land on the pier from or embark from it on board of any ship, vessel, packet, or passage boat, for each and every time, any sum not exceeding - -	0	6
For every person who shall use the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each and every time, any sum not exceeding -	0	3

	s.	d.
For every Bath or Sedan chair taken on the pier, for each and every time, not exceeding	0	6
For every perambulator	0	2
For every master of any vessel, boat, or wherry using the said pier for the purpose of going to or returning from his own vessel, boat, or wherry, an annual sum not exceeding	10	0

VI.—Rates on Passengers Luggage landed or shipped at the Pier.

For every trunk, portmanteau, box, parcel, or other package, within the description of luggage, not exceeding 28 lbs.	0	2
Over 28 lbs. and not exceeding 84 lbs.	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	5
Over 112 lbs. and not exceeding 140 lbs.	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	8
And for every cwt. beyond	0	4
And for every 20 lbs. weight in addition	0	1

VII.—Rates for the Use of Baths.

For each warm bath, per person, any sum not exceeding	3	0
For each shower bath, per person, any sum not exceeding	2	6
For each cold bath, per person, any sum not exceeding	2	0

VIII.—Rates for the Use of Reading Room.

For each and every person who shall use the reading room, for each and every time, any sum not exceeding	0	6

HYTHE (Southampton).

Hythe.

Order for the construction, maintenance, and regulation of a Pier at Hythe in the County of Southampton.

The Undertakers.

1. The Hythe and Southampton Steam Ferry Company (Limited), in this Order called "the Company," shall be the Undertakers of the works authorised by this Order.

Incorporation of Clauses Acts.

2. The Lands Clauses Consolidation Act, 1845, except so much as relates to the purchase or taking of land otherwise than by agreement, and the Lands Clauses Consolidation Acts Amendment Act, 1860, shall respectively be incorporated with this Order, and the words "special Act," in such Acts mentioned, shall apply to and include this Order.

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Power to take lands by agreement.

3. For the purposes of the works authorised by this Order, the Company may from time to time, by agreement, enter on, take, and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the proposed pier, promenade, jetty, landing-places, and works, and the conveniences connected therewith.

Lands for extraordinary purposes.

4. The Company may purchase and hold for extraordinary purposes any land not exceeding in the whole four acres.

Power to make works.

5. Subject to the provisions of the Order, and subject also to such alterations (if any) in the deposited plans as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Company may, on the lands taken by them under this Order, in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon), and within the limits of deviation shown on those plans, make and maintain the pier, promenade, jetty, landing-places, and works authorised by this Order.

Description of works authorised.

6. The works authorised by this Order comprise the following:—

A pier, promenade, jetty, and landing-places, with all proper and necessary works, roads, approaches, buildings, and other conveniences connected therewith, for the embarking and landing of passengers, fish, cattle, goods, and merchandise, and for other purposes, commencing at a point on the mudlands near the present Toll House, opposite the Drummond's Arms Hotel, in Hythe aforesaid, on the bank or edge of the estuary of the sea known as the Southampton Water, in the county of Southampton, at a distance of twenty yards or thereabouts from the slipway or quay opposite to the Drummond's Arms Hotel, in Hythe aforesaid, and extending thence seaward in a north-easterly direction 2,000 feet or thereabouts.

Power to take rates in schedule.

7. The Company may, for the use of pier, promenade, jetty, landing-places, and works, demand and take, in respect of the vessels, goods, persons, and things described in the schedule to this Order, any sums not exceeding the tolls, rates, and duties in that schedule specified.

Tramways.

8. The Company may lay down tramways on the pier, promenade, and approaches thereto, and run carriages thereon for hire.

Further powers as to works and lease of the same, tolls, &c.

9. The Company may erect upon the said pier, promenade, or approaches thereto, toll-houses, saloons, bazaars, baths, waiting, refreshment, and other rooms, and may lease the same, as well as the tramways by this Order authorised to be laid down, either wholly or in part, for any period not exceeding three years, to take effect in possession; and may also lease the tolls, rates, and duties authorised to be taken by this Order, for any period not exceeding three years, to take effect in possession, and upon such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease all the same power of levying and recovering tolls, rates, and dues as the Company have or might exercise under this Order, and shall be subject to the same provisions as to accounts and otherwise to which the Company are subject under this Order.

Power to Board of Trade to revise rates.

10. If at any time it appear to the Board of Trade that the clear annual profits divisible on the subscribed and paid-up capital of the Company on the average of the then three last preceding years amount to or exceed the rate of ten per centum per annum on the nominal value of the shares, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates received by the Company to such extent as may to the Board of Trade seem fit. If the Company refuse or neglect to comply with any such requirement, they shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal or neglect shall continue: Provided that if at any subsequent time the profits fall below the said rate of ten per centum per annum, the Company may, with the sanction of the Board of Trade, again raise the said rates to an amount not exceeding the amount authorised by this Order.

Company to send annual account to Board of Trade.

11. The Company, within one month after sending to the clerk of the peace for the county the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act shall apply to such account. If the Company refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

12. Fishing vessels belonging to countries with which, for the time being, treaties exist exempting from duties and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom, shall, when forced by stress of weather to make use of the pier and works authorised by this Order, and not breaking bulk while making use thereof, be exempt from tolls, rates, and duties leviable under this Order.

Pass tickets for use of pier.

13. The Company may grant to passengers, promenaders, and other persons pass tickets for the use of the pier and works, at such rates, on such terms, and for such periods not exceeding one year, as may be agreed upon, but so that no preference be given to any person. A pass ticket shall not be transferable nor be used by any person other than the person to or for whom it is granted, or by any person after the period limited for its use. If any person acts in any way in contravention of this provision, or uses or attempts to use any false or counterfeit pass ticket, he shall for every such offence be liable to a penalty not exceeding twenty shillings, to be recovered and applied as penalties are recoverable and applicable under "The Harbours, Docks, and Piers Clauses Act, 1847," for all the purposes of which Act this Order shall be deemed the special Act.

Exemption of Custom House officers from rates.

14. Officers of Customs, in the execution of their duty, shall at all times have free ingress, passage, and egress on, to, over, and from the pier and works by land and with their vessels, without payment.

Steam engines, diving bells, lighters, &c.

15. The Company may provide and use such steam engines, steam vessels, piling engines, diving bells, ballast lighters, rubbish lighters, barges, boats, cranes, buoys, mooring posts, mooring craft, weighing machines, tackle, and other machinery, vessels, apparatus, and conveniences as they think proper for carrying on the business of the Company, or for any of the purposes of this Order, and may demand and take such sums for the use thereof as they think reasonable: Provided always, that the Company shall only lay down such buoys

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Hythe.

and moorings as shall be necessary for securing vessels and enabling vessels to go alongside the pier and works, and to use the same without driving on the pier, and the Company shall not lay down any buoys or moorings at a greater distance from the shore than the outer end of the pier.

Meters and weighers.

16. The Company shall have the appointment of meters and weighers on or in connexion with the pier.

Light to be exhibited.

17. The Company shall at the outer extremity and other parts of the pier and works hereby authorised exhibit from sunset to sunrise such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House Deptford Strond.

Restriction in use of pier.

18. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier or jetty authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Company, might in any manner interfere with the use of the pier or jetty for recreation, or for the embarking or landing of passengers.

As to anchoring vessels.

19. All lighters, steam vessels, and other vessels of the Company, when anchoring in the stream shall lie above the pier or above an imaginary line drawn in continuation of the line of the upper side of the pier.

Parts of Harbours, &c. Act, 1847, excepted.

20. Sections sixteen, seventeen, eighteen, and nineteen of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Part V. of 24 & 25 Vict. c. 47. to apply.

21. Part V. of "The Harbours and Passing Tolls, &c. Act, 1861," shall apply to the works authorised by this Order.

Power to vary exemptions from rates, and to enter into compositions, &c.

22. The Company may confer, vary, or extinguish, from time to time, exemptions from and enter into composition with any person or persons with respect to the payment of tolls, rates, or duties authorised by this Order, and may confer, vary, or extinguish, by agreement, all other rights and privileges in such manner as they may deem necessary for their undertaking, but so that no preference be in any case given to any person, and that anything done under this section shall not prejudice the other provisions of this Order.

Power to purchase or lease similar undertakings.

23. The Company may, by agreement, purchase, take on lease, or hold, on such terms as they may deem necessary, any other undertaking of a like nature the works of which are or may be constructed on the lands shown on the plans deposited for the purposes of this Order, or any tolls, rates, or other duties which may be leviable in respect thereof, and from and after such purchase, or during the terms of such lease, all the rights, privileges, duties, obligations, and liabilities incident to such undertaking shall be transferred to the Company, and the transferors shall be free from the said obligation and liabilities: Provided always, that from and after the completion of the works authorised by this Order such works shall be deemed, treated, and considered for all purposes as in lieu or in substitution of any works of the undertaking so purchased, taken on lease, or held as aforesaid, and the purposes of which shall be answered by the works authorised by this Order.

Saving rights under "Crown Lands Act, 1866."

24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Acts, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Rights of Southampton Harbour Board.

25. Nothing in this Order contained shall prejudice or interfere with the rights, authority, and jurisdiction of the Southampton Harbour and Pier Board, whether as to buoys or moorings, or otherwise, as conferred on them by their Act of the year 1863, so far as the same may be capable of being exercised consistently with the objects of this Order.

Powers to cease in certain events.

26. In the following cases; (that is to say,)

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or,

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purpose of this Order, be conclusive evidence of the fact stated in such certificate.

Costs of Order.

27. All costs, charges, and expenses of and incidental to the obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Company.

Short title.

28. This Order may be cited as "The Hythe Pier Order, 1871."

SCHEDULE to which the foregoing Order refers.

I.—Tonnage Rates.

	s.	*d.*
For every ship, barge, boat, or vessel, excepting steam vessels, exceeding ten tons burden, and not paying the composition herein-after mentioned, (not being a yacht, or kept for pleasure,) coming from or going to any port or place in Great Britain or Ireland, per ton -	0	1
For every such ship, boat, or vessel as last mentioned coming from or going to any foreign port or place, per ton - - -	0	2
For every steam vessel or steamboat, per ton - - - -	0	1
For yachts and vessels kept for pleasure, at per month, per ton -	0	3
Or, at the option of the owner of the same, per annum, per ton -	1	0

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	s.	d.
For barges and lighters, per annum, per ton - - - -	15	0
Or, at the option of the owner of the same, at per month, per ton -	4	0
Or, at the option of the owner of the same, at per voyage, per ton -	0	1

II.—Rates on Vessels.

For any time any vessel shall make fast to or remain at the said pier beyond the period necessary for taking in or discharging the cargo of such vessel, not exceeding one hour, per ton - -	0	0½
Exceeding one hour, and not exceeding two hours, per ton - -	0	1
Exceeding two hours, and not exceeding three hours, per ton - -	0	1½
Exceeding three hours, and not exceeding four hours, per ton - -	0	2
Exceeding four hours, and not exceeding five hours, per ton - -	0	2½
Exceeding five hours, and not exceeding six hours, per ton - -	0	3
Exceeding six hours, and not exceeding twelve hours, per ton - -	0	4
And for any further time such vessel shall remain, a further sum at and after the rate of 4*d.* per ton for every twelve hours.		
For every other vessel, for any time it shall remain, not exceeding twenty-four hours, the sum of 1*s.* per ton.		
And for any further time after the rate of 1*s.* per ton for every twenty-four hours.		

III.—Rates on Persons and Goods.

For every passenger and person who shall land on or embark from the pier or other works, for each and every time - - -	0	1
N.B.—Each passenger is allowed to take packages, being his or her property, not exceeding together 50 lbs., free of toll.		
For every other box, trunk, bale, bag, basket, or parcel of passengers' luggage - - - - - - -	0	1
For every person who shall use the said pier or other works for the purpose of walking for exercise, pleasure, or otherwise - -	0	1
For every four-wheeled carriage landed on or embarked from the said pier or other works constructed for drawing by two horses -	3	6
If constructed for drawing by one horse - - -	1	6
For every two-wheeled ditto - - - - -	1	0
For every Bath chair or perambulator - - - - -	0	3
For every quarter of wheat, oats, rye, barley, malt, beans, peas, tares -	0	1
Bacon, pork, or hams, under half a cwt. - - - -	0	0½
Above half a cwt. - - - - - - -	0	1
And so on in proportion.		
Barley meal, per sack - - - - - - -	0	0½
Battens, per hundred - - - - - - -	0	3
Boards or battens, close, per hundred - - - -	0	2
Billiard table - - - - - - - -	1	3
Boat - - - - - - - -	0	6
Bedstead, mahogany - - - - - - -	0	3
Every other - - - - - - -	0	1½

	s.	*d.*
Bricks, fire, per thousand	0	5
Ditto, building, per thousand	0	4
Bale, every box, truss, trunk, case, chest, bundle, basket, or parcel containing goods not herein enumerated under half a cwt.	0	0½
Above half a cwt.	0	1
Above one cwt. 1½*d.*, and so on upwards.		
Cart, each	0	6
Cow, each	0	3
Calves, each	0	1½
Chalk, per ton	0	1
Coals, culm, splint, coke, or cinder, per ton	0	2
Deals, per load, containing fifty cubic feet	0	6
Dung, per ton	0	1
Dogs, each	0	1
Donkeys, each	0	1
Flour, per sack of five bushels	0	1
Ditto, per barrel	0	1
Faggots, per hundred	0	2
Fire wood, per cord	0	1½
Hay, per ton	0	6
Hops, per bag	0	3
Ditto, per pocket	0	2
Household goods, per waggon load	2	6
Ditto ditto, per cart load	1	3
Horses, each	0	6
Hoops, per bundle	0	0½
Hurdles, per hundred	0	6
Hides, raw or tanned, each	0	0½
Laths, per five bundles or less	0	0½
Lath wood, per fathom	0	2
Lead, per cwt.	0	2
Lime, per ton	0	3
Lambs or sheep	0	0½
Mahogany, in logs or planks, per foot cube	0	2
Malt, per quarter	0	1
Marble, per cwt.	0	2
Oak or elm planks, per load, containing 30 cubic feet	0	3
Oxen, each	0	3
Potatoes, per bushel	0	0½
Posts and rails, per dozen	0	2
Pianofortes, each	2	6
Pitch and tar, per barrel	0	1
Ditto, per half barrel	0	0½
Peas, per quarter	0	1
Ditto, split, per sack	0	1
Pigs, each	0	1
Pictures, each	0	2

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		s.	d.
Hythe.	Straw, per ton	0	2
	Sofas, each	0	3
	Stone, per ton	0	1
	Ditto, paving, per cwt.	0	2
	Slates, per ton	0	2
	And if less than a ton, by per cwt.	0	3
	Seed, per cwt.	0	0½
	Skins, goat, dog, calf, sheep, or lamb, each	0	0¼
	Shovels, per dozen	0	1
	Sand, per ton (or gravel)	0	2
	And if less than a ton, by per cwt.	0	3
	Tea, per quarter chest	0	1
	And so on in proportion for any greater or less quantity than a half chest.		
	Timber, per load, containing 50 cubic feet	0	6
	Tables, per set	0	6
	Tables, each	0	1
	Tombstones, each	0	6
	Ditto, marble	3	0
	Tiles, per thousand	0	3
	Turtle, each	2	6
	Vinegar, per gallon	0	0½
	Wool, yarn, or cotton, per cwt.	0	2
	Wine, sweet oil, or spirits, contained in any butt, pipe, puncheon, or piece, or any cask whatsoever, per butt	1	0
	Per hogshead	0	8
	Per half hogshead or less	0	4
	Wine, bottled, in hamper and cases, per dozen bottles	0	1
	Whitening, per hogshead	0	3
	Small casks in proportion.		
	Wood, per fathom	0	1
	Witheys, per 10 bundles	0	2
	Wainscot logs, per cwt.	0	4

	All goods and packages, articles and things, which are most usually or may be most conveniently or fairly measured by weight, not herein enumerated, to pay at the rate of, if less than a cwt.	0	1
	If one cwt., and less than two cwt.	0	2
	If two cwt., and less than three cwt.	0	3
	If three cwt., and less than four cwt.	0	5
	And so upwards.		
	All goods and packages, articles and things, which are most usually or may be most conveniently or fairly measured by superficial extent, not herein enumerated, to pay at the rate of, if less than one cubic foot	0	0½

	s.	d.
If one cubic foot, and less than two - - - -	0	1
If two cubic feet, and less than three - - - -	0	1½
If four cubic feet, and less than five - - - -	0	2
And so upwards.		
All live animals not herein enumerated to pay, each - - -	0	1

JOHNSHAVEN.

Johnshaven.

Order for the improvement, maintenance, and regulation of the Harbour of Johnshaven in the county of Kincardine.

Undertakers.

1. Hercules Scott, Esquire, of Brotherton, and his successors, shall be the Undertakers for carrying this Order into execution.

Limits of harbour.

2. The limits of the harbour, and which shall, except where otherwise expressly provided, be deemed the limits to which this Order extends, shall comprise the harbour of Johnshaven, and the piers, quays, and other works already constructed or to be constructed under this Order, and also so much of the shore of the North Sea or German Ocean in or adjacent to the county of Kincardine as lies between the boundary line between the parishes of Benholme and St. Cyrus and the point where the Burn of Benholme runs into the sea.

Power to construct works.

3. Subject to the provisions of this Order, and subject also to such alterations, if any, in the plan and sections deposited with reference to this Order, as the Board of Trade require from time to time before the completion of the works, in order to prevent injury to navigation, the Undertakers may, on the lands belonging to them, and in the lines and situation, and according to the levels, and within the limits of deviation shown on the deposited plan and sections, make and maintain the pier and works authorised by this Order.

Description of works.

4. The works authorised by this Order are—

A pier in the parish of Benholme and county of Kincardine, commencing at a point on the shorehead of the harbour of Johnshaven 135 feet or thereabouts, measuring in an easterly direction, from the south-west corner of the church or chapel in the village of Johnshaven, known as Saint David's Chapel, and terminating in the entrance channel to said harbour 135 feet or thereabouts, measuring in a southerly direction, from the southmost end of the existing pier.

Power to maintain and improve harbour.

5. Subject to the provisions of this Order, it shall be lawful for the Undertakers to maintain and improve the harbour, and from time to time to construct and maintain at the harbour locks, gates, bridges, quays, piers, jetties, wharfs, sewers, drains, roads, approaches, streets, and other works, machinery, and conveniences; to lay down and construct rails, tramways,

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sidings, and turntables on and along the quays, piers, and other works of the harbour and lands connected therewith; to alter or remove the existing piers, quays, jetties, and wharfs in the harbour, or any of them; to alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances, channels, and waterways of the harbour; provided that no works authorised by this section below high-water mark shall be commenced without the assent of the Board of Trade having been first obtained.

Penalty for obstructing works.

6. Every person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Power to levy rates.

7. Subject and according to the provisions of this Order, the Undertakers may, for the use of the harbour and works, demand and receive, in respect of vessels, boats, animals, fish, and goods described in the schedule to this Order, any sums not exceeding the several rates specified in the same schedule.

Board of Trade may reduce rates.

8. If at any time, and from time to time, the clear annual income derived from the harbour, on the average of the then three last preceding years, after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of £10 per cent. per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, on application in writing from six or more of the owners of vessels or boats resorting to the harbour, and after hearing the Undertakers, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of £10 per cent. per annum, with power to the Board of Trade, at any time and from time to time, to raise them again to not exceeding the amounts specified in the schedule to this Order.

Rates for use of warehouses.

9. The Undertakers may demand and receive such rates or other consideration as they may think reasonable for the use of any warehouses, sheds, buildings, weighing-machines, steam or hydraulic cranes, works and conveniences belonging to the Undertakers, for the use of which rates are not specially fixed in the schedule to this Order.

Undertakers may provide and license steam tugs.

10. The Undertakers may from time to time build, purchase, contract for, or hire, and may maintain, use, and let, steam-tugs or other power for the use and accommodation of vessels frequenting the harbour, and may also from time to time license such number of steam-tugs or other power belonging to any person, for such period and on such terms and conditions as they think fit.

Charges for steam tugs.

11. The Undertakers may from time to time, with the approval of the Board of Trade, fix such rates or charges as appear to them reasonable for or in respect of the use of such steam-tugs or other power maintained, used, and let or licensed by them; and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining the assistance of such steam-tug or other power to the Undertakers, or to their

lessee, or to the person with whom they may contract, or to the owner of such steam-tug or other power if licensed by the Undertakers, as the case may be; and such rates and charges shall be due and payable, whether such steam-tug or other power shall be actually employed or not, provided the assistance thereof shall have been required, and shall in consequence of a requisition have been tendered by the master or other person having the command of such steam-tug or other power.

Undertakers may provide dredges and engines.

12. The Undertakers may from time to time purchase, lease, provide, or hire such dredges, engines, tugs, vessels, lighters, plant, or other materials as they think fit, and may from time to time demand and receive such sums for the use of the same as they think fit, or may sell or dispose of the same, and the money thereby realized shall be applied towards carrying into effect the purposes of this Order or some of them.

Annual account to be sent to Board of Trade.

13. The Undertakers, within one month after sending to the sheriff clerk the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade. If the Undertakers refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds; and the sixteenth section of "The General Pier and Harbour Act, 1861, Amendment Act" shall apply to and include any and every such account.

Certain fishing vessels under stress of weather exempt from rates.

14. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced 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.

Rates may be leased.

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

Exemption of Customs officers.

16. Officers of Customs, being in the execution of their duty, shall at all times have free ingress, passage, and egress on, into, along, through, and out of the wharf, harbour, and works by land, and with their vessels and otherwise, without payment.

Application of receipts.

17. The rates received under this Order shall be applicable for the purposes and in the order following, and not otherwise:

1. In paying the costs of and connected with the preparation and making of this Order:
2. In paying the expenses of the maintenance, repair, improvement, management, and regulation of the existing harbour and works, and the execution and maintenance of such other works, buildings, sheds,

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warehouses, wharves, jetties, works, and conveniences as may from time to time be necessary for the improvement of the harbour or the accommodation of the shipping resorting thereto, or in payment of the interest of any money borrowed under this Order for these purposes, and in or towards repayment of the principal of such money:

3. The surplus revenue of the harbour, if any, after providing for the purposes aforesaid, shall be applicable to and for the proper use and benefit of the Undertakers.

Power to borrow.

18. The Undertakers may from time to time borrow and reborrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of three thousand pounds, on the security of the rates and dues authorised by this Order; or they may accept and take from any bank or banking company credit to such amount as they deem expedient, not exceeding in the whole the said sum of three thousand pounds, on a cash account to be opened and kept in the name of the Undertakers, according to the usage of bankers in Scotland; and they may assign the rates and dues hereby authorised, in security of the repayment of the sum or sums so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively, by dispositions and assignations, which dispositions and assignations, and all transfers thereof, may be in the form, as near as may be, in the schedule (B.) to the "Burgh Harbours (Scotland) Act, 1853," annexed, and shall be recorded in the General Register of Sasines at Edinburgh, and have preference according to the priority of their registrations therein, except in so far as a pari passu preference may by the dispositions and assignations have been established among all or some of them, as being assignations of parts of one capital sum, which the Undertakers may by a resolution of a specified date have determined to borrow in parts.

Money to be applied to purposes of Order.

19. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order.

Arrears of interest, &c. may be enforced by the appointment of a judicial factor.

20. If within two months after the interest on any mortgages granted by the Undertakers has become due, or after the period prescribed for the payment of the principal sums in such mortgages has expired, such interest or principal (as the case may be) shall not be paid, the holders of such mortgages may, without prejudice to any rights, remedies, or security otherwise competent to or held by them, require the appointment of a judicial factor by an application to be made as herein-after provided.

Appointment of a judicial factor.

21. Every application for a judicial factor under the provisions of this Order shall be made to the sheriff or sheriff substitute of the county of Kincardine. On any such application the said sheriff or sheriff substitute may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the harbour rates hereby authorised, until all the arrears of interest or of principal, as the case may be, then due on the outstanding mortgages, together with all costs, including the charges of receiving the said rates, be fully paid. Upon such appointment being made, all such rates as aforesaid shall be paid to and received by the person so appointed, and the money so received shall be so much money received by or to the use of the mortgagees, and so soon as the full amount of any interest or principal in

arrear, and costs, has been so received, the power of such judicial factor shall cease. Provided always, that such judicial factor shall distribute among all the mortgagees to whom interest or principal shall be in arrear, the rates and other moneys which shall so come into his hands, having respect in such distribution to the priorities, if any, of such mortgages.

Amount to authorise application for judicial factor.

22. The amount to authorise the application for appointment of a judicial factor shall be one thousand pounds in one or more mortgages.

Portions of Harbours Clauses Act excepted.

23. Sections sixteen, seventeen, eighteen, and nineteen of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Meters and weighers.

24. The Undertakers shall have the appointment of meters and weighers within the limits of the harbour.

Undertakers to be pilotage authority.

25. Within the limits of the piers, quays, and works authorised by this Order, the Undertakers shall be a pilotage authority and local authority within the meaning of "The Merchant Shipping Act, 1854," and Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities: Provided that the rates of pilotage to be demanded and taken by any pilot appointed and licensed by the Undertakers shall not exceed the rates of pilotage for the time being authorised to be levied by the Trinity House of Leith.

Light to be exhibited.

26. The Undertakers shall, at the outer extremity of the harbour and works authorised by this Order, exhibit from sunset to sunrise such light, if any, as shall from time to time be directed by the Commissioners of Northern Lighthouses.

Saving of rights under "Crown Lands Act, 1866."

27. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Powers to cease in certain events.

28. In the following cases, (that is to say,)

(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or,

(2.) If such works after having been commenced should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall for the purposes of this Order be conclusive evidence of the fact stated in such certificate.

Short title.

29. This order may be cited as "The Johnshaven Harbour Order, 1871."

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SCHEDULE in the foregoing Order referred to.

I.—Tonnage Duties.

	£	s.	d.
For all vessels whatever entering the harbour to load or unload, per register ton	0	0	3
For all vessels windbound or otherwise, and not loading or unloading - - - - - per register ton	0	0	1½

II.—Duties for Boats, exclusive of their Cargoes.

	£	s.	d.
Every open boat engaged in the herring fishery at the port, in full of tonnage duty for the period of the fishing season, payable in advance - - - - - -	1	5	0
Every open boat loading or discharging herrings, not engaged at the port as above, shall on each occasion of entering the harbour pay - - - - - - each	1	0	0
And when windbound - - - - each	0	8	0
Other boats loading or discharging - - - - each	2	6	0
Other boats windbound - - - - each	1	0	0

Other boats, when above 15 tons register, to be charged according to tonnage dues for vessels as above.

Each white-fishing boat, for season commencing 1st October, and payable annually in advance :—

	£	s.	d.
If manned by not less than four hands - - - 15	0		
If manned by less than four hands - - - 7	6		

III.—Rates on Articles of Import and Export by Boats or Vessels.

	£	s.	d.
Ashes, viz. :—			
Weed and wood - - - - - - per ton	1	6	
Ballast - - - - - per ton	0	6	
Barley (*see* Corn) :—			
Shelled or pearl ditto - - - - - per cwt.	0	1	
Beef or pork - - - - per barrel bulk	0	3	
Bones of cattle - - - - - - per ton	0	3	
Bone dust - - - - per ton of 40 bushels	0	6	
Bottles of green or common glass, not less than pints - per gross	0	2	
Bottles, broken - - - - - - per ton	0	3	
Bran - - - - - per chaldron	0	8	
Bricks - - - - - - - per 1,200	1	0	
Casks, empty, not being returned packages - - per puncheon	0	3	
Other casks in proportion.			
Cattle, viz. :—			
Bulls - - - - - - - each	0	6	
Cows and oxen - - - - - - - each	0	6	
Calves - - - - - - - each	0	3	

		s.	d.
Cattle—*cont.*			
Horses	each	1	0
Pigs	each	0	2
Sheep	each	0	2
Lambs	each	0	1
Cheese	per ton	0	3
Cordage	per ton	1	6
Corks	per barrel bulk	0	3
Corn, viz.:—			
Barley	per quarter	0	1½
Beans	per quarter	0	1½
Indian corn	per quarter	0	1½
Malt	per quarter	0	2
Oats	per quarter	0	1½
Peas	per quarter	0	1½
Rye	per quarter	0	1½
Wheat	per quarter	0	2
Coals	per ton	0	2½
Cinders	per chaldron	0	8
Flax	per ton	1	6
Flour	per sack	0	2
Fish, viz.:—			
Fresh fish. Each boat, if manned by not less than four hands, per season, or part of a season, commencing 1st October	yearly	15	0
Fresh fish. Each boat, if manned by less than four hands, per season, or part of a season, commencing 1st October	yearly	7	6
Fresh fish. Each boat otherwise fishing and not paying for the season	per day	1	0
Salted dry fish	per boat	5	0
Salted dry fish	per ton	1	0
Hay	per ton	1	0
Hemp, rough	per ton	1	6
Herrings, landed freshly caught or imported	per barrel	0	3
Herrings, exported	per barrel	0	1½
If having already paid dues at the harbour, or if freshly caught or imported		Free	
Hides	per 100	2	0
Hoops:—			
Hoops of wood, all of the size of puncheon hoops, and under	per 1,200	0	9
All above	per 1,200	1	0
Iron	per ton	1	0
Household furniture	per barrel bulk	0	2
Husbandry utensils	per barrel bulk	0	2
Iron, viz.:—			
Bar, bolt and rod	per ton	0	6
Plate, sheet and forged	per ton	1	0

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Iron—*cont.*			
Made work	per ton	1	6
Hoop, *see* hoops.			
Old iron	per ton	0	6
Cast-iron goods	per ton	0	9
Ditto, commonly called ironmongery	per ton	1	6
Old or broken cast-iron	per ton	0	4
Pig	per ton	0	4
Kelp	per ton	0	6
Leather, tanned and dressed	per ton	2	0
Lime	per ton	0	2½
Manure	per ton	0	1
Meal	per boll	0	1½
Potatoes	per ton	0	4
Peats	per 100	0	1
Salt	per ton of 40 bushels	0	6
Seed, viz.:—			
Flax and rape	per hogshead	0	6
Flax and rape	per barrel	0	3
Flax and rape in bulk	per barrel	0	2
Clover	per bag of 3 cwt.	0	6
Garden seeds	per barrel bulk	0	6
Hemp and canary	per barrel bulk	0	3
Rye grass	per 8 bushels	0	3
Slates, viz.:—			
Under size	per 1,200	0	8
Sizeable	per 1,200	1	3
Over size	per 1,200	2	0
Stones, viz.:—			
Rubble freestone	per ton	0	0¼
Hewn Ashlar freestone	per ton	0	1
Rough Ashlar freestone	per ton	0	0½
Rubble causeway	per ton	0	0¼
Causeway stones, dressed	per ton	0	0½
Pavement	per ton	0	0½
Curb	per ton	0	0½
Gravestones	each	2	6
Scythe gravestones	per score	0	0½
Grindstones	each	0	1
Millstones	each	1	0
Spirits	per barrel bulk	0	4
Salmon	per box of 4 kits	0	3
Tallow	per ton	1	6
Tar	per barrel	0	2
Tares	per quarter	0	2
Tow	per ton	1	3
Tiles	per 1,200	1	0

		s.	*d.*
Wood :—			
Calliper measure, viz. :—			
Batons	per 50 cubic feet	0	9
Boards, oak or wainscot	per 50 cubic feet	1	0
Boards, paling	per 120	0	4
Deals	per 50 cubic feet	0	9
Deal ends	per 50 cubic feet	0	9
Firewood	per fathom	0	4
Handspikes	per 120	0	3
Laths	per fathom	0	6
Masts, yards or bowsprit wood, viz. :—			
Six inches in diameter and under 8 inches	per 50 cubic feet	0	6
Eight inches and under 12 inches	per 50 cubic feet	0	9
Twelve inches and upwards	per 50 cubic feet	1	0
Oak planks	per 50 cubic feet	1	0
Oars and oar rafters	per 120	1	0
Rickers, boat hooks and hoops	per 120	0	9
Spars	per 50 cubic feet	0	9
Cart-wheel spokes	per 60 pieces	0	1
Staves :—			
Pipe :—			
Above 50 inches long	per 120	0	8
All under 50 inches long	per 120	0	5
Hogshead	per 120	0	2
Barrel	per 120	0	1
Fir	per 50 cubic feet	0	6
Oak	per 50 cubic feet	1	0
Pine	per 50 cubic feet	0	9
Hard wood	per 50 cubic feet	0	8
Planks and deals, fir	per 50 cubic feet	0	6
Planks and deals, hardwood	per 50 cubic feet	0	8
Ufers	per 50 cubic feet	0	9
Wainscot logs	per 50 cubic feet	1	6
Delivered by weight, viz. :—			
Barwood	per ton	1	6
Boxwood	per ton	1	6
Brazil wood	per ton	2	0
Cam wood	per ton	2	0
Ebony	per ton	1	6
Fustic	per ton	1	6
Lignumvitæ	per ton	1	6
Logwood	per ton	1	6
Mahogany	per ton	1	6
Nicaragua wood	per ton	2	0
Red wood	per ton	1	6
Sassafras	per ton	1	6
Wool	per cwt.	0	2

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All goods having paid shore dues outwards are exempted from dues when brought inwards, if they be returned goods to the original shipper and in the original state.

All returned empty boxes, barrels, bags, sacks, and pack sheets are exempted from dues.

All goods not enumerated in the above schedule to be charged in proportion to other goods of similar bulk and value specified in the above schedule.

Five cubic feet, not exceeding two and a half hundredweight, to be rated 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 a barrel bulk.

In weighing and measuring goods, for ascertaining the shore dues payable, the weight or measurement of the packages is to be included.

Newlyn.

NEWLYN.

Order for extending the time for completion of Works; and for amending "The Newlyn Pier and Harbour Order, 1866."

Repeal of certain sections of Order of 1866.

1. Sections one to eight, both inclusive, section ten, sections thirteen to eighteen, both inclusive, and sections thirty and thirty-five, of The Newlyn Pier and Harbour Order, 1866, are hereby repealed.

Short title.

2. This Order shall be construed with The Newlyn Pier and Harbour Order, 1866, so far as not repealed, (in this Order called the Order of 1866,) as one Order, and may be cited as The Newlyn Pier and Harbour Order, 1871; and the Order of 1866 and this Order may be cited together as The Newlyn Pier and Harbour Orders, 1866 and 1871.

Extension of time for completion of works.

3. The time for the completion of the pier, harbour, and works authorised by the Order of 1866 and this Order shall be three years from the passing of the Act confirming this Order.

Incorporation of Commissioners.

4. There shall be a body of Commissioners for carrying the Order of 1866 and this Order into execution, not exceeding eight in number, which Commissioners and their successors shall be and are hereby, for the purposes of the said Orders, incorporated by the name of "The Newlyn Pier and Harbour Commissioners," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes but subject to the restrictions of the Order of 1866 and this Order.

Interpretation.

5. In the Order of 1866 and this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated therewith shall have the same respective meanings; and in the Order of 1866 and this Order, and in the Acts incorporated therewith, the following expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions respectively; that is to

say, the expression "the Special Act" shall mean the Order of 1866 and this Order; the expression "the Commissioners" in this Order shall mean the Newlyn Pier and Harbour Commissioners incorporated by this Order; and the expression "the Company" in the Order of 1866 shall mean the Commissioners.

Appointment of the several Commissioners.

6. The appointment of the Commissioners shall be regulated as follows:—

(1.) The members of Parliament for the time being for West Cornwall may, if they think fit, appoint one person to be Commissioner, and whenever a vacancy is caused, from time to time, by death, resignation, or otherwise, in the office of such Commissioner, may, if they think fit, appoint another person to fill the vacancy:

(2.) The vicar for the time being of the ecclesiastical district of Newlyn St. Peter's shall, as soon as may be, appoint one person to be Commissioner, and whenever a vacancy is caused, from time to time, by death, resignation, or otherwise, in the office of such Commissioner, shall appoint another person to fill the vacancy:

(3.) The owners of property, and other persons, being inhabitants of the ecclesiastical district of Newlyn St. Peter's, and rated to the relief of the poor for the parish of St. Paul's or the parish of Madron, Newlyn, in the county of Cornwall, upon a rateable value of not less than ten pounds a year, shall, on the third Monday in August 1871, and on the third Monday in August in every following year, elect five persons to act as Commissioners for the year commencing on the first day of September following such election, and thence ensuing:

(4.) The Board of Trade may, if they think fit, appoint one person to be a Commissioner, and whenever any vacancy is caused, from time to time, by death, resignation, or otherwise, in the office of such Commissioner, may, if they think fit, appoint another person to fill the vacancy.

Determination of appointment of Commissioners.

7. The appointment of any Commissioner under this Order, not being a Commissioner elected by ratepayers, may at any time be determined by the authority, body, or person in whom, in case of the death or resignation of such Commissioner, the appointment of another Commissioner in his place is vested.

Commencement of powers.

8. The Commissioners shall be deemed fully constituted, and shall have power to act under this Order, as soon as four persons have been appointed or elected Commissioners; and any proceeding of the Commissioners shall not be invalidated or be illegal by reason of the non-appointment or non-election of or any informality in the appointment or election of a Commissioner.

Incorporation of "Commissioners Clauses Act."

9. "The Commissioners Clauses Act, 1847," so far as not inconsistent with the Order of 1866 and this Order, shall be and is hereby incorporated with this Order, and shall, so far as the nature and circumstances of the case will admit, apply to the Commissioners, collectively and severally, subject to the following provisions:—

(1.) Sections six, seven, twenty, twenty-five, thirty-two, fifty-four, and eighty-four of the said Act shall not be incorporated with this Order:

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(2.) Sections seventeen to nineteen inclusive, twenty-one to twenty-four inclusive, twenty-six to thirty-one inclusive, and thirty-three to thirty-five inclusive, of the said Act, shall apply only to the election of the five Commissioners to be elected by ratepayers:

(3.) With reference to sections thirty-six and forty of the said Act, the first meeting of the Commissioners shall be held in some convenient place in Newlyn on the first day of September next after the passing of the Act confirming this Order, at 12 o'clock noon; and an annual meeting of the Commissioners shall be held on the first Monday in the month of September in every year thereafter, at the place and hour above mentioned, or at such other place and hour as the Commissioners shall from time to time appoint:

(4.) With reference to section thirty-nine of the said Act, the prescribed number (constituting a quorum) of the Commissioners shall be three:

(5.) The Board of Trade shall from time to time appoint a permanent auditor of the accounts of the Commissioners, and fix the salary to be paid to him, and such salary shall be paid to him accordingly, by the Commissioners, out of the rates levied under this Order.

Powers, &c. vested in Commissioners.

10. From and after the passing of the Act confirming this Order, all the estate, right, and interest of The Newlyn Pier and Harbour Company, under the Order of 1866, or otherwise, in, over, or in respect of the pier, harbour, and works thereby authorised, and all powers, rights, and privileges vested in the said Company under the Order of 1866, shall be and are hereby vested in the Commissioners, subject to the debts, contracts, obligations, and liabilities affecting the same, and to the provisions of this Order; and the Commissioners may and they are hereby authorised to construct, maintain, repair, dredge, improve, and regulate the said pier, harbour, and works, under the authority and subject to the provisions of this Order, and may demand and take, in respect of the vessels, persons, fish, animals, and goods in the schedule to the Order of 1866 specified, any sums not exceeding the rates in that schedule specified, subject to the provisions of the Order of 1866 and this Order.

Assent of Board of Trade to works.

11. No works for dredging or improving the harbour under the Order of 1866 or this Order shall be commenced without the assent of the Board of Trade having been first obtained.

Power to Board of Trade to reduce rates.

12. The Board of Trade, at any time, on application in writing from six or more of the owners of vessels or boats resorting to the pier and harbour, and after hearing the Commissioners, may, if the rates authorised by the Order of 1866 and this Order appear to the Board of Trade excessive, or disproportionate to the expenditure on the works of the pier and harbour, or to the benefits conferred, reduce the same, but without prejudice to the rights of any lessee or mortgagee; and the Board of Trade may at any time raise the rates to any amount not exceeding the amounts authorised by the Order of 1866 and this Order; and the powers conferred by this section of this Order may be exercised from time to time as the Board of Trade may see fit.

Commissioners to be Undertakers.

13. The Commissioners shall be the Undertakers of the works authorised by the Order of 1866 and this Order.

Power to make byelaws.

14. The Commissioners may make byelaws for the regulation, control, and management of the traffic, porters, passengers, carriages, and vehicles passing on or along the pier, harbour, and works and approaches authorised by the Order of 1866 and this Order.

Rates may be leased.

15. The Commissioners may from time to time lease the rates authorised by this Order, for any term not exceeding three years, to take effect in possession, and for such rent or consideration and on such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates as the Commissioners have or might exercise under the Order of 1866 or this Order, and shall be subject to the same provisions as to accounts and otherwise to which the Commissioners are subject under the Order of 1866 and this Order.

Borrowing powers.

16. The Commissioners may from time to time borrow at interest any sum required for the purposes of the harbour, works, and undertaking authorised by the Order of 1866 and this Order, not exceeding in the whole the sum of thirty thousand pounds, on the security of the rates authorised by the Order of 1866 and this Order; and any money borrowed under this Order, and discharged otherwise than by means of the sinking fund, may be reborrowed, if required, for the purposes of the Order of 1866 or this Order, and so toties quoties.

Moneys to be applied for the purposes of Order.

17. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by the Order of 1866 and this Order.

Application of rates.

18. The Commissioners shall apply all money received by them from the rates authorised by the Order of 1866 and this Order for the purposes and in the order following, and not otherwise:—

(1.) In paying the costs of and connected with the preparation and making of the Order of 1866 and this Order:

(2.) In paying the salary of a harbour master, and the expense of the maintenance, repair, management, and regulation of the harbour and the works connected therewith:

(3.) In paying year by year the interest accruing on money borrowed under this Order:

(4.) The surplus revenue of the harbour (if any), after providing for the purposes aforesaid, shall be applied in creating a sinking fund for the repayment of the principal moneys borrowed by the Commissioners, and, subject to and after providing such sinking fund, in the improvement of the pier, harbour, and works.

Pilots to be within certain limits subject to harbour master.

19. All pilots acting within the limits of the Order of 1866 and this Order shall, as regards the berthing and mooring of vessels, be subject to and shall obey the directions of the Commissioners or their harbour master; but any pilot who shall misconduct himself shall be amenable only to and punishable only by the pilotage authority of the port of Newlyn, which authority is by this Order required to act accordingly on any complaint preferred to that authority by the Commissioners or their harbour master.

Reservation of jurisdiction of Trinity House.

20. Nothing in the Order of 1866 or this Order contained shall prejudice or affect the rights or jurisdiction of the Corporation of Trinity House Deptford

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Newlyn.

Parts of Harbours, Docks, &c. Act not incorporated.

Strond in respect of any lights, buoys, or beacons, or any other matter of which they have the management or control.

21. Notwithstanding anything in "The Harbours, Docks, and Piers Clauses Act, 1847," contained, byelaws made under that Act or the Order of 1866 and this Order shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Light to be exhibited.

22. The Commissioners shall at the outer extremity of their pier, harbour, and works exhibit from sunset to sunrise such light, if any, as shall from time to time be directed by the Corporation of Trinity House Deptford Strond.

Commencement of Order.

23. The provisions contained in this Order with respect to the appointment and election and meeting of the Commissioners, and proceedings at such meeting, shall take effect and be in force immediately after the passing of the Act confirming this Order.

Saving rights under "Crown Lands Act, 1866."

24. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866;" nor shall any works under the Order of 1866 or this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Powers to cease in certain events.

25. In the following cases; that is to say,—

(1.) If within one year from the date of the passing of the Act confirming this Order the works authorised by the Order of 1866 and this Order should not be substantially commenced; or,

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Redcar.

REDCAR.

Order for amending The Redcar Pier Order, 1866.

Short title.

1. This Order shall be construed with The Redcar Pier Order, 1866, (in this Order called the Order of 1866,) as one Order, and may be cited as "The Redcar Pier Order, 1871;" and the Order of 1866 and this Order may be cited together as "The Redcar Pier Orders, 1866 and 1871."

Redcar.

Repeal of description of pier in former Order.

2. From and after the passing of the Act confirming this Order, section 5 of the Order of 1866 shall stand repealed.

Description of pier.

3. The works authorised by the Order of 1866 and this Order comprise the following:

A pier, with all necessary approaches and conveniences, commencing at or near a point on the Esplanade, nearly opposite to Clarendon Street, in Redcar, in the north riding of the county of York, and extending from such point into the sea, a distance of 1,300 feet, in an east-north-easterly direction, or thereabouts.

Limits of deviation.

4. The Company shall not in constructing the pier deviate to the north-west of the site of the pier as shown on the plan deposited for the purposes of this Order.

Time for completion of works.

5. The time for the completion of the pier and works authorised by the Order of 1866 and this Order shall be three years from the passing of the Act confirming this Order.

Amendment of schedule to Order of 1866.

6. The words "being an inhabitant of the parish of Marske and," contained in the fifth part of the schedule to the Order of 1866, shall be deemed expunged therefrom, and that schedule shall be construed and have effect as if those words had not been contained therein.

Fishermen and pilots exempted from toll.

7. All fishermen and pilots shall at all times have free ingress, passage, and egress to, on, along, and from the pier, for the purpose of embarking in, or disembarking from, their respective boats at the pier, when about to exercise, or having exercised, their respective callings as fishermen or pilots, but not for any other purpose; and on such occasions no rates or tolls shall be chargeable on such fishermen and pilots, or on their boats.

Crew of lifeboat, &c. and passengers exempted.

8. All seafaring men and other persons going to, or returning from, the lifeboats and apparatus for saving life stationed at or near Redcar, shall at all times have free ingress, passage, and egress to, on, along, and from the pier without payment, provided that such seafaring men and other persons comprise only the crews of the lifeboats and the officers of coastguard and other persons for the time being actually employed for the purpose of saving life, or exercising or using the apparatus, and also such other persons as may have been brought ashore therein or thereby from vessels in distress.

Power to divide the shares

9. The Company may raise their authorised capital by creating and issuing two shares of five pounds each, in lieu of each share of ten pounds each authorised by their memorandum of association, and such five-pound shares shall be subject to the same provisions, liabilities, regulations, and restrictions as are now applicable to the shares already authorised by such memorandum.

Power to Board of Trade to revise rates.

10. If at any time it appear to the Board of Trade that the clear annual profits divisible on the subscribed and paid-up capital of the Company on the average of the then three last preceding years amount to or exceed the rate of ten per centum per annum on the nominal value of the shares, the Board of Trade may, if in their discretion they think fit, require the Company to reduce the rates received by the Company to such extent as may to the Board of Trade seem fit. If the Company refuse or neglect to comply with any such requirement they shall be liable to a penalty not exceeding fifty pounds for every day during which such refusal or neglect shall continue: Provided that, if at any

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subsequent time the profits fall below the said rate of ten per centum per annum, the Company may, with the sanction of the Board of Trade, again raise the said rates to an amount not exceeding the amount authorised by the Order of 1866 and this Order.

Company to send annual account to Board of Trade.

11. The Company, within one month after sending to the clerk of the peace for the county the copy of their annual account in abstract, shall send a copy of the same to the Board of Trade, and section 16 of The General Pier and Harbour Act, 1861, Amendment Act shall apply to such account. If the Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Light to be exhibited.

12. The Company shall at the outer extremity of the pier and works authorised by this Order exhibit from sunset to sunrise such light (if any) as shall from time to time be directed by the Corporation of Trinity House Deptford Strond.

Saving rights under Crown Lands Act, 1866.

13. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any work under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges without the assent of the Board of Trade having been first obtained.

Saving rights of Earl of Zetland.

14. This Order shall not operate to take away or abridge such right, title, or interest (if any) as the Right Honourable Thomas Earl of Zetland, or other the lord for the time being of the Manor of Marske, may have in, to, or over the foreshore within the limits of this Order: Provided always, that nothing herein contained shall be held to recognise or confirm any right, title, or claim of the said Earl of Zetland, or other the lord for the time being of the said manor, to the foreshore aforesaid, but the right and title to such foreshore shall remain in the same state as if this Order had not been made.

Powers to cease in certain events.

15. In the following cases; (that is to say,)

(1.) If within one year from the date of the passing of the Act confirming this Order the works authorised by the Order of 1866 and this Order should not be substantially commenced; or,

(2.) If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of such works as shall be then completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

A certificate from the Board of Trade to the effect that the works have not been substantially commenced, or that they have been virtually suspended for twelve consecutive calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

Expenses of Order.

16. All the costs, charges, and expenses of and incidental to the obtaining of this Order, and otherwise incurred in relation thereto, shall be paid by the Company.

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Cork.

CORK.

Order for the maintenance and regulation of the Harbour and Port of Cork.

Short title.

1. This Order may be cited as "The Cork Harbour Order, 1871," and shall be construed with the following Acts (so far as the same are not by this Order repealed) as one Act or Order, that is to say, with the Act of the first year of the reign of George the 4th, chap. 52 (local), intituled "An Act for erecting a "ballast office, and for regulating pilots, within the port and harbour of Cork, "and for rendering more safe and commodious the said port and harbour for all "ships and vessels trading to and from the same," (which Act is in this Order called the Act of 1820,) and with The Cork Harbour Amendment Act, 1866, (in this Order called the Act of 1866).

1 G. 4. c. 52.

29 & 30 Vict. c. 131.

Commencement of Order.

2. This Order shall commence and take effect on the third Monday after the passing of the Act confirming this Order.

Repeal of certain sections of Act of 1820.

3. The following sections of the Act of 1820 are hereby repealed; namely,
Section 27 (relating to penalties on masters of vessels taking ballast):
Section 28 (relating to the appointment and duties of harbour masters and their deputies):
Section 29 (relating to removal of obstructions):
Section 59 (relating to mode of recovering rates):
Section 60 (relating to evasion of payment of rates):
Section 61 (relating to mode of ascertaining tonnage):
Section 69 (relating to appeals).

Same meanings.

4. In this Order the several words and expressions to which meanings are assigned by the Acts of 1820 and 1866, or either of them, or by the Acts wholly or partially incorporated with this Order, shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Interpretation.

5. In this Order, and in the Acts wholly or partially incorporated herewith, the following words and expressions shall have the respective meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

"Queenstown Town Commissioners."

The expression "the Queenstown Town Commissioners" shall mean the Commissioners for the time being acting under "The Towns Improvement (Ireland) Act, 1854," in and for the town of Queenstown;

"Superior courts." "Court of competent jurisdiction."

The expression "superior courts" or "court of competent jurisdiction," or other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute:

"Harbour master."

The expression "harbour master" means and includes the harbour master and all deputy harbour masters for the time being appointed and acting under the Acts of 1820 and 1866, or either of them, or this Order.

Cork.
Incorporation of Lands Clauses Act.

6. The Lands Clauses Consolidation Act, 1845, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and except so much thereof as relates to the sale of superfluous lands, and The Lands Clauses Consolidation Acts Amendment Act, 1860, shall be incorporated with this Order.

Incorporation of Commissioners Clauses Act.

7. The following sections of the Commissioners Clauses Act, 1847, shall be incorporated with this Order; that is to say, section 8 (no bankrupt or insolvent to be a Commissioner); section 10 (shareholders in companies established by Act of Parliament not disqualified by reason of contracts); section 11 (Commissioner not incapable of acting as a justice); and also the clauses with respect to the mortgages to be executed by the Commissioners.

Commissioners to be the Undertakers.

8. The Commissioners for carrying into execution the purposes of the Act of 1820, in this Order called "the Commissioners," shall be the Undertakers for the purposes of this Order.

Works below high-water mark not to be commenced without consent.

9. The Commissioners shall not commence or construct any quay, pier, wharf, or other similar work below the line of high-water mark without the consent of the Board of Trade having been first obtained, in writing under the hand of one of their secretaries or assistant secretaries, and shall not construct any such work otherwise than according to such plan and under such restrictions and regulations as may be approved of by the Board of Trade in writing as aforesaid; and where any such work shall have been constructed the Commissioners shall not at any time alter or extend the same without having first obtained the like consent or approval; and if any such work shall be commenced, completed, altered, or extended without such consent or approval having been first obtained, it shall be lawful for the Board of Trade, at the costs and charges of the Commissioners, to abate and remove the same, and to restore the site thereof to its former condition, and the amount of such costs and charges shall constitute a debt due from the Commissioners to the Crown, and may be recovered accordingly.

Works affecting tidal waters, &c. abandoned may be removed, at expense of Commissioners.

10. If any work or portion of a work constructed or to be constructed by the Commissioners in, under, over, through, or across any tidal water or navigable river, and which affects or may affect any such water or river or access thereto, shall be abandoned, or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade, at the costs and charges of the Commissioners, to abate and remove the same or any part thereof, and to restore the site thereof to its former condition, and the amount of such costs and charges shall constitute a debt due from the Commissioners to the Crown, and may be recovered accordingly.

Local survey may be ordered by the Board of Trade, at expense of Commissioners.

11. It shall be lawful for the Board of Trade, at any time or from time to time, as they may deem it expedient, to order a local survey and examination of any works of the Commissioners in, over, or affecting any tidal or navigable water or river, or of the intended site thereof, and the Commissioners shall defray all the costs of every such survey and examination, and the amount of such costs shall constitute a debt due from the Commissioners to the Crown, and may be recovered accordingly.

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Repairing slip, &c., rates in schedule.

12. On and after the commencement of the operation of this Order, the Commissioners may demand and take of and from the master, owner, consignee, agent, or broker of every vessel in any manner using any repairing slip or gridiron made, set up, or provided by the Commissioners, any sums not exceeding the rates specified in the schedule to this Order: Provided that nothing in this Order contained shall oblige the Commissioners to continue or to enlarge any existing or to provide any new repairing slip or gridiron in the port, or oblige them to have or provide any repairing slip or gridiron for any vessel exceeding in registered tonnage 100 tons, or for any vessel whose draft of water at the time being will not permit her to use it, or if using it will not permit her to quit it.

Raising rates of limestone and other ballast.

13. On and after the commencement of the operation of this Order, the Commissioners may demand and take for every ton of marketable limestone ballast furnished by them to any ship or vessel any sum not exceeding the sum of 3*s.* 6*d.* per ton, in lieu of the sum of 2*s.* as fixed by the Act of 1820, and for every ton of ballast, not being limestone, so furnished, any sum not exceeding 2*s.*, in lieu of the sum of 1*s.* as fixed by the Act of 1820.

Regulating supply and delivery of ballast.

14. Upon any demand for the furnishing of limestone ballast, the Commissioners shall furnish such ballast, and upon any demand for ballast not being limestone, they may furnish whichever of the two they think fit, and in either case they may deliver the ballast from the quay side or from a ballast lighter, at their option; and if from the quay side, the master shall immediately place his vessel at any safe and convenient quay berth assigned by the Commissioners, who shall forthwith proceed to place the ballast on the deck of such vessel; and if from a lighter, the master shall forthwith place his vessel at such safe and convenient place as shall be assigned by the Commissioners, who shall thereupon deliver the ballast on to the deck or through the side port or bow port of the vessel, as shall be most convenient to them; but if the deck or the port shall be, at or during such delivery, more than five feet above the deck of the lighter, the Commissioners shall be at liberty to require the master or other person making the demand to fix, at the cost of the vessel, a suitable and convenient stage to the side of the vessel, not above five feet from the deck of the lighter, for the purpose of receiving the ballast; and the delivery of ballast upon such stage shall be a sufficient delivery.

Penalty on persons taking or delivering ballast except from or to Commissioners.

15. No person shall furnish to any vessel, nor shall any person receive or suffer to be put on board any vessel, any ballast, without the previous consent in writing of the Commissioners, under the hand of some one of their officers, except under the circumstances provided for in section 65 of the Act of 1820; and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding 20*l.*

Separate accounts to be kept of payments and receipts for ballast.

16. The Commissioners shall keep a separate account of the moneys received and expended by them in respect of the supply to and removal from ships of ballast, and of dredging, and shall arrange the payments demanded and received by them for such supply and removal so that such payments shall not in any year exceed their expenditure in the supply and removal of and dredging for

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ballast, and the Board of Trade, at any time and from time to time, on being satisfied that the moneys received by the Commissioners for the supply and removal of ballast exceeds their expenditure for the same purpose, including the cost of dredging for ballast, may reduce the rates leviable by the Commissioners for such supply and removal, with power from time to time to raise them again to not exceeding the amounts authorised by the Act of 1820 and this Order.

Power to purchase land by agreement.

17. In addition to the lands which the Commissioners are empowered to acquire under the Acts of 1820 and 1866 or either of them, the Commissioners may from time to time, by agreement, but not otherwise, and with the assent of the Board of Trade, in writing under the hand of one of their secretaries or assistant secretaries, acquire, either by purchase or by way of lease or otherwise, any lands not exceeding twenty acres, and also the right of raising or taking from any lands ballast for vessels, and also any other right or privilege required by the Commissioners for any of the purposes of their undertaking.

Power to sell lands not wanted.

18. The Commissioners may, with the assent in writing of the Board of Trade, under the hand of one of their secretaries or assistant secretaries, sell any lands or rights purchased or acquired by the Commissioners under the provisions of this Order, and which may appear to the Commissioners to be no longer required for the purposes of their undertaking, and may for that purpose execute and do all necessary or proper contracts, assurances, acts, and things, and the moneys produced by any such sale shall be applied in like manner as the surplus income of the Commissioners is by this Order directed to be applied.

Power to borrow money.

19. The Commissioners may from time to time or at any time borrow on mortgage on the security of the estates and property of the Commissioners, and of all or any part of the rates, dues, and tolls by the Acts of 1820 and 1866, and this Order, or any of them, authorised to be taken, or of any of such estates, property, rates, dues, or tolls, any sum or sums not exceeding in the whole the sum of 110,000*l.* which may be required for discharging the existing debt of the Commissioners, amounting to the sum of 46,115*l.*, or for the purposes of the works authorised by the Acts of 1820 and 1866, and this Order, or any of them; and any money borrowed under the authority of this Order, and discharged otherwise than by means of the sinking fund in this Order mentioned, or by payments in discharge of capital equivalent to a sinking fund, may be re-borrowed from time to time, if required for the purposes of this Order: Provided that, except for the purpose of discharging the existing debt of the Commissioners, no greater sum than 63,885*l.* in the whole shall be borrowed under this Order; provided also, that out of the said sum of 63,885*l.* the sum of 10,000*l.* at least shall be applied to further improving that portion of the harbour and port which lies in the immediate vicinity of the town of Queenstown.

Existing mortgages to retain priority.

20. Every mortgage or security granted by the Commissioners under the Act of 1820, or the Act of 1866, or the Cork Improvement Act, 1868, and which shall be in force when this Order comes into operation, shall have priority over all mortgages made under this Order.

Receiver for mortgages.

21. The mortgagees under this Order may enforce payment of arrears of principal and interest due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than ten thousand pounds in the whole.

Moneys to be applied for the purposes of Order.

22. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by the Acts of 1820 and 1866 and this Order.

Application of rates.

23. The Commissioners shall apply all money received by them from the rates, dues, and tolls authorised by the Act of 1820, or the Act of 1866, or this Order, and all other income coming to their hands in respect of works, land, or property vested in them for the purposes of the Acts of 1820 and 1866, or this Order, for the purposes and in the manner following; that is to say,—

(1.) In paying year by year the interest and principal accruing due in respect of the existing debt of the Commissioners, at the times and in the manner at and in which the same is contracted to be paid:

(2.) In paying the costs of and connected with the preparation and making of this Order:

(3.) In paying the expense of the maintenance, repair, management, and regulation of the harbour, and the works connected therewith:

(4.) In paying year by year the interest accruing on money which after this Order takes effect shall be borrowed for the purposes and under the powers of the Cork Improvement Act, 1868:

(5.) In paying year by year the interest accruing on money borrowed under this Order:

(6.) The surplus income of the Commissioners, after providing for the purposes aforesaid, shall be applied in creating the sinking fund required by sect. 37 of the Cork Improvement Act, 1868, and in the repayment of the principal moneys borrowed under this Order, either by means of a sinking fund or otherwise, so that the same may be discharged within the period of fifty years from the date of the borrowing thereof:

(7.) Subject to and after answering the purposes aforesaid, the surplus income (if any) of the Commissioners shall be applied in improving the harbour and port.

Exception of parts of Harbours, &c. Clauses Act.

24. The following parts and sections of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order; (namely,)

"With respect to the construction of the harbour, dock, or pier:"

"With respect to the construction of works for the accommodation of the officers of customs:"

"With respect to life boats:"

"With respect to keeping a tide and weather gauge:"

Sections 25, 26, and 47:

Sections 81 and 82 "with respect to the appointment of meters and weighers, and their duties:"

"With respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices or the sheriff:"

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And with respect to section 28 of the said Act, nothing therein contained shall be deemed to exempt from rates or duties the vessels, whether carrying mails or not, now charged with rates or duties by the Cork Harbour Amendment Act, 1866.

And with respect to section 35 of the said Act, the report thereby required from the master of a vessel may in the case of steam vessels going to or coming from any American port be made by the agent at Cork or Queenstown of the owner of such steam vessel.

And with respect to section 50 of the said Act, the time to be allowed for sending a copy of the account therein mentioned shall, instead of one month, be three months.

Legal quays to be approved by the Treasury, &c.

25. Any quays constructed or completed in the port, harbour, or river of Cork after the passing of the Act confirming this Order shall not be deemed legal quays for the shipping and unshipping of goods until the same have been approved of by the Commissioners of Her Majesty's Treasury and the Commissioners of Her Majesty's Customs respectively for that purpose, and such quays and the use thereof shall be subject to all the same rules, regulations, and restrictions to which legal or lawful quays are or may be by law subject.

Provisions of recited Acts as to rates, &c. to apply to rates under this Order, and vice versâ.

26. Such of the powers and provisions of The Harbours, Docks, and Piers Clauses Act, 1847, "with respect to the rates to be taken by the Undertakers," and "with respect to the collection and recovery of rates," as are incorporated with this Order, and all other powers and provisions in this Order contained, with respect to same matters, and (subject to the powers and provisions of this Order) such of the powers and provisions contained in the Acts of 1820 and 1866, with respect to the same matters, and with respect to the keeping and auditing accounts of rates, as are not by this Order repealed, shall be applicable alike to all rates, dues, or tolls authorised to be taken by the Commissioners, whether under the Acts of 1820 and 1866 or this Order.

Power to make byelaws conferred by this Order to be in addition to existing powers.

27. The power to make byelaws conferred on the Commissioners by section 83 of The Harbours, Docks, and Piers Clauses Act, 1847, and this Order, shall be in addition to the powers now possessed by them in that behalf, and, notwithstanding anything in The Harbours, Docks, and Piers Clauses Act, 1847, contained, all byelaws made by the Commissioners under that Act or by virtue of this Order, shall be made, printed, and affixed according to the provisions contained in the 13th section of the Act of 1820 with respect to the making of byelaws, and shall be so printed and affixed at Queenstown as well as at Cork.

As to proof of publication of tolls.

28. In any proceedings for the recovery of rates, dues, or tolls the Commissioners shall, notwithstanding anything contained in the Act of 1820, be bound only to prove that their list of rates, dues, and tolls was duly published, as required by the Act of 1820, at or within a reasonable distance of the place where the liability was incurred to the rate, due, or toll sought to be recovered, and shall not be bound to prove due publication of their list of rates, dues, or tolls at any other place required by the Act of 1820.

As to proof of publication of byelaws.

29. In any proceedings for recovery of any penalty, or for punishment of any person on account of any act done or omitted to be done, or any offence committed contrary to any byelaw, the Commissioners shall, notwithstanding

anything contained in the Act of 1820, be bound only to prove that the byelaw in respect of which the proceedings are taken was duly published, as required by the Act of 1820, at or within a reasonable distance of the place where the act, omission, or offence occurred in respect of which the proceedings are taken, and shall not be bound to prove due publication of such byelaw in any other place required by the Act of 1820.

Parts of Harbours, Docks, &c. Act not incorporated.

30. Notwithstanding anything in The Harbours, Docks, and Piers Clauses Act, 1847, contained, byelaws made under that Act, or this Order, or made under the Act of 1820, after this Order takes effect, shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes; and all certificates, or certified copies, purporting to be signed or otherwise authenticated on behalf of the Board of Trade, shall be taken as sufficient evidence of the assent or other acts of that Board.

Certain provisions touching legal procedure, &c., contained in Act of 1820, extended.

31. The several provisions contained in sections 12, 46, 50, 68, and 72 to 77, both inclusive, of the Act of 1820, except as altered by any general Act of Parliament, as to contracts, property, and privileges of the Commissioners, or to legal procedure, and proceedings, actions, matters, and things done in pursuance of that Act, shall apply and extend, mutatis mutandis, to contracts, property, and privileges, and to the like proceedings, procedure, actions, matters, and things which may be done under or by reason of this Order; and all books, entries, rules, orders, byelaws, accounts, certified and other copies, documents, descriptions of property, or persons, or privileges of the Commissioners, or other matters and things, which, under the provisions of the Act of 1820, may be used as evidence, or used or adopted in any contract, or in any proceeding, action, suit, complaint, appeal, or other proceeding under that Act, shall be receivable as evidence, or be used and adopted in all contracts, actions, suits, complaints, and proceedings, whether civil or criminal, summary or otherwise, which shall or may be had hereafter, under the Acts of 1820 and 1866, or either of them, or this Order, or under any byelaw made under the authority of the said Acts and this Order, or any or either of them.

Recovery of penalties.

32. All complaints of offences against this Order, or any byelaw to be made in pursuance thereof, and all complaints of offences against the Acts of 1820 and 1866, or either of them, or any byelaw made thereunder, referred to the determination of any justice or justices of the peace in a summary way, may be instituted, prosecuted, heard, and determined, and all proceedings therein may be tried, by or before any one or more justice or justices of the peace having jurisdiction in the borough of Cork, although the offence complained of may not have been committed within the limits of the ordinary jurisdiction of such justice or justices, or before any justice or justices of the peace having jurisdiction in the place where the offence complained of was committed, or in any district abutting on or adjoining the sea or any navigable water on which any offence has been committed, or where the offender or person complained against shall be found or happen to be, according to the provisions of the "Petty Sessions (Ireland) Act, 1851," and the "Petty Sessions Clerk (Ireland) Act, 1858," and of any Act or Acts amending the same, except so far as the same are altered by this and the next section of this Order.

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Appeal.

33. Any person who shall consider himself aggrieved by any order or determination of any justice or justices of the peace, and whether acting in and for the borough of Cork or not, in any matter relating to the Acts of 1820 and 1866, or either of them, or this Order, or any byelaw made under the authority of the same, or of any or either of them, may appeal therefrom: Provided always, that every such appeal shall be made to the court of quarter sessions of the peace to be held in and for the said borough of Cork, and not otherwise or elsewhere, anything in the Acts of 1820 and 1866, or either of them, or any other Act, to the contrary notwithstanding: And the said court shall have full power and authority to hear and determine the same; and in all other respects the said appeal, and the conditions and proceedings therein and in relation thereto, shall be under and subject to the provisions of the "Petty Sessions (Ireland) Act, 1851," and the "Petty Sessions Clerk (Ireland) Act, 1858," and any Act or Acts amending the same.

Application of penalties.

34. All penalties, fines, and forfeitures imposed by the Acts of 1820 and 1866, and this Order, or any of them, or by any byelaw made under the authority of the same, or any of them, shall, when recovered, be applied in the same manner as penalties, fines, and forfeitures imposed by the Act of 1820 are directed to be applied by that Act.

Continuance of officers and servants.

35. Notwithstanding the repeal of section 28 of the Act of 1820, the harbour master, deputy harbour masters, and all the officers and servants of the Commissioners in office at the commencement of the operation of this Order, shall continue to be the officers and servants of the Commissioners, according to the nature and tenure of their appointments and employments respectively, until they resign or be removed therefrom by the Commissioners.

Commissioners may take security of guarantee societies.

36. The Commissioners from time to time may, if they think proper, accept, in lieu of any other security, the security of any guarantee society, established in any part of the United Kingdom, for the due performance of the duties of any officer appointed or employed by the Commissioners under the Acts of 1820 and 1866 or this Order.

Certain fishing vessels under stress of weather exempt from rates.

37. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced 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 port of Cork, and not breaking bulk while making use thereof, be exempt from rates, dues, and tolls leviable under the Acts of 1820 and 1866 and this Order, or any of them.

Exemption of Custom House officers from rates.

38. Officers of customs, in the execution of their duty, shall at all times have free egress, passage, and ingress from, to, and over the harbour, port, and works, by land, and with their vessels, without payment.

Exemption of ships in Her Majesty's service, &c. from rates, &c.

39. Nothing in the Act of 1820, or the Act of 1866, or this Order, shall charge with rates, dues, or tolls, or regulate or subject to control, any ships of war in the service of Her Majesty, her heirs and successors, or of any member of the royal family, or any ship in the service of the Board of Trade, customs, excise, or a general lighthouse authority, not conveying goods for hire, or any person in the service of the Admiralty, War Office, customs, excise, or

his baggage, or any ship or goods under seizure by officers of revenue, or any naval, victualling, or ordnance stores, or other stores or goods of or for the service of Her Majesty, or any troops or their baggage. If any person claims and takes the benefit of the present section without being entitled thereto, he shall for every such offence be liable to a penalty not exceeding 10*l.*

Saving rights of the Crown in the foreshore.

40. Nothing contained in the Act of 1820, or the Act of 1866, or in this Order, or in any of the Acts incorporated with this Order, shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in the said Acts or any of them or in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving of rights as to future accretions.

41. If any land to the seaward of the lands by this Order authorised to be acquired by the purposes of the Acts of 1820 and 1866 and this Order, or any of them, shall, at any time after the execution of any works under the authority of this Order, become raised in height or reclaimed, whether gradually or imperceptibly or otherwise, so as to be above instead of being below the line of ordinary high-water mark, the Commissioners shall not by virtue of the ownership of any lands which they are by the said Acts and this Order or any of them empowered to acquire have any estate, right, or interest in or to the lands so raised in height by reason that such raising has been gradual or imperceptible, or has been either wholly or partially caused by the works authorised by the Acts of 1820 or 1866 or this Order, or otherwise; but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty or such other corporation or person or persons as is or are at the time of the passing of the Act confirming this Order entitled to the same, and as if the same had continued subject to the flow and reflow of the ordinary tides.

Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

42. If in the course or by means of the execution of any of the works by the Acts of 1820 and 1866 and this Order, or any of them, authorised, any part of the shores or bed of the port or harbour of Cork, or of the sea beyond the mouth thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the water, the Commissioners shall not have or exercise any right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the land so inned, gained, or reclaimed for any purpose whatsoever, without the consent in writing of the Board of Trade on behalf of Her Majesty, but such inning, gaining, or reclamation shall enure absolutely for the benefit of the Queen's Majesty, her heirs and successors.

Commissioners to be a body, with perpetual succession.

43. All conveyances, contracts, or other instruments executed or made to or by the Commissioners may be made to or by them by the name and description of The Cork Harbour Commissioners, and may be executed by any three or more of the Commissioners in the name and on behalf of the Commissioners,

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and for the purposes of such conveyances, contracts, or other instruments, and of the lands and rights acquired thereunder, the Commissioners shall be deemed a body corporate with perpetual succession, and may also sue and be sued under the name and description aforesaid.

Not to affect power of Commissioners to levy other rates.

44. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, or affect the right of the Commissioners to any rates, dues, tolls, or sums of money, or the powers of the Commissioners to levy, collect, or recover any rates, dues, tolls, or sums of money.

Saving rights of the corporation of Cork.

45. Nothing in this Order contained shall interfere with, alter, or affect the now existing powers or rights of the mayor, aldermen, and burgesses of the borough of Cork.

Saving rights of Queenstown Town Commissioners.

46. Nothing in this Order contained shall interfere with, alter, or affect the now existing powers or rights of the Queenstown Town Commissioners.

Saving rights under "Crown Lands Act, 1866."

47. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by The Crown Lands Act, 1866; nor shall any works under the Acts of 1820 or 1866 or this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

The SCHEDULE to which the foregoing Order refers.

(Slip and Gridiron Dues.)

For Vessels not propelled by Steam.

	Vessels not exceeding 80 tons.			Vessels exceeding 80 tons, and not exceeding 150 tons.			Vessels exceeding 150 tons, and not exceeding 200 tons.			Vessels exceeding 200 tons, and not exceeding 250 tons.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
For the first 24 hours, or any fraction of the first 24 hours - -	0	5	0	0	7	6	0	10	0	0	12	6
For every 24 hours, or any fraction of 24 hours entered on after the first 24 hours - - - -	0	5	0	0	7	6	0	10	0	0	12	6

For Vessels propelled by Steam.

	s.	d.
For the first 24 hours, or any fraction of the first 24 hours - -	10	0
For every 24 hours, or any fraction of 24 hours entered on and after the first 24 hours - - - - - -	10	0

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