CHAPTER cxii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Avoch, Burnmouth, Loch Efort, and Poole. [20th July 1894.]

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

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

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

Confirmation of Orders in schedule.

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

Special provisions as to houses of labouring class.

2. The undertakers mentioned in the said Orders shall not, under the powers of this Act or of the said Orders, purchase or acquire in any city, borough, or other urban 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 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. 30 & 31 Vict. c. 101.

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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, 1894.

THE SCHEDULE OF ORDERS.

1. Avoch.—Construction of harbour works and constitution of Harbour Authority.
2. Burnmouth.—Construction of harbour works and constitution of Harbour Authority.
3. Loch Efort.—Construction and regulation of a pier.
4. Poole.—Construction of works for the improvement and preservation of harbour.

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Order for the construction and maintenance and regulation of a Pier and Works at the Harbour of Avoch, in the County of Ross and Cromarty.

Interpretation of terms.

1. The several words and expressions to which by the Acts incorporated with this Order meanings are assigned have in this Order the same respective meanings, unless excluded by the subject or context; and in this Order the following expressions have the following meanings (that is to say):—

"The Proprietor" means James Douglas Fletcher, Esquire, proprietor of the lands and estate of Roschaugh, in the county of Ross and Cromarty, and includes also his successors in the said lands and estate, whether male or female, for the time being, and also the heirs and successors and assignees of the Proprietor for the time being, and also the tutor, curator, guardian, or other party or parties legally acting for the Proprietor for the time being, in case of the Proprietor being incapacitated from exercising the powers conferred upon him by this Order by reason of minority, or otherwise, as the case may be or require:

"Fishermen" means persons resident for the time being within the parish of Avoch, in the said county, who are fishermen paying harbour rates and engaged or employed in the fishery in and out of the harbour:

"The harbour" means and includes the present harbour of Avoch, and the piers, buildings, works, lands, and conveniences connected therewith:

"The season" as applied to the fishing seasons means the period between the first day of July and the thirtieth day of September in each year, and as applied to the season for beaching boats, means as regards boats of thirty tons register and upwards, the period between the first day of October and the thirtieth day of June, and as regards boats under thirty tons register the period between the first day of July and the thirtieth day of September in each year, or such other periods for any of such seasons as may from time to time be fixed by the Proprietor by any byelaw made under the provisions of this Order.

Undertaker.

2. Until the execution and recording of a conveyance and disposition to trustees to be nominated and elected as by this Order provided is made as by this Order authorised, the Proprietor shall be the Undertaker for the purposes of this Order, and shall have and may exercise all the powers, privileges, and authorities conferred by this Order.

Incorporation of Lands Clauses Acts.

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

Limits of harbour.

4. The limits within which the Proprietor shall have authority, and which shall be deemed the limits to which this Order and the power to levy rates

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extend, shall comprise the pier, quay, and breakwater, and other works authorised by this Order, and the area lying below high-water mark within a distance of two hundred yards from any point of the pier, quay, or breakwater, which limits are in this Order and the Schedule hereto termed "the limits of this Order."

Power to take land by agreement.

5. For the purpose of the works authorised by this Order, the Proprietor may from time to time appropriate or by agreement enter upon, take, and use all or any part of the lands shown on the deposited plan which may be required for the purposes of this Order.

Power to construct and maintain works, &c.

6. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plan and sections as the Board of Trade may require from time to time before completion of the works in order to prevent injury to navigation, the Proprietor may on the lands belonging to him 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 plan and sections, execute and maintain the works shown on the said plan and authorised by this Order.

Description of works.

7. The works authorised by this Order comprise—

(1.) A pier built of concrete, commencing at or near a point on the shore at high-water mark of ordinary spring tides on the farm of Castleton, nine hundred and thirty-three yards, or thereabouts, measured along the shore in a southerly direction from the centre of the mouth of the Avoch Burn, at Henrietta Bridge, Avoch, and extending seawards in an easterly direction for a distance of one hundred and sixty yards, or thereabouts, and there terminating, together with a principal landing quay, also built of concrete, commencing at the seaward end of the said pier, and extending thence in a southerly direction for a distance of fifty yards, or thereabouts, and there terminating;

(2.) A breakwater commencing at or near a point on the shore at high-water mark of ordinary spring tides, one hundred and ten yards, or thereabouts, to the south of the point of commencement of the said pier, and extending seawards in an easterly direction for a distance of one hundred and sixty yards, or thereabouts, and there terminating;

all which works above described will be situate in the parish of Avoch, and county of Ross and Cromarty, and on the foreshore thereof, and in the sea in Avoch Bay and Firth of Inverness.

Power to deviate.

8. Subject to the provisions of this Order, the Proprietor, with consent of the Board of Trade in writing first obtained, may deviate laterally from the lines of the works authorised by this Order to the extent marked on the deposited plan, and may deviate vertically from the levels defined on the deposited sections to any extent not exceeding ten feet.

Power to maintain and improve works

9. Subject to the provisions of this Order, the Proprietor may from time to time construct, maintain, alter, and improve the works authorised by this Order, and may widen, enlarge, alter, dredge, scour, deepen, and improve the harbour and the waterway or bed of the sea adjacent to the harbour or to any

of the said works at such place or places and to such extent as he may think necessary, and may in connexion with the said works construct, maintain, alter, and improve embankments, landing places, jetties, wharves, beaches for hauling boats, warehouses, offices, buildings, sheds, weighing machines, cranes, buoys, moorings, lights, beacons, roads, sewers, drains, water-courses, water-pipes, and other works and conveniences which may be found necessary for the accommodation of vessels and traffic; and may also from time to time lay down and maintain rails, tramways, sidings, and turntables on and along the pier and other works and lands connected therewith, and may take down or remove portions of the existing piers and works. Provided that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers, unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Consent of Board of Trade to works.

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

Penalty for obstructing works.

11. Every person who wilfully obstructs any person acting under the authority of the Proprietor 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 be guilty of an offence and shall for every such offence be liable to a penalty not exceeding five pounds.

Power to levy rates.

12. 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 by this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the Proprietor may, subject and according to the provisions of this Order, for the use of the pier, quay, and works and conveniences connected therewith, demand, take, and recover, in respect of vessels, boats, goods, animals, fish, persons, and things, and of services rendered described in the schedules to this Order, any sums not exceeding the rates in those schedules mentioned. Provided that the Proprietor before commencing to levy rates for beaching boats shall provide and maintain to the satisfaction of the Board of Trade suitable accommodation for such beaching within the limits of this Order.

Rates for use of warehouses, &c.

13. The Proprietor may demand and receive such rates or other consideration as he may think reasonable for the use of any warehouses, offices, sheds, buildings, weighing machines, cranes, yards, works, and conveniences, upon the quay or breakwater authorised by this Order for which rates are not specified in any of the Schedules to this Order.

Rates may be levied though works not completed.

14. 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 Proprietor, that the works authorised by this Order have been so far completed as to afford increased harbour accommodation by means of such works, the Proprietor 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

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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 schedules to this Order as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded.

Board of Trade may reduce rates.

15. If at any time and from time to time the clear annual income derived from the pier and works on the average of the then three last preceding years, after payment of all expenses and outgoings other than principal or interest 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 Proprietor in executing works authorised by this Order, the Board of Trade may, if in their discretion they think fit, reduce the rates leviable under this Order to such amounts as will be sufficient to provide the aforesaid interest at the rate of ten per centum per annum, and the rates shall thereupon be reduced accordingly, but with power to the Board of Trade at any time, and from time to time, to raise them again to sums not exceeding the amounts specified in the schedule to this Order.

Master of vessel to report arrival.

16. Within twelve hours after the arrival within the limits of this Order of any vessel liable to rates the master of such vessel shall report such arrival to the collector of rates.

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

17. The master or owner of every fishing boat shall, within twelve hours after the arrival thereof within the limits of this Order, 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 names of the persons obtaining delivery of the same and liable for the rates or dues thereon, and in case of failure to do so he shall be liable to a penalty not exceeding ten pounds.

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

18. The pier-master or other authorised person may prevent the removal or sailing from the limits of this Order of any vessel or boat in respect of which any rate, charge, or due shall have been payable until evidence shall have been produced to him of the payment of such rate, charge, or due, to the collector of rates, and in the case of a vessel with a take or cargo of fish, until the master or owner thereof shall have given in a statement of his take or cargo of fish as required by the last preceding section hereof.

Power to confer exemptions and compound for rates.

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

Existing rates to cease when new rates leviable.

20. When and so soon as the Proprietor is entitled to demand and take all or any part of the rates specified in the schedules to this Order, all other rates, tolls, dues, or duties, shall cease to be demanded in respect of the harbour or the works or conveniences connected therewith, but without prejudice to the right of the Proprietor to recover any money actually and legally due at the time of cesser, and all exemptions from payment of rates, tolls, or dues, shall cease to be operative.

Proprietor may provide and licence steam tugs.

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

Charges for use of steam-tugs.

22. The Proprietor may from time to time, with the approval of the Board of Trade, fix such rates and charges as appear to the Proprietor reasonable for or in respect of the use of such steam tugs or other power maintained, used, let, or licensed by the Proprietor, and such rates or charges shall be paid by the owner, agent, master, consignee, or other person having charge of the vessel obtaining assistance of such steam tug or other power, to the Proprietor or his lessee or to the person with whom the Proprietor contracts, or to the owner of such steam tug or other power if licensed by the Proprietor, 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 Proprietor or by the master or other person having command of such steam tug or other power.

Ballast for vessels.

23. The Proprietor may supply and remove ballast for the accommodation of vessels, or permit the master or owner of any vessel to lift or convey ballast from or to any place where it may be lawfully obtained or deposited, for the purpose of supplying or removing the ballast of such vessel, on payment to the Proprietor of such rates as he shall deem proper, not exceeding the rates specified in the schedules to this Order, but no ballast shall be deposited below high-water mark without the consent of the Board of Trade.

Annual account to be sent to Board of Trade.

24. The Proprietor shall, within one month after sending to the sheriff clerk the copy of the 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), 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 Proprietor refuse or neglect to comply with this provision, he 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.

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

Certain officers exempt from rates.

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

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Lifeboat crew exempt from rates.

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

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

28. 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 exercising the apparatus for saving life, fire rockets over the pier and works.

Meters and weighers may be licensed.

29. The Proprietor may appoint and license a sufficient number of persons to be meters and weighers at and within the limits of this Order.

Power to purchase or hire dredgers, &c.

30. The Proprietor may, for the purposes of the works existing or 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 he thinks fit, and may from time to time demand and receive such sums for the use of the same as he may think fit, and 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.

Proprietor to be local authority.

31. The Proprietor shall, for the purposes of this Order, be deemed a local authority within the meaning of the Merchant Shipping Acts, 1854 to 1889, and all the powers by those Acts and of any Acts amending the same conferred on local authorities shall be vested in the Proprietor for the purposes of this Order.

Power to sell or lease pier and rates.

32. The Proprietor may, with the consent of the Board of Trade first obtained in writing, sell the pier and works, and the rates, charges, and dues authorised by this Order, or may from time to time lease the same for any period not exceeding seven years from the date of the lease, to take effect in possession, and for such rent or consideration, and on such terms as the Proprietor may think fit, and the purchaser or lessee shall have and may exercise the same powers of levying and recovering rates and dues as the Proprietor would have or might exercise under The Harbours, Docks, and Piers Clauses Act, 1847, and under this Order, and shall be subject to all the provisions as to accounts and otherwise to which the Proprietor is subject under this Order.

Temporary lights on works.

33. Before commencing the works authorised by this Order the Proprietor shall apply to the Board of Trade for directions as to the lights (if any) to be exhibited, and shall in all respects obey any direction given upon such application, or afterwards from time to time given as to lights by the Board of Trade during the construction of the works, and compliance with the

directions so given shall satisfy and be in the place of every other statutory requirement as to lights during the construction of the works, and the Proprietor shall be liable to a penalty not exceeding ten pounds for every calendar month during which he omits so to apply, or refuses or neglects to observe any direction so given.

Lights after completion of works.

34. After completion, or permanent discontinuance, or abandonment of the works authorised by this Order the Proprietor shall at the outer extremity of the pier and works, or the completed portions thereof, or at such other place or places as may be required, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such lights or light (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 Proprietor shall be liable to a penalty not exceeding ten pounds for every calendar month during which he omits so to apply, or refuses or neglects to observe any such direction.

Provision against danger to navigation.

35. In case of injury to or destruction or decay of the works or any part thereof, the Proprietor shall lay down such buoys, exhibit such lights (if any), 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 Proprietor shall be liable to a penalty not exceeding ten pounds for every calendar month during which he omits so to apply, or refuses or neglects to obey any directions given in reference to the means to be taken.

Local survey may be ordered by the Board of Trade.

36. The Board of Trade may at any time, and from time to time as they may deem it expedient, order a local survey and examination of any works made under the powers of this Order, in, over, or affecting any tidal water, or of the intended site of any works to be made under the authority of this Order, and the Proprietor shall defray all the costs of each such survey and examination, and the amount of such costs shall constitute a debt due from the Proprietor to the Crown, and may be recovered accordingly.

Portion of Harbours, Docks, and Piers Clauses Act excepted.

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

Partial incorporation of Harbours and Passing Tolls Act.

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

Boats not to anchor without consent of proprietor.

39. No vessel or boat shall, without the consent of the Proprietor, anchor within the limits of this Order.

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Byelaws.

40. The Proprietor may make byelaws for the regulation and control of vessels and boats within the limits of this Order, and for defining the seasons for fishing and beaching boats, and for the regulation and control of the fishermen and other persons resorting to, and goods, ballast and traffic, loaded or unloaded, in, and at, or placed on the pier or works, ground or property, belonging to the Proprietor, and used for 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.

Power to borrow money.

41. The Proprietor may, with the consent of the Secretary for Scotland, from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of eight thousand five hundred pounds, on the security of the tolls, rates, dues, and charges by this Order authorised to be taken, or any part thereof, or he may accept and take from any bank or banking company credit for any amount not exceeding the said sum of eight thousand five hundred pounds, on a cash account to be opened and kept in the name of the Proprietor, according to the usage of bankers in Scotland, but so that the whole sum owing by the Proprietor on such cash account and for other money borrowed, and for the time being unpaid, shall not exceed in the whole the sum of eight thousand five hundred pounds exclusive of interest, and the Proprietor may assign the said tolls, rates, dues and charges in security of the repayment of the money so borrowed, or of the amount of such credit or of the sums advanced from time to time on such cash accounts with interest thereon respectively.

Application of money borrowed.

42. All money borrowed under the powers of this Order shall be applied in defraying the cost of the works, conveniences, and purposes authorised by this Order, and for other purposes in connection with the Harbour to which capital is properly applicable and not otherwise.

Recovery of arrears of interest or principal.

43. If within thirty days after the interest of any sum borrowed by the Proprietor has become due, or after the period prescribed for the payment of the principal sum has expired, such interest or principal, as the case may be, shall not be paid, the party or parties entitled to such interest or principal respectively may, without prejudice to any rights, remedies, or securities, otherwise competent to, or held by them, apply for the appointment of a judicial factor as hereinafter provided.

Appointment of a judicial factor.

44. Every such application for the appointment of a judicial factor shall be made to the sheriff of the county of Ross and Cromarty, and on any such application the said sheriff may, by order in writing, after hearing the parties, appoint some person as judicial factor, to receive the whole or a competent part of the rates, dues, and charges authorised by this Order, until the arrears of interest, or of principal and interest, as the case may be, then due, together with all costs, including the charges of receiving the said rates, dues, and charges, be fully paid, and upon such appointment being made the said rates, dues, and charges shall be paid to and received by the judicial factor so appointed, and the money so received shall be so much money received by or for the use of the party or parties represented by such judicial factor, and so soon as the full.

amount of interest or of principal, or of principal and interest, as the case may be, in arrear, and costs has been so received, the power of the judicial factor shall cease, and after payment of such costs the judicial factor shall distribute among all the parties represented by him, if more than one, the rates and other moneys which shall have been received by him, having regard in such distribution to priorities, if any, existing in respect of the interest or principal thus received.

Amount to authorise application for a judicial factor.

45. The amounts of arrears necessary to authorise such application for the appointment of a judicial factor shall be not less than three hundred pounds.

Application of revenues.

46. The tolls, rates, dues, and charges received by the Proprietor 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 costs of or incidental to the preparation, obtaining, and making of this Order or otherwise in relation thereto;

(2.) In paying the expenses of the maintenance, repair, management, and regulation of the pier and works, and in defraying the other necessary expenses incurred in relation to the pier or works on the harbour, including the cost of borrowing money under this Order;

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

(4.) The surplus income (if any) received under this Order, after providing for the purposes aforesaid, shall belong to the Proprietor for his own use.

Provided that, in the event of the constitution of the trustees as herein-after provided, the following provisions shall from and after the completion of the transfer apply and have effect in lieu of sub-section (4) of this section, viz.:

(4.) In forming the sinking fund herein-after directed for payment of principal moneys borrowed under this Order;

(5.) In forming and maintaining the contingency fund herein-after directed for accidents to the pier and works;

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

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

Incorporation of Trustees.

47. If at any time after the passing of the Act confirming this Order the Proprietor shall intimate to the Secretary for Scotland in writing his desire to assign and convey to an elective body of trustees the powers, rights, and privileges by this Order conferred upon him, and the harbour, and all works, lands, and heritages therein belonging to him, then a body of trustees may, with the consent of the Secretary for Scotland to be expressed in writing under his hand, be nominated and elected as by this Order provided for carrying this Order into execution, which trustees and their successors shall be incorporated by the name of The Avoch Harbour Trustees (in this Order called the trustees), and by that name shall on such nomination and election be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Order.

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Providing for transfer to Trustees.

48. When and so soon as the Secretary or an Under-Secretary for Scotland shall certify under his hand that trustees have been nominated and elected in accordance with the provisions herein-after in this Order contained, and such certificate shall have been published in the Edinburgh Gazette, then the Proprietor shall convey and dispone in feu at fair rates of feu duty (and on being relieved of all liability, pecuniary or otherwise, under the provisions of this Order) to the trustees all the estate, right and interest of the Proprietor in the harbour, pier and works, and in all lands whereon any works authorised by this Order may have been constructed or which are required as a site whereon to construct such works, and from and after the date of the registration of such disposition in feu (in this Order referred to as "the completion of the transfer") the trustees shall become and be the Undertakers and come in place of the Proprietor for the purposes of this Order, and shall have and may exercise all the powers, privileges, and authorities conferred on the Proprietor by this Order, and shall be subject to all the liabilities and all the provisions as to accounts and otherwise to which the Proprietor is made subject by this Order, and the Proprietor shall, after the completion of the transfer, be discharged from all liability in respect of the harbour and works.

Constitution of Trustees.

49. The trustees shall consist of—

(A.) Three members to be nominated by the Proprietor, one of whom may be the Proprietor or his factor;

(B.) Four members to be elected by the fishermen.

Occasional vacancies among Trustees.

50. In the case of a vacancy in the office of trustee by failure for three calendar months to nominate or elect, or by death, resignation, refusal to act, incapacity or incompetence of any trustee, or otherwise than by going out of office in rotation as in this Order provided, if the vacancy be of a trustee nominated by the Proprietor then the Proprietor may nominate another person to supply the vacancy, and if the vacancy shall be of a trustee elected by the fishermen then the remaining trustees elected by the fishermen, or, if there are no trustees elected by the fishermen, the sheriff-substitute for the county of Ross and Cromarty at Dingwall for the time being, may nominate a person or persons to supply the vacancy or vacancies. Provided that trustees so nominated shall only continue in office for the same period as the persons in whose place they are nominated would in ordinary course have so continued, and shall go out of office at the same time, but if qualified shall be eligible to be re-nominated or re-elected as the case may be.

Trustees to be nominated by the Proprietor.

51. The following provisions shall be applicable to the nomination of trustees by the Proprietor (that is to say):—

(1.) On the third Friday of the November after the Secretary for Scotland has consented to the nomination and election of trustees, or as soon thereafter as conveniently may be, the Proprietor may, by notice in writing, addressed to and deposited with the sheriff clerk for the county of Ross and Cromarty at Dingwall, nominate three persons to be trustees, and the nomination may include the name of the nominator or his factor as one of the three persons so nominated, and so from time to time at the expiration of each successive period of three years, and in the event of any trustee

nominated by the Proprietor refusing to accept office, dying, resigning, or becoming disqualified or incompetent to act as or ceasing to be a trustee from any other cause than that of going out of office in regular course, the Proprietor may at any time, by notice in writing addressed to the clerk of the trustees, or if there be no such clerk then to the said sheriff clerk, nominate another person to fill the vacancy, and the person so nominated shall continue in office for the same period as the person in whose place he is nominated would in ordinary course have continued, and shall go out of office at the same time, but shall be eligible to be re-nominated;

(2.) In case the Proprietor for the time being shall be incapacitated by reason of minority or otherwise from exercising the powers with reference to trustees hereby conferred on the Proprietor all such powers may during such incapacity be exercised by the tutor, curator, or guardian, or other party legally acting for the Proprietor for the time being.

Trustees to be elected by the fishermen and mode of conducting elections.

52. The following provisions shall be applicable to the election of trustees by the fishermen (that is to say):—

(1.) On the third Friday of the November after the Secretary for Scotland has consented to the nomination and election of trustees, the fishermen qualified to vote as in this Order provided shall elect four persons to be trustees, and so from time to time at the expiration of each successive period of three years, and a trustee elected by the fishermen going out of office shall unless disqualified be capable of being re-elected;

(2.) The fishermen whose names appear on the election roll herein-after provided for shall alone be qualified to vote at the election of trustees for the fishermen;

(3.) Every election after the first shall take place at a meeting of the qualified fishermen to be held at a convenient place within the parish of Avoch to be specified by the trustees, a majority of whom in case of a division shall decide the place to be appointed within the said parish;

(4.) The trustees shall cause the hour and place of such meeting to be made public not less than seven clear days before such meeting by affixing notices, written or printed, to the door of every church or place of public worship at Avoch, and (but only with the consent of the Postmaster-General) to the door of the post office at Avoch;

(5.) The election shall be by a majority of the qualified fishermen present as ascertained by show of hands;

(6.) Any two qualified fishermen may at such meeting propose as a candidate any bonâ fide resident in the parish of Avoch who is of the age of twenty-one years or upwards, as a candidate for the office of trustee for the fishermen. If four persons only are proposed as candidates the chairman shall declare them elected without taking a show of hands;

(7.) One of the trustees for the time being, or if no trustee be present then a person to be elected at the meeting, shall act as chairman of the meetings of the fishermen, and shall declare the number of votes given by show of hands to each candidate, and in case his decision is challenged

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shall cause the number of votes for each candidate to be ascertained by taking a division, or in some other convenient manner;

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

(9.) The four candidates having the greatest number of votes shall be the trustees for the fishermen;

(10.) The chairman of the meeting shall report in writing to the trustees and to the sheriff clerk at Dingwall the names of the persons elected as trustees for the fishermen;

The first election of trustees by the fishermen shall be held as nearly as may be as provided by this section with respect to subsequent elections, and the place of meeting shall be within the parish of Avoch, and shall be notified by the sheriff clerk in the same manner as by this section provided with respect to subsequent elections, and the report of the election shall be made to the Proprietor and to the sheriff clerk.

Trustees may resign.

53. A trustee nominated by the Proprietor may by notice in writing given to the Proprietor, and any trustee may by notice in writing given to the other trustees or any of them, or their clerk, resign the office of trustee.

Annual roll of electors to be prepared and publicly exhibited.

54. The Proprietor for the purpose of the first election, and afterwards the trustees annually for the purpose of subsequent elections, shall cause to be prepared a roll of all fishermen as defined by this Order who are to be entitled to vote at the election of trustees for the fishermen, which list shall be publicly exhibited as before provided in regard to notice of meetings of fishermen for election of trustees by them for one month from and after the first day of October in each successive year, and any fisherman whose name does not appear in the said roll but who claims enrolment shall within thirty days after publication of the said roll lodge his claim with the clerk or chairman of the trustees in writing and produce such evidence as the trustees think sufficient to substantiate his claim, and upon production of such evidence the trustees may order his name to be added to the roll. Any such additions must be made prior to the first day of November in each year.

Acts of the Trustees valid notwithstanding vacancies.

55. 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 trustees, and on the expiration of their term of office the trustees for the time being shall continue to be competent to act until their successors are nominated or elected.

Incorporation of parts of 10 & 11 Vict. c. 16.

56. The Commissioners Clauses Act, 1847 (except Sections six and seven, and except the provisions thereof with respect to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors, and except so far as other sections of that Act are inconsistent with this Order), is hereby incorporated with this Order, and that Act shall, so far as the nature and circumstances of the case admit, apply to the trustees collectively and severally, but with reference to Section 39 thereof the prescribed number constituting a quorum of the trustees shall be five.

Meetings of Trusteees.

57. Meetings of the trustees shall be held in such places as they shall appoint upon the third Friday of the months of January and July of each year, or upon such day and at such hour as the trustees may fix, and all meetings of the trustees shall be notified by their clerk to each trustee in writing at least sixty hours before the hour of the meeting.

Special Meetings.

58. The clerk of the trustees on requisition being made to him in writing, stating the object of the intended meeting and signed by the chairman or two of the trustees, shall cause special meetings to be called within sixty hours, and to be held within ten days after such requisition.

Election of chairman.

59. The trustees shall annually elect one of their number to be chairman, who shall preside at all meetings at which he is present. If at any time the chairman shall be absent then the meeting shall elect one of their number to be chairman for that meeting.

Trustees to appoint auditor.

60. The trustees shall from time to time appoint an 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.

Provisions as to sinking and contingency fund.

61. In the event of the constitution of the trustees as by this Order authorised, the following provisions shall from and after the completion of the transfer apply and have effect.

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

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

(C.) The trustees may yearly, if they think fit, for the purpose of forming and maintaining a contingency fund not exceeding the sum of four thousand pounds, to meet any unforeseen accident or extraordinary damage which may happen or be caused to the harbour, set apart the surplus revenue of the harbour (if any), after meeting the ordinary expenditure and interest and sinking fund, as by this Order provided, and shall deposit the sum set apart in some joint stock bank of issue in Scotland, to be increased by accumulation in the way of compound interest or otherwise, and retained until required for any of the aforesaid purposes, and the whole accumulated fund shall be applied as required for the maintenance and improvement of the harbour.

(D.) The clerk to the trustees shall, within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order, transmit to the Board of Trade a return in such form as may be prescribed by that Board, and verified by statutory declaration, if so required by them, showing the amount which has been invested for the purpose of the sinking fund during the year preceding the making of such return and the description of the securities upon

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

Revision of rates.

62. The trustees shall from time to time revise the rates received by them under this Order so that the income derived from the harbour and works and the conveniences connected therewith 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 so derived on the average of the then three last preceding years after payment of all expenses and outgoings excluding payments of principal and interest in respect of money borrowed shall exceed the amount sufficient to answer the purposes of this Order the Board of Trade may, if in their discretion they think fit, reduce such rates to such sums as will be sufficient to provide the amount aforesaid, with power to the Board of Trade at any time, and from time to time, to raise them again to not exceeding the sums specified in the Schedule to this Order.

Power to cease in certain events.

63.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

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

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the 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.

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

Saving rights under Crown Lands Act, 1866.

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

Saving rights of Crown under Crown Lands Act.

66. All costs and expenses of and incidental to preparing and obtaining this Order, or otherwise incurred in reference thereto, shall be paid by the Proprietor.

Costs of Order.

67. This Order may be cited as the Avoch Harbour Order, 1894.

Short title.

SCHEDULES referred to in the foregoing Order.

SCHEDULE A.

I.—RATES FOR VESSELS USING THE AREA WITHIN THE LIMITS OF THIS ORDER.

	£	*s.*	*d.*
CLASS 1.			
(1.) For all vessels to or from any port or place in Great Britain or Ireland - - - - per register ton	0	0	4
(2.) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place in Great Britain or Ireland per register ton	0	0	2
CLASS 2.			
(1.) For all vessels to or from all places not in Great Britain or Ireland - - - - per register ton	0	0	8
(2.) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place not in Great Britain or Ireland - - - - per register ton	0	0	3

For any vessel under Class 1 carrying general cargo or making twenty voyages or upwards in a year shall be allowed a deduction from the tonnage duty on such vessel at the rate of 2*d.* per register ton each voyage.

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For vessels launched at Avoch half rates shall be paid on the first sailing thereafter outward if in ballast only, but if loading goods or passengers full rates shall be paid.

For vessels entering the limits of the Order for safety or wind-bound, and not breaking bulk nor taking in goods (stores for their own use excepted), the following rates shall be paid, namely—

One penny per register ton if on a voyage to or from any port or place in Great Britain or Ireland, and 2*d.* per register ton if on a voyage to or from any other port or place.

But in the case of all classes if they break bulk or take in goods (except stores aforesaid) full rates shall be paid.

The rates above specified shall not be charged both on the arrival of a vessel inwards and on her next following sailing outwards, but shall be charged only on one of them, and it shall be in the option of the Proprietor to charge the said rates according to the class either on the sailing inwards or on the sailing outwards.

If the rates shall be charged on the sailing outwards there shall be deducted therefrom the amount of rates that may have been previously paid on the sailing inwards, but if any vessel having sailed inwards sails outwards in ballast the rates shall be charged only on the sailing inwards.

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

For vessels remaining within the limits of the Order there shall be paid in advance a rate of 3*d.* per register ton for a month or for any period less than a month in which such vessel shall remain after the expiration of six weeks from their arrival, and 1*d.* per register ton per month after the expiration of any entire month beyond the six weeks above mentioned.

Any period less than a month after the expiration of any entire month shall, for the purposes of the above rate, be deemed a month, and the rate shall not be chargeable for any vessels while under repair on slips or in graving or dry docks.

II.—RATES FOR FISHING VESSELS AND BOATS USING THE AREA WITHIN THE LIMITS OF THE ORDER.

	£	*s.*	*d.*
For each boat, whether decked or undecked, engaged in any fishing season in the prosecution of the herring fishery for such season and payable in advance - per register ton	0	2	0
or instead thereof the sum of - - - - -	1	10	0
For each boat, whether decked or undecked, not engaged for the fishing season in the herring fishery, but unloading or discharging herrings, on entering the limits of the Order, each time - - - - - - -	0	2	6

	£	s.	d.
For each boat, whether decked or undecked, loading or discharging fresh fish at any time of the year, except boats engaged at the herring fishery during the fishery season, on entering the limits of the Order, each time—			
If 25 tons register and under and not a steam trawler -	0	1	6
If a steam trawler 25 tons register and under - - -	0	3	0
If above 25 tons register, including steam trawlers per register ton	0	0	2

For all boats, whether decked or undecked, loading or discharging any other article than fish, on entering the limits of the Order, each time the same as coasting vessels.

For all boats, whether decked or undecked, coming within the limits of the Order, wind-bound or on account of stress of weather, with or without cargoes—

	£	s.	d.
If not exceeding 20 tons register and not a steam trawler -	0	1	0
If above 20 and not exceeding 30 tons register and not a steam trawler - - - - - -	0	1	6
If a steam trawler not exceeding 30 tons register - -	0	1	6

For all boats, including steam trawlers, above 30 tons register the same as coasting vessels.

Note.—The rates on the three last classes for any one year may be compounded for in respect of any boats under 25 tons register by a payment to the Proprietor of 25*s.*, and in the case of steam trawlers under 25 tons register by payment of 2*l.* 10*s.*, and on such payment being made no further rates shall be levied for such boat or trawler within the year so long as employed as described in these three classes.

For all boats remaining within the limits of the Order after the expiration of two weeks from the date of their arrival for the purpose of being fitted out or for any purpose whatever, if not engaged in fishing, 2*s.* per boat for each week or part of a week over and above the dues exigible on arrival.

	£	s.	d.
For every large herring boat or white fishing boat beached for the season—			
If of ten tons register or upwards - - - -	0	15	0
If under ten tons register - - - - -	0	7	6

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III.—Rates on Goods Shipped, Transhipped, or Unshipped in the Harbour.

Description of Goods.	Quantity.	Rate.
		s. *d.*
Ale and beer	per 54 gallons	0 6
Ditto in bottles	per ton	2 6
Alkali	per ton	1 6
Alum	per ton	1 6
Ammonia water	per ton	1 0
Anchors	per ton	5 0
Animalised carbon	per ton	1 0
Ashes, viz :		
Pot and pearl	per ton	2 0
Weed	per ton	1 0
Asphalte or bitumen	per ton	1 0
Aerated water, all kinds	per ton	1 8
Bacon	per ton	1 6
Ballast	per ton	0 2
Barilla	per ton	1 6
Bark	per ton	1 8
Barley, hulled	per ton	1 6
Barrels, empty herring	each	0 1
Barytes	per ton	1 6
Baskets, under 12 inches diameter	per dozen	0 6
Ditto, above ditto	per dozen	1 0
Basket rods	per cwt.	0 2
Beef, fresh and salted	per ton	2 0
Beer, spruce or black	per 3 gallons	0 1
Biscuits	per ton	2 0
Blacking	per ton	2 0
Bleaching salts and powder	per ton	1 6
Blood of cattle	per ton	1 0
Blubber	per 250 gallons	3 0
Boats, viz. :		
12 to 14 feet keel	each	2 6
14 to 16 „	each	3 0
16 to 18 „	each	3 6
18 to 20 „	each	4 0
20 and above	each	5 0
Cobbles, viz. :		
12 to 14 feet long	each	2 0
14 to 16 „	each	2 6
16 to 18 „	each	3 0
18 to 20 „	each	3 6
Other cobbles in proportion.		
Bones of cattle, bone ash, and bone meal	per ton	1 0
Bones of cattle, ground	per ton or 48 bushels	1 0
Books and stationery	per cwt.	0 4
Boots and shoes	per cwt.	0 2
Bottles	per ton	2 0
Ditto, broken, and cullet	per ton	0 4
Boxes, empty salmon	each	0 1
Bran, pollard, and sharps	per ton	1 0
Brass	per ton	2 0
Bricks, common, fire-lay, and Bath	per ton	0 6
Brimstone	per ton	1 6
Butter	per cwt.	0 2

Description of Goods.	Quantity.	Rate. s.	Rate. d.
Calamine, or zinc ore	per ton	1	0
Candles	per ton	2	0
Cane reeds	per ton	2	0
Carpets, rugs, and upholstery articles	per ton	2	6
Carriages, with springs, viz.:			
Under 5 cwt.	each	2	6
5 cwt. and under 7½ cwt.	each	5	0
7½ cwt. and under 10 cwt.	each	7	6
10 cwt. and above	each	10	0
Carrots	per ton	1	0
Carts and waggons, with or without springs	per ton	2	6
Casks, boxes, sacks, and kits, empty	per ton	2	6
Cattle and live animals:			
Asses and mules	each	1	0
Bulls, cows, and oxen	each	1	0
Calves	each	0	3
Sheep	each	0	2
Lambs	each	0	1
Goats	each	0	1
Horses	each	1	0
Horses and cattle (Orkney or Shetland breed)	each	0	6
Ponies under 12 hands high	each	0	6
Pigs	each	0	3
Dogs and foxes	each	0	6
Cement	per ton	2	6
Chalk	per ton	0	9
Charcoal and charcoal blacking	per ton	2	0
Cheese	per ton	2	0
Chestnuts	per ton	2	0
Chimney tops or cans (clay)	each	0	1
China	per ton	2	0
Chocolate	per cwt.	1	0
Chrome ore	per ton	1	0
Cider	per gallon	0	0¼
Clay, viz.:			
China or stone clay	per ton	0	9
Fire clay and loam clay	per ton	0	6
Pipe clay	per ton	1	0
Clocks	each	0	6
Clothery, haberdashery, and silk mercery	per ton	2	0
Clover seeds	per ton	1	0
Coals	per ton	0	6
Coal dust or cinders	per ton	0	4
Cocoa	per ton	2	0
Coffee	per ton	2	0
Coke	per ton	0	10
Cochineal	per cwt.	0	6
Confections	per cwt.	0	2
Copper, viz.:			
Bars, rods, sheets, and nails	per ton	1	0
Utensils for distilleries and other purposes	per ton	2	6
Old	per ton	2	0
Ore	per ton	1	0
Copperas	per ton	1	6
Coprolites	per ton	0	9
Coral	per cwt.	1	0
Cordage and wire rope	per ton	1	6

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Description of Goods.	Quantity.	Rate.
		s. d.
Corks and corkwood	per ton	2 0
Corn, viz. :		
Barley or bere, malt, oats, wheat, rye, beans, peas, and maize	per ton	1 3
Cotton seed	per ton	1 0
Cotton wool	per ton	2 0
Ditto, manufactured	per ton	3 0
Crystal	per ton	2 0
Currants, raisins, and dried fruits	per ton	1 9
Cutch and gambia	per ton	1 0
Drugs, medicines, and medicinal oils	per cwt.	0 4
Dung	per ton	0 4
Earthenware	per ton	2 0
Ditto, pipes glazed	per ton	1 0
Eggs	per cwt.	0 3
Esparto grass	per ton	1 0
Feathers	per ton	5 0
Felt	per ton	2 0
Fire-clay retorts, flue covers, quarls, vent linings, and other manufactures of fire-clay except bricks	per ton	1 0
Fish, salted	per cwt.	0 2
Ditto, dry	per cwt.	0 3
Ditto, fresh haddocks, cod, ling, and all fish not enumerated	per cwt.	0 2
Flax	per ton	2 0
Flax codilla	per ton	1 6
Flax, manufactured	per ton	2 6
Flint for potters	per ton	0 6
Flour	per ton	1 4
Fruit	per ton	2 0
Furniture	per ton	2 6
Game :		
Hares	each	0 2
Rabbits	each	0 1
All others	each	0 2
Gelatine of screws	per ton	2 0
Ginger	per ton	2 3
Glass, window and plate	per ton	2 0
Grates, stoves, &c.	per cwt.	0 2
Grease	per ton	1 0
Groceries, all kinds, not otherwise enumerated	per cwt.	0 2
Guano	per ton	1 0
Gunpowder, dynamite, and other explosives	per cwt.	0 3
Gypsum, ground	per ton	1 0
Ditto, unground	per ton	0 6
Hair, dry, wet, or plaster	per ton	2 0
Hams	per ton	2 0
Hardware	per cwt.	0 2
Hats	each	0 0½
Hay	per ton	1 8
Hemp	per ton	2 0
Ditto, dressed	per ton	2 0
Ditto, cordilla	per ton	1 0
Herrings, viz. :—		
Fresh, direct from sea	per 37½ gallons	0 2
Ditto, (cured) exported	per 26⅔ gallons	0 2
Ditto, cured or partially cured	per 37½ gallons	0 2

Description of Goods.	Quantity.	Rate.	
		s.	*d.*
Herrings, smoked, partially smoked, or preserved in bulk or in boxes	per ton	1	6
Hides and skins, raw and undressed	per ton	2	0
Hoofs	per ton	2	0
Hoops of wood	per 120	0	0½
Hops	per cwt.	0	2
Horns	per ton	2	6
Horn tips, sloughs, shavings, and waste	per ton	1	0
Husbandry implements, viz. :—			
Ploughs	each	0	9
Harrows	per pair	0	9
Wheelbarrows	each	0	4
Other implements	per ton	2	6
Ice	per ton	1	6
Iron, viz. :—			
Bar, bolt, angle, rod, plate, sheet, hoop, nails, and wire	per ton	1	0
Forged ironwork and machinery	per ton	1	6
Steam boilers, whole or in pieces	per ton	2	0
Grates, stoves, and tinned work, pots and other hollow cast-iron work	per ton	1	6
All other castings	per ton	1	6
Rust	per ton	1	6
Pig	per ton	0	6
Old	per ton	0	6
Ore	per ton	0	2
Junk	per ton	1	0
Jute	per ton	1	0
Ditto, manufactured	per ton	2	6
Kelp	per ton	1	0
Lard	per ton	2	0
Lead, viz. :—			
Sheet, pipe, pigs, and shot	per ton	1	6
Red, white, and black	per ton	1	6
Ore	per ton	1	0
Leather	per cwt.	0	2
Lemons	per cwt.	0	2
Lime	per ton or 30 bushels	0	6
Linen yarn	per ton	2	6
Linseed	per ton	1	0
Locust beans, whole or ground	per ton	1	0
Lucifer matches	per cwt.	0	2
Machinery	per ton	2	0
Madder, ground	per ton	2	6
Madder root	per ton	2	6
Manganese	per ton	1	0
Mangold wurzel	per ton	0	6
Manures, manufactured (import)	per ton	1	0
Ditto ditto (export)	per ton	1	0
Marble	per ton	2	0
Mats, cargo, and dunnage	per ton	1	0
Meal, viz. :—			
Oatmeal, peasemeal, maizemeal	per ton	1	6
Mill waste	per ton	1	6
Mohair yarn	per ton	2	0
Molasses	per ton	1	6
Musical instruments	per cwt.	0	3

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Description of Goods.	Quantity.	Rate.
		s. *d.*
Mussels	per ton	0 6
Nutmegs	per ton	2 3
Nuts	per cwt.	0 2
Oakum	per ton	1 6
Ochre	per cwt.	0 1
Oil, not otherwise enumerated	per ton	2 0
Oil cake	per ton	1 0
Onions	per cwt.	0 2
Oranges	per cwt.	0 4
Oysters and shell fish not otherwise enumerated	per ton	2 0
Packthread	per cwt.	0 3
Paints of all kinds not specially mentioned	per ton	2 0
Paper	per cwt.	0 2
Paper shavings	per ton	1 0
Paraffin oil and petroleum	per ton	1 3
Paste or mill boards	per ton	2 6
Pearl harding	per ton	1 6
Peats	per ton	0 6
Pepper and pimento	per ton	2 3
Pewter	per ton	2 0
Phosphates, manufactured	per ton	1 0
Pictures, viz.:—		
Under 2 feet square	each	0 4
2 feet and under 4 feet square	each	0 9
4 feet square and upwards	each	1 6
Pipes, drain, viz.:—		
Under 3 inches diameter	per 1,000	0 6
Above 3 inches diameter	per 1,000	0 9
All others	per 1,000	0 9
Pipes, tobacco	per cwt.	0 1
Pitch	per ton	2 0
Pitch oil	per cwt.	0 2
Plants, trees, and shrubs	per ton	2 0
Plaster of Paris	per ton	1 6
Pork (fresh and salted)	per ton	2 0
Porter	per 54 gallons	0 6
Ditto, in bottles	per ton	2 6
Potatoes	per ton	0 6
Poultry, all kinds	each	0 1
Preserved provisions	per cwt.	0 2
Pumice stones	per ton	2 6
Pyrites	per ton	0 6
Ditto, burnt or spent	per ton	0 3
Rags	per ton	1 0
Rails, composite or steel and iron	per ton	1 0
Rapeseed and rubenseed	per ton	1 0
Rice	per cwt.	0 2
Ropes, all kinds	per ton	2 0
Rosin	per ton	1 6
Rye grass seeds	per ton	1 0
Saddlery articles	per cwt.	0 3
Sago	per cwt.	0 1
Sailcloth	per ton	2 0
Salmon	per ton	2 0
Saltpetre, refined	per ton	2 0
Salt, rock and white	per ton	0 9
Ditto, in barrels (barrels included)	per $26\frac{2}{3}$ gallons	0 2

Description of Goods.	Quantity.	Rate.
		s. *d.*
Salts, muriates, nitrates, sulphates, saltpetre, and other salts for manures not otherwise enumerated	per ton - -	1 0
Sand - - - - - -	per ton - - -	0 4
Screws of hides, viz.:—		
Dry - - - - -	per ton - -	2 0
Wet - - - - -	per ton - - -	1 0
Scythes - - - - - -	per ton - -	2 6
Sealskins - - - -	per score - -	0 4
Seeds, not otherwise enumerated - - -	per ton - -	2 0
Shakes of casks, of 84 gallons capacity - -	each - - -	0 2
Others in proportion.		
Sheepskins, with wool - - - -	per cwt. - -	0 3
Ditto, pelts - - - -	per cwt. - - -	0 2
Sheffield and Birmingham wares - - -	per ton - -	2 6
Shumac - - - - -	per ton - - -	2 6
Sids, or oak husks - - - -	per ton - -	0 6
Skins, not otherwise enumerated - -	per ton - - -	2 0
Slates - - - - - -	per ton - -	0 10
Slate slabs - - - -	per ton - - -	1 6
Smalts and ultramarine - - - -	per ton - -	2 6
Snuff - - - - -	per cwt. - - -	0 2
Soap - - - - - -	per ton - -	1 6
Soda and soda ash - - - -	per ton - - -	1 0
Soot - - - - - -	per ton - -	0 6
Spades and shovels - - - -	per dozen - -	0 1
Spanish and Italian juice - - - -	per ton - -	2 3
Spirits - - - - -	per gallon - -	0 0½
Starch - - - - - -	per cwt. - - -	0 3
Steel - - - - -	per ton - -	1 6
Stones, viz.:—		
Carriageway granite - - - -	per ton - - -	0 2
Kerb, pavement, and building - -	per ton - -	0 5
Rubble and chips - - -	per ton - - -	0 2
Road metal - - - - -	per ton - -	0 2
Freestone, building - - -	per ton - - -	0 5
Rigging stones - - - -	per ton - -	1 6
Millstones, grindstones, and scythe stones -	per ton - - -	1 6
Marble stones - - - -	per ton - -	2 6
Flagstones, Turin or Caithness - -	per ton - - -	0 9
Polished granite stones - - -	per ton - -	1 6
All other description of stones - -	per ton - - -	1 0
Stoneware - - - - -	per cwt. - -	0 2
Straw - - - - - -	per ton - - -	1 8
Stucco - - - - -	per ton - -	1 0
Sugar, raw - - - -	per ton - - -	1 6
Ditto, refined - - - - -	per ton - -	2 0
Tallow and paraffin wax - - -	per ton - - -	2 0
Tanners' waste - - - - -	per ton - -	0 9
Tar - - - - - -	per 31½ gallons -	0 2
Tares - - - - - -	per ton - -	1 6
Tea - - - - - -	per cwt. - - -	0 3
Terra alba or sulphate of lime - - -	per ton - -	1 0
Tiles - - - - - -	per 1,000 - -	1 0
Tin - - - - - -	per ton - -	2 0
Ditto, plates - - - - - -	per ton - - -	2 0
Tobacco - - - - -	per cwt. - -	0 2

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Description of Goods.	Quantity.	Rate. s.	d.
Tongues, viz. :—			
Smoked	per dozen	0	1½
Pickled	per cwt.	0	4
Tow	per ton	1	6
Toys	per cwt.	0	3
Turnips	per ton	0	6
Twine	per cwt.	0	3
Umber	per ton	1	0
Varnish	per cwt.	0	2
Vegetables of all kinds not specially mentioned	per ton	1	0
Vinegar	per gallon	0	0¼
Vitriol and acids in carboys	per gallon	0	0½
Whalebone or whale fins	per ton	10	0
Wheels, coach, carriage, or cart	per pair	0	9
Whitening	per ton	0	6
Wine in casks or in bottles	per gallon	0	1
Wood, viz. :—			
Fir, larch, beech, oak, ash, elm, and all other hard woods, rough, or roundor in plank, or sided	per 50 cubic feet	1	0
Masts and spars	per 50 cubic feet	1	0
Fir, deals, planks, and boards, or battens	per 50 cubic feet	1	0
Railway sleepers	per 50 cubic feet	1	0
Lathwood, sawn	per 1,000 superficial feet.	1	0
Cart-wheel spokes and felloes	per 40 pieces	0	3
Wedges	per 1,000 pieces	1	0
Pit props not exceeding 6 inches in average diameter	per 50 cubic feet	0	9
Wainscot	per 50 cubic feet	1	3
Deal ends, 3 inches thick and under 4 feet in length, and firewood	per 50 cubic feet	0	6
Rickers, under 30 feet in length and under 4 inches diameter	per dozen	0	3
Oars	per dozen	0	4
Hand spokes	per dozen	0	4
Treenails	per 1,000 lineal feet	0	6
Wood by weight :			
Bar wood, box wood, Brazil wood, cam wood, ebony, fustic, lignum vitæ, logwood, Nicaragua wood, red wood, sassafras, &c.	per ton	2	0
Mahogany	per 40 feet or ton	2	0
Wood staves and billets :			
Herring barrel billets	per 50 cubic feet	1	0
Herring barrel staves	per 1,000 superficial feet.	1	2
All other kinds not enumerated	per 1*l.* value	0	4
Wood pulp	per ton	1	6
Wool, sheep's	per ton	2	6
Ditto, manufactured	per ton	2	6
Yarn	per ton	3	0
Yeast	per ton	2	0
Zinc	per ton	1	6
All goods not otherwise enumerated in the foregoing schedule	per cwt.	0	2

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

The ton mentioned in the foregoing schedule unless otherwise indicated is the ton of twenty hundredweight.

Goods of all descriptions rated by the ton shall be charged according to gross weight, fractional parts of a ton shall be charged proportionately, and the minimum charge for a single package shall be one penny. Where rates shall have been paid for goods on importation, and such goods shall be re-shipped in the original packages and shall not have changed ownership, but shall continue to belong to the same owner as when imported, such goods shall be exempt from the payment of rates on exportation.

If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded, no rates shall be charged a second time for such goods on being reloaded if they belong to the original owner.

Where any goods shall have been shipped and the rates therefor paid, and such goods shall thereafter be re-landed within the harbour by reason of the detention therein of the vessel by stress of weather, and shall not be re-shipped, such rates shall be repaid.

EXEMPTIONS.

Empty boxes, casks, bags, and pack sheets returned to the original shipper after importation or exportation with goods.

Empty casks or other stores shipped for or on being returned from the seal and whale fishing, as also all ships' provisions necessary for the voyage.

The luggage of each passenger not exceeding two-and-a-half hundredweight, but for all above that weight the rate of two shillings and sixpence per ton shall be paid by each passenger.

SCHEDULE B.

RATES FOR THE USE OF SHEDS, CRANES, WEIGHING MACHINES, WARPS, OR PLANKS.

These to be paid by persons using the same.

1. *Sheds.*

For each ton of goods which shall remain in any shed, or on any quay or pier for a longer time than twenty-four hours, the sum of 3*d.*, and the sum of $1\frac{1}{2}d.$ per ton for each day during which such goods shall remain after the first twenty-four hours.

2. *Cranes.*

	s.	*d.*
All goods or packages not exceeding one ton - - - -	0	3
Exceeding one ton and not exceeding two tons - - -	0	4
Exceeding two tons and not exceeding three tons - - -	0	6
Exceeding three tons and not exceeding four tons - -	0	8

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	s.	d.
Exceeding four tons and not exceeding five tons	0	10
Exceeding five tons and not exceeding six tons	1	0
Exceeding six tons and not exceeding seven tons	1	2
Exceeding seven tons and not exceeding eight tons	1	4
Exceeding eight tons and not exceeding nine tons	1	8
Exceeding nine tons and not exceeding ten tons	2	0
Exceeding ten tons	3	0

3. *Weighing Machines.*

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

4. *Warps or Planks.*

	s.	d.
Harbour warps, all vessels, per register ton	0	$0\frac{1}{4}$
Harbour planks, long, per pair	3	0
Harbour planks, short, per pair	1	0

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

SCHEDULE C.

RATES FOR LIGHTS, FLAGS, AND SIGNALS.

	s.	d.
For all vessels, per register ton	0	$0\frac{1}{4}$

These rates shall only be demanded and received during so long as lights, flags, and signals are duly exhibited during proper hours or at proper times.

BURNMOUTH.

Order for the Construction and Maintenance of Works at the Harbour of Burnmouth, in the Parishes of Ayton and Mordington and County of Berwick, and for the Regulation of the Harbour.

Incorporation of the Trustees.

1. There shall be a body of Trustees (in this Order called "the Trustees"), qualified, appointed, or elected, as by this Order provided, for carrying this Order into execution, which Trustees and their successors are hereby, for the purposes of this Order, incorporated by the name of the Burnmouth Harbour Trustees, and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, lease, hold, and dispose of lands and other property, for the purposes but subject to the restrictions of this Order.

Interpretation of terms.

2. The several words and expressions to which by the Acts incorporated with this Order meanings are assigned have in this Order the same respective meanings, unless excluded by the subject or context. And in this Order the following expressions have the following meanings (that is to say) :—

"The fishermen" means persons resident for the time being within one mile of the harbour of Burnmouth, who are fishermen paying harbour rates for the season, and are engaged or employed in the fishery in and out of the harbour ;

"The existing harbour" means and includes the present harbour of Burnmouth, and the piers, quays, buildings, works, lands, and conveniences connected therewith ;

"The harbour" means and includes the harbour of Burnmouth as defined by this Order ;

"Sheriff" means the sheriff of Roxburgh, Berwick, and Selkirk, or the sheriff in whose jurisdiction the county of Berwick is situated, or any of his substitutes acting in the county of Berwick ;

"The Trustees" means the Harbour Trustees acting under this Order.

Constitution of Trustees.

3. The body of Trustees shall consist of—

(A.) Seven members ex officiis ;

(B.) Twelve members to be elected by the fishermen.

Trustees ex officiis.

4. The proprietor of the lands and estate of Fairnieside, in the parish of Ayton, the proprietor of the lands and estate of Graystonelees, in the said parish, and the proprietor of the lands and estate of Mordington, in the parish of Mordington, the minister of the parish of Ayton, the schoolmaster of the public school at Burnmouth, and the county councillors under the Local Government (Scotland) Act, 1889, or any Act amending the same, of the parishes of Ayton and Mordington, or (in the event of either of said parishes not itself forming an electoral division) the county councillor of the electoral division of which said

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parishes, or either of them, shall form part, or (in the event of either of said parishes being divided into more than one electoral division) the county councillor of the electoral division thereof in which any of the fishing villages of Burnmouth is situated, all for the time being, and their successors, shall be Trustees ex officiis for the purposes of this Order; and in case any of the said proprietors for the time being shall be incapacitated by reason of minority or otherwise from exercising the powers with reference to trustees hereby conferred on him, all such powers may during such incapacity be exercised by the tutor, curator, guardian, trustee, commissioner, or other party legally acting for the proprietor for the time being, and in the absence of any of the said proprietors he may be represented by his known factor or agent without any special nomination.

First elected trustees.

5. The following persons shall be the first elected or representative Trustees, namely, Robert Aitchison, fish curer, Burnmouth; James Anderson, junior, fisherman, Ross; Richard Anderson, fisherman, Cowdrait; Robert Dean, feuar, Flemington Cottage, Burnmouth; Alexander Fairbairn, fisherman, Burnmouth; Arthur Johnston (Kerr), fisherman, Cowdrait; Paul Johnston, senior, fisherman, Burnmouth; Alexander Martin, grocer, Ross; Alexander Martin, fisherman, Burnmouth; James Martin, senior, fisherman, Cowdrait; Peter Martin, fisherman, Partonhall; and William Martin, junior, fisherman, Burnmouth; and they shall hold office until the second Thursday of January, one thousand eight hundred and ninety-five, when, and on the second Thursday in January in every succeeding year, four representative Trustees who have been longest in office, or if those longest in office are more than four then four of them to be chosen by lot, shall retire by rotation but shall be eligible for re-election.

Mode of conducting election of future representative Trustees.

6. The following rules shall be observed with respect to the election of future representative Trustees:—

(1.) The election shall take place at a meeting of the fishermen to be held on the second Thursday of January annually, at five o'clock afternoon, at the Harbour Office, or at the public school at Burnmouth, or other convenient public place (within one mile of the harbour), to be specified by the Trustees, or in case of a division by a majority;

(2.) The Trustees shall cause the day, hour, and place of such meeting to be made public by written or printed notice to be affixed to the door of the Harbour Office and the door of the public school at Burnmouth. The said intimations shall be thus made public not less than seven clear days before such meeting;

(3.) The election shall be by show of hands at a meeting of the fishermen, to be notified as aforesaid, a majority of the fishermen present to rule the election;

(4.) Any two of the fishermen may at such meeting propose as a candidate any bonâ fide resident in the district of Burnmouth, who is of the full age of twenty-one years or upwards, as a candidate for the office of representative Trustee. If the number of persons proposed as candidates shall not exceed the number of Trustees to be elected the chairman of the meeting shall declare them elected without taking a show of hands. If the number of persons proposed and declared to be elected shall be less than the number

required, the vacancy or vacancies shall be filled up by the Trustees in manner after specified;

(5.) The chairman of the Trustees (not being a candidate), or the clerk of the Trustees, or one of the Trustees for the time being who is not a candidate, shall act as chairman of the meetings of the fishermen, and shall declare the number of votes given to each candidate; and in case his decision is challenged shall cause the number of fishermen voting for any candidate to be ascertained by taking a division or in some other convenient manner;

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

(7.) The four candidates having the greatest number of votes shall be elected Trustees;

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

Appointment by Trustees in case of failure to elect.

7. In case at any time there is a failure to make a valid election, or an election of the full number in accordance with the provisions of this Order of Trustees for the fishermen, the Trustees shall, within two months thereafter, at a special meeting appoint as Trustee or Trustees for the fishermen any qualified person or persons to the number required, and every Trustee so appointed shall be deemed a Trustee for the fishermen, and shall in all respects be as if he had been actually elected by them. In case of an equality of votes at any such election or appointment by the Trustees, the chairman of the Trustees for the time being shall have a second or casting vote.

Trustees for the fishermen may resign.

8. A Trustee for the fishermen may resign office at any time by giving to the Trustees or their clerk not less than three weeks' written notice of such his intention.

Occasional vacancies among Trustees for the fishermen.

9. If a Trustee elected by the fishermen refuses to accept office, dies, resigns, or becomes incapable or incompetent to act as or ceases to be a Trustee from any cause other than that of going out of office in regular course, the vacancy shall be filled up in manner following (that is to say), the other Trustees elected by the fishermen shall, as soon as may be thereafter, at a meeting of such Trustees elect a qualified person in his stead, and in every case the Trustee so elected shall continue in office for the same period as the person in whose place he is elected would in ordinary course have continued, and shall go out of office at the same time, but shall be eligible for re-election.

Annual roll of electors to be prepared and publicly exhibited.

10. The Trustees shall cause annually to be prepared a roll of all fishermen who are or have qualified themselves to vote at the election of Trustees for the fishermen as defined in this Order, which list shall be publicly exhibited for one month from and after the first day of October in each successive year, and any fisherman whose name does not appear in the said roll, but who claims enrolment, must within thirty days after publication of the said roll lodge his claim with the clerk of the Trustees in writing, and produce evidence to the Trustees sufficiently substantiating his contention to entitle them to order his name to be added to the roll. Any such additions must be made prior to the first day of November in each year, and the roll shall be finally completed and certified by the chairman or clerk at a meeting of Trustees to be held within fourteen days thereafter.

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Acts of the Trustees valid notwithstanding vacancies.

11. 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, and on the expiration of their term of office the Trustees for the time being shall continue to be competent to act until their successors are nominated or elected.

Incorporation of parts of Commissioners Clauses Act.

12. The Commissioners Clauses Act, 1847, except sections six, seven, twenty-three to thirty-five, fifty-four, sixty-six, ninety-two, ninety-three, and ninety-four, and except so far as other sections of that Act are inconsistent with this Order, is hereby incorporated with this Order, and that Act 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; namely,—

(1.) With reference to sections seventeen, twenty-one, and forty, the prescribed day shall be the second Thursday of January in each year:

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

(3.) With reference to section eighty-four, the sum to be every year appropriated and set apart out of the surplus rates or revenue, if any, of the harbour as a sinking fund shall be not less than one pound for every hundred pounds of money borrowed, such appropriation to commence after the expiration of seven years from the time when full rates become leviable under this Order;

(4.) With reference to section ninety, it shall not be obligatory on the Trustees to cause the statements and accounts therein mentioned to be printed;

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

Stated meetings of Trustees.

13. General meetings of Trustees shall be held in such places as the Trustees shall appoint within the district of Burnmouth proper upon the second Thursday of the months of January, April, and October, at six of the clock after noon, or upon such other day or at such other hour as the Trustees may fix, and all meetings of the Trustees shall be notified to each Trustee in writing at least sixty hours before the hour of meeting.

Special meetings and emergency meetings.

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

Election of chairman.

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

Trustees to appoint auditor.

16. The Trustees 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.

Incorporation of Lands Clauses Acts.

17. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry

upon lands by the promoters of the undertaking, are hereby incorporated with this Order.

Undertakers.

18. The Trustees shall be the Undertakers of the works authorised by this Order.

Limits of harbour.

19. 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 present and proposed piers and harbours, with all the works, roads, accesses, and conveniences connected therewith, and also the area below the high-water mark within two hundred and twenty yards of any part of the piers and works.

Vesting of existing harbour at Burnmouth in Trustees.

20. From and after the passing of the Act confirming this Order, the existing quay or pier, harbour, and works at Burnmouth within the limits of this Order shall be and the same are hereby vested in the Trustees to and for the uses, ends, and purposes of this Order.

Power to take land by agreement.

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

Lands for extraordinary purposes.

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

Construction of works.

23. Subject to the provisions of this Order, and subject also to such alterations, if any, in the deposited plans and sections as the Board of Trade may require from time to time, before completion of the works, in order to prevent injury to navigation, the Trustees 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, and within the limits of deviation shown on the deposited plans, execute and maintain the works authorised by this Order and may maintain the existing harbour.

Description of works.

24. The works authorised by this Order include—

(1.) A wharf, pier, or quay, solid, commencing at the north-east corner or angle of the present pier at Burnmouth, and extending in a north-east by northerly direction for a distance of fifty feet or thereby thence extending in a north by westerly direction for a distance of one hundred and forty feet or thereby and there terminating ;

(2.) The removal of the projecting rocks in the fairway to the harbour within a distance of two hundred and seventy feet from the termination of the above-described work ;

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

Powers of deviation.

25. 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 authorised by this Order deviate laterally from the lines of such works delineated on the deposited plans to any extent not exceeding the limits of deviation marked on the said

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plans, and may deviate vertically from the levels of the said works as shown or the deposited sections to any extent not exceeding ten feet.

Improvement and maintenance of harbour.

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

Consent of Board of Trade to works.

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

Power to construct warehouses, &c.

28. 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 connection with the harbour for the accommodation of vessels thereat, and of traffic landed at or embarked from the harbour.

Penalty for obstructing works.

29. 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, or who defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

As to material dredged.

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

Local survey may be ordered by Board of Trade at expense of Trustees.

31. The Board of Trade may at any time and from time to time as they may deem it expedient order a local survey and examination of any works of the Trustees in, over, or affecting any tidal water, or of the intended site thereof, and the Trustees shall defray all the costs of each such survey and examination, and the amount of such costs shall constitute a debt due from the Trustees to the Crown, and may be recovered accordingly.

Power to levy rates.

32. 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 existing exemptions from payment of rates or harbour dues shall cease and determine, and the Trustees may, subject to the provisions of this Order, for the use of the harbour and works and conveniences connected therewith, demand and take in respect of vessels, boats, persons, animals, fish, goods, and things, and of services rendered, described in the schedule to this Order, any sums not exceeding the several rates specified in such schedule.

Power to levy rates on fishing boats and fish.

33. The fishermen having expressed a desire that the rates on fishing boats and fish should be taken before any works authorised by this Order are executed or commenced, in order to secure an adequate revenue to authorise the borrowing of money necessary for the purposes of the undertaking, therefore, notwithstanding the twenty-fifth section of the Harbours, Docks, and Piers Clauses Act, 1847, the Trustees may, on and after the first day of September, one thousand eight hundred and ninety-four, for the use of the harbour and works, demand, receive, and recover any sums not exceeding the several rates on fishing boats specified in Parts II. and III., and any sums not exceeding the several rates on fish specified in Part IV. of the schedule to this Order; but the Board of Trade may, if in their discretion they think fit, upon the representation of any twelve or more fishermen regularly using the harbour, and after inquiry at any time and from time to time reduce those rates to such extent as they think proper, but with power at any time and from time to time to raise them again to sums not exceeding those authorised by the said schedule.

Rates may be levied though works not completed.

34. When and so soon as it shall be at any time or from time to time certified in writing under the hand of any officer to be appointed for the purpose by the Board of Trade and paid by the Trustees, that the works authorised by this Order have been so far completed as to afford increased harbour accommodation 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 to the increased accommodation afforded.

Existing rates to cease when new rates leviable.

35. When and so soon as the Trustees are entitled to demand and take the several rates specified in the schedule to this Order, all other rates, tolls, dues, or duties shall cease to be demanded in respect of the harbour or the works or conveniences connected therewith, but without prejudice to their right to recover any money actually due at the time of cesser, and all exemptions from payment of rates, tolls, or dues shall cease to be operative.

Revision of rates.

36. The Trustees shall from time to time revise the rates 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 rates 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,

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if in their discretion they think fit, reduce such rates to such sums as will be sufficient to provide the amount aforesaid, with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

Power to lease rates.

37. The Trustees may from time to time lease the rates and dues authorised by this Order for any term not exceeding seven years to take effect on possession, and for such rent and consideration and on such terms as they think fit, and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the 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 subject under this Order.

Power to confer exemptions and compound for rates.

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

Master of vessel to report arrival.

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

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

40. The master or owner of every fishing boat shall on arrival in the harbour forthwith report the same to the harbour-master or collector of rates, and shall furnish to the collector a true and accurate statement of his take of fish, and the names of the persons obtaining delivery thereof and liable for the rates or dues thereon, and any such master or owner failing so to do shall be liable to a penalty not exceeding ten pounds.

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

41. The harbour-master may prevent the removal or sailing out of the harbour of any vessel in respect of which any rate or due shall have been payable until evidence shall have been produced to him of the payment of such rate or due to the collector of rates, and until the master or owner shall have given in a statement of his or their take of fish as required by the last preceding section hereof.

Trustees may provide and license steam tugs.

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

Charges for use of steam tugs.

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

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 command of such steam tug or other power.

Rates for use of warehouses, &c.

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

Certain fishing vessels under stress of weather exempt from rates.

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

Certain officers and others exempt from rates.

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

Lifeboat crew exempt from rates.

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

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

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

Meters and weighers may be licensed.

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

Trustees to be local authority.

50. For the purposes of this Order the Trustees shall be deemed a local authority within the meaning of the Merchant Shipping Acts, 1854 to 1880, and all the powers by those Acts conferred on local authorities shall be vested in the Trustees for the purposes of this Order.

Annual account to be sent to Board of Trade.

51. 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 twenty-fifth 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

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they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Power to borrow money.

52. The Trustees may from time to time borrow at interest such money as may be required for the purposes of this Order, not exceeding in the whole the sum of five thousand pounds, on the security of the rates and charges by this Order authorised to be taken or any part thereof.

Power to borrow on cash account.

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

Application of money borrowed.

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

Reborrowing.

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

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

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

Appointment of judicial factor.

57. Every application for the appointment of a judicial factor under the provisions of this Order shall be made to the sheriff, and on any such application the sheriff may, by order in writing, after hearing the parties, appoint some person as judicial factor to receive the whole or a competent part of the rates and duties authorised by this Order until the arrears of interest or of principal or of principal and interest, as the case may be, then due on the outstanding mortgages, with all costs, including the charges of receiving the said rates and duties, be fully paid. Upon such appointment being made the said rates and duties shall be paid to and received by the judicial factor, and so soon as the full amount of interest, or of principal and interest, as the case may be, and costs has been so received, the power of the judicial factor shall cease, and after payment of the said costs the judicial factor shall distribute among all the holders of the said mortgages to whom interest or principal shall be in arrear the rates, duties, and other moneys which shall have been received by him, having regard in such distribution to the priorities (if any) of such mortgages.

Amount necessary to authorise application for judicial factor.

58. The amount necessary to authorise the application for appointment of a judicial factor in respect of principal shall be five hundred pounds in one or more mortgages.

Sinking fund.

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

Contingency fund.

60. The Trustees shall yearly, for the purpose of forming and maintaining a contingency fund not exceeding the sum of two thousand five hundred pounds, to meet any unforeseen accident or extraordinary damage which may happen or be caused to the harbour, set apart the surplus revenue of the harbour (if any) after meeting the ordinary expenditure and interest and sinking fund, as by this Order provided, and shall deposit the sum set apart in some joint-stock bank of issue in Scotland, to be increased by accumulation in the way of compound interest or otherwise until required for any of the aforesaid purposes.

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

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

Application of revenues.

62. The rates received by the Trustees under this Order and the other harbour revenues shall be applied for the purposes and in the order following, and not otherwise; (that is to say):—

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

(2.) In paying the expenses of the maintenance, repair, improvement, management, and regulation of the harbour and works now existing, and the works authorised by this Order, including the expense of the execution, maintenance, and repair of such other works, buildings, sheds, warehouses, wharves, jetties, tugs, dredges, hydraulic machinery, cranes, engines, and conveniences as from time to time shall be necessary for the purposes of the harbour or

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the accommodation of the shipping resorting thereto, and in defraying the other necessary administration expenses of the Trustees in relation to the harbour, including the cost of borrowing money under this Order;

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

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

(5.) In forming and maintaining a contingency fund, not exceeding the sum of two thousand five hundred pounds, for accidents or extraordinary damage to the harbour;

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

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

Works authorised to form part of undertaking of Trustees.

63. The existing harbour at Burnmouth and the works authorised by this Order shall, for all purposes, including the levying and collection of rates and dues, be deemed and taken as forming part of the undertaking of the Trustees.

Portion of Harbours Clauses Act excepted.

64. Sections sixteen to nineteen of the Harbours, Docks, and Piers Clauses Act, 1847, shall not be incorporated with this Order, but the Trustees shall, at their own expense, when required by the Board of Trade, provide to the satisfaction of the Board of Trade a site near the harbour, and build on such site a house and other proper accommodation for a 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 Harbour and Passing Tolls Act.

65. 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.

66. 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.

Boats not to anchor within harbour, without consent of Trustees.

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

Byelaws.

68. 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.

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69. 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 directions so given shall satisfy and be in the place of every other statutory requirement as to lights during construction of the works, and the 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 observe any such direction.

Lights to be exhibited during construction of works.

70. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Trustees shall, at the outer extremity of the pier or the completed portions thereof, or in such other place or places as may be required, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting, and the 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 observe any such direction.

As to lights after completion of works.

71. In case of injury to, or destruction or decay of, the piers or works, or any part thereof, the Trustees shall lay down such buoys, exhibit such lights, or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to the means to be taken, and the 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 such direction.

Provision against danger to navigation.

72.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the Board of Trade.

Power to cease in certain events.

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

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the 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.

73. 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

Saving rights under Crown Lands Act.

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Board of Trade by the Crown Lands Act, 1866, nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

Saving rights of Crown under Crown Lands Act.

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

Compensation for injury to Crown right of salmon fishing.

75. 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.

Compensation for injury to Crown salmon fishings.

76. The Trustees shall make compensation for the damage or injury (if any) which may be sustained by Her Majesty or Her tenants in respect of any right of salmon fishing through the exercise of the powers of this Order, although the works causing such injury may be constructed elsewhere than on any land over which a right of salmon fishing belongs to Her Majesty, and the amount of such compensation shall be subject to the provisions of the last preceding section of this Order.

Costs of Order.

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

Short title.

78. This Order may be cited as the Burnmouth Harbour Order, 1894.

The SCHEDULE to which the foregoing Order refers.

PART I.

Tonnage Duties.

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

PART II.

Rates for Fishing Boats using the Harbour, exclusive of their Cargoes.

For every boat not exceeding 20 tons register engaged in the herring fishery, as a composition in full of tonnage duty for the period of the herring fishing season, from 1st May to 1st October, payable in advance, for every foot of length of the boat over all - - -	0	6
For every boat not exceeding 20 tons register loading or discharging herrings not paying the aforesaid composition, on each occasion of entering the harbour - - - - - -	2	0
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - -	1	0
For every boat above 20 tons register engaged in the herring fishery, as a composition in full of tonnage duty for the period of the herring fishing season, from 1st May to 1st October, payable in advance, for every foot of length of the boat over all - - - - -	0	6
And in addition for each ton register beyond 20 tons - -	1	0
For every boat above 20 tons register loading or discharging herrings not paying the aforesaid composition, on each occasion of entering the harbour - - - - - - -	2	0
And in addition for each ton register beyond 20 tons - -	0	1
And when windbound or otherwise, and not loading or discharging, and not paying the aforesaid rate - - - -	1	0
And in addition for each ton register beyond 20 tons - -	0	0½

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

PART III.

Light Dues, Water Money, &c.

(*a.*) Light Dues.

	s.	d.
For each vessel other than a fishing boat, each time of entering the harbour, per register ton - - - - - -	0	0½
For each fishing boat each time of entering the harbour—		
During the herring season - - - - -	0	2
During the white fishing season, for each man of the crew - -	0	2
Instead of the last-mentioned rates any fishing boat may pay in advance along with the composition for rates—		
For the herring season - - - - - -	2	6
For the white fishing season, for each man of the crew - -	2	6

But dues for lights shall only be demanded and received during so long as a light or lights are exhibited in accordance with the provisions of the foregoing Order.

(*b.*) Water Money.

	s.	d.
For all vessels and boats, per 25 gallons supplied on board	0	3
Instead of the above rate any fishing boat may pay in advance a composition, either for the herring season or the white fishing season, of, for each man of the crew	2	6

(*c.*) Weighing Dues.

For use of weighing machine	per ton	0	1

Part IV.

Rates on Goods shipped, unshipped, or transhipped within the Harbour.

Acorns	per bushel	0	0½
Aerated waters, all kinds	per cwt.	0	1
Alabaster	per cwt.	0	1
Ale, beer, porter, mum, cider, perry, or vinegar	per 10 gallons	0	1
Alum	per cwt.	0	1
Aquafortis	per cwt.	0	1
Ashes, pot, pearl, or soap	per cwt.	0	2
Asphalt and bitumen and the like	per cwt.	0	1
Ashes, fern or wood	per cwt.	0	0½
Ballast—			
Inward, whether landed or shifted into another vessel	per ton	0	9
Outward, whether taken out of another vessel or from the quay or shore	per ton	1	6
Barilla	per ton	1	0
Bark	per ton	1	0
Bark, Jesuits'	per lb.	0	0½
Barley (see Corn).			
,, shelled or pearl	per 20 stones	0	1
Barrels, kits, and boxes (empty)	each	0	0½
Baskets, hand	per dozen	0	3
Battens and ends (see Wood).			
Beef, mutton, pork, veal, bacon, hams, and tripe, and other provisions not otherwise charged (fresh, salted, or preserved)	per cwt.	0	1½
Beeswax	per cwt.	0	3
Bells and bell metal	per cwt.	0	1
Bellows	per cwt.	0	2
Blankets	per dozen	0	4
Blubber	for every ton of oil produced by it	0	6
Bones (crushed or uncrushed), bonemeal, bone ash, and the like	per ton	1	0
Books and stationery	per cwt.	0	2
Bottles, glass	per gross	0	4
,, stone	per dozen	0	1
,, broken	per ton	0	6

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	s.	d.
Bran - - - - - - - per cwt.	0	0½
Brandy - - - - - - - per gallon	0	0½
Brass - - - - - - - per cwt.	0	1
Bread - - - - - per cwt.	0	1
Bricks, common - - - - - - per 1,000	0	6
„ stock or fire, flat or flooring - - - per 1,000	0	8
Brimstone - - - - - - - per cwt.	0	2
Bulrushes - - - - - per cwt.	0	1
Burnt ore - - - - - - - per ton	0	4
Butter - - - - - - per cwt.	0	2
Calicoes and other cotton goods - - - - per cwt.	0	2
Candles - - - - - per cwt.	0	2
„ wax - - - - - - - per cwt.	0	4
Canvas or sail cloth - - - - per 36 yards	0	1
Carboys (empty) - - - - - - each	0	1
Carpets - - - - - - - per cwt.	0	2
Carriage or cart, 2 wheels - - - - -	1	6
„ „ 4 „ - - - -	3	0
Carrots and cabbages - - - - per ton	0	6
Casks, empty - - - - - - each	0	2
„ „ if under 36 gallons - - - - each	0	1
Cattle, viz. :—		
Bulls, cows, and oxen - - - - each	1	0
Calves - - - - - - each	0	3
Cement and concrete of all kinds - - - per ton	0	6
Cheese - - - - - - - per cwt.	0	2
Cinders, coke, and charcoal of all kinds - - - per ton	0	6
Clay - - - - - - - - per ton	0	3
Chalk - - - - - - - per ton	0	3
Chimney tops, cans, and the like - - - each	0	1
Cloth, hair - - - - - - per cwt.	0	2
„ linen - - - - - - per cwt.	0	4
„ sack - - - - - - per cwt.	0	2½
„ woollen, and other woollen goods - - - per cwt.	0	4
Coals - - - - - - - per ton	0	6
Copper, wrought or unwrought - - - - per cwt.	0	1
„ ore - - - - - - per ton	0	6
Copperas - - - - - - per cwt.	0	3
Coprolite - - - - - - - per ton	0	6
Cordage, twine, and netting - - - - - per cwt.	0	1
Corkwood and corks - - - - - per cwt.	0	2
Corn and grain, viz. :—		
Wheat, barley, beans, oats, peas, tares, rye, Indian corn, and malt per quarter	0	2
Cotton - - - - - - - - per cwt.	0	2
Crabs and all kinds of shellfish - - - per cwt.	0	1½
Cream of tartar - - - - - - per cwt.	0	4
Cutch and gambia - - - - - - per cwt.	0	3

		s.	d.
Deals and deal ends (see Wood).			
Dimities	per cwt.	0	2
Drugs	per lb.	0	0½
Dusters, brooms, and brushes	per dozen	0	1
Dyeing stuffs not otherwise charged	per cwt.	0	1
Earthenware	per cwt.	0	6
Eggs	per chest of 1,600	1	0
,,	per 120	0	1
Esparto grass	per ton	1	0
Feathers, flock, and quills	per cwt.	0	2
Fish, viz. :—			
Herrings, fresh when landed	per 37½ gallons	0	2
,, cured, export or import	per 26⅔ gallons	0	3
Salmon, fresh, salt, or dried	per cwt.	0	1½
Other fish, fresh when landed	per cwt.	0	1½
,, ,, cured, export or import	per cwt.	0	1½
Fish offal and refuse	per cwt.	0	0½
Livers	per cwt.	0	0½
Flax, dressed or undressed	per cwt.	0	1
,, if in bulk	per cwt.	0	1½
Flour, groats, and meal of all kinds	per 20 stones	0	3
and if in bulk	per cwt.	0	1½
Fruit of all kinds not otherwise charged	per cwt.	0	4
,, ,, ,,	per bushel	0	1
Fuller's earth	per cwt.	0	0½
Game, viz. :—			
Rabbits	each	0	1
All others	each	0	2
Glass, window	per cwt.	0	3
Glass, broken	per cwt.	0	1
Glasses, decanters, and other white glass	per cwt.	0	6
Glue and gum	per cwt.	0	2
Grates, stoves, &c.	per cwt.	0	1
Grease	per cwt.	0	1
Greaves	per cwt.	0	1
Groceries, viz. :—			
Coffee, sugar, confections, dried fruits, molasses, ginger, spices, rice, soap, tobacco, snuff, and all others manufactured or unmanufactured	per cwt.	0	4
Gunpowder	per cwt.	0	4
Haberdashery and millinery goods	per cwt.	0	4
Hair (horse or cattle)	per cwt.	0	4
Handscoops	per dozen	0	0½
Handspikes, dressed	per dozen	0	6
Hats	per stone	0	6
Hay	per ton	1	6
Hemp	per ton	1	8
Hides, skins, and pelts	per cwt.	0	2

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

		s.	d.
Quicks or twigs	per cwt.	0	2
Rags, old ropes, marine stores, &c.	per ton	0	6
Rosin	per cwt.	0	1
Rottenstone	per cwt.	0	1
Rugs	per cwt.	0	4
Sails	per 50 square yards	0	2
Salt	per ton	0	6
Salts, Glauber	per cwt.	0	4
Saltpetre	per cwt.	0	2
Sand	per ton	0	2
Seeds, viz. :—			
Clover	per cwt.	0	1
Flax and rape	per cwt.	0	$0\frac{1}{2}$
Hemp and canary	per cwt.	0	1
Mustard	per cwt.	0	2
Rye grass	per quarter	0	1
Turnip	per bushel	0	1
Garden seeds and all others not before mentioned	per cwt.	0	2
Scythe or whetstones	per 120	0	2
Seaware	per ton	0	2
Sheep and lambs	each	0	2
Shoes and boots	per cwt.	0	6
Sickles	per cwt.	0	2
Sieves	per cwt.	0	2
Silk, wrought or unwrought	per cwt.	0	6
Slates	per ton	0	6
Smelts	per cwt.	0	1
Soot	per ton	0	6
Spades and shovels	per dozen	0	2
Spirits and wines of all kinds not otherwise charged, British or foreign	per 10 gallons	0	4
Spokes, carriage, wagon, or cart	per 120	0	1
Starch	per cwt.	0	2
Staves, barrel	per 120	0	1
Hogshead	per 120	0	2
Pipe	per 120	0	3
Cutting or board ends	per 1,000	0	2
Steel	per cwt.	0	1
Stones, viz. :—			
Rubble	per ton	0	2
Freestone	per ton	0	4
Pavement	per ton	0	4
Curb	per ton	0	4
Paving and causeway stones	per ton	0	2
Grindstones	each	0	4
Millstones	each	1	6
Ragstones	per 120	0	2
Gravestones	each	2	0

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	s.	*d.*
Straw - - - - - - - - per ton	1	0
Sulphur ore - - - - - - - per ton	0	6
Tar - - - - - - - - per cwt.	0	6
Tea - - - - - - - - per cwt.	0	6
Tiles, viz. :—		
Drain tiles - - - - - - per 1,000	0	6
Pantiles - - - - - - - per 1,000	0	6
Malsters - - - - - - - per 1,000	0	10
Tin and tin plates of all kinds - - - - - per ton	1	0
Tow - - - - - - - - per cwt.	0	1
Toys of all kinds - - - - - - per cwt.	0	2
Treenails - - - - - - - per 1,000	0	2
Trees, young - - - - - - per cwt.	0	2
Turnips and mangold and the like - - - per ton	0	4
Turpentine - - - - - - - per cwt.	0	1
Varnish - - - - - - - - per cwt.	0	1
Vitriol - - - - - - - - per cwt.	0	1
Whalebone - - - - - - - per cwt.	0	1
Wheels, carriage or cart - - - - - per pair	0	3
Whiting - - - - - - - - per ton	0	6
Wire and wire netting - - - - - per cwt.	0	1
Wood—		
On all timber of any denomination not otherwise charged, per 50 cubic feet	0	4
Mahogany - - - - - - per 40 cubic feet	1	0
Wool - - - - - - - - - per cwt.	0	6
Yarn—		
Cotton - - - - - - - - per cwt.	0	2
Linen - - - - - - - - per cwt.	0	2
Wick for candles - - - - - - per cwt.	0	2
Woollen - - - - - - - per cwt.	0	2
Yeast - - - - - - - - per cwt.	0	2
All heavy goods and articles not particularly mentioned in the Schedule, per ton	0	6
Every article however small not otherwise charged - - -	0	0½

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

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

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

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

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

	s.	d.
All articles left upon any of the piers or quays or other part of the harbour and works more than twenty-four hours to be charged one-half of the foregoing rates for each twenty-four hours or part thereof of additional time over and above the rates specified in the Schedule.		

PART V.

Rates on Passengers and Passengers' Luggage.

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

LOCH EFORT.

Loch Efort.

Order for the construction, maintenance, and regulation of a Pier in Loch Efort in the Island and Parish of North Uist, in the County of Inverness.

Undertakers.

1. Sir John William Powlett Campbell Orde, of Kilmory, Baronet, his heirs or assigns, shall be the Undertakers for carrying this Order into effect, and shall have and may exercise the powers, privileges, and authorities conferred by this Order.

Limits of Order.

2. The limits within which the Undertakers shall have authority, which shall be deemed the limits to which this Order and the power to levy rates extend (in this Order called the limits of this Order), shall comprise the pier and works authorised by this Order and the area below high-water mark lying within a distance of one hundred yards from any part of the pier or works.

Saving as to passing vessels, &c.

3. Save in so far as the construction of the pier hereby authorised may have such effect, the powers of the Undertakers or of the pier master under this Order or any byelaws made thereunder, or under the Harbours, Docks, and Piers Clauses Act, 1847, shall not be exercised so as to prevent, obstruct, or in any way to interfere with free navigation for all vessels or boats proceeding to or from the existing pier at the head of Loch Efort.

Powers to make works.

4. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plans and sections as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation, the Undertakers may on the lands belonging to them or which may be acquired by them for the purposes of 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, and herein-after prescribed, make and maintain the pier and works authorised by this Order.

Description of works.

5. The works authorised by this Order include—

A pier commencing at a point at or near high-water mark on the south shore of Loch Efort one hundred and sixty yards or thereabouts measured in an easterly direction from the Loch Efort School House and terminating in

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Loch Efort at a point not exceeding sixty yards measured in a northerly direction from the said point of commencement :

which pier will be situate in the parish of North Uist, in the county of Inverness, and on the foreshore or in the bed of the sea adjacent thereto.

The pier will be solid throughout.

Power to deviate.

6. Subject to the provisions of this Order, the Undertakers may deviate laterally from the lines of the works authorised by this Order to the extent marked on the deposited plans, and may deviate vertically from the levels defined on the deposited sections to any extent not exceeding five feet.

Improvement and maintenance of harbour and works.

7. Subject to the provisions of this Order, the Undertakers may lay down and construct rails, tramways, turntables, and sidings on or along the pier, and may dredge, scour, deepen, widen, enlarge, alter, improve, and maintain the channels within Loch Efort, and may lay down, place, and maintain buoys and moorings in Loch Efort, and also lights, beacons, landing places, and other conveniences in connexion with the pier. Provided that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

Power to construct warehouses.

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

Consent of Board of Trade to certain works.

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

Penalty for obstructing works.

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

As to material dredged.

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

Rates.

12. 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 execution of the works authorised by this Order have been given, the Undertakers may, subject to the provisions of this Order, for the use of the pier and works and conveniences authorised by this Order, demand, recover, and receive, in respect of all vessels, boats, persons, goods, animals, fish, and things mentioned in the schedule to this Order any sums not exceeding the several rates specified in that schedule.

Rates may be levied though works not completed.

13. 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 pier and works authorised by this Order are so far completed as to afford increased accommodation for traffic 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 such pier and works shall not then have been completed, demand, recover, and receive such of the rates, or such proportion of all or any of the rates specified in the schedule hereto 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.

14. The master or owner of every vessel or boat liable to rates shall, on arrival, forthwith report the same to the collector of rates, and in the case of every fishing boat shall furnish to the collector a true and accurate statement of his take of fish and the name of every person obtaining delivery thereof, and if he fail to do so he shall be liable to a penalty not exceeding ten pounds.

Pier-master may prevent sailing of vessels.

15. The pier master may prevent the removal or sailing from the pier of any vessel or boat in respect of which any rates or dues shall have been payable until evidence shall have been produced to him of the payment of such rates or dues to the collector, and in the case of a vessel or boat with a take or cargo of fish, until the master or owner of such vessel or boat shall have given in an account of his take or cargo of fish as required by the last preceding section.

Power to vary exemptions from and compound for rates.

16. The Undertakers 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.

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

Ballast for vessels.

18. The Undertakers may supply and remove ballast for the accommodation of vessels on payment to the Undertakers of such rates as they shall deem proper not exceeding the rate specified in the schedule to this Order.

Board of Trade may reduce rates.

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

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Annual account to be sent to Board of Trade.

20. The Undertakers within one month after sending to the sheriff's clerk a copy of their annual account in abstract (which account shall be made up at the end of the day on the twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade, and section sixteen of the General Pier and Harbour Act, 1861, Amendment Act, shall apply to and include any and every such account. If the Undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding twenty pounds.

Certain fishing vessels under stress of weather exempt from rates.

21. 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 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.

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

Exemption of lifeboat crews.

23. 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 pier and works without payment.

Apparatus for saving life may be attached to pier.

24. 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 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 and works.

Power to lease rates.

25. 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 and consideration and on such terms and conditions as they think fit, and the lessee shall have and may exercise during the continuance of this lease the same powers 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 the provisions as to accounts and otherwise to which the Undertakers are made subject under this Order.

Power to borrow.

26. The Undertakers 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, and they may accept and take from any bank or banking company credit to such amount as they may deem expedient on a cash account to be opened and kept in the names of the Undertakers according to the usage of bankers in Scotland, but so that the

whole sum owing by the Undertakers 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.

Application of money borrowed.

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

Recovery of arrears of interest or principal.

28. If within thirty days after the interest upon any sum borrowed by the Undertakers has become due, or after the period prescribed for the payment of the principal sum has expired, such interest or principal, as the case may be, shall not be paid, the party or parties entitled to such interest or principal respectively may, without prejudice to any rights, remedies, or securities otherwise open to or held by him or them, apply for the appointment of a judicial factor as herein-after provided.

Appointment of a judicial factor.

29. Every application for the appointment of a judicial factor under this Order shall be made to the sheriff of the county of Inverness or his substitute, and on any such application the sheriff or his substitute may, by order in writing, after hearing the parties, appoint some person as judicial factor to receive the whole or a competent part of the rates authorised by this Order, until the arrears of interest or principal, as the case may be, then due, together with all costs including the charges of receiving the said rates be fully paid, and upon such appointment being made all such rates as aforesaid shall be paid to and received by the judicial factor so appointed, and the money so received shall be so much money received by or to the use of the party or parties represented by such judicial factor. And so soon as the full amount of interest or of principal or of principal and interest, as the case may be, in arrear and costs has been so received the power of the judicial factor shall cease, and after payment of such costs the judicial factor shall distribute among all the parties represented by him if more than one the rates and other moneys which shall have been received by him having regard in such distribution to any rights of priority existing in respect of the interest or principal thus recovered.

Amount to authorise application for a judicial factor.

30. The amount of arrears necessary to authorise the application for a judicial factor shall be not less than one thousand pounds.

Application of moneys.

31. The dues, rates, and charges received under this Order shall be applied for the purposes and in the order following (that is to say) :—

(1.) In paying the costs, charges, and expenses of or connected with the preparation, obtaining, and making of this Order, or otherwise incurred in relation thereto.

(2.) In paying the expenses of the maintenance, repair, management, and regulation of the pier and works authorised by this Order, and the buildings and conveniences connected therewith, including the expense of the purchase, maintenance, and repair of such tugs, dredgers, hydraulic machinery, cranes, engines, warehouses, sheds, buildings, and conveniences as may from time to time be necessary for the purposes of this Order.

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

(4.) The surplus revenue, if any, of the pier, works, and conveniences, after providing for the purposes aforesaid, shall belong to the Undertakers for their own use.

Sections of Harbours Clauses Act excepted.

32. 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 the Board of Trade a site near the pier, and build on such site a house and other proper accommodation for a lifeboat, rocket apparatus, and other life-saving apparatus, and shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Power to Undertakers to purchase or hire dredgers, &c.

33. The Undertakers may for the purposes of the works existing or 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 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.

Byelaws.

34. The Undertakers may make byelaws for the regulation and control of vessels and boats within the limits of this Order, and for the regulation and control of the fishermen and other persons, and goods, ballast, and traffic on and at the pier and works; but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all other purposes.

Undertakers to be local authority.

35. 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 those Acts on local authorities.

Vessels not to anchor within certain limits.

36. No vessel or boat shall anchor within the limits of this Order without the consent of the Undertakers or their pier-master.

Vessels not to moor alongside piers without consent.

37. No vessel or boat except steamboats or pleasure boats embarking or disembarking passengers and their luggage shall be moored alongside the pier without the consent of the Undertakers or their pier-master.

Meters and weighers.

38. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Temporary lights on works.

39. Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights (if any) 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, 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 observe any direction so given.

As to lights after completion of works.

40. After completion or permanent discontinuance or abandonment of the works authorised by this Order, the Undertakers shall, at the outer extremity of the pier or the completed portions thereof, or in such other place or places (if any) as may be required, exhibit for all or any part of the time from sunset to sunrise, and according to the requirements of the traffic and the season of the year, such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to lighting, and the 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 observe any direction given.

Provision against danger to navigation.

41. 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, as far as may be, danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses, and shall apply to those Commissioners for directions as to the means to be taken, and the 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 observe any such direction.

Powers to cease in certain events.

42.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

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

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the 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.

43. 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 Crown under Crown Lands Act.

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

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Loch Efort.

Costs of Order.

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

Short title.

46. This Order may be cited as the Loch Efort Pier Order, 1894.

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels (other than Fishing Vessels) anchoring or mooring within the Limits of this Order.

	£	s.	d.
For every vessel—			
If under fifty tons, per register ton - - - -	0	0	4
If of fifty tons and under one hundred tons, per register ton -	0	0	6
If of one hundred tons and upwards, per register ton - -	0	0	7
Steam vessels same rates as sailing vessels.			
But if the vessels of the owner or owners of any steam or other vessels engaged in a regular trade with the bay of Loch Efort shall collectively make in any one year fifty or more voyages to or from the pier, one half of the above rates shall be leviable on each of such vessels in respect of such year.			

II.—Rates on Fishing Vessels anchoring or mooring within the Limits of this Order.

	£	s.	d.
For every boat engaged in the herring fishery for the period of the fishing season payable in advance - - - - -	1	5	0
Or per month in advance - - - - - - -	0	5	0
But the first payment to be for not less than two months.			
For every such boat not compounding as above loading or unloading herrings at the pier, each time - - - - - -	0	2	6
For each fishing boat engaged in fishing, other than a herring boat, for the season commencing 1st October and payable annually in advance if 20 feet in keel or upwards - - - - -	1	5	0
Or per month - - - - - - -	0	5	0
If less than 20 feet in keel - - - - - -	0	10	0
Or per month - - - - - - -	0	1	0
For every such boat not compounding as above, each time - -	0	3	0

III.—Rates on Goods Shipped, Transhipped, Unshipped, or Landed within the Limits of this Order.

	£	s.	d.
Ale, beer, and porter, per 54 gallons	0	0	6
Ale, bottled, in quart bottles, per dozen	0	0	2
,, in pint bottles, per dozen	0	0	1
Anchors, per cwt.	0	0	9
Anchor stock, per foot run	0	0	2
Bark, per ton	0	2	0
Bedding, 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	6
Bottles, per gross	0	0	9
Bricks, per 1,000	0	1	6
Butter and lard for smearing or other smearing grease, per cwt.	0	0	3
Butter, eating, per cwt., salt or fresh	0	0	3
Cables, iron or hempen, per ton	0	3	0
Canvas, per 56 lbs.	0	0	1
Carriages :			
Chaises and other four-wheeled carriages, each	0	5	0
Gigs and other two-wheeled carriages, each	0	3	6
Carts, each	0	2	0
Hand carts and perambulators, each	0	0	6
Casks (empty) of 84 gallons capacity, not being returned packages	0	0	6
Other casks in proportion.			
Cattle :			
Bulls, cows, and oxen, each	0	0	6
Horses, each	0	3	0
Sheep, per score	0	2	6
For any smaller number than a score, each sheep	0	0	2
Pigs, each	0	0	6
Chalk, per ton	0	1	0
Cheese, per cwt.	0	0	2
Chimney-pots, each	0	0	3
Cinders and charcoal, per ton	0	0	6
Clay, per ton	0	1	0
Cloth, haberdashery, &c., per package not exceeding 1 cwt.	0	0	6
Coals, per ton	0	1	0
Copper, per ton	0	3	0
Cordage, per cwt.	0	0	3
Cork, per cwt.	0	0	6
Crystal, per cwt.	0	0	6
Clams, per 37½ gallons	0	1	0
Crabs, per dozen	0	0	2
Dogs, when not the property of those in charge of cattle or sheep being shipped or unshipped, each	0	0	2
Drugs (in casks, hampers, or boxes), per cubic foot	0	0	2

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	£	s.	d.
Earthenware (in casks, hampers, or boxes), per cubic foot	0	0	2
Earthenware (in crates), per cubic foot	0	0	1
Eggs, per cwt.	0	0	2
Fish (dried or salted), per cwt.	0	0	3
Fish (fresh) :			
Boxes containing not more than two cwt., each	0	0	4
Boxes containing not more than one cwt.	0	0	2
Cod, ling, skate, turbot, and halibut, per score	0	1	0
Salmon, grilse, sea-trout, or bull-trout, each	0	0	1
Salmon, grilse, sea-trout, or bull-trout, per cwt.	0	1	0
Flax, per ton	0	3	4
Flour and meal, per cwt.	0	0	2
Fruit of all kinds, per cwt.	0	0	6
Furniture (household), per 5 cubic feet	0	0	4
Game of all kinds, per score	0	3	0
Glass, per cwt.	0	0	3
Grains, including barley, beans, Indian corn, malt, oats, pease, rye, and seeds of all kinds, per quarter	0	0	3
Groceries (not enumerated), per cwt.	0	0	6
Guano, per ton	0	0	6
Gunpowder, per 100 lbs.	0	0	6
Haddocks (smoked), per cwt.	0	0	4
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	4
Herrings (cured), per 26⅔ gallons	0	0	2
Herrings (red bloaters and kippers), per 26⅔ gallons	0	0	2
Hides :			
Ox, cow, or horse (wet or dry), each	0	0	2
Hoops of wood all of the size of 84 gallon cask hoops and under, per 1,200	0	0	9
All above, per 1,200	0	1	0
Iron hoops, per cwt.	0	0	2
Iron :			
Bar, bolt, rod, and sheet, per ton	0	1	6
Pig and old, per ton	0	1	0
Manufactured, per ton	0	2	6
Pots, each	0	0	1
Grates, stoves, and other ironmongery, per cwt.	0	0	2
Kelp, per ton	0	1	0
Lead, per ton	0	2	6
Leather, tanned and dressed, per cwt.	0	0	6
Lime, per 28 bushels	0	1	4
Limestone, per ton	0	1	0
Lobsters, per dozen	0	0	2
Machinery, per ton	0	2	6

	£	s.	d.
Manure (not enumerated), per ton	0	0	6
Masts and spars 10 inches in diameter and upwards, each	0	2	6
Meat, fresh, per cwt.	0	0	6
Meat, salted or otherwise preserved, per cwt.	0	0	9
Milk, per gallon	0	0	0½
Musical instruments, per cubic foot	0	0	1
Nets, per 5 cubic feet	0	0	4
Oakum, per cwt.	0	0	2
Oils, per ton	0	2	0
Oilcake, per ton	0	1	0
Ores, per ton	0	1	0
Oysters, per hundred	0	0	3
Paint, per cwt.	0	0	4
Peats, per ton	0	0	1
Pitch, per cwt.	0	0	4
Potatoes, per cwt.	0	0	1
Poultry, per dozen	0	0	6
Any smaller number than a dozen, each	0	0	1
Rags and old rope, per ton	0	2	0
Rabbits, per dozen	0	0	4
Sails, per cwt.	0	0	6
Salt, per cwt.	0	0	1
Sand, per ton	0	1	0
Shell fish, other than those herein particularly specified, per cwt.	0	0	2
Shrimp baskets, each	0	0	2
Skins :			
Calf, goat, sheep, lamb, or dog, per dozen	0	0	6
Slates, per ton	0	2	0
Snuff, per cwt.	0	0	6
Spirits, per 56 gallons	0	2	6
Spirits, per gallon	0	0	1
Sprats or garvies, per 37½ gallons	0	0	4
Stones, per ton	0	1	6
Steel, per ton	0	3	0
Sugar, per cwt.	0	0	3
Tallow, soap, and candles, per cwt.	0	0	3
Tar, per 25 gallons	0	0	2
Tea, per 80 lbs.	0	1	0
Tiles, per 1,000	0	1	6
Tin and zinc, per ton	0	3	0
Tobacco, per cwt.	0	0	6
Turnips, per ton	0	0	6
Turpentine and varnish, per cwt.	0	0	3
Turtles, each	0	2	6
Vegetables (not enumerated), per cwt.	0	0	1
Vinegar, per 52½ gallons	0	0	6
Vitriol, per 3½ gallons	0	0	4
Wine, per 43 gallons	0	1	0

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	£	s.	d.
Wine, bottled, per dozen quarts	0	0	2
,, per dozen pints	0	0	1
Wood:			
Fir, pine, and other descriptions not enumerated, per load of 50 cubic feet	0	1	6
Oak or wainscot, per load of 50 cubic feet	0	2	0
Firewood, per 216 cubic feet	0	1	6
Laths and lathwood, per 216 cubic feet	0	2	6
Handspikes, per 120	0	3	0
Oars, per 120	0	5	0
Spars under 22 feet in length, above 2½ and under 4 inches in diameter, per 120	0	5	0
Spars 2½ inches in diameter and under, per 120	0	4	0
Spars 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120	0	9	0
Spars above 4 and under 6 inches in diameter, per 120	0	14	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 and others in proportion, per 120	0	2	6
Herring-barrel staves, per 1,000 superficial feet	0	1	2
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton	0	2	0
Wool, per cwt.	0	0	4
Yarn:			
Lint, per cwt.	0	0	2
Cotton, per cwt.	0	0	2
Tow, per cwt.	0	0	1½
Hemp, per cwt.	0	0	1½
Worsted, per cwt.	0	0	4
All other goods not particularly 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. In weighing and measuring packages to be included.			
Animals (live) other than those particularly enumerated, each	0	1	0

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

1. *Rates of Craneage.*

	£	*s.*	*d.*
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 ton or 40 cubic feet of goods which remains in the sheds or on the pier or other works for a longer time than forty-eight hours, the sum of 3*d.*, and the sum of 1½*d.* per ton for each day during which such goods shall remain after first forty-eight hours.

For any portmanteau, trunk, parcel, or other article of passengers' luggage, for each day or part of a day after first twenty-four hours, per package	0	0	2

V.—Rates for Supplying Water and Ballast.

Water, per 100 gallons supplied on board	0	1	0
Ballast supplied to vessels or discharged from vessels, per ton	0	1	6

VI.—Rates on Passengers and Passengers' Luggage.

For every person landing from or embarking in any vessel	0	0	2
For all luggage not exceeding 56 lbs. in weight	0	0	2
For all luggage exceeding 56 lbs. in weight, per cwt.	0	0	4

Merchandise carried by passengers not to be considered luggage but to be charged same rates as goods.

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POOLE.

Order for the Construction of Works for the Improvement of Poole Harbour, and for conferring further Powers upon the Mayor, Aldermen, and Burgesses of the Borough of Poole in relation thereto.

Short title.

1. This Order may be cited as the Poole Harbour Order, 1894; and the Act passed in the twenty-ninth year of the reign of His Majesty King George the Second, intituled "An Act for the better ascertaining, recovering, and collecting "certain duties payable upon the importation and exportation of goods and "merchandizes into or out of the harbour of the town and county of Poole; and "also of ballast and boomage duties, payable in respect of ships and vessels "coming into and going out of the said harbour; and for the enlarging, better "repairing, and keeping in repair, the said harbour and the quays and wharfs; "and for providing a proper place for keeping gunpowder in or near the said "town; and for establishing and regulating the nightly watch, and enlightening "the streets in the said town" (in this Order called the Act of 1756), the Poole Harbour Order, 1891 (in this Order called the Order of 1891), and this Order, as such Act or Order is amended or altered by any subsequent Act or Order, shall be read and construed as one Act or Order.

Undertakers.

2. The mayor, aldermen, and burgesses of the borough of Poole acting by the council of the said borough as Trustees of the quays and harbour of Poole shall be the Undertakers for carrying this Order into execution, and are in this Order referred to as the Trustees.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts, except so much thereof as relates to the purchase and taking of lands otherwise than by agreement, and to the entry on lands by the promoters of the undertaking, shall be incorporated with this Order.

Power to take lands by agreement.

4. For the purposes of the works authorised by this Order, the Trustees may from time to time by agreement acquire, purchase, enter on, take, and use, and may retain for the purpose of protecting the harbour entrance, all or any part of the lands called or known as the Sandbanks in the tything of Parkstone, near the entrance to Poole Harbour, and the lands and foreshore shown on the plans deposited with reference to this Order, and may acquire by agreement any easement over or interest in or right of using such lands, or any of them, as they may think requisite for the purposes of this Order.

Power to grant easements to Trustees.

5. Any person, or persons, company, corporation, or local authority, empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of those Acts, grant to the Trustees any easement, right, or privilege (not being an easement, right, or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Order in, over, or affecting any such lands; and the provisions of the said Acts, with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Limits.

6. The limits within which the Trustees and their officers and servants shall have authority shall for all purposes extend to and comprise the works by this Order authorised, and the lands under this Order acquired, in addition to the

existing harbour and the works authorised by the Act of 1756 and the Order of 1891. A.D. 1894. *Poole.*

Power to make works.

7. Subject to the provisions of this Order, and subject also to such alterations (if any) in the deposited plan and section as the Board of Trade may require from time to time before the completion of the works in order to prevent injury to navigation, the Trustees may on the lands, and in the lines and situation, and according to the levels shown on the plan and section deposited with reference to this Order (which plan and section are in this Order referred to respectively as the deposited plan and deposited section), and within the limits of deviation shown on the deposited plan, make and maintain the works authorised by this Order.

Description of works.

8. The works authorised by this Order include :—

Groynes, or other protective works, situate upon or near the foreshore, and land adjoining the foreshore near the south-east side of the entrance to Poole Harbour, and called the Sandbanks, commencing at a point distant 100 yards or thereabouts in an easterly direction from Poole Head Road, and extending in a westerly direction for a distance of 2,000 yards or thereabouts to a point 300 yards or thereabouts east of the Haven Hotel, and situate along the said foreshore or lands at intervals, each of the said groynes extending seawards from the said foreshore at varying angles with the said shore, which said works or groynes will be situate in the tything of Parkstone, in the county of Dorset, or on the bed of the sea adjacent thereto.

Provided always that no permanent works are to be commenced until the Undertakers have demonstrated by experiment that the works authorised by this Order are calculated to produce, and will probably produce the desired result, namely, the permanent preservation of the Sandbanks and the protection thereby of Poole Harbour.

Power to make subsidiary works.

9. The Trustees may construct and maintain for temporary or permanent use all necessary approaches, roads, jetties, buoys, lights and other subsidiary works and conveniences in connexion with the works authorised by this Order.

Powers of deviation.

10. The Trustees in constructing the works authorised by this Order may, with the consent in writing of the Board of Trade, deviate laterally from the lines of such works delineated on the deposited plan to any extent not exceeding the limits of deviation marked on that plan, and vertically to any extent.

Consent of Board of Trade to works.

11. Any works, whether permanent or experimental, below high-water mark shall not be commenced without the consent in writing of the Board of Trade having been first obtained, and shall be executed only in the manner approved by that Board.

Power to cross and interfere with foreshores, roads, &c.

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

Power to dredge, &c. in vicinity of works.

13. It shall be lawful for the Trustees at any time to dredge, scour, cleanse, deepen, and remove any rocks, banks, sand, mud, or shingle within or adjoining the works authorised by this Order or the approaches thereto.

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Temporary lights on works.

14. 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, 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 observe any direction of the Board of Trade as to lights during the construction of the works.

Penalty for obstructing works.

15. Every person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of 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 works, or defaces or destroys the works or any part thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Works to be deemed within the borough of Poole.

16. The works authorised by this Order shall, in respect of all matters, crimes, or offences arising or committed thereon or within the limits of this Order requiring the cognizance of any justice of the peace, and for all matters of civil and criminal jurisdiction, be deemed and taken to be within, and as forming part of, the borough of Poole in the county of Dorset, and within the jurisdiction of any justice acting within and for the said borough.

Railways Clauses Consolidation Act, 1845, as to damages and penalties incorporated.

17. The clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, shall be incorporated with this Order, and shall apply to the works authorised by this Order, and to the Trustees respectively, and shall be construed as if this Order constituted a special Act within the meaning of those clauses, and as if the word "Trustees" had been inserted therein instead of the word "Company."

Power to borrow.

18. In addition to the moneys which the Trustees are authorised to borrow under the Act of 1756 and the Order of 1891, they may, on the security of the rates authorised by the said Act and Order, from time to time borrow such amount as they may require for the purposes of this Order not exceeding in the whole five thousand pounds: Provided that no part of the said sum of five thousand pounds shall be borrowed until plans of the permanent works authorised by this Order have been submitted to and sanctioned by the Board of Trade, and that the Trustees shall not apply any portion of the moneys authorised to be borrowed under the powers conferred by this Order, in or towards any expenses to be incurred by them in conducting the experimental works authorised by this Order preparatory to constructing the permanent works: Provided also that no person or persons advancing or lending, or proposing to advance or lend money to the Trustees borrowed by them under the powers herein contained, shall be concerned to see to the application thereof, or be accountable for any loss or misapplication thereof.

Repayment of borrowed money.

19. The Trustees shall pay off all moneys borrowed by them under this Order within thirty years from the time or respective times of borrowing the same by

any one or more of the methods mentioned in the Local Loans Act, 1875, and sections thirteen, fourteen, and fifteen of that Act are hereby incorporated with this Order, and shall apply accordingly: Provided that the Trustees shall not invest any sinking fund or sinking funds created under this Order in their own securities.

Reborrowing.

20. Any moneys borrowed by the Trustees under this Order and repaid otherwise than in manner provided by this Order may be from time to time reborrowed by the Trustees, but so that the same shall be repaid within the period limited by this Order, and for the purposes of repayment and of sections fourteen and fifteen of the Local Loans Act, 1875, the moneys borrowed and the moneys originally borrowed shall be deemed to form the same loan.

Annual return to Board of Trade as to sinking fund.

21. The clerk to the Trustees shall within forty-two days after the expiration of each year during which any sum is required to be set apart for a sinking fund, or any instalment is required to be paid under this Order, transmit to the Board of Trade a return, in such form as may be prescribed by that Board and verified by statutory declaration, if so required by them, showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds, which shall be paid to and be recoverable by that Board in the same manner as penalties recoverable in a summary manner under the Public Health Act, 1875, may be recovered by parties aggrieved within the meaning of that Act.

If it appears to the Board of Trade by such return or otherwise that the Trustees have failed to pay any instalment, or to set apart the sum required by this Order for the sinking fund, or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order, that Board may, by Order, direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such Order shall be enforceable by writ of mandamus, to be obtained by that Board out of the High Court, and the provisions of this section shall apply, mutatis mutandis, to appropriations and annual repayments.

Application of money borrowed.

22. All moneys borrowed under this Order shall be applied only for the purposes and in the manner following, and not otherwise (that is to say) :—

In payment of the cost of the construction of the permanent works and conveniences, and the acquisition of land or rights in or over land by this Order authorised to be constructed or acquired, and for the other purposes of this Order to which capital money is properly applicable under this Order, not including experimental works.

Application of harbour rates to maintenance, &c. of works.

23. The Trustees may at any time, in addition to the purposes to which moneys received by them from the rates authorised by the Act of 1756, and by the Order of 1891, are by that Act or Order made applicable, apply such moneys in paying the expenses of the maintenance, repair, alteration, extension, and

A.D. 1894.

Poole.

management of the works authorised by this Order, and the lands and property connected therewith, and in paying year by year the interest of any moneys borrowed for the purposes of this Order, and in providing sums for the repayment of such borrowed moneys by annual appropriations or instalments (if either of such modes of repayment shall be adopted), or in the creation of a sinking fund in manner provided by this Order, and in the construction and maintenance of such further works outside the harbour in connexion with the works authorised by this Order as may be approved by the Board of Trade.

Power to sell parts of the Sandbanks.

24. The Trustees may sell any portion of the said land known as the Sandbanks which may not be required for the purposes of the works authorised by this Order or other harbour works or improvements.

Application of proceeds of sale of land.

25. The Trustees shall, in addition to all other money required to be applied in repayment of money borrowed, apply all moneys arising from the sale of any portion of the Sandbanks, or of any surplus lands acquired under the provisions of this Order, in or towards repayment of moneys borrowed under this Order, and for the time being remaining unpaid; and money so repaid shall not be re-borrowed. If nothing is due in respect of money borrowed, then such moneys arising from sale may be applied in or towards the maintenance or extension of permanent works authorised by this Order.

Rates under Act of 1756 not to be applied for purposes of this Order.

26. Notwithstanding anything herein-before in this Order contained, this Order, or anything therein contained, shall not enable the Trustees under any power conferred by the Act of 1756, of levying rates upon owners or occupiers of any messuages, houses, shops, warehouses, malthouses, granaries, buildings, or yards for defraying the charges and expenses of lighting or watching or providing a proper magazine for the keeping of gunpowder as provided by that Act, to levy any such rate upon such owners or occupiers for the purposes of this Order, or for payment of expenses in connexion therewith, or to borrow any money upon the securities of any such rate.

Power to cease in certain events.

27.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order should not be substantially commenced, the powers by this Order given for executing such works, or otherwise in relation thereto, shall cease, unless the time for commencement be extended by the special direction of the Board of Trade.

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

(3.) In either of the above cases a certificate from the Board of Trade to the effect that the 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.

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

Saving rights of the Crown.

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

Costs of Order.

30. All the costs, charges, and expenses of or incidental to the obtaining of this Order, or otherwise incurred in relation thereto, shall be paid by the Trustees out of the moneys received by them from the rates authorised by the Act of 1756 or the Order of 1891.

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