CHAPTER lviii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Eyemouth, Greenock, and Rothesay. A.D. 1882.

[3rd July 1882.]

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 (No. 2) Act, 1882.

A.D. 1882.

THE SCHEDULE OF ORDERS.

1. Eyemouth—Construction of harbour works and amendment of local Act and former Order.
2. Greenock—Construction of harbour works and amendment of local Acts.
3. Rothesay—Construction of harbour works and amendment of local Act and former Order.

Eyemouth.

EYEMOUTH.

Order for repealing the Act with respect to the harbour of Eyemouth, in the county of Berwick, and the Eyemouth Harbour Order, 1874, *and for making further provision for the construction of works and the maintenance and regulation of the harbour.*

Harbour Act and Order of 1874 and this Order to be read together.

1. So long as the Act of the second year of Her Majesty, chapter thirty-six, intituled An Act for more effectually repairing, improving, and maintaining the harbour of Eyemouth, in the county of Berwick, in this Order called the Harbour Act, and also the Eyemouth Harbour Order 1874 in this Order called the Order of 1874 remain unrepealed by this Order, this Order and the Acts incorporated therewith shall be read along with the Harbour Act and the Order of 1874, and the Harbour Act and the Order of 1874 and this Order and the incorporated Acts shall be read and construed together as one Act or Order; but where any provisions of this Order are inconsistent with any provisions of the Harbour Act, or of the Order of 1874, the provisions of this Order shall prevail and have effect.

Additional Trustees.

2. After the passing of the Act confirming this Order, the superior of the barony or town of Eyemouth, and his commissioner or factor for the time being, and the chief magistrate of Eyemouth for the time being, together with such other persons as shall be assumed as Trustees under the powers of this Order shall become and be Trustees for the purposes of this Order, and of the Harbour Act, and the Order of 1874, so long as that Act and Order remain unrepealed by this Order and afterwards for the purposes of this Order.

Undertakers.

3. The Trustees for the time being acting under the Harbour Act and the Order of 1874, or under that Act and Order and this Order, or under this Order, in this Order called the Trustees, the present Trustees being David Milne Home, Esquire, of Milne-Graden; Sir Hugh Hume Campbell, of Marchmont, Baronet; John Wilkie, Esquire, of Foulden; Robert Alexander Allan, wood merchant, Eyemouth; James Gibson, Esquire, of Gunsgreen; John Johnston, farmer, Linthill; John Johnston, junior, fish curer, Eyemouth; John Dickson, fish curer, Eyemouth; Thomas Alexander, merchant, Eyemouth; George Craig, senior, fisherman, Eyemouth; George Collin, senior, fisherman, Eyemouth; George Collin, junior, fisherman, Eyemouth; James Paterson (Cormack), fish curer, Eyemouth, and James Crawford, fish curer, Eyemouth, shall be the Undertakers for the purposes of this Order, and shall exercise all the powers and be subject to all the provisions of this Order, and shall have and may exercise all the powers and be subject to all the provisions of the Harbour Act, the Order of 1874, and this Order.

Eyemouth.

4. Clauses eight to eleven inclusive, sixteen, fifty-one to fifty-three inclusive, fifty-five to eighty-three inclusive, eighty-five, eighty-eight to ninety inclusive, and ninety-five to one hundred and twelve inclusive of the Commissioners Clauses Act, 1847, shall be incorporated with this Order.

Commissioners Clauses Act in part incorporated.

5. The Lands Clauses Consolidation (Scotland) Act, 1845, except with respect to the purchase and taking of lands otherwise than by agreement, the Lands Clauses Consolidation Acts Amendment Act, 1860, and the Clauses of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands during the construction of the works, shall be incorporated with this Order.

Incorporation of Lands Clauses Acts and Railways Clauses Act in part.

6. For the purposes of the works authorised by this Order the Trustees may from time to time by agreement enter upon, take, and use such lands in and around the harbour and works as may be required for the proposed works not exceeding ten acres.

Power to take lands by agreement.

7. No person shall be qualified or capable to act as a trustee under this Order unless he shall be, in his own right or in right of his wife, in the actual possession and enjoyment or receipt of the rents and profits of lands, tenements, or heritages of the clear yearly value of twenty pounds, or shall be possessed of personal estate to the amount of five hundred pounds, or shall be in receipt or enjoyment of a clear annual income, arising from profession, trade, office, or otherwise, amounting to fifty pounds; or unless he shall, before he act as a trustee, make and subscribe the declaration following before any two or more of the Trustees (who are hereby empowered to administer the same in the words or to the effect following), videlicet;

Qualification of Trustees.

"I, A. B., do solemnly affirm and declare that I am truly and bonâ fide, in "my own right [or in the right of my wife] in the actual possession and enjoy- "ment [or receipt] of the rents and profits of lands, tenements, or heritages of "the clear yearly value of twenty pounds [or possessed of personal estate to "the amount or value of five hundred pounds, or in the receipt or enjoyment "of a clear annual income amounting to fifty pounds, as the case may be], "and that I will truly and faithfully execute the trusts reposed in me under "the Eyemouth Harbour Order 1882 to the best of my skill and knowledge, "without favour or affection to any person whatsoever."

8. If any person, not being qualified as aforesaid, shall act as a Trustee, every such person shall for every such offence forfeit and pay the sum of twenty pounds, to be recovered by any person who shall sue for the same in manner herein-after provided; and every person so sued, unless he shall prove that he was, at the time of acting, qualified as aforesaid, shall pay the said penalty, without any other proof or evidence being given on the part of the prosecutor than that such person had acted as a trustee; and the money so to be recovered shall, after payment of the costs and expenses attending the recovery thereof, be applied as follows, namely; one-half thereof to the pursuer, informer, or prosecutor, and the other half to the purposes of this Order.

Penalty for acting, not being qualified.

9. When the number of trustees shall be reduced to six, by death, removal, resignation, incapacity, or refusal to act, the remaining trustees or their quorum may, at a meeting to be called for that purpose, from time to time elect, nominate, and appoint one or more fit person or persons duly qualified as

Appointment of new Trustees.

A.D. 1882. — *Eyemouth.*

aforesaid, and residing within the county of Berwick, in the place of such trustee or trustees so dying, removing, resigning, becoming incapable or refusing to act, and such person or persons so appointed shall and may act along with the surviving and remaining trustees to all intents and purposes, in as full and ample a manner as the Trustees before named may act: Provided always that at least four of the Trustees shall be resident in the town of Eyemouth or within three miles thereof.

Meetings of Trustees.

10. The Trustees, or any three or more of them, shall meet together in the shore dues office, at Eyemouth, at twelve o'clock noon, on the third Tuesday after the passing of the Act confirming this Order, and proceed to put the same into execution; and a general meeting of the Trustees shall thereafter be held on the second Tuesday in the month of June in each year, at such hours and at such places within the town of Eyemouth as the Trustees may appoint; and at all meetings of the Trustees three shall be a quorum, and at their meetings the Trustees present shall appoint their preses for the time, and all questions shall be decided by a majority of the votes of the Trustees present at the respective meetings, the preses, in case of an equality of votes, having a casting vote besides his vote as a member of the meeting, and the Trustees shall in no case be entitled to act or vote by proxy or mandate: Provided always that no creditor or assignee of any security or any lender of money, upon the credit of the rates and duties granted by the Harbour Act, the Order of 1874, or this Order, or receiving interest thereout for the same, shall be deemed unqualified or disabled from acting as Trustee, by reason of his being such creditor or assignee.

Clerk may call meetings at the request of any two of the Trustees, and in emergency.

11. Any two or more of the Trustees may require the clerk to call a special meeting at any time, and the clerk shall be obliged thereupon to give notice in writing of the time and place of such meeting to every one of the Trustees, by letters duly addressed to the Trustees at their usual places of residence, and sent through the post or left at their respective dwelling places at least two days previous to such meeting: Provided always that in cases of emergency the clerk may call a meeting upon one hour's notice given to the Trustees personally or in writing; but no business shall be done at any such meeting other than the business of emergency for which the meeting may be called. All notices of meetings may be either in writing, or in print, or partly in writing and partly in print.

Trustees may appoint committees of their number.

12. The Trustees may from time to time appoint a committee or committees of their number, consisting of not less than three, with power to execute any of the purposes of this Order which it may be deemed expedient to commit to their charge.

Adjournments.

13. The Trustees may adjourn their meetings from time to time and place to place as they think proper, and in case a less number than a quorum shall attend any meeting, such number, though not entitled to act in other matters, shall have the power of adjournment.

Trustees not to vote in cases where personally interested.

14. No trustee shall vote or otherwise act as a trustee in any case wherein he shall be personally concerned directly or indirectly, and any Trustee so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

15. The undertaking of the harbour of Eyemouth and of the piers, quays, and other works therewith connected, shall be and the same is hereby vested in the Trustees, to and for the uses, ends, and purposes of this Order, and also of the Harbour Act and the Order of 1874, so long as the same remain unrepealed; and all the rates and duties levied or to be levied, and all moneys coming into the hands of the Trustees under this Order, shall be and the same are hereby made subject and liable to the payment of all sums of money now due on the credit of the rates and duties granted by the Harbour Act and Order of 1874, and of all interest due or that may become due thereon, as fully and effectually as if borrowed on the credit of the rates and duties granted by this Order; and all persons indebted in any sums of money to the Trustees under the Harbour Act and Order of 1874 shall be liable to the payment thereof to the Trustees; and all covenants, agreements, conveyances, or securities entered into or made by any person with or to the Trustees under the Harbour Act and Order of 1874 shall remain in full force, and be and continue available in all courts of law until the same shall be fully satisfied and performed; and all assignments and conveyances of rates and duties, orders, contracts and agreements duly made or entered into by or under the authority of the Trustees for executing the Harbour Act and Order of 1874 shall remain in full force and effect, and be observed and kept by the Trustees under the terms and stipulations thereof respectively, and all rates and duties, penalties, and forfeitures due or incurred in virtue of the Harbour Act and Order of 1874 shall be held to be due and incurred to and shall be exigible by the Trustees.

Eyemouth. Harbour and works vested in Trustees.

16. Officers appointed under the Harbour Act and Order of 1874 shall continue to hold and exercise their respective offices as fully and freely as if this Order had not been made, until they respectively be displaced or removed by the Trustees, or shall resign; and such officers shall have the same powers and be subject to the like regulations, pains and penalties, as if they had been severally appointed by the Trustees acting under this Order.

Officers under Harbour Act and Order of 1874 to continue till removed.

17. All books, maps, plans, sections, books of reference, accounts, proceedings and documents whatsoever by the Harbour Act and Order of 1874 authorised or directed to be kept, shall be admitted as evidence in all courts of law or elsewhere, notwithstanding the passing of the Act confirming this Order.

Books, &c. to be evidence.

18. All byelaws and regulations which at the passing of the Act confirming this Order are in force in the harbour shall be deemed to be byelaws and regulations of the Trustees, and shall continue in force until altered.

Present byelaws to remain in force.

19. The limits within which the Trustees shall have authority and to which this Order and the power to levy rates extend, shall comprise the existing works of the harbour and the works by this Order authorised, and the whole lands, foreshore, and sea described within the limits following, namely, from the bridge over the River Eye at the Kiln Haugh down the said river, and both shores thereof to the sea, and also from the pier head to the rock called Hurkar to the seaward to the Eyemouth Fort to the westward, and Gunsgreen Ends to the eastward, saving the rights of proprietors of grounds adjoining the said River Eye and the sea beach and also the rights of the proprietor of Eyemouth Fort, which limits are in this Order termed the limits of this Order.

Limits.

A.D. 1882.

Eyemouth.
Power to construct works.

20. Subject to the provisions of this Order, and subject also to such alterations, if any, in the plans and sections deposited with reference to this Order, as the Board of Trade require from time to time before completion of the works, in order to prevent injury to navigation, the Trustees may, on the lands belonging to them, or on the lands purchased or acquired by them under this Order, and in the lines and situations, and according to the levels and within the limits of deviation shown on the deposited plan and sections, make and maintain the works authorised by this Order, and may maintain the harbour and also the works constructed under the Harbour Act and the Order of 1874.

Description of works.

21. The works authorised by this Order include—

(1.) A pier or breakwater (herein called the "New East Pier") commencing at a point on the existing East Pier of Eyemouth Harbour (herein called the "Old East Pier"), thirty-three yards or thereabouts from its eastern extremity, measured in a westerly direction along the said Old East Pier, and terminating in Eyemouth Bay below low-water mark at a point one hundred and forty yards or thereabouts, measured in a northerly direction from the said point of commencement;

(2.) A pier or breakwater (herein called the "New West Pier"), commencing at a point near high-water mark on the shore of Eyemouth Bay, seventy-three yards or thereabouts, measured in a south-easterly direction from the south-east corner of the old barracks and terminating in Eyemouth Bay below low-water mark, at a point three hundred and forty yards or thereabouts, measured in an easterly direction from the said point of commencement, the said point of termination being fifty yards or thereabouts, measured in a north-westerly direction from the point of termination of the New East Pier herein-before referred to;

(3.) A pier (herein called the "Middle Pier"), commencing near high-water mark on the shore of Eyemouth Bay, at a point one hundred and eighty yards or thereabouts, measured in a south-easterly direction from the south-east corner of the old barracks, thence proceeding in an easterly direction, but canting towards the south for a distance of two hundred and twenty yards or thereabouts, and terminating at a point distant forty-three yards or thereabouts, measured in a westerly direction from the western extremity of the Old East Pier;

(4.) A jetty commencing near high-water mark on the shore of Eyemouth Bay, at a point one hundred and sixteen yards or thereabouts, measured in a westerly direction from the north-east corner of the Royal Hotel, and terminating at a point on the beach or shore of Eyemouth Bay below high-water mark, distant seventy yards or thereabouts, measured in a northerly direction from the said point of commencement, and fifty-five yards or thereabouts, measured in a westerly direction from the northern extremity of the existing West Pier of Eyemouth Harbour;

(5.) An extension of the inner harbour (herein called the "New Inner Harbour") or basin of Eyemouth by the construction of a pier or jetty commencing three yards or thereabouts, measured in a north-westerly direction from the point where the existing weir across the River Eye joins the inner harbour jetty, thence proceeding in a south-westerly

direction up the River Eye for a distance of one hundred and ninety-four yards, and thence proceeding in a westerly direction for a distance of forty-six yards, and terminating at a point on the present quay wall, fifty-three yards or thereabouts measured in a north-easterly direction from the wooden foot-bridge over the River Eye, together with an opening or entrance into the said New Inner Harbour to be formed by removing a portion of the existing jetty at the south-west end of the existing inner harbour, and an entrance or connexion between the New Inner Harbour and the River Eye at the south-west end of the said New Inner Harbour;

(6.) The removal of the existing weir across the River Eye, in Eyemouth Harbour, and the erection of a new weir, one hundred and eighty-three yards or thereabouts further up the river than the said existing weir;

(7.) The deepening and dredging of the present harbour of Eyemouth and the proposed new harbours, or some of them: the removal of rocks from wave basins or wave traps; the repair and improvement of the existing piers, quays, or jetties, or rebuilding of the same; and the building of new quays and other works, together with all necessary approaches, roads, jetties, wharves, warehouses, offices, sheds, cranes, weighing machines, and other works and conveniences: Provided that any such works below high-water mark shall not be commenced without the assent of the Board of Trade having been first obtained in writing;

all which said works will be in the parishes of Eyemouth and Ayton respectively in the county of Berwick, and on the foreshore and in the sea adjacent.

Powers of deviation.

22. The Trustees, in constructing the works by this Order authorised, may (with the consent in writing of the Board of Trade) deviate laterally to any extent within the limits defined on the deposited plan, and vertically to any extent not exceeding ten feet.

Penalty for obstructing works.

23. Every person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the works by this Order authorised, or 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 be guilty of an offence, and shall for every such offence be liable to a penalty not exceeding five pounds.

Materials may be taken out of wastes.

24. The Trustees or their agents, officers or servants, and other persons authorised by them, may open stone quarries, and sand, clay, and gravel pits, and bore, dig, take, gather, and carry away from such quarries and pits any stone, sand, gravel, clay, and other materials, in and out of any waste or common grounds lying within three miles of the harbour and works and use and apply the same in carrying on, executing, and repairing the harbour and works in and about the said harbour and connected therewith, in such manner as to the Trustees shall appear expedient, without paying anything for such waste and common ground opened and used as aforesaid.

Persons sustaining damage by default of Trustees.

25. If any person shall at any time sustain any loss or damage in his lands, fisheries, tenements, or heritages by the execution of any of the powers of this

A.D. 1882.

Eyemouth.

Order, or by any act, neglect, or default of the Trustees, or of the workmen employed by them, in every such case the Trustees may settle and agree upon such recompense and satisfaction to be made for the same to the person injured or aggrieved as they shall judge fit and reasonable, to be paid out of the moneys to be raised under the powers contained in this Order; but if it shall happen that the person sustaining such loss or damage shall be dissatisfied with such recompense and satisfaction, in every such case the person so aggrieved may apply to the sheriff or any two of Her Majesty's justices of the peace for the county of Berwick for redress, and the sheriff or justices shall, if they see fit, remit the case to persons of skill to examine into and report on the grounds of complaint, and in particular how far the Trustees or their agents or servants have anywise occasioned such damage, and whether the sum offered by the Trustees is ample remuneration for the loss or damage so sustained; and the judgment of the sheriff or justices respectively upon the same shall be finally binding and conclusive on the Trustees and all parties interested: Provided always that no person whomscever shall be entitled to satisfaction for any damage, nor shall the Trustees or any of them be obliged to take any notice of any application in relation thereto, unless the complaint of such damage shall have been made in writing to them or their clerk within the space of six months next after such damage shall have been occasioned.

Power to levy rates on fishing boats and fish.

26. The fishermen of Eyemouth having expressed a desire that the rates on fishing boats and fish should be taken before any works authorised by this Order are executed or commenced, therefore notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, the Trustees may on and after the 1st day of September 1882, for the use of the harbour and works, levy, recover, demand, and receive any sums not exceeding the several rates on fishing boats specified in Part II., and any sums not exceeding the several rates on fish specified in Part III. of the schedule to this Order, but the Board of Trade may, if in their discretion they think fit upon the representation of any twelve or more fishermen using the harbour, and after inquiry at any time and from time to time reduce those rates to such extent as they think proper, but with power at any time and from time to time to raise them again to sums not exceeding those authorised by such schedule.

Existing rates to cease at a certain time.

27. When and so soon as under this Order and the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, the Trustees shall become entitled to demand and receive rates and duties in respect of the works authorised by this Order then the Harbour Act and the Order of 1874 shall be, and the same are hereby repealed, nevertheless the Trustees shall be and remain entitled to recover and receive money which shall have become due and payable to them before the time when this section of this Order takes effect.

Power to levy new rates.

28. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given, the Trustees may, subject and according to the provisions of this Order for the use of the harbour and works and instead of the rates and duties authorised by the Harbour Act or the Order of 1874, levy,

recover, demand, and receive in respect of vessels, boats, passengers, animals, fish, goods, matters and things described and specified in the schedule to this Order, and for lights and water, any sums not exceeding the several rates and duties specified in the schedule to this Order, and all such rates and duties on vessels and boats shall be payable by and demandable from the owner, agent, master, skipper, or other person in charge of such vessels and boats.

Saving rights of superior of barony.

29. Nothing in this Order contained shall affect any duties claimed or legally exacted by the baron or superior of the barony of Eyemouth, or heirs of entail of George Home, of Wedderburn, deceased, formerly the baron or superior of the said barony.

Rates for use of warehouses.

30. The Trustees 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 conveyances belonging to the Trustees, for the use of which rates are not specially fixed in the schedule to this Order.

Trustees may provide and license steam-tugs.

31. The Trustees 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 works, 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.

Rates for steam-tugs.

32. The Trustees may from time to time fix such rates and duties 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 and duties 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 Trustees, 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 Trustees, as the case may be; and such rates and duties 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.

Trustees may provide dredgers and engines.

33. The Trustees may from time to time purchase, lease, provide, or hire such dredgers, 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 realised shall be applied towards carrying into effect the purposes of this Order.

Trustees may take a lease of the duties payable to the superior

34. The Trustees may at any of their general or adjourned meetings contract with the heirs of entail of George Home, of Wedderburn, deceased, formerly the baron or superior of the barony of Eyemouth, for a lease of any duties legally payable to the said heirs of entail on ships and vessels frequenting the harbour and works and their cargoes for one or more years, as they may deem advisable, if the Trustees shall consider the interests of the harbour and works will be benefited by their so doing.

A.D. 1882.

Eyemouth.

Leases may be granted of the rates.

35. The Trustees may let on lease all or any of the rates and duties by this Order authorised to be taken for any term of years, not exceeding three years, either by public auction or private agreement, and for payment of any such rent as they think proper; and in the case of the said rates and duties being so let, the tenants shall have the same powers and privileges as to levying, recovering, and collecting the said rates and duties as are by this Order conferred upon the Trustees.

Rates to be revised.

36. The Trustees shall from time to time revise the rates and duties received by them under this Order, so that the income of the Trustees under this Order may always be, so far as practicable, sufficient and not more than sufficient for the purposes of this Order; and if at any time and from time to time, the clear annual income derived from the harbour and works on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates and duties leviable under this Order to such extent as will be sufficient to provide the amount aforesaid, and the rates and duties shall thereupon be reduced accordingly, but with power to the Board of Trade at any time, and from time to time, to raise them again to sums not exceeding those authorised by this Order.

Annual account to be sent to Board of Trade.

37. The Trustees 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, and the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Trustees 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.

38. 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 works, and not breaking bulk while making use thereof, be exempt from rates and duties leviable under this Order.

Exemption of officers of Board of Trade and Customs.

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

Lifeboat crew exempt from rates.

40. All persons going to or returning from any lifeboat, or using any apparatus for saving life, and being persons either belonging to the crew of any lifeboat or to the coastguard, or being persons for the time being actually employed in saving life or in exercising or using any lifeboat, or the apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to or along and from the harbour and works without payment.

Life-saving apparatus may be attached to works.

41. The officers of the coastguard, and all other persons for the time being actually employed in connexion with any lifeboat or apparatus for saving life, may either permanently or temporarily, and from time to time, without payment

attach or cause to be attached, to any part of the harbour and works, spars and other apparatus for saving life, and may also, either in course of using or of exercising the apparatus for saving life fire rockets over any of the piers belonging to the harbour and works.

Power to borrow money.

42. The Trustees may from time to time borrow, on the security of the rates and duties authorised by the Harbour Act, the Order of 1874, and this Order, or any of such rates or duties, any sum or sums of money not exceeding eighty-five thousand pounds, and if, after having borrowed the money by this Order authorised to be borrowed, or any part thereof, the Trustees pay off the same, or any part thereof, they may again borrow the amounts so paid off, and so from time to time: Provided always that while any money remains due for principal in respect of moneys borrowed by the Trustees for the purposes of the harbour and works previously to the passing of the Act confirming this Order, the sum authorised to be borrowed by the Trustees under this Order shall be reduced by the amount which for the time being so remains due for principal.

Power to borrow on cash account.

43. The Trustees may accept and take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company, in the name of the Trustees, according to the usage of bankers in Scotland, to the extent of the sum which the Trustees are hereby authorised to borrow, or any part thereof, and may assign the rates and duties hereby authorised in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always that the whole principal sums due and owing by the Trustees on such cash account, and for money otherwise borrowed by them on the security of the rates and duties authorised by this Order, shall not, when taken together, exceed the sum by this Order authorised to be borrowed.

Existing mortgages, &c. to have priority.

44. All mortgages, assignments, and securities granted by the Trustees under the Harbour Act or Order of 1874 for the purposes of the harbour and works, and which shall be subsisting at the time of the passing of the Act confirming this Order, shall during the continuance of such mortgages, assignments, and securities have priority over any mortgages, or securities to be granted or created by the Trustees under the authority hereof.

Borrowed money to be applied for purposes of harbour and works.

45. Every part of the money borrowed under this Order shall be applied for the purposes of the harbour and works by this Order authorised.

Payment of arrears of interest and principal may be enforced by appointment of judicial factor,

46. If within two months after the interest of any mortgage granted by the Trustees has become due, or after the period prescribed for the payment of the principal sum in any such mortgage has expired, such interest or principal (as the case may be) shall not be paid, the holders of such mortgage may, without prejudice to any rights, remedies, or security otherwise competent to or held by them, apply for the appointment of a judicial factor as herein-after provided.

Appointment of judicial factor.

47. Every application for the appointment of a judicial factor under the provisions of this Order shall be made to the sheriff, and on any such application the sheriff may, by order in writing after hearing the parties appoint some person as judicial factor to receive the whole or a competent part of the rates

A.D. 1882.

Eyemouth.

and duties authorised by this Order, until the arrears of interest or of principal, or of principal and interest, as the case may be, then due on the outstanding mortgages, with all costs, including the charges of receiving the said rates and duties, be fully paid; and upon such appointment being made, the said rates and duties shall be paid to and received by the judicial factor, and so soon as the full amount of interest or of principal, or of principal and interest, as the case may be, and costs has been so received, the powers of the judicial factor shall cease; and after payment of the said costs, the judicial factor shall distribute among all the holders of the said mortgages to whom interest or principal shall be in arrear the rates, duties, and other moneys which shall have been received by him, having regard in such distribution to the priorities, if any, of such mortgages.

Amount necessary to authorise application for judicial factor.

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

Application of receipts.

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

(1.) In paying the costs, charges, and expenses of and incident to the preparation of and obtaining this Order, or otherwise incurred in relation thereto;

(2.) In paying the expenses of the collection and receipt of rates, duties, and income;

(3.) In paying the expenses of the maintenance, management, and regulation of the harbour and works;

(4.) In paying year by year the interest and any instalments of principal due in respect of the money borrowed previously to the passing of the Act confirming this Order;

(5.) In paying year by year the interest and any instalments of principal due in respect of money borrowed under this Order;

(6.) In paying the expenses of the execution and maintenance of the works authorised to be constructed by this Order, and of any works, buildings, sheds, warehouses, wharves, jetties, the price or hire of steam tugs, dredgers, engines, and all other conveniences authorised by this Order, and which may from time to time be necessary for the improvement of the harbour and works or the accommodation of the vessels resorting thereto;

(7.) In from time to time providing the instalments, or creating a sinking fund for the repayment of money borrowed in such manner, so far as circumstances will admit, that all money borrowed may be discharged within fifty years from the time of borrowing.

Trustees to grant licences to pilots.

50. The Trustees shall examine and inquire into the skill and ability of any person who shall offer himself to be admitted as a pilot for the harbour and works by such ways and means as to them shall seem proper; and if upon such inquiry the person so offering himself as a pilot shall be approved of by the Trustees, the Trustees may at any meeting within one month after the passing of the Act confirming this Order, and annually thereafter, at the annual meeting herein-before directed to be held, or at the first adjournment thereof, grant a

licence or warrant certifying that such person is duly qualified to act as pilot to conduct vessels into within or out of the limits of this Order, and for four miles on each side of such limits and to seaward, which licence or certificate shall be subscribed by three or more of the Trustees, and from thenceforth such person shall be deemed qualified to exercise the occupation of pilot for the limits aforesaid: Provided always that no person shall be appointed pilot of the said limits unless he shall have been at least three years regularly engaged as a fisherman or sailor at or frequenting the said harbour and works; and the Trustees, by granting such licence or certificate to any pilot, shall not be responsible for any damage or losses sustained by any person by or through the inadvertence, negligence, or wilful act of the pilot so licensed by them.

Sum to be paid for licence.

51. Every person who shall, upon his first admission as a pilot, receive such licence or warrant, shall for his first licence or warrant pay to the clerk of the Trustees the sum of two shillings and sixpence, and for every subsequent licence or warrant the sum of one shilling and sixpence, and shall be subject to the several provisions of this Order, and to such orders, rules, and byelaws as shall be made in pursuance hereof, and every such licence or warrant shall continue in force until recalled by the Trustees as herein-after mentioned.

In case of misconduct, the pilot's licence to be withdrawn.

52. In case any pilot who shall receive a licence or warrant shall refuse to take the charge or conduct of any vessel, upon a proper signal being made, or a gun fired by any vessel inward bound, or upon the application of the master, commander, owner, agent, or consignee of any vessel outward bound, or of any one trustee, or shall refuse to assist any vessel in distress, or in case it shall appear to the Trustees that such pilot hath improperly conducted himself in the conduct of any vessel, or in the execution of any part of his duty as a pilot, or if any such pilot shall refuse to obey any summons of the Trustees or any three of them, requiring his appearance before the Trustees, or shall refuse to obey such order as the Trustees shall make, or shall in anywise offend against this Order, then the Trustees, upon examination and proof thereof, may suspend the licence granted to such pilot for such time as they shall deem proper, or recall such licence, and declare the same to be thenceforth utterly void.

Rates of pilotage.

53. All pilots licensed by the Trustees may take the rates of pilotage (for a boat and four men besides the pilot) herein-after mentioned, until the same shall be reduced by the Trustees; (that is to say),

For every foot of the draught of water of any vessel, from the first day of April to the first day of October, two shillings:

For every foot of the draught of water of any vessel, from the first day of October in one year to the first day of April in the next ensuing year, two shillings and threepence:

And for each tide's work within the limits of this Order seven shillings and sixpence.

Power to alter the rates of pilotage

54. The Trustees may, when and so often and for such periods of time as they may see proper, reduce all or any of the rates of pilotage, and again advance or increase the same according to what may appear to them to be for the interests of the trade and shipping of the harbour and works: Provided always that any advance or increase of such rates do not at any time exceed the amount of the rates before mentioned.

A.D. 1882.

Eyemouth.
In extraordinary cases pilotage to be fixed by Trustees.

55. In case any vessel shall be met with in distress by any pilot so licensed as aforesaid, and shall stand in need of any extraordinary assistance of the crew or boat, then the compensation to be made to the said pilot and crew shall be settled and determined upon according to the circumstances of the case by the Trustees at their next meeting; and if any agreement for such extraordinary assistance shall at any time be made by the master or commander of such vessel and the pilot, such agreement shall be null and void.

Trustees to be a pilotage authority.

56. In addition to the powers as to pilotage conferred by this Order, the Trustees shall be a pilotage authority and local authority within the meaning of the Merchant Shipping Acts 1854 to 1880, and any Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Portions of Harbour Clauses Act excepted.

57. Sections sixteen, seventeen, eighteen, and nineteen, of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order; but the Trustees shall at their own expense, when required by the Board of Trade, provide to the satisfaction of the Board of Trade a site near the harbour, and build on such site a house and other proper accommodation for a life-boat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Meters and weighers.

58. The Trustees shall have the appointment of meters and weighers within the limits of this Order.

Vessels not to anchor without consent of harbour-master.

59. No vessel or boat shall, without the consent of the harbour-master, anchor within the limits of this Order.

Penalty for supplying constables with spirituous liquors and for their retiring from duty.

60. Every constable who shall retire from his duty during the time he ought to have been on duty, and every person who shall knowingly or wittingly entertain, or permit, or suffer to be entertained in his or her house any such person during his time of duty, or shall furnish or supply any such person employed as aforesaid, or any person for his use, with spirituous liquors during his time of duty, shall be liable to a penalty not exceeding five pounds for each offence.

For apprehending transient offenders.

61. Any constable may seize and detain any persons guilty of any offence against this Order who may be transient and unknown to such constable, and convey him before any one or more of the justices of the peace for the county of Berwick, without any other warrant than this Order for so doing, and such justice or justices of the peace may proceed immediately to the conviction or acquittal of such offenders in a summary way.

Penalty on defacing boards.

62. Every person who shall wilfully or maliciously deface, pull down, or destroy any board whereon the list of rates and duties, or orders or byelaws shall be exhibited, and which shall be affixed or hung up by the Trustees, shall be liable to a penalty not exceeding five pounds for each offence.

As to lights during construction.

63. Before commencing the works authorised by this Order, the Trustees shall apply to the Board of Trade for directions as to the lights to be exhibited,

and shall in all respects obey any directions given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the directions so given, shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Trustees refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding ten pounds.

As to lights after completion of works.

64. The Trustees shall at the outer extremity of the harbour and works exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those commissioners for directions as to lighting, and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

Powers to cease in certain events.

65. 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 the works, after having been commenced, should be virtually suspended for twelve consecutive calendar months;

the powers by this Order given for executing the works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said 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.

Saving rights under Crown Lands Act, 1866.

66. 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 or operations under 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.

Costs of Order.

67. All costs, charges, and expenses of and incident to the preparation of and obtaining this Order, or otherwise incurred in relation thereto, shall be paid by the Trustees.

Short title.

68. This Order may be cited as The Eyemouth Harbour Order, 1882.

A.D. 1882.

Eyemouth.

SCHEDULE to which the foregoing Order refers.

Part I.—Tonnage Duties.

		s.	d.
For each vessel to or from any port or place on the east coast of Scotland or England, entering the harbour to load or unload	per register ton	0	4
For each such vessel, windbound, or otherwise, and not loading or unloading, and not paying the aforesaid rate -	per register ton	0	2
For each steam-tug entering the harbour, towing, or to tow vessels	per register ton	0	2
For each vessel to or from all other ports or places in Great Britain or Ireland - - - - -	per register ton	0	6
For each such vessel, windbound or otherwise, and not loading or unloading, and not paying the aforesaid rate -	per register ton	0	3
For each vessel to or from foreign ports or places -	per register ton	0	8
For each such vessel, windbound or otherwise, and not loading or unloading, and not paying the aforesaid rate -	per register ton	0	4
For each vessel leaving from the harbour, and put back by stress of weather, without having accomplished the voyage, no additional rate shall be charged on such return.			
For each vessel or boat remaining in the harbour beyond a fortnight, for each additional week after the first fortnight, a fraction of a week being considered as a week - -	per register ton	0	1
For each pleasure boat using the harbour the same rates.			

Water Money and Harbour Light Dues.

Each vessel shall pay—			
For water - - - -	per register ton	0	0½
For lights - - - -	per register ton	0	0½
But dues for lights shall only be demanded and received during so long as a light or lights are exhibited in accordance with the provisions of the foregoing Order.			

Part II.—Rates for Fishing Boats, exclusive of their Cargoes.

Every boat not exceeding 20 tons register, engaged in the herring fishery, as a composition in full of tonnage duty for the period of the herring fishing season, from 1st May to 1st October, payable in advance, for every foot of length of the boat over all -		0	6

	s.	d.
Every boat not exceeding 20 tons register, loading or discharging herrings, not paying the aforesaid composition, shall on each occasion of entering the harbour pay - - - - -	2	0
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - -	1	0
Every boat above 20 tons register, engaged in the herring fishery, as a composition in full of tonnage duty, for the period of the herring fishing season, from 1st May to 1st October, payable in advance, for every foot of length of the boat over all - - - -	0	6
And in addition for each ton register beyond 20 tons -	1	0
Every boat above 20 tons register, loading or discharging herrings, not paying the aforesaid composition, shall on each occasion of entering the harbour pay - - - - - - - -	2	0
And in addition for each ton registered beyond 20 tons -	0	1
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - -	1	0
And in addition for each ton register beyond 20 tons - -	0	0½
Every boat, not exceeding 20 tons register, engaged in the white fishing, as a composition in full of tonnage duty, for the period of the white fishing season, from 1st October to 1st May, payable in advance, for every foot of length of the boat over all - - -	1	0
Every boat not exceeding 20 tons register, loading or discharging white fish, not paying the aforesaid composition, shall on each occasion of entering the harbour pay - - - - - -	2	6
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - -	1	3
Every boat above 20 tons register, engaged in the white fishing, as a composition in full of tonnage duty for the period of the white fishing season, from 1st October to 1st May, payable in advance, for every foot of length of the boat over all - - - -	1	0
And in addition for each ton register beyond 20 tons - -	2	0
Every boat above 20 tons register, loading or discharging white fish, not paying the aforesaid composition, shall on each occasion of entering the harbour pay - - - - - -	2	6
And in addition for each ton register beyond 20 tons - -	0	1
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - -	1	3
And in addition for each ton register beyond 20 tons - -	0	0½
Every boat, prosecuting the herring fishing or the white fishing beyond the dates before defined as the limits of the season, shall pay duties both as a boat or vessel engaged in the herring fishing, and as a boat or vessel engaged in the white fishing.		

Water Money and Harbour Light Dues.

Each boat or fishing vessel shall pay for the herring season, payable along with the aforesaid composition,		
For water - - - - - - - -	5	0
For lights - - - - - - - -	2	6

A.D. 1882.

Eyemouth.

	s.	d.
If not paying the composition, then for each time of entering,		
For water - - - - - - - -	0	4
For lights - - - - - - - -	0	2
Each boat or vessel shall pay for the white fishing season, payable along with the aforesaid composition,		
For water (for each man of the crew) - - - -	2	6
For lights (for each man of the crew) - - - -	2	6
If not paying the composition, then for each time of entering,		
For water (for each man of the crew) - - - -	0	2
For lights (for each man of the crew) - - - -	0	2
But dues for lights shall only be demanded and received during so long as a light or lights are exhibited in accordance with the provisions of the foregoing Order.		

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

Acorns, per bushel - - - - - - - -	0	0½
Alabaster, per cwt. - - - - - - - -	0	1
Ale, beer, porter, mum, cider, perry, or vinegar, per 10 gallons -	0	1
Alum, per cwt. - - - - - - - -	0	1
Aquafortis, per cwt. - - - - - - - -	0	1
Ashes, pot, pearl, or soap, per cwt. - - - - -	0	2
Ashes, fern or wood, per cwt. - - - - -	0	0½
Ballast:		
Inward, whether landed or shifted into another vessel, per ton -	1	6
Outward, whether taken out of another vessel, or from the quay or shore, per ton - - - - - - -	1	6
Barilla, per ton - - - - - - - -	1	0
Bark, per ton - - - - - - - -	1	0
Bark, Jesuits', per lb. - - - - - -	0	0½
Barley. (*See* Corn):		
Shelled or pearl ditto, per 20 stones - - - -	0	1
Barrels, kits and boxes (empty), each - - - - -	0	0½
Baskets, hand, per dozen - - - - - -	0	3
Battens and ends. (*See* Wood)		
Beef, mutton, pork, veal, bacon, hams, and tripe (fresh, salted, or preserved), per cwt. - - - - - -	0	1½
Beeswax, per cwt. - - - - - - - -	0	3
Bells and bell metal, per cwt. - - - - - -	0	1
Bellows, per cwt. - - - - - - - -	0	2
Blankets, per dozen - - - - - - - -	0	4
Blubber, for every ton of oil produced by it - - - -	0	6
Bones and bone ash, per ton - - - - - -	1	0
Books and stationery, per cwt. - - - - - -	0	2
Bottles, glass, per gross - - - - - - -	0	4
Ditto, stone, per dozen - - - - - - -	0	1
Ditto, broken, per ton - - - - - - -	0	6

	s.	d.
Bran, per cwt.	0	0½
Brandy, per gallon	0	0½
Brass, per cwt.	0	1
Bread, per cwt.	0	1
Bricks, common, per 1,000	0	6
Ditto, stock or fire, flat or flooring, per 1,000	0	8
Brimstone, per cwt.	0	2
Bulrushes, per cwt.	0	1
Burnt ore, per ton	0	4
Butter, per cwt.	0	2
Calicoes and other cotton goods, per cwt.	0	2
Candles, per cwt.	0	2
Ditto, wax, per cwt.	0	4
Canvas or sail cloth, per 36 yards	0	1
Carpets, per cwt.	0	2
Carriage or cart, 2 wheels	1	6
Ditto 4 wheels	3	0
Carrots and cabbages, per ton	0	6
Casks, empty, each	0	2
Ditto if under 36 gallons	0	1
Cattle, viz:		
Bulls, cows, and oxen, each	1	0
Calves, each	0	3
Cement and concrete of all kinds, per ton	0	6
Cheese, per cwt.	0	2
Cinders, coke and charcoal, of all kinds, per ton	0	6
Clay, per ton	0	3
Chalk, per ton	0	3
Cloth, hair, per cwt.	0	2
Ditto, linen, per cwt.	0	4
Cloth, sack, per cwt.	0	2½
Ditto, woollen, and other woollen goods, per cwt.	0	4
Coals, per ton	0	6
Copper, wrought or unwrought, per cwt.	0	1
Ditto, ore per ton	0	6
Copperas, per cwt.	0	3
Coprolite, per ton	0	6
Cordage, twine, and netting, per cwt.	0	1
Cork and corks, per cwt.	0	2
Corn and grain, viz:		
Wheat, barley, beans, oats, peas, tares, rye, Indian corn, and malt, per quarter	0	2
Cotton, per cwt.	0	2
Cream of tartar, per cwt.	0	4
Cutch and Gambia, per cwt.	0	3
Deals and deal ends. (*See* Wood.)		

A.D. 1882.

Eyemouth.

	s.	d.
Dimities, per cwt.	0	2
Drugs, per lb.	0	0½
Dusters, brooms, and brushes, per doz.	0	1
Dyeing stuffs, not otherwise charged, per cwt.	0	1
Earthenware, per cwt.	0	6
Eggs, per chest of 1,600	1	0
Ditto per 120	0	1
Esparto grass, per ton	1	0
Feathers, flock, and quills, per cwt.	0	2
Fish, viz.:		
Herrings, fresh, when landed, per 37½ gallons	0	2
Ditto, cured, export or import, per cwt.	0	1
Salmon, fresh, salt, or dried, per cwt.	0	1½
Other fish, fresh, when landed, per cwt.	0	1½
Ditto, cured, export or import, per cwt.	0	1½
Fish offal and refuse, per cwt.	0	0½
Livers, per cwt.	0	0½
Flax, dressed or undressed, per cwt.	0	1
Ditto, if in bulk, per cwt.	0	1½
Flour, groats, or meal, per 20 stones	0	3
And if in bulk, per cwt.	0	1½
Fruit of all kinds, not otherwise charged, per cwt.	0	4
Ditto, per bushel	0	1
Fuller's earth, per cwt.	0	0½
Glass, window, per cwt.	0	3
Ditto, broken, per cwt.	0	1
Glasses, decanters, and other white glass, per cwt.	0	6
Glue and gum, per cwt.	0	2
Greaves, per cwt.	0	1
Groceries, viz.:		
Coffee, sugar, confections, dried fruits, molasses, ginger, spices, rice, soap, tobacco, snuff, &c., manufactured or unmanufactured, per cwt.	0	4
Gunpowder, per cwt.	0	4
Haberdashery and millinery goods, per cwt.	0	4
Hair (horse or cattle), per cwt.	0	4
Handscoops, per dozen	0	0½
Handspikes, dressed, per dozen	0	6
Hats, per stone	0	6
Hay, per ton	1	6
Hemp, per ton	1	8
Hides, skins, and pelts, per cwt.	0	2
Horses and mules, each	1	0
Hoops, wooden, per cwt.	0	0½
Ditto, iron, per cwt.	0	2
Hops, per cwt.	0	4

	s.	d.
Horns, or horn tips, per cwt.	0	2
Hosiery and clothing of all kinds, per cwt.	1	0
Household furniture, per cwt.	0	3
Husbandry implements and utensils, per cwt.	0	2
Ice, per ton	0	6
Indigo, per cwt.	0	4
Iron, viz.:		
Pig iron, per ton	0	6
Cast iron, per ton	1	0
Wrought and bar, per cwt.	0	1
Broken or old, per ton	0	6
Ironmongery goods, per cwt.	0	1
Isinglass, per cwt.	0	2
Kelp, per ton	0	6
Lard and grease, per cwt.	0	2
Lathwood. (*See* Wood.)		
Lead, per cwt.	0	1
Ditto, white, red, or black per cwt.	0	1
Lead shot, per cwt.	0	1
Leather, per cwt.	0	2
Lemons or oranges, per cwt.	0	6
Lime, per ton	0	6
Live animals not otherwise charged, each	0	3
Manures, artificial, guano, bonedust, phosphates, &c., per ton	1	0
Manure, street dung, and the like, per ton	0	1½
Marble, per ton	1	6
Mats, per 120	0	6
Musical instruments of all kinds, per cwt.	0	6
Mussels, per ton	0	6
Nuts, per cwt.	0	2
Oakum, per cwt.	0	0½
Oil, per cwt.	0	1
Oilcake, and feeding stuffs not otherwise charged, per cwt.	0	0½
Paints of all kinds, per cwt.	0	1
Paper and millboards of all kinds, per cwt.	0	2
Peats, per ton	0	3
Pewter, per ton	1	8
Pipes, tobacco, per cwt.	0	6
Pitch, per cwt.	0	1
Plaster, of Paris, per cwt.	0	1
Potatoes, per ton	0	6
Pyrites, per ton	0	6
Quicks or twigs, per cwt.	0	2
Rags, old ropes, marine stores, &c., per ton	0	6
Rosin, per cwt.	0	1
Rotten stone, per cwt.	0	1

A.D. 1882.
Eyemouth.

A.D. 1882.

Eyemouth.

	s.	d.
Rugs, per cwt.	0	4
Sails, per 50 yards	0	2
Salt, per ton	0	6
Salts, Glauber, per cwt.	0	4
Saltpetre, per cwt.	0	2
Seeds, viz.:—		
Clover, per cwt.	0	1
Flax and rape, per cwt.	0	0½
Hemp and canary, per cwt.	0	1
Mustard, per cwt.	0	2
Ryegrass, per quarter	0	1
Turnip, per bushel	0	1
Garden seeds, and all others not before mentioned, per cwt.	0	2
Scythe or whetstones, per 120	0	2
Sheep and lambs, each	0	2
Shoes and boots, per cwt.	0	6
Sickles, per cwt.	0	2
Sieves, per cwt.	0	2
Silk, wrought or unwrought, per cwt.	0	6
Slates, per ton	0	6
Smelts, per cwt.	0	1
Soot, per ton	0	6
Spades and shovels, per dozen	0	2
Spirits and wines of all kinds not otherwise charged, British or foreign, per 10 gallons	0	4
Spokes, carriage, waggon, or cart, per 120	0	1
Starch, per cwt.	0	2
Staves, barrel, per 120	0	1
Hogshead, per 120	0	2
Pipe, per 120	0	3
Cutting, or board ends, per 1,000	0	2
Steel, per cwt.	0	1
Stones, viz.:		
Rubble, per ton	0	2
Freestone, per ton	0	4
Pavement, per ton	0	4
Curb, per ton	0	4
Paving and causeway stones, per ton	0	2
Grindstones, each	0	4
Millstones, each	1	6
Ragstones, per 120	0	2
Gravestones, each	2	0
Straw, per ton	1	0
Sulphur ore, per ton	0	6
Tar, per cwt.	0	6
Tea, per cwt.	0	6

	s.	d.
Tiles, viz.:		
Drain tiles, per 1,000	0	6
Pan tiles, per 1,000	0	6
Maltster's, per 1,000	0	10
Tin and tin plates of all kinds, per ton	1	0
Tow, per cwt.	0	1
Toys of all kinds, per cwt.	0	2
Treenails, per 1,000	0	2
Trees, young, per cwt.	0	2
Turnips and mangold, and the like, per ton	0	4
Turpentine, per cwt.	0	1
Varnish, per cwt.	0	1
Vitriol, per cwt.	0	1
Whalebone, per cwt.	0	1
Wheels, carriage or cart, per pair	0	3
Whiting, per ton	0	6
Wire and wire netting, per cwt.	0	1
Wood: on all timber of any denomination, not otherwise charged, per 50 feet	0	4
Mahogany, per 40 feet	1	0
Wool, per cwt.	0	6
Yarn, cotton, per cwt.	0	2
Linen, per cwt.	0	2
Wick for candles, per cwt.	0	2
Woollen, per cwt.	0	2
Yeast, per cwt.	0	2
All heavy articles not particularly mentioned in the schedule, per ton	0	6
Every article, however small, not otherwise charged	0	$0\frac{1}{2}$

All goods not enumerated in the above schedule to be charged in proportion to other goods of a similar kind specified in the schedule.

In charging the rates on goods for any less weight, measure, or quantity than those above specified the proper proportion shall be charged.

Goods imported and shifted to another vessel for exportation, and not landed, to pay only single duty.

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.

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

All articles left upon any of the piers or quays, or other part of the harbour and works, more than 24 hours, to be charged one half of the foregoing rates for each 24 hours or part thereof of additional time, over and above the rates specified in the schedule.

A.D. 1882.

PART IV.—RATES ON PASSENGERS AND PASSENGERS' LUGGAGE.

Eyemouth.

	s.	d.
For each passenger embarking or disembarking - - -	0	1
The personal luggage of each passenger not to be charged if not exceeding one cwt., but if exceeding one cwt. the excess to be charged for each cwt. or part thereof - - - -	0	1

Greenock.

GREENOCK.

Order for amending the Greenock Harbour Acts, 1866, 1867, 1872, *and* 1880, *and conferring further powers on the Trustees of the Port and Harbours of Greenock.*

Short title.

1. This Order may be cited as The Greenock Harbour Order, 1882; and this Order, and The Greenock Port and Harbour Acts, 1866, 1867, 1872, and 1880, as amended and varied by this Order, shall be read and construed together as one Act or Order.

Power to construct works.

2. 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 may require from time to time before completion of the works, in order to prevent injury to navigation, the Trustees of the port and harbours of Greenock (in this Order called the Undertakers) may, in the lines and situations and according to the levels shown on the deposited plan and sections so far as the same are shown thereon, and within the limits of deviation shown on the plan, make and maintain the embankments and wharf or quay and works authorised by this Order.

Description of works.

3. The works authorised by this Order include:—

(i.) A river embankment, in this Order called the River Embankment No. 1, to be wholly situate in the parish of Greenock or east parish of Greenock, and county of Renfrew, in extension of the River Embankment No. 6, authorised by The Greenock Harbour Act, 1880, (in this Order called the Embankment No. 6,) commencing by a junction with the Embankment No. 6, at the point of its termination, as authorised to be constructed in conformity with the provisions of The Greenock Harbour Act, 1880; proceeding thence in an east-south-eastwardly direction for a distance of 435 yards or thereabouts, along the Ladyburn bank and the river Clyde, and terminating there with a circular pier-head at a point 166 yards, or thereabouts, measured in a north-north-westwardly direction, from the north-west corner of the boundary wall of the Greenock Corporation Gas-works at Inch Green:

(ii.) An embankment, in this Order called the Embankment No. 2, wholly situate in the parish of Greenock or east parish of Greenock, and county of Renfrew, in extension of the Embankment No. 5, authorised by The Greenock Harbour Act, 1880, (in this Order called the Embankment No. 5,) commencing at or near the eastern terminntion of the Embankment No. 5, as authorised to be constructed in conformity with the provisions of The Greenock Harbour Act, 1880; proceeding thence in an east-south-eastwardly direction for a distance of 435 yards, or thereabouts, from thence in an eastwardly direction for a distance of 38 yards or thereabouts, and from thence in a north-north-eastwardly direction for a distance of

130 yards, or thereabouts, and terminating there at a point 90 yards, or thereabouts, measured in a north-westwardly direction, from the north-west corner of the boundary wall of the said Corporation Gasworks:

(iii.) A wharf or quay, in this Order called the Wharf No. 3, wholly situate in the parish of Greenock or east parish of Greenock, and county of Renfrew, commencing at the termination of the Embankment No. 2, extending thence in a west-north-westwardly direction for a distance of 18 yards, or thereabouts, thence in an east-north-eastwardly direction for a distance of 190 yards, or thereabouts, thence in a south-south-westwardly direction for a distance of 18 yards, or thereabouts, and terminating at a point 122 yards, or thereabouts, measured in a north-eastwardly direction, from the north-west corner of the boundary wall of the said Corporation Gasworks:

(iv.) A river embankment, in this Order called the River Embankment No. 4, wholly situate in the parish of Greenock or east parish of Greenock, commencing at the termination of the Wharf No. 3, proceeding thence in an east-south-eastwardly direction for a distance of 147 yards or thereabouts, and terminating at or near the westward termination of the pier or jetty at Inch Green, as authorised to be constructed in conformity with the provisions of The Greenock Harbour Act, 1880.

And the Undertakers may construct and maintain in connection with the proposed works all necessary locks, docks, gates, sluices, piers, quays, wharves, jetties, landing-places, railways, tramways, cattle-pens, refreshment or other buildings and rooms, roads, approaches, warehouses, offices, sheds, coal tips, staiths, bridges, cranes, weighing-machines, and other works and conveniences.

Power to deviate.

4. Subject to the provisions in this Order contained, the Undertakers may, with the consent of the Board of Trade, deviate laterally from the lines of the works authorised by this Order to the extent marked on the deposited plan, and vertically from the levels shown on the deposited sections to an extent not exceeding five feet.

Provisions as to mode of constructing embankments.

5. The following provisions shall apply to the River Embankment No. 1, the Embankment No. 2, the Wharf No. 3, and the River Embankment No. 4, and shall be binding on the Undertakers and on the Trustees of the Clyde Lighthouses (in this Order called The Lighthouses Trustees) respectively; that is to say,

(A.) The River Embankments No. 1 and No. 4, and the Embankment No. 2, shall be constructed with stone faces on the northern sides thereof, sloping at a rate not steeper than one and a-half horizontal to one perpendicular, and shall be completed by the Undertakers up to at least high-water mark within five years from the passing of the Act confirming this Order; and the River Embankments No. 1 and No. 4 shall be constructed so that the tops of the northern slopes shall not extend northward further than the lines shown on the deposited plans, and described thereon as "Top of northern slope of proposed River Embankment No. 1," and "Top of northern slope of proposed River Embankment No. 4," and the toes of the said slopes shall not extend further northwards than they would do if the said stone face were constructed with a slope of one and a-half to one from the said line:

A.D. 1882.

Greenock.

(B.) The circular pier-head at the termination of the River Embankment No. 1, and also the Wharf No. 3, shall be constructed of open pile work:

(C.) The Undertakers shall not berth or moor vessels on the north side of the River Embankments No. 1 or No. 4 without the authority of Parliament to be hereafter obtained, the objections of the Lighthouses Trustees to any application for such authority being reserved; nor shall the Undertakers berth or moor vessels at the Wharf No. 3 so as to impede or interfere with the free navigation of the river Clyde:

(D.) If at any time during the construction of the River Embankments No. 1 and No. 4, and the Wharf No. 3, or any of them, or after the completion of all or any of them, it shall be agreed between the Undertakers and the Lighthouses Trustees, or the Lighthouses Trustees shall apprehend, and the arbiter under the arbitration herein-after provided shall find, that those River Embankments and Wharf, or any of them, or so much thereof as may have been constructed, are injuriously affecting, or in his opinion are likely so to affect, the channel of the river Clyde as at present existing, or as the same may be improved by the Lighthouses Trustees, the Undertakers shall be bound to construct or form from time to time at their sole cost such remedial works on the northern side of the said channel, between a point opposite Inchgreen Street and a point opposite the entrance to Albert Harbour, as may, within ten years from the passing of the Act confirming this Order, be agreed on, or directed by the arbiter as herein-after provided; and the Undertakers shall be bound to apply for, and use their best endeavours to obtain, in the session of Parliament next ensuing after any such agreement or direction, an Act containing any powers necessary to enable them to execute such remedial works: Provided that if Parliament shall refuse to grant such powers, the Undertakers and the Lighthouses Trustees may agree upon other remedial works to be executed, or either of them may apply to the arbiter to have other or amended works substituted for those first agreed on or directed, with a view to the Undertakers applying to Parliament in the then next ensuing session for powers to execute the same, which they shall be bound to do as aforesaid: Provided always, that on the expiration of the said ten years no further liability shall rest on the Undertakers with reference to the effect of the said River Embankments or Wharf on the channel, except with reference to the completion of works which prior to that date the Undertakers may have agreed or been directed to execute:

(E.) In the event of remedial works being agreed to or directed by the said arbiter as aforesaid, and of the Lighthouses Trustees incurring extra expense in the removal of silting in the course of making or dredging the said channel in consequence of the injury intended to be obviated by such remedial works, it shall be in the power of the said arbiter to award to the Lighthouses Trustees compensation in respect of such extra expense so incurred up to the time of completion of the said remedial works: Provided that, except to the extent above enacted, this provision shall not lessen or affect the obligations of the Lighthouses Trustees under the sixth section of The Clyde Lighthouses Act, 1880:

(f.) If any question shall arise between the Undertakers and the Lighthouses Trustees with reference to the provisions of this section, or as to the due implement thereof, such question shall from time to time be referred to an arbiter to be mutually named by them, or, failing such nomination for one month after a request in writing has been made by the one party to the other to join in the appointment of such an arbiter, then to an arbiter to be appointed by the sheriff depute of Renfrew and Bute on the application of either party, with power to any arbiter who may from time to time be appointed to take all necessary measures to secure the due and prompt implement of the said provisions, and to decern against the parties, or either of them, for all costs, charges, and expenses incurred in the premises, including a reasonable fee for his own trouble.

Incorporation of Lands Clauses Acts.

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

Power to take specified lands by agreement.

7. For the purposes of the works authorised by this Order, the Undertakers may from time to time, by agreement, enter on, take, and use all or any part of the lands, foreshore, and hereditaments shown on the deposited plan as they may think requisite for the purposes of this Order.

Lands for extraordinary purposes.

8. The Undertakers may purchase and hold for extraordinary purposes any lands not exceeding in the whole ten acres.

Penalty for obstructing works.

9. 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 obstructs the said works or any part thereof, shall for such offence be liable to a penalty not exceeding five pounds.

Works authorised to form part of undertaking of harbour trustees, and application of existing fund of Undertakers.

10. The works authorised by this Order shall for all purposes, including the levying and collection of rates, tolls, and dues, be deemed and taken as part of the undertaking of the Undertakers as if the works had been authorised and had been constructed under the authority of the Greenock Harbour Act, 1880; and the Undertakers may apply to the purposes of this Order, and the construction of the works authorised hereby, any moneys now under their control, or which they are at the time of the passing of the Act confirming this Order, or at any time afterwards, authorised to raise for the purposes of their undertaking.

Repeal of sections of Greenock Harbour Act, 1880.

11. Sections 17, 18, 19, and 20 of The Greenock Harbour Act, 1880, are hereby repealed, and the Undertakers are hereby relieved of the obligations imposed by said sections as to dredging the Clyde eastward of Ladyburn.

Amendment of section 76 of Greenock Port and Harbours Act, 1866.

12. Section 76 of The Greenock Port and Harbours Act, 1866, and Schedule B. referred to in and annexed to that Act, shall be read and have effect as if the following provisions had been included therein, and the Undertakers shall have power to levy rates accordingly; that is to say,

(i.) In the case of steam-vessels or steam-boats trading within but not beyond the limits defined by Glasgow, or the junction of the Union Canal with the Forth and Clyde Canal on the east, and the Mull of Kintyre or

A.D. 1882.

Greenock.

the Heads of Ayr, including Lochfine and Lochgilp, on the west, the net register tonnage upon which rates are leviable shall in no case be deemed for the purposes of rating to be less than forty per cent. of the gross register tonnage of such steam-vessels or steam-boats.

(ii.) In the case of steam tugs the net register tonnage upon which rates are leviable shall in no case be deemed for the purposes of rating to be less than eighteen per cent. of the gross register tonnage of such tugs.

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; and section 16 of the General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. 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.

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 dues 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 harbours and works of the Undertakers, and not breaking bulk while making use thereof, be exempt from rates and dues leviable by the Undertakers.

Exemption of custom house officers from rates.

15. Officers of the Board of Trade and of the Customs, being in the execution of their duty, shall at all times have free ingress to, and passage and egress on, along, through, and out of the harbours and works of the Undertakers by land, and with their vessels and otherwise, without payment.

Life-boat crew exempt from tolls.

16. All persons going to or returning from any life-boat, or using any apparatus for saving life, and being persons either belonging to the crew of the life-boat or to the coastguard, or being persons for the time being actually employed in saving life, or in exercising or using the life-boat or the apparatus for saving life, and also all persons brought ashore from any vessel in distress, shall at all times have free ingress, passage, and egress to or along and from the harbours and works without payment.

Life-saving apparatus may be attached to pier.

17. The officers of the coastguard, and all other persons for the time being actually employed in connexion with the life-boat or the apparatus for saving life, may, either permanently or temporarily, and from time to time, without payment, attach or cause to be attached to any part of the harbours and works spars and other apparatus for saving life, and may also, either in course of using or of exercising the apparatus for saving life, fire rockets over any of the harbours and works.

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

18. Sections 16 to 19 inclusive of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Undertakers shall, at their own expense, when directed by the Board of Trade, provide to the satisfaction of the Board of Trade a site near the harbours, and build on such site a house and other proper accommodation for a life-boat rocket apparatus and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Exhibition of lights during the construction of works.

19. Before commencing the works authorised by this Order, the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Undertakers refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works they shall for each offence be liable to a penalty not exceeding ten pounds.

Exhibition of lights after completion of works.

20. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall, at the outer extremity of the harbours and works, or the completed portion thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Lighthouses Trustees, and shall apply to those Trustees for directions as to lighting, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

Powers to cease in certain events.

21. In the following cases, that is to say,

(1.) If within two years from the date 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 a 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 facts stated in such certificate.

Saving rights of Marine Investment Company.

22. Nothing in this Order contained shall affect the rights and interests of the Marine Investment Company (Limited), or the liquidators thereof, under any agreement entered into between them and the Glasgow and South-western Railway Company for the acquisition of land belonging to the Marine Investment Company (Limited), or liquidators thereof, or otherwise.

Saving rights under Crown Lands Act, 1866.

23. 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.

Costs of Order.

24. All the costs, charges, and expenses of and incident to the preparation and obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Undertakers out of their harbour revenues.

A.D. 1882.

ROTHESAY.

Rothesay.

Order for amending the Act and Order relating to the Harbour of Rothesay and for conferring further powers on the Trustees of that Harbour.

Short title.

1. This Order may be cited as the Rothesay Harbour Order, 1882, and the Act 1 and 2 William 4 chapter 34 (Local and Personal), in this Order called the Local Act, and the Rothesay Harbour Order, 1867 (in this Order called the Order of 1867), so far as not repealed and as amended and varied by this Order, and this Order, shall be read and construed together as one Act or Order; and the Local Act, and the Order of 1867, and this Order may for all purposes be cited together as the Rothesay Harbour Act, 1831, and the Rothesay Harbour Orders, 1867 and 1882.

Incorporation of Trustees.

2. The Trustees acting under the Local Act and the Order of 1867 shall be and they are hereby incorporated by the name "the Rothesay Harbour Trustees" (in this Order called the Trustees), and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, lease, take, hold, and dispose of lands and other property for the purposes of the Local Act, the Order of 1867, and this Order, but subject to the restrictions of this Order.

Qualification and election of shipowners' Trustees.

3. With respect to the qualification and election of Trustees by shipowners the following provisions shall have effect:—

(*a.*) Section 1 of the Local Act shall be read and have effect as if the words "or belonging to Rothesay" had not been inserted therein;

(*b.*) Section 2 of the Local Act shall be read and have effect as if the words "or belonging to" had not been inserted therein;

(*c.*) No owner or part owner of a vessel or vessels shall be qualified to be elected one of, or to vote in the election of the four Trustees to be elected in the manner provided by the Local Act, (in this Order called the four Trustees,) unless he resides in Rothesay, and is the owner or part owner of a vessel or vessels trading to or from Rothesay in respect of which rates have been paid to the Trustees at any time during one year previous to each such election;

(*d.*) The four Trustees shall retire from office at each annual election of the four Trustees and shall be eligible for re-election.

Incorporation of Lands Clauses Acts.

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

Power to take lands by agreement.

5. For the purposes of the works authorised by this Order the Trustees may from time to time by agreement enter on, take, and use all or any part of the lands, foreshore, and hereditaments shown on the deposited plan, as they may think requisite for the purposes of this Order.

Limits of harbour.

6. The limits of the harbour as defined by section 7 of the Order of 1867 shall be deemed the limits within which the Trustees shall have authority and to which the power to levy rates extends, and within which the powers of the harbour master may be exercised.

Power to construct works.

7. Subject to the provisions of this Order, and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order, as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation, the Trustees may, 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.

Works authorised.

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

(*a.*) A wharf or pier extending from the north-west extremity of the front or north pier of the said harbour of Rothesay 256 feet or thereby in a north-westerly direction, to a point opposite to and at a distance of 250 feet or thereby from the north-west corner of the ground formerly the ship-building yard the property of the Trustees.

(*b.*) The building up of the lower part of the small boat slip at the north-west extremity of the front or north pier, and the construction of a new small boat slip at or near the north-west extremity of the front or north pier.

(*c.*) The deepening, cleansing, and scouring of the harbour and the entrance thereto.

All which works will be situated at and in the Royal Burgh and parish of Rothesay and Bay of Rothesay, adjoining and in the county of Bute, and the Trustees may construct and maintain in connection with the proposed works all necessary locks, docks, gates, sluices, piers, quays, wharves, jetties, landing-places, railways, tramways, cattle pens, refreshment or other buildings, and rooms, roads, approaches, warehouses, offices, sheds, coal tips, staiths, bridges, cranes, weighing machines, and other works and conveniences.

Power to deviate.

9. The Trustees may, with the consent of the Board of Trade, deviate laterally from the lines of the works authorised by this Order to the extent marked on the deposited plan, and vertically, from the levels shown on the deposited section to any extent not exceeding five feet.

Penalty for obstructing works.

10. Every person who wilfully obstructs any person acting under the authority of the Trustees 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 obstructs the said works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Repeal of portions of Local Act.

11. The fifteenth and twentieth sections of the Local Act, together with the schedule A to that Act, shall be and the same are hereby repealed; nevertheless the Trustees shall be and remain entitled to recover and receive money which shall have become due and payable to them under the Local Act at the time when this section of this Order takes effect.

A.D. 1882.

Rothesay.

New rates.

12. The Trustees may, in lieu of the rates authorised by the fifteenth section of the Local Act, and subject and according to the provisions of the Order of 1867 and of this Order, for the use of the harbour and of the pier and works authorised by the Local Act, the Order of 1867, and this Order, demand and receive in respect of vessels, goods, fish, persons, animals, and things described in the schedule to this Order, any sums not exceeding the several rates specified in the same schedule.

Rates to be revised.

13. The Trustees shall from time to time revise the rates received by them under the Order of 1867 and this Order, so that the income of the Trustees under that Order and this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of the Local Act, the Order of 1867, and this Order, and if at any time and from time to time the clear annual income derived from the harbour, pier, and works, on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of the Local Act, the Order of 1867, and this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under the Order of 1867 and this Order to such extent as will be sufficient to provide the amount aforesaid, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding those authorised by the Order of 1867 and this Order.

Trustees to send annual account to Board of Trade.

14. The Trustees 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, and section sixteen of the General Pier and Harbour Act (1861) Amendment Act shall apply to and include any and every such account. If the Trustees 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 tolls.

15. 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, pier and works, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Custom House officers exempt from rates.

16. 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 of the Trustees by land and with their vessels and otherwise without payment.

Lifeboat crew exempt from toll.

17. All persons going to or returning from any lifeboat or using any apparatus for saving life, and being persons either belonging to the crew of the lifeboat or to the coastguard, or being persons for the time being actually employed in saving life, or in exercising or using the lifeboat or the apparatus for saving life, and also all persons brought ashore from any vessel in distress shall at all times have free ingress, passage, and egress to or along and from the harbour, pier, and works without payment.

Life-saving apparatus may be attached to the pier.

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

Trustees may license pleasure boats.

19. The Trustees may from time to time license such number of pleasure boats and such number of persons to let the same for such period and on such terms and conditions as they think fit.

Harbour master may prevent sailing of vessels.

20. The harbour master may prevent the removal or sailing out of the harbour of any vessel or boat in respect of which any rates shall have been payable until evidence shall have been produced to him of the payment of such rates to the collector, and until the master or owner of such vessel or boat shall have given in an account of his cargo.

Application of recited Acts to this Order.

21. The whole provisions of the Local Act and the Order of 1867, so far as the same remain in force, and as applicable, shall extend and be applicable to the works authorised by this Order.

Power to borrow money.

22. The Trustees may from time to time borrow, on the security of the rates and dues hereby authorised, any sum or sums of money not exceeding five thousand pounds, and if after having borrowed the money by this Order authorised to be borrowed, or any part thereof, the Trustees pay off the same or any part thereof, they may again borrow the amount so paid off and so from time to time.

Power to borrow on cash account.

23. The Trustees may accept and take from any bank or banking company, credit on a cash account to be opened and kept with such bank or banking company in the name of the Trustees, according to the usage of bankers in Scotland to the extent of the sum which the Trustees are by the Local Act, the Order of 1867, and this Order authorised to borrow, and may assign the rates by the Order of 1867 and this Order authorised in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon. Provided always, that the whole principal sums due and owing by the Trustees on such cash account and for money otherwise borrowed by them on the security of such rates and dues shall not, when taken together, exceed the sums by the Local Act, the Order of 1867 and this Order authorised to be borrowed.

Existing mortgages to have priority.

24. All mortgages and securities granted by the Trustees for the purposes of the harbour and works, and which shall be subsisting at the time of the passing of the Act confirming this Order, shall, during the continuance of such mortgages and securities, constitute a charge on the rates leviable under the Order of 1867 and this Order, and shall have priority over all mortgages or securities to be granted or created by the Trustees under the authority of this Order.

A.D. 1882.

Rothesay.

Application of money borrowed.

25. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by the Local Act, the Order of 1867, and this Order, and for payment of the expenses of this Order as in this Order provided.

Works authorised to form part of undertaking of Trustees.

26. The works authorised by this Order shall for all purposes, including the levying of rates, be deemed and taken as part of the undertaking of the Trustees as if such works had been authorised by and had been constructed under the authority of the Local Act and the Order of 1867, and the Trustees may apply to the purposes of this Order any moneys now under their control or which they are authorised to raise for the purposes of their undertaking.

Byelaws to be approved by Board of Trade.

27. Byelaws made by the Trustees 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.

Portions of Harbours Clauses Act excepted.

28. Sections 16, 17, 18, and 19, and 25 and 26, of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Trustees shall, whenever required by the Board of Trade, provide at their own expense, and to the satisfaction of the Board of Trade, a site near the harbour, and build on such site a house and other proper accommodation for a life-boat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Lights to be exhibited during construction of works.

29. Before commencing the works authorised by this Order, the Trustees shall apply to the Board of Trade for directions as to the lights to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given, as to lights by the Board of Trade during the construction of the works, and compliance with the directions so given shall satisfy and be in the place of every other statutory requirement as to lights during the construction of the works. If the Trustees refuse or neglect to observe any direction of the Board of Trade, as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding ten pounds.

Lights after completion of works.

30. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Trustees shall, at the outer extremity of their piers and works, or the completed portions thereof, exhibit from sunset to sunrise such light or lights as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting; and the Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

Powers to cease in certain events.

31. In the following cases (that is to say):—

1. If within three 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 respectively 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.

Saving of rights under Crown Lands Act, 1866.

32. 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 consent of the Board of Trade having been first obtained.

Costs of Order.

33. All the costs, charges, and expenses of and incident to the preparation and obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Trustees out of their harbour revenues or out of moneys borrowed by them.

The SCHEDULE to which the foregoing Order refers.

Table I.

Rates on vessels entering or using the harbour for shipping, unshipping, or transhipping goods or passengers, or taking advantage of the piers or buoys of the trustees:—

		s.	*d.*
For every vessel (other than a steam vessel or steamboat) of the burden of 15 tons and upwards - -	per register ton	0	4
For every such vessel of the burden of 10 tons but under 15 tons	per register ton	0	3
For every vessel of the burden of 5 tons but under 10 tons - -		1	6
For every vessel or boat under 5 tons - - - -		1	0
For every steam vessel or steamboat of the burden of 20 tons and upwards - - - - -	per register ton	0	2
For every steam vessel or steamboat of the burden of 10 tons but under 20 tons - - - -	per register ton	0	1½

Table II.

Rates on vessels lying at or taking advantage of the piers, quays, jetties, or buoys of the trustees:—

For every vessel, boat, steam vessel, or steamboat remaining beyond 10 days, for each additional week or fraction of a week—		*s.*	*d.*
If of the burden of 15 tons and upwards - -	per register ton	0	2
If of the burden of 10 tons and under 15 tons -	per register ton	0	1½
If of the burden of 5 tons and under 10 tons - - -		0	9
If under the burden of 5 tons - - - - -		0	6

A.D. 1882.

Rothesay.

In the case of steam vessels or steamboats the net register tonnage upon which the rates are to be levied under this Order shall in no case be deemed for rating purposes to be less than the following; that is to say,

In the case of steam tugs, 18 per cent. of the gross register tonnage of such tugs.

In the case of other steam vessels or steamboats, 40 per cent. of the gross register tonnage of such steam vessels or steamboats.

In all cases a fraction of a ton shall be charged as a ton.

Table III.

Rates on licensed pleasure boats:—	s.	d.
For each pleasure boat licensed to be let within the harbour per annum	5	0

Table IV.

Rates on animals and goods shipped, unshipped, or transhipped at the piers, quays, jetties, buoys, and landing-places of the trustees:—

		£	s.	d.
Aërated waters	per ton	0	1	4
Apples	per cwt.	0	0	1
Ale and beer	per ton	0	0	10
Ale, bottled	per ton	0	1	4
Bark	per ton	0	0	8
Barrels, empty	per 100	0	2	0
Beef or pork	per ton	0	0	8
Blubber	per 252 gallons	0	1	0
Bone dust	per ton	0	0	6
Bones of cattle	per ton	0	0	4
Bottles	per gross	0	0	2
Bricks	per ton	0	0	3
Butter	per cwt.	0	0	1
Casks, empty, not being returned packages	per 5 cubic feet	0	0	1
Other casks in proportion.				
Cattle:—				
Bulls, cows, oxen, and horses	each	0	0	6
Calves and pigs	each	0	0	3
Sheep and lambs	each	0	0	1
Chalk	per ton	0	0	6
Cement	per ton	0	0	6
Cheese	per ton	0	0	6
Clay, fire, manufactured	per ton	0	0	6
Clay, common	per ton	0	0	2
Cloth, haberdashery, &c.	per ton	0	1	0
Coaches:—				
Chaises and other four-wheeled carriages	each	0	1	0
Gigs, carts, and other two-wheeled carriages	each	0	0	8
Coals of all kinds, and culm	per ton	0	0	3

		£	s.	d.
Copper - - - - - - -	per ton	0	0	6
Corks - - - - - - -	per 2½ cwt.	0	0	1
Corn:—				
Wheat, malt, barley, beans, peas, tares, oats, rye, buck wheat, maize, and Indian corn - - - - -	per ton	0	0	6
Cotton - - - - - - -	per ton	0	1	0
Crystal - - - - - - -	per cwt.	0	0	1
Dissolved bones, and other artificial manure - - -	per ton	0	0	6
Dogs, sporting only - - - - -	each	0	1	0
Drugs - - - - - - -	per cwt.	0	0	1
Draff - - - - - - -	per ton	0	0	5
Earthenware - - - - - -	per cwt.	0	0	1
Eggs - - - - - - -	per ton	0	1	0
Fish, dried and salted - - - -	per ton	0	0	6
Haddocks, cod, salmon, and all fresh fish not enumerated	per cwt.	0	0	2
Flax - - - - - - -	per ton	0	0	8
Flour - - - - - - -	per ton	0	0	6
Glass - - - - - - -	per cwt.	0	0	1
Groceries:—				
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like - - -	per ton	0	1	0
Guano - - - - - - -	per ton	0	0	6
Gunpowder - - - - - -	per cwt.	0	0	2
Hardware - - - - - - -	per ton	0	1	4
Hares and rabbits - - - - -	per dozen	0	0	2
Any less quantity - - - - -	-	0	0	1
Hay and straw - - - - - -	per ton	0	0	8
Hemp - - - - - - -	per ton	0	0	10
Herrings:—				
Fresh - - - - - -	per 37½ gallons	0	0	2
Cured - - - - - -	per 26 gallons	0	0	2
Hides:—				
Ox, cow, or horse, salted or dried - - -	per ton	0	0	8
Calf skins and sheep skins - - -	per 120	0	0	6
Lamb skins - - - - -	per 120	0	0	3
Hoops of wood - - - - -	per 120	0	0	1
Household furniture - - - - -	per ton	0	1	0
Husbandry utensils - - - - -	per ton	0	0	6
Iron:—				
Bar, bolt, rod, sheet, and hoop - - -	per ton	0	0	6
Pipes, rails, pig, or other iron - - -	per ton	0	0	3
Kelp - - - - - - -	per ton	0	0	4
Lead, all kinds - - - - - -	per ton	0	0	6
Leather, tanned and dressed - - - -	per ton	0	0	8
Lime - - - - - - -	per ton	0	0	4

A.D. 1882.

			£	s.	d.
Rothesay.	Loam or moulding sand	per ton	0	0	2
	Machinery	per ton	0	0	6
	Manure, street	per ton	0	0	2
	Meal	per ton	0	0	6
	Milk	per ton	0	1	8
	Musical instruments	per cwt.	0	0	1
	Nitrate of soda	per ton	0	0	6
	Oils	per ton	0	0	6
	Ores :—				
	Copper, iron, lead, and other ores	per ton	0	0	2
	Passengers luggage not exceeding 5 cwt. free.				
	All above 5 cwt.	per $2\frac{1}{2}$ cwt.	0	0	1
	Peats	per ton	0	0	3
	Phosphate rock	per ton	0	0	4
	Pitch	per cwt.	0	0	1
	Porter	per ton	0	0	10
	Porter, bottled	per ton	0	1	4
	Potatoes	per ton	0	0	4
	Poultry, including pigeons, game, &c.	per dozen	0	0	2
	Rags, old ropes, and the like	per ton	0	0	6
	Rape cakes	per ton	0	0	6
	Salt	per ton	0	0	5
	Seeds	per ton	0	0	6
	Slates	per ton	0	0	4
	Spirits	per ton	0	1	0
	Stones :—				
	Freestone, pavement and granite	per ton	0	0	3
	Scythe stones	per score	0	0	1
	Millstones	each	0	0	6
	Limestones and other stones	per ton	0	0	2
	Steel	per ton	0	0	6
	Sugar	per ton	0	0	6
	Sulphate of ammonia	per ton	0	0	6
	Tallow	per ton	0	1	0
	Tar	per ton	0	1	0
	Tea	per ton	0	1	8
	Tiles, roofing	per ton	0	0	4
	Tiles or pipes for draining	per ton	0	0	4
	Tin of all kinds	per ton	0	0	6
	Tobacco	per ton	0	0	8
	Treenails	per ton	0	0	8
	Turnips	per ton	0	0	4
	Turpentine	per ton	0	1	0
	Vegetables	per ton	0	0	6
	Vinegar	per ton	0	1	0
	Vitriol	per ton	0	1	0

		£	s.	d.
Whalebone	per ton	0	1	6
Whiting	per ton	0	0	4
Wine	per ton	0	1	6
Wood:—				
Fir, pine, and other descriptions not enumerated, square timber	per ton	0	0	4
Oak or wainscot	per ton	0	0	6
Firewood	per ton	0	0	6
Laths and lathwood	per ton	0	0	6
Hand spokes	per 120	0	0	8
Oars	per 120	0	1	3
Propwood, per 1,000 lineal feet		0	0	10
Spars under 22 feet in length, above 2½ and under 4 inches in diameter	per 120	0	1	6
Spars 2½ inches in diameter and under	per 120	0	1	0
Spars 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	0	3	4
Spars of all lengths above 4 and under 6 inches in diameter	per 120	0	8	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	0	3
Spokes exceeding 2 feet in length	per 120	0	0	4
Wedges	per 1,000	0	0	8
Pipe staves and others in proportion	per 120	0	0	8
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	0	0	10
Wool	per ton	0	1	0
Yarn	per ton	0	1	0
Zinc	per ton	0	0	6
All articles not specified in the preceding table may be charged	per ton	0	1	6

In charging the preceding rates the gross weight or measurements to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged. Each portion of any weight, measure, or quantity may be charged according to the number of quarters of such weight, measure, or quantity contained therein, and any fraction of a quarter shall be deemed a quarter.

Table V.

Rates on passengers:—

	£	s.	d.
For every passenger landing on or embarking from any of the piers, quays, and jetties from or on any steam vessel, for every time	0	0	2

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