CHAPTER lvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Auchmithie, Balintore, Littlestone, Mostyn, and Sharpness. [5th July 1889.] A.D. 1889.

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 provision as to houses of labouring class.

2. The Trustees and undertakers respectively mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, without the consent of the Local Government Board in England, or of the Secretary for Scotland in Scotland, as the case may be, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary 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, after the 30 & 31 Vict. c. 101.

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passing of this Act, have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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. 3) Act, 1889.

THE SCHEDULE OF ORDERS.

1. Auchmithie.—Construction of harbour.
2. Balintore.—Construction of harbour.
3. Littlestone.—Construction of promenade pier.
4. Mostyn.—Construction of dock.
5. Sharpness.—Maintenance of lighthouses, and other aids to navigation.

AUCHMITHIE.

Order for the construction, maintenance, and regulation of a Harbour at Auchmithie, in the parish of St. Vigeans, in the county of Forfar. — *Auchmithie.*

Harbour Trustees.

1. This Order shall be carried into execution by a body of trustees (in this Order referred to as The Trustees) to be qualified, appointed, and elected as in this Order provided.

Incorporation of the Trustees.

2. The Trustees and their successors are hereby incorporated by the name of The Auchmithie Harbour Trustees, and by that name shall be a body corporate with perpetual succession and a common seal, and have power to sue and be sued, and to purchase, take, lease, hold, and dispose of lands and other property for the purposes and subject to the provisions and restrictions of this Order.

Appointment and election of Trustees.

(1) Trustees *ex officiis*.

(2) First representative Trustees.

3. There shall be seven Trustees, of whom two shall be Trustees ex officiis, and the other five shall be representative. The Trustees ex officiis shall be the Right Honourable the Earl of Northesk, heir of entail in possession of the lands of Ethie, during his life, and on his death the person succeeding to him in these lands or in that portion thereof in which the village of Auchmithie is situated; and James William Barclay, Esquire, M.P., for the county of Forfar, during his life, and on his death or resignation of the trusteeship the person who may be member of Parliament for the county of Forfar for the time being, or for that portion thereof in which the village of Auchmithie is situated. The first representative Trustees shall be James Johnston, Fishcurer, Montrose; George Miln, Solicitor, Arbroath; James Muir, Banker, Arbroath; The Honourable Frederick J. Bruce, of Seaton; and Andrew Gilruth, Farmer, Seaton, Auchmithie. The said James Johnston, George Miln, James Muir, Frederick J. Bruce, and Andrew Gilruth shall hold office for the term of ten years from the 1st day of January 1889, and in the event of any of them dying or resigning the trusteeship the remaining Trustees, including the Trustees ex officiis, shall elect a Trustee in his room and place.

(3) Future representative Trustees.

4. The five representative Trustees above named, or their successors chosen as aforesaid, shall go out of office on the 1st day of January 1899, and five representative Trustees shall then be elected in their room by the persons resident for the time being within one mile of the harbour at Auchmithie, who are fishermen paying harbour rates, and are engaged or employed in the fishery in and out of the harbour, such electors having been resident within one mile of the said harbour for at least six months prior to the day of election. In the election of such future representative Trustees the following provisions shall have effect:—

(i.) At every election, the chairman of the Trustees, not being a candidate for election, shall be returning officer, and, failing him, some person to be appointed by the Trustees.

(ii.) The election shall be held at such place, at such times, and in such manner, and according to such regulations as the Trustees may from time

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to time by order prescribe; and the Trustees may by order appoint or direct the appointment of any officers requisite for the purpose of such election, and do all other necessary things preliminary or incidental to such election.

(iii.) The expenses connected with every election (but not including the expenses of any candidate) shall be paid by the Trustees out of the funds belonging to them as such Trustees.

(iv.) At every election every voter shall be entitled to one vote for each Trustee to be elected, but no voter shall give more than one vote to any one Trustee.

(v.) The candidates having the majority of votes at any election shall be elected, and in every case of equality the returning officer shall have a casting or deciding vote.

(vi.) Any question or dispute regarding the election of a candidate shall be summarily determined by the sheriff on the petition of any person interested who may have a legal right to raise such question, and the decision of the sheriff shall be final; and, unless and until the sheriff shall otherwise determine, the persons declared by the returning officer to be elected shall be representative Trustees, and the acts and proceedings of such representative Trustees shall be valid accordingly, and no subsequent declaration or finding that any person was not duly elected shall affect the validity of any acts and proceedings in which such person may have taken part.

(vii.) In case the election of any person as a Trustee shall be declared by the sheriff to be invalid, or any person elected shall decline to act or be incapable of acting so that the full number of Trustees is not duly elected, the other Trustees or a quorum of their number may nominate a person to be a representative Trustee in place of any person whose election has been declared invalid, or who declines to act or is incapable of acting, and the person so nominated shall be deemed a duly elected Trustee. If the number of Trustees elected does not amount to a quorum, the whole election shall be null and void, and a new election shall take place.

(viii.) In the event of any Trustee dying, resigning, or becoming disqualified or incapable of acting or refusing to act, the Trustees shall have power to nominate a person to fill the vacancy; and every person so nominated shall be deemed a duly elected Trustee.

(ix.) Notice of the election of a person to be a Trustee shall be sent to him by the returning officer, together with a notice to attend the first meeting of the Trustees at the prescribed time and place, and the time shall not be later than fourteen days after the date of the election.

(x.) All acts and proceedings of the Trustees shall be valid and regular, notwithstanding any vacancy in the number of the Trustees or any informality in the nomination or election of any Trustee.

(xi.) The vote at every contested election shall be taken by ballot in the same manner as a poll at a contested municipal election is directed to be taken by the Ballot Act, 1872, and any future Acts amending the same.

(xii.) The first representative Trustees elected under this section shall hold office for three years from the said 1st day of January 1899, when five representative Trustees shall again be elected for another period of three years, and so on in perpetuity; but all such representative Trustees going out of office shall be eligible for re-election.

Auchmithie.
Incorporation of Commissioners Clauses Act, 1847.

5. The Commissioners Clauses Act, 1847 (except in so far as expressly varied by and inconsistent with this Order), is incorporated with this Order; and that Act and the term "commissioners," when used therein, shall, as far as the nature and circumstances of the case will admit, apply to the Trustees collectively and severally, subject to the following provisions :—

(1.) Sections 6 and 7, sections 12 to 16 inclusive (so far as they refer to subscribing a declaration), sections 17 to 35 inclusive, sections 42 to 46 inclusive, sections 54, 57, 86, 87, 92, 93, 94, 110, and 111 shall not be incorporated with this Order.

(2.) With reference to section 36, the first meeting of the Trustees shall be held on the third Wednesday next after the passing of the Act confirming this Order at twelve o'clock noon, within the Auchmithie Hotel.

(3.) With reference to section 39, the prescribed number constituting a quorum of the Trustees shall be three.

(4.) With reference to section 40, there shall be an annual meeting, to be held at such time and place in the month of November as may be fixed by the Trustees. It shall not be obligatory on the Trustees to hold any other meetings, but it shall be competent to the chairman or clerk or any two Trustees to call meetings at any time, not less than seven days' notice thereof being given.

(5.) With reference to section 84, in case the Trustees borrow otherwise than on terms of repayment by annuity or instalments the sum to be every year appropriated and set apart out of the rates as a sinking fund shall not be less than one pound ten shillings for every hundred pounds of money borrowed. Provided that if any money borrowed shall be paid off out of the sinking fund, the Trustees shall thenceforth in each year until all money borrowed has been paid off, pay to the sinking fund and accumulate a further sum equal to interest at 4 per cent. per annum on the money so paid off.

(6.) With reference to section 90, it shall not be obligatory on the Trustees to cause such statement and account as therein mentioned to be printed.

(7.) Notwithstanding anything mentioned in the said incorporated Act, the same person may be both clerk and treasurer to the Trustees.

(8.) The accounts of the Trustees shall be audited annually by an auditor to be appointed by the Trustees, who shall not be one of themselves nor their clerk or treasurer, and such auditor shall be paid for his services such fee as may be agreed upon.

(9.) The Trustees shall at all times from and after the expiry of six months from the time at which this Provisional Order shall come into effect keep a copy thereof at the office of their clerk, and allow all persons interested to inspect the same and make extracts therefrom at all reasonable times.

(10.) The Trustees shall give public notice by advertisement inserted once in each of two successive weeks in a newspaper published in the County of Forfar, of the situation and of any change of situation from time to time of the office of the Trustees.

Notwithstanding anything contained in the said Act, it shall not be obligatory on the Trustees to hold their meetings within the limits of the Order.

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The undertakers.

6. The Trustees shall be the undertakers for carrying this Order into execution.

Limits of harbour.

7. The limits within which the Trustees shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise the harbour, and all piers and works, to be constructed under the powers conferred by this Order, and all roads, accesses, and conveniences connected therewith, and also the whole area below the line of high-water mark within a distance of five hundred feet from any part of the harbour and works, which limits (and all additions to and improvements on the harbour works from time to time to be made by the Trustees) are in this Order termed "the limits of this Order."

Vesting of creek or harbour at Auchmithie in Trustees.

8. From and after the passing of the Act confirming this Order, the Earl of Northesk, heir of entail in possession of the estate of Ethie, or other necessary parties, are hereby empowered to make and enter into all necessary deeds, contracts, agreements, and arrangements for causing all such estate and interest (if any) as they or any of them have in the existing creek or harbour at Auchmithie within the limits of this Order to be transferred to and vested in the Trustees, and the Trustees may hold the same for the purposes of this Order.

Power to take lands by agreement.

9. For the purposes of the works authorised by this Order, the Trustees may from time to time by agreement enter on, take, and use all or such parts of the land shown on the plans deposited with reference to this Order, as they may think requisite for the purposes of this Order, not exceeding in the whole three acres.

Lands for extraordinary purposes.

10. The Trustees 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.

Incorporation of Lands Clauses Acts.

11. The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands, otherwise than by agreement, shall be incorporated with this Order; but nothing in this Order shall authorise the Trustees to take lands for the purposes of this Order exceeding in the whole five acres.

Nuisance not authorised.

12. This order or anything herein contained shall not exempt the Trustees from any proceeding on account of any nuisance caused by them on any land acquired by them under this Order.

Construction of works.

13. 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 Trustees may in the lines and situation and according to the levels shown on the deposited plans and sections, and within the limits of deviation shown on those plans, and herein-after prescribed, make and maintain the harbour, pier, quay, roads, and works authorised by this Order.

Description of works.

14. The works authorised by this Order include:—

(1) A road of approach commencing at a point on the east side of the existing road leading down to the beach from the village of Auchmithie, sixty-one yards or thereabouts, measuring in a south-south-westerly

direction from the centre of the west parapet of the bridge over the burn which flows immediately to the south of the village of Auchmithie, and extending in a south-easterly direction for a distance of thirty-three yards or thereabouts, and there terminating. *Auchmithie.*

(2) A pier or quay commencing at the termination of the said road of approach, and extending in a south-easterly direction for a distance of thirty-three yards or thereabouts, thence in a south-south-easterly direction for a distance of forty-one yards or thereabouts, thence in a south-westerly direction for a distance of forty-three yards or thereabouts and there terminating.

(3) The deepening by means of dredging or otherwise of the area inclosed by the pier or quay above described, and of the entrance for a distance of twenty-seven yards or thereabouts in a south-easterly direction from the termination of the pier or quay.

All which intended works will be situate in the parish of St. Vigeans and county of Forfar, and on the foreshore and bed of the sea *ex adverso* of the said parish and county.

Powers of deviation.

15. Subject to the provisions of this Order, the Trustees with the consent in writing of the Board of Trade may, in the execution of the works by this Order authorised, deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans, and also deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet.

Compensation for injury to Crown right of salmon fishing.

16. It shall not be lawful for the Trustees to construct any work on any land over which a right of salmon fishing belongs to Her Majesty without the previous consent in writing of the Commissioners or Commissioner for the time being of Her Majesty's Woods, Forests, and Land Revenues, having the management of the land revenue of the Crown in Scotland, and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Order authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned, and subject to such conditions as may be agreed upon. And in case the amount of such compensation as aforesaid shall not be agreed upon, the same shall be settled by two referees, one being appointed by the said Commissioners or Commissioner, and one being appointed by the Trustees, or by an umpire to be appointed by the said referees, and the charges and expenses of such referees or their umpire shall be paid by the Trustees.

Improvement and maintenance of harbour.

17. Subject to the provisions of this Order, the Trustees may from time to time construct, maintain, alter, and improve the harbour and the contemplated quay and dockage, pier, jetties, wharves, sewers, drains, watercourses, roads, approaches, streets, and other works and conveniences; and may lay down and construct rails, tramways, and sidings on or along the quay, pier, 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; provided that works authorised by this Order below the line of high-water mark shall not be commenced without the consent of the Board of Trade having been first obtained in writing.

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Power to construct warehouses, &c.

18. The Trustees 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 pier and harbour for the accommodation of vessels and traffic landed at or embarked from the same.

Penalty for obstructing works.

19. Every person who wilfully obstructs any person acting under the authority of the Trustees 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, shall for every such offence be liable to a penalty not exceeding five pounds.

Power to levy rates.

20. 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, all exemptions from payment of rates or harbour dues existing at the time of the passing of the Act confirming this Order shall cease, and the Trustees may, subject to the provisions of this Order, for the use of the pier, harbour, quay, and works and conveniences connected therewith, levy, recover, and receive in respect of vessels, boats, and fish described in Schedule A. to this Order, any sums not exceeding the several rates specified in that schedule.

Revision of rates.

21. The Trustees shall from time to time revise the rates or duties received by them under this Order, so that the income of the Trustees under this Order may always be, so far as practicable, sufficient, and not more than sufficient, for the purposes of this Order; and if at any time and from time to time the clear annual income derived from the pier, harbour, quay, and works on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of this Order, the Board of Trade, may, if in their discretion they think fit, reduce 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 this Order.

Reduction of rates after payment of debt.

22. Within three months from the 1st day of January, 1914, if the whole of the mortgage debt or annuities hereby authorised have in the meantime been paid off, or within three months from and after the time at which such mortgage debt or annuities shall have been paid off, it shall be the duty of the Trustees to apply to the Board of Trade for a revision of the rates and duties to be levied under this Order, and if the Trustees shall fail to make such application within such period of three months it shall be in the power of any five fishermen residing in Auchmithie, and plying their calling there, to apply to the Board of Trade for a revision of such rates and duties; and on such application being made the Board of Trade shall, if satisfied that the whole of such mortgage debt or annuities has been paid off, issue a certificate to that effect, and shall reduce such rates and duties to such sums as will be sufficient for the future outgoings and expenses of the Trustees.

As to repayment of new loans.

23. Notwithstanding what is contained in the preceding section, if after repayment of any debt the Trustees, with the consent of the fishermen of Auchmithie in public meeting assembled, called by handbills being affixed on public places in the village of Auchmithie ten days previous to such meeting,

shall deem it necessary to deepen, extend, or improve the harbour or works, or if from any unforeseen contingency extensive repairs thereto shall be necessary, and the security of the rates shall be deemed sufficient security for money to be borrowed to effect the required improvement or repairs, then the Trustees, with the consent of the Board of Trade in writing, under the hand of one of their secretaries or assistant secretaries, may again demand, levy, and recover the rates authorised by this Order, but only so long as any debt secured on the harbour and undertaking shall remain unpaid.

Rates may be levied although works not completed.

24. 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 Trustees, that the works authorised by this Order have been so far completed as to afford increased accommodation for the traffic of the harbour by means of such works, the Trustees may, notwithstanding the 25th 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 with the increased accommodation afforded.

Masters of herring boats to report take of herrings.

Harbour master may prevent sailing of vessels.

25. The master or owner of every herring boat shall on arrival in the harbour forthwith report the same to the collector of rates, and shall furnish to the collector a true and accurate statement of his take of herrings, and the name of the person obtaining delivery thereof and liable for the dues thereon. The master or owner of any vessel or boat who shall leave the harbour without having paid to the collector his dues shall be liable in a penalty not exceeding ten pounds, and the harbour master or collector may without prejudice to any other remedy competent to the Trustees for compelling or securing payment of rates and dues, prevent the removal of fish or the sailing out of the harbour of any vessel or boat in respect of which any rates shall have been payable until such rates are paid.

Power to vary exemptions from and compound for rates.

26. The Trustees may from time to time confer, vary, or extinguish exemptions from, and compound with any person or persons with respect to the payment of rates authorised 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.

Rates for use of warehouses, &c.

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

Annual account to be sent to Board of Trade.

28. 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 25th day of March in each year), shall send a copy of the same to the Board of Trade, and section 16 of the General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. If the Trustees refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

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Fishing vessels under stress of weather exempt from rates.

29. 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, shall, when forced by stress of weather to make use of the pier or harbour, or the works belonging thereto, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of officers of Board of Trade or Fishery Board.

30. Officers of the Board of Trade and of the Fishery Board of 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 harbour, pier, or quay, and works, by land and with their vessels and otherwise, without payment.

Exemption of lifeboat crews.

31. 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.

Apparatus for saving life may be attached to pier.

32. 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, harbour, or works, 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 pier, harbour, or works.

Power to lease rates.

33. The Trustees may from time to time lease the rates authorised by this Order for any period not exceeding seven years from the date of the lease, and for such rent and consideration and on such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Trustees 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 Trustees are made subject under this Order.

Power to borrow.

34. The Trustees may from time to time borrow and re-borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of two thousand pounds, on the security of the rates, duties, and charges authorised by this Order; or they may accept and take from any bank or banking company credit to such amount as they may deem expedient, not exceeding in the whole the said sum of two thousand pounds on a cash account to be opened and kept in the name of the Trustees according to the usage of bankers in Scotland, but so that the whole sum owing by the Trustees on such cash account and for other money borrowed and for the time being unpaid, shall not exceed in the whole the sum of two thousand pounds exclusive of interest, and may assign the rates, duties, and charges hereby authorised 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 respectively, by bonds and assignations in security under their common seal and signed by three of the Trustees; and such bonds and assignations in security, and all transfers thereof, may be in the form

or as near as may be of Schedules B and C to the Burgh Harbours (Scotland) Act, 1853, annexed respectively, and shall have priority according to their dates, except so far as a *pari passu* preference may, by the bonds and assignations in security, have been established among all or some of them as being of parts of one capital sum which the Trustees may, by a resolution of a specified date, have resolved to borrow in parts. Such bonds and assignations in security, and all transfers thereof, shall be entered in a book to be kept by the Trustees for the purpose.

Every part of the money so borrowed shall be applied only for the purposes authorised by this Order to which capital is properly applicable.

Provision for appointmen of a judicial factor.

35. If within two months after the interest of any bond and assignation in security granted by the Trustees has become due, or after the period agreed for the payment of the principal sum contained in any such bond and assignation in security has expired, such interest or principal, as the case may be, shall not be paid, the holders of such bonds and assignations in security may, without prejudice to any rights, remedies, or security otherwise competent to or held by them, require the appointment of a judicial factor by an application to be made as herein-after provided.

Procedure on applying for a judicial factor.

36. Every such application for the appointment of a judicial factor shall be made in a summary way to the sheriff, and on any such application the sheriff may, by order in writing after hearing the parties, appoint some person as judicial factor to receive the whole of the rates authorised by this Order, or other the revenue of the Trustees, until all the arrears of interest or of principal, as the case may be, then due on the outstanding bonds and assignations in security, together with all costs, including the charges of receiving the said rates or other revenue, be fully paid; and, upon such appointment being made, all such rates or revenue as aforesaid shall be paid to and received by the judicial factor so appointed, and the moneys so received shall be so much money received by or to the use of the holders of the bonds and assignations in security, and, so soon as the full amount of any interest in arrear or principal and costs has been so received, the power of such judicial factor shall cease; and after payment of such costs the judicial factor shall distribute among all the holders of the said bonds and assignations in security to whom interest or principal shall be in arrear the rates and other moneys which shall have been received by him, having regard in such distribution to the priorities, if any, of such bonds and assignations in security.

Further provision as to judicial factor.

37. To authorise any application for appointment of a judicial factor under this Order there shall be then owing on one or more of such bonds and assignations in security a sum of not less than two hundred pounds.

Application of moneys.

38. The Trustees shall apply all money received by them from the rates, duties, and charges authorised by this Order for the purposes and in the order following (that is to say):—

(1.) In paying the costs of and connected with the preparation, obtaining and making of this Order;

(2.) In paying any feu duties and rents payable in respect of the lands and property belonging to and leased by the Trustees, and the expenses of the maintenance, management, and regulation of the harbour and works, with

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all accesses, roads, and conveniences, and of the lands and property connected therewith;

(3.) In paying year by year the interest of any money borrowed, and in payment of the principal of money borrowed;

(4.) In creating a sinking fund in manner and in so far as the nature and circumstances of the case will admit, in the proportions specified in the Commissioners Clauses Act, 1847, and this Order;

(5.) Subject to and after answering the purposes aforesaid, the surplus revenue, if any, shall be applied by the Trustees in the further improvement of the harbour, or in providing a sinking fund for such purpose.

Power to grant bonds of annuity.

39. In place of borrowing money on mortgage, with a sinking fund, in manner before mentioned, the Trustees may grant to any person advancing such sum or sums as the Trustees require to borrow, not exceeding in all two thousand pounds, or any part thereof, an annuity or annuities for any sum or sums not exceeding in all one hundred and twenty-eight pounds by the year, to endure for twenty-five years from the date thereof, on the security of the rates, duties, and charges authorised by this Order. The Trustees may execute bonds of annuity in favour of the person or persons making such advances to an extent in all not exceeding as aforesaid in the form or as nearly as may be in the form of Schedule B. to this Order; which bonds of annuity shall be recorded in a book to be kept by the Trustees for the purpose. Any holder of such bonds of annuity may transfer the same in the form or as nearly as may be in the form of Schedule C. to this Order, and such transfer shall be recorded in the same book.

Remedy if annuities not paid.

40. If the annuities falling due under the bond or bonds of annuity as aforesaid shall at any time fall into arrear for a period of six months, and there shall be due and owing in respect thereof to the holder or holders of such bonds of annuity a sum or sums in all of not less than fifty pounds, the holders of such bonds of annuity or any of them shall have the same rights and remedies as are herein-before provided to the holders of mortgages.

Power to Trustees to purchase or hire dredgers and apparatus.

41. The Trustees may, for the purposes of the works authorised by 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, 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.

Incorporation of Harbours, &c., Act, 1847.

42. Sections 16 to 19 inclusive, 24 to 26 inclusive, 35, 47, and 60 of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order.

With reference to section 88, it shall not be necessary that the byelaws therein mentioned shall be exhibited in the office of the undertakers, unless such office is situated within the limits of this Order.

Trustees to be pilotage authority.

43. Within the limits of the harbour the Trustees shall be a pilotage and local authority within the meaning of the Merchant Shipping Act, 1854, and Acts amending the same, and shall have all the powers conferred by those Acts on pilotage authorities and on local authorities.

Boats not to anchor within harbour.

44. No vessel or boat shall, without the consent of the Trustees or their harbour master, anchor within the limits of the harbour.

Meters and weighers.

45. The Trustees shall have the appointment of meters and weighers within the limits of the harbour.

Byelaws.

46. 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 at 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.

Temporary lights on works.

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

As to lights after completion of works.

48. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Trustees shall at the outer extremity of the Pier and works 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 Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

Provision against danger to navigation.

49. In case of injury to or destruction or decay of the pier or works or any part thereof 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 calendar 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.

Powers to cease in certain events.

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

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

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

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

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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 the period aforesaid shall, for the purposes of this Order, be conclusive evidence of the facts stated in such certificate.

Saving rights of proprietor of Ethie.

51. Except as in this Order otherwise expressly provided, nothing herein, or in the incorporated Acts contained, shall in any manner interfere with or affect any property or rights or privileges whatsoever belonging to or enjoyed or exerciseable by the heritable proprietor of the lands of Ethie, or his successors in title therein.

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

Definitions.

53. In construing this Order and incorporated Acts the following words shall have the meanings herein-after assigned to them, namely—

"Harbour" means the harbour of Auchmithie within the limits defined in this Order;

"Sheriff" means the sheriff of Forfarshire, or any of his substitutes.

Costs of Order.

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

Short title.

55. This Order may be cited as The Auchmithie Harbour Order, 1889.

The SCHEDULES in the foregoing Order referred to.

SCHEDULE A.

	£	s.	d.
(1.) For each herring boat using the harbour during the herring season, viz :—From 1st July to 30th September, or part thereof, for the season, payable in advance - -	1	10	0
(2.) For any other boat using the harbour per lunar month for each man or boy employed therein, payable in advance -	0	2	0
Any boat using the harbour for less than a month to be charged as for a month.			
(3.) For each herring boat using the harbour between the 1st day of October and the 30th day of June, the same charge as under (2).			
(4.) For each thirty-seven and a half gallons of herrings landed at, and for each twenty-six and two-third gallons of herrings exported from, the harbour - - - - -	0	0	2
No charge to be made for fish other than herrings.			
(5.) For each fishing boat entering the harbour and not charged under (1), (2), or (3), if decked, the sum of 2*s.* each visit, and 6*d.* for each day she remains windbound, or from any other cause ; if undecked, 1*s.* each visit, and 4*d.* for each day.			
(6.) For every boat laid up within the harbour by permission of the Trustees, and not going to sea, if over 20 feet of keel, the sum of 2*s.* per lunar month, and if under 20 feet of keel, the sum of 1*s.* per lunar month, payable in advance.			
(7.) For every vessel whatever other than a fishing boat, entering the harbour to load or unload, per registered ton - -	0	0	4
(8.) For each vessel windbound or otherwise so entering but not loading or unloading, per registered ton per day - -	0	0	1

The Trustees may remove from the harbour any vessel not loading nor unloading nor windbound and any boat which is not being regularly used for fishing.

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SCHEDULE B.—(SECTION 39.)

By virtue of the Auchmithie Harbour Order, 1889, we, the Auchmithie Harbour Trustees, appointed in pursuance of the said Act, in consideration of of the sum of paid to us by A.B. of for purposes of the said Act, do hereby bind ourselves as a corporate body, but not personally or individually, to pay to the said A.B., his executors or assignees whomsoever, an annuity of for the term of twenty-five years from and after the date of these presents, beginning the first payment of the said annuity on the day for the year preceding, and so to continue annually during the said space of twenty-five years, with a fifth-part more of each year's annuity of liquidate penalty in case of failure, and interest thereon at the rate of five per centum per annum from the term of payment during the non-payment of the same; and in security of the due payment of the sums herein above agreed to be paid, we assign to the said A.B. and his foresaids the rates, rents, profits, and other moneys arising or accrescing by virtue of the said Order, but that always so as this bond of annuity shall rank upon the said rates rents, profits, and other moneys *pari passu* with other bonds of annuity granted or to be granted by us to an amount, including the foresaid sum of not exceeding a total of annually; and we consent to registration hereof for preservation and execution. In witness Whereof:

(*To be signed by three Trustees, and sealed or stamped with the Common Seal*).

SCHEDULE C.—(SECTION 39.)

I, A.B., of in consideration of the sum of paid to me by C.D., of do hereby assign and transfer to the said C.D., his executors and assignees a bond of annuity for the sum of granted by the Auchmithie Harbour Trustees in my favour dated , and all my right, estate, and interest in and to the money thereby secured and the rates, rents, profits, and other moneys thereby assigned. (*If the granter be not the original annuitant state shortly the title by which he acquired right to the bond of annuity*).

In witness whereof.

BALINTORE.

Order for the construction, maintenance, and regulation of a harbour at Balintore, in the parish of Fearn, in the county of Ross.

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Harbour Trustees incorporated.

1. This Order shall be carried into execution by a body of trustees (in this Order referred to as the Trustees) to be qualified, appointed, and elected as in this Order provided.

Incorporation of the Trustees.

2. The Trustees and their successors are hereby incorporated by the name of "The Balintore Harbour Trustees," and by that name shall be a body corporate, with perpetual succession and a common seal, and have power to sue and be sued, and to purchase, take, lease, hold, and dispose of lands and other property for the purposes, and subject to the provisions and restrictions of this Order.

Appointment and election of Trustees; (1.) Trustees ex officiis.

3. (i.) The proprietor for the time being of the lands of Balintore, in the parish of Fearn, the factor of such proprietor for the time being, but subject to the provision that such factor shall not vote at any meeting at which his principal is present and votes, the ministers of the Established and Free Churches respectively in the parish of Fearn, and the minister of the United Presbyterian Church of Nigg, all for the time being, and their successors shall be trustees ex officiis for the purposes of this Order.

(2.) Representative Trustees.

(ii.) There shall be seven representative Trustees for the purposes of this Order, who shall, after the first representative Trustees, be qualified by being resident within the parishes of Fearn or Nigg, and elected in manner herein-after mentioned.

(iii.) Such representative Trustees shall be chosen or elected by the persons resident for the time in or within one mile and a half of the proposed harbour at Balintore, being fishermen paying harbour rates, and engaged or employed in the fishery, in and out of the harbour, and others who are householders entered in the Valuation Roll and entitled to vote for a Member of Parliament.

(iv.) The following persons shall be the first representative Trustees, viz.:—

(1.) Jonathan Middleton, Clay of Allan, Fearn;
(2.) John Gordon, Balmuchy, Fearn;
(3.) Alexander Wallace, Tullich, Fearn;
(4.) George Sang, Solicitor Supreme Courts, Edinburgh;
(5.) Finlay Skinner, fisherman, Balintore;
(6.) Finlay Skinner, fisherman, Shandwick;
(7.) Robert Ross, merchant, Hilton;

and in case of the death or resignation of any Trustee the remaining Trustees, including the Trustees ex officiis, may elect another Trustee in his place.

Mode of electing future representative Trustees.

4. In the election of future representative Trustees the following provisions shall have effect:—

(i.) At every election, the chairman of the Trustees, not being a candidate for election, shall be returning officer, and, failing him, some person to be appointed by the Trustees;

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(ii.) The election shall be held at such place at such times, and in such manner and according to such regulations as the Trustees may from time to time by order prescribe; and the Trustees may by order appoint or direct the appointment of any officers requisite for the purpose of such election, and do all other necessary things preliminary or incidental to such election;

(iii.) The expenses connected with every election (but not including the expenses of any candidate) shall be paid by the Trustees out of the funds belonging to them as such Trustees;

(iv.) At every election every voter shall be entitled to a number of votes equal to the number of the Trustees to be elected, and may give all his votes to one candidate, or may distribute them among the candidates as he may think fit;

(v.) The candidates having the majority of votes at any election shall be elected, and in every case of equality the returning officer shall determine which candidate is duly elected;

(vi.) Any question or dispute regarding the election of a candidate shall be summarily determined by the sheriff on the petition of any person interested who may have a legal right to raise such question, and the decision of the sheriff shall be final; and, unless and until the sheriff shall otherwise determine, the persons declared by the returning officer to be elected shall be representative Trustees, and the acts and proceedings of such representative Trustees shall be valid accordingly, and no subsequent declaration or finding that any person was not duly elected shall affect the validity of any acts and proceedings in which such person may have taken part;

(vii.) In case the election of any person as a Trustee shall be declared by the sheriff to be invalid, or any person elected shall decline to act, or be incapable of acting, so that the full number of Trustees is not duly elected, the other Trustees, or a quorum of their number, may nominate a person to be a representative Trustee in place of any person whose election has been declared invalid, or who declines to act or is incapable of acting, and the person so nominated shall be deemed a duly elected Trustee. If the number of Trustees elected does not amount to a quorum, the whole election shall be null and void, and a new election shall take place;

(viii.) In the event of any Trustee dying, resigning, or becoming disqualified, or incapable of acting, or refusing to act, the Trustees shall have power to nominate a person to fill the vacancy; and every person so nominated shall be deemed a duly elected Trustee;

(ix.) Notice of the election of a person to be a Trustee shall be sent to him by the returning officer, together with a notice to attend the first meeting of the Trustees at the prescribed time and place, and the time shall not be later than fourteen days after the date of election;

(x.) All acts and proceedings of the Trustees shall be valid and regular, notwithstanding any vacancy in the number of the Trustees or any informality in the nomination or election of any Trustee;

(xi.) The vote at every contested election shall be taken by ballot in the same manner as a poll at a contested municipal election is directed to be taken by the Ballot Act, 1872, and any future Acts amending the same;

(xii.) The first representative Trustees named in this Order shall hold office until the 1st day of January, 1893, and the representative Trustees elected in their place shall hold office for three years from that date; and the seven representative Trustees elected at the end of every three years shall hold office for three years, and no longer; but all such representative Trustees going out of office shall be eligible for re-election.

Incorporation of Commissioners Clauses Act.

5. The Commissioners Clauses Act, 1847 (except so far as expressly varied by and inconsistent with this Order), is incorporated with this Order; and that Act and the term "commissioners," when used therein, shall, so far as the nature and circumstances of the case will admit, apply to the Trustees collectively and severally, subject to the following provisions;—

(1.) Sections six, seven, twelve to sixteen, both inclusive (so far as they refer to subscribing a declaration), seventeen to thirty-five, both inclusive, forty-two to forty-six, both inclusive, and sections fifty-four, fifty-seven, eighty-six, eighty-seven, ninety-two, ninety-three, and ninety-four, shall not be incorporated with this Order;

(2.) With reference to section thirty-six, the first meeting of the Trustees shall be held on the third Wednesday next after the confirmation of this Order, at twelve o'clock noon, within any convenient place in the village of Balintore;

(3.) With reference to section thirty-nine, the prescribed number constituting a quorum of the Trustees shall be five;

(4.) With reference to section forty, the annual meeting of the Trustees shall be held at such time and place in the month of June, as may be fixed by the Trustees; and it shall not be obligatory on the Trustees to hold monthly meetings, but they may hold meetings at any time and within any place as they may consider necessary; and it shall be competent for any three Trustees to require a meeting to be called at any time on three clear days' notice being given of any such meeting;

(5.) With reference to section eighty-four, and in case the Trustees borrow otherwise than on terms of repayment by annuity or instalment, the sum to be every year appropriated and set apart out of the rates as a sinking fund shall not be less than one pound for every hundred pounds of money borrowed, or remaining due in such year; such appropriation to commence after the time when full rates become leviable under this Order: Provided that if any money borrowed shall be paid off out of the sinking fund the Trustees shall thenceforth in every year until all money borrowed has been paid off pay to the sinking fund and accumulate a further sum equal to interest at three per cent. per annum on the money so paid off.

(6.) With reference to section ninety, it shall not be obligatory on the Trustees to cause such statement and account as therein mentioned to be printed;

(7.) With reference to section ninety-two, the accounts of the Trustees shall be audited annually by an auditor to be appointed by the Trustees, who shall not be one of themselves, nor their clerk or treasurer, and such auditor shall be paid for his services such fee as may be agreed on;

(8.) The office for the harbour master or collector, which shall be in the village of Balintore, shall be the office for the Trustees under this Order for the

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transaction of ordinary business and all notices to the clerk of the Trustees left at such office shall be sufficient notice to the Trustees.

But notwithstanding anything in the said incorporated Act contained, the same person may be both clerk and treasurer to the Trustees.

The undertakers.

6. The Trustees shall be the undertakers for carrying this Order into execution.

Limits of harbour.

7. The limits within which the Trustees shall have authority, and within which the powers of the harbour master may be exercised, and which shall be deemed the limits to which this Order and the power to levy rates extend, shall comprise the breakwaters and works authorised by this Order, and the conveniences connected therewith, and the whole area below the line of high water mark within a distance of five hundred feet from any part of the breakwaters and works, which limits are in this Order and in the schedule hereto termed "the limits of this Order."

Power to take lands by agreement.

8. For the purposes of the works authorised by this Order the Trustees may, from time to time, by agreement enter on, take, and use all or such parts of the land shown on the plans deposited with reference to this Order, as they may think requisite for the purposes of this Order, not exceeding in the whole three acres.

Lands for extraordinary purposes.

9. The Trustees 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.

Incorporation of Lands Clauses Acts.

10. The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, except so much thereof respectively as relates to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Order; but nothing in this Order shall authorise the Trustees to take lands for the purposes of this Order exceeding in the whole five acres.

Nuisance not authorised.

11. This Order or anything herein contained shall not exempt the Trustees from any proceedings on account of any nuisance caused by them on any land acquired by them under this Order.

Construction of works.

12. 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 Trustees may, in the lines and situation, and according to the levels shown on the deposited plans and sections, and within the limits of deviation shown on those plans, and herein-after prescribed, make and maintain the harbour, breakwaters, piers, quays, roads, and works authorised by this Order.

Description of works.

13. The works authorised by this Order include :—

(1.) A breakwater and quay commencing at a point near high water mark, twenty-nine yards or thereabouts, measuring in a south-easterly direction, from the south-east corner of the Commercial Inn, in the village of Balintore, and extending in a south-easterly direction for a distance of one

hundred and seventy yards or thereabouts, thence in a southerly direction for a distance of twenty-five yards or thereabouts, thence in a south-westerly direction for a distance of sixty-one yards or thereabouts, and there terminating ;

(2.) A breakwater commencing at a point near high water mark, one hundred and forty-two yards or thereabouts, measuring in a south-westerly direction, from the south-east corner of the Commercial Inn, in the village of Balintore, and extending in a straight line in a south-easterly direction for a distance of one hundred and twelve yards or thereabouts, and thence in a curved line in an east by south direction for a distance of seventy-four yards or thereabouts, and there terminating ;

(3.) The deepening by means of dredging or otherwise, of that part of the area of the harbour alongside and to the west and north of the breakwater first described, for a width of fifty-two yards or thereabouts;

(4.) The making and maintaining all necessary and proper works and conveniences in connexion with such works respectively ;

all which works will be situate in the parish of Fearn and county of Ross, or on the foreshore, or in the sea and bed thereof adjacent thereto.

Powers of deviation.

14. Subject to the provisions of this Order, and with the consent of the Board of Trade, the Trustees may, in the execution of the works by this Order authorised, deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans, and they may deviate vertically from the levels of the said works, as shown on the deposited sections, to any extent not exceeding five feet.

Improvement and maintenance of harbour.

15. Subject to the provisions of this Order, the Trustees may from time to time construct, maintain, alter, and improve the harbour and the quays and dockage, piers, jetties, wharves, sewers, drains, watercourses, roads, approaches, 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 : Provided that works authorised by this Order below the line of high water mark shall not be commenced without the consent of the Board of Trade having been first obtained in writing.

Power to construct warehouses, &c.

16. The Trustees 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 piers and harbour for the accommodation of vessels and traffic landed at or embarked from the same.

Penalty for obstructing works.

17. Every person who wilfully obstructs any person acting under the authority of the Trustees 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, shall for every such offence be liable to a penalty not exceeding five pounds.

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Power to levy rates.

18. 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, all or any exemptions from payment of rates or harbour dues existing at the time of the passing of the Act confirming this Order shall cease, and the Trustees may, subject to the provisions of this Order, for the use of the harbour, quay, lights, works, and conveniences connected therewith, levy, recover, and receive in respect of vessels, boats, animals, fish, and generally all imported or exported goods described in the schedule to this Order, any sums not exceeding the several rates specified in that schedule.

Rates may be levied although works not completed.

19. 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 Trustees, that the works authorised by this Order have been so far completed as to afford accommodation for the traffic of the harbour by means of such works, the Trustees 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 with the accommodation afforded.

Masters of fishing boats to report take of fish.

20. The master or owner of every fishing boat shall on arrival in the harbour forthwith report the same to the collector of rates, and shall furnish to the collector a true and accurate statement of his take of fish, and the name of any person obtaining delivery thereof, and such master or owner shall not leave the harbour without paying to the collector his dues, and if he fail to do so he shall be liable to a penalty not exceeding ten pounds.

Harbour master may prevent sailing of vessels.

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

Power to vary exemptions from and compound for rates.

22. The Trustees may from time to time confer, vary or extinguish exemptions from and compound with any person or persons with respect to the payment of rates authorised 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.

Rates for use of warehouses, &c.

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

Revision of rates.

24. The Trustees shall from time to time revise the rates or dues received by them under this Order, so that the income of the Trustees under this Order may always be, so far as practicable, sufficient, and not more than sufficient, for the purposes of this Order; and if at any time and from time to time the clear

annual income derived from the harbour, quay and works on the average of the then three last preceding years, after payment of all expenses and outgoings, shall exceed the amount sufficient to answer the purposes of this Order, the Board of Trade may, if in their discretion they think fit, reduce such rates and dues 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.

25. The Trustees shall, 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 25th day of March in each year), send a copy of the same to the Board of Trade, and section sixteen of The General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Trustees refuse or neglect to comply with this provision they shall, for every such refusal or neglect, be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

26. 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, shall, when forced by stress of weather to make use of the pier or harbour or the works belonging thereto, and not breaking bulk while making use thereof, be exempt from rates leviable under this Order.

Exemption of certain officers from rates.

27. Officers of the Board of Trade and of the Fishery Board of 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 harbour, pier, or quay and works, by land and with their vessels and otherwise without payment.

Exemption of lifeboat crews.

28. 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 harbour and works without payment.

Apparatus for saving life may be attached to pier.

29. 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, harbour or works, 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 pier, harbour, or works.

Power to lease rates.

30. The Trustees may from time to time lease the rates authorised by this Order for any period not exceeding seven years, from the date of the lease, and for such rent and consideration, and on such terms and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease, the same powers of levying and recovering rates and dues as the Trustees have or might exercise under The Harbours, Docks and Piers Clauses

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Act, 1847, and this Order, and shall be subject to all the provisions as to accounts and otherwise to which the Trustees are made subject under this Order.

Power to borrow.

31. The Trustees may from time to time borrow and re-borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of four thousand pounds, on the security of the rates, dues, and charges authorised by this Order; or they 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 four thousand pounds, on a cash account to be opened and kept in the name of the Trustees according to the usage of bankers in Scotland, but so that the whole sum owing by the Trustees on such cash account, and for other money borrowed and for the time being unpaid, shall not exceed in the whole the sum of four thousand pounds exclusive of interest, and may assign the rates, dues and charges hereby authorised, 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 respectively, by bonds and assignations in security, under their common seal, and signed by three of the Trustees.

Every part of the money so borrowed shall be applied only for the purposes authorised by this Order to which capital is properly applicable.

Provision for appointment of a judicial factor.

32. If within two months after the interest of any bond or assignation in security granted by the Trustees has become due, or after the period agreed for the payment of the principal sum contained in any such bond and assignation in security has expired, such interest or principal, as the case may be, shall not be paid, the holders of such bonds and assignations in security, may, without prejudice to any rights, remedies or security otherwise competent to or held by them, require the appointment of a judicial factor by an application to be made as herein-after provided.

Procedure on applying for a judicial factor.

33. Every such application for the appointment of a judicial factor shall be made in a summary way to the sheriff, and on any such application the sheriff may, by order in writing after hearing the parties, appoint some person as judicial factor to receive the rates authorised by this Order, or other the revenue of the Trustees, until all the arrears of interest or of principal, as the case may be, then due on the outstanding bonds and assignations in security, together with all costs, including the charges of receiving the said rates, or other revenue be fully paid; and, upon such appointment being made all such rates or revenue as aforesaid shall be paid to and received by the judicial factor so appointed, and the moneys so received shall be so much money received by or to the use of the holders of the bonds and assignations in security; and, so soon as the full amount of any interest in arrear or principal and costs has been so received, the power of such judicial factor shall cease; and after payment of such costs the judicial factor shall distribute among all the holders of the said bonds and assignations in security, to whom interest or principal shall be in arrear, the rates and other moneys which shall have been received by him, having regard in such distribution to the priorities, if any, of such bonds and assignations in security.

Further provision as to judicial factor.

34. To authorise any application for appointment of a judicial factor under this Order, there shall be then owing, on one or more of such bonds and assignations in security a sum of not less than one thousand pounds.

Application of moneys.

35. The Trustees shall apply all money received by them from the rates, duties, and charges authorised by this Order, for the purposes, and in the order following (that is to say) :—

(1.) In paying the costs of, and connected with the preparation, obtaining and making of this Order;

(2.) In paying any feu duties and rents payable in respect of the lands and property belonging to and leased by the Trustees, the expenses of the maintenance, management, and regulation of the proposed harbour and other works, with all accesses, roads and conveniences, and of the lands and property connected therewith;

(3.) In paying year by year the interest of any money borrowed, and in payment of the principal of money borrowed ;

(4.) In creating a sinking fund in manner, and in so far as the nature and circumstances of the case will admit, in the proportions specified in the Commissioners Clauses Act, 1847, and this Order;

(5.) In paying the costs of the construction of works authorised by this Order ;

(6.) Subject to, and after answering the purposes aforesaid, the surplus revenue, if any, shall be applied by the Trustees in the further improvement of the harbour, or in providing a sinking fund for such purpose.

Sections of Harbours Clauses Act excepted.

36. Sections sixteen to nineteen inclusive, and twenty-four to twenty-six inclusive, of the Harbours, Docks, and Piers Clauses Acts, 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 calendar 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.

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

Power to Trustees to purchase or hire dredgers and apparatus.

38. The Trustees may, for the purposes of the works authorised by 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 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.

Trustees to be local authority.

39. Within the limits of the harbour the Trustees shall be a local authority within the meaning of the Merchant Shipping Act, 1854, and Acts amending the same, and shall have all the powers conferred by those Acts on local authorities.

Boats not to anchor within harbour.

40. No vessel or boat shall, without the consent of the Trustees or the harbour master, anchor within the limits of the harbour.

Meters and weighers.

41. The Trustees shall have the appointment of meters and weighers within the limits of the harbour.

Byelaws.

42. 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 at 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.

Temporary lights on works.

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

As to lights after completion of works.

44. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Trustees shall at the outer extremity of the pier and works 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 Trustees shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

Provision against danger to navigation.

45. In case of injury to or destruction or decay of the pier or works or any part thereof, 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 calendar 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.

Cessor of powers for construction of works in case of default.

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

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

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

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

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

Saving rights of proprietor of Balintore.

47. Except as in this Order otherwise expressly provided, anything herein, or in the incorporated Acts contained, shall not in any manner interfere with or affect any property, or rights, or privileges whatsoever belonging to or enjoyed or exerciseable by the heritable proprietor of the lands of Balintore, or his successors in title therein.

Saving rights under Crown Lands Act, 1866.

48. 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 been first obtained.

Definitions.

49. In construing this Order and Incorporated Acts the following words shall have the meanings hereinafter assigned to them, namely:—

"Harbour" means the Harbour of Balintore within the limits defined in this Order;

"Sheriff" means the sheriff of Ross, Cromarty, and Sutherland, or any of his substitutes acting in the county of Ross.

Costs of Order.

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

Short title.

51. This Order may be cited as The Balintore Harbour Order, 1889.

The SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels other than Fishing Boats.

	£	s.	d.
For all vessels whatever entering the harbour to load or unload per register ton	0	0	4
For all vessels, wind bound or otherwise, not loading or unloading per register ton	0	0	2

II.—RATES ON FISHING BOATS EXCLUSIVE OF THEIR CARGOES.

	£	s.	d.
Every boat engaged in the herring fishery, at the harbour, in full of tonnage duties for the period of the fishing season, from 1st July to 15th September, payable in advance - - -	1	5	0
Every boat, loading or discharging herrings, not engaged at the harbour as above, shall, on each occasion of entering the harbour, pay - - - - - -	0	2	6
And when wind bound - - - - -	0	1	3
Other boats loading or discharging - - - each	0	2	6
Other boats wind bound - - - - each	0	1	6
Other boats when above twenty tons register to be charged according to tonnage dues on vessels as above.			
Each white fishing boat, for season commencing 1st October, and payable annually in advance:			
If manned by not less than six hands - - -	2	0	0
If manned by less than six hands - - - -	1	0	0
For every large herring or white fishing boat, or other boat above 30 tons register, beached for the season - - -	0	15	0
Every small herring or white fishing boat, or other boat under 30 tons register, beached for the season - - - -	0	7	6

III.—RATES ON GOODS.

Articles of Export and Import.

Ale, beer and porter - - - -	per 9 gallons	0	0	1
Ale (bottled) - - - - -	per 2 gallons	0	0	1
Alkali - - - - -	per ton	0	0	8
Anchors - - - - -	per cwt.	0	0	9
Ashes of all kinds - - - - -	per ton	0	1	0
Bark - - - - -	per ton	0	2	0
Barley, pot, shelled or pearl (*see* Corn) - -	per ton	0	1	8
Barrels, empty, herring - - - -	per dozen	0	0	6
Bedding - - - - - -	per cwt.	0	0	3
Beef or pork - - - - -	per cwt.	0	0	3
Biscuit or bread - - - - -	per cwt.	0	0	3
Blubber - - - - -	per 252 gallons	0	3	0
Bones and bone dust - - - -	per ton	0	1	0
Bottles - - - - - -	per gross	0	0	4
„ broken - - - - -	per ton	0	0	6
Bran - - - - - -	per ton	0	0	10
Bricks - - - - - - -	per 1,000	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

		£	s.	d.
Carrots	per ton	0	0	6
Casks, empty, not being returned packages	each	0	0	1
Carriages :—				
Chaises and other four-wheeled carriages	each	0	7	6
Gigs, carts, and other two-wheeled carriages	each	0	5	0
Hand carts and perambulators	each	0	1	0
Cattle :—				
Bulls, cows and oxen	each	0	1	6
Calves	each	0	0	6
Small cattle	each	0	0	8
Horses	each	0	2	0
Ponies, under 12 hands	each	0	1	0
Sheep	each	0	0	3
Lambs	each	0	0	2
Pigs	each	0	0	3
Cement	per cwt.	0	0	1½
Cheese	per cwt.	0	0	2
Chimney pots	each	0	0	1
Cinders and charcoal	per ton	0	0	6
Clay	per ton	0	1	0
Cloth, haberdashery, &c., per packet not exceeding one cwt.		0	0	2
Coals	per ton	0	0	6
Copper	per ton	0	3	0
Cordage	per ton	0	3	0
Corks	per cwt.	0	0	2
Corn, viz., wheat, barley, oats, malt, rye, Indian corn, beans, and pease	per quarter	0	0	2
Crabs	per dozen	0	0	1
Cutch	per ton	0	3	4
Dogs	each	0	0	6
Drugs (in casks, hampers, or boxes)	per cubic foot	0	0	2
Earthenware (in casks, hampers, or boxes)	per cwt.	0	0	2
,, (in crates)	per cubic foot	0	0	1
Eggs	per cwt.	0	0	3
Felt	per ton	0	2	6
Fish (dried and salted)	per cwt.	0	0	2
Fish (fresh) in bulk exported or imported	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	3	4
Flour and Meal	per cwt.	0	0	2
Fruit	per cwt.	0	0	3
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

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		£	s.	d.
Gunpowder	per 100 lbs.	0	0	3
Hams, bacon, or tongues	per cwt.	0	0	4
Hardware	per ton	0	2	6
Hay	per ton	0	1	6
Hemp	per ton	0	3	0
Herrings (fresh)	per 37½ gallons	0	0	2
„ (cured) and exported	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	0	1
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, and other ironmongery and rails	per cwt.	0	0	1
„ old	per cwt.	0	0	0½
„ 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	6
Lime	per ton	0	0	6
Limestone	per ton	0	1	0
Lobsters	per dozen	0	0	2
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	2	6
Meal	per cwt.	0	0	1
Meat (fresh)	per cwt.	0	0	6
Milk	per gallon	0	0	0½
Musical instruments	per cubic foot	0	0	1
Oakum	per cwt.	0	0	2
Oils	per ton	0	3	0
Oil-cake	per ton	0	2	0
Oranges and lemons	per cwt.	0	0	6
Oysters	per cwt.	0	0	4
Paint	per cwt.	0	0	4
Pipes, Drain, under 3 inches diameter	per 1,000	0	0	6
„ „ above „ „	per 1,000	0	0	9
„ „ collars	per 1,000	0	0	3
„ 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	6
Rosin	per ton	0	2	6
Sails	per cwt.	0	0	6

		£	s.	d.
Salmon	per cwt.	0	0	6
Salt	per ton	0	0	6
Saltpetre	per ton	0	3	0
Sand	per ton	0	1	0
Seeds	per quarter	0	0	6
Sheep skins, with wool	per cwt.	0	0	3
Shell-fish, other than specified	per cwt.	0	0	2
Slates	per ton	0	1	0
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	9
„ rough „	per ton	0	0	6
„ large	per ton	0	0	6
Sugar of all kinds	per ton	0	1	8
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 1,000	0	1	6
Tin and zinc	per ton	0	3	0
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	4
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
„ bottled	per 2 gallons	0	0	2
Wood, for every 1*l.* worth		0	0	6
Herring barrel staves	per 1,000 superficial feet	0	1	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter	per 120	0	2	6
Spars 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	0	6	6
Spars of all lengths, above 4 and under 6 inches in diameter	per 120	0	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	2	0
Spokes exceeding 2 feet in length	per 120	0	3	0
Trenails	per 1,000	0	2	6
Wedges	per 1,000	0	2	6
Pipe staves	per 120	0	2	6
Lignum vitæ, fustic, logwood, mahogany and rosewood	per ton	0	2	0
Wool	per cwt.	0	0	4
Yarn	per cwt.	0	0	2

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	£	s.	d.
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 to be taken, and for any less weights, measures, and quantities than those above specified, a proportion of the respective rates shall be charged.

IV.—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 the sheds or other works of the pier for a longer time than forty-eight hours, the sum of 3*d.*, and the sum of 1½*d.* for each day during which such goods shall remain after the first forty-eight hours.

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

V.—Dues for Lights.

Each boat engaged at the herring fishing, and each large boat engaged at the white fishing shall pay in advance for the period of the fishing season - - - - -	0	2	6
Each small white fishing boat shall pay in advance for the fishing season - - - - - - - -	0	2	6

But dues for lights shall only be demanded and received so long as a light or lights are duly exhibited during the proper hours, and money paid in advance for light dues may be recovered back if a light or lights are not maintained during the period for which the payment is made.

VI.—Rates on Passengers' Luggage.

	£	s.	d.
For every trunk, portmanteau, box, parcel, or other package within the description of luggage, over 112 lbs. and not exceeding 140 lbs.	0	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	0	7
Over 196 lbs. and not exceeding two cwt.	0	0	8
And for every cwt. beyond	0	0	4
And for every 20 lbs. in addition	0	0	1

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LITTLESTONE.

Littlestone. ***Order for the Construction, Maintenance, and Regulation of a Pier and Works at Littlestone, in the Parish of New Romney, in the County of Kent.***

Undertakers.

1. Henry Thomas Tubbs and Joseph Lewis, both of Nos. 29 and 30, Noble Street, in the City of London, Warehousemen, their heirs, assigns, and successors in title, 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 Consolidation Acts, 1845 and 1860 (except the provisions of the former Act relating to the purchase and taking of lands otherwise than by agreement and with respect to the entry on lands by the promoters of the undertaking), shall be incorporated with this Order.

Power to acquire lands by agreement.

3. For the purposes of the works authorised by this Order, the Undertakers may from time to time by agreement enter upon, take, and use all or any part of the land shown on the plans deposited for the purposes of this Order.

Power to construct works.

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

Description of works authorised.

5. The Works authorised by this Order comprise the following:—

1. A promenade, pier, jetty, and landing and shipping place, with the proper works, steps, approaches, and conveniences connected therewith, for the accommodation of steam and other vessels and the embarking and landing of passengers, goods, and merchandise, and also for a promenade and other purposes at Littlestone, in the Parish of New Romney, in the County of Kent, and on the foreshore and bed of the sea adjoining that parish: such pier commencing at a point 36 yards or thereabouts from the south-east corner of the house at Littlestone, situated at the junction of the Grand Parade and Littlestone Road, and known as Littlestone House, measured in an easterly direction and thence extending seaward in an easterly direction 400 yards or thereabouts.
2. All such sea walls, roads, approaches, landing-stages, stairs, tramways, toll-houses, shelters, seats, waiting, refreshment, and other rooms, cranes, buoys, mooring-posts, and other conveniences in connexion with the pier, for the convenient loading and unloading of vessels, and for embarking and landing of passengers, merchandise, and goods as shall be deemed necessary.
3. A pavilion, saloon, assembly or music room, with reading, refreshment, and other rooms, shops, bazaars, baths, and other conveniences on or near the pier.

Power to deviate.

6. Subject to the provisions of this Order, and with the consent of the Board of Trade, the Undertakers may, in the execution of the said works, deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans, and may deviate vertically from the levels of such works as shown on the deposited sections to any extent not exceeding 10 feet.

Penalty for obstructing works.

7. Every person who wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works by this Order authorised, or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or defaces or destroys the works, or any parts thereof, shall be guilty of an offence, and shall for every such offence be liable to a penalty not exceeding £5.

Power to levy rates.

8. 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 Undertakers may, subject and according to the provisions of this Order for the use of the pier, landing stage, tramways, works, and conveniences connected therewith, demand and take in respect of the vessels, boats, goods, animals, fish, persons, and things described in the Schedule to this Order, any sums not exceeding the rates in that Schedule mentioned.

Undertakers may contract with persons for the use of the pier and works.

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

Power to close pier on special occasions, &c.

10. The Undertakers may on any special occasions, but not exceeding twelve days in any one year, close the pier against the public, and may on such occasions, charge such special rates of admission, not exceeding one shilling for each person, as the Undertakers may from time to time think fit.

Provided that on all such occasions the Undertakers shall reserve a sufficient passage along the pier from the landing steps 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.

Power to compound for rates.

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

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Board of Trade may reduce rates.

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

Annual account to be sent to the Board of Trade.

13. The Undertakers within one month after sending to the Clerk of the Peace the copy of their annual account in abstract (which account shall be made up to the end of the day on the 25th day of March in each year), shall send a copy of the same to the Board of Trade, and the 16th section of The General Pier and Harbour Act, 1861, Amendment Act, shall apply to, and include any 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 £20.

Certain fishing vessels under stress of weather exempt from rates.

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

Officers of Board of Trade and Customs exempt from rates.

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

Lifeboat crew to be exempt from rates.

16. 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 without payment.

Life saving apparatus may be attached to pier.

17. The officers of the coastguard and all other persons for the time being actually employed in connexion with the 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 apparatus for saving life, and may also, either in course of using or of exercising the apparatus for saving life, fire rockets over the pier.

Power to sell or lease undertaking.

18. The Undertakers, may from time to time with the consent of the Board of Trade first obtained in writing, sell their undertaking, pier, and works or any part or parts thereof or the rates and other charges authorised by this Order

and may also from time to time lease the same for any term not exceeding seven years from the date of the lease to take effect in possession at the best rent to be reasonably obtained without fine to such person or persons, company, or local authority upon such terms and under such restrictions and conditions as they think fit, and the purchaser or lessee shall have and may exercise all the same power of levying and recovering rates and dues as the Undertakers have or might exercise under the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, and shall be subject to all and the same provisions as to accounts and otherwise to which the Undertakers are made subject by this Order.

Steam engines, cranes, mooring posts, &c.

19. The Undertakers may provide and use such steam engines, steam vessels, piling engines, diving bells, cranes, buoys, mooring posts, mooring craft, weighing machines, dredging machines, tackle and other machinery, vessels, apparatus, and conveniences as they think proper for effectuating any of the purposes of this Order, and may demand and take such sums for the use of the same as they think reasonable.

Restriction and use of pier.

20. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at any pier, jetty, or landing-place authorised by this Order any sheep, cattle, or merchandise, or to ship or unship there anything which, in the judgment of the Undertakers, might in any way interfere with the use of the piers, jetties, or passengers' landing-places for recreation, or for embarking or landing passengers.

Borrowing powers.

21. The Undertakers may from time to time borrow, at interest, such money as may be required for carrying into effect the purposes of this Order, not exceeding the sum of 10,000*l.*, on the security of the rates and dues authorised by this Order, and any money which, under the provisions of this Order, shall become charged on the rates authorised by this Order, and shall be discharged otherwise than by means of the sinking fund in this Order mentioned, may be re-borrowed, if required for the purposes of this Order, and so from time to time.

Application of money borrowed.

22. Every part of the moneys borrowed under this Order shall be applied only for the purposes of this Order to which capital is properly applicable.

Application of rates and income.

23. The rates received under this Order shall be applied for the purposes and in the order following, and not otherwise, that is to say :—

1. In paying the expenses of and connected with applying for, obtaining, and making this Order.
2. In paying the cost of the maintenance, repair, management, and regulation of the pier, landing-places, and other works by this Order authorised.
3. In paying year by year the interest of money borrowed under this Order, or otherwise becoming a charge on the rates received under this Order.
4. In creating a sinking fund, in manner and so far as the circumstances of the case will admit, in the proportion directed by The Commissioners Clauses Act, 1847.
5. So much of the rates as may remain after answering the several purposes aforesaid shall belong to the Undertakers for their own use.

Pier to be deemed within the parish of New Romney.

24. The pier and works shall in respect of all matters, crimes, or offences arising or committed thereon, or within the limits of this Order requiring the

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cognisance of any justices of the peace, be deemed and taken to be within or as forming part of the parish of New Romney, in the county of Kent, and within the jurisdiction of any justices acting within and for the division of which that parish forms part.

Portions of Harbours Clauses Act excepted.

25. Sections 16 to 19 inclusive of The Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Undertakers shall, at their own expense, when 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 £10 for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Meters and weighers.

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

As to lights during the construction of works.

27. Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to lights to be exhibited, and shall in all respects obey any directions given upon such application, or afterwards from time to time given, as to lights by the Board of Trade during the construction of the works, and compliance with directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works. If the Undertakers refuse or neglect to observe any direction of the Board of Trade as to lights during the construction of the works, they shall for each offence be liable to a penalty not exceeding £10.

As to lights after completion of works.

28. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Undertakers shall at the outer extremity of the pier and works, or the completed portions thereof, exhibit for 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 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 Undertakers shall be liable to a penalty not exceeding £10 for every calendar month during which they omit so to apply.

Provision against danger to navigation.

29. In case of injury to or destruction or decay of the pier or works or any part thereof, the Undertakers 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 Corporation of Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to the means to be taken, and the Undertakers shall be liable to a penalty not exceeding £10 for every calendar 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.

Power to make byelaws.

30. The Undertakers may make byelaws for the regulation and control of the fishermen and others, and goods and traffic on the pier and works authorised by this Order; 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 the purposes.

31. In the following cases (that is to say):— Powers to cease in certain cases.

1. If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced; or
2. If such works, after having been commenced, should be virtually suspended for twelve consecutive calendar months.

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

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

32. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within the 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 under Crown Lands Act, 1866.

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

34. This Order may be cited as The Littlestone Pier Order, 1889. Short title.

SCHEDULE to which the foregoing Order refers.

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

	£	s.	d.
For every passenger or other person landing on the pier from, or embarking from it on board of any ship, vessel, packet, or passage boat, for each time any sum not exceeding - - -	0	0	4
For every person using the pier for the purpose of walking for exercise, pleasure, or any other purpose, except for embarking or disembarking, for each time any sum not exceeding - -	0	0	2
For every bath or sedan chair, including driver, taken on the pier, for each time any sum not exceeding - - - -	0	0	4
For every perambulator, including driver, taken on the pier, for each time any sum not exceeding - - - - -	0	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, an annual sum not exceeding - - - - -	1	0	0

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2.—Rates on Passengers' Luggage Landed or Shipped.

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

3.—Rates on Vessels using the Pier.

For every vessel under the burden of 15 tons register, per registered ton							0	0 4
For every vessel of the burden of	}	15 tons and under 50 tons register				„	0	0 6
„	„	50	„	100	„	„	0	0 8
„	„	100	„	150	„	„	0	0 10
„	„	150 tons and upwards				„	0	1 0
For every barge or lighter, for each trip - - - per ton							0	0 2
For every boat entirely open, landing or taking on board goods -							0	0 6

4.—Rates for supplying Water.

Fresh Water on pier per 100 gallons - - - -	0	1	6
Sea Water per 3 gallons - - - - -	0	0	2

MOSTYN.

Order for the Construction of a Dock and other Works, at Mostyn Quay, in the County of Flint.

Undertakers.

1. The Mostyn Dock Company, Limited (in this Order called the Undertakers), shall be the Undertakers for carrying this Order into execution.

Limits of dock.

2. The limits within which the Undertakers shall have authority, and which shall be deemed the limits of Mostyn Dock (in this Order called the dock), and the limits to which this Order extends, shall comprise the land, and land covered with water, lying within the limits of deviation shown on the plans deposited with reference to this Order, and the works by this Order authorised thereon, together with Mostyn Gutter from the north-easterly boundary of the said land to the main channel for the time being of the River Dee, and for a distance of one hundred yards on each side of the centre line of the existing gutter; which limits are in this Order termed "the limits of this Order."

Incorporation of Lands Clauses Acts.

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

Power to take specified lands by agreement.

4. For the purposes of the works authorised by this Order, the Undertakers may from time to time, by agreement, enter on, take, and use all or such parts of the lands lying within the limits of deviation shown on the said plans as they think requisite for the purposes of this Order.

Lands for extraordinary purposes.

5. The Undertakers may, in addition to the lands authorised to be acquired by them under this Order, purchase and hold for extraordinary purposes any land not exceeding in the whole ten acres, and may also acquire any easements which they may consider necessary or convenient for the purposes of their undertaking.

Nuisance not authorised.

6. This Order or anything herein contained shall not exempt the Undertakers from any proceeding on account of any nuisance caused by them on any land acquired by them under this Order.

Power to construct works.

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

Description of works.

8. The works authorised by this Order comprise:—

A wet dock with an entrance from the River Dee, to be situate partly upon the site of the existing tidal harbour at Mostyn Quay and lands adjoining, and partly in the channel leading thereto, and known as the Mostyn Gutter.

An entrance to the said dock, with caisson or gate, from the Mostyn Gutter, at the north-east end of the said dock, seventeen yards in width, with proper and necessary abutments and wing walls.

Power to deviate.

9. The Undertakers, with the consent of the Board of Trade, may deviate laterally from the lines of the works authorised by this Order to the extent

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marked on the deposited plan, and may deviate vertically from the levels defined on the deposited sections to any extent not exceeding five feet.

Plans, &c. to be deposited at office of Dee Conservancy.

10. One month at least before depositing at the Harbour Department of the Board of Trade the working drawings of any works outside the limits of deviation (except the dredging of the Mostyn Gutter) the Undertakers shall deposit the plans, sections, and working drawings of the same at the office of the Conservancy Board, or other authority for the time being having jurisdiction over the navigation of the River Dee (herein-after referred to as the navigation authority) for approval by that authority; but the power of the Board of Trade to deal as they think fit with such working drawings is not to be thereby altered or abridged, and any alteration or extension of such plans, sections, and working drawings, not made with the approval or by direction of the Board of Trade, shall also be submitted for the approval of the navigation authority in like manner.

If any such work be commenced, constructed, altered, or extended otherwise than in accordance with the plans, sections, or working drawings, or any alteration or extension of the same approved by the Board of Trade, or be abandoned or suffered to fall into disuse or decay, the navigation authority may with the consent of the Board of Trade, at the expense of the Undertakers, abate and remove such work or any part thereof and restore the site thereof to its former condition.

Power to maintain and improve dock, and construct warehouses, &c.

11. Subject to the provisions of this Order, the Undertakers may maintain and improve the dock and works by this Order authorised, and from time to time, in connection therewith, may construct and maintain all necessary and proper warehouses, offices, sheds, weighing machines, cranes, and other works, buildings, machinery, and conveniences for the accommodation of vessels and traffic in the dock; and they may also from time to time, in connection with the dock and works, construct, maintain, alter, and improve all necessary and proper embankments, excavations, quays, piers, slips, jetties, wharves, locks, gates, roads, bridges, sewers, drains, watercourses, approaches, and other works and conveniences, and may lay down and construct rails, tramways, turntables, sidings, hydraulic power, and lights on or along the quays, piers, and other works and lands connected therewith.

The Undertakers may also dredge, scour, deepen, widen, enlarge, alter, improve, and maintain the dock and the entrance channels and waterways thereof within the limits of this Order.

Provided that works authorised by this section below high-water mark shall not be commenced without the assent of the Board of Trade having been first obtained in writing.

Penalty for obstructing works.

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

Power to levy rates.

13. 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 Undertakers may, subject and according to the provisions of this Order, for the use of the dock and works, levy, demand,

recover, and receive in respect of vessels, boats, passengers, animals, fish, goods, minerals, and other matters and things described in the schedule to this Order, any sums not exceeding the several rates specified in that schedule, and all such rates on vessels and boats shall be payable by and demandable from the owner, agent, master, skipper, or other person in charge of such vessels and boats; provided that no rates shall be levied except within the limits of deviation shown on the plans deposited with reference to this Order.

Rates for use of warehouses, &c.

14. The Undertakers may levy, demand, recover, and receive such rates or other consideration as they may think reasonable for the use of any warehouses, offices, sheds, weighing machines, cranes, and other works, buildings, machinery, and conveniences belonging to the Undertakers, for the use of which rates are not specially fixed by the schedule to this Order.

Undertakers may provide steam tugs.

15. The Undertakers may from time to time build, purchase, contract for, or hire, and (provided they have such license (if any) as may for the time being be required under any Act of Parliament relating to the Dee navigation) may maintain, use, and let steam tugs or other power for the use and accommodation of vessels frequenting the dock.

Charges for steam tugs.

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

Power to borrow.

17. The Undertakers may from time to time borrow on mortgage of their undertaking, and for the purposes thereof to which capital is properly applicable, any sum or sums not exceeding in the whole fifteen thousand pounds.

Board of Trade may reduce rates.

18. If at any time, and from time to time, the clear annual income derived from the dock and works, and conveniences connected therewith, on the average of the then three last preceding years, after payment of all expenses and outgoings, other than payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of 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 Undertakers in executing the works authorised by this Order, the Board of Trade may, if in their discretion they think fit on application in writing from six or more owners of vessels resorting to the dock, and after hearing the Undertakers, 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, with power to the Board of Trade at any time, and from time to time, to raise the rates again to any sums not exceeding the amounts specified in the schedule to this Order.

Annual account to be sent to Board of Trade.

19. The Undertakers, within one month after sending to the clerk of the peace 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

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such account. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Power to lease rates.

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

Power to compound rates.

21. The Undertakers may from time to time confer, vary, or extinguish exemptions from and enter into compositions with any person or persons with respect to the payment of the rates authorised 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. Provided that any contract entered into with the Darwen and Mostyn Iron Company, Limited, for the transfer of their interest in, or right of user of, the existing dock at Mostyn Quay and lands adjoining may provide, as part of the terms of the transfer, for the payment of special rates and charges in respect of the company's traffic, or all or any of their existing rights may be reserved.

Rates may be levied though works not completed.

22. 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 the works authorised by this Order have been so far completed as to afford increased or improved accommodation, or facilities for the landing and embarking or shipping of passengers and 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 by this Order shall not then have been completed, demand and receive 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 or improved accommodation or facilities afforded. Provided that until the completion of the works by this Order authorised, or the granting of the said certificate, the company may demand and take the rates and charges which may now be lawfully demanded and taken in respect of the existing dock at Mostyn Quay.

Certain fishing vessels under stress of weather exempt from rates.

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

Exemption of Board of Trade and Customs officers.

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

Lifeboat crew to be exempt from tolls.

25. 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 coast guard, 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 dock and works without payment.

Life-saving apparatus may be attached to pier.

26. The officers of the coast guard, 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 dock 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 harbour and works.

Exemption of licensed pilots and their boats.

27. All duly licensed pilots and pilot boats shall be entitled at all times to use the dock, and to have free ingress to, and passage and egress on, along, through, from, and out of the dock and works without payment.

Undertakers to be local authority and harbour authority as to wrecks.

28. Within the limits of this Order the Undertakers shall be a local authority within the meaning of the Merchant Shipping Act, 1854, and Acts amending the same, and shall have all the powers conferred by these Acts on local authorities: and shall also be the harbour authority within the meaning of the Removal of Wrecks Act, 1877.

Portions of Harbours Clauses Act excepted.

29. Sections sixteen to nineteen, inclusive, of the Harbours, Docks and Piers Clauses Act, 1847, shall not be incorporated with this Order; but the Undertakers shall, at their own expense, when required by the Board of Trade, provide, to the satisfaction of that Board, a site near the dock, 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 calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Incorporation of part of the Harbours and Passing Tolls Act, 1861.

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

Undertakers may provide engines, lighters, &c.

31. The Undertakers may, for the purposes of the works authorised by 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 demand and receive such sums for the use of the same as they may think reasonable, 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.

Vessels not to anchor within dock limits without consent.

32. No vessel or boat shall, without the consent of the Undertakers or their dock-master, anchor within the limits of the dock.

Meters and weighers.

33. The Undertakers shall have the appointment of meters and weighers within the limits of the dock

Power to make byelaws.

34. The Undertakers may make byelaws for the regulation and control of vessels and boats within the limits of the dock, and for the regulation and control of all persons who shall be employed within the limits of the dock, and of goods, ballast, and traffic therein; 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.

Penalty for throwing ballast, &c.

35. Every person who shall throw or put any ballast, earth, ashes, stones, or other things into the dock, or into Mostyn Gutter within the limits of this

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Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Undertakers may contract for supply of water and gas.

36. The Undertakers may contract with any local authority, company, or persons for a supply of water to vessels within the limits of the dock, and for the extinction of fires in such vessels, and for the working of gates, caissons, locks, bridges, cranes or other machinery, or other conveniences at the dock; and also for a supply of gas and electricity for the use of the dock and the streets, quays, buildings, and property within the limits thereof, so long as they are dedicated to the public.

As to lights during construction of works.

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

As to lights after completion of works.

38. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Undertakers shall at the outer extremity of the dock and works, or the completed portions thereof, 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 as shall from time to time be directed by the Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to lighting; and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply.

Provision against danger to navigation.

39. In case of injury to, or destruction or decay of, the dock or works, or any part thereof, the Undertakers 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 Trinity House, Deptford Strond, and shall apply to that Corporation for directions as to the means to be taken, and the Undertakers shall be liable to a penalty not exceeding ten pounds for every calendar 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.

Powers to cease in certain cases.

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

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

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

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

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

Saving rights under Crown Lands Act, 1866.

41. 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 been first obtained.

Saving rights of navigation authority.

42. Except as in this Order expressly provided, nothing contained in this Order shall alter or diminish any rights or jurisdiction of the navigation authority under any Act of the present or any previous session of Parliament.

Costs of Order.

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

Short title.

44. This Order may be cited as the Mostyn Dock Order, 1889.

SCHEDULE to which the foregoing Order refers.

Rates on Steamboat Passengers.

For every passenger by steamboat arriving at or departing from the dock on week days one penny, and on Sundays twopence. To be charged against and levied from the vessel.

Rates on Vessels entering, using, or departing from the Dock.

	Rates per Register Ton.
	s. *d.*
1. All passenger steamers landing or taking on board passengers, per trip	0 4
2. All steamers or sailing vessels, light or in ballast, for or with goods	0 6
3. All vessels to or from any port in Great Britain or Ireland	0 8
4. All vessels to or from any port from the North Cape in Norway, including Baltic and ports on west coast of Europe as far south as Gibraltar	0 10
5. All vessels to or from any port east of North Cape as far as Archangel, and ports within the Straits of Gibraltar, and any port in North America, Davis Straits, United States, West Indies, and Western Islands	1 2
6. All vessels to or from any other ports in the world	1 5
7. All steam-vessels navigating to or from any port in Great Britain and Ireland, carrying passengers and their luggage exclusively, and entering, using, or departing from the dock	0 4
8. All steam-vessels employed in the River Dee carrying passengers and their luggage exclusively	0 4

9. All vessels to be permitted to enter the dock for safety on payment of one-half of the rates, but if such vessels shall remain in the dock beyond the space of twenty-one days, or shall take goods on board (stores for their own use excepted), or break bulk, they shall be liable in the full rates.

10. All vessels remaining in the dock to pay, after one month, twopence per register ton per month in advance when they are lying in the dock.

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11. All vessels with fish of any kind for curing, per ton register or admeasurement, twopence.
12. All fishing-boats entering the dock with fresh fish, fourpence each.

Light Dues.

On all vessels entering or using the dock, per register ton one half-penny, to be payable only if and so long as a light or lights shall be exhibited in accordance with the foregoing Order.

Exemptions from Rates on Vessels.

1. All vessels leaving the dock for the purpose of taking on board ballast in any part of the River Dee, and returning to the dock with ballast, shall not be liable in rates for such return.
2. All vessels not carrying passengers arriving in the dock in ballast, and departing again in ballast, shall be subject only in half rates, but if such vessels, after arriving in ballast, shall take in cargoes, or parts of cargoes, before their departure, they shall be liable in full rates.

Rates on Animals, Fish, and Goods Shipped, Unshipped, or Transhipped within the Dock.

—	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Acorns - - - - - per quarter	0	3	0	3
Alabaster - - - - - - per ton	2	0	2	0
Ale, strong, in casks - - - per 36 gallons	0	3	0	3
„ strong, in bottles - - - - - per ton	0	8	0	8
Almonds - - - - - - per ton	2	8	1	4
Alum rock - - - - - - per ton	1	0	1	0
Ammonia or gas water - - - per 36 gallons	0	$0\frac{1}{2}$	0	$0\frac{1}{2}$
Animalized carbon for manure - - - - per ton	0	9	0	9
Apples - - - - - - per ton	1	0	1	0
Argol - - - - - - - per ton	2	0	2	0
Arrowroot - - - - - - per ton	2	8	2	8
Ashes, pot or pearl - - - - - per ton	2	3	0	6
„ weed and wood - - - - per ton	1	6	1	6
„ bones - - - - - - per ton	1	0	0	6
Asphalte and bitumen - - - - per ton	0	6	0	6
Bacon or hams - - - - - per ton	2	0	2	0
Barilla - - - - - - per ton	1	6	1	6
Bark oak - - - - - - per ton	1	6	1	6
„ quercitron - - - - - per ton	2	0	2	0
Barley, shelled or pearl - - - per cwt.	0	1	0	1
Basket rods - - - - - - per cwt.	0	1	0	1
Baskets, namely, under 12 inches in diameter - per dozen	0	1	0	1
„ above 12 inches in diameter - per dozen	0	2	0	2
Barrels, empty herring - - - per dozen	0	4	0	4
Beef or pork - - - - - - per ton	1	4	1	4
Beer, spruce - - - - - - per ton	1	4	1	4
Berries, dried and preserved - - - - per ton	4	0	4	0
Biscuit - - - - - - per ton	1	6	1	0
Blacking - - - - - - per ton	2	8	2	8
Bleaching powder - - - - - per ton	1	6	1	6
Blubber - - - - - per 252 gallons	1	3	1	3
Bones - - - - - - per ton	1	0	0	6
Bone dust - - - - - - per ton	1	0	0	6
Books - - - - - - per ton	4	0	4	0
Boots and shoes - - - - - per ton	2	8	2	8
Bottles - - - - - - per ton	1	0	1	0
„ broken - - - - - per ton	0	3	0	3

—	Inwards.	Outwards.
	s. *d.*	*s.* *d.*
Boats, new, namely—		
12 to 14 feet keel - - - - - each	2 0	2 0
14 to 16 feet keel - - - - each	2 6	2 6
16 to 18 feet keel - - - - - each	3 0	3 0
18 to 20 feet keel - - - - each	3 6	3 6
20 feet and above - - - - - each	4 6	4 6
All other boats in proportion.		
Boxes and kits, empty, if not returned - - - per ton	0 8	0 8
Brushes - - - - - - per ton	2 8	2 8
Brooms, birch and heather - - - - per dozen	0 1	0 1
Broom and brush handles, heads and stocks - - per ton	1 4	1 4
Bran - - - - - - - per ton	1 4	1 4
Brass - - - - - per cwt.	0 2	0 2
„ old - - - - - - per cwt.	0 1	0 1
Bricks, common, common size - - - per 1,000	0 10	0 10
„ fire, common size, and bath - - - per 1,000	2 0	2 0
All above in proportion.		
Brimstone, refined - - - - - per ton	2 0	2 0
„ rough - - - per ton	0 9	0 9
Bristles - - - - - - per cwt.	0 8	0 8
Bulrushes - - - - - per cwt.	0 1	0 1
Butter - - - - - - per ton	2 8	2 8
Calves' velves - - - - per cwt.	0 2	0 2
Candles - - - - - - per ton	2 8	2 8
Cane reeds - - - - - per 1,000	0 9	0 9
Casks, empty, not being returned packages - per 5 cubic feet	0 3	0 3
Other casks in proportion.		
Cattle, namely—		
Bulls - - - - - - - each	1 0	1 0
Cows and oxen - - - - - each	1 0	1 0
Calves - - - - - - - each	0 4	0 4
Horses, 12 hands and upwards - - - each	2 0	2 0
Ditto, under 12 hands - - - - - each	1 0	1 0
Pigs - - - - - - each	0 2	0 2
Sheep - - - - - - each	0 2	0 2
Lambs - - - - - each	0 1	0 1
Asses and mules - - - - - each	1 0	1 0
Caviare - - - - - - per ton	4 0	4 0
Carrots - - - - - - - per ton	0 6	0 6
Cards, tow, and wool - - - - per ton	2 8	2 8
Candle wicks - - - - - - per ton	1 4	1 4
Carraway seeds - - - - per ton	2 8	2 8
Carriages, viz.:		
Mail and stage coaches - - - - each	12 6	12 6
Coach or chariot - - - - each	10 0	10 0
Postchaise - - - - - - each	7 6	7 6
Britska - - - - - - each	7 6	7 6
Phaeton - - - - - - each	5 0	5 0
Gig - - - - - each	3 0	3 0
Other carriages in proportion.		
Carriages, railway, 1st class - - - - each	50 0	50 0
2nd class - - - - each	40 0	40 0
3rd class - - - - each	30 0	30 0
waggons, close - - - each	20 0	20 0
Ditto open - - - - each	10 0	10 0
Carriages packed - - - - - per ton	2 8	2 8
Cement - - - - - - - per ton	1 3	1 0

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	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Chalk - - - - - per ton	0	3	0	3
Charcoal (wood) - - - per ton	2	6	2	6
Cheese - - - - - per ton	2	0	2	8
Chesnuts - - - - - per ton	2	8	2	8
Chimney cans, 3 ft. high and above - per 100	3	0	3	0
,, under 3 ft. - - - - per 100	2	0	2	0
Chinaware - - - - - per ton	1	4	1	4
Chrome ore - - - - - per ton	0	6	0	6
Cider - - - - - per ton	1	4	1	4
Cigars - - - - - - per ton	8	0	8	0
Cinders and coke - - - - per ton	0	7	0	7
Cinnamon - - - - - - per ton	2	8	1	4
Clay (namely):				
China clay or stone clay - - - per ton	0	6	0	6
Pipe clay - - - - - - per ton	0	6	0	6
Other kinds in proportion.				
Clothiery - - - - - per ton	4	0	1	4
Cloth, brown, or bleached linens (namely):				
Osnaburghs - - - - - per ton	2	0	2	0
Sheeting - - - - - per ton	2	0	2	0
Dowlas - - - - - - per ton	2	0	2	0
Ducks - - - - - - per ton	2	0	2	0
Ravenducks - - - - - per ton	2	0	2	0
Ticklenburghs - - - - - per ton	2	0	2	0
Drillings - - - - - - per ton	2	0	2	0
Shirtings - - - - - per ton	2	0	2	0
Silesias - - - - - - per ton	2	0	2	0
Pocketing - - - - - per ton	2	0	2	0
Scrims - - - - - - per ton	2	0	2	0
Diaper - - - - - per ton	2	0	2	0
Hessians or wrappings, 40 inches and under - per ton	2	0	2	0
Ditto ditto for every 10 inches above 40 per ton	2	0	2	0
Sailcloth - - - - - per ton	2	0	2	0
Bagging and sacking of all kinds, 40 inches and under - - - - - - per ton	2	0	2	0
Ditto, and for every 10 inches above 40 - - per ton	2	0	2	0
Pimento bagging - - - - - per ton	2	0	2	0
Tarpauling - - - - - per ton	2	0	2	0
Tarpauling covers - - - - per ton	2	0	2	0
Browns - - - - - - per ton	2	0	2	0
Canvas, broad - - - - - per ton	2	0	2	0
Sacks, made, of 32 gallons (others in proportion) - per 100	0	1	0	3
Sand bags - - - - - per 100	0	$0\frac{3}{4}$	0	$1\frac{1}{2}$
Guano bags - - - - - per 100	0	1	0	1
Wool packs - - - - - per 100	0	3	0	6
Carpeting, jute - - - - - per ton	2	0	2	0
Rugs, jute - - - - - per ton	2	0	2	0
Bell pulls, jute - - - - - per ton	2	0	2	0
Clothes, made - - - - - per ton	2	8	2	8
Coals - - - - - - - per ton	0	6	0	3
Cochineal - - - - - - per cwt.	1	0	0	4
Cocoa - - - - - - - per ton	3	0	1	0
Coffee - - - - - - per ton	2	8	0	8
Cocoanuts - - - - - - per 100	0	3	0	1
Cocoanut fibre - - - - - per ton	1	0	0	4
Copper - - - - - - per ton	2	0	2	0
,, old - - - - - - per ton	2	6	2	6

—	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Copper ore - - - - - per ton	0	9	0	3
Copperas - - - - - per ton	0	6	0	6
Coprolites - - - - - per ton	0	6	0	6
Coral - - - - - per cwt.	0	6	0	6
Cordage - - - - per ton	1	6	1	6
Corks - - - - - - per ton	2	0	2	0
Corkwood - - - - per ton	3	0	1	0
Corn, namely—				
Barley, bere or bigg - - - - per quarter	0	1	0	1
Beans - - - - per quarter	0	1	0	1
Indian corn - - - - - per quarter	0	1	0	1
Malt - - - - per quarter	0	2	0	2
Oats - - - - - - per quarter	0	2	0	1
Pease - - - - per quarter	0	1	0	1
„ split - - - - - per cwt.	0	1	0	1
Rye - - - - per quarter	0	1	0	1
Wheat - - - - - per quarter	0	3	0	1
Codilla - - - - - per ton	1	8	0	5
Cobles, new, namely—				
12 to 14 feet long - - - - - each	2	0	2	0
14 to 16 feet long - - - - - each	2	6	2	6
16 to 18 feet long - - - - - each	3	0	3	0
18 to 20 feet long - - - - each	3	6	3	6
All other cobles in proportion.				
Confections - - - - - per ton	0	8	2	8
Cotton cake - - - - - - per ton	0	9	0	6
Cotton wool - - - - - per ton	2	0	0	8
Crystal - - - - - - per ton	2	8	2	8
Currants - - - per ton	2	8	2	8
Cutch - - - - - - per ton	1	0	1	0
Dogs - - - - - - each	0	3	0	3
Draff - - - - - - per quarter	0	0½	0	0½
Drugs and all merchandise for druggists - - per ton	4	0	4	0
Earthenware, packed - - - - - per ton	0	8	0	8
„ in bulk - - - per 100 doz.	3	0	3	0
Eggs - - - - - - - per ton	2	0	2	0
Elephants' teeth - - - - per cwt.	0	6	0	6
Emery - - - - - - per cwt.	0	1	0	1
Esparto - - - - - per ton	0	6	0	6
Feathers - - - - - - per cwt.	0	6	0	6
Felt - - - - - - per ton	1	4	1	4
Fish, salted dry - - - - - per ton	1	3	1	0
„ pickled or smoked - - - per ton	0	8	0	8
Figs - - - - - - - per ton	2	8	1	4
Flint stones - - - - - per ton	0	4	0	4
Flower roots - - - - - - per ton	2	0	2	0
Flax - - - - - - per ton	2	3	0	6
Flour - - - - - - - per ton	1	4	1	4
„ potato - - - - - per ton	1	4	1	4
Furriers' waste - - - - - per ton	0	3	0	3
Gambia - - - - - - per ton	1	6	1	6
Game - - - - - - - per ton	2	6	2	6
Ginger - - - - - - per ton	2	8	1	4
„ preserved - - - - - per cwt.	0	3	0	3

—	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Ginseng - - - - - per cwt.	0	6	0	6
Glass, window - - - - - - per ton	2	0	2	0
„ in boxes - - - - per ton	2	8	2	8
„ broken - - - - - - per ton	0	4	0	4
Glue - - - - - per ton	2	0	2	0
Grapes - - - - - - per ton	4	0	4	0
Gravel - - - - - per ton	0	3	0	3
Grease - - - - - - per ton	1	0	1	0
Groceries not otherwise rated - - - per ton	2	8	2	8
Guano - - - - - - per ton	1	0	0	3
Gunpowder - - - - - per cwt.	0	3	0	3
Gypsum - - - - - - per ton	0	6	0	6
Haberdashery, comprehending cotton, silk, and hosiery goods - - - - - per ton	4	0	1	4
Flannel - - - - - per ton	2	0	2	0
Unbleached cotton - - - - per ton	2	0	2	0
Hair, cow, ox, or bull - - - - per cwt.	0	2	0	2
„ horse - - - - - - per cwt.	0	6	0	6
„ goat's hair or wool - - - per cwt.	0	2	0	2
„ powder - - - - - per cwt.	0	6	0	6
Hardware - - - - - per ton	4	0	4	0
Hats - - - - - - per ton	2	8	2	8
Hay - - - - - - per ton	0	10	0	10
Hemp, rough - - - - - - per ton	2	3	0	6
Hempseed cake - - - - - per ton	0	9	0	6
Hemp jute - - - - - - per ton	1	0	0	4
Herrings - - - - - per 26½ gallons	0	3	0	3
„ in bulk - - - - per 37½ gallons	0	3	0	3
Hides - - - - - per 100	2	0	2	0
Hides, dried - - - - - - per ton	3	0	3	0
Honey - - - - - per cwt.	0	2	0	2
Hoops of wood, all of the size of puncheon hoops and under - - - - - per 1,000	0	9	0	9
All above - - - - - per 1,000	1	0	1	0
„ iron - - - - - - per ton	1	0	0	4
Hops - - - - - - - per cwt.	0	4	0	4
Horns, slugs, tips and hoofs - - - per ton	2	6	2	6
Household furniture, new - - - - per ton	2	0	2	0
„ „ old - - - per ton	1	4	1	4
Husbandry utensils, viz.:—				
Waggon with four wheels - - - - each	3	0	3	0
Box cart - - - - - each	1	6	1	6
Plough - - - - - - each	0	6	0	6
Harrows - - - - - per pair	0	6	0	6
Wheelbarrows - - - - - each	0	2	0	2
Other husbandry implements - - - per ton	1	4	1	4
Indigo - - - - - - per ton	8	0	2	8
Ink - - - - - per ton	1	4	1	4
Iron, viz.:—				
Bar, bolt, and rod - - - - - per ton	1	0	0	4
Railway bars and chairs - - - - per ton	0	9	0	9
Plate, sheet and forged - - - - per ton	1	0	0	4
Made work - - - - - per ton	1	6	1	6
Old iron - - - - - - per ton	0	4	0	4
Cast-iron goods - - - - - per ton	1	3	1	3
Ditto, commonly called ironmongery when in bulk	per ton	1	6	1	6

—	Inwards.		Outwards.	
Iron, viz. :—	*s.*	*d.*	*s.*	*d.*
Old or broken cast iron - - - per ton	0	4	0	4
Pig or iron ore - - - - - per ton	0	4	0	2
Ivory - - - - - per cwt.	0	6	0	2
Junk, old - - - - - - per ton	0	6	0	6
Kelp - - - - - per ton	0	6	0	6
Kipps - - - - - - per 100	1	6	1	6
Ditto, dried - - - - per ton	3	0	3	0
Kiln pavement - - - - per 30 superficial feet	0	2	0	2
Lard - - - - - - per ton	2	0	2	0
Latten black - - - - - - per ton	2	0	2	0
Lead, pig - - - - - - per ton	1	6	0	6
Black - - - - - - per ton	2	0	2	0
Ore - - - - - - per ton	1	0	1	0
Red and white - - - - - per ton	2	0	2	0
Shot - - - - - - per ton	1	6	1	6
Pipes - - - - - - per ton	1	6	1	6
Leather, tanned - - - - - per ton	2	6	2	6
Dressed - - - - - - per ton	3	6	3	6
Other kinds not enumerated - - - per ton	2	8	2	8
Lemons - - - - - - per ton	2	8	0	8
Limes - - - - - per cwt.	0	2	0	2
Lime - - - - - - per ton	1	0	1	0
Linseed cakes - - - - - per ton	0	6	0	6
Loam - - - - - - - per ton	0	3	0	3
Locust meal - - - - - per ton	0	9	0	9
Machinery - - - - - - - per ton	2	0	2	0
Madder - - - - - - per ton	2	6	0	10
Ditto roots - - - - - per ton	2	0	0	8
Manganese - - - - - - per ton	1	0	0	4
Mangold wurzel - - - - - per ton	0	4	0	4
Manna croop - - - - - per ton	2	8	2	8
Marble - - - - - - per ton	1	0	1	0
Matting, of cocoanut fibre - - - per ton	0	8	0	8
Matches, lucifer - - - - - per ton	2	0	2	0
Mats, bass - - - - - - per 100	0	6	0	2
Manure - - - - - - per ton	0	1	0	1
Chemical - - - - - per ton	0	9	0	9
Marmalade - - - - - - per ton	1	4	1	4
Meal - - - - - - per 140 lbs.	0	1	0	1
Metal, patent - - - - - - per ton	3	0	3	0
Mill waste - - - - - - per ton	0	3	0	3
Mine dust - - - - - - per ton	0	2	0	2
Mohair yarn - - - - - per cwt.	0	2	0	2
Molasses - - - - - - per ton	1	0	1	0
Moss rock - - - - - - per ton	1	6	1	6
Musical instruments - - - - - per ton	2	8	2	8
Mussels - - - - - - per cwt.	0	2	0	2
Naphtha - - - - - - per ton	2	0	2	0
Nitrate of soda - - - - - per ton	1	0	1	0
Nut cake - - - - - - per ton	0	9	0	6
Nuts - - - - - - per ton	2	8	2	8
Nutmegs - - - - - - per ton	2	8	2	8

	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Oakum - - - - - per ton	1	0	1	0
Ochre - - - - - - per ton	0	6	0	6
Oils - - - - - per ton	2	0	1	0
Onions - - - - - per cwt.	0	1	0	1
Oranges - - - - - per ton	2	0	2	0
Orchella weed - - - - - per ton	2	0	2	0
Oysters - - - - - per ton	2	8	2	8
Paper, viz. :—				
Writing and printing - - - - per ton	4	0	4	0
Packing - - - - - per ton	2	0	2	0
Paper pulp - - - - - per ton	0	9	0	9
Passengers' luggage, if under 5 cwt., free.				
All above - - - - per $2\frac{1}{2}$ cwt.	0	6	0	6
Perry - - - - - - - per ton	1	4	1	4
Peats - - - - - per 100	0	1	0	1
Pepper - - - - - - per ton	2	8	1	4
Pigs heads - - - - - per ton	2	0	2	0
Pimento - - - - - - per ton	2	8	1	4
Pitch - - - - - per ton	2	0	2	0
Plants of trees or shrubs - - - - per ton	1	0	1	0
Plums - - - - - per ton	2	8	1	4
Plaster of Paris - - - - - per ton	1	0	0	4
Porter, in casks - - - - per ton	2	0	2	0
In bottles - - - - - - per ton	1	0	1	0
Potatoes - - - - - per ton	0	4	0	4
Poultry - - - - - - per dozen	0	2	0	2
Preserved provisions - - - - per ton	2	8	2	8
Prunelloes - - - - - - per ton	2	8	2	8
Prunes - - - - - per ton	2	8	2	8
Pumice stones - - - - - - per ton	1	6	1	0
Quills, undressed - - - - per ton	4	0	4	0
Rabbits - - - - - - per ton	4	0	4	0
Raisins - - - - - per ton	2	8	1	4
Rags, viz. :—				
Linen - - - - - - per ton	0	9	0	9
Other rags and old leather - - - per ton	0	6	0	6
Rape cakes - - - - - - per ton	0	9	0	3
Ground - - - - - per ton	1	0	1	0
Rice - - - - - - - per ton	1	0	0	8
Ropes, old - - - - - per ton	0	6	0	6
Rosin - - - - - - - per ton	1	4	1	4
Rusks - - - - - per cwt.	1	0	1	0
Salt - - - - - - - per ton	0	6	0	2
Refined - - - - - per cwt.	1	0	1	0
Rock, in lump - - - - - per ton	0	6	0	6
Saltpetre - - - - - per ton	2	6	2	6
Salmon - - - - - - per cwt.	0	4	0	4
Sand for founders - - - - per ton	0	3	0	3
Builders, plasterers, &c. - - - per ton	0	1	0	1
Saddlery, not enumerated - - - - per ton	2	8	2	8
Seed, viz. :—				
Flax and rape - - - - - per ton	1	6	0	6
Ditto in bulk - - - - - per quarter	0	$2\frac{1}{2}$	0	1
Flax seed and linseed for crushing - - per ton	1	0	1	0

—	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Seed, viz. :—				
Cotton seed for crushing - - - per ton	0	9	0	9
Clover - - - - - - per cwt.	0	2	0	0½
Garden seeds - - - - per cwt.	0	3	0	2
Hemp and canary - - - - per cwt.	0	3	0	1
Timothy - - - - per cwt.	0	2	0	2
Turnip seed - - - - - per cwt.	0	3	0	3
Rye grass - - - - per quarter	0	3	0	3
Other seeds to be charged in proportion to those enumerated.				
Shumach - - - - - - per ton	2	0	2	0
Shakes of casks, pipe, or puncheon - - - each	0	1	0	1
Others in proportion.				
Skins, untanned, viz. :—				
Calf - - - - - per score	0	4	0	4
Calf, dried - - - - per ton	3	0	3	0
Sheep - - - - - - per score	0	3	0	3
Deer - - - - - per score	0	10	0	10
Kid - - - - - - per score	0	4	0	4
Lamb - - - - - per score	0	3	0	3
Seal - - - - - - per score	0	3	0	1
Sheep, dressed - - - - per ton	2	0	2	0
Hare and rabbit - - - - - per ton	2	0	2	0
Screws - - - - - per ton	0	4	0	4
Other skins in proportion to those enumerated.				
Slates, undersize - - - - - per 1,200	0	10	0	10
Sizeable - - - - - per 1,200	1	3	1	3
Oversize - - - - - per 1,200	2	0	2	0
Slate pencil and slates - - - - per ton	2	8	2	8
Smalts - - - - - - per ton	2	6	2	6
Smelts - - - - - per cwt.	0	2	0	2
Snuff - - - - - - per cwt.	0	3	0	3
Soap - - - - - - - per ton	2	0	2	0
Soapers' waste - - - - per ton	0	3	0	3
„ salts - - - - - - per ton	0	6	0	6
Soda - - - - - - per ton	0	9	0	9
Spermaceti - - - - - - per ton	2	0	2	0
Spirits - - - - - - per ton	4	0	2	8
Stones, viz. :—				
Rubble freestone - - - - - per ton	0	0¼	0	0¼
Hewn ashlar freestone - - - - per ton	0	1	0	1
Rough ashlar freestone - - - - per ton	0	0½	0	0½
Rubble causeway - - - - per ton	0	0½	0	0
Causeway stones dressed - - - - per ton	0	1	0	1
Pavement - - - - - per ton	0	3	0	3
Curb - - - - - - - per ton	0	1	0	1
Gravestones - - - - - each	2	6	2	6
Scythe-stones - - - - - per gross	0	4	0	4
Grindstones of 30 inches diameter and under, each - -	0	1	0	1
And for every 6 inches above 30 - - -	0	1	0	1
Millstones, Common - - - - each	1	6	1	6
„ Burr - - - - each	2	6	2	6
Starch - - - - - - per cwt.	0	2	0	2
Straw - - - - - - per ton	0	10	0	10
Steel - - - - - - - per ton	2	0	2	0
„ old - - - - - - per ton	1	0	1	0
Stucco - - - - - - per ton	0	6	0	6

		Inwards.		Outwards.	
		s.	*d.*	*s.*	*d.*
Sugar, raw	per ton	2	0	0	8
„ refined	per ton	2	6	2	6
„ moulds	per 100	0	9	0	9
Tallow	per ton	2	3	1	6
Tamarinds	per cwt.	0	3	0	3
Tanners' waste	per ton	0	4	0	4
Tar	per ton	1	4	1	4
Tares	per quarter	0	3	0	3
Tea	per cwt.	0	6	0	3
Thread	per ton	2	0	2	0
Tin of all kinds	per ton	3	0	3	0
Tiles, common size	per 1,000	1	3	1	3
Others in proportion.					
Tiles, drain, common size	per 1,000	0	9	0	9
Tobacco	per ton	4	0	1	4
Tobacco pipes	per ton	2	0	2	0
Tongue, smoked	per dozen	0	1	0	1
„ pickled	per dozen	0	1	0	1
Tortoiseshell	per cwt.	0	6	0	6
Tow	per ton	1	8	0	5
Toys	per ton	2	0	2	0
Treenails	per 1,000	0	6	0	6
Turmeric	per cwt.	0	1	0	1
Turnips	per ton	0	4	0	4
Twine line and twisted yarn	per ton	2	6	2	6
Valonia	per ton	2	0	2	0
Vases or sculptured marble	per ton	4	0	4	0
Varnish	per ton	2	8	2	8
Verdigris	per ton	2	0	2	0
Vermillion	per cwt.	0	6	0	6
Veneers of all kinds	per ton	2	8	2	8
Vinegar	per ton	2	8	2	8
Vitriol	per ton	1	6	1	6
Water, soda, and seltzer	per cwt.	0	1	0	1
Whalebone, dressed or undressed	per ton	2	6	2	6
Whitening	per ton	0	3	0	3
Willow reeds	per cwt.	0	1	0	1
Wine in casks	per ton	4	0	1	4
„ in bottles	per ton	2	0	0	8
Windows, glazed	per ton	2	0	2	0
Wood (calliper measure):—					
Battens	per 50 cubic feet	0	9	0	3
Boards, oak or wainscot	per 50 cubic feet	1	6	0	6
Boards, paling	per 120	0	4	0	1
Deals	per 50 cubic feet	0	9	0	3
Deal ends	per 50 cubic feet	0	9	0	3
Firewood	per ton	0	6	0	3
Handspikes	per 120	0	3	0	1
Lathwood	per ton	2	6	1	3
Masts, spars, yards or bowsprit wood, viz.:—					
6 inches in diameter and under 12 inches	per 50 cubic feet	0	9	0	3
12 inches and upwards	per 50 cubic feet	1	0	0	4
Spars, 4 inches in diameter and under 6	per 60 pieces	0	6	0	6
Spars under 4 inches	per 60	1	0	0	4

—		Inwards.		Outwards.	
		s.	*d.*	*s.*	*d.*
Wood—*cont.*					
Oak planks	per 50 cubic feet	1	6	0	6
Oars and oar rafters	per 120	1	0	0	4
Rickers, boat hooks and hoops	per 120	0	9	0	3
Cart-wheel spokes	per 100	0	6	0	6
Fir	per 50 cubic feet	0	9	0	3
Oak	per 50 cubic feet	0	3	0	5
Pit props	per 50 cubic feet	0	3	0	3
Sleepers	per 50 cubic feet	0	8	0	8
Pine	per 50 cubic feet	0	9	0	3
Pine pitch	per 50 cubic feet	1	3	0	5
Hardwood	per 50 cubic feet	1	3	0	5
Ufers	per 50 cubic feet	0	9	0	3
Wainscot logs	per 50 cubic feet	1	6	0	6
Teak	per 50 cubic feet	1	3	0	5
Delivered by weight, viz.:—					
Barwood, Boxwood, Brazilwood, Camwood, Ebony	per ton	2	0	0	8
Fustic, Lignum vitæ, Logwood	per ton	2	0	0	8
Mahogany	per ton	2	0	0	8
Nicaragua wood, Red wood, Sassafras	per ton	2	0	0	8
Staves, viz.:—					
American pipe	per 1,000	10	0	3	4
Single hogshead	per 1,200	4	0	1	8
Ditto barrel	per 1,200	2	0	1	0
Hogshead billets	per 1,200	6	8	1	1
Barrel	per 1,200	5	4	0	11
West India staves	per 1,200	4	0	1	4
Brandy ditto	per 1,200	16	0	5	4
Baltic and Hamburg Pipe	per 1,200	20	0	6	8
,, Hogshead	per 1,200	13	4	2	3
,, Best barrel	per 1,200	6	8	1	2
,, Inferior quality	per 1,200	3	4	0	7
Wedges	per 1,200	0	6	0	6
Wool	per cwt.	0	2	0	2
Wreck materials to be charged one-half per cent. on the value.					
Yarn,—viz., jute, tow, or hemp	per ton	1	6	1	6
Lint and cotton	per ton	2	0	2	0
Worsted	per cwt.	0	2	0	2
Yeast	per cwt.	0	1	0	1
Zinc	per ton	1	0	1	0

1. Where the quantity of any of the above goods shall be less than the standard quantity applicable thereto, according to the foregoing schedule, the same shall be charged a rate not exceeding one shilling per article, crate, case, bag, or package, as the case may be.

2. All goods not above enumerated, to be charged by agreement, but not at rates exceeding one shilling per ton, or threepence per two and a half hundredweight.

3. In weighing and measuring goods for ascertaining the rates payable, the weight or measurement of the packing materials is to be included.

4. All materials or articles whatsoever brought into the dock for the purposes of the dock works shall be exempt from rates on goods, but the vessels bringing all such materials shall be liable to rates.

5. Ship's outfit and stores of all kinds, including provisions when taken direct on board of any vessel for her own use, or landed for the purpose of being again re-shipped for the use of the same vessel out of which they were so landed, shall be exempted from payment of rates on goods, but all such stores must first be entered at the Shore Dues Office, and a permit obtained for such shipping and landing respectively.

RATES FOR THE USE OF MACHINERY.

FOR CRANES, LIFTS, AND OTHER MACHINERY WORKED BY HYDRAULIC OR OTHER POWER.

If the weight lifted in each lift is less than 20 tons the charge to be per ton lifted, as follows:—

	s.	*d.*
For coals and minerals, per ton - - - - - -	0	2
For general goods, per ton - - - - - -	0	3

If the total number of lifts for one vessel does not exceed ten in one day, or if the weight to be lifted in one lift exceeds 20 tons, the rates to be fixed by the Undertakers from time to time, or according to arrangement.

FOR RAILS, &c.

For use of rails, turntables, capstans, and other appliances, including the working of the traffic over, or by means of the same:—

	s.	*d.*
On all goods, minerals, or other articles imported or exported, to be charged against the shippers and importers, per ton - -	0	2

FOR POLICE SERVICES.

	s.	*d.*
For all vessels entering the dock, per week or fractional part of a week they remain, so long as an efficient staff of police is maintained by the Undertakers - - - - each vessel	1	0

FOR BALLAST.

For loading ballast into and removing ballast from vessels in the dock, and conveying ballast to and from and depositing at the place of deposit thereof as by agreement, and, failing agreement, not exceeding two shillings and sixpence per ton.

All ballast landed and not removed by the parties depositing the same to become the property of the Undertakers.

FOR GRAVEL, as per Agreement.

FOR WEIGHING, &c.

	s.	*d.*
For weighing coals and goods shipped into and removed from vessels in the dock - - - - - per ton	0	1

FOR TRIMMING COALS.

	s.	*d.*
For trimming coals in vessels in the dock - - per ton	0	3

SHED DUES.

			s.	d.
Goods lying in sheds on quays of dock for a longer time than 48 hours shall be charged	-	per ton	0	2
And for each succeeding 24 hours	-	per ton	0	1

But all goods must be removed from the sheds within 24 hours after notice has been given to that effect by the Undertakers, or their dockmaster, or other officers; and, failing their being so removed, the Undertakers or their officers shall be entitled to remove the same at the expense of the owners or consignees.

GROUND RENTS.

Timber and all other goods laid on the quays and land adjoining shall be charged per superficial square yard of ground per month, as follows :—

		s.	d.
Square timber	-	0	1
Spears and pit props	-	0	1½
Deals and battens	-	0	2
All other goods	-	0	2
Pond dues	per 50 cubic feet, per month	0	1

But all goods must be removed within 24 hours after notice has been given to that effect by the Undertakers, or their dockmaster, or other officers; and failing their being so removed, the Undertakers or their officers shall be entitled to remove the same at the expense of the owners or consignees.

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Sharpness.

SHARPNESS LIGHTHOUSES.

Order for lighting and facilitating the Navigation of the River Severn in the vicinity of Sharpness.

Constitution and incorporation of Trustees.

1. The persons from time to time appointed and forming the Pilotage Board for the port of Gloucester, pursuant to the provisions of the Bristol Channel Pilotage Act, 1861, together with the two other persons to be appointed as by this Order provided, are hereby constituted the Local Authority within the meaning of the Merchant Shipping Act, 1854, and the Acts amending the same, within the limits of this Order, and are for the purposes of this Order incorporated by the name of "the Sharpness Lighthouse Trustees," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, hold, and dispose of lands and other property for the purposes but subject to the restrictions of this Order, and are in this Order called "the Trustees."

Railway Company and Severn Commissioners to appoint Trustees.

2. The Severn and Wye and Severn Bridge Railway Company and the Severn Commissioners shall respectively, within fourteen days after the first day of August, one thousand eight hundred and eighty-nine, and within the same time in every alternate year thereafter, appoint one person to be a Trustee for the purposes of this Order, and the two persons so appointed shall continue in office as Trustees for two years from the first day of August next preceding their appointment, and at the expiration of such two years shall cease to hold office except as by this Order otherwise provided, but shall be capable of being re-appointed.

Provision in case Trustee not appointed.

3. Every Trustee whose term of office has expired, but in whose place from any cause whatever no Trustee has been appointed, shall at the expiration of fourteen days from the first day of August on which his term of office expired be by force of this Order re-appointed a Trustee, and shall continue in office for two years from such first day of August.

Casual vacancies.

4. On any vacancy in the office of trustee not arising from expiration of term of office, the Railway Company or the Commissioners, as the case may be, shall appoint a person to fill the vacancy, and the person so appointed Trustee shall remain in office during the residue of the then current office term of two years.

Removal of Trustees.

5. Either the Railway Company or the Commissioners may at any time, if they shall think it expedient, remove the Trustee appointed by them and appoint another person in his place, who shall continue in office during the remainder of the current office term of two years.

Notice of appointment of Trustees to be given.

6. On the appointment of a Trustee by the Railway Company or the Commissioners, notice in writing, giving the name, description, and residence of the person appointed, and signed by the secretary or clerk of the Company or the Commissioners, as the case may be, shall be given to the clerk of the Trustees, and shall be entered by him on the minutes of the Trustees at their next meeting, and the person named in such entry shall be deemed to be and shall be a duly appointed Trustee when and as soon as such entry is made, and not otherwise.

7. The Trustees shall be the undertakers for carrying this Order into execution. Undertakers.

8. The Commissioners' Clauses Act, 1847 (except the sections thereof with respect to the qualification of commissioners, and 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), is hereby incorporated with this Order, and the same shall, as far as the nature and circumstances of the case will admit, apply to the Trustees collectively and severally, subject to the following provisions :— Part of Commissioners' Clauses Act, 1847, incorporated.

1. With reference to section thirty-nine of that Act the prescribed number (constituting a quorum) of the Trustees shall be three.
2. The first or other meetings of the Trustees may be held at Gloucester, Berkeley, Chepstow, or Lydney, at such hours and on such days as the Trustees from time to time appoint.
3. The Board of Trade shall from time to time appoint a permanent auditor of the accounts of the Trustees, and fix the salary to be paid to him; and such salary shall be paid to him accordingly by the Trustees out of the rates levied under this Order.

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

10. Subject to the provisions of this Order, the Trustees from time to time may by agreement, purchase and acquire such lands and other property for the purposes of this Order as they think expedient. Power to purchase lands by agreement.

11. This Order or anything herein contained shall not exempt the Trustees from any proceeding on account of any nuisance caused by them on any land acquired by them under this Order. Nuisance not authorised.

12. The limits within which the Trustees shall have authority and the power to levy rates for the purposes of this Order shall comprise all land above high water-mark acquired by the Trustees under this Order, and so much of the area within the Port of Gloucester, defined by Warrant of the Lords Commissioners of Her Majesty's Treasury, dated the tenth day of January, one thousand eight hundred and eighty-two, as is comprised within a boundary line commencing at Redwick Pill, in the county of Monmouth (being the eastern limits of the Port of Newport), and extending from thence in a straight line in a southerly direction across the River Severn until it meets another straight line drawn from and intersecting the Flat and Steep Holm Islands, in the Bristol Channel, to the point at Aust, in the county of Gloucester (being the northern and eastern limits of the Port of Bristol), and from thence extending up the River Severn, and including both banks thereof as far as the south-west side of the Wheel-rock, in the said river, half-a-mile or thereabouts northward of Sharpness Point, and including all rivers, pills, creeks, channels, harbours, and canals within the aforesaid limits, but excluding from such limits (except for the collection and recovery of rates) any lands, docks, or other property of the Sharpness New Docks and Gloucester and Birmingham Navigation Company. Limits of Order.

13. Subject to such terms and conditions as may be previously agreed upon by the Pilotage Board, the existing lighthouses, lights, beacons, buoys, and land Trustees may maintain existing and

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Sharpness.

erect new lighthouses, beacons, &c.

or sea marks erected, constructed, or placed for the navigation or guidance of vessels within the limits of this Order are hereby vested in the Trustees, who shall from and after the first day of January, one thousand eight hundred and ninety, maintain the same in a proper state of efficiency to the satisfaction of the Sharpness New Docks and Gloucester and Birmingham Navigation Company. And the Trustees shall, subject to the provisions of this Order, from time to time, and so soon as money can be raised for that purpose, erect, construct, place, and maintain such new or additional lighthouses, lights, beacons, buoys, and land and sea marks, and all necessary accesses, works, and conveniences connected therewith at such places within or adjacent to such limits and of such character as they shall from time to time consider expedient.

Provided that if the Trustees differ as to the requirements of the Sharpness New Docks and Gloucester and Birmingham Navigation Company under this clause, such differences shall be referred to the Corporation of Trinity House, Deptford Strond, whose decision thereon shall be obligatory and final.

Lighting rates.

14. On and after the first day of January, one thousand eight hundred and ninety, the Trustees may levy on and in respect of vessels navigating any part of the River Severn within the limits of this Order any rates not exceeding the rates specified in the schedule to this Order.

Power to compound for rates in certain cases.

15. In case any company or person being owner of any trows, barges, canal boats, or other vessels to a number not less than 15 in the whole, and each not exceeding 75 tons register (other than steam vessels), trading regularly between Gloucester and Bristol, shall be desirous of compounding for payment of the lighting rates payable in respect thereof under this Order, and shall give notice in writing of such desire to the Trustees, then the Trustees shall accept from each such company or person by way of composition a fixed yearly sum of twelve shillings and sixpence per annum, to be paid in advance, for each such trow, barge, canal boat, or other vessel as aforesaid, and to be in satisfaction and discharge of all lighting rates payable under this Order for the year covered by the composition.

Rates may be revised from time to time.

16. The Trustees shall from time to time, if required by the Board of Trade, reduce the rates receivable under this Order, and again raise them to not exceeding the amounts specified in the schedule to this Order, so that the income of the Trustees may always be, as far as practicable, sufficient and not more than sufficient to meet the expenditure directed or authorised by this Order.

Annual account to be sent to Board of Trade.

17. The Trustees within one month after sending to the clerk of the peace 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 the sixteenth section of the General Pier and Harbour Act, 1861, Amendment Act shall apply to and include any and every such account. If the Trustees refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Power to make byelaws.

18. The Trustees may from time to time make, alter, and rescind byelaws for all or any of the purposes of this Order, 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.

19. The rates received under this Order shall be applied for the purposes and in the order following, and not otherwise :— Application of receipts.

1. In paying the costs of and connected with the preparation and making of this Order.
2. In paying the expenses of the collection and receipt of the rates and income and the salary payable to the auditor.
3. In paying the expenses of the maintenance, repair, improvement, management, and regulation of the lighthouses, lights, beacons, buoys, and land and sea marks and accesses thereto, vested in or erected and provided by the Trustees pursuant to this Order.
4. In payment, year by year, of the interest of any money borrowed under this Order.
5. In from time to time providing the instalments or creating a sinking fund for the repayment of money borrowed in such manner so far as circumstances will admit, that all money borrowed may be discharged within fifty years from the time of borrowing.
6. In providing any lighthouses authorised by this Order.

20. The Trustees 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 three thousand pounds on the security of the rates authorised by this Order, and the Trustees may grant bonds, debentures, or mortgages of such rates, or of any part or parts thereof, in security of the repayment of the money so borrowed with interest thereon. Power to borrow.

21. Every part of the money borrowed under the authority of this Order shall be applied only for the purposes authorised by this Order to which capital is properly applicable. Money to be applied to purposes of Order.

22. 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 of rights under Crown Lands Act, 1866.

23. Nothing contained in this Order shall prejudicially affect or interfere with the powers or rights of the Severn and Wye and Severn Bridge Railway Company at Lydney Harbour, or of the Severn Commissioners, or of the Sharpness New Docks and Gloucester and Birmingham Navigation Company. Saving for certain Companies.

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

25. This Order may be cited as the Sharpness Lighthouses Order, 1889. Short title.

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Sharpness.

SCHEDULE to which the foregoing Order refers.

For every vessel passing outwards or inwards on any voyage to or from any place beyond the United Kingdom of Great Britain and Ireland, a rate not exceeding one-fourth of a penny per register ton.

For every vessel passing outwards or inwards on any voyage to or from any place within the United Kingdom of Great Britain and Ireland without proceeding to or coming from any other place or country, a rate not exceeding one-sixth of a penny por register ton.

Provided always, that when in the aggregate amount of the rates payable for any vessel there shall be a fraction of a penny beyond one penny or any integral number of pence, such fraction, if it be a half or any fraction larger than a half, shall be deemed and charged as a penny, but if such fraction be less than a half it shall not be charged.

The foregoing rates shall not be levied on yachts belonging to any yacht club, or on any vessel under twenty tons register, or on any vessel when navigated wholly and bonâ fide in ballast, and upon which no profit or freight may be made, or on any vessel exempted from rates by the Harbours, Docks, and Piers Clauses Act, 1847.

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