CHAPTER clxxvii.

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

[7th August 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.

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

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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. 5) Act 1896.

THE SCHEDULE OF ORDERS.

1. EMSWORTH.—Constitution of Harbour Authority.
2. OBAN.—Improvement and Maintenance of Piers.

EMSWORTH.

Order for the management and improvement of the Harbour of Emsworth in the Counties of Southampton and Sussex.

Undertakers.

1. The Urban District Council for the District of Warblington in the County of Southampton (in this Order referred to as "the Council") shall be the Undertakers for the purposes of this Order and shall have and may exercise the powers privileges and authorities conferred by this Order with the powers and indemnities and according to the provisions of the Public Health Act 1875 and any Acts amending the same.

Limits of Order.

2. The limits within which the Council shall have authority and which shall be deemed the limits to which this Order and the power to levy rates extend shall comprise the harbour of Emsworth that is to say all that area below high-water mark in or bordering on the Counties of Southampton and Sussex lying between Hayling Island West Thorney and the mainland and defined by an imaginary line drawn from Longmere Point in West Thorney to Black Point on Hayling Island and an imaginary line drawn from the point where Hayling Bridge joins Hayling Island aforesaid to the point on the shore of the mainland at or near Langstone where the parishes of Havant and Warblington meet which limits are in this Order termed the limits of this Order.

Works authorised.

3. The works by this Order authorised and which may be executed and maintained by the Council comprise the dredging of the harbour and the dredging scouring cleansing and removing the banks of sand and mud within or adjoining the harbour the deepening of the harbour and the entrance thereto and the improvement of the harbour in other respects.

Power to construct embankments &c.

4. The Council may construct and maintain all necessary embankments walls stairs landing-places approaches roads jetties piers wharves warehouses sheds cranes buoys lights lighthouses and other works and conveniences in connection with the harbour or the approaches thereto and may supply water to vessels but this section shall not exempt the Council from any proceedings for nuisance caused or permitted by them upon any lands acquired by them for the purpose of such works.

Consent to works.

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

Rates may be levied though works not completed.

6. 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 Council that works authorised by this Order have been executed so as to confer increased accommodation or benefit to persons or vessels using the harbour the Council may demand receive and recover in respect of vessels anchoring or mooring within the limits of this Order or otherwise using the harbour all or such of the dues or rates or such proportion of all or any of the dues or rates specified in the schedule to this Order as shall in the opinion of the Board of Trade be commensurate to the accommodation or benefit afforded Provided that no tolls dues or rates shall be levied upon vessels proceeding to or from Chichester or Bosham and not loading or discharging within the limits of this Order Provided also that all ships

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loading or unloading at West Thorney and Hayling direct shall be exempt from all tolls or dues.

Existing rates to cease.

7. When and so soon as the Council become entitled to demand and receive all or any portion of the dues or rates specified in the schedule to this Order all other tolls dues and rates leviable in respect of the harbour shall cease to be payable but without prejudice to the right of the Council to recover and receive all tolls dues and rates then already accrued due and payable.

Lifeboat crew to be exempt from dues.

8. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life 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 any pier quay or works of the Council without payment.

Certain fishing vessels under stress of weather &c. exempt from dues.

9. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour and also all yachts pleasure boats and open boats shall be exempt from rates leviable under this Order.

Board of Trade officers exempt from dues.

10. 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 from over along through and out of the harbour and any works of the Council by land and with their vessels and otherwise without payment.

Power to lease dues.

11. The Council may from time to time lease the dues authorised by this Order for any period not exceeding seven years from the date of the lease to take effect in possession at the best rent to be reasonably obtained without fine and on such other terms and conditions as they think fit and the lessee shall have and may exercise during the continuance of his lease the same power of levying and recovering dues and rates as the Council have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the same provisions as to accounts and otherwise to which the Council are made subject by this Order.

Power to borrow money.

12. The Council with the sanction of the Local Government Board may from time to time borrow and re-borrow on mortgage at interest on the security of the dues authorised by this Order such sums of money as they may from time to time think requisite for paying the costs charges and expenses of or incidental to preparing and obtaining this Order or for carrying into effect the purposes of this Order and may secure the money borrowed with interest thereon collaterally by mortgage of the general district fund and general district rate but in such a manner and so that the general district rate shall not be liable to make good in any year a deficiency exceeding the amount produced by a general district rate of twopence in the pound.

Provisions as to mortgages.

13. Sections two hundred and thirty-six two hundred and thirty-seven two hundred and thirty-eight and two hundred and thirty-nine of the Public Health Act 1875 shall extend and apply to all mortgages made under this Order and

the Local Government Board shall fix the period within which each loan is to be paid off.

Protection of lenders from inquiry.

14. A person lending money to the Council shall not be concerned 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 the money lent or any part thereof.

Mode of payment of money borrowed.

15. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of sinking funds or partly by such instalments and partly by sinking funds and in regard to any sinking funds formed under this Order the provisions of section fifteen of the Local Loans Act 1875 shall apply accordingly and such section is hereby incorporated with this Act but the Council shall not invest any of their sinking funds in their own securities.

Annual return to Local Government Board with respect to sinking fund.

16. The Clerk to the Council shall within twenty-one days after the expiration of each year during which any sum is required to be paid under this Order transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the money invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner If it appears to the Local Government Board by such return or otherwise that the Council have failed to pay any instalment or to set apart the sum required for the sinking fund under this Order 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 Local Government Board may by Order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such Order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual payments.

Power to re-borrow.

17. If the Council pay off any part of any money borrowed by them under the powers of this Order otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the prescribed period for the repayment of the moneys in lieu of which such re-borrowing shall have been made and that any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in

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lieu of which such re-borrowing shall have been made and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Application of money borrowed.

18. All moneys borrowed under this Order shall be applied by the Council only for the purposes for which the same are respectively by this Order authorised to be borrowed and to which capital is properly applicable.

Existing mortgages to have priority.

19. All mortgages granted by the Council prior to the passing of the Act confirming this Order and which shall then be in force shall during the continuance thereof and as to the rates and property comprised therein have priority over all mortgages to be granted under this Order.

Separate harbour account.

20. The Council shall keep a separate account to be called the "Harbour account" of all receipts payments credits and liabilities on capital and revenue accounts respectively in respect of the execution by them of so much of this Order as relates to the Harbour undertaking and such account shall be subject to the same provisions as to audit and otherwise as other accounts of the Council.

Application of tolls and income.

21. The Council shall apply all the tolls dues charges and other moneys received by them by way of revenue in respect of their Harbour undertaking for the purposes and in the order following and not otherwise (that is to say) :—

(1) In payment of the expenses properly chargeable to revenue of conducting managing and maintaining the Harbour and works connected therewith respectively ;

(2) In paying year by year the interest as it accrues due on money borrowed under this Order or otherwise forming a charge on the dues rates and other revenue under this Order ;

(3) In paying the instalments as they become due in respect of principal money borrowed under this Order or in providing in accordance with the terms of this Order a sinking fund for the discharge of such principal money ;

(4) In the general improvement of the Harbour.

Making up of deficiency in revenue from harbour undertaking.

22. In case the revenue of the Council from their Harbour undertaking shall in any year be insufficient for the purpose of defraying the costs charges and expenses of the Council with respect thereto under this Order the Council may include the amount of such insufficiency in their estimate for that or the following year and defray the same out of the general district rate but in such a manner and so that the general district rate shall not be liable in any year to contribute for the purposes of the Harbour a sum greater than the amount produced by a general district rate of twopence in the pound.

Powers to vary exemptions from dues and to enter into compositions.

23. The Council may from time to time confer vary or extinguish exemptions from and enter into compositions with any person or persons with respect to the payment of dues 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.

Council may provide dredgers engines &c.

24. The Council may from time to time purchase lease provide or hire such dredgers engines vessels 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 think fit or may sell and dispose of the same and the money thereby realised shall be applied for carrying into effect the purposes of this Order or some of them.

Council may provide and license steam tugs.

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

Charges for use of steam tugs &c.

26. The Council may from time to time fix such rates and charges as appear to the Council reasonable for or in respect of the use of any steam tugs hoppers barges or other power maintained used and let or licensed by the Council and such rates or charges shall be paid by the owner agent master consignee or other person having charge of the vessel obtaining assistance of such steam tug hopper barge or other power to the Council or to the person with whom the Council contract or to the owner of such steam tug hopper barge or other power if licensed by the Council as the case may be and such rates and charges shall be due and payable whether such steam tug hopper barge or other power shall be actually employed or not provided the assistance thereof shall have been required and shall in consequence of a requisition have been tendered by the Council or by the master or other person having command of such steam tug hopper barge or other power.

Power to make byelaws.

27. The Council may make byelaws to take effect within the limits of this Order for the regulation licensing and control of vessels and boats and also for the regulation licensing and control of persons embarking disembarking plying for hire frequenting or resorting to or employed within the limits of this Order and for regulating and fixing the fares to be charged by such licensed persons and may impose and recover a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaw but such byelaws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes Provided that the Council shall not under this Order make or enforce byelaws for any purpose for which they have power under the Public Health Acts to make byelaws.

Dues to be revised.

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

Incorporation of Lands Clauses Acts.

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

Part of Harbours Docks and

30. The following sections of the Harbours Docks and Piers Clauses Act 1847 that is to say sections six to eleven and sixteen to nineteen and twenty-five

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Piers Clauses Act 1847 excepted.

twenty-six thirty-seven thirty-eight thirty-nine forty forty-one forty-two and forty-five shall not be incorporated with this Order.

Annual account to be sent to Board of Trade.

31. The Council 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 at the end of the day on the Twenty-fifth day of March in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account If the Council 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.

As to lights.

32. The Council shall within six months from the date of the passing of the Act confirming this Order in such place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to lighting and the Council shall be liable to a penalty not exceeding ten pounds for every month during which after the expiration of such six months they omit so to apply for or observe any such directions.

Saving rights under Crown Lands Act 1866.

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

Saving rights of the Crown.

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

Saving rights of the City of Chichester.

35. Nothing in this Order contained shall extend or be construed to extend to prejudice or derogate from the rights interests privileges franchises or authorities of the mayor alderman and citizens of the City of Chichester in the county of Sussex or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of the Act confirming this Order the said mayor alderman and citizens do or may lawfully claim use or exercise.

Saving rights of lords of the manors of Warblington Hayling and West Thorney.

36. This Order shall not operate to take away or abridge such right title or interest (if any) as the trustees of the will of John Cornelius Park deceased or the lord or lords for the time being of the manors of Warblington Hayling and West Thorney may have in to or over any lands or foreshore bed soil sole and several fishery oyster grounds or rights within the harbour or any parts thereof Provided that nothing in this section contained shall be held to recognise or confirm any right title or claim of the said trustees or of the lord or lords for the time being of the said manors to any foreshore bed soil sole and several fishery oyster grounds or rights as aforesaid but the right and title to such foreshore bed soil sole and several fishery oyster grounds and rights shall remain in the same state as if this Order had not been made,

37. All costs charges and expenses of or incidental to the preparing and obtaining of this Order or otherwise incurred in relation to such preparation and obtaining of this Order the same to be taxed by the proper officer shall be paid by the Council at the discretion of the Council out of the tolls dues and charges authorised by this Order or out of the rate authorised by section 22 of this Order or out of a loan duly sanctioned for the purpose. Costs of Order.

38. This Order may be cited as the Emsworth Harbour Order 1896. Short title.

SCHEDULE to which the foregoing Order refers.

Tonnage Dues.

	s.	*d.*
1. For every steam vessel trading coastwise namely entering the port from any port or place in the United Kingdom or between Brest and the Elbe (including the Channel Islands) either in ballast or having merchandise or cargo on board the whole of which has been shipped at a port or place or ports or places in the United Kingdom or between Brest and the Elbe (including the Channel Islands) and not proceeding thence to a port out of the United Kingdom per register ton - - - - -	0	2
2. For all other steam vessels entering the port per register ton -	0	3
3. For every sailing vessel trading coastwise as above defined per register ton - - - - - - -	0	1
4. For all other sailing vessels entering the port per register ton -	0	1½
5. For every vessel frequenting the harbour on the registered tonnage for the year at the rate per ton of - - - -	0	10
6. If any steam vessel shall remain in the harbour more than two months continuously then for every month or part of a month during which the same shall so remain after the first two months a further sum not exceeding per register ton - - -	0	1
7. If any sailing vessel shall remain in the harbour more than two months continuously then for every month or part of a month during which the same shall so remain after the first two months a further sum not exceeding per register ton - - -	0	0½

In the case of steam vessels (other than steam tugs) the net register tonnage upon which the dues are to be levied shall in no case be less than forty per cent. of the gross register tonnage of such steam vessels.

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

8. For every ton of cargo of any description unloaded from or loaded into either steam vessel or sailing vessel except at a private quay	0	1

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OBAN.

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Order for the improvement maintenance and regulation of the South Pier or Quay at Oban in the County of Argyll and for vesting the same and also the North Pier at Oban in the Commissioners of the Burgh of Oban for the construction of new Works and for other purposes.

Order to be read with the Orders of 1862 and 1864.

1. This Order and the Oban Harbour Order 1862 confirmed by the Pier and Harbour Orders Confirmation Act 1862 and the Oban Pier and Harbour Order 1864 amended and confirmed by the Pier and Harbour Orders Confirmation Act 1864 shall so far as the said two last-mentioned Orders are not inconsistent with and are not varied by this Order be read and construed as one Order and the Oban Pier and Harbour Order 1864 so far as not inconsistent with or varied by this Order is herein-after in this Order referred to as "the Order of 1864" and the herein-before mentioned Orders and this Order may be cited together as the Oban Piers and Harbour Orders 1862 to 1896.

Undertakers.

2. The Commissioners of the burgh of Oban in the county of Argyll (in this Order called "the Commissioners") shall be the Undertakers for carrying this Order into execution and shall have and may exercise the powers privileges and authorities conferred by this Order and the Orders of 1862 and 1864.

Incorporation of Lands Clauses Acts.

3. 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.

4. 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.

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

Power to execute works.

6. 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.

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

(A) A pier or quay of open piling commencing at a point in the face of the existing boat-slip at the South Pier or Quay at Oban twenty yards or thereabouts from its north-west corner marked × on the deposited plans and extending in a south-easterly direction for a distance of twenty yards or

thereabouts thence in a south-easterly by southerly direction for a distance of twenty-eight yards or thereabouts and there terminating on the foreshore or bed of the sea;

(B) An addition to the height of the Port Beg boat-slip (solid work) commencing at a point in the said boat-slip about eighteen yards from its south end and extending in a north-easterly direction for a distance of seventeen yards or thereabouts and there terminating:

Which pier or quay and heightening and all necessary works in connection therewith will be situate within the burgh of Oban the united parish of Kilmore and Kilbride and the county of Argyll and on the foreshore and in the bed of the sea ex adverso of the said burgh united parish and county.

Powers to deviate.

8. 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.

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

Transfer of North Pier &c. to Commissioners.

10. John Stuart McCaig of Muckairn banker in Oban in the county of Argyll (in this section called "the seller") shall sell and transfer and the Commissioners shall purchase and take over the existing Oban Pier and Harbour commonly known as the North Pier and the roads accesses works and conveniences connected therewith and the other properties referred to and set forth in the Second Schedule to this Order (all herein-after in this Order referred to as the "North Pier") and that at the price of sixteen thousand five hundred pounds subject to the terms conditions and provisions following:—

(1) The sale and transfer shall comprise and include the subjects and others specifically set forth and described in the said Second Schedule;

(2) The said price of sixteen thousand five hundred pounds shall be payable by the Commissioners to the seller as at the term of Martinmas one thousand eight hundred and ninety-five which shall be the date of the Commissioners' entry to the several subjects so transferred and the said price shall bear interest at the rate of four per centum per annum from and after that term until the same shall be paid Provided always that the seller shall not be entitled to demand payment of the said price until the expiration of three months after the confirmation by Parliament of this Order containing the terms of transfer;

(3) On payment of the price the seller shall grant a duly stamped deed or deeds of conveyance in favour of the Commissioners in ordinary form and with a clause or clauses containing absolute warrandice as regards the subjects first second third and fifth described in the said Second Schedule and warrandice from fact and deed only as regards the subjects fourth therein described with such exceptions from warrandice as may have been agreed between the seller and the Commissioners and the seller shall

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deliver all such deeds and writings pertaining to the subjects transferred as have been agreed to be delivered to the Commissioners together with a search of incumbrances showing a clear record and the seller shall pay any casualty of superiority that may be at present due in respect of the subjects fifth described in the said Second Schedule;

(4) The burgh and county assessments and poor and school rates for the year to Whitsunday one thousand eight hundred and ninety-six shall be paid by the seller and by the Commissioners in equal portions;

(5) The seller shall free and relieve the Commissioners of all claims that may be made by any of the tenants of the several subjects transferred in respect of their tenancies prior and up to the term of Martinmas one thousand eight hundred and ninety-five under the seller in virtue of existing leases or otherwise and the Commissioners shall relieve the seller of any claim that may be made by the said tenants in respect of their tenancies after the said term under the Commissioners in virtue of existing leases or otherwise;

(6) Until the price is paid by the Commissioners the seller shall collect all the rents of the subjects sold and transferred and also the rates and duties leviable at the said pier from which rents rates and duties the seller shall be entitled to make such deductions in respect of feu duties assessments rates and taxes and other deductions as have been agreed between the seller and the Commissioners and for any necessary repairs authorised in writing by the Commissioners and the seller shall account for and hand over to the Commissioners at the settlement of the price the surplus of revenue over expenditure and shall guarantee them against any loss arising from such collectorship;

(7) The expense of the deeds of conveyance to be granted by the seller in favour of the Commissioners (including stamp duties and drawing and revising fees) including the expense of any agreement shall be paid equally by the seller and the Commissioners;

(8) The foresaid deed or deeds of conveyance may contain such usual and necessary clauses and such conditions and obligations as may have been agreed between the seller and the Commissioners for carrying out the said sale and transfer;

(9) On payment of the said price the aforesaid existing Oban Pier and Harbour commonly known as the North Pier and the works connected therewith and the roads accesses and conveniences thereof and the other properties and subjects conveyed and transferred as aforesaid and all right title and interest of the seller in and to the said several subjects and all rights functions jurisdictions and privileges pertaining to the ownership of the same shall subject to the provisions of this Order vest in the Commissioners.

Improvement and maintenance of piers and works &c.

11. Subject to the provisions of this Order the Commissioners may from time to time maintain alter and improve the existing South Pier or quay at Oban acquired by them from Robert Macfie of Airds and Oban and the works connected therewith or authorised in connection therewith by this Order (all which are in

this Order included in the expression "the South Pier") and may also from time to time maintain alter and improve the North Pier which pursuant to this Order is to be transferred to and vested in the Commissioners and the works connected therewith or authorised in connection therewith in this Order (all which are in this Order included in the expression "the North Pier") and in connection with the respective piers may construct erect maintain alter and improve any jetties landing places landing stages wharves waiting rooms sheds toll houses turnstiles gates embankments sewers drains watercourses roads and approaches and may lay down rails and tramways on or along the South Pier and on the public road along the shore leading from the South Pier to the railway pier and they may from time to time dredge and excavate rocks banks sand mud and shingle and deepen the beach or bed of the Bay of Oban at or near the South Pier and North Pier respectively or the approaches thereto and they may make and maintain buoys moorings lights beacons and other works and conveniences Provided that no line of tramway constructed under the powers of this Order shall be used for the public conveyance of passengers.

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 connection with the said North and South Piers respectively for the accommodation of vessels or boats 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 reclaim or otherwise interfere with the foreshore and cross stop up alter or divert temporarily 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

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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 at South Pier.

18. The limits of the harbour at the South Pier for the purposes of this Order within which the Commissioners shall have authority and within which the powers of the Commissioners and of the pier master of the Commissioners may be exercised and which shall be deemed the limits to which this Order and the power to levy rates and charges extend so far as regards the South Pier shall comprise and include the South Pier and the roads accesses and conveniences and other works connected therewith and also the area below high-water mark bounded as follows that is to say—

By a line commencing at the north end of the wall at the boundary of the Port Beg feu and immediately to the west of Port Beg boat slip and extending in a north-easterly direction for a distance of sixty-two yards or thereby and by a line commencing at a point on the sea-wall between the railway quay and the south quay and distant thirty-four yards or thereby from corner where boat slip and said sea-wall join and extending in a north-east by northerly direction for a distance of seventy-seven yards or thereby and by a line connecting the northern extremities of the above-described two imaginary lines.

Power to levy rates at South Pier.

19. 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 for the due construction of the works authorised by this Order in connection with the South Pier have been given the Commissioners may subject and according to the provisions of this Order demand recover and receive for the use of the South Pier in respect of all vessels boats goods animals fish and things in the First Schedule to this Order specified any sums not exceeding the several rates in that schedule mentioned.

Rates at South Pier may be levied though works not completed.

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

Old rates to cease at South Pier.

21. When and so soon as the Commissioners become entitled to demand or receive for the use of the South Pier all or any part of the rates specified in the said First Schedule to this Order and in any case after the expiration of five years

from the passing of the Act confirming this Order all other rates dues and charges leviable or payable in respect of the South Pier shall cease to be demanded or received without prejudice to the right to recover those previously due.

Limits of harbour at North Pier.

22. From and after the vesting in the Commissioners of the North Pier the limits of the harbour at the North Pier for the purposes of this Order and the Orders of 1862 and 1864 within which the Commissioners shall have authority and within which the powers of the Commissioners and of the Pier Master of the Commissioners (except the power to levy rates and charges provision for which is made in the next following section) may be exercised and which shall be deemed the limits to which this Order and the Orders of 1862 and 1864 extend so far as regards the North Pier shall comprise and include the North Pier and roads accesses and conveniences and other works connected therewith and the area below high-water mark bounded by an imaginary line commencing at the face of the sea wall at the point where the burn passes through the wall near the north end of Alexandra Road and extending in a south south-westerly direction for a distance of ninety-three yards or thereby where it meets a perpendicular forty yards or thereby long let fall from the face of the said sea wall at a point eighty-three yards or thereby south of the said burn then in a west-south-westerly direction for a distance of one hundred and fifty-four yards or thereby thence in a south-westerly direction for a distance of thirty-seven yards or thereby then in a south south-easterly direction for a distance of two hundred and twenty-three yards or thereby thence in a south-east by southerly direction for a distance of one hundred and forty-eight yards or thereby where it meets the sea wall at a point fifty yards or thereby from the east side of the road bridge over the Black Lynn.

Power to levy rates at North Pier.

23. From and after the passing of the Act confirming this Order and the vesting in the Commissioners of the North Pier the Commissioners may for the use of the North Pier and the harbour connected therewith bounded as follows that is to say :—

By a line commencing at a point in the face of the sea-wall at the north end where the Burn passes through the said sea-wall and proceeding thence along the sea-wall of Alexandra Road in a southerly direction for a distance of five hundred feet or thereby thence following a curve in a south-westerly direction for a distance of three hundred and sixty-nine feet or thereby seawards along the north-western wall of the said North Pier thence in a south-easterly direction for a distance of two hundred and fifty-six feet or thereby forming the front of the said pier to the south-west corner of the slip thence in a north-easterly direction along the slope face of the said slip shorewards for a distance of sixty-five feet or thereby thence along the wall of the said pier in the same direction for a distance of sixty-nine feet or thereby thence along the said wall in an east by north-easterly direction for a distance of one hundred and sixty-seven feet or thereby thence in a curved line to the south-east for a distance of eighty-seven feet or thereby thence along the slope of the slip in front of George Street to its extremity for a distance of sixty-one feet or thereby and thence along the front of the said slip for a distance of sixteen feet or thereby

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where it meets the sea-wall on the west side of the said street extending in all to one thousand five hundred and ninety feet or thereby—

demand recover and receive in respect of all vessels boats goods animals fish and things in the schedule to the Order of 1864 any sums not exceeding the several rates and charges in that schedule mentioned but in accordance with section 4 of the Pier and Harbour Orders Confirmation Act 1864 no rates shall be demanded or received in respect of persons whether being passengers or not Provided always that notwithstanding anything in the Order of 1864 as confirmed by the Pier and Harbour Orders Confirmation Act 1864 every steam vessel making in any one year from January to December inclusive fifty or more calls at the North Pier shall pay a rate not exceeding one penny per ton register.

Rates for use of warehouses.

24. 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 connection with the South Pier and the North Pier or either of them for the use of which rates are not specifically fixed in the said First Schedule to this Order or the Order of 1864.

Pier master may prevent sailing of vessels.

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

Revision of rates.

26. 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 Order of 1864 and this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of those Orders and if at any time and from time to time the clear annual income received by them under those Orders on the average of the then three last preceding years after payment of all expenses and outgoings shall exceed the amount sufficient to answer the purposes of those Orders the Board of Trade may if in their discretion they think fit reduce such rates and charges to such sums as will be sufficient to provide the amount aforesaid with power to the Board of Trade at any time from time to time to raise them again to not exceeding the sums authorised by those Orders.

Power to enter into compositions.

27. 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 authorised to be taken by this Order and the Order of 1864 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.

Power to lease &c.

28. The Commissioners may from time to time lease the tolls rates and charges authorised to be taken by them under this Order and the Order of 1864 for any period not exceeding seven years from the date of the lease on such terms and conditions and for such rent or consideration as they may think fit and the lessee shall have and may exercise the same powers of levying and recovering rates and charges as the Commissioners have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order or the Order

of 1864 and shall be subject to all provisions as to accounts and the keeping and furnishing of the same and otherwise to which the Commissioners are made subject by this Order The Commissioners may also with the consent in writing of the Board of Trade first obtained after public notice and inquiry sell the properties first and fifth described in the Second Schedule to this Order and in the event of any such sale being made the Commissioners shall apply all moneys arising therefrom only to purposes to which capital is properly applicable.

Saving of sections of Act of 1878.

29. Nothing herein contained shall prejudice or in any way affect sections 40 41 and 42 of the Callander and Oban Railway Act 1878 with respect to any of the matters referred to in the said sections.

Annual account to be sent to Board of Trade. 25 Vict. c. 19.

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

Piers &c. to be part of burgh property.

31. The South Pier and also the North Pier when the same is vested in the Commissioners and all lands and property and conveniences connected therewith respectively and all the rights privileges powers functions and authorities of and pertaining thereto and to the ownership thereof respectively shall subject to the provisions of this Order be held by the Commissioners as part of the burgh property and all expenses of or incidental to the same and all charges on the Harbour income (including the annual feu-duties payable in respect of the said South Pier and North Pier and any casualties of superiority periodically payable in respect of any part of the same) which that income may be insufficient to defray shall be discharged out of the rates and assessments or some part or parts of the same as the Commissioners may think fit levied by the Commissioners within the Burgh of Oban or which they are authorised to levy therein as though they were expenses properly incurred by the Commissioners under the Burgh Police (Scotland) Act 1892 or under any Act in force within the burgh for the time.

Certain fishing vessels under stress of weather exempt from rates.

32. 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 coast of the United Kingdom shall when forced by stress of weather to make use of the said piers and works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of certain officers from rates.

33. The Secretary for Scotland or any person or persons deputed by him and officers of the Board of Trade and officers 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 said piers and works by land and with their vessels and otherwise without payment.

Exemption of lifeboat crews.

34. 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

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at all times have free ingress passage and egress to or along and from the said piers and works without payment.

Apparatus for saving life may be attached to piers.

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

Power to borrow money.

36. The Commissioners may from time to time borrow and re-borrow on mortgage bond or otherwise at interest or by the creation and issue of stock under the Local Authorities Loans (Scotland) Acts 1891 and 1893 such money as may be required for the construction of the works authorised by this Order and for the purchase of the North Pier and other lands houses buildings and other property and for the other purposes of this Order and the Order of 1864 not exceeding in the whole the sum of twenty-one thousand pounds and may in security of the money so borrowed and interest thereon make and grant mortgages bonds or other securities of the rates and charges authorised by this Order and the Order of 1864 and the other Harbour revenue of the Commissioners and on the rates and assessments leviable within the Burgh of Oban by the Commissioners under the Burgh Police (Scotland) Act 1892 and Acts amending the same so far as in force within the burgh and any money so to be borrowed may be borrowed on terms of repayment thereof by way of instalments 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 twenty-one thousand pounds on a cash account to be opened and kept in name of the Commissioners according to the usage of bankers in Scotland and may assign the rates and charges and rates and assessments hereinbefore mentioned or any part of the same in security for the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon and any money borrowed under the provisions of this Order which shall be discharged otherwise than by means of the sinking fund or instalments may be re-borrowed from time to time if required for the purposes of this Order and the Order of 1864 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 and the Order of 1864 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.

37. The Commissioners shall in the event of their borrowing otherwise than by way of repayment by instalments appropriate and set apart in every year out of the rates charges and revenues authorised by this Order and the Order of 1864 and in the event of the same being insufficient at any time then out of the

rates and assessments leviable by the Commissioners within the Burgh of Oban under the 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 after the same are respectively borrowed.

Application of money borrowed.

38. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order and the Order of 1864 to which capital is properly applicable and not otherwise.

For appointment of a judicial factor.

39.—(1) 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.

(2) 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 two thousand pounds in the whole.

(3) 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.

(4) From and after the date of the passing of the Act confirming this Order all other powers and provisions with reference to the appointment of a judicial factor or his powers shall cease to have any effect but without prejudice to any appointment or other act made or done before that date.

Contingency fund.

40. The Commissioners may yearly if they think fit for the purpose of forming and maintaining a contingency fund not exceeding the sum of five thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the pier and harbour undertakings of the Commissioners or any part thereof set apart such an amount as they think fit out of the surplus revenue of the pier and harbour undertakings (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 th um 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 North and South Piers The Commissioners may out of such contingency fund pay any casualties of superiority due from time to time and may also pay the amount of the sum necessary to redeem any feu duties and casualties payable from any part of the harbour undertakings.

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

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

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

Notice of borrowing to be sent to Secretary for Scotland.

42. 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 to the Secretary for Scotland notice in writing 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.

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

Application of rates and income.

44. The Commissioners shall apply all the rates and charges received under this Order and the Order of 1864 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 said South Pier and North Pier and buildings and conveniences connected therewith respectively and the management and regulation of the same and in defraying the other expenses of the Commissioners properly incurred in relation to the undertakings authorised by this Order including the feu duties payable from any part of the undertakings of the Commissioners and casualties of superiority and the cost of borrowing money ;

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

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

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

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

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

(8) In the general improvement of the South Pier and North Pier;

(9) In redeeming any feu-duties and casualties payable from any part of the works and undertakings of the Commissioners.

Separate accounts to be kept.

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

Byelaws.

46. The Commissioners may make byelaws for the regulation and control of vessels and boats within the limits of this Order and for the regulation and control of persons and goods and traffic on and at the South Pier and North Pier but such bye-laws shall not come into operation until the same have received the allowance and confirmation of the Board of Trade which shall be sufficient for all purposes.

Part of Harbours Clauses Act 1847 excepted.

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

Partial incorporation of Harbours and Passing Tolls Act.

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

Commissioners to be local authority.

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

Appointment of pier master meters and weighers.

50. The Commissioners shall have the appointment of a pier master or pier masters meters and weighers within the limits of this Order.

Life-buoy to be kept.

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

Vessels not to anchor within certain limits.

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

Vessels not to moor alongside piers without consent.

53. No vessel or boat except steamboats or pleasure boats embarking or disembarking passengers and their luggage shall be moored alongside the South Pier or North Pier without the consent of the Commissioners or their pier master or pier masters.

Restriction on use of piers.

54. Nothing in this Order shall entitle any person with any vessel or boat to ship or unship at the said South Pier or North Pier without the consent of the Commissioners or their pier master or pier masters any sheep cattle or

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merchandise or to ship or unship anything which in the judgment of the Commissioners might in any manner interfere with the use of the piers for the embarking or landing of passengers.

Piers to be deemed within the burgh of Oban.

55. The South Pier and North Pier shall in respect of all matters crimes or offences arising or committed thereon or within the limits of this Order requiring the cognizance of any magistrate or justice of the peace be deemed and taken to be within or as forming part of the burgh of Oban.

As to lights during the construction of works.

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

As to lights after completion of works.

57. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Commissioners shall at the outer extremity of the South 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.

Provision against danger to navigation.

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

Powers to cease in certain events.

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

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

Saving rights of Crown under Crown Lands Act.

61. 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.

Costs of Order.

62. 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 this Order or the Order of 1864 or out of the burgh rates and assessments.

Short title.

63. This Order may be cited as the Oban Piers Order 1896.

SCHEDULES to which the foregoing Order refers.

THE FIRST SCHEDULE.

Applicable to the South Pier.

I. Rates on Animals Goods Minerals and Articles shipped unshipped transhipped received or delivered at the South Pier.

		s.	*d.*
Ale beer or porter	per 54 gallons	0	6
Animals (see cattle dogs fowls geese hares horses lambs pigs sheep).			
Asphalte	per ton	0	6
Bark in bulk or bag	per ton	0	10
Ballast	per ton	0	1
Beef fresh or salt	per cwt.	0	2
Biscuit and bread	per cwt.	0	2
Bones	per ton	0	6
Books and stationery	per cwt.	0	4
Bone dust	per ton	0	8
Bottles	per gross	0	2
Boxes full	per 5 cubic feet	0	4
Bricks	per thousand	0	8
Butter	per cwt.	0	2
Carriages with four wheels	each	0	3
Carriages with two wheels	each	0	6

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	s.	*d.*
Cattle - - - - - - - - each	0	2
Casks empty not being returned - - - - - each	0	3
Cement - - - - - - per cwt.	0	1
Cheese - - - - - - per cwt.	0	4
Chimney cans - - - - - - each	0	2
Clay - - - - - per ton	0	6
Cloth haberdashery - - - - per 2½ cwt.	0	2
Clover seed - - - - - - per quarter	0	2
Coach or cart wheels - - - - - - per pair	0	2
Coals - - - - - - per ton	0	3
Copper and brass - - - - - - per ton	1	4
Corks - - - - - - per 2½ cwt.	0	2
Corn - - - - - - - per quarter	0	2
Cordage - - - - - - - per cwt.	0	3
Crystal and crockery - - - - - per 2½ cwt.	0	2
Dogs - - - - - each	0	2
Drugs - - - - - - per 2½ cwt.	0	2
Dissolved bones - - - - - per ton	0	8
Earthenware - - - - per 2½ cwt.	0	2
Eggs - - - - - - - per 2½ cwt.	0	2
Felt - - - - - per cwt.	0	1
Fish (fresh salted or dried) - - - - - per cwt.	0	1
Fish landed from boats and not forwarded by railway - - -	Free.	
Flax - - - - - per cwt.	0	1
Flour - - - - - - - per 196 lbs.	0	2
Fowls and ducks (live) - - - - - per dozen	0	2
Freestone - - - - - per ton	0	2
Fruit - - - - - - - per cwt.	0	1
Gates - - - - - - - each	0	1
Geese and turkeys (live) - - - - each	0	1
Glass - - - - - - - per 2½ cwt.	0	3
Grain - - - - - - - per quarter	0	2
Grates or stoves - - - - - - each	0	2
Gravel - - - - - - per ton	0	1
Grease and greaves - - - - - per cwt.	0	1
Groceries - - - - - - per cwt.	0	3
Guano and artificial manures - - - per ton	0	8
Gunpowder - - - - - - per cwt.	0	1
Hardware - - - - - per 2½ cwt.	0	3
Hares and rabbits - - - per dozen or any less quantity	0	2
Hay - - - - - - - - per ton	0	6
Hemp and cotton unwrought - - - - per ton	1	4
Hides - - - - - - - each	0	0½
Household furniture - - - - per 2½ cwt.	0	2
Hurdles - - - - - - each	0	1
Herrings (cured) - - - - per 26⅔ gallons	0	2
„ (fresh) - - - - - per 37½ gallons	0	2
Horses asses and mules - - - - each	0	2

		s.	d.
Husbandry utensils	per ton	1	4
Iron all kinds	per ton	1	0
Kelp	per ton	0	8
Lambs	per score	0	3
Lathwood	per 216 cubic feet	3	0
Lead of all kinds zinc	per ton	1	4
Leather	per cwt.	0	1
Lime	per cwt.	0	1
Limestone	per ton	0	3
Machinery	per ton	1	4
Malt	per quarter	0	4
Manure	per ton	0	2
Masts and spars	each	1	6
Meal	per 280 lbs.	0	2
Meat	per cwt.	0	2
Milk	per gallon	0	0½
Millstones	each	0	6
Oakum	per cwt.	0	1
Oil	per 10 gallons	0	4
Oil cake	per ton	0	8
Oysters	per bushel	0	2
Passengers' luggage not exceeding 2½ cwt.		Free.	
Passengers' luggage all above 2½ cwt.	per cwt.	0	1
Pease or beans	per quarter	0	2
Peats	per ton	0	4
Pigs	each	0	0½
Ploughs (see husbandry utensils).			
Potatoes	per ton	0	6
Rape cake	per ton	0	8
Rags	per cwt.	0	1
Ropes	per cwt.	0	3
Rye grass seeds	per quarter	0	2
Salt	per cwt.	0	0½
Sand	per ton	0	3
Seaware or wreck	per ton	0	1
Seeds not enumerated	per cwt.	0	1
Sheep	per score	0	6
Skins dried	per dozen	0	4
Slates undersize	per thousand	0	6
„ sizeable	per thousand	0	8
„ oversize	per thousand	1	0
Soda water or lemonade	per gross	0	6
Spirits	per 56 gallons	0	8
Spokes and naves for wheels	per 120	0	4
Steel	per ton	1	4
Stones	per ton	0	2
„ pavement	per ton	0	4
Straw	per ton	0	4

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	s.	*d.*
Stucco - - - - - - per ton	0	6
Sugar - - - - - - per ton	0	6
Tallow - - - - - - per ton	1	4
Tar pitch or rosin - - - - - - per 2½ cwt.	0	2
Tea - - - - - - per cwt.	0	6
Tiles or pipes - - - - - - per 1000	0	8
Turpentine - - - - - - per 54 gallons	0	8
Timber unwrought of all kinds - - - per 50 cubic feet	0	8
Tin of all kinds - - - - - - per ton	1	4
Turnips - - - - - - per ton	0	6
Tobacco - - - - - - per ton	2	6
Vitriol in carboys - - - - - - per gallon	0	0½
Whisky - - - - - - per 56 gallons	0	8
Wine in cask - - - - - - per 63 gallons	1	0
Wine in bottle - - - - - - per dozen	0	1
Wool - - - - - - per stone	0	1
Yarn - - - - - - per cwt.	0	1
All other articles not enumerated to pay at landing shipping or transhipping as follows :—		
If by measurement - - - - per 5 cubic feet	0	2
If by weight - - - - - - per ton	1	4

Articles which can be measured to pay per cubic foot all others by weight.

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

II. Rates of Vessels.

Every steam vessel plying regularly to and from the South Pier or quay or the works authorised by this Order or the Harbour Limits per register ton one penny.

Every vessel (other than a steam vessel plying regularly as aforesaid or an open or undecked vessel) using the South Pier or quay or the works authorised by this Order or loading or unloading or transhipping goods or passengers thereat or within the Harbour Limits per register ton twopence.

Every open or undecked vessel one shilling each time of using the quay or loading or unloading or transhipping goods or passengers thereat or within the Harbour Limits.

Fishing boats engaged in fishing only free.

III. Rates for the use of Quays Sheds Warehouses Cranes and Weighing Machines.

1. *Quays sheds &c.*

For each ton of goods which shall remain on the said existing South Pier or quay and the pier and other works authorised to be constructed by this Order and the roads accesses and conveniences connected therewith or in any shed or warehouse for a longer time than forty-eight hours the sum of fourpence and the sum of twopence per ton for each complete twenty-four hours during which such goods shall remain after the first forty-eight hours.

2. *Rates on cranage.*

	s.	d.
All goods or packages per ton - - - - - -	0	3

3. *Weighing Machines.*

For goods weighed for each ton or part of a ton - - -	0	1

THE SECOND SCHEDULE.

First—All and whole that piece of ground part of the lands of Oban sometime belonging to George Grant Mackay Esquire of Raasay and Oban lying within the burgh of Oban and county of Argyll bounded as follows videlicet On the east by Charles Street along which it extends seventy feet or thereby on the south by ground feued to Mrs. Claude Russell and on the west and north by the pier of Oban together with the building known as the Columba Hotel and all other buildings and erections on the said piece of ground Second—All and singular the right title and interest belonging to the said John Stuart McCaig and which formerly belonged to Her Majesty of in to and over that portion or space of foreshore or shore ground ex adverso of the town of Oban and containing one acre and twenty poles or thereby lying in the united parishes of Kilmore and Kilbride and county of Argyll as the same is delineated and coloured red on a plan thereof annexed and subscribed as relative to a Disposition granted by the Honourable James Kenneth Howard one of the Commissioners of Her Majesty's Woods Forests and Land Revenues in favour of the Right Honourable Fox Earl of Dalhousie and others as trustees of the deceased John second Marquis of Breadalbane dated the fifteenth day of December eighteen hundred and sixty-four and recorded with warrant of registration thereon in the General Register of Sasines on the eighth day of January eighteen hundred and sixty-six together with the whole buildings and erections on the said portion of foreshore or shore ground and the whole parts and pertinents of the same but with and under the conditions and restrictions therein written Third—All and whole the North Pier and Harbour of Oban with the whole buildings sheds offices and others on the said pier and the whole parts and pertinents of the said subjects all as presently belonging to and possessed by the said John Stuart McCaig together with the rates and duties leviable at the same and generally all the rights powers and authority competent to the said John Stuart McCaig at said Pier and Harbour of Oban under and in virtue of Acts of Parliament of the twenty-fifth and twenty-sixth Victoria caput fifty-one entituled the Pier and Harbour Orders Confirmation Act 1862 and twenty-seventh and twenty-eighth Victoria caput ninety-three entituled the Pier and Harbour Orders Confirmation Act 1864 Fourth—All and whole that portion or space of foreshore or shore ground adjacent to the portion or space of foreshore or shore ground second above described containing two roods twenty poles or thereby and lying in the said united parishes and county together with the whole buildings and erections on the said portion or space of foreshore or shore ground and parts and pertinents of the said portion of foreshore and which portion or space had been filled up and made more than twenty years ago and is within the limits of deviation authorised in the Oban Pier and Harbour Order eighteen hundred and sixty-four together with all right title and interest of the said John Stuart

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McCaig in and to the said several subjects and all rights functions jurisdictions and privileges pertaining to the ownership of the same and Fifth—All and whole that piece of ground and seashore on the north side of the pier at Oban measuring eighty-eight feet in length by sixty-one feet in breadth containing five thousand three hundred and sixty-eight square feet or thereby and bounded as follows videlicet On the south by the pier on the north by Charles Street on the west by the sea and piece of ground enclosed by Alexander Campbell and on the east by the piece of vacant ground in front of Stafford Street all lying in the United Parishes of Kilmore and Kilbride and Shire of Argyll together with the whole buildings and erections on the said piece of ground and seashore and the said John Stuart McCaig's whole right title and interest present and future therein But excepting from the subjects First and Fifth above described all and whole that piece of ground situate in the burgh of Oban and county of Argyll bounded as follows videlicet On the north by a road to the North Pier of Oban along which it extends twenty feet six inches on the east partly by Charles Street and partly by Stafford Street along which eastern boundary it extends one hundred and twenty-four feet ten inches on the south by the said North Pier of Oban along which it extends to twenty-one feet six inches and on the west partly by the Columba Hotel and partly by a piece of ground which forms part of the piece of ground fifth above described along which western boundary it extends one hundred and twenty-seven feet ten inches disponed by the said John Stuart McCaig to Martin Brydon Lawrence solicitor in Oban as clerk to and for behoof of the commissioners of police of the burgh of Oban conform to disposition granted by the said John Stuart McCaig in favour of the said Martin Brydon Lawrence dated twenty-first and recorded in the division of the General Register of Sasines applicable to the county of Argyll the twenty-eighth both days of May eighteen hundred and eighty-nine But the said several subjects are agreed to be sold and are to be accepted always with and under in so far as regards the subjects first second and third above described the burdens provisions conditions and restrictions specified and contained in a feu charter granted by the said George Grant Mackay in favour of the said John Stuart McCaig dated the ninth and recorded in the said division of the General Register of Sasines the seventeenth both days of September eighteen hundred and seventy-four and in so far as regards the subjects fifth above described the provisions and declarations specified and contained in a feu charter granted by Claude Russell accountant in Edinburgh as trustee for Charles Campbell of Combie in favour of James Moore solicitor before the Supreme Courts Edinburgh dated twenty-seventh February eighteen hundred and thirty-seven.

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