CHAPTER cxxi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Dunoon Helensburgh and Killybegs. A.D. 1896.

[20th July 1896.]

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. 30 & 31 Vict. c. 101. 41 & 42 Vict. c. 52.

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 district in Scotland within the meaning of the Public Health (Scotland) Act 1867 or in Ireland in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 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.

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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. 4) Act 1896.

THE SCHEDULE OF ORDERS.

1. Dunoon—Extension of pier.
2. Helensburgh—Amendment of local Act and construction of works.
3. Killybegs—Constitution of Harbour Authority.

DUNOON.

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Dunoon.

Order for the construction of additional Works at Dunoon Burgh Pier in the County of Argyll and for other purposes.

Short title.

1. This Order may be cited as the Dunoon Burgh Pier Order 1896 and this Order together with the Dunoon Burgh Pier Order 1895 (in this Order called the Order of 1895) as amended by this Order shall be read and construed together as one Order and may be cited together as the Dunoon Burgh Pier Orders 1895 and 1896 and all the provisions of the Order of 1895 shall as the same are amended by this Order apply to the undertaking authorised by this Order in like manner and to the like effect and as fully in all respects as if such undertaking had been authorised by the Order of 1895.

Undertakers.

2. The Commissioners of the Burgh of Dunoon (in this Order called the Commissioners) shall be the Undertakers of the works authorised by this Order and for carrying this Order into execution and shall have and may exercise in relation to this Order all the powers privileges and authorities conferred by the Order of 1895 and by this Order

Power to execute further works.

3. Subject to the provisions of this Order and subject also to such alterations if any in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation the Commissioners may in addition to the works authorised by the Order of 1895 and in the lines and situations and according to the levels and within the limits of deviation shown on those plans and sections make construct and maintain the further works authorised by this Order.

The works authorised by this Order comprise the following :—

(1.) An extension and enlargement (Work No. 1) of the pier head of the existing pier at Dunoon on the Firth of Clyde to be constructed of open piling commencing at the north-east end of the said pier head and extending eastward by a prolongation of the north boundary of the said pier head for a distance of sixty-seven feet or thereby thence in a southerly direction for a distance of four hundred and twenty-two feet or thereby and terminating by a junction with the pier authorised under the Order of 1895 at a point two hundred and ninety-nine feet or thereby measured in a southerly direction from the south-east corner of the said existing pier head together with an extension (Work No. 2) of the said pier head (open piling) commencing at the south-west corner thereof continuing in a southerly direction for a distance of thirty-eight feet or thereby and terminating by a junction with the said authorised pier at a point thirty-eight feet or thereby measured from the point of commencement just described ;

(2.) An extension (Work No. 3) of the sea wall or esplanade authorised under the Order of 1895 of solid work commencing by a junction with the said authorised sea wall or esplanade at a point one hundred and fifty-two feet or thereby measured in a southerly direction from the north-west

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corner of the gangway of said existing pier and terminating at a point two hundred and forty feet or thereby measured in a north-westerly direction from the said north-west corner of said gangway.

Which works will be situate within the burgh of Dunoon parish of Dunoon or united parish of Dunoon and Kilmun and county of Argyll and on the foreshore and in the bed of the Firth of Clyde ex adverso of said parish or united parish and county.

Limits of Order.

4. At the expiration of one calendar month from the date of the passing of the Act confirming this Order section 18 of the Order of 1895 is hereby repealed and in lieu thereof the following provisions shall have effect that is to say—

The limits of the harbour within which the Commissioners shall have authority and within which the powers of the pier master may be exercised and which shall be deemed the limits to which the Order of 1895 and this Order extend shall comprise the existing pier and the piers pier head and other works authorised by the Order of 1895 and by this Order and the roads accesses and conveniences connected therewith and also the area below high water comprised within a distance of one hundred and fifty yards in any direction from any part of the eastern side of the pier which limits are termed "the limits of this Order."

Power to levy rates.

5. When in addition to the certificate to be given under the twenty-sixth section of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Commissioners may subject and according to the provisions of this Order and the Order of 1895 for the use of the works and conveniences authorised by this Order demand recover and receive in respect of all vessels boats persons goods animals fish and things in the schedule to the Order of 1895 specified any sums not exceeding the rates and charges in that schedule mentioned in like manner as if the works authorised by this Order had been a portion of the works authorised by the Order of 1895 and the sums so received shall be applied in like manner as the similar sums received under the Order of 1895.

Power to charge for use of additional works.

6. The Commissioners may demand levy and receive for the use of any warehouses offices sheds buildings weighing machines cranes works and conveniences belonging to the Commissioners used in connexion with the extended pier head authorised by this Order and provided by them or in respect of any services rendered by them other than those specified in the schedule to the Order of 1895 such sums as the Commissioners may think reasonable.

Additional borrowing powers

7. The Commissioners may in addition to the power of borrowing money possessed by them under the Order of 1895 from time to time borrow and re-borrow on mortgage bonds or otherwise any further sum not exceeding the sum of ten thousand pounds for the purposes of the works authorised by this Order and for the purposes of the works authorised by the Order of 1895 and all the provisions in the Order of 1895 in relation to the borrowing and

re-borrowing of money the security therefor the sinking fund and the appointment of judicial factor and all other provisions in relation thereto shall apply mutatis mutandis to the borrowing of money authorised by this Order and to the mortgages or bonds and security to be granted therefor as if the money authorised to be borrowed under this Order had been authorised to be borrowed and been borrowed under the Order of 1895.

Priority of mortgages.

8. All moneys borrowed under the Order of 1895 before the passing of the Act confirming this Order shall have priority as regards security over all other moneys borrowed under the Order of 1895 or this Order after the date of the passing of the Act confirming this Order and all such other moneys so borrowed shall rank equally Notice of the effect of this enactment shall be endorsed on all mortgages granted after the date of the passing of the Act confirming this Order.

Notice of borrowing to be sent to Secretary for Scotland.

9. Within one calendar month after the date of any security made for money borrowed after the passing of the Act confirming this Order the clerk of the Commissioners shall send notice in writing of the amount borrowed and the rate of interest and the date of the security to the Secretary for Scotland and in case of omission to send such notice the clerk shall be liable to a penalty not exceeding twenty pounds.

Powers to cease in certain events.

10.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order are not 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 are virtually suspended for twelve consecutive months the powers by this Order given for executing such works or otherwise in relation thereto shall cease except as to so much of such works as are then completed unless such powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the date of the passing 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 months shall for the purposes of this Order be conclusive evidence of the facts stated in such certificate.

Costs of Order.

11. All the costs charges and expenses of or incidental to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Commissioners out of the money borrowed for the purposes of this Order or out of the rates leviable under the Order of 1895 or this Order or out of the burgh rates and assessments.

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HELENSBURGH.

Helensburgh.

Order for amending an Act passed in the ninth year of the reign of Her Majesty relating to the Port and Harbour of Helensburgh in the County of Dumbarton for the construction of New Works and other purposes.

Short title. Order to be read with Act of 1846.

1. This Order may be cited as the Helensburgh Harbour Order 1896 and shall be construed as one with the Act passed in the ninth year of the reign of Her Majesty chapter sixteen entitled "An Act for improving and maintaining the Port and Harbour of Helensburgh in the County of Dumbarton" (in this Order referred to as "the Act of 1846") and this Order and the Act of 1846 as amended and varied by this Order shall be read and construed together as one Act or Order and the expression "Trustees" contained in the Act of 1846 shall for the purposes of that Act as amended and this Order mean the Commissioners of the Burgh of Helensburgh under the Burgh Police (Scotland) Act 1892 and who are herein-after in this Order called "the Commissioners."

Amendment of Act of 1846.

2. The following sections of the Act of 1846 are hereby repealed that is to say—

Sections 2 to 10 18 19 45 55 and 102 Provided always that the Commissioners shall subject to the provisions of the Act of 1846 as amended and varied by this Order and this Order conduct and transact the business and matters of and connected with their harbour undertaking in all respects as part of the business of the Commissioners of the burgh and according to their usual rules practice and procedure and the clerk and treasurer of the Commissioners of the burgh shall be clerk and treasurer respectively of the Commissioners Provided further that such repeal shall not prejudice or affect anything lawfully done or any act suit or proceeding or any liability incurred or any claim or demand which may be made by or against the trustees under the Act of 1846 at and prior to the date of such repeal.

Undertakers.

3. The Commissioners shall be the undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order and by the Act of 1846.

Incorporation of Lands Clauses Acts.

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

Power to take lands by agreement.

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

Lands for extraordinary purposes.

6. The Commissioners may in addition to the harbour pier quays and lands vested in them under the Act of 1846 and this Order or authorised to be taken by them under this Order by agreement purchase and hold for extraordinary purposes any land not exceeding in the whole two acres but nothing in this Order contained shall exempt the Commissioners from any proceeding on account of any nuisance caused or permitted by them on any land acquired by them under this Order.

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Power to execute works.

7. Subject to the provisions of this Order and subject also to such alterations (if any) in the plans and sections deposited with reference to this Order as the Board of Trade require from time to time before the completion of the works in order to prevent injury to navigation the Commissioners may in the lines and situations and according to the levels and within the limits of deviation shown on those plans and sections construct execute and maintain the works authorised by this Order.

Description of works authorised.

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

Work No. 1.—An extension enlargement and improvement of the existing pier at Helensburgh in the parish of Row and county of Dumbarton commencing at the south-west corner of the existing stone part of said pier by a prolongation of the west face of said pier for a distance of one hundred and fifty feet or thereby in a southerly direction thence for a distance of one hundred and fifty feet or thereby in an easterly direction thence for a distance of one hundred feet or thereby in a northerly direction thence for a distance of one hundred and twenty-two feet or thereby in a westerly direction thence for a distance of fifty feet or thereby in a northerly direction and terminating at the south-east corner of the stone part of said pier.

The said extension and enlargement will be formed of open piling.

Work No. 2.—A boat jetty of solid work commencing at a point on the sea wall one hundred and twenty-two yards or thereby measured in a westerly direction from the north-west corner of said existing stone pier extending in a southerly direction from said point of commencement and terminating at low-water mark of ordinary spring tides one hundred and forty yards or thereby measured in a north-westerly direction from the south-west corner of said existing stone pier.

Work No. 3.—A boat jetty of solid work commencing at a point in the aforesaid sea wall sixty-seven yards or thereby measured in an easterly direction from the north-east corner of the said existing pier extending in a southerly direction from said point of commencement and terminating at low water mark of ordinary spring tides one hundred and eighteen yards or thereby measured in a north-easterly direction from the south-east corner of said existing stone pier.

Which works and all necessary conveniences connected therewith will be situate within the burgh of Helensburgh parish of Row and county of Dumbarton and on the foreshore or bed of the River or Firth of Clyde ex adverso of the said burgh parish and county.

Powers to deviate.

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

Penalty for obstructing works.

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

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Improvement and maintenance of piers and works &c.

11. Subject to the provisions of this Order and the Act of 1846 the Commissioners may from time to time maintain and improve the existing harbour and pier quays and other works connected therewith and the works authorised by this Order and in connexion therewith may construct erect maintain alter and improve any jetties landing places landing stages wharves waiting rooms sheds toll houses gates embankments sewers drains watercourses roads and approaches and may lay down rails on or along the existing pier and the said works and they may from time to time dredge and excavate rocks banks sand mud and shingle and deepen the beach or bed of the Firth of Clyde or sea at or near the said pier and quay and other works or the approaches thereto and they may make and maintain buoys moorings lights beacons and other works and conveniences.

Power to construct warehouses.

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

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

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

As to material dredged.

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

Consent of Board of Trade to certain works.

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

Local survey may be ordered by the Board of Trade.

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

Power to Commissioners to purchase or hire dredgers &c.

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

be applied towards carrying into effect the purposes of this Order or some of them.

Limits of harbour.

18. The limits of the harbour within which the Commissioners shall have authority and within which the powers of the pier master may be exercised and which shall be deemed the limits to which this Order and the Act of 1846 as amended or varied by this Order and the power to levy rates and charges extend shall comprise the existing harbour and the pier quays and other works connected therewith and the works authorised by this Order and the roads accesses and conveniences connected therewith and also the area below high-water comprised within the boundaries following that is to say on the east by an imaginary line being a prolongation of the centre line of Sinclair Street along which it extends from high-water mark in a southerly direction for a distance of three hundred and fifty yards or thereby on the west by an imaginary line being a prolongation of the centre line of John Street along which it extends from high-water mark in a southerly direction for a distance of three hundred and sixty-five yards or thereby and on the south by an imaginary line running east and west for a distance of three hundred and ninety-five yards or thereby connecting the southern extremities of the east and west boundary lines as before described which limits are in this Order termed "the limits of this Order."

New rates.

19. At the expiration of one calendar month from the date of the passing of the Act confirming this Order the proviso to section 52 of the Act of 1846 and the Schedule C annexed to that Act shall be and the same are hereby cancelled and repealed and the schedule to this Order shall from and after the expiration of such calendar month be and the same is hereby substituted in place of the Schedule C so cancelled and repealed and all the provisions of the Act of 1846 having relation to the schedule so cancelled and repealed including the provisions as to levying rates and the security over rates for borrowed money shall be read and have effect as if the schedule to this Order had formed Schedule C of the Act of 1846 Nevertheless all dues rates and moneys leviable and becoming due before the date of the repeal of Schedule C to the Act of 1846 may be levied received and recovered in like manner as if this Order had not been made.

Power to levy rates in respect of new works.

20. Notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 the Commissioners may after the expiration of one calendar month from the date of the passing of the Act confirming this Order and subject and according to the provisions of the Act of 1846 and this Order for the use of the works and conveniences authorised by this Order as well as of those authorised by the Act of 1846 demand recover and receive in respect of all vessels boats animals fish goods and things in the schedule to this Order specified any sums not exceeding the several rates and charges in that schedule specified.

Rates for use of warehouses.

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

Power to enter into compositions.

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

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

Revision of rates.

23. The Commissioners shall from time to time revise the rates and charges receivable by them under this Order so that the income of the Commissioners under the Act of 1846 and this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of the Act of 1846 and this Order and if at any time and from time to time the clear annual income received by them under the Act of 1846 and this Order on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient to answer the purposes of the Act of 1846 and this Order the Board of Trade may if in their discretion they think fit reduce such rates and duties to such sums as will be sufficient to provide the amount aforesaid with power to the Board of Trade at any time and from time to time to raise them again to not exceeding the sums specified in the schedule to this Order.

Power to lease undertaking.

24. The Commissioners may from time to time lease the rates tolls and charges authorised to be taken by them under this Order for any period not exceeding seven years from the date of the lease on such terms and conditions and for such rent or consideration as they may think fit and the lessee shall have and may exercise the same powers of levying and recovering rates and charges as the Commissioners have or might exercise under the Act of 1846 or under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the provisions as to accounts and the keeping and furnishing of the same and otherwise to which the Commissioners are made subject by this Order.

Annual account to be sent to the Board of Trade.

25. The Commissioners within one month after sending to the sheriff clerk the copy of their annual account in abstract (which account shall notwithstanding any other date prescribed in the Act of 1846 be made up to the end of the day on the fifteenth day of May in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account If the Commissioners refuse or neglect to comply with this provision they shall for every such refusal and neglect be liable to a penalty not exceeding twenty pounds.

25 Vict. c. 19.

Works &c. to be part of burgh property.

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

always to any exemption in force at the date of the passing of the Act confirming this Order so long as such exemption shall remain in force but such proportion of such assessment shall not in any year exceed threepence per pound of assessable rental of the said burgh and the same shall in the option of the Commissioners be payable equally by owners and occupiers or wholly by occupiers.

Certain fishing vessels under stress of weather exempt from rates.

27. 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 existing pier or the other piers or the works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of certain officers from rates.

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

Exemption of lifeboat crews.

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

Apparatus for saving life may be attached to pier.

30. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach or cause to be attached to any part of the piers and 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 existing pier or the other piers and works.

Power to borrow money.

31. The Commissioners may from time to time borrow and re-borrow any sum not exceeding together with money borrowed under the Act of 1846 and remaining unpaid at the time of the passing of the Act confirming this Order the sum of nine thousand pounds on mortgage bond or otherwise at interest as may be required for the construction of the works authorised by this Order and for the repayment of any money borrowed under the Act of 1846 and so remaining unpaid and for the purposes of this Order and may in security of the money so borrowed and interest thereon make and grant mortgages bonds or other securities of the rates and charges authorised by this Order and the other revenue of the existing harbour and on the rates and assessments as hereinbefore provided leviable within the burgh of Helensburgh by the Commissioners under the Burgh Police (Scotland) Act 1892 and the Acts amending the same so far as in force within the said burgh and any money so to be borrowed may be borrowed on terms of repayment thereof by way of instalment or otherwise or the Commissioners may accept and take from any bank or banking company credit to such amount as they may deem expedient not exceeding in the whole taken together with any sums borrowed and remaining unpaid the sum of nine thousand pounds on a cash account to be opened and kept in the name of the

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Commissioners according to the usage of bankers in Scotland and may assign the rates and charges and rates and assessments herein-before mentioned or any part of the same in security for the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon and any money borrowed under the provisions of this Order which shall be discharged otherwise than by means of the sinking fund or instalments may be reborrowed from time to time if required for the purposes of this Order and the provisions of the Burgh Police (Scotland) Act 1892 as to the borrowing of money for the general purposes of that Act shall in so far as applicable and not inconsistent with the provisions of this Order be incorporated with this Order and shall so far as aforesaid apply to the borrowing by the Commissioners of the money which they are by this Order authorised to borrow and the mortgages or bonds to be granted by the Commissioners for the purposes of this Order shall refer to the title of this Order Provided always that in the event of repayment of money borrowed being made by way of instalment the annual amount of such instalment shall be sufficient to pay off the whole of such money so borrowed within fifty years.

Sinking fund.

32. The Commissioners shall in the event of their borrowing otherwise than by way of repayment by instalments appropriate and set apart as a sinking fund in every year out of the revenues to be derived from the harbour undertaking of the Commissioners and in the event of the same being insufficient at any time then out of the rates and assessments as herein-before provided leviable by the Commissioners within the burgh under the said Burgh Police (Scotland) Act 1892 such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within fifty years.

Application of money borrowed.

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

Prior securities saved.

34. Nothing in this Order contained shall prejudice or affect the priority of any sums borrowed under the Act of 1846 and remaining unpaid at the date of the passing of the Act confirming this Order or the security therefor save and except only in so far as the same is altered by the provisions of this Order Provided always that any mortgages granted under the Act of 1846 so far as subsisting at the said date shall in addition to the security authorised by the Act of 1846 as amended by this Order be and are hereby secured on the rates and assessments as herein provided under the control of the Commissioners under the Burgh Police (Scotland) Act 1892.

For appointment of a judicial factor.

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

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

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

Contingency fund.

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

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

37. The treasurer to the Commissioners shall within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund or paid as an instalment under this Order transmit to the Board of Trade a return in such form as may be prescribed by them 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 or paid as an instalment during the year preceding the making of such return and the description of the securities upon which the same has been invested or deposited and also showing the purpose to which any portions of the moneys invested or deposited for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested or deposited at the end of the year and in the event of any wilful default in making such return such clerk shall be liable in a penalty not exceeding twenty pounds If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to set apart in accordance with the provisions of this Order the sum required by this Order for the sinking fund or to pay any instalment 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.

Notice of borrowing to be sent to Secretary for Scotland

38. Within one calendar month after the date of any security made for money borrowed after the passing of the Act confirming this Order the clerk of the Commissioners shall send notice in writing to the Secretary for Scotland of the amount borrowed and the rate of interest and the date of the security and in case of omission to send such notice the clerk shall be liable to a penalty not exceeding twenty pounds.

Protection of lenders.

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

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Application of rates and income.

40. The Commissioners shall apply the harbour rates and charges received under the Act of 1846 and this Order for the purposes and in the order following and not otherwise (that is to say) :—

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

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

(3.) In paying year by year the interest on money borrowed under the Act of 1846 and this Order ;

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

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

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

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

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

Separate accounts to be kept.

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

Part of Harbours &c. Act 1847 excepted.

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

Partial incorporation of Harbours and Passing Tolls Act.

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

Commissioners to be local authority.

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

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

Lifebuoy to be kept.

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

Vessels not to anchor within certain limits.

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

Vessels not to moor alongside piers without consent.

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

As to lights during the construction of works.

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

As to lights after completion of works.

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

Provision against danger to navigation.

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

Powers to cease in certain events.

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

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

Saving rights under Crown Lands Act 1866.

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

Byelaws.

53. The Commissioners may from time to time make and from time to time revoke or vary byelaws for regulating the traffic at the piers jetties and harbour or any part thereof or the conduct of their servants or other persons employed or licensed thereat 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 and the byelaws for the time being in force shall be published on a board suspended at the head of the pier and otherwise as the Commissioners think proper.

Prosecutions.

54. All prosecutions under this Order or the Act of 1846 for offences or contraventions of this Order or the Act of 1846 or any byelaws under the same or for recovery of fines forfeitures or penalties may so far as not otherwise provided for be instituted sued for and carried on before the magistrates of police of Helensburgh or any one of them at the instance of the burgh prosecutor appointed by said magistrates.

Saving rights of Crown under Crown Lands Act.

55. 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.

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

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

Costs of Order.

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

SCHEDULE to which the foregoing Order refers.

I.—Rates on Passengers Luggage &c.

	£	s.	d.
For every trunk portmanteau box parcel or package within the description of luggage and not carried by the passenger not exceeding 28 lbs.	0	0	1
For every trunk portmanteau box parcel or package within the description of luggage over 28 lbs. and not exceeding 112 lbs.	0	0	2
Over 112 lbs. and not exceeding 2 cwt.	0	0	4
And for every cwt. beyond	0	0	2
For every bicycle tricycle or other such machine any sum not exceeding	0	0	2
For every perambulator bath or sedan chair taken on the pier including the person in charge for each and every time any sum not exceeding	0	0	1

II.—Rates on Vessels.

For each steamboat touching at the piers quays or jetties or landing or embarking one or more passengers at or within the limits of the harbour any sum not exceeding five shillings per trip but such charge shall not exceed the following sums for the same steamboat in any one year videlicet :—

For steamboats making one voyage daily fifteen pounds ;

For steamboats making one and not exceeding two voyages daily twenty pounds ;

For each steamer exceeding two voyages daily thirty-five pounds ;

A voyage to include touching at the piers or quays or jetties passing on and returning and landing passengers or goods.

Steamboats touching at the piers quays or jetties daily for the space of one month to be held as yearly traders and entitled to the advantage of the limitations above specified.

For sailing and rowing boats touching at the said piers quays or jetties or landing or embarking goods or passengers at the harbour any sum not exceeding the rates following videlicet :—

Under two tons burden twopence per trip or ten shillings yearly ;

Two and under ten tons burden sixpence per trip or twenty shillings per annum ;

Ten and under twenty tons burden one shilling per trip or thirty shillings per annum ;

Twenty tons and upwards one penny per ton per trip.

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III.—Rates for Carriages.

For carriages passing through the gates of the quays for each time of so passing (excepting in returning after having paid for passing through the gates) a sum not exceeding the following rates videlicet:—

For a four-wheeled carriage one shilling;

For a two-wheeled carriage sixpence;

For a cart laden or unladen employed in the carriage of coals three halfpence;

For each other cart laden or unladen threepence;

But no charge to be made for the persons driving such carriages or carts or the animals drawing the same.

IV.—Rates on Goods &c.

Articles of Export and Import.

		£	s.	d.
Ale and beer	per 54 gallons	0	1	0
,, bottled	per gross	0	1	0
Alum	per cwt.	0	0	1¾
Aerated waters all kinds	per ton	0	1	8
Bacon or hams	per ton	0	3	4
Butter	per cwt.	0	0	3
Boxes (empty)	each	0	0	1
Bricks	per 1,000	0	0	6
Carriages with springs under 5 cwt.	each	0	1	0
,, 5 cwt. and under 7½ cwt.	each	0	2	0
,, 7½ cwt. and under 10 cwt.	each	0	3	0
,, 10 cwt. and above (but not to apply to carriages carrying passengers to or from steamers)	each	0	5	0
Cattle—				
Bulls cows and oxen	each	0	0	6
Calves	each	0	0	3
Horses	each	0	1	0
Ponies under 12 hands	each	0	0	6
Asses or mules	each	0	0	6
Pigs	each	0	0	3
Sheep or lambs	per score	0	0	6
Cement	per ton	0	1	0
Coals	per ton	0	0	3
Corn and meal viz.—				
Barley and bigg	per ton	0	0	6
Beans	per ton	0	0	6
Indian corn	per ton	0	0	6
Oats	per ton	0	0	6
Oatmeal	per ton	0	0	6
Peas	per ton	0	0	6
Wheat	per ton	0	1	0
Dung	per ton	0	0	4
Eggs	per cwt.	0	0	3

		£	s.	d.
Fish dried	per ton	0	1	0
„ pickled or salted	per ton	0	0	9
Flour	per ton	0	0	6
Fruit	per cwt.	0	0	3
Furniture household	per cwt.	0	0	1
Glass of all descriptions	per cwt.	0	0	2
Herrings fresh	per 37½ gallons	0	0	2
„ cured	per 26⅔ gallons	0	0	2
„ in barrels imported or exported	per 26⅔ gallons	0	0	2
Lime	per ton	0	0	6
Machinery	per cwt.	0	0	2
Manures manufactured and not otherwise enumerated	per ton	0	0	6
Paper	per cwt.	0	0	2
Porter	per 54 gallons	0	1	0
„ bottled	per gross	0	1	0
Potatoes	per ton	0	0	6
Pipes drain	per 1,000	0	0	6
Provisions preserved all kinds	per cwt.	0	0	2
Salt in bulk	per ton	0	0	6
„ rock	per ton	0	0	6
„ in barrel including dues of barrel	per ton	0	0	6
Slates	per 1,000	0	0	6
Soap	per cwt.	0	0	1
Spirits of all kinds	per 54 gallons	0	1	4
Stones :—				
Freestone building	per ton	0	0	3
Causeway granite	per ton	0	0	3
Kerb pavement and building	per ton	0	0	4
Rubble and chips	per ton	0	0	2
Marble	per ton	0	1	0
Grindstones	each	0	0	2
All other descriptions except flint	per ton	0	0	6
Sugar of all kinds	per ton	0	0	8
Tiles roofing	per 1,000	0	0	6
Vegetables	per ton	0	0	6
Wine	per 54 gallons	0	1	6
Wine bottled	per gross	0	1	0
Wood	per ton	0	0	6
All other goods not enumerated above—				
Light goods	per cubic foot	0	0	1
Heavy goods	per ton	0	2	0

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

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

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

1. *Rates on Cranage.*

	£	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 40 cubic feet of goods or for each ton of goods which shall remain in any shed or on the pier for a longer time than six hours the sum of 4*d.* and the sum of 2*d.* for each 40 cubic feet or per ton for each six hours during which such goods shall remain after the first six hours.				
For any portmanteau trunk parcel or other article of passengers luggage for each day or part of a day - - per package	0	0	2	

VI.—Rates for Licensed Porters.

Licensed porters with the liberty of using one barrow or hurley three pounds per annum ;

If more than one barrow or hurley then to pay for each additional barrow two pounds ;

For every one-wheeled barrow or hurley not belonging to a licensed porter for going down and returning on quay with or without a load one penny ;

For every two-wheel barrow or hurley going and returning on quay twopence ;

For each four-wheel carriage going down and returning or landed from or to be shipped on board any vessel or steamer one shilling.

KILLYBEGS.

Order for appointing and incorporating Commissioners for the Harbour of Killybegs in the county of Donegal and vesting the pier and harbour in them and for the construction of works and the improvement maintenance and regulation of the harbour.

Incorporation of Harbour Commissioners.

1. There shall be a body of Commissioners not exceeding seven in number (in this Order referred to as "the Commissioners") to be qualified and elected as in this Order provided and the Commissioners and their successors are hereby incorporated by the name of The Killybegs Harbour Commissioners and by that name shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued and to purchase take lease hold and dispose of land and other property for the purposes and subject to the provisions and restrictions of this Order.

Undertakers.

2. The Commissioners shall be the Undertakers for carrying this Order into execution.

First Commissioners.

3. The first Commissioners shall be the following persons namely—The Most Reverend Patrick O'Donnell D.D. Frederic William Pim Esq. the Reverend W. S. Green M.A. the chairman and vice-chairman of the Donegal Railway Company at the date of the passing of the Act confirming this Order Arthur Brooke Esq. and Lieutenant Griffith Grismond Phillipps R.N. and the first Commissioners shall come into office immediately on the passing of the Act confirming this Order.

Appointment and election of Commissioners.

4. The appointment succession and election of Commissioners after the first Commissioners shall be regulated as follows :—

(1.) The Chief Secretary for the time being to the Lord Lieutenant of Ireland shall appoint three persons to be Commissioners and whenever a vacancy is caused by death resignation or otherwise in the office of any such Commissioners shall appoint another person to fill the vacancy and so on toties quoties.

(2.) The Donegal Railway Company acting by their directors shall appoint from among the directors or other shareholders of the company two persons to be Commissioners and whenever a vacancy is caused by the death resignation or otherwise of any one of those two Commissioners that company acting by their directors shall appoint from among the directors or other shareholders of the company another person to fill the vacancy and so on toties quoties Provided that each appointment of a Commissioner by the directors shall be determinable at any time by the company.

(3.) The parliamentary electors of the electoral division of Killybegs in the poor law union of Glenties which persons are in this Order referred to as the electors shall elect two Commissioners subject to the following regulations that is to say :—

(*a.*) The election of such Commissioners shall be made by the majority of the electors present at each meeting held for the purposes of such election and in case of equality of voting the chairman of such meeting shall have a casting vote.

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(*b.*) Any elector may attend the meeting and vote.

(*c.*) The election is to be by show of hands.

(*d.*) Any two electors may at the meeting propose any person as a candidate.

(*e.*) The decision of the Chairman as to the number of persons voting and the result of the election shall be final and conclusive.

(*f.*) The candidates having the greatest number of votes are to be the Commissioners elected.

(*g.*) The election of Commissioners shall be held in Killybegs aforesaid at a place to be appointed by the Commissioners.

(*h.*) The register of parliamentary electors shall be evidence as to what persons are duly qualified electors.

(*i.*) The clerk to the Commissioners is to give notice of the day and place of meeting by affixing the same on the door of the office of the Commissioners and also by advertisement once in some newspaper published and circulating in the county of Donegal and in any other convenient manner fourteen days at least before the day of meeting.

(*j.*) The clerk to the Commissioners or a Commissioner not being a candidate for re-election shall act as chairman of the meeting and shall declare the number of votes given to each candidate and in case his decision is challenged is to cause the number of electors voting for each candidate to be ascertained by taking a division or in some other convenient manner.

Chairman to report names of persons elected.

5. The chairman of the meeting shall report to the Commissioners the names of the persons elected as Commissioners.

Expenses of election.

6. All expenses of or incidental to an election of Commissioners under this Order are to be paid by the Commissioners out of the dues or other income of the Commissioners.

Commissioners may resign.

7. Any Commissioner may resign office at any time upon giving not less than three weeks' notice in writing of his resignation to the Commissioners or their clerk.

Triennial period of office.

8. The first body of Commissioners shall go out of office on the first Thursday in September in the third year following the passing of the Act confirming this Order and each succeeding body of Commissioners shall go out of office in successive periods of three years each terminating in each case on the first Thursday in September.

Occasional vacancies among Commissioners.

9. In case of any vacancy in the office of Commissioner by reason of failure to make a valid election or of any Commissioner refusing to accept office or dying or resigning or becoming incapable or incompetent to act or ceasing to be a Commissioner from any cause other than going out of office in the regular course the persons or person entitled to appoint or elect such Commissioners shall as soon as may be thereafter appoint or elect a person to fill any such vacancy and the Commissioner so appointed or elected shall continue in office for the same period as the person whose vacancy he fills would in ordinary course have continued in office and shall go out of office at the same time.

Re-election and re-appointment.

10. All Commissioners going out of office shall be eligible for re-appointment or re-election.

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11. Notwithstanding any vacancy or vacancies in the office of Commissioner the Commissioners for the time being shall be competent to act and all their proceedings shall be as legal and valid as if no vacancy existed and on the expiration of their term of office the Commissioners shall continue competent to act until their successors are elected and come into office.

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

12. The Commissioners Clauses Act 1847 (except sections 17 to 26 28 to 32 54 89 90 92 93 94 and 95) so far as not varied by or inconsistent with this Order shall be and the same is hereby incorporated with this Order and shall so far as the nature and circumstances of the case will admit apply to the Commissioners collectively and severally subject to the following provisions :—

Incorporation of Commissioners Clauses Act.

(1.) With reference to section 39 the prescribed number constituting a quorum of the Commissioners shall be three.

(2.) With reference to section 40 it shall not be obligatory on the Commissioners to hold monthly meetings but they may hold meetings at any time and within any place as they may consider necessary and shall hold at least two meetings in every year The chairman shall be bound to convene a meeting at any time on the requisition of three Commissioners.

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

Vesting of existing harbour.

13. From and after the passing of the Act confirming this Order all the estate and interest formerly of the Donegal Railway Company and now of the Commissioners in the existing harbour of Killybegs and the quays piers boat-slip works roads and conveniences connected therewith shall be and the same are hereby vested in the Commissioners and may be lawfully held used and enjoyed by the Commissioners for the purposes of this Order.

Limits of harbour.

14. The limits within which the Commissioners shall have authority and within which the powers of the harbour-master may be exercised and which shall be deemed the limits to which this Order extends for all purposes including the power to levy rates shall comprise the pier and works by this Order authorised and the works and conveniences connected therewith respectively and the following area that is to say—The existing pier and boat-slip and the area below high-water mark within a distance of one hundred and fifty yards from the seaward end of the existing pier in every direction which limits are in this Order termed the limits of this Order and any buoy belonging to the Commissioners if moored within two hundred yards of the head of the existing pier shall when used by vessels be deemed to be included within those limits.

Commissioners to maintain works &c.

15. The Commissioners may maintain the said harbour quays piers boat-slip works roads and conveniences and any additions or improvements to be made thereto and may from time to time add to extend and improve the same.

Incorporation of Lands Clauses Acts.

16. 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.

Power to take specified lands by agreement.

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

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Lands for extraordinary purposes.

18. The Commissioners may in addition to the land vested in or authorised to be taken by them under this Order purchase by agreement and hold for extraordinary purposes any land not exceeding in the whole one acre The Commissioners may also purchase by agreement from the Donegal Railway Company any lands which the Company have power to sell and may enter into agreements with the Company for the use of and execution of works on any lands belonging to the Company but this section or anything herein contained shall not exempt the Commissioners from any proceedings on account of any nuisance caused or permitted by them on any land acquired by them under this section.

Power to make works.

19. 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 require from time to time before the completion of the works in order to prevent injury to navigation the Commissioners may on the lands taken by them under and vested in them by this Order or on any of the lands and in the lines and according to the levels shown on the deposited plans and sections and within the limits of deviation shown on those plans make and maintain the works authorised by this Order.

Description of works.

20. The works authorised by this Order include the following works situate within the harbour of Killybegs and in the parish of Upper Killybegs in the county of Donegal and on the bed and shore of the sea and sea wall adjoining the harbour that is to say :—

(1.) A pier to commence by a junction with the south end of the existing pier in the town of Killybegs extending therefrom for a distance of three hundred feet or thereabouts in a south-easterly direction over the foreshore and bed of Killybegs Harbour and terminating at a point in Killybegs Harbour twelve hundred feet or thereabouts from the north-east corner of Seaview quay at Killybegs.

(2.) A branch or spur viaduct one hundred and sixty-six feet in length or thereabouts commencing on the foreshore of Killybegs Harbour at a point distant in a north-easterly direction measured from the centre of the existing pier of one hundred and twelve feet or thereabouts and terminating by a junction with pier No. 1 at a distance of one hundred and twenty-seven feet from the same point measured along pier No. 1.

The entire pier and branch shall be constructed as an open work.

Harbour may be dredged.

21. The Commissioners may remove by dredging digging excavating or otherwise any rocks sand mud or any materials which may be found necessary or convenient to remove for any purpose connected with the construction of the works authorised by this Order.

Powers of deviation.

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

Construction improvement and maintenance of

23. Subject to the provisions of this Order the Commissioners may from time to time construct maintain alter and improve quays piers shipping places jetties wharves sewers drains watercourses roads approaches drops dolphins buoys

mooring posts 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 cleanse improve and maintain and lay down buoys at the entrances channels and waterways of the harbour and may blast cut dig and remove rocks clay sand and other substances within the limits of this Order 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 have been inspected and certified by the Board of Trade to be fit for such traffic.

incidental works.

Power to construct houses &c.

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

Consent of Board of Trade to works.

25. 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 that Board.

Penalty for obstructing works.

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

Power to levy rates.

27. When in addition to the certificate to be given under the twenty-sixth section of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Commissioners may subject and according to the provisions of this Order for the use of the pier and works of the Commissioners demand receive and recover for the use of the pier and other works and in respect of the persons matters and things described in the schedule to this Order any sums not exceeding the rates specified in that schedule.

Rates may be levied though works not completed.

28. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Commissioners that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking of passengers and goods by means of such works the Commissioners may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then 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.

Power to lease rates.

29. The Commissioners may from time to time lease the rates 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 and conditions as they

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think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Commissioners have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to the same provisions as to accounts and otherwise as the Commissioners are made subject to by this Order.

Power to charge for use of sundry conveniences or services.

30. The Commissioners may demand and receive for the use of any buildings machines works railways tramways and sidings or conveniences provided by them or in respect of any services rendered by them for which rates are not specially fixed by the schedule hereto such sums as the Commissioners think reasonable but so that no preference be in any case given.

Power to compound for rates.

31. The Commissioners may from time to time confer vary or extinguish exemptions from and compound with any person or persons with respect to the payment of tolls rates and duties 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.

Revision of rates.

32. The Commissioners shall from time to time revise the rates received by them under this Order so that the income of the Commissioners under this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of this Order and if at any time and from time to time the clear annual income derived from the harbour and works on the average of the then three last preceding years after payment of all expenses and outgoings exceeds 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 to not exceeding the sums specified in the schedule to this Order.

Annual account to be sent to the Board of Trade.

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

25 Vict. c. 19.

Certain fishing vessels under stress of weather exempt from rates.

34. 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 piers or harbour or the works belonging thereto and not breaking bulk while making use thereof be exempt from the tolls rates and duties leviable under this Order.

Board of Trade officers exempt from rates.

35. Officers of the Board of Trade being in the execution of their duty shall at all times have free ingress passage and egress on into along through up to and out of the harbour piers and works by land and with their vessels and otherwise without payment.

36. All vessels belonging to or chartered by the Congested Districts Board of Ireland when employed exclusively in their service and all goods and merchandise the property of the said Board shall be exempted from the tolls rates and duties leviable under this Order.

Congested Districts Board exempt from rates.

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

Lifeboat crew exempt from tolls.

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

Life-saving apparatus may be attached to works.

39. The tolls rates and duties received under this Order and all sums of money in the nature of revenue or income vested in the Commissioners by this Order shall be applied by the Commissioners in manner and order following and not otherwise :—

Application of rates.

(1.) In paying the expenses of the maintenance management and regulation of the harbour piers and works for the time being and incident thereto :

(2.) In or towards any addition to or extension of the existing piers and works and in furthur improving the harbour and works for the time being or in providing a reserve fund for such purpose.

40. Sections 16 to 19 and 23 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but the Commissioners shall at their own expense when required by the Board of Trade provide to the satisfaction of the Board of Trade a site near the harbour and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not exceeding ten pounds for every month during which they omit to provide such accommodation after having been required so to do by the Board of Trade.

Parts of Harbours Clauses Act not incorporated.

41. No vessel shall without the consent of the Commissioners or their harbour-master anchor within the limits of this Order.

Boats not to anchor within harbour.

42. 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 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.

Master of vessel to report arrival.

43. The master or owner or crew of every boat engaged in the white fishery and of every boat delivering herrings or mackerel (except boats engaged in the herring or mackerel fishing at Killybegs for the regular herring or mackerel fishing season) shall within twelve hours of arrival within the limits of this Order report the same to the harbour master or collector of rates and shall furnish to the collector a true and accurate statement of his or their take of fish and the

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

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names of the persons obtaining delivery of the same and liable for the tolls rates duties or charges thereon and if he or they fail to do so they shall be liable to a penalty not exceeding ten pounds.

Harbour master may prevent sailing of vessels.

44. The harbour master may prevent the removal or sailing out of the limits of this Order of any vessel or boat in respect of which any rates shall have been payable until evidence shall have been produced to him of the payment of such rates to the collector and until the master or owner of such vessel or boat shall have given in an account of his take or cargo of fish. Any person disobeying the harbour master's orders in carrying out the powers hereby conferred shall be liable to a penalty not exceeding ten pounds.

Power to lay down mooring buoys.

45. The Commissioners may construct lay down and maintain mooring buoys within or adjoining the limits of this Order for the accommodation of vessels using the pier and works and the Commissioners may demand and receive such rates or other considerations as they may think reasonable for the use of any such mooring buoys if within the limits of this Order.

Ballast for vessels.

46. The Commissioners may supply and remove ballast for the accommodation of vessels within the limits of this Order or permit the master or owner of any vessel within the limits of this Order 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 undertakers of such rates as they shall deem proper not exceeding the rates specified in the Schedule to this Order.

Meters and weighers.

47. The Commissioners shall have the appointment of meters and weighers within the limits of the harbour.

Powers to Commissioners to purchase or hire dredgers and apparatus.

48. The Commissioners 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.

Disposal of dredging.

49. All sand mud and other materials dredged up or removed within the limits of this Order shall become and be the property of the Commissioners who may from time to time sell or otherwise dispose of the same or remove and lay down the same within those limits and afterwards from time to time again take up and remove and sell or otherwise dispose of the same and all money arising therefrom after payment of the expenses connected therewith shall be applied in like manner as rates received under this Order are applicable but no sand mud stone 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.

Commissioners to be local authority.

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

Byelaws.

51. The Commissioners may make byelaws for the supply of ballast to vessels and boats and for the removal or deposit of ballast the regulation and control of vessels and boats and for the regulation of vessels using mooring buoys authorised by this Order and for the regulation and control of the fishermen and other persons and goods and traffic in and at the harbour and works ground or property belonging to the Commissioners and used for harbour purposes but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes.

As to lights during construction of works.

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

53. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Commissioners shall at the outer extremity of the pier and works exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) as shall from time to time be directed by the Commissioners of Irish Lights and shall apply to these Commissioners for directions as to lighting and the Commissioners 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.

Provisions against danger to navigation.

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

Powers to cease in certain events.

55.—(1.) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order are not 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 are virtually suspended for twelve 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 are then completed unless such powers are by the special direction of the Board of Trade continued and directed to remain in force for any period not exceeding five years from the date of the passing of the Act confirming this Order.

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

Saving rights under Crown Lands Act 1866.

56. 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 first been obtained.

Saving rights of the Crown.

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

Power to Commissioners and the Donegal Railway Company to enter into agreements.

58. It shall be lawful for the Commissioners and the Donegal Railway Company from time to time to enter into agreements for the control management and maintenance of the pier harbour and undertaking of the Commissioners or any part of same including powers to provide for the construction maintenance and working of all such railways and sidings and other conveniences in connection therewith as may be necessary for the proper working and development of the pier and harbour and for the collection of the tolls rates and duties leviable under this Order Provided that any such agreement shall not have any operation until it has been first approved by the Board of Trade.

Costs of Order.

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

Short title.

60. This Order may be cited as the Killybegs Pier and Harbour Order 1896.

SCHEDULE to which the foregoing Order refers.

I.—Rates on Vessels within the Limits of this Order exclusive of their Cargoes.

	£	s.	d.
For all steam or other vessels to or from all ports or places coastwise to load or unload per register ton - - - - -	0	0	4
For all such vessels not loading or unloading per register ton -	0	0	2
For all vessels to load or unload to or from oversea ports or places per register ton - - - - -	0	0	6
For all such vessels not loading or unloading per register ton -	0	0	2½

II.—Rates for Lights.

For each vessel entering the limits of this Order per register ton -	0	0	0¼
For each boat engaged in the herring or mackerel fishery using the pier for the period of the fishery season - - -	0	2	0

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

As to Rates in Parts I. and II.

If the vessels of the owner or owners of any steam or other vessel engaged in a regular trade with the harbour shall collectively make in any one year from January to December inclusive fifty or more voyages to or from the pier one-half of the rates in Parts I. and II. shall be leviable on each of such vessels in respect of such year.

For vessels sailing from the pier and putting back by stress of weather without having accomplished the voyage no additional rates shall be charged on such return.

III.—Rates for Water.

	£	s.	d.
For each vessel per 100 gallons supplied - - - -	0	0	4
Each boat engaged in the herring or mackerel fishery and requiring water may pay as a composition for the period of the fishing season - - - - - -	0	2	6

IV.—Rates on Boats loading or unloading within the Limits of this Order and using the Pier exclusive of their Cargoes.

	£	s.	d.
Every boat engaged in the herring or mackerel fishery using the pier as a composition in full of the tonnage duty for the period of the fishing season payable in advance - - - -	0	17	0
Every boat loading or discharging herrings or mackerel using the pier and not paying the aforesaid composition each time - -	0	1	8
And when using the pier but not loading or discharging - -	0	0	10
Other boats loading or discharging at the pier each time - -	0	2	0
Other boats using the pier but not loading or discharging - -	0	1	0
Other boats when above fifteen tons register to be charged according to tonnage due for vessels as above.			
Each white fishing boat using the pier for season commencing 1st October and payable annually in advance—			
If manned by more than four hands - - -	0	10	0
If manned by four hands or less - - -	0	5	0

V.—Rates on Goods &c. loaded or unloaded within the Limits of this Order.

		£	s.	d.
Ale or beer - - - -	per 56 gallons	0	0	6
„ bottled - - - - -	per cwt.	0	0	2
Bacon - - - - -	per ton	0	1	4
Bark - - - - -	per ton	0	1	0
Beef or pork - - - - -	per ton	0	1	4
„ - - - - -	per 224 lbs.	0	0	2
Biscuits - - - - - -	per ton	0	1	0
Blocks under 10 inches - - - -	per dozen	0	0	3
„ 10 inches and above - -	per dozen	0	0	6
Blubber - - - - -	per 252 gallons	0	1	0

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	£	*s.*	*d.*
Boats - - - - - - each	0	1	0
Bone dust - - - - - per ton	0	1	0
Bones - - - - - - per ton	0	0	6
Bottles - - - - - - per gross	0	0	2
Bricks of all sorts - - - - per 1000	0	1	0
Brooms - - - - - per dozen	0	0	1
Butter - - - - - - - per cwt.	0	0	9
Carriages four wheels - - - - - each	0	2	0
„ two wheels - - - - - each	0	1	0
Carts - - - - - - - each	0	0	6
Casks empty not being returned packages - - each	0	0	3
Cattle viz.—			
Bulls - - - - - - - each	0	1	6
Calves - - - - - each	0	0	6
Cows and oxen - - - - - each	0	1	0
Horses - - - - - each	0	1	6
Pigs - - - - - - each	0	0	6
Sheep - - - - - each	0	0	6
Lambs - - - - - - each	0	0	3
Chalk - - - - - - per ton	0	0	8
Cinders - - - - - - per ton	0	1	0
Clay (fire) manufactured - - - - per ton	0	0	6
„ common - - - - - - per ton	0	0	2
Cloth haberdashery &c. - - - - per cwt.	0	0	2
Clover seeds - - - - - - per ton	0	2	0
Coals - - - - - - - per ton	0	0	10
Copper - - - - - - - per ton	0	1	4
Corks - - - - - - - per cwt.	0	0	2
Corn - - - - - per 100 lbs.	0	0	1
Crystals - - - - - per cwt.	0	0	2
Dissolved bones and other artificial manures - - per ton	0	0	8
Dogs - - - - - - each	0	0	2
Drugs - - - - - - - per cwt.	0	0	3
Earthenware - - - - - per cwt.	0	0	2
Eggs - - - - - - - per cwt.	0	0	2
Empty barrels not being returned packages - - - each	0	0	0½
Feathers - - - - - - per cwt.	0	0	6
Fish dried or salted - - - - - per cwt.	0	0	3
„ in pickle and undried - - - - per cwt.	0	0	3
„ fresh brought for sale - - - for every 1s. in value	0	0	0½
Flax and tow - - - - - per ton	0	1	4
Flour - - - - - - per 280 lbs.	0	0	2
„ - - - - - per 100 lbs.	0	0	1½
Geese alive - - - - - - - each	0	0	0½
Glass - - - - - - - per cwt.	0	0	3
Grass seeds - - - - - per 100 lbs.	0	0	0½

	£	s.	d.
Groceries—viz.—			
Almonds figs cinnamon currants pepper pimento plums prunes raisins and the like - - - - per cwt.	0	0	3
Guano - - - - - - per ton	0	0	8
Gunpowder and other explosives - - - per 100 lbs.	0	0	6
Hardware - - - - - per cwt.	0	0	3
Hares and rabbits - - - - - per dozen	0	0	3
Any less quantity - - - - -	0	0	1
Harrows - - - - - per pair	0	0	6
Hay - - - - - - - per ton	0	1	0
Hemp - - - - - - - per ton	0	1	4
Herrings and mackerel fresh - - - per 37½ gallons	0	0	3
,, cured - - - - - per 26⅔ gallons	0	0	4
Hides—			
Ox cow or horse salted or dried - - - per dozen	0	0	6
Sheep lamb or calves skins - - - per dozen	0	0	3
Hooks reaping - - - - - per dozen	0	0	2
Hoops of wood (bent) - - - - - per 24	0	0	0½
,, (straight) - - - - per 120	0	0	0½
Household furniture new - - - - - per cwt.	0	0	2
Husbandry utensils not enumerated - - - per cwt.	0	0	2
Iron—			
Bolt bar rod or hoop - - - - per ton	0	1	0
Manufactured - - - - - per ton	0	1	4
Old or pig - - - - - per ton	0	0	8
Kelp - - - - - - - per ton	0	0	8
Lead all kinds - - - - - per ton	0	1	4
Leather - - - - - - - per ton	0	1	4
Lime - - - - - - per ton	0	1	4
Limestone - - - - - - per ton	0	0	3
Lobsters - - - - - per dozen	0	0	3
Machinery - - - - - - per cwt.	0	0	2
Manures - - - - - - per ton	0	1	0
Meal - - - - - - per 280 lbs.	0	0	1½
Musical instruments - - - - - per cwt.	0	0	3
Oakum - - - - - - per ton	0	1	0
Oil cake - - - - - - per ton	0	1	0
Oils - - - - - - per 252 gallons	0	1	0
,, - - - - - - per 36 gallons	0	0	3
Ores—			
Copper iron lead and other ores - - - per ton	0	0	8
Paints - - - - - - - per ton	0	0	8
Peats - - - - - - - per ton	0	0	3
Pitch - - - - - - per 36 gallons	0	0	3
Ploughs - - - - - - - each	0	0	3
Porter - - - - - - per 56 gallons	0	0	6
,, bottled - - - - - per cwt.	0	0	2

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	£	s.	d.
Potatoes - - - - - - - per ton	0	0	9
Pot barley - - - - - - per 280 lbs.	0	0	2
Pots pans kettles - - - - per cwt.	0	0	2
Poultry including pigeons game &c. - - - per dozen	0	0	3
Any less quantity - - - - -	0	0	1
Rags - - - - - - - per ton	0	2	0
Rape cakes - - - - - - per ton	0	0	8
Ropes and cordage old - - - - - per ton	0	1	8
„ „ any other - - - per ton	0	1	0
Salt - - - - - - - per ton	0	0	6
Scythes - - - - - per dozen	0	0	3
Seed flax and rape in bulk - - - per 100 lbs.	0	0	2
„ garden - - - - - - per ton	0	1	4
Shell fish - - - - - per bushel	0	0	6
Slates under size - - - - - per 1000	0	0	6
„ sizeable - - - - - per 1000	0	0	10
„ over size - - - - - per 1000	0	1	5
Soap - - - - - - - per ton	0	1	8
Snuff - - - - - - - per cwt.	0	1	6
Spades and shovels - - - - per dozen	0	0	2
Spirits - - - - - - per 56 gallons	0	3	0
Stones viz. :—			
Rubble - - - - per 16 cubic feet	0	0	1
Hewn ashlar freestone or limestone - - per 16 cubic feet	0	0	2
Rough ashlar freestone - - - per 16 cubic feet	0	0	1
Pavement not exceeding 3 inches thick - per 70 superficial feet	0	0	1
„ above 3 inches - - - per 16 cubic feet	0	0	1
Kerb pavement and building - - - per ton	0	0	1
Paving setts - - - - - per ton	0	0	1
Scythe stones - - - - - per score	0	0	1
Flagstones - - - - - - per ton	0	0	1
Millstones - - - - - each	0	0	8
Steel - - - - - - - per ton	0	2	0
Stucco - - - - - - - per ton	0	0	6
Sugar - - - - - - - per cwt.	0	0	3
„ - - - - - - - per ton	0	1	4
Tar - - - - - - per 36 gallons	0	0	2
Tea - - - - - - - per 80 lbs.	0	1	0
Tiles roofing - - - - - - per 1000	0	1	0
„ or pipes for draining - - - - per 1000	0	1	0
Tin of all kinds - - - - - per ton	0	1	3
Tobacco - - - - - - - per cwt.	0	1	6
Trenails not exceeding 2 feet in length - - per 1000	0	0	6
„ exceeding 2 feet in length - - - per 1000	0	1	0
Turnips - - - - - per ton	0	0	10
Turpentine - - - - - per 36 gallons	0	0	3
Vegetables - - - - - - per 14 lbs.	0	0	2

		£	*s.*	*d.*
Vinegar	per 56 gallons	0	0	6
Vitriol	per 36 gallons	0	0	2
Whalebone	per ton	0	2	6
Wheels	per pair	0	0	4
Whitening	per ton	0	0	6
Wine	per 56 gallons	0	3	0
„ bottled	per cwt.	0	0	6
Wood of all kinds for every pound sterling value (including invoice freight and duty when landed)		0	0	6

Or in the option of the Undertakers the rates following :—

Fir pine and other descriptions not enumerated	per 50 cubic feet	0	1	0
Oak or wainscot	per 50 cubic feet	0	1	6
Firewood	per 216 cubic feet	0	0	4
Lath and lathwood	per 216 cubic feet	0	2	6
Handspikes	per 120	0	1	6
Oars	per 120	0	2	6
Spars under 22 feet in length above 2½ and under 4 inches in diameter	per 120	0	2	6
Spars 2½ inches in diameter and under	per 120	0	1	4
„ 22 feet in length and upwards and not exceeding 4 inches in diameter	per 120	0	6	6
Spars all lengths above 4 and under 6 inches in diameter	per 120	0	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	0	4
„ exceeding 2 feet in length	per 120	0	0	6
Wedges	per 1000	0	1	0
Pipe staves and others in proportion	per 100	0	1	0
Lignum vitæ fustic logwood mahogany and rosewood	per ton	0	1	4
Wool	per cwt.	0	0	4
Yarn	per ton	0	1	8
Zinc	per ton	0	1	4

All other goods not particularly enumerated in the above Table—

Light goods	per cwt.	0	0	3
Heavy „	per ton	0	1	4

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

VI.—Rates for Ballast.

For all ballast supplied by the Undertakers to vessels or discharged from vessels within the limits of this Order	per ton	0	2	0

A.D. 1896.

Killybegs.

VII.—Rates for use of Cranes Weighing Machines Sheds Warps and Planks &c.

Rates of Cranage.

	£	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

Weighing Machines.

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

Shed Dues.

For each forty cubic feet of goods or for each ton of goods which shall remain in the sheds or on the pier or other works for a longer time than forty-eight hours the sum of threepence and the sum of three halfpence per forty cubic feet or per ton for each day during which such goods shall remain after the first forty-eight hours.

All vessels using warps - - - per registered ton	0	0	$0\frac{1}{4}$	

Planks.

Long - - - - - - - per pair	0	3	0	
Short - - - - - - - per pair	0	1	0	

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

VIII.—Exemptions.

No rates shall be charged for the following goods namely—returned empty bottles casks bags and packsheets and goods returned to the original shippers in the original state.

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

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