CHAPTER iv.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Banff Bognor Dunoon Swanage and Whitehills. [5th September 1895.]

A.D. 1895.

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 as amended and 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.

Special provisions as to houses of labouring class.

2. The undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district in England or in Scotland in any district within the meaning of the Public Health (Scotland) Act 1867 as the case may be ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied:

A.D. 1895.

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

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1895, Session 2.

THE SCHEDULE OF ORDERS.

1. Banff.—Amendment of local Act.
2. Bognor.—Amendment of Order of 1893.
3. Dunoon.—Construction of piers.
4. Swanage.—Extension of pier.
5. Whitehills.—Construction of harbour works and constitution of Harbour Authority.

BANFF.

A.D. 1395.

Banff.

Order for amending an Act passed in the Third and Fourth Years of the Reign of Her Majesty Queen Victoria relating to Banff Harbour and for conferring further Powers upon the Banff Harbour Trustees.

Short title. Order to be read with Act of 1840.

1. This Order may be cited as the Banff Harbour Order 1895 and shall be construed as one with so much of the following Act as relates to Banff Harbour namely An Act passed in the third and fourth years of the reign of Her Majesty Queen Victoria entituled an Act for Regulating the Municipal Government and Expenses of the Royal Burgh of Banff North Britain for establishing an effective police within the same and also for maintaining improving and regulating the harbour of the said royal burgh (in this Order referred to as the Act of 1840) and this Order and the Act of 1840 as amended and varied by this Order shall be read and construed together as one Act or Order.

Interpretation.

2. In this Order the expression the Trustees means the Trustees as constituted by the Act of 1840 and this Order and the expression the harbour means the port and harbour of Banff as defined in the Act of 1840.

Repeal of sections 103 and 139 of Act of 1840 and new provisions as to qualification of electors for and of Shipowners' Trustees and of Traders' Trustees.

3. From and after the passing of the Act confirming this Order sections one hundred and three and one hundred and thirty-three of the Act of 1840 shall be and the same are hereby repealed and in lieu of the provisions of section one hundred and three the following provisions shall have effect:

The persons who shall be qualified and entitled to elect and to be elected as Shipowners' Trustees shall be every person in the royal burgh of Banff who shall be at the time of election a registered owner or part owner in his own right or in right of his wife or as Trustee for a shipping company of any ship fishing boat or other vessel trading to or from or belonging to the harbour and who shall be liable in payment of rates as such under the Act of 1840 or this Order and the persons who shall be qualified to be elected as Traders' Trustees shall be persons resident within the said burgh who shall at the time of election actually carry on trade or business within the said burgh and be liable as traders in payment of rates under the Act of 1840 or this Order.

Application of Act of 1840 to Shipowners' and Traders' Trustees and electors.

4. All the provisions of the Act of 1840 with reference to Shipowners' and Traders' Trustees and the electors of such Trustees as the same are varied by this Order shall apply to Shipowners' and Traders' Trustees and the electors of such Trustees as provided by this Order:

Amendment of section 117 of Act of 1840.

5. On and from the first Monday in the month of September 1895 so much of section one hundred and seventeen of the Act of 1840 as provides that the quorum of the Trustees shall be five is hereby repealed and the number of the Trustees to form a quorum shall be three.

Repeal of certain schedules of Act of 1840 and re-enactment of new

6. On and from the first Monday in the month of September 1895 the Schedules D. and F. annexed to the Act of 1840 shall be and the same are hereby cancelled and repealed and the schedule to this Order annexed shall be and the same is hereby substituted in place of the schedules so cancelled and repealed and all the provisions of the Act of 1840 having relation to the schedules so

schedules in lieu thereof. Saving as to rates &c. becoming due under schedules repealed.

cancelled and repealed including the provision having relation to the security over such rates for borrowed money shall be read and have effect as if the schedule to this Order had been annexed to and formed part of the Act of 1840 Nevertheless all dues rates and moneys becoming due before the first Monday in the month of September 1895 may be received and recovered in like manner as if this Order had not been made.

Revision of rates.

7. The Trustees shall from time to time revise the rates and duties authorised under this Order so that the income of the Trustees under the Act of 1840 and this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of the Act of 1840 and this Order and if at any time and from time to time the clear annual income of the Trustees 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 Act of 1840 and this Order the Board of Trade may if in their discretion they think fit reduce such rates and duties to such sums as will be sufficient to provide the amount aforesaid with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

Annual account to be sent to Board of Trade.

8. The Trustees within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) 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 neglect or refuse 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.

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

Certain officers exempt from rates.

10. The Secretary for Scotland and any person or persons deputed by him and officers of the Board of Trade and of the Fishery Board for Scotland being in the execution of their duty shall at all times have free ingress passage and egress to in through and out of and from the harbour and works by their vessels and otherwise without payment.

Lifeboat crews exempt from rates.

11. All persons going to or returning from any lifeboat or using any apparatus for saving life or 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 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.

Boats not to anchor within Harbour.

12. No vessel or boat shall without the consent of the Trustees or their harbour master anchor within the limits of the harbour No vessel which shall for the time being be out of employment shall be permitted to lie within the limits of the harbour to the interruption or hindrance of the trade or business of

the port and in case of refusal or neglect to comply with any order of the Trustees for the removal of such vessel from the limits of the harbour the owner or person in charge thereof shall be liable to a penalty not exceeding twenty pounds.

Portions of Harbours Clauses Act excepted.

13. Sections sixteen to nineteen and twenty-five and twenty-six 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 lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Harbour lights.

14. The trustees shall at the outer extremity of their harbour and works exhibit during all or any part of the time from sunset to sunrise according to the season of the year and the requirements of the traffic such light or lights if any 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 month during which they omit so to apply or refuse or neglect to obey any direction so given.

Provision against danger to navigation.

15. In case of injury to or destruction or decay of any works in the harbour the Trustees shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Trustees shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Byelaws.

16. The Trustees may make byelaws for the regulation and control of vessels and boats within the harbour and for the regulation and control of the fishermen and other persons and goods and traffic in and on the harbour and works ground or property belonging to the Trustees and used for harbour purposes but such byelaws 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 Provided that all byelaws made and approved under the Act of 1840 shall remain in force until altered or repealed by byelaws made allowed and confirmed under the authority of this section.

Costs of Order.

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

A.D. 1895.

Banff.

SCHEDULE to which the foregoing Order refers.

I.—Tonnage Duties.

	s.	d.
For all vessels whatever entering the harbour to load or unload per register ton - - - - - - - -	0	4
For all vessels wind-bound or otherwise and not loading or unloading per register ton - - - - - -	0	2
For ditto when laid up to winter or remaining in the harbour for any longer period than forty-two days for each month or commencement of a month per register ton - - - - - -	0	3
Vessels launched at the harbour to pay half dues on first voyage if sailing in ballast but if loading to pay full dues.		
Vessels arriving and departing in ballast to pay half dues.		

II.—Duties for Boats exclusive of their Cargoes.

For all boats engaged in the herring fishery at the port in full of tonnage duty including charges for water for the period of their fishing season being from first July to first September payable annually on fifteenth July - - - - - -	1	0	0
All boats loading or discharging herrings not engaged at the port for the season shall on each occasion of entering the harbour pay one shilling each and when wind-bound one shilling each.			
Other boats each loading or discharging - - - - -	0	1	0
Ditto wind-bound - - - - - -	0	1	0
For each white fishing boat for period commencing first September and ending thirty-first January payable in advance - -	0	10	0
For each white fishing boat for period commencing first February and ending thirtieth June payable in advance - -	0	10	0
For each white fishing skiff under seven tons register for period commencing first September and ending twenty-eighth February payable in advance - - - - -	0	2	6
For the like for period commencing March first and ending thirty-first August payable in advance - - - -	0	2	6
For boats and fishing vessels fitting out for or returning from other fishing stations not paying dues as above including dues on furniture - - - - - -	0	2	6

III.—Rates on Goods shipped transhipped or unshipped in the Harbour.

Articles of Import and Export.	Weight or Measure.	Rates.	
		s.	d.
Ale porter and beer - - - -	per gallon - -	0	$0\frac{1}{2}$
„ „ bottled - - -	per cwt. - -	0	6
„ „ „ - - - -	per dozen bottles -	0	1

Articles of Import and Export.	Weight or Measure.	Rates. s.	Rates. d.
Anchors	per cwt.	0	2
Animals. *See* Cattle.			
Ballast	per ton	0	3
Bark :—			
Oak	per ton	1	6
Quercitron	per ton	1	6
Barrels :—			
Empty	each	0	1
With white fish beef pork &c. (exclusive of contents)	each	0	3
Baskets under twelve inches diameter	per dozen	0	6
„ above „ „	per dozen	1	0
Basket rods	per cwt.	0	2
Black beer	per 3 galls.	0	2
Bedding	per cwt.	0	6
Biscuit or bread	per cwt.	0	3
Blubber	per ton	2	0
Bones of cattle &c.	per ton	1	0
„ crushed or bone dust	per ton	1	0
Bottles :—			
Green or common empty	per gross	0	4
Earthen or stone	per gross	0	4
Broken	per cwt.	0	1¾
Bran	per ton	1	0
Brandy. *See* Spirits.			
Brass	per cwt.	0	2
Bricks	per 1,000	1	0
Brooms common	per dozen	0	2
Bulls. *See* Cattle.			
Butter	per cwt.	0	9
Calves. *See* Cattle.			
Carboys empty	each	0	1
Carrots	per ton	0	8
Casks :—			
Puncheons empty	each	0	6
Hogsheads „	each	0	3
Half hogsheads and under empty	each	0	2
Cattle :—			
Bulls	each	2	0
Cows oxen or queys	each	2	0
Calves	each	1	0
Horses	each	3	0
Ponies under 12 hands	each	1	6
Asses or mules	each	1	0
Pigs	each	0	3
Sheep	each	0	2
Lambs	each	0	2
Cattle and horses from Orkney and Shetland	each	0	8
All not enumerated	each	0	6
Cement	per ton	1	6
Chalk	per ton	1	0
Cheese	per cwt.	0	4
Chemical and other artificial manure and manures not enumerated	per ton	1	0
Chimney tops pots or cans	each	0	1
Cinders and charcoal	per ton	1	0

Articles of Import and Export.	Weight or Measure.	Rates.
		s. *d.*
Clay :—		
China or stone	per ton	0 6
Pipe	per ton	0 6
Clocks	each	1 0
Clothiery haberdashery silk mercery hosiery and all such articles	per cwt.	0 6
Coals	per ton	0 6
Cod or ling fresh salted or cured	per hundred	1 3
Codilla	per ton	3 0
Copper	per ton	3 0
„ old	per ton	2 0
„ ore	per ton	1 0
Coprolites	per ton	1 0
Cork	per cwt.	0 6
Corn and meal :—		
Barley and bigg	per quarter	0 1½
„ shelled and pearl	per quarter	0 3
Beans	per quarter	0 2
„ French	per quarter	0 3
Indian corn	per quarter	0 2
Meal of all kinds	per ton	2 0
Malt	per quarter	0 2
Oats	per quarter	0 1½
Pease	per quarter	0 3
„ split	per quarter	0 1½
Rye	per quarter	0 3
Wheat	per quarter	0 3
Flour	per ton	2 0
Cotton wool	per cwt.	0 3
Crystal	per cwt.	0 6
Dogs :—		
Sporting	each	0 8
Sheep &c.	each	0 4
Dung	per ton	0 6
Drugs	per cwt.	0 4
Earthenware	per ton	2 6
Eggs	per cwt.	0 4
Feathers	per cwt.	0 6
Fish :—		
Dry or salted	per cwt.	0 1½
Fresh not enumerated	per cwt.	0 2
Flax	per ton	3 0
Fruit of all kinds	per cwt.	0 4
Furniture (household)	per ton	2 0
Garbage	per cwt.	0 1
Gin. *See* Spirits.		
Gunpowder	per cwt.	0 6
Glass	per cwt.	0 6
Grain and seeds not enumerated	per ton	2 0
Grease	per ton	2 8
Groceries of all kinds	per cwt.	0 4
Guano	per ton	1 6
Hair :—		
Baken	per ton	3 0
Plasterer's	per ton	2 0
Hardware	per cwt.	0 4

Articles of Import and Export.	Weight or Measure.	Rates.
		s. *d.*
Hay	per ton	1 6
Hemp	per ton	3 6
Herrings (salted or cured)	per 26⅔ gallons	0 2
„ (fresh)	per 37½ gallons	0 4
Hoops of wood viz.:—		
Ware and half ware	per 1,200	0 6
Pink and half pink	per 1,200	0 4
Hides wet or dry	each	0 2
„ horses and sheep	per ton	1 6
Iron of all kinds	per ton	1 0
Iron ore	per ton	0 6
Pots	each	0 1
Kelp	per ton	1 6
Kiln pavement	per ton	1 0
Lard	per cwt.	0 6
Lead	per ton	2 0
„ ore	per ton	1 0
„ shot	per ton	3 6
Leather tanned and dressed	per cwt.	0 2
Lemons and oranges	per cwt.	0 6
Lignum vitæ. *See* Wood.		
Lime	per ton	1 0
Loam and common clay	per ton	0 6
Limestone	per ton	1 0
Machinery	per ton	2 6
Mahogany. *See* Wood.		
Meat (fresh)	per cwt.	0 6
Manganese	per ton	1 0
„ ore	per ton	0 6
Marble	per ton	2 8
Mill waste	per ton	1 8
Molasses	per ton	2 0
Oakum	per ton	2 8
Oils of all kinds	per cwt.	0 4
Oilcake	per ton	1 6
Paper	per cwt.	0 4
Passengers' luggage	per cwt.	0 4
Pelts	per ton	2 0
Pewter	per ton	2 0
„ old	per ton	1 0
Paint	per cwt.	0 4
Pipes of all kinds	per cwt.	0 1
Pitch	per cwt.	0 2
Plaster of Paris	per ton	2 8
Plate silver	per cwt.	1 0
Potatoes	per ton	1 0
Poultry and game	per dozen	0 4
Rags and old rope	per ton	1 6
Rape cotton or linseed cakes	per ton	1 6
Ropes and cordage of all descriptions	per ton	2 0
Sails	per ton	2 0
Salt	per ton	0 9
Salmon (fresh)	per cwt.	0 3
Skins—calf goat sheep lamb dog	per dozen	0 6
Slates	per 1,200	1 6
Soda	per ton	2 0

A.D. 1895.

Banff.

Articles of Import and Export.	Weight or Measure.	Rates. s.	d.
Spades or shovels	per dozen	0	2
Spirits of all kinds	per 54 gallons	4	0
" "	per gallon	0	1
Steel	per ton	2	0
Straw	per ton	1	0
Stones:—			
Rubbled freestone	per 16 cubic feet	0	2
Hewn ashlar freestone	per ton	0	3
Rough ashlar freestone	per ton	0	3
Rubble causeway	per ton	0	2
Causeway dressed	per ton	0	2
Pavement dressed	per ton	0	6
Building	per ton	0	2
Curb	per ton	0	3
Gravestones	each	1	0
Scythe stones	per 250	0	4
Grindstones	each	0	6
Millstones	each	2	6
All not mentioned	per ton	0	6
Stucco	per ton	2	8
Stour ware	per ton	2	0
Sugar of all kinds	per ton	2	0
Tallow soap and candles	per cwt.	0	3
Tanners' waste	per ton	1	0
Tar	per cwt.	0	6
Teas	per cwt.	0	4
Tiles pipes &c. for roofing or draining	per ton	0	4
Tobacco	per cwt.	0	4
Tow	per ton	2	0
Turnips	per ton	0	9
Tin and zinc	per ton	3	0
Turpentine and varnish	per gallon	0	$0\frac{1}{2}$
Vegetables not enumerated	per cwt.	0	4
Vinegar	per 54 gallons	0	6
Vitriol	per ton	1	0
Whalebone or whalefins	per ton	2	6
Wheels coach or cart	per pair	0	9
Whitening	per ton	0	9
Wine	per 54 gallons	1	0
„ bottled	per doz. bottles	0	2
Wood:—			
Mahogany lignum vitæ and other fancy woods.	per ton	3	4
Plain timber unmanufactured	per 50 cubic feet	2	0
Sleepers props staves and sawn wood not enumerated.	per one pound value at the port.	0	6
Firewood	per ton	1	0
Laths and lathwood	per ton	2	6
Handspikes	per 120	3	0
Oars	per 120	5	0
Spars under 22 feet in length above $2\frac{1}{2}$ and under 4 inches in diameter.	per 120	5	0
Do. $2\frac{1}{2}$ inches in diameter and under	per 120	4	0
Spars 22 feet in length and upwards and not exceeding 4 inches in diameter.	per 120	9	0

Articles of Import and Export.	Weight or Measure.	Rates.
Wood—*continued.*		*s.* *d.*
Spars above 4 and under 6 inches in diameter.	per 120 - -	14 0
Spokes of wheels - - -	per 120 - -	2 0
Treenails - - - - -	per 1,000 - -	2 6
Wedges - - - -	per 1,000 - -	2 6
Pipe staves and others in proportion -	per 120 - -	2 6
Wool raw of all kinds - - - -	per cwt. - -	0 4
Do. combed - - - - -	per cwt. - -	0 4
Woad or wald - - - - -	per ton - -	2 8
Yarn of all kinds - - -	per cwt. - -	0 2

EXEMPTION FROM THE FOREGOING RATES.

1. All goods landed from any vessel and re-shipped in the same vessel in the original packages and without being transferred from the lander or it such goods have been put into other packages from the original packages having been destroyed or damaged shall only pay duties on landing and may be re-shipped in the same vessel upon her departure outwards without paying rates again.
2. All goods landed from one vessel and re-shipped in the original packages by another vessel shall on landing pay one rate only.
3. All goods transferred from one ship to another in the original packages without being landed shall pay one-half duties only.
4. In case any goods having paid shore dues when loaded shall from any accident or otherwise be unloaded the same shall not be chargeable with a second payment on being re-loaded.
5. The furniture and luggage of fishermen coming to or returning from the herring fishery at the commencement or end of the season are exempt.
6. Stones timber tools machinery or other materials for the use of the piers harbour and works are exempt.
7. Foreign wood landed at the port or having paid full rates and re-shipped unmanufactured shall be charged half rates only on such re-shipment.
8. Vessels which may go into the dry dock or upon the patent slip within the harbour to be repaired although such vessels should require six weeks or a longer period for that purpose shall not be liable to wintering dues while they remain upon the slip or in the dock but the dues only which such vessels would be liable to pay in any other circumstances.

A.D. 1895.

Banff.

IV. Rates for the use of Cranes Weighing Machines Warehouses or Sheds Hurries and Hawsers Lights and Water.

1. *Rates of Craneage.*

	s.	d.
For all goods or packages not exceeding 1 ton	0	3
Exceeding 1 ton and not exceeding 2 tons	0	4
Exceeding 2 tons and not exceeding 3 tons	0	6
Exceeding 3 tons and not exceeding 4 tons	0	8
Exceeding 4 tons and not exceeding 5 tons	0	10
Exceeding 5 tons and not exceeding 6 tons	1	0
Exceeding 6 tons and not exceeding 7 tons	1	2
Exceeding 7 tons and not exceeding 8 tons	1	4
Exceeding 8 tons and not exceeding 9 tons	1	8
Exceeding 9 tons and not exceeding 10 tons	2	0
Exceeding 10 tons	3	0

2. *Dues for Weighing Machines.*

For potatoes and coals each ton or part of a ton	0	4
For other goods each ton or part of a ton	0	6

3. *Warehouse or Shed Dues.*

For each ton of goods which shall remain in the warehouse or sheds or on the quays of the harbour for a longer time than 24 hours and less than 48 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours.

4. *Dues for Hurries.*

For each ton of goods shipped by means of the hurries ½*d.* per ton.

5. *Hawser Dues.*

For every vessel under the burden of 100 tons 6*d.* per vessel.
For every vessel of the burden of 100 tons or upwards 1*s.* per vessel.

6. *Pier Head Lights.*

		s.	d.
Vessels of 30 to 50 tons	each voyage	0	6
Vessels of 60 to 80 tons	each voyage	0	9
Vessels of 80 to 100 tons	each voyage	1	0
Vessels of 100 to 120 tons	each voyage	1	6
Vessels of 120 tons and upwards	each voyage	2	6
Herring boats for the fishing season		1	6

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

7. *Water Money.*

Water supplied to vessel per 25 gallons	0	3

Exemptions.

Vessels which have sailed from the harbour and put back by stress of weather or from any other cause without having accomplished their voyage are not liable to additional dues.

BOGNOR.

A.D. 1895.

Order for Amending the Bognor Pier Order 1893 *as to the Construction of portions of the Works and for other purposes.*

Bognor.

Short title.

1. This Order may be cited as the Bognor Pier Order 1895 and this Order and the Bognor Pier Order 1893 in this Order called the Order of 1893 as the same is varied by this Order shall be read and construed together as one Order.

Undertakers.

2. The Urban District Council for the District of Bognor (who claim that under a certificate given by the Board of Trade pursuant to section forty-one of the Order of 1893 and by force of section forty-two of the same Order or otherwise the pier undertaking authorised by that Order has become vested in them as the successors of the Bognor Local Board) shall be the Undertakers for the purpose of carrying this Order into execution and are in this Order called the Undertakers.

Revival of powers of the Order of 1893.

3. The powers conferred by the Order of 1893 upon the Undertakers thereunder and all the provisions of that Order except sub-section one of section forty-two thereof shall be and the same are hereby revived and made applicable to the Undertakers and may be exercised and shall have effect in like manner and subject to the like restrictions and with the same consequences whether as to commencement execution or completion of works or levying of rates or otherwise as if the same powers and provisions had been conferred on the Undertakers by and contained in this Order.

Abandonment of certain works. Power to shorten existing pier.

4. The Undertakers may if they think fit abandon the construction of the extension seawards of the existing pier at Bognor authorised by the Order of 1893 and also may if they think fit shorten the existing pier in such manner as may be approved of in writing by the Board of Trade.

Rates may be levied although works not completed.

5. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Undertakers that works authorised by the Order of 1893 and this Order have been so far executed or completed as to afford increased accommodation for the landing and embarking or shipping of passengers or goods by means of such works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised shall not then have been completed demand recover and receive such of the rates or such proportion of all or any of the rates specified in the schedule to the Order of 1893 as shall in the opinion of the Board of Trade be commensurate to the accommodation afforded.

Saving of right to levy old rates.

6. Until the rates authorised by the Order of 1893 or any parts or proportions thereof become capable of being demanded and received this Order or anything herein contained shall not prevent the Undertakers from demanding recovering and receiving any rates rents or charges which were legally leviable before the passing of the Act confirming the Order of 1893 in respect of the then existing pier and works.

A.D. 1895.

Bogner.

Costs of Order.

7. All the costs charges and expenses of or incidental to the preparing and obtaining of this Order or otherwise incurred in relation thereto such costs to be taxed by the proper officer shall be paid by the Undertakers out of the district fund and general district rate or any other fund or rate applicable towards defraying the expenses of the execution of the Public Health Act 1875.

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Order for the construction maintenance and regulation of new Piers and Works at Dunoon in the county of Argyll.

Undertakers.

1. The Commissioners of the burgh of Dunoon in the county of Argyll (in this Order called "the Commissioners") shall be the Undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts except so much thereof as relates to the purchase or taking of lands otherwise than by agreement and to the entry upon land by the promoters of the undertaking are incorporated with this Order.

Power to take lands by agreement.

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

Lands for extraordinary purposes.

4. The Commissioners may in addition to the lands vested in or authorised to be taken by them under this Order by agreement purchase and hold for extraordinary purposes any land not exceeding in the whole two acres but nothing in this Order contained shall exempt the Commissioners from any proceeding on account of any nuisance caused or permitted by them on any land acquired by them under this Order.

Power to execute works.

5. 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 the completion of the works in order to prevent injury to navigation the Commissioners may in the lines and situations and according to the levels and within the limits of deviation shown on those plans and sections construct execute and maintain the works authorised by this Order.

Description of works authorised.

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

(1.) A pier or gangway partly solid and partly open commencing on the line of the sea wall ex adverso of the Castle House grounds at a point eighty-two yards or thereby measured in a northerly direction from the wall at the south-east corner of the said grounds and terminating in the Firth of Clyde at a point ninety-three yards or thereby measured in an easterly direction from the point of commencement just described along a line parallel with the gangway of the existing Dunoon Pier;

(2.) A pier or gangway partly solid and partly open commencing on the line of the sea wall ex adverso of the Castle House and Dunoon Castle

grounds at a point twenty-eight yards or thereby measured in a south-easterly direction from the wall at the south-east corner of the Castle House grounds and terminating in the Firth of Clyde at a point seventy-nine yards or thereby measured in an easterly direction from the point of commencement just described along a line parallel with the gangway of the existing Dunoon Pier ;

(3.) A pier head or wharf in the Firth of Clyde of open piling commencing at a point thirty-four yards or thereby measured in a southerly direction from the south-east corner of the pier head of the existing Dunoon Pier and terminating at a point one hundred and sixty-seven yards or thereby measured in a southerly direction from the point of commencement just described ;

(4.) A sea wall of solid work commencing on the line of the existing sea wall ex adverso of the Castle House and Duncon Castle grounds at a point ninety-seven yards or thereby measured in a northerly direction from the wall at the south-east corner of the Castle House grounds and terminating by a junction with the said existing sea wall at a point fifty yards or thereby measured in a southerly direction from the said wall at the south-east corner of the Castle House grounds.

which piers or gangways and pier head or wharf and sea wall and all necessary works will be situate within the burgh of Dunoon parish of Dunoon or united parish of Dunoon and Kilmun and county of Argyll and on the foreshore and in the bed of the Firth of Clyde ex adverso of the said parish or united parish and county.

Power to deviate.

7. The Commissioners in constructing the works authorised by this Order may deviate vertically to any extent not exceeding ten feet and laterally to any extent within the limits of deviation shown on the deposited plans which may be approved in writing by the Board of Trade.

Penalty for obstructing works.

8. Every person who wilfully obstructs any person acting under the authority of the Commissioners 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 works or defaces or destroys the 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.

Transfer of existing pier to Commissioners.

9. The trustees of the late William Frederick Hunter of Hafton in the county of Argyll (herein-after called "the trustees") shall sell and transfer and the Commissioners shall purchase and take over the existing pier of Dunoon and property herein-after mentioned belonging or reputed to belong to the said trustees at the price of twenty-seven thousand pounds subject to the terms conditions and provisions following (that is to say) :—

(1.) The property shall comprise and include the pier of Dunoon (in this Order referred to as "the existing pier") the ferry lands of Dunoon so far as shown on a plan signed by the trustees and the Commissioners subject to any servitudes affecting the same the ferry rights between the southern limits of the ferry rights vested in the trustees and the boundary between the Dunoon and Kirn ferry rights the pier offices restaurant the pier master's house stables used in connection with the pier store and studio

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(formerly known as the skating rink) belonging to the trustees all lying in the united parishes of Dunoon and Kilmun and county of Argyll and the right of pre-emption over Kirn pier and pertinents (but without warrandice as to the said right of pre-emption) possessed or held by the trustees;

(2.) The said price of twenty-seven thousand pounds shall be payable at the date of entry herein-after mentioned;

(3.) On payment of the price the trustees shall grant a duly stamped deed of conveyance in favour of the Commissioners in ordinary form with warrandice from the facts and deeds of the trustees and absolute warrandice against the trust estate excepting from such warrandice the feu rights and current leases The trustees shall deliver to the Commissioners the disposition of the right title and interest in the foreshore or alveus delineated on a plan annexed to the disposition granted by the Honourable James Kenneth Howard one of the Commissioners of Her Majesty's Woods Forests and Land Revenues in favour of the now deceased James Hunter of Hafton dated 28th April 1873 and recorded in the division of the General Register of Sasines applicable to the county of Argyll 31st July 1875 and in respect the titles of the estate of Hafton cannot be delivered the disposition in favour of the Commissioners shall contain an obligation for the exhibition of the titles to the extent of a prescriptive progress when necessary for defending the rights of the Commissioners and the Commissioners shall be bound to accept the trustees' title to the estate and to the subjects to be conveyed as sufficient;

(4.) The expense of the disposition to be granted in favour of the Commissioners (including stamp duty and revising fees) will be borne equally by the trustees and the Commissioners;

(5.) The trustees shall on payment of the price or within a reasonable time thereafter exhibit to the Commissioners searches of incumbrances showing no burdens affecting the said subjects;

(6.) The term of entry shall be 31st December 1895 provided the purchase price is paid at that time;

(7.) On payment of the price hereinbefore mentioned and delivery of the disposition to the Commissioners the trustees shall deliver to the Commissioners all gangways boats (if any) carts lorries hand-barrows and cranes belonging to the trustees which may then be used in connection with the existing pier or the carting establishment connected therewith;

(8.) On payment of the aforesaid price the existing pier shall subject to the provisions of this Order vest in the Commissioners and shall be held by the Commissioners under and for the purposes and with the powers and subject to the rates dues and charges contained in this Order;

(9.) The Commissioners shall take over the services of the trustees' present piermaster and retain him as piermaster for a period of not less than three years on his present terms of remuneration;

(10.) On payment of the price the rates taxes assessments and fire insurance premium payable or paid in respect of the existing pier and pertinents for any period current at the date of entry shall be apportioned between the trustees and Commissioners in proportion to the periods during which they are respectively in receipt of the revenues of the said subjects;

(11.) The Commissioners shall not construct any of the works authorised by the Order nor interfere with the existing pier until the delivery to them of the disposition to be granted by the trustees of the existing pier and other property as aforesaid.

Enlargement of pier accommodation.

10. The Commissioners shall with the approval if necessary of the Board of Trade within three years after the transfer to them of the existing pier under this Order extend and enlarge the pier accommodation in such way and manner as they may deem most expedient but so that the length along the sea front of pier head shall not be less than four hundred and forty feet.

Improvement and maintenance of piers and works &c.

11. Subject to the provisions of this Order the Commissioners may from time to time construct maintain alter and improve the existing pier and the works authorised by this Order and in connexion therewith may construct erect maintain alter and improve any jetties landing places landing stages wharves waiting rooms sheds toll houses gates embankments sewers drains watercourses roads and approaches and may lay down rails and tramways on or along the existing pier and the said piers and works and they may from time to time dredge and excavate rocks banks sand mud and shingle and deepen the beach or bed of the Firth of Clyde or sea at or near the said piers and other works or the approaches thereto and they may make and maintain buoys moorings lights beacons and other works and conveniences Provided that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Power to construct warehouses.

12. The Commissioners may also construct and maintain all warehouses offices sheds weighing machines cranes and other works buildings erections and conveniences which may be found necessary in connexion with the existing pier and the other piers and works for the accommodation of vessels and traffic landed at or embarked from the same.

Power to cross and interfere with or reclaim foreshore road &c.

13. The Commissioners may where the construction of the works or any of them authorised by this Order renders it necessary cross stop up alter or divert temporarily or permanently or reclaim or otherwise interfere with the foreshore roads passages watercourses sewers or other works but making compensation for any damage which may be done in the execution of the powers hereby conferred.

As to material dredged.

14. All sand mud and materials dredged up or removed within the limits of this Order shall be the property of the Commissioners who may from time to time sell or otherwise dispose of the same or remove or deposit the same within those limits Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

Consent of Board of Trade to certain works.

15. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade having been first obtained and shall be executed only in manner approved by the Board of Trade.

Local survey may be ordered.

16. The Board of Trade may at any time and from time to time as they may deem it expedient order a local survey and examination to be made of any works

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executed under the powers of this Order in over or affecting any tidal water or of the intended site of any works and the Commissioners shall defray all the costs of each such survey and examination and the amount of such costs shall constitute a debt due from the Commissioners to the Crown and may be recovered accordingly.

by the Board of Trade.

Power to Commissioners to purchase or hire dredgers &c.

17. The Commissioners may for the purposes of this Order or any of them from time to time provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells ballast lighters rubbish lighters tools plant or other materials and machinery as they think fit and may from time to time demand and receive such sums for the use of the same as they may 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 or some of them.

Limits of Order.

18. The limits within which the Commissioners shall have authority and within which the powers of the pier master may be exercised and which shall be deemed the limits to which this Order and the power to levy rates and charges extend shall comprise the existing pier and the piers pier head and other works authorised by this Order and the roads accesses and conveniences connected therewith and also the area below high-water comprised within the boundaries following that is to say on the north by a line drawn for a distance of one hundred and eighty yards due east from the north-east corner of the existing pier restaurant on the east by a line drawn due south from the east end of the said north boundary for a distance of three hundred yards and on the south by a line drawn due west from the south end of the said east boundary until it meets the line of high water which limits are in this Order termed "the limits of this Order."

Power to levy rates.

19. 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 Commissioners may subject and according to the provisions of this Order for the use of the piers pier head and works and conveniences authorised by this Order demand recover and receive in respect of all vessels boats persons goods animals fish and things in the schedule to this Order specified any sums not exceeding the several rates and charges in that schedule mentioned And further the Commissioners may from and after the transfer to them of the existing pier under this Order and subject and according to the provisions of this Order for the use of the existing pier and works and conveniences connected therewith demand recover and receive in respect of all vessels boats persons goods animals fish and things in the schedule to this Order specified any sums not exceeding the several rates and charges in that schedule mentioned.

Rates may be levied though works not completed.

20. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Commissioners that the works authorised by this Order have been so far completed as to afford accommodation for the landing and embarking of passengers or for traffic by means of such works the Commissioners may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by the

Order shall not then have been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as shall in the opinion of the Board of Trade be commensurate to the accommodation so afforded.

As to rates on vessels.

21. Notwithstanding anything herein contained the Commissioners shall not during the period of ten years next after the completion of the works or any part of them authorised by this Order and the certificate of the officer of the Board of Trade in relation thereto or after the extension and enlargement of the pier accommodation referred to in section 10 of this Order whichever shall first occur levy rates on vessels using the piers or landing places or the existing pier and shall not during the further next following period of ten years levy such rates unless they levy rates on passengers or other persons landing on or embarking from the piers or landing places or the existing pier from or on board of any vessel Provided that the rates per ton register levied on vessels from time to time shall not in or during the said last-named period exceed the rates for the time being levied on passengers or other persons as aforesaid.

Rates for use of warehouses.

22. The Commissioners may demand levy and receive such rates or other consideration as they may think reasonable for the use of any warehouses offices sheds buildings weighing machines cranes works and conveniences belonging to the Commissioners used in connexion with the existing pier and the said piers and works for the use of which rates are not specifically fixed in the schedule to this Order.

Pier master may prevent sailing of vessels.

23. The pier master may prevent the removal or sailing from the existing pier and the other piers and works of any vessel or boat in respect of which any rates dues or charges shall have been payable until evidence shall have been produced to him of the payment of such rates dues or charges to the collector.

Pass tickets for use of piers.

24. The Commissioners may grant to passengers and others pass tickets for the use of the existing pier and the other piers and works at such rates on such terms and for such periods not exceeding one year as may be agreed upon but so that no preference be given to any person and so that the abatement allowed on such tickets shall not exceed the following that is to say twenty-five per cent. for a period of three months or less thirty-seven and one-half per cent. for any period more than three and less than six months and fifty per cent. for any period between six and twelve months inclusive A pass ticket shall not be transferable nor be used by any person except the person to or for whom it is granted nor by any person after the period limited for its use If any person acts in any way in contravention of this provision or uses or attempts to use any false or counterfeit pass ticket he shall for every such offence be liable to a penalty not exceeding twenty shillings which shall be payable to the Commissioners and be recovered as penalties are recoverable under the Harbours Docks and Piers Clauses Act 1847 and shall be applied to such purposes as the other pier revenues are applicable for all the purposes of which Act this Order shall be deemed the special Act.

Power to enter into compositions.

25. The Commissioners may from time to time confer vary or extinguish exemptions from and enter into compositions with any person or persons corporation or company with respect to the payment of any tolls rates and charges

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authorised to be taken by this Order but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order.

Revision of rates.

26. The Commissioners shall subject to the provisions of section 21 of this Order and of Part III. of the schedule to this Order from time to time revise the rates and charges receivable by them under this Order so that the income of the Commissioners 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 received by them under this Order 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 such rates and duties to such sums as will be sufficient to provide the amount aforesaid with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

Power to sell or lease undertaking.

27. The Commissioners may from time to time lease the rates tolls and charges authorised to be taken by them under this Order for any period not exceeding seven years from the date of the lease on such terms and conditions and for such rent or consideration as they may think fit and the lessee shall have and may exercise the same powers of levying and recovering rates and charges as the Commissioners have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the provisions as to accounts and the keeping and furnishing of the same and otherwise to which the Commissioners are made subject by this Order.

Annual account to be sent to the Board of Trade.

28. The Commissioners within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the fifteenth day of May in each year) 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 Commissioners refuse or neglect to comply with this provision they shall for every such refusal and neglect be liable to a penalty not exceeding twenty pounds.

Works &c. to be part of burgh property.

29. The existing pier and the other piers and other works authorised by this Order and land connected therewith shall subject to the provisions of this Order vest in and be held by the Commissioners as part of the burgh property and all expenses of and incidental to the existing pier and the other piers and works and all charges on the pier income which that income may be insufficient to defray shall be discharged out of the rates and assessments or some part or parts of the same as the Commissioners may think fit levied by the Commissioners within the burgh or which they are authorised to levy therein as though they were expenses properly incurred by the Commissioners under the Burgh Police (Scotland) Act 1892 or under any Act in force within the burgh for the time.

Certain fishing vessels under stress of weather

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

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shall when forced by stress of weather to make use of the existing pier or the other piers or the works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of certain officers from rates.

31. The Secretary for Scotland or any person or persons deputed by him and officers of the Board of Trade and of the Fishery Board for Scotland being in the execution of their duty shall at all times have free ingress passage and egress on into along through up to and out of the existing pier or the other piers and works by land and with their vessels and otherwise without payment.

Exemption of lifeboat crews.

32. 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 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 existing pier or the other piers and works without payment.

Apparatus for saving life may be attached to piers.

33. The officers of the coastguard and all other persons for the time being actually employed in connexion 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 piers spars and other apparatus for saving life and may also either in course of using or exercising the apparatus for saving life fire rockets over the existing pier or the other piers and works.

Power to borrow money.

34. The Commissioners may from time to time borrow and re-borrow on mortgage bond or otherwise at interest such money as may be required for carrying into effect the purchase of the existing pier and for the other purposes of this Order not exceeding in the whole the sum of forty thousand pounds and may in security of the money so borrowed and interest thereon make and grant mortgages bonds or other securities of the rates and charges authorised by this Order and the other revenue of the existing pier and the other piers and on the rates and assessments leviable within the burgh of Dunoon by the Commissioners under the Burgh Police (Scotland) Act 1892 and Acts amending the same so far as in force within the burgh and any money so to be borrowed may be borrowed on terms of repayment thereof by way of instalment or otherwise or the Commissioners may accept and take from any bank or banking company credit to such amount as they may deem expedient not exceeding in the whole taken together with any sums borrowed and remaining unpaid the sum of forty thousand pounds on a cash account to be opened and kept in name of the Commissioners according to the usage of bankers in Scotland and may assign the rates and charges and rates and assessments herein-before mentioned or any part of the same in security for the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon and any money borrowed under the provisions of this Order which shall be discharged otherwise than by means of the sinking fund or instalments may be re-borrowed from time to time if required for the purposes of this Order and the provisions of the Burgh Police (Scotland) Act 1892 as to the borrowing of money for the general purposes of that Act shall in so far as applicable and not inconsistent with the provisions of this Order be incorporated with this Order and shall so far as aforesaid apply to the borrowing by the

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Commissioners of the money which they are by this Order authorised to borrow and the mortgages or bonds to be granted by the Commissioners for the purposes of this Order shall refer to the title of this Order Provided always that in the event of repayment of money borrowed being made by way of instalment the annual amount of such instalment shall be sufficient to pay off the whole of such money so borrowed within not less than thirty nor more than fifty years.

Sinking fund.

35. The Commissioners shall in the event of their borrowing otherwise than by way of repayment by instalments within not less than thirty nor more than fifty years appropriate and set apart in every year out of the revenues to be derived from the existing pier and the piers and undertaking authorised by this Order and in the event of the same being insufficient at any time then out of the rates and assessments leviable by the Commissioners within the burgh under the said Burgh Police (Scotland) Act 1892 such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within not less than thirty nor more than fifty years after the same are respectively borrowed.

Application of money borrowed.

36. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order to which capital is properly applicable and not otherwise.

For appointment of a judicial factor.

37. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one thousand pounds in the whole.

Sections eighty-six and eighty-seven of the Commissioners Clauses Act 1847 shall be and the same are hereby incorporated with this Order and in those sections as so incorporated the expression receiver shall mean judicial factor.

Contingency fund.

38. The Commissioners may yearly if they think fit for the purpose of forming and maintaining a contingency fund not exceeding the sum of five thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the existing pier and the other piers and works set apart an amount not exceeding five hundred pounds in any one year of the surplus revenue of the harbour (if any) after meeting the ordinary expenditure and interest and sinking fund or instalments of money borrowed and other charges as by this Order provided and shall deposit the sum set apart in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise or invested in statutory securities in which trustees are authorised to invest money other than securities of the Commissioners until required for any of the aforesaid purposes and to be applied as required for the maintenance and improvement of the existing pier and the other piers and works.

Annual return to Board of Trade with respect to sinking fund.

39. The clerk to the Commissioners shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested or deposited for

the purpose of the sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested or deposited and also showing the purpose to which any portions of the moneys invested or deposited for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested or deposited at the end of the year and in the event of any wilful default in making such return such clerk shall be liable in a penalty not exceeding twenty pounds If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to set apart in accordance with the provisions of this Order the sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or deposited as part of the sinking fund and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Protection of lenders.

40. Any person lending or paying money to the Commissioners or their treasurer under this Order shall not be bound to inquire as to the observance by them of any provisions of this Order or be bound to see to the application or be answerable for any loss or non-application of such money or of any part thereof.

Application of rates and income.

41. The Commissioners shall apply all the rates and charges received under this Order for the purposes and in the order following and not otherwise (that is to say) :—

(1.) In paying the costs charges and expenses of and incident to the preparing obtaining and confirming this Order or otherwise incurred in relation thereto so far as the same may not be paid out of money borrowed under this Order ;

(2.) In paying the expenses of the maintenance and repair of the existing pier and the other piers and works and buildings and conveniences connected therewith and the management and regulation of the same and in defraying the other expenses of the Commissioners properly incurred in relation to the undertaking authorised by this Order including the cost of borrowing money ;

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

(4.) In payment of principal money borrowed or instalments thereof or in creating a sinking fund for the purpose of discharging money borrowed in the manner and so far as the nature and circumstances of the case will admit in the proportion directed by this Order ;

(5.) In repayment to the proper account of the Commissioners of any money advanced or paid out of the rates and assessments levied within the burgh of Dunoon for the purposes and under the powers of this Order ;

(6.) In forming and maintaining a contingency fund if the Commissioners think fit not exceeding the sum of five thousand pounds for extraordinary claims or demands accidents or extraordinary damage to the piers and works ;

(7.) In paying the cost of the works authorised by this Order ;

(8.) In the general improvement of the existing pier and the other piers and works and conveniences connected therewith.

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Provided that the amount of the capital expenditure authorised by this Order shall not exceed fifty thousand pounds.

Separate accounts to be kept.

42. The Commissioners shall keep separate accounts of the moneys received and expended by them under this Order and the accounts shall be audited by the burgh auditor.

Byelaws.

43. The Commissioners may make byelaws for the regulation and control of vessels and boats within the limits of this Order and for the regulation and control of persons and goods and traffic on and at the existing pier and the other piers and works but such byelaws 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.

Part of Harbours &c. Act 1847 excepted.

44. Sections sixteen to nineteen of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Commissioners 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 pier and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Partial incorporation of Harbours and Passing Tolls Act.

45. Part V. of the Harbours and Passing Tolls &c. Act 1861 shall be incorporated with this Order.

Commissioners to be local authority.

46. Within the limits of this Order the Commissioners shall be a local authority within the meaning of the Merchant Shipping Act 1894 and shall have all the powers conferred by that Act on local authorities.

Appointment of pier master meters and weighers.

47. The Commissioners shall have the appointment of pier master meters and weighers within the limits of this Order.

Lifebuoy to be kept.

48. The Undertakers shall at all times keep at the outer extremity of the pier a life buoy and line in good order and fit and ready for use.

Vessels not to anchor within certain limits.

49. No vessel or boat shall anchor within the limits of this Order without the consent of the Commissioners or their pier master.

Vessels not to moor alongside piers without consent.

50. No vessel or boat except steamboats or pleasure boats embarking or disembarking passengers and their luggage shall be moored alongside the existing pier or the other piers or pier head or other works without the consent of the Commissioners or their pier master.

Restriction on use of piers.

51. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the existing pier or the other piers pier head or other works without the consent of the Commissioners or their pier master any sheep cattle or merchandise or to ship or unship anything which in the judgment of the Commissioners might in any manner interfere with the use of the pier for the embarking or landing of passengers.

Piers to be deemed within the burgh of Dunoon.

52. The existing pier and the other piers and works shall in respect of all matters crimes or offences arising or committed thereon or within the limits of this Order requiring the cognizance of any magistrate or justice of the peace be deemed and taken to be within or as forming part of the burgh of Dunoon.

As to lights during the construction of works.

53. Before commencing the works authorised by this Order the Commissioners 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 place of every other statutory requirement as to lights during the construction of the works and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction so given.

As to lights after completion of works.

54. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Commissioners shall at the outer extremity of the piers and works or the completed portions thereof or in such other place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) 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 Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such directions.

Provision against danger to navigation.

55. In case of injury to or destruction or decay of the existing pier or of the authorised works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such directions.

Powers to cease in certain events.

56.—(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 the powers by this Order given for executing such works or otherwise in relation thereto shall cease unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced should be virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto shall cease except as to so much of such works as shall be then completed unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the authorised works have not been substantially commenced or that they have been virtually suspended for twelve consecutive months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act 1866.

57. 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.

Saving rights of Crown under Crown Lands Act.

58. Nothing contained in this Order or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights

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or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Compensation for injury to Crown right of salmon fishing.

59.—(1.) The Commissioners shall not construct any work on any land over which a right of salmon fishing belongs to Her Majesty without the previous consent in writing of the Commissioners or Commissioner for the time being of Her Majesty's Woods Forests and Land Revenues having the management of the Land Revenue of the Crown in Scotland and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Order authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned and in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be settled by two referees one being appointed by the Commissioners or Commissioner of Woods Forests and Land Revenues and the other being appointed by the Commissioners or by an umpire to be appointed by the referees.

(2.) The Commissioners shall make compensation for the damage or injury (if any) which may be sustained to Her Majesty or Her tenants in respect of any right of salmon fishing through the exercise of the powers of this Order although the works causing such injury or damage may be constructed elsewhere than on any land over which a right of salmon fishing belongs to Her Majesty and the amount of such compensation shall be ascertained in like manner.

Saving rights of Clyde Pilot Board and Bailie of the Clyde.

60. Nothing in this Order contained shall extend or be construed to extend to repeal abridge or in any way prejudice or diminish any of the rights powers jurisdiction or privileges conferred on and enjoyed by the Clyde Pilot Board or the bailie of the river and Firth of Clyde under the Clyde Navigation Consolidation Act 1858 or the Clyde Navigation Act 1887 all of which rights powers jurisdiction and privileges are hereby saved and reserved entire.

Costs of Order.

61. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Commissioners out of money borrowed for the purposes of the Order or out of the rates leviable under the Order or out of the burgh rates and assessments.

Short title.

62. This Order may be cited as the Dunoon Burgh Pier Order 1895.

SCHEDULE to which the foregoing Order refers.

I.—Rates on Passengers using the existing Pier or the other Piers and Landing Places.

	£	*s.*	*d.*
For every passenger or other person who shall land on the existing pier or on the other piers or pier-head or embark therefrom on board of any ship vessel packet or passage boat or steamer for each and every time any sum not exceeding - - - - -	0	0	2
All persons using the existing pier or the other piers and not going on board of a ship vessel packet or passenger boat or steamer for each and every time any sum not exceeding - - - - -	0	0	2
Children under twelve years of age in charge of parent guardian or servant or servants going for or with luggage free but the luggage to be paid for.			

	£	s.	d.
II.—Rates on Passengers' Luggage &c.			
For every trunk portmanteau box parcel or package within the description of luggage and not carried by the passenger not exceeding 28 lbs.	0	0	1
For every trunk portmanteau box parcel or package within the description of luggage over 28 lbs. and not exceeding 112 lbs.	0	0	2
Over 112 lbs. and not exceeding 2 cwt.	0	0	4
And for every cwt. beyond	0	0	2
For every bicycle tricycle or other such machine any sum not exceeding	0	0	2
For every perambulator bath or sedan chair taken on the pier including the person in charge for each and every time any sum not exceeding	0	0	1
III.—Rates on Vessels using the existing Pier or the other Piers or Landing Places.			
For every steamer using the existing pier or the other piers or pier-head for discharging or shipping passengers or goods per ton register	0	0	2
For every other vessel decked or undecked using the existing pier or the other piers or landing places for discharging or shipping goods per ton register	0	0	2

No vessel shall be charged rates for more than one call on the same day and if the vessels of the owner or owners of any steam or other vessels engaged in a regular trade with the existing pier or the other piers shall collectively make in any one year from January to December inclusive fifty or more calls at the existing pier or the other piers one-half of the rates for the time being levied shall be chargeable on each of such steam or other vessels in respect of such year.

For the use of gangways or fastening of ropes provided or rendered by the Commissioners by the desire of the owner or person in charge of any vessel such sum as may be agreed upon between the Commissioners and such owner or person in charge.

IV.—Rates on Goods &c.

Articles of Export and Import.

Ale beer and porter	per 54 gallons	0	0	6
Ditto	per 9 gallons	0	0	1
Ditto (bottled in quart bottles)	per dozen	0	0	2
Ditto (bottled in pint bottles)	per dozen	0	0	1
Alkali	per ton	0	0	8
Anchors	per cwt.	0	0	9
Ashes of all kinds	per ton	0	1	0
Asphalt	per ton	0	0	6
Bark	per ton	0	2	0
Barley pot shelled or pearl (see Corn)	per ton	0	1	8
Bedding	per cwt.	0	0	3

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		£	s.	d.
Beef or pork	per cwt.	0	0	3
Biscuit or bread	per cwt.	0	0	3
Bicycles or tricycles	each	0	0	2
Bones and bone-dust	per ton	0	1	0
Bottles	per gross	0	0	6
„ broken	per ton	0	0	6
Bran	per ton	0	1	8
Bricks	per 1000	0	1	0
Butter	per cwt.	0	0	3
Cables iron or hempen	per ton	0	3	0
Candles	per cwt.	0	0	2
Canvas	per 56 lbs.	0	0	1
Carrots	per ton	0	0	6
Casks and barrels empty not being returned packages	each	0	0	1
Carriages—				
Chaises and other four-wheeled carriages	each	0	5	0
Gigs and other two-wheeled carriages	each	0	2	6
Carts	each	0	1	0
Hand carts and perambulators	each	0	0	2
Cattle—				
Bulls cows and oxen	each	0	1	0
Calves	each	0	0	3
Small cattle	each	0	0	6
Horses asses and mules	each	0	1	0
Ponies under 12 hands	each	0	0	6
Sheep	each	0	0	0½
Lambs	each	0	0	0½
Pigs	each	0	0	3
Cement	per cwt.	0	0	1
Cheese	per cwt.	0	0	2
Chimney cans	each	0	0	1
Cinders and charcoal	per ton	0	0	6
Clay	per ton	0	0	6
Cloth haberdashery &c.	per cwt.	0	0	2
Coals	per ton	0	0	6
Copper	per ton	0	2	0
Cordage	per ton	0	2	0
Cork	per cwt.	0	0	2
Corn viz. wheat barley oats malt rye Indian corn beans and pease	per cwt.	0	0	2
Crabs	per dozen	0	0	1
Crystal	per cwt.	0	0	6
Cutch	per ton	0	3	4
Dogs	each	0	0	6
Drugs (in casks hampers or boxes)	per cwt.	0	0	4
Earthenware or chinaware (in casks hampers or boxes)	per cwt.	0	0	2
„ „ (in crates)	per cwt.	0	0	2
Eggs	per cwt.	0	0	3
Felt	per ton	0	2	6

		£	s.	d.
Fish (dried and salted)	per cwt.	0	0	2
Fish (fresh) in bulk	per cwt.	0	0	1½
Boxes of not more than 2 cwt.	each	0	0	3
Boxes containing not more than 1 cwt.	each	0	0	1½
Flax	per ton	0	2	6
Flour	per cwt.	0	0	2
Fruit	per cwt.	0	0	2
Furniture (household)	per cwt.	0	0	2
Game of all kinds	per cwt.	0	2	0
Glass of all descriptions	per cwt.	0	0	2
Groceries—viz. tea coffee confections dried fruits spices rice tobacco snuff &c.	per cwt.	0	0	4
Guano	per ton	0	1	0
Gunpowder	per 100 lbs.	0	0	3
Hams bacon or tongues	per cwt.	0	0	4
Hardware	per ton	0	1	6
Hay and straw	per ton	0	1	0
Hemp	per ton	0	3	0
Herrings (fresh)	per 37½ gallons	0	0	2
„ (cured)	per 26⅔ gallons	0	0	2
Hides—ox cow or horse (wet or dry)	each	0	0	2
Hoops of wood	per 1,500	0	1	0
Hoops of iron	per cwt.	0	0	2
Husbandry implements of	per cwt.	0	0	2
Iron—bar bolt and rod plate sheet and forged iron gates stoves nails and other ironmongery and rails	per cwt.	0	0	1
Iron old	per cwt.	0	0	0½
Iron pig and unmanufactured	per ton	0	1	0
Kelp	per cwt.	0	0	1
Lard	per cwt.	0	0	2
Lead	per cwt.	0	0	2
Leather tanned and dressed	per cwt.	0	0	2
Lime	per ton	0	0	6
Limestone	per ton	0	0	6
Lobsters	per dozen	0	0	1
Machinery of all kinds	per cwt.	0	0	1
Manure not enumerated	per ton	0	1	0
Masts and spars 10 inches in diameter and upwards	each	0	1	6
Meal	per cwt.	0	0	2
Meat (fresh)	per cwt.	0	0	2
Milk	per gallon	0	0	0½
Musical instruments	per cubic foot	0	0	1
Oakum	per cwt.	0	0	2
Oils	per ton	0	1	6
Oil cake	per ton	0	1	0
Oranges and lemons	per cwt.	0	0	3
Oysters	per cwt.	0	0	4
Paint	per cwt.	0	0	3

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		£	s.	d.
Pipes drain under 3 inches diameter	per ton	0	0	6
„ „ above „ „	per ton	0	0	6
„ „ collars	per ton	0	0	6
„ glazed clay	per ton	0	1	0
Pitch	per cwt.	0	0	2
Potatoes	per ton	0	0	6
Poultry	each	0	0	1
Rabbits	per dozen	0	0	4
Rags and old rope	per ton	0	2	0
Ropes of all kinds	per ton	0	2	0
Rosin	per ton	0	2	6
Sails	per cwt.	0	0	6
Salmon	per cwt.	0	0	6
Salt	per ton	0	0	6
Saltpetre	per ton	0	3	0
Sand	per ton	0	0	6
Seeds	per quarter	0	0	3
Sheep skins with wool	per cwt.	0	0	3
Shell fish other than specified	per cwt.	0	0	2
Slates	per ton	0	0	6
Spirits	per 54 gallons	0	1	0
„	per gallon	0	0	0½
Stones—				
„ rubble	per ton	0	0	2
„ hewn ashlar	per ton	0	0	6
„ rough „	per ton	0	0	4
„ large „	per ton	0	0	4
„ pavement	per ton	0	0	4
„ curb	per ton	0	0	4
„ paving and causeway stones	per ton	0	0	2
„ grindstones	each	0	0	4
„ millstones	each	0	1	6
„ limestone	per ton	0	0	4
„ gravestones	each	0	2	0
Sugar of all kinds	per ton	0	1	0
Tallow soap and candles	per cwt.	0	0	2
Tar	per cwt.	0	0	1
Tares	per 100 lbs.	0	0	0½
Tiles roofing	per 1000	0	1	6
Tin	per ton	0	1	6
Tow	per cwt.	0	0	2
Turnips	per ton	0	0	6
Turpentine	per cwt.	0	0	1
Varnish	per cwt.	0	0	1
Vegetables not enumerated	per cwt.	0	0	2
Vinegar	per 9 gallons	0	0	1
Vitriol	per cwt.	0	0	1
Wheels coach or cart	per pair	0	0	9
Wine	per 54 gallons	0	1	0

		£	s.	d.
Wine bottled	per dozen quarts	0	0	2
" "	per dozen pints	0	0	1
Wood viz.—				
Fir beach oak ash elm and other hard woods rough and round or in plank or sided	per 40 cubic feet	0	1	0
Doors windows and other framed or manufactured wood for building purposes	per 40 cubic feet	0	2	0
Wool	per cwt.	0	0	4
Yarn	per cwt.	0	0	2
Zinc	per ton	0	1	6
All other goods not enumerated above—				
Light goods	per cubic foot	0	0	1
Heavy goods	per ton	0	2	0

In charging the rates on goods the gross weight or measurement of all goods including the packages to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged and the minimum charge for a single packet shall be one penny.

Empty boxes casks and packages returned to the original shipper after importation or exportation with goods are exempted from dues.

V.—Rates for use of Cranes Weighing Machines and Sheds.

1.—*Rates on Cranage.*

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

2.—*Weighing Machines.*

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

3.—*Shed Dues.*

For each 40 cubic feet of goods or for each ton of goods which shall remain in any shed or on the piet for a longer time than six hours the sum of 4*d.* and the sum of 2*d.* for each 40 cubic feet or per ton for each six hours during which such goods shall remain after the first six hours.

For any portmanteau trunk parcel or other article of passengers' luggage for each day or part of a day	per package	0	0	2

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SWANAGE.

Order for the extension of the Pier at Swanage in the County of Dorset.

Short title.

1. This Order may be cited as the Swanage Pier Order 1895 and this Order and the Swanage Pier Act 1859 (in this Order referred to as "the Act of 1859") so far as the same is not repealed or varied by this Order shall be read and construed together as one Act or Order.

Order to be read with Swanage Pier Act 1859.

Undertakers.

2. The Swanage Pier Company (in this Order called "the Company") shall be the Undertakers for carrying the Act of 1859 and this Order into execution and shall have and may exercise the powers and privileges conferred by the Act of 1859 and this Order.

Limits of Order.

3. The limits within which the Company shall have authority and which shall be deemed the limits to which the Act of 1859 and this Order except the power to levy rates extend shall comprise the existing pier tramway and works authorised by the Act of 1859 and the pier and works by this Order authorised and the areas coloured green and pink shown upon a plan prepared in triplicate and sealed with the common seal of the Company one of which plans has been deposited with the Harbour Department of the Board of Trade a second with the Swanage Urban District Council and the third is retained by the Company.

Incorporation of parts of Acts.

4. The Lands Clauses Acts except so much thereof as relates to the purchase or taking of lands otherwise than by agreement and to the entry on land by the promoters of the Undertaking the provisions of the Companies Clauses Consolidation Acts 1845 to 1889 and Parts I. II. and III. of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock so far as they are applicable for the purposes of and not varied by this Order are incorporated with this Order For the purposes of such incorporation the term "special Act" in the said Acts shall be construed to mean the Act of 1859 or this Order as circumstances may require and the provisions of Part II. of the Companies Clauses Act 1863 shall for the purposes of this Order be read and have effect as if the sum which the Company are by this Order authorised to raise by preference shares or preference stock were the additional sum which by this Order the Company were authorised to raise by the issue of new preference shares or new preference stock.

Power to acquire lands by agreement.

5. For the purposes of the works authorised by this Order the Company may from time to time by agreement enter on take and use all or such parts of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of the works authorised by this Order.

Power to execute works.

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

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Description of works authorised.

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

A pier or landing-place in connexion with or addition to and in extension of the existing pier for the embarking and landing of passengers cattle goods and merchandise and for other purposes to be situate in or adjacent to the parish of Swanage in the county of Dorset and on the bed of the sea adjoining such parish and commencing at the termination of the stone portion of the present pier (*i.e.* at the point "A" on the said deposited plan) and proceeding in a north-easterly direction for a distance of three hundred and fifty feet or thereabouts and thence in an east north-easterly direction for a distance of two hundred and sixty feet or thereabouts :

The pier will be of open pile work.

Accommodation works.

8. The Company may erect construct provide and fix in connexion with their other works all proper or necessary landing-stages landing and shipping places sheds toll-houses toll-gates turnstiles cranes lifts buoys moorings mooring-posts approaches and other buildings erections works conveniences and appliances which they may deem necessary or proper.

Power to deviate.

9. The Company in constructing the works authorised by this Order may with the consent in writing of the Board of Trade alter and deviate laterally from the lines of such works delineated on the deposited plan to any extent not exceeding the limits of deviation marked on that plan and vertically from the levels of such works as shown on the deposited sections to any extent not exceeding five feet.

Further powers as to buildings and other erections.

10. The Company may from time to time erect and construct upon the pier authorised by this Order saloons pavilions waiting refreshment concert reading and other rooms lavatories shops bazaars baths upper promenade and other conveniences and may make such reasonable charges for the use thereof or for admission thereto as they may from time to time think fit and they may furnish stock and equip such pavilions rooms and buildings and may let the same by the year or on lease for any term not exceeding seven years upon such terms and conditions as they think fit.

New works to be deemed to be part of Pier undertaking authorised by Act of 1859.

11. Subject to the provisions of this Order the works by this Order authorised shall for the purpose of collection of rates and for all other purposes be deemed to be part of the pier undertaking of the Company as if the same had been authorised by the Act of 1859.

Power to dredge scour &c. channel to piers.

12. The Company may dredge scour deepen improve and maintain the channel to the piers authorised by the Act of 1859 and this Order.

Consent of Board of Trade to works.

13. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade first obtained and shall be executed only in manner approved by the Board of Trade.

Power to levy rates.

14. 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 for the due construction of the works authorised by this Order have been given the Company may subject and according to the provisions of this Order levy demand recover and receive for the use of the pier and works to be constructed under this Order in respect of the vessels boats

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persons passengers and things in the schedule to this Order specified and in respect of the supply of water any sums not exceeding the tolls or rates specified in that schedule and in respect of animals merchandise and goods landed upon or shipped from and services performed at such pier and works any sums not exceeding the rates and charges by the Act of 1859 authorised to be taken in respect thereof at the existing pier and the payment of such rates or sums shall exempt any person passenger animal goods matters and things in respect of which such rates or sums have been duly paid from payment of any other rate or sum under the Act of 1859 for or on account of the user by such person passenger or animal or in respect of such goods matters or things of the portion of the existing pier lying between the point marked "A" on the deposited plan and the shore as a means of communication between the pier hereby authorised and the shore.

Tolls not to confer right to use new buildings.

15. The payment of tolls or rates and dues payable under the Act of 1859 or this Order for the use of the piers shall not entitle any person paying the same to the use of the buildings and erections thereon or any of them or any part or parts thereof unless the Company otherwise determine.

Power to demand rates &c. for use of any warehouse sheds buildings &c.

16. The Company may demand and receive such rates or other consideration as they think reasonable for the use of any warehouse sheds buildings yards and conveniences belonging to them and for which rates or charges are not otherwise specified or authorised in the Act of 1859 or this Order.

Power to lease tolls and rates.

17. The Company may from time to time lease the tolls and rates authorised by the Act of 1859 and this Order for any period not exceeding seven years for such rent or consideration and on such terms and conditions as they may think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of demanding and recovering tolls and rates as the Company have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and the Act of 1859 and this Order.

Rates may be levied though works not completed.

18. When and so often as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Company that the works authorised by this Order have been so far completed as to afford accommodation for persons walking on the pier or for the landing and embarking or shipping of passengers animals or goods by means of such works the Company may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order shall not then have been completed demand receive and recover such of the tolls or rates or such proportion of the tolls or rates which they are by this Order authorised to demand and take for the use of the pier and works authorised by this Order as shall in the opinion of the Board of Trade be commensurate to the accommodation afforded.

Undertakers may grant pass tickets.

19. The Company may grant to passengers and promenaders or others pass tickets or family tickets for the use of the pier on such terms and for such periods not exceeding one year as may be agreed on or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted and a family ticket shall not be used to admit to the pier any person not being one of the family

in respect of which it is granted and any such pass ticket or family ticket shall not be used by any person after the period limited for its use If any person act in any way in contravention of the provisions of this section or use or attempt to use any false or counterfeit ticket he shall for every such offence be liable to a penalty not exceeding twenty shillings to be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847.

Board of Trade may reduce rates.

20. If at any time and from time to time the clear annual income derived from the pier and works of the Company on the average of the then three last preceding years after payment of all expenses and outgoings other than payments for interest or principal in respect of money borrowed shall exceed interest at the rate of ten per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Company in executing the works authorised by this Order the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Order or any of them to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum 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 not exceeding the amount specified in the schedule to this Order.

Annual account to be sent to the Board of Trade.

21. The Company within one month after sending to the clerk of the peace a copy of their annual account in abstract (which account shall be made up at the end of the day on the twenty-fifth day of March in each year) 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 Company refuse or neglect to comply with this provision they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

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

Board of Trade officers exempt from rates.

23. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress passage and egress to or along and from the pier and works by land and with their vessels and otherwise without payment.

Lifeboat crew exempt from tolls.

24. 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 pier and works other than the said buildings and erections without payment.

Life-saving apparatus may be attached to the pier.

25. The officers of the coastguard and all other persons for the time being actually employed in connexion 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 pier or works spars and other

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apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the works.

Parts of Harbours &c. Act 1847 excepted.

26. Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order And so much of section 1 of the Act of 1859 as reserves the right of the Lord High Admiral or the Commissioners therein named to require the observance by the Company of the above sections is hereby repealed.

Penalty for obstructing or injuring property.

27. Every person who wilfully obstructs the Company or any person acting under their authority in any manner whatsoever or who removes any poles or stakes driven into the ground for the purpose of setting out the lines of any works or defaces destroys or injures any works or any property of the Company shall for every such offence be liable to a penalty not exceeding five pounds.

Restriction on mooring vessels to landing-stages.

28. No vessel or boat except steamboats and pleasure boats embarking and disembarking passengers and their luggage shall be allowed to be moored alongside any landing-stages belonging to the Company without the consent of the Company or their officer duly authorised in that behalf and no vessel or boat shall without the consent of the Company or pier master anchor within the limits of this Order.

Company to have the appointment of meters and weighers.

29. The Company shall have the appointment of meters and weighers on or in connexion with the existing pier and the pier and works authorised by this Order.

Part V. of the Harbours and Passing Tolls &c. Act 1861 to apply.

30. Part V. of the Harbours and Passing Tolls Act &c. 1861 shall apply to the piers and works authorised by the Act of 1859 and this Order.

Power to Company to prevent use of new pier for sheep cattle or merchandise.

31. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the pier authorised by this Order any sheep cattle or merchandise or anything which in the opinion of the Company might in any way interfere with the use of the pier for recreation or for the embarking or landing of passengers and their luggage.

Power to close pier on special occasions &c.

32. The Company may on any special occasion but not exceeding twelve days in any one year close the pier hereby authorised against the public and may on such occasions charge such special rates of admission not exceeding one shilling for each person as the Company may think fit Provided that on all such occasions the Company shall reserve a sufficient passage along the pier from the landing-stages to the shore for persons landing or embarking at the pier such reserved passage to be open for use by such persons at the ordinary rates and without payment of any special rates so long only as they use the pier as a passage and do not remain thereon.

Byelaws.

33. The byelaws of the Company in regard to the existing pier and works as at present in force or as they from time to time hereafter as amended shall be in force shall so far as the same are applicable thereto extend and apply to the pier and works authorised by this Order and in addition to the powers conferred by the Act of 1859 or the Acts incorporated therewith of making repealing or altering byelaws the Company may from time to time make further byelaws and vary and rescind such byelaws for all or any of the following matters (that is to say) :—

For regulating the collection and levying of the charges authorised by this Order or the Act of 1859 :

For regulating the vessels boats goods and traffic near to or on the pier or within the limits of the Order and for regulating the distance from the landing-stages within which vessels and boats shall not be moored within the said limits:

For regulating the conditions of the user of any portion of the piers or any of the buildings erected thereon:

For preventing injury to or protecting the buildings and property thereon or attached thereto:

For regulating the conduct of persons frequenting the piers and buildings and preserving order thereon and therein; and

For regulating the sale of refreshments on the piers and in the buildings:

but byelaws under this Order shall not come into operation until they have been allowed and confirmed by the Board of Trade and notwithstanding anything contained in the Act of 1859 or the Acts incorporated therewith byelaws made by the Company under this Order shall not require any other confirmation or allowance except the confirmation or allowance of the Board of Trade.

Life-buoy to be kept.

34. The Company shall at all times keep at the outer extremity of the pier a life-buoy and line in good order and fit and ready for use.

Power to raise portion of existing capital by issue of preference shares and stock.

35. Subject to the provisions incorporated with this Order of the Companies Clauses Act 1863 the Company may raise any portion of the unissued capital of the Company under the Act of 1859 by the creation and issue of preference shares or stock with a preferential dividend or interest at a rate not exceeding six pounds per centum per annum Provided always that notwithstanding anything contained in the Act of 1859 or in this Order the holders for the time being of preference shares or stock created under this Order shall not be entitled to participate in any profits of the Company except in respect of the preferential dividend or interest which may be attached to such shares unless the Company at the time of the creation of such shares shall otherwise determine and then only to the extent determined.

Power to raise additional capital.

36. The Company (in addition to the capital which they are by the Act of 1859 as amended by this Order authorised to raise) may from time to time for the purposes of the Act of 1859 or of this Order and other the general purposes of the Company (being in any case purposes to which capital is properly applicable) raise by the creation and issue of new ordinary or new preference shares or stock or partly by ordinary and partly by preference shares or stock any sum or sums not exceeding two thousand pounds Provided that the dividend on any such preference shares or stock shall not exceed the rate of six pounds per centum per annum.

Company shall not issue shares of less nominal value than ten pounds.

37. The Company shall not issue any share created under the authority of this Order of less nominal value than ten pounds nor shall any share or stock vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share or the whole of such stock shall be paid in respect thereof.

Receipt of persons under disability.

38. If any money is payable under this Order to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

General incidents of new capital.

39. Except as by this Order otherwise provided the capital in new shares or stock created by the Company under this Order and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Incidents of new capital in respect of dividend.

40. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

As to voting in respect of preference capital.

41. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Power to borrow.

42. Notwithstanding anything in section eleven of the Act of 1859 the Company may at any time after the passing of the Act confirming this Order from time to time borrow on mortgage of the rates and tolls authorised to be taken by the Company any sum or sums not exceeding two thousand five hundred pounds and when and so soon as the whole of the capital by that Act authorised shall have been created and issued in accordance with the provisions of that Act as amended by this Order the Company may from time to time borrow on mortgage of the rates and tolls authorised to be taken by the Company the balance of the sum of five thousand three hundred pounds which they are by that section authorised to borrow And when and so soon as the additional capital by this Order authorised shall have been created and issued the Company may from time to time borrow on mortgage of such rates and tolls the sum of five hundred pounds.

Power to issue debenture stock.

43. The Company may subject to the provisions of Part III. (debenture stock) of the Companies Clauses Act 1863 from time to time create and issue debenture stock but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of the Act confirming this Order created and issued by the Company shall rank pari passu and shall have priority over all principal moneys secured by such mortgages.

Appointment of receiver.

44. The mortgagees of the Company under the Act of 1859 as amended by this Order or under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds.

Application of capital.

45. The Company may apply for any of the purposes of the Act of 1859 or of this Order to which capital is applicable any moneys which they are authorised to raise by shares or stock or borrowing by that Act or by this Order.

Power to agree with debenture holders for issue of

46. The Company may at any time agree with any mortgagee or holder of a debenture granted by the Company for the redemption at any time of any such mortgage or debenture by an issue of preference stock to a nominal amount

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equal to the sum secured by such mortgage or debenture together with all arrears of interest instead of by payment in cash.

preference stock in redemption of debentures.

47. The Company out of any capital money in their hands or out of money to be raised by them by issue of shares or stock or borrowing under the Act of 1859 or this Order may apply any sum not exceeding four thousand five hundred pounds in satisfying and discharging any money borrowed by the Company together with all arrears of interest due thereon or any other debts and liabilities of the Company existing at the date of the passing of the Act confirming this Order.

Application of capital for payment of Company's debts.

48. Before commencing the works authorised by this Order the Company 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 place of every other statutory requirement as to lights during the construction of the works and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any direction so given.

As to lights during construction of works.

49. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Company shall at the outer extremity of the pier and works or the completed portions thereof or in such other place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to lighting and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such directions.

As to lights after completion of works.

50. In case of injury to or destruction or decay of the pier or works or any parts thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

Provision against danger to navigation.

51.—(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 the powers by this Order given for executing such works or otherwise in relation thereto shall cease unless the time for commencement be extended by the special direction of the Board of Trade.

Powers to cease in certain events.

(2.) If the works authorised by this Order after having been substantially commenced should be virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto shall cease except as to so much of such works as shall be then completed unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

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(3.) In either of the above cases 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 months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act 1866.

52. 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.

Saving rights of the Crown.

53. This Order shall not be taken as a consent to the surrender of nor shall anything in this Order prejudice or affect any property interests rights powers authorities or privileges of Her Majesty in right of Her Crown which are under the management of the Commissioners of Her Majesty's Woods or either of them.

Saving rights of the Earl of Eldon.

54. Nothing in this Order contained shall take away alter diminish or otherwise interfere with any estates rights liberties franchises emoluments or advantages of the Right Honourable John Earl of Eldon his heirs assigns or sequels in estate in to or out of any part of the shore of the sea below high-water mark in or adjacent to the parish of Swanage aforesaid.

Pier to be deemed within the county of Dorset.

55. The pier and works hereby authorised shall in respect of all matters crimes or offences arising or committed thereon and as to licensing matters and as to all matters and provisions requiring the cognisance of any justices of the peace be deemed and taken to be within and part of the county of Dorset.

Costs of Order.

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

The SCHEDULE to which the foregoing Order refers.

I.—Tolls or Rates on Passengers and Promenaders using the Pier.

	s.	*d.*
For every passenger or other person who shall land on the pier from or embark from it on board of any ship vessel packet or passage boat for each and every time - - - - - -	0	2
For every person who shall use the pier for the purpose of walking for exercise pleasure or any other purpose except for embarking or disembarking for each and every time - - - - -	0	2

	s.	d.
For every bath or sedan chair including the person or persons drawing or propelling the same taken on the pier for each and every time - -	0	4
For every perambulator including the person in charge thereof taken on the pier for each and every time - - - -	0	2
For every bicycle or tricycle taken on the pier including the person in charge thereof for each and every time - - - -	0	3
For every master of any vessel boat or wherry using the pier for the purpose of going to or returning from his own vessel boat or wherry for each and every time - - - - -	0	1
Or an annual sum not exceeding - - - - - -	10	0

II.—Rates on Passengers' Luggage Parcels &c. landed or embarked at the Pier.

For every trunk portmanteau box parcel or package not exceeding 28 lbs.	0	2
Over 28 lbs. and not exceeding 56 lbs. - - - -	0	4
Over 56 lbs. and not exceeding 112 lbs. - - - -	0	6
Over 112 lbs. and not exceeding 168 lbs. - - - -	0	7
Over 168 lbs. and not exceeding 196 lbs. - - - -	0	8
Over 196 lbs. and not exceeding 2 cwt. - - - -	0	9
And for every additional 28 lbs. weight up to the limit of 5 cwt. - -	0	1
For every bicycle or tricycle - - - - -	0	3

III.—Rates for Supplying Water at the Pier.

Fresh water on pier per 100 gallons - - - - -	1	6
Sea water per 3 gallons - - - - -	0	1

IV.—Rates on Vessels using the Pier.

For every vessel under the burden of 15 tons per ton - - -	0	4
For every vessel of 15 tons and under 50 tons register per ton register -	0	6
For every vessel of 50 tons and under 100 tons register per ton register -	0	8
For every vessel of 100 tons and under 150 tons register per ton register	0	10
For every vessel of 150 tons register and upwards per ton register -	1	0
For every barge or lighter for each trip per ton - - -	0	3

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Whitehills. *Order for the construction and maintenance of works at the Harbour of Whitehills in the county of Banff and for constituting Harbour Commissioners and vesting in them the harbour and works and for the regulation of the harbour and for other purposes.*

Interpretation of terms.

1. The several words and expressions to which by the Acts incorporated with this Order meanings are assigned have in this Order the same respective meanings unless excluded by the subject or context And in this Order and in the schedule hereto unless excluded by the subject or context :—

The expression "the Commissioners" means the Whitehills Harbour Commissioners incorporated by this Order ;

The expression "the harbour" means and includes the harbour of Whitehills and the piers and quays therein and the new works to be erected under this Order within the limits thereof as defined by this Order and all additions to and improvements of the harbour under this Order ;

The expression "town or village" means the town and village of Whitehills ;

The expression "the ratepayers" means persons qualified to be electors by paying parochial and other rates within the Whitehills special water supply district and as appearing on the valuation roll for the county of Banff for the time being.

Incorporation of Commissioners.

2. For the purpose of carrying this Order into execution there shall be a body of Commissioners in this Order referred to as "the Commissioners" to be nominated and elected as in this Order provided and they and their successors shall be and are hereby for the purposes of this Order incorporated by the name of the Whitehills Harbour Commissioners and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes but subject to the provisions and restrictions of this Order and this Order shall accordingly be carried into effect by the Commissioners.

Constitution of Commissioners.

3. There shall be nine Commissioners for the purposes of this Order who shall be elected or appointed as the case may be in manner hereinafter provided.

First Commissioners.

4.—(1.) The first Commissioners shall be the following nine persons viz. George Findlay merchant Henry Lovie fisherman George Watson fish curer George Watson "Hallie" fisherman Alexander Dey blacksmith George Lovie retired shipmaster George Downie fish curer James George Murray carpenter and Henry John Watson merchant all of Whitehills.

(2.) The first Commissioners shall come into office at the expiration of fourteen days from the passing of the Act confirming this Order and shall go out of office on the third Tuesday in the month of November following.

Election of future Commissioners.

5. The following provisions shall be applicable to the election of the Commissioners after the first Commissioners :—

(1.) On the third Tuesday of November next following the passing of the Act confirming this Order the ratepayers shall elect nine Commissioners and thereafter one third of the Commissioners shall go annually out of office on the same day of the month as that on which the Commissioners were elected

into office or on the next lawful day thereafter in each year and on the same day of the month or the next lawful day annually the places of the Commissioners going out of office shall be supplied by an equal number of new Commissioners to be elected as above provided for the retiring Commissioners being eligible for re-election.

(2.) The third of the Commissioners who shall go out of office at the expiration of the first year after the first election as hereinbefore provided for shall be those who at such first election had the smallest number of votes and the Commissioners who shall go out of office at the expiration of the second year shall be those who had the next smallest number of votes at such first election and thereafter the third of the Commissioners who shall annually go out of office shall be the Commissioners who have been longest in office Provided always that in any case where there shall have been an equality of votes or more than the third retiring Commissioners being on an equality the Commissioners shall themselves decide at a meeting convened for the purpose which Commissioners shall go out of office.

Mode of conducting election of Commissioners.

6. The following rules shall be observed with respect to the election of Commissioners by the ratepayers :—

(1.) The election shall take place at a meeting of the ratepayers to be held in the public hall of the town or village or other convenient place within one mile of the harbour suitable for holding such meeting.

(2.) The Commissioners shall cause the day hour and place of such meeting to be published by written or printed notice affixed to the door of the public hall or other convenient place as aforesaid and of the harbour office not less than seven clear days before such meeting.

(3.) The election shall be by show of hands at a meeting of the ratepayers to be notified as aforesaid . A majority of the ratepayers to rule the election.

(4.) Any two ratepayers may at such meeting propose any other person as a candidate for the office of Commissioner.

(5.) One of the Commissioners for the time being (not being a candidate) or at the first election any ratepayer (not being a candidate) shall act as chairman of the meeting of the ratepayers and shall declare the number of votes given to each candidate and in case his decision is challenged shall cause the number of ratepayers voting for any candidate to be ascertained by taking a division or in some other convenient manner.

(6.) The decision of the chairman who in the case of equality will have a casting vote as to the result of such division or ascertainment of the number of ratepayers voting shall be final and unimpeachable.

(7.) At the first election the nine candidates and at subsequent elections the three candidates having the greatest number of votes shall be the Commissioners elected.

(8.) The chairman of the meeting shall report to the Commissioners the names of the persons elected as Commissioners.

Appointment by Commissioners in case of failure to elect.

7. In case at any time there is a failure to make a valid election in accordance with the provisions of this Order of Commissioners the Commissioners shall within two months thereafter at a special meeting appoint as Commissioner or Commissioners a person or persons to the number required and every Commissioner so appointed shall be deemed a Commissioner and shall in all respects

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be as if he had been actually elected In case of any equality of votes at any such election or appointment by the Commissioners the chairman of the Commissioners for the time being shall have a second or casting vote.

Commissioners may resign.

8. Any Commissioner may resign office at any time upon giving to the Commissioners or their clerk not less than three weeks' written notice of such his intention.

Occasional vacancies among Commissioners.

9. If any one of the Commissioners refuses to accept office dies resigns or becomes incapable or incompetent to act as or ceases to be a Commissioner from any cause other than that of going out of office in regular course the vacancy shall be filled up in manner following (that is to say) the other Commissioners shall as soon as may be thereafter at a meeting of the Commissioners appoint a person in his stead and in every case the Commissioner so elected shall continue in office for the same period as the person in whose place he is elected would in ordinary course have continued and shall go out of office at the same time but shall be eligible for re-election In case of an equality of votes at any such election the chairman of the Commissioners for the time being shall have a second or casting vote.

Acts of the Commissioners not to be invalidated by reason of vacancies.

10. In the event of any vacancy or deficiency in the number of Commissioners between the times fixed for election or appointment as aforesaid the Commissioners for the time being shall continue to be as competent to act as if no such vacancy or deficiency in number had occurred and on the expiration of their term of office the Commissioners for the time being shall be competent to continue to act until their successors are appointed.

Informalities of election or appointment of Commissioners not to invalidate proceedings.

11. No act of the Commissioners shall be invalidated or be illegal by reason of the full number or any of the Commissioners hereby authorised to be elected or appointed not being so elected or appointed as aforesaid or by reason of any irregularity or omission in or about any election or appointment of any Commissioner or in or about any matter preliminary or incidental thereto.

Incorporation of parts of Commissioners Clauses Act 1847.

12. The Commissioners Clauses Act 1847 (except the provisions thereof with respect to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors and except in so far as the other sections of that Act are inconsistent with this Order) is and shall be incorporated with this Order and shall so far as the nature and circumstances of the case will admit apply to the Commissioners collectively and severally subject to the following provisions :—

(1.) The same person may be both clerk and treasurer to the Commissioners.

(2.) With reference to section thirty-nine of the last-mentioned Act the prescribed number (constituting a quorum) of the Commissioners shall be three.

Meetings of Commissioners.

13. General meetings of the Commissioners after the first shall be held in such places within the district of Whitehills and at such times as they shall appoint The first meeting of the Commissioners shall be held in the Public Hall Whitehills or other convenient place in Whitehills at seven o'clock p.m. on the first Saturday after expiration of fourteen clear days from the date of the passing of the Act confirming this Order The annual meeting of the Commissioners shall be held in the month of December at such time and place as the Commissioners may fix All meetings of the Commissioners shall be notified to each Commissioner in writing at least sixty hours before the hour of meeting.

Special meetings and emergency meetings.

14. The clerk to the Commissioners on requisition being made to him stating in writing the object of the intended meeting and signed by the chairman or two of the Commissioners shall cause special meetings to be called within sixty hours and to be held within ten days after such requisition Emergency meetings may be called by the chairman or clerk at any time upon three hours notice written or verbal.

Election of chairman.

15. The Commissioners shall annually elect one of their number to be chairman who shall preside at all meetings at which he is present.

Appointment of auditor.

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

Incorporation of Lands Clauses Acts.

17. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order.

Vesting of harbour in Commissioners.

18. From and immediately after the passing of the Act confirming this Order the harbour within the limits thereof as defined by this Order shall by force of this Order become the property of and be absolutely vested in the Commissioners free from any claim or demand for any moneys heretofore expended thereon by the Dowager Countess of Seafield and thereafter the harbour shall be held maintained and used by the Commissioners for the purposes of and subject to the provisions of this Order.

Limits of harbour.

19. The limits of the harbour for the purposes of this Order within which the Commissioners shall have authority and which shall be deemed the limits to which this Order extends shall comprise the present harbour at Whitehills and the new works to be constructed under this Order and the area below the high-water mark bounded by the following imaginary lines (1) By a line commencing at a point on the sea shore at high-water mark distant 366 yards or thereby west from the southern angle of the east quay at the entrance to the existing harbour of Whitehills and extending due north a distance of 320 yards or thereby (2) By a line commencing at a point on the sea shore at high-water mark distant 350 yards or thereby east from the said southern angle of the east quay of the existing harbour of Whitehills and extending due north a distance of 266 yards or thereby and (3) By a line connecting the northern extremities of the above described two imaginary lines.

Construction of works.

20. Subject to the provisions of this Order and subject also to such alterations if any in the deposited plans and sections 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 Commissioners may on the lands belonging to them or acquired by them under this Order and in the lines and according to the levels shown on the deposited plans and sections and within the limits of deviation shown on these plans execute and maintain the works authorised by this Order.

21. The works authorised by this Order include:—

Description of works.

(1.) The construction of a pier or quay commencing at a point on the side of the road leading from Whitehills to Blackpots distant about five hundred and nine feet in an east north-easterly direction from the north corner of the buildings situated to the north of Watson's curing yard and extending

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in a north-westerly direction for a distance of one hundred and seventy feet thence in a south-west by westerly direction for a distance of three hundred and sixty-three feet or thereby and thence in a north-westerly direction for a distance of two hundred and eleven feet and there terminating.

(2.) A pier commencing at a point at the side of the road leading from Whitehills to Blackpots distant about two hundred and thirty feet measured in an east by southerly direction from the north corner of the building situated to the north of Watson's curing yard and extending in a north-westerly direction for a distance of two hundred and seven feet or thereby and there terminating.

The piers or quays will be solid.

The works will be situated in the parish of Boyndie and county of Banff and on the foreshore and bed of the sea ex adverso of the said parish and county.

Improvement of harbour.

22. The Commissioners may excavate and remove rocks sand or gravel in the entrance channel and within the area bounded by the piers or quays and may dredge scour and deepen the harbour and the accesses thereto.

Power of deviation.

23. In constructing the works by this Order authorised the Commissioners may with the consent in writing of the Board of Trade deviate laterally from the lines of such works delineated on the deposited plans to any extent not exceeding the limits of deviation marked on the deposited plans and may deviate vertically from the levels of the said works as defined on the deposited sections to any extent not exceeding ten feet.

Power to take land by agreement.

24. For the purpose of the works authorised by this Order the Commissioners 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 plans as they may think requisite for the purposes of this Order.

Lands for extraordinary purposes.

25. The Commissioners may purchase and hold for extraordinary purposes any lands not exceeding in the whole three acres but this Order or anything herein contained shall not exempt the Commissioners from any proceedings on account of any nuisance caused or permitted by them on any land acquired by them under this section.

Improvement and maintenance of harbour.

26. Subject to the provisions of this Order the Commissioners may from time to time construct maintain alter and improve the harbour quay and dockage piers jetties wharves sewers drains water-courses roads approaches gates streets and other works and conveniences and may lay down and construct rails tramways and sidings on or along the quays piers and other works within the harbour and may alter dredge scour deepen widen enlarge improve and maintain the entrance channels and waterways of the harbour and may make and maintain buoys moorings lights beacons landing places and other works and conveniences Provided that any line of tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Consent of Board of Trade to works.

27. Any works authorised by this Order below high-water mark shall not be commenced without the consent thereto of the Board of Trade having been first obtained in writing and shall be executed only in manner approved by the Board of Trade in writing.

28. The Commissioners may also construct and maintain or take on lease all warehouses offices sheds weighing-machines cranes and other works buildings and conveniences which may be found necessary in connexion with the harbour for the accommodation of vessels thereat and of traffic landed at or embarked from the harbour.

Power to construct warehouses &c.

29. Every person who wilfully obstructs any person acting under the authority of the Commissioners in setting out the lines of the works authorised by this Order 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 any part thereof or who defaces or destroys the said works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

30. All sand mud and materials dredged up or removed within the limits of this Order shall be the property of the Commissioners who may from time to time sell or otherwise dispose of the same or remove or deposit the same within those limits and may supply ballast to or remove ballast from any vessel within the harbour or permit such supply to be obtained or such removal to be effected by the master or owner provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent of the Board of Trade having been first obtained.

As to material dredged.

31. 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 for the due construction of the works authorised by this Order have been given the Commissioners may subject to the provisions of this Order for the use of the harbour and works and conveniences connected therewith demand recover and receive in respect of vessels boats persons animals fish goods and things and of services rendered described in the schedule to this Order any sums not exceeding the several rates specified in such schedule Provided that the Commissioners before commencing to levy rates for beaching boats authorised by this Order shall provide suitable accommodation for beaching boats to the satisfaction of the Board of Trade and shall thereafter maintain the same to the like satisfaction.

Power to levy rates.

32. When and so soon as it shall be at any time or from time to time certified in writing under the hand of any officer to be appointed for the purpose by the Board of Trade and paid by the Commissioners that the works authorised by this Order have been so far completed as to afford increased harbour accommodation by means of such works the Commissioners may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order shall not then have been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded.

Rates may be levied though works not completed.

33. When and so soon as the Commissioners are entitled to demand and take the several rates specified in the schedule to this Order all other rates tolls dues or duties shall cease to be demanded in respect of the harbour or the works or

Existing rates to cease when new rates leviable.

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conveniences connected therewith but without prejudice to their right to recover any money actually due at the time of cesser.

Revision of rates.

34. The Commissioners shall from time to time revise the rates received by them under this Order so that the income of the Commissioners 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 rates on the average of the then preceding three 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 such rates to such sums as will be sufficient to provide the amount aforesaid with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

Power to lease rates.

35. The Commissioners may from time to time lease the rates and dues authorised by this Order for any term not exceeding seven years to take effect on possession and for such rent and consideration and on such terms as they think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Commissioners have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the provisions as to accounts and otherwise to which the Commissioners are subject under this Order.

Power to confer exemptions and compound for rates.

36. The Commissioners may from time to time confer vary or extinguish exemptions from and enter into compositions with any person or persons or company with respect to the payment of the rates authorised by this Order but so that no preference be given to any person or company and that anything done under this section shall not prejudice the other provisions of this Order.

Provisions as to collection of rates.

37. The Commissioners may levy sue for and recover the rates for fish brought into the harbour direct from sea either from the persons bringing the same into the harbour or from the fish salesmen or auctioneers who dispose of such fish or from the persons purchasing or receiving delivery of the same who shall respectively be entitled to deduct the amount of such rates from the price at which such fish were sold or purchased and such fish salesmen auctioneers and purchasers or receivers of such fish shall when required be respectively bound to furnish the Commissioners or their collector of rates with a true account under their hands of the quantity or value of such fish and to verify the same by the production of their books and every person who shall refuse to give such account or who shall subscribe a false account shall be deemed guilty of an offence for which he shall be liable to a penalty not exceeding ten pounds.

Commissioners may provide and license steam tugs.

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

Charges for steam tugs.

39. The Commissioners may from time to time with the approval of the Board of Trade fix such rates and charges as appear to them reasonable for or in respect of the use of such steam tugs or other power maintained used and let

or licensed by them and such rates or charges shall be paid by the owner agent master consignee or other person having charge of the vessel obtaining the assistance of such steam tug or other power to the Commissioners 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 Commissioners as the case may be And such rates and charges shall be due and payable whether such steam tug or other power shall be actually employed or not provided the assistance thereof shall have been required and shall in consequence of a requisition have been tendered by the master or other person having the command of such steam tug or other power.

Rates for use of warehouses &c.

40. The Commissioners may demand and receive such rates or other consideration as they may think reasonable for any special services rendered by them and for the use of any warehouses sheds buildings weighing machines cranes yards works and conveniences belonging to them in respect of which rates are not specially fixed in the schedule to this Order.

Annual account to be sent to Board of Trade.

41. The Commissioners within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall be made up to the end of the day on the twenty-fifth day of March in each year) 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 Commissioners 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.

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

Certain officers and others exempt from rates.

43. The Secretary for Scotland and any person or persons deputed by him and officers of the Board of Trade and of the Fishery Board for Scotland being in the execution of their duties shall at all times have free ingress passage and egress to in through and out of and from the harbour and works by and with their vessels and otherwise without payment.

Lifeboat crew exempt from rates.

44. 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 in through out of and from the harbour and works without payment.

Life-saving apparatus may be attached to any part of harbour.

45. The officers of the coastguard and all other persons for the time being actually employed in connexion 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 breakwaters harbour or works spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the breakwaters harbour or works.

Meters and weighers may be licensed.

46. The Commissioners may appoint and license a sufficient number of persons to be meters and weighers at and within the harbour.

Commissioners to be local authority.

47. For the purposes of this Order the Commissioners shall be deemed a local authority within the meaning of the Merchant Shipping Act 1894 and all the powers by that Act conferred on local authorities shall be vested in the Commissioners for the purposes of this Order.

Master of vessel to report arrival.

48. Within twelve hours after the arrival within the harbour of any vessel liable to rates the master of such vessel shall report such arrival to the collector of rates and if he fails to make such report within the time aforesaid and after he has been required to do so by the collector he shall be liable to a penalty not exceeding ten pounds.

and to give an account of cargo.

49. The master of every vessel shall on his arrival in the harbour and before unloading any part of his cargo and immediately after being loaded be obliged to give in to the collector of rates or to such person as the Commissioners shall appoint an exact and full account of his cargo by producing his bills of lading or his manifest or intake account or a true copy thereof and such other documents as the collector shall deem necessary and demand for ascertaining the true contents thereof and every person failing so to do or not delivering a just and true account of his cargo both outwards and inwards as aforesaid shall for every such offence forfeit and pay any sum not exceeding ten pounds over and above the whole rates and dues payable in respect of such loading and unloading.

Masters of fishing boats to report arrival and give account of take of fish.

50. The master or owner or one of the owners or one of the crew of every boat engaged in the white fishery and of every boat delivering herrings (except boats engaged in the herring fishing at the harbour for the regular herring fishing season) shall on arrival in the harbour forthwith report the same to the harbour master or collector of rates and shall furnish to the collector a true and accurate statement of his or their take of fish and the names of the persons obtaining delivery of the same and liable for the rates or dues thereon and in case of refusal or omission so to do shall be liable to a penalty not exceeding ten pounds for every such refusal or omission.

Harbour master may prevent sailing of vessels when rates have not been paid.

51. The harbour master may prevent the removal or sailing out of the harbour of any vessel or boat in respect of which any rate or due shall have been payable until evidence shall have been produced to him of the payment of such rate or due to the collector of rates and until the master or owner or one of the owners or one of the crew shall have given in an account of his cargo as required by the two immediately preceding sections hereof.

Power to borrow.

52. The Commissioners may from time to time borrow and re-borrow at interest such sums as may be required for the purposes of this Order not exceeding in the whole the sum of ten thousand pounds on security of the rates and charges authorised by this Order or they may accept and take from any bank or banking company credit for any amount not exceeding the said sum of ten thousand pounds on a cash account to be opened and kept in the name of the Commissioners according to the usage of bankers in Scotland and the Commissioners may grant bonds and assignations of the said rates and bonds and dispositions or bonds and assignations over the said lands and other property in security of

the repayment of the moneys so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively.

Re-borrowing.

53. Any money borrowed under this Order and discharged otherwise than by means of a sinking fund or by instalments may be re-borrowed if required for the purposes of this Order and so from time to time.

Application of money borrowed.

54. The Commissioners shall apply all money borrowed by them under this Order in defraying the costs of the works conveniences and purposes authorised by this Order and of other purposes in connexion with the harbour to which capital is properly applicable and not otherwise.

For appointment of a judicial factor.

55. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one thousand pounds in the whole.

Sinking fund.

56. The Commissioners shall every year appropriate and set apart out of the surplus revenues (if any) of the harbour such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within fifty years after the same are respectively borrowed.

Annual return to Board of Trade with respect to sinking fund.

57. The clerk to the Commissioners shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested or deposited for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested or deposited and also showing the purpose to which any portions of the moneys invested or deposited for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested or deposited at the end of the year and in the event of any wilful default in making such return such clerk shall be liable in a penalty not exceeding twenty pounds If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to set apart in accordance with the provisions of this Order the sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or deposited as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Contingency fund.

58. The Commissioners may yearly if they think fit for the purpose of forming a contingency fund not exceeding five thousand pounds to meet any unforeseen accident or extraordinary damage which may happen or be caused to the harbour

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appropriate and set apart in whole or in part the surplus revenue of the harbour (if any) after meeting the ordinary expenditure and interest and sinking fund as by this Order provided and shall deposit the sum set apart in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise until required for any of the aforesaid purposes and to be applied as required for the maintenance of the harbour or the Commissioners may expend the surplus revenue or any part thereof as it accrues in the extension or improvement of the harbour.

Byelaws.

59. The Commissioners may in addition to any other powers conferred on them by this Order as to byelaws make byelaws for the regulation and control of vessels and boats within the harbour and for the regulation and control of the fishermen and other persons and goods and traffic in and at the harbour and works ground or property belonging to the Commissioners and used for harbour purposes but such byelaws 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.

Portion of Harbours Clauses Act excepted.

60. Sections 16 17 18 and 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Commissioners 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 lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Boats not to anchor within harbour without consent of Commissioners.

61. No vessel or boat shall without the consent of the Commissioners or their harbour master anchor within the limits of the harbour.

Application of revenues.

62. The rates received by the Commissioners under this Order and the other harbour revenues 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 preparing and obtaining this Order or otherwise incurred in relation thereto;

(2.) In paying any feu duties or rents payable in respect of any lands or property if any belonging to or leased by the Commissioners in connexion with the harbour and in paying the expenses of the maintenance repair management and regulation of the harbour and works now existing and the works authorised by this Order including the expense of the execution maintenance and repair of such other works buildings sheds warehouses wharves jetties tugs dredges hydraulic machinery cranes engines and conveniences as from time to time shall be necessary for the purposes of the harbour or the accommodation of the shipping resorting thereto and in defraying the other necessary administration expenses of the Commissioners in relation to the harbour including the cost of borrowing money under this Order;

(3.) In paying year by year the interest on money borrowed by the Commissioners for the purposes of this Order;

(4.) In forming a sinking fund for payment of principal moneys borrowed under this Order;

(5.) In forming and maintaining a contingency fund if the Commissioners think fit for providing for accidents to the harbour ;

(6.) In paying off any other debts contracted or to be contracted by the Commissioners for the purposes of this Order ;

(7.) In executing the works authorised by this Order and in further improving deepening and extending the harbour and works connected therewith and in carrying into effect the purposes of this Order.

Lights to be exhibited during construction of works.

63. Before commencing the works authorised by this Order the Commissioners 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 the place of every other statutory requirement as to lights during construction of the works and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to observe any such direction.

As to lights after completion of works.

64. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Commissioners shall at the outer extremity of the pier or the completed portions thereof or in such other place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) 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 Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

Provision against danger to navigation.

65. In case of injury to or destruction or decay of the piers or works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any such direction.

Powers to cease in certain events.

66.—(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 the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised unless the time for commencement be extended by the special direction of the Board of Trade.

(2.) If the works authorised by this Order after having been substantially commenced should be virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised except as to so much of such works as shall be then completed unless such powers shall by the special direction of the Board of Trade be continued and directed to remain in force for any period not exceeding five years from the date of the Act confirming this Order.

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(3.) In either of the above cases 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 months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Saving rights under Crown Lands Act 1866.

67. 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 the limits affected by any such rights interests powers authorities or privileges without the assent of the Board of Trade having first been obtained.

Saving rights of Crown under Crown Lands Act.

68. Nothing contained in this Order or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Costs of Order.

69. All costs charges and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Commissioners and the Commissioners may apply any of their funds towards such purposes.

Short title.

70. This Order may be cited as the Whitehills Harbour Order 1895.

The SCHEDULE to which the foregoing Order refers.

Part I.—Rates on Vessels using the Harbour exclusive of their Cargoes.

	£	s.	d.
1. Vessels loading or discharging at the harbour per register ton -	0	0	4
2. Pleasure yachts not carrying goods or passengers for hire per register ton - - - - - - -	0	0	3
3. Vessels entering the harbour for safety or windbound and which shall not load or unload any goods or cargo per register ton -	0	0	2
4. Vessels remaining in the harbour beyond one month shall be liable in one half of above rates for every month or part of a month they may remain beyond the first month.			

No rates are to be levied on vessels passing through the harbour and not otherwise using it.

PART II.—RATES ON FISHING BOATS AND FISHING VESSELS USING THE HARBOUR.

1. Boats or vessels employed at the herring fishery at the harbour for the herring fishing season payable on or before the twenty-sixth July :—

	£	s.	d.
If under 30 tons register each - - - -	1	0	0
If 30 tons register or above each - - -	1	5	0

NOTE.—The herring fishing season shall from time to time be fixed by the Commissioners and notice thereof shall be posted in some conspicuous place at the harbour.

2. Boats or vessels prosecuting the white or other fishing other than the herring fishing at the harbour as a composition in full of rates payable in advance :—

From the first October to thirtieth September—

If manned by not fewer than five hands each - -	0	10	0
If manned by fewer than five hands each - -	0	5	0

3. Boats or vessels not compounding as above but which shall load or discharge herrings or other fish on entering the harbour each time—

If exceeding 30 tons each - - - -	0	2	0
If not exceeding 30 tons each - - - -	0	1	6

Fishing boats or vessels of less than 18 feet in length measured from the after part of the stern post to the fore part of the stem both aloft shall be exempted from the above rates.

4. Boats or fishing vessels loading or discharging any other cargo than fish on entering the harbour each time—

If under 30 tons register each - - - -	0	3	0

If 30 tons register or above same as other trading vessels.

5. Boats and fishing vessels coming into the harbour for safety or wind-bound but which shall not load or unload any fish or other cargo each time—

If under 30 tons register each - - - -	0	1	0
If 30 tons or above and under 50 tons each - -	0	2	0

If 50 tons or above same as trading vessels.

6. Boats and fishing vessels fitting out for or returning from other fishing stations not paying dues as above including dues on furniture each - - - - - - 0 2 6

No rates are to be levied on boats passing through the harbour and not otherwise using it.

PART III.—RATES ON GOODS SHIPPED TRANSHIPPED OR UNSHIPPED IN THE HARBOUR.

Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
Ale and beer - - - -	per 54 gallons -	1 0
„ „ bottled - -	per gross - -	1 0
Alum - - - - -	per cwt. - -	0 1¾

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Articles of Export or Import.	Weight or Measure.	Rates.
		s. *d.*
Anchors	per ton	5 0
Ashes	per ton	2 0
Asphalt and bitumen	per ton	1 3
Aerated water all kinds	per ton	1 8
Bacon or hams	per ton	3 4
Ballast	per ton	0 2
Barilla	per ton	3 0
Bark oak	per ton	2 6
Barley and all other grotts	per ton	2 0
Barrels empty herring	each	0 1
Baskets under 12 inches diameter	per dozen	0 6
„ above „ „	per dozen	1 0
Basket rods	per cwt.	0 2
Beef or pork (fresh or salt)	per ton	3 6
Beer black or spruce	per 3 gallons	0 2
Billiard table	per cwt.	0 2
Biscuits	per ton	3 0
Blacking	per cwt.	0 6
Bleaching salts	per cwt.	0 2¼
Blubber	per 252 galls.	3 0
Bones (crushed or uncrushed)	per ton	1 6
Books and stationery	per cwt.	0 4
Bottles	per gross	0 4
„ broken	per ton	0 6
Boxwood	per cwt.	0 1¾
Bran	per ton	1 0
Brass	per ton	2 0
Bricks	per 1,000	0 10
Brimstone	per ton	2 0
Bristles	per cwt.	0 9
Brooms (common)	per dozen	0 2
Bulrushes	per cwt.	0 8
Butter	per cwt.	0 9
Boxes (empty)	each	0 1
Candles	per ton	3 6
Canvas	per cwt.	0 2
Carpet rugs and upholstery articles	per ton	2 6
Cane reeds	per cwt.	0 3
Carboys (empty)	each	0 1
Carriages with springs under 5 cwt.	each	3 0
„ „ 5 cwt. and under 7½ cwt.	each	5 6
„ „ 7½ cwt. and under 10 cwt.	each	7 6
„ „ 10 cwt. and above	each	10 0
Carrots	per ton	1 0
Casks boxes sacks and kits empty except returned empties as provided for in the notes to this schedule	each	0 1
Cattle :—		
Bulls cows and oxen	each	1 6
Calves	each	0 6
Horses	each	2 0
Ponies under 12 hands	each	1 0
Asses or mules	each	1 0
Pigs	each	0 3
Sheep and lambs	each	0 6

Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
Cattle—		
Small cattle and ponies from Orkney and Shetland	each	0 6
Cement	per ton	1 6
Chalk	per ton	1 6
Cheese	per ton	2 6
Chestnuts	per cwt.	0 4½
Chimney tops	each	0 1
Chocolate	per cwt.	1 0
Cider	per 54 gallons	0 9
Cinders and charcoal	per ton	0 9
Clay viz.:—china or stone	per ton	1 0
Clay pipes	per ton	1 0
Clocks	each	1 0
Clothing haberdashery silk mercery &c. not otherwise enumerated	per ton	3 0
Coals	per ton	0 6
Cocoa	per cwt.	4 0
Cocoa nuts	per 100	0 4
Coffee	per cwt.	0 3
Coke	per ton	0 10
Confections of all kinds	per cwt.	0 2
Copper	per ton	3 0
„ old	per ton	2 0
„ ore	per ton	1 0
Copperas	per cwt.	0 1¾
Colours	per cwt.	0 1¾
Cordage	per ton	2 6
„ old not in use	per ton	1 0
Cork wood and corks	per ton	3 4
Corn and meal viz.:—		
Barley and bigg	per ton	1 4
Bere and meal	per ton	1 6
Beans	per ton	1 4
Indian corn	per ton	1 4
Indian meal	per ton	1 6
Malt	per ton	2 8
Oats	per ton	1 4
Oatmeal	per ton	1 6
Peas	per ton	1 6
Rye	per ton	1 4
Wheat	per ton	1 6
Cotton wool &c.	per ton	5 0
Crystal	per ton	5 0
Cutch	per ton	1 6
Dogs	each	0 6
Drugs	per cwt.	0 4
Dung	per ton	0 4
Earthenware	per ton	2 6
Eggs	per cwt.	0 3
Emery and emery stones	per cwt.	0 3
Feathers	per ton	10 0
Felt	per ton	2 6

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Articles of Export or Import.	Weight or Measure.	Rates. s.	d.
Fish dried	per ton	2	6
„ pickled or salted	per ton	2	0
„ fresh haddock cod ling and fish not enumerated	per cwt.	0	1
„ offal	per ton	0	6
Flax	per cwt.	0	2
Flour	per ton	2	8
Flower roots	per cwt.	0	2
Flint stones	per ton	0	6
Fruit viz.:—			
Apples pears and berries	per cwt.	0	3
Plums cherries grapes and nuts (except cocoa)	per cwt.	0	4
Melons	per cwt.	0	2
Peaches	per 100	0	2
All not enumerated	per 10*l.* value	0	10
Furniture household	per 10*l.* value	1	0
Furriers' waste	per ton	0	4
Game viz.:—			
Hares	each	0	2
Rabbits	each	0	1
All others	each	0	2
Ginger	per cwt.	0	3
„ preserved	per cwt.	0	6
Glass of all descriptions	per cwt.	0	2
Glue	per cwt.	0	4
Grates stoves &c.	per ton	3	6
Grease	per ton	2	6
Groceries all kinds not enumerated	per cwt.	0	3
Gunpowder	per cwt.	0	3
Guano	per ton	1	6
Hair all kinds	baken per cwt.	0	4½
	plasterer's per ton	2	0
Hardware	per cwt.	0	2
Hats	per dozen	0	6
Hay	per ton	1	6
Hemp	per ton	3	6
Herrings imported fresh	per 37½ gallons	0	2½
„ cured and exported	per 26⅔ gallons	0	2
„ in barrels imported and exported	per 26⅔ gallons	0	3
Hides raw	per cwt.	0	2
Honey	per cwt.	0	3
Hoops of wood	per 1,000	0	10
Hops	per cwt.	0	6
Horns slugs and tips	per 1,000	1	8
Husbandry implements	per ton	1	4
Iron viz.:—			
Bar plate bolt and rod	per ton	2	0
Forged made work and hoops	per ton	3	4
Old	per ton	1	3
Old and broken goods	per ton	0	6
Cast-iron goods	per ton	2	6
Wire	per cwt.	0	2
Pig	per ton	1	0

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Kelp	per ton	1	0
Kiln pavement	per 30 running feet	0	4
Lard	per ton	2	0
Lead	per ton	2	0
Lead black	per ton	2	0
Lead ore	per ton	2	0
Lead red and white	per ton	2	0
Lead shot	per ton	3	0
Lead sugar of	per cwt.	0	2
Leather tanned and dressed	per cwt.	0	3
Lemons	per cwt.	0	4
Lignum vitæ	per ton	3	0
Lime	per ton	0	6
Loam	per ton	0	4
Machinery	per cwt.	0	2
Manures manufactured and not otherwise enumerated	per ton	1	6
Mats and basses	per dozen	0	1
Mill waste	per ton	2	0
Molasses	per ton	2	0
Mussels	per ton	0	3
Nuts all kinds (except cocoa)	per cwt.	0	3
Oakum	per ton	0	3
Ochre	per cwt.	0	1½
Oil all kinds	per ton	3	4
„ cake	per ton	2	0
Onions	per cwt.	0	3
Oranges	per cwt.	0	4
Oysters	per cwt.	0	3
Peats	per ton	0	3
Paper	per cwt.	0	2
Passengers entering or leaving harbour baggage of	per cwt.	0	2
Pewter	per ton	2	0
„ old	per ton	1	8
Pianoforte	per 10*l.* value	1	0
Pictures under two feet square	each	0	6
„ two feet and under four feet	each	1	0
„ four feet and upwards	each	2	0
Pigs' heads	per cwt.	0	0¾
Pitch	per cwt.	0	2
Plaster of Paris	per ton	2	8
Plants nursery and garden all kinds	per cwt.	0	4
Porter	per 54 gallons	0	9
„ bottled	per gross	1	0
Potatoes	per ton	1	0
Poultry all kinds	each	0	1
Pumice stones	per cwt.	0	3
Pipes drain under 3 inches diameter	per 1,000	0	6
„ above	per 1,000	0	9
„ collars	per 1,000	0	3

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Articles of Export or Import.	Weight or Measure.	Rates.
		s. *d.*
Pipes spigot and faucet clay glazed	per ton	1 0
NOTE.—Drain tiles and mugs one third less.		
Pipes tobacco	per cwt.	0 4
Provisions preserved all kinds	per cwt.	0 2
Rags and old ropes	per ton	2 0
Rice	per cwt.	0 2
Ropes all kinds	per ton	2 6
Rosin	per ton	2 6
Saddlery all kinds	per cwt.	0 3
Salt in bulk	per ton	0 9
„ rock	per ton	0 9
„ saltpetre and Glauber salt	per ton	3 4
„ in barrel including dues of barrel	per ton	1 4
Salmon	per cwt.	0 6
Seed viz.:—		
Rape and flax	per cwt.	0 1
Clover	per cwt.	0 3
Rye grass	per ton	3 4
Shoes of all kinds	per ton	3 0
Sheepskins with wool	per cwt.	0 3
„ pelts	per cwt.	0 2
Slates large	per 1,000	1 4
„ sizeable	per 1,000	0 10
„ small	per 1,000	0 6
Snuff	per cwt.	0 6
Soap	per ton	2 0
Soda	per ton	1 6
Spades or shovels	per dozen	0 1
Spirits of all kinds	per 54 gallons	1 4
Starch	per cwt.	0 3
Steel	per ton	3 0
Straw	per ton	1 0
Stones viz.:—		
Freestone building	per ton	0 5
Polished granite	per ton	2 6
Causeway granite	per ton	0 3
Kerb pavement and building	per ton	0 5
Rubble and chips	per ton	0 2
Rigging stones	per 100 running feet	1 6
Flagstones	per ton	0 9
Gravestones	each	3 0
Marble	per ton	3 0
Scythe stones	per cwt.	0 2
Grindstones	each	0 4
Millstones	each	0 6
All other descriptions except flint	per ton	1 0
Stucco	per ton	1 8
Sugar all kinds	per ton	1 8
Stoneware all kinds	per cwt.	0 2
Tallow	per ton	2 0
Tanners' waste	per ton	1 0

Articles of Export or Import.	Weight or Measure.	Rates. s.	Rates. d.
Tar coal	per 39 gallons	0	1
„ Archangel	per 26½ gallons	0	2
Tea	per cwt.	0	6
Tiles roofing	per 1,000	1	0
Tin of all kinds	per ton	2	0
„ plates	per ton	2	0
Tobacco in leaf	per cwt.	0	2¼
„ manufactured	per 100 lbs.	0	4½
„ stalks	per cwt.	0	3
Tongues smoked	per dozen	0	1½
„ pickled	per cwt.	0	4
Toys	per cwt.	0	3
Tree nails	per 1,000	1	6
Turnery	per 10*l.* value	0	10
Turnips	per ton	0	6
Twine	per cwt.	0	3
Tow all kinds	per ton	1	6
Vases or sculptured marble	per cwt.	0	3
Vinegar	per 54 gallons	1	0
Vitriol	per gallon	0	0½
Varnish	per cwt.	0	2
Veneers all kinds	per cwt.	0	4
Vegetables	per ton	0	6
Whalebone or whale fins	per ton	3	4
Wheels coach carriage or cart	per pair	0	9
Whitening	per ton	0	10
Willow reeds	per cwt.	0	2
Wine	per 54 gallons	1	6
„ bottled	per gross	1	0
Wood :—			
Herring barrel billets	per ton	1	0
„ „ „	or per 50 superficial feet.	0	9
„ „ staves	per 1,000 superficial feet.	1	2
All other kinds not enumerated	per 1*l.* value	0	4
Wool	per ton	3	4
Yarn viz. :—			
Lint and cotton	per ton	4	6
Tow	per ton	3	4
Hemp	per ton	3	6
Worsted	per ton	4	6
Zinc	per ton	2	0
All goods or articles not enumerated in the foregoing schedule	per cwt.	0	2

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

1. All empty boxes barrels sacks and packages returned to the original shipper within three months from date of import are exempted from rates.

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2. All goods landed from any vessel and reshipped in the same or another vessel in the original packages and without being transferred from the lander or if the said goods have been put into other packages from the original packages having been destroyed or damaged shall only pay rates on landing and may be reshipped in the same or another vessel upon her departure outwards without paying rates again.

3. The personal luggage of each passenger landing from any vessel within the harbour not exceeding two hundredweight in weight shall be exempted from rates.

4. If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded no rates shall be charged a second time for such goods on being reloaded.

5. Goods of all descriptions rated by weight shall be charged according to gross weight fractional parts of any weight measure number or value shall be charged proportionately and the minimum charge for a single package shall be one penny.

IV. Rates for the use of Sheds Cranes and Weighing Machines Warps &c.

1. *Sheds.*

For each ton of goods which shall remain in any shed or on any quay or pier for a longer time than 24 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours.

2. *Cranes.*

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

3. *Weighing Machines.*

For potatoes salt and coals each ton or part of a ton	0	4
Goods in quantities of 20 tons and upwards of same cargo per ton	0	3
Other goods per ton or part of a ton	0	6

4. *Warps or Planks.*

Harbour warps all vessels per registered ton	0	0¼
„ planks long per pair	3	0
„ „ short „	1	0

The long planks to be paid for by vessel and short planks by merchant.

5. *Water Money.*

	s.	d.
For each 25 gallons or part thereof supplied - - - -	0	1½

6. *Harbour Lights.*

For every ship under 50 tons register each - - -	1	0
,, ,, ,, 100 tons register each - - - -	2	0
,, ,, 100 tons register or above each - - -	2	6

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

7. *Beaching Ground.*

For every boat beached or laid up on ground provided for the purpose by the Commissioners payable in advance per season not exceeding 30 tons register each - - - - -	7	6
Exceeding 30 tons register each - - - - -	10	0

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