



CHAPTER lii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Cellardyke Helmsdale Leitir Mhor Macduff and Porthgain. [2nd July 1901.]

A.D. 1901.

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 King'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:—

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.

Orders in
schedule
confirmed.

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 1897 as the case may be ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers If

Special
provisions as
to houses of
labouring
class.

60 & 61 Vict.
c. 38.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901. any undertakers acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court or by the Secretary for Scotland by action in the Court of Session as the case may be and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

For the purposes of this section the expression "labouring class" means 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 and the expression "house" means any house or part of a house occupied as a separate dwelling.

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act 1901.

THE SCHEDULE OF ORDERS.

1. CELLARDYKE.—Improvement of harbour.
 2. HELMSDALE.—Transfer of harbour.
 3. LEITIR MHOR.—Construction of pier.
 4. MACDUFF.—Extension of time for commencement of works and alteration of security for borrowing.
 5. PORTHGAIN.—Improvement of harbour.
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SCHEDULE:

A.D. 1901.

CELLARDYKE HARBOUR.

Provisional Order for authorising the construction of new works at the Harbour of Cellardyke situate in the Burgh and Parish of Kilrenny and County of Fife and the levying of rates in respect of the Harbour and for making provision for the maintenance and regulation of the Harbour and other purposes connected therewith. Cellardyke.

Preliminary.

- 1.—(1) This Order may be cited as the Cellardyke Harbour Order 1901. Short title commencement and interpretation.
- (2) This Order shall come into force upon the day when the Act confirming this Order is passed and that day is in this Act referred to as the commencement of this Order.
- (3) In this Order unless the context otherwise requires—
- The expression “the Town Council” means the Provost Magistrates and Town Council for the time being of the Royal Burgh of Kilrenny in the county of Fife ;
- The expression “the existing harbour” means the Harbour of Cellardyke as existing at the commencement of this Order and the quays piers works roads and conveniences connected therewith ;
- The expression “the harbour” includes the existing harbour and the works authorised by this Order ;
- The expressions “the deposited plan” and “the deposited sections” mean respectively the plan and sections deposited with reference to this Order with the Board of Trade.
2. This Order shall be carried into execution by the Town Council and that Council shall be the Undertakers for the purposes of this Order. Undertakers.

Limits Works and Management.

3. The limits within which the Town Council 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 shall comprise the harbour and the beaching ground and also the area below the line of high water mark within two hundred yards from any part of either the west or the south pier of the harbour. Limits of harbour.
4. Subject to the provisions of this Order and subject also to such alterations if any in the deposited plan and sections as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Town Council may in the lines and situation and according to the levels shown on the deposited plan and sections and within the limits Construction of works.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901. of deviation shown on that plan or specified in this Order make and
Cellardyke. maintain the works authorised by this Order with all necessary works
accesses and conveniences connected therewith.

Description
of works.

5. The works authorised by this Order comprise—

- (1) A prolongation of the west pier as existing at the commencement of this Order (marked "Pier No. 1" on the deposited plan) extending for a distance of sixteen yards or thereby in a south-easterly direction :
- (2) The rebuilding of the south-westerly portion of the south pier as existing at the commencement of this Order (marked "Pier No. 2" on the deposited plan) commencing at a point on that pier seventy-four yards or thereby measured from the south-east corner of the existing harbour together with a prolongation of the said pier extending for a distance of sixty-nine yards or thereby in a south-westerly direction from the said point of commencement :
- (3) The excavation and removal from the harbour of all the debris and remains of the south-westerly portion of the said existing south pier.

Works (1) and (2) will be constructed solid throughout.

The said works will be situate within the Royal Burgh and Parish of Kilrenny and County of Fife and on the foreshore or in the bed of the sea adjacent thereto.

Powers of
deviation.

6. The Town Council in constructing the works authorised by this Order may with the consent of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and vertically to any extent not exceeding ten feet.

Penalty for
obstructing
works.

7. If any person wilfully obstructs any person acting under the authority of the Town Council in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Powers to
cease in certain
events.

8.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is 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 those works or otherwise in relation thereto shall cease except as to so much of those works as are then completed unless those 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 commencement of 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

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
 (No. 1) Act, 1901.

shall for the purposes of this Order be conclusive evidence of the facts stated in that certificate. A.D. 1901.
Cellardyke.

9. The Board of Trade may at any 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 or over or affecting any tidal water or of the intended site of any of those works and the Town Council shall defray all the costs of any such survey and examination and the amount of those costs may be recovered as a debt due to the Crown. Local survey to be ordered by Board of Trade.

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

11. --(1) The Town Council may in connection with the works authorised by this Order construct and maintain all necessary breakwaters booms shipping-places landing-places wharves fishcuring stations sheds custom-houses slipways jetties dolphins floats stages staiths drops cranes railways sidings tramways and other works machinery and conveniences for the efficient working and use of the harbour. Power to construct subsidiary works.

(2) A railway tramway or siding constructed under this Order shall not be used for the public conveyance of passengers until it has been inspected and certified by the Board of Trade to be fit for that use.

12. The Town Council may construct and maintain or take on feu or lease all houses warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or desirable in connection with the harbour for the accommodation of vessels and traffic landed at or embarked from the harbour. Power to construct warehouses &c.

13. The Town Council may for the purposes of the works authorised by this Order 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 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 any of the purposes of this Order to which capital is properly applicable. Power to Town Council to purchase or hire dredgers and apparatus.

14. Subject to the provisions of this Order the Town Council may maintain and with the consent of the Board of Trade alter and improve the harbour and in connection with the works authorised by this Order may within the limits to which this Order extends dredge scour deepen alter and improve the entrance channels and waterways of the harbour. Maintenance of harbour.

15. Within the limits to which this Order extends the Town Council shall be a pilotage authority within the meaning of the Merchant Shipping Act 1894. Town council to be pilotage authority. 57 & 58 Vict. c. 69.

16. The Town Council shall have the appointment of meters and weighers within the limits to which this Order extends. Meters and weighers.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

Cellardyke.
Vessels not to anchor within certain limits.
Byelaws.

17. A vessel or boat shall not anchor within the limits to which this Order extends without the consent of the Town Council or their harbour master.

18.—(1) The Town Council may make byelaws for regulating within the limits to which this Order extends vessels boats goods and traffic and the conduct of fishermen salesmen and other persons.

(2) The byelaws may provide for imposing a penalty not exceeding forty shillings in the event of the breach or non-observance of any of the byelaws.

(3) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

19. 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) shall be incorporated with this Order.

Power to take lands by agreement for extraordinary purposes.

20.—(1) For the purpose of providing additional beaching ground for boats and for extraordinary purposes the Town Council may by agreement enter upon and take for a freehold feuhold leasehold or other interest and use any lands not exceeding in the whole five acres.

(2.) This section or anything contained therein shall not exempt the Town Council from any proceedings for nuisance caused or permitted by them on lands taken by them under the powers conferred by this Order.

Owners may grant servitudes &c.

21. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Town Council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands feu-duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Rates.

Power to levy rates.
10 & 11 Vict.
c. 27.

22. When in addition to the certificate granted 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 Town Council may subject and according to the provisions of this Order demand receive and recover for the use of the harbour and in respect of the persons vessels goods matters and things mentioned in the Schedule to this Order any sums not exceeding the rates specified in that Schedule.

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

23. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Town Council that the works authorised by this Order have been so far completed as to afford increased accommodation thereat the Town Council 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 in respect of the harbour such of the rates or such proportion of all or any of the rates specified in the Schedule to this Order as are in the opinion of the Board of Trade commensurate with the increased accommodation afforded.

A.D 1901.

Cellardyke.
Rates may be levied although works not completed.

24.—(1) The Town Council may (so far as the rates specified in the Schedule to this Order do not extend) demand and receive such rates or other consideration as they think reasonable for the use of any warehouses buildings works and conveniences belonging to or provided by the Town Council or in respect of any services rendered by them in connection with the harbour.

Rates for use of warehouses &c. and additional beaching ground.

(2) If the Town Council acquire under the powers of this Order any additional beaching ground they may with the consent of the Board of Trade demand and receive for the use of it such rates as the Town Council think reasonable.

25. The Town Council may confer vary or extinguish exemptions from and enter into compositions with any persons with respect to the payment of any rates or charges 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.

Power to vary exemptions and compound.

26. The Town Council may lease the rates and other charges authorised by this Order for any period not exceeding seven years on such terms and conditions as they think fit and on any such lease the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and charges as the Town Council have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the provisions as to accounts and otherwise to which the Town Council are made subject under this Order.

Power to lease rates.

27.—(1) The rates to be received by the Town Council for the time being under this Order shall be adjusted by the Town Council within the maximum rates specified in the Schedule to this Order in such a manner that so far as possible the income of the Harbour shall be sufficient and not more than sufficient for the purposes of this Order.

Adjustment of rates.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that 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 exceeds the amount sufficient for the purposes of this Order the Board may if they think fit reduce the maximum rates to such sums as will be sufficient to provide the

[Ch. iii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901. amount aforesaid and may at any time raise these maximum rates again
Cellardyke. so that they do not exceed the sums specified in the Schedule to this Order.

Provisions as
to collection
of rates on
white fish and
fresh herrings.

28.—(1) The Town Council may levy demand recover and receive the rates for white fish and for fresh herrings direct from the sea transhipped or unshipped within the harbour (without prejudice to their rights to levy demand recover and receive the rates from any other person) either from the fish salesmen or auctioneers who dispose of the fish or from the persons purchasing or receiving delivery of the fish from any vessel.

(2) Any such fish salesman auctioneer purchaser or receiver respectively shall be entitled to deduct the amount of the rates from the price at which the fish were sold or purchased but shall when required furnish the Town Council or their collector of rates with an account under their hands of the quantity of the fish and verify the account by the production of their books accounts or other documents to the Town Council or to their collector of rates.

(3) If any such fish salesman auctioneer purchaser or receiver when so required refuses or fails to give and verify an account under this section or gives or subscribes a false account he shall for each offence be liable to a penalty not exceeding ten pounds.

Master or
owner to report
take of fish.

29.—(1) The master or owner of every vessel with a take or cargo of fish shall on the arrival of the vessel in the harbour forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of any person obtaining delivery thereof.

(2) If the master or owner of a vessel fails to comply with this section he shall be liable for each offence to a penalty not exceeding ten pounds.

Harbour master
may prevent
sailing of
vessels.

30. The harbour master may prevent the removal or sailing out of the harbour of any vessel in respect of which or the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector of rates and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in a statement of his take or cargo of fish in accordance with this Order.

Certain fishing
vessels under
stress of
weather exempt
from rates.

31. 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 harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of
lifeboat
crews &c.

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

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

A.D. 1901.

Finance.

Cellardyke.

33.—(1) The Town Council may borrow and re-borrow at interest on the security of the rates and charges authorised by this Order and the other revenues of the harbour such money as may be required for the purposes of this Order not exceeding in the whole the sum of three thousand pounds.

Power to
borrow money.

(2) Any money so borrowed may be raised by means of mortgage bond or otherwise and the Town Council may if they think fit for the purpose of raising the money which may be so borrowed accept and take from any bank or banking company credit to such amount as they think expedient not exceeding in the whole taken together with any sums borrowed and remaining unpaid the sum of three thousand pounds on a cash account to be opened and kept in name of the Town Council according to the usage of bankers in Scotland.

(3) Provision shall be made for the discharge of any money borrowed under this Order within such period not exceeding fifty years as the Town Council fix either by means of the establishment of a sinking fund to be invested or applied as nearly as may be in manner provided by section 374 of the Burgh Police (Scotland) Act 1892 as to the fund mentioned in that section or with the consent of the lender by means of the repayment in each year of equal annual instalments of capital and such sum shall be set apart out of the revenues of the harbour in each year and paid either to the sinking fund or as an annual instalment as the case may be as will be sufficient to make the required provision.

(4) 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.

(5) The provisions of sections 375 to 379 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 Town Council of the money which they are by this Order authorised to borrow and the mortgages or bonds to be granted by the Town Council for the purposes of this Order shall refer to the title of this Order.

(6) Any money borrowed under this Order shall be applied by the Town Council only for the purposes for which the money is authorised to be borrowed and to which capital is properly applicable.

34.—(1) The mortgagees of the Town Council in respect of money borrowed under this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

For appoint-
ment 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

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901. application for a judicial factor is made shall not be less than three hundred pounds in the whole.

Cellardyke.

(3) Sections 56 and 57 of the Companies Clauses Consolidation (Scotland) Act 1845 shall be incorporated with this Order and in these sections as so incorporated the expression "the Company" shall mean the Town Council.

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

35.—(1) The Clerk to the Town Council shall within two months after the expiration of each year during which any sum is to be set apart for a sinking fund or any instalment of money borrowed to be paid under this Order transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been invested or deposited for the sinking fund or which has been paid as an instalment during the year preceding the making of such return and the description of the securities upon which the money invested or deposited for the sinking fund has been invested or deposited and also showing the purpose to which any portion of that money 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.

(2) The town clerk in the event of any wilful default in making the return under this section shall be liable to a fine not exceeding twenty pounds.

(3) If it appears to the Board of Trade by the return under this section or otherwise that the Town Council have failed to pay any instalment or to set apart the sum required for the sinking fund in accordance with the provisions of 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 Board of Trade may by order direct that a sum not exceeding double the amount in respect of which default has been made shall be set apart and invested or deposited as part of the sinking fund or otherwise applied in such manner as the Board direct and that Order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

Protection of lenders.

36. Any person lending or paying money to the Town Council 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.

Contingency Fund.

37. The Town Council may if they think fit form and maintain a contingency fund not exceeding the sum of two thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the harbour or works connected therewith and may for that purpose yearly appropriate and set apart subject to the provisions of this Order as to the application of revenue such an amount as they think fit out of the surplus revenue of the harbour (if any) after meeting the ordinary expenditure and shall deposit any such amount 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

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

securities in which trustees are authorised by statute to invest money until required for any of the aforesaid purposes. A.D. 1901.
Cellardyke.

38. The Town Council shall apply rates and other money received by them by way of revenue in respect of the harbour for the purposes and in the order following (that is to say):— Application of
revenue.

- (1) In paying the costs of and connected with the preparation obtaining and making of this Order so far as those costs are not paid out of money borrowed under this Order;
- (2) In paying any feu duties and rents payable in respect of the lands and property belonging to or leased by the Town Council in connection with their harbour undertaking and in the payment of the other expenses properly chargeable to revenue of maintaining and managing the harbour;
- (3) In paying year by year the interest on money borrowed under this Order;
- (4) In providing for instalments for repayment of money borrowed under this Order and in creating any sinking fund required under this Order;
- (5) In making such payments (if any) as the Town Council think fit to the contingency fund authorised by this Order;
- (6) Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Town Council in the general improvement of the harbour.

39.—(1) The Town Council within one month after sending to the sheriff clerk the copy of their annual account in abstract shall send a copy of it to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. Annual account
to be sent to
the Board of
Trade.
25 & 26 Vict.
c. 19.

(2) The account shall be made up to the end of the calendar year.

(3) If the Town Council refuse or neglect to comply with this section they shall for each refusal or neglect be liable to a penalty not exceeding twenty pounds.

40.—(1) The Board of Trade unless they see special reason to the contrary shall appoint such person as they think fit to audit and examine as auditor of the harbour accounts the accounts of the Town Council in respect of their harbour undertaking. Audit of
accounts.

(2) The Board of Trade shall fix the amount to be paid in respect of the remuneration of the auditor and his expenses and the amount so fixed shall be paid by the Town Council as part of the expenses of managing the harbour.

(3) The Town Council shall on demand by the auditor produce to him all books accounts or other documents relating to the harbour as are in their possession and shall give him such information as they are able with reference to the affairs of the harbour and shall afford him all reasonable facilities for conducting the examination and audit.

(4) If the Town Council fail to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which the failure continues.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

Cellardyke.

Life-saving Apparatus.

Sections of Harbours Clauses Act as to life-saving apparatus &c. excepted.

41.—(1) Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

(2) The Town Council shall when required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the harbour and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Town Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Apparatus for saving life may be attached to harbour works.

42. 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 without payment attach or cause to be attached to any part of the harbour or the works connected therewith 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 or works connected therewith.

Lights.

As to lights during construction of works.

43.—(1) Before commencing the works authorised by this Order the Town Council shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters 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 those matters during the construction of the works.

(2) The Town Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

As to lights after completion of works.

44.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Town Council shall exhibit at the outer extremity of the harbour and works or the completed portion thereof or in such other places as may be required for all or any portion of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Commissioners of Northern Lighthouses and the Town Council shall apply to those Commissioners for those directions.

(2) The Town Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

As to buoys &c. in case of decay of works.

45.—(1) In case of injury to or destruction of or decay of the harbour or works authorised by this Order or any part thereof the Town Council shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may be directed

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions. A.D. 1901.

(2) The Town Council shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Cellardyke.

Miscellaneous.

46. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act. Recovery of penalties.

47. Sections twenty-eight and ninety-nine of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government Department in the same manner as they apply to and for the benefit of the Government Departments specially named in those sections. Extension of 10 & 11 Vict. c. 27 (ss. 28 and 99) to all Government departments.

48. Nothing in this Order shall authorise the Town Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty (which consent those Commissioners and that Board are hereby respectively authorised to give) neither shall anything in this Order extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty. Saving rights of the Crown.

49. 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 Town Council out of the revenue of the harbour or out of money borrowed under this Order. Costs of Order.

SCHEDULE.

RATES ON VESSELS ENTERING THE LIMITS TO WHICH THIS ORDER EXTENDS.

	£	s.	d.
For every vessel under the burden of 15 tons per ton	0	0	1½
For every vessel of the burden of 15 tons and under 50 tons register per ton	0	0	2½
For every vessel of 50 tons register and under 100 tons register per ton	0	0	3
For every vessel of 100 tons register and under 150 tons register per ton	0	0	3½

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

		£	s.	d.
A.D. 1901.	For every vessel of 150 tons register and upwards per ton	0	0	4
<i>Cellardyke.</i>	All lighters from any vessel in the roads shall be exempted from rates but if the vessel do not enter the harbour every lighter shall pay for each trip...	0	0	2
	All boats entirely open landing or taking on board goods or dried or salted fish each	0	1	6
	All fishing-boats not exceeding the length over all of 40 feet entering the harbour or within the limits thereof each	0	0	9
	Or optionally each fishing-boat not exceeding said length may be compounded for by a quarterly payment in advance—			
	On the 1st day of January of	0	15	0
	On the 1st day of April of	0	7	6
	On the 1st day of July of	0	15	0
	On the 1st day of October of	0	7	6
	All fishing-boats engaged exclusively at the hand-line crab or lobster fishings for the season each	0	2	6
	All fishing-boats exceeding the length over all of 40 feet and not exceeding 65 feet over all entering the harbour or within the limits thereof each	0	1	3
	Or optionally each such fishing-boat may be compounded for by a quarterly payment in advance—			
	On the 1st day of January of	1	10	0
	On the 1st day of April of	0	10	0
	On the 1st day of July of	1	10	0
	On the 1st day of October of	0	10	0
	All fishing-boats exceeding the length over all of 65 feet entering the harbour or within the limits thereof each	0	1	6
	Or optionally each fishing-boat of said length may be compounded for by a quarterly payment in advance—			
	On the 1st day of January of	1	15	0
	On the 1st day of April of	0	12	6
	On the 1st day of July of	1	15	0
	On the 1st day of October of	0	12	6
	Fishing-boats propelled by steam or other mechanical power—			
	For each such fishing-boat so propelled not exceeding the length over all of 80 feet entering the harbour or within the limits thereof	0	3	0
	Or optionally each such fishing-boat so propelled may be compounded for by an annual payment in advance of	6	0	0
	For each such fishing-boat so propelled entering the harbour or within the limits thereof exceeding the length over all of 80 feet and not exceeding 100 feet	0	4	0
	Or optionally each such fishing-boat so propelled may be compounded for by an annual payment in advance of	7	10	0

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
 (No. 1) Act, 1901.

	£	s.	d.	
Each such fishing-boat so propelled exceeding the length over all of 100 feet entering the harbour or within the limits thereof for the first 100 feet of length	0	4	0	A.D. 1901. Cellardyke.
And in addition at the rate of one halfpenny per foot, for each foot of length above 100 feet.				
Or optionally each such fishing-boat so propelled may be compounded for by an annual payment in advance of ...	9	0	0	

WIND-BOUND VESSELS.

All vessels or fishing-boats whether propelled by sails or by steam or other mechanical power when wind-bound shall pay one-half the above rates for entering the harbour according to tonnage or length.

EXEMPTIONS FROM PAYMENT OF RATES.

1. Any vessels for which the rates have been paid and which shall be obliged from stress of weather or any sufficient cause after leaving the harbour to return with same cargo.
2. Any fishing-boats whether propelled by sails or by steam or other mechanical power for which the rates have been paid which shall be compelled from stress of weather or any sufficient cause after leaving the harbour to return without shooting lines or nets or other fishing apparatus.

LAYING-UP IN HARBOUR.

1. All sailing vessels or steamboats remaining in the harbour to pay after four weeks half tonnage dues per month in advance.
2. All unemployed fishing boats propelled by steam or other mechanical power to pay after the expiry of four weeks each per week in advance 0 6 0
 Or optionally each such fishing boat so propelled may be compounded for by a payment per quarter in advance of... 1 0 0
3. All unemployed fishing boats exceeding 40 feet in length over all remaining in the harbour to pay after the expiry of four weeks each per week in advance 0 2 0
 And seventeen weeks after arrival to pay per week in advance 0 6 0
 Or optionally said rate may be compounded by a payment in advance for the season or any part thereof from 1st October to 31st July of 3 0 0
4. All unemployed fishing boats exceeding 15 feet but not exceeding 40 feet in length over all remaining in the harbour to pay after the expiry of four weeks each per week in advance 0 2 0

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.
Cellardyke

	£	s.	d.
Or optionally each such unemployed fishing boat may be compounded for by a payment in advance for the season or any part thereof from 1st October to 31st July of ...	2	0	0
5. All unemployed fishing boats not exceeding 15 feet in length over all remaining in the harbour to pay after the expiry of four weeks each per week in advance ...	0	0	9
Or optionally each such unemployed fishing boat may be compounded for by a payment in advance for the season or any part thereof from 1st October to 31st July of ...	0	10	0

RATES FOR WATER FOR DOMESTIC PURPOSES.

For all vessels per 25 gallons supplied ...	0	0	1½
Or optionally each vessel may be compounded for by an annual payment in advance on 1st January of ...	0	3	0
And each fishing boat by an annual payment in advance on 1st January of ...	0	1	6

RATES FOR LIGHTS.

	s.	d.
For each vessel per registered ton ...	0	2
For each fishing boat not exceeding 40 feet for each time of entering the harbour ...	0	1½
Or optionally each such boat may compound by an annual payment in advance on 1st January of ...	2	6
For each fishing boat exceeding 40 feet for each time of entering the harbour ...	0	3
Or optionally each such boat may compound by an annual payment in advance on 1st January of ...	5	0
For each fishing boat propelled by steam or other mechanical power for each time of entering the harbour ...	0	4
Or optionally each such boat may compound by an annual payment in advance of ...	6	8

[These rates can only be demanded or received while the lights are duly exhibited.]

RATES ON GOODS SHIPPED OR UNSHIPED AT ANY PIER OR OTHER WORK CONNECTED WITH THE HARBOUR.

	s.	d.
Ale and beer per 36 gallons ...	0	1½
Alum—		
Rock per ton ...	1	0
Cake per ton ...	1	6
Apples per ton ...	1	0
Ashes—pot pearl weed and wood per ton ...	1	6
Asphalte and bitumen per ton ...	0	4
Bacon or hams per ton ...	2	0

[1 EDW. 7.] *Pier and Harbour Orders-Confirmation*
(No. 1) Act, 1901.

[Ch. lii.]

	s.	d.	A.D. 1901.
Bark viz.—Oak per ton	0	8	Cellardyke.
Barley—pot shelled or pearl per ton	1	8	
Barrels (empty herring) per dozen	0	6	
Basket rods per cwt.	0	1	
Baskets viz.—			
12 inches in diameter or under per dozen	0	1	
Above 12 inches in diameter per dozen	0	2	
Beef or pork per ton	2	0	
Berries viz.—Bay juniper yellow and cran per cwt.	0	2	
Biscuits per ton	1	0	
Bones per ton	0	6	
Bone dust and bone ash per ton	0	8	
Boots and shoes per ton	2	0	
Bottles glass per ton	1	0	
Bottles broken per ton	0	3	
Boxes and kits (empty) if not returned per 5 cubic feet	0	1	
Bran per ton	0	10	
Brass per ton	1	8	
Bricks per 1000	0	6	
Broom and brush handles heads and stocks per 40 cubic feet	0	6	
Brooms birch and heather per dozen	0	0½	
Brushes per 40 cubic feet	0	8	
Butter per ton	0	10	
Blubber per ton or per 252 gallons	1	0	
Boats and Cobles new viz.—			
Under 12 feet keel each... ..	1	0	
From 12 to 14 each	1	6	
14 to 16 each	2	0	
16 to 18 each	2	6	
18 to 20 each	3	0	
20 and above each	3	6	
Candles per ton	1	6	
Cane reeds per 1200	0	4	
Carrots per ton	0	4	
Casks (empty) not being returned packages per 5 cubic feet	0	1	
Other casks in proportion.			
Cattle viz.—			
Bulls each	0	4	
Cows and oxen each	0	3	
Calves each	0	1	
Horses each	0	6	
Pigs each	0	1	
Sheep each	0	0½	
Lambs each	0	0¼	
Asses and mules each	0	6	
Wild animals each	1	0	

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

Cellardyke.

	s.	d.
Cattle food manufactured per ton	0	6
Cement per ton	0	6
Chalk per ton	0	3
Charcoal (wood) per ton	0	4
Cheese per ton	0	10
Chimney cans per 100	1	0
China ware per ton	0	10
Cinders and coke per ton	0	2
Clay viz.—China stone pipe or fire per ton	0	3
Cloth comprehending all fabrics of flax tow hemp jute coir &c. whether pure or mixed such as sheeting hessians dowlas sail- cloth canvas sacking bagging tarpauling pocketing carpeting &c. and bags and sacks of all kinds per ton...	1	0
Coaches chaises gigs and other similar carriages per ton	2	8
Coals per ton	0	4
Cocoa fibre per ton	0	6
Coffee per cwt.	0	0½
Copper per ton	1	6
Copper old per ton	0	9
Copper ore per ton	0	3
Cordage per ton	0	10
Corks and Corkwood per ton	0	10
Corn viz.—Barley beans Indian corn malt oats pease rye tares and wheat per quarter	0	1
Corn flour per cwt.	0	0½
Crabs per 5 dozen	0	1
Crystal per ton	0	10
Culm per ton	0	1
Cutch per ton	0	10
Dogs each	0	3
Druff per quarter	0	0½
Drugs and all merchandise for druggists per ton	4	0
Dye stuffs not enumerated per ton	0	10
Earthenware per ton	1	0
Eels per cwt.	0	1
Eggs per ton	2	0
Emery stones and paper per cwt.	0	1
Esparto grass per ton	1	0
Feathers per ton	2	6
Fish (fresh) not otherwise enumerated :—		
When sold by auction per £ value	0	3
When not sold by auction per ton	1	8
Fish (salted) per ton	0	10
Flax per ton	1	0
Flour per ton	0	8
Game per ton	2	6

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
 (No. 1) Act, 1901.

	s.	d.	A.D. 1901.
Glass per ton	1	4	<i>Cellardyke.</i>
Glass (broken) per ton	0	2	
Grease per ton	0	10	
Green fruit per ton	0	10	
Guano and patented and chemically prepared manures per ton ...	0	6	
Gunpowder per cwt.	0	3	
Grocery viz.—Almonds cinnamon currants figs pepper pimento plums prunes raisins and groceries not otherwise rated per cwt. ...	0	1	
Hair viz.—Cow ox bull goat's hair or wool horse per cwt....	0	1	
Häberdashery and clothiery comprehending silk flannel and hosiery goods &c. per ton	1	6	
Haddocks when not sold by auction per 100	0	1	
Hardware per ton	1	4	
Hay per ton	0	6	
Hemp (rough) per ton	1	0	
Herrings (cured) per 26½ gallons	0	1	
Herrings (fresh) per 37½ gallons	0	2	
Hides per 100	0	3	
Hoops of wood per 120	0	0½	
Hoop iron per ton	0	10	
Hops per cwt.	0	1	
Household furniture per ton	1	8	
Husbandry utensils per ton ..	1	0	
Ice per ton	0	6	
Ink per cwt.	0	1	
Iron viz. :—			
Bar bolt and rod per ton	0	10	
Old per ton	0	5	
Made work per ton	0	10	
Cast iron goods commonly called ironmongery per ton ...	0	10	
Other cast iron goods per ton	0	8	
Pig per ton	0	6	
Old or broken cast iron per ton	0	3	
Plate sheet and forged per ton	0	6	
Ore per ton	0	1	
Joiner work per ton	1	0	
Jute per ton	0	10	
Kelp per ton	0	6	
Lard per ton	0	10	
Lead and lead ore and shot per ton	0	10	
Lead black red and white per ton	0	10	
Leather per ton tanned and dressed	1	0	
Linseed rape cotton &c. cakes per ton	0	6	
Lime per ton	0	4	
Limestone per ton	0	2	
Loam per ton	0	1	

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

Cellardyké.

							s.	d.
Lobsters per 5 dozen	...	...	...	...	...	...	0	2
Machinery per ton	...	...	...	...	...	...	1	0
Mangold-wurzell per ton	...	...	...	...	...	...	0	3
Manure (street) per ton	...	...	...	...	...	...	0	1
Marble per ton	...	...	...	...	...	...	1	0
Matches per 40 cubic feet	...	...	...	...	...	...	0	10
Meal per ton	...	...	...	...	...	...	0	8
Metal (patent sheathing) per ton	...	...	...	...	...	...	1	6
Molasses per ton	...	...	...	...	...	...	0	9
Musical instruments per cwt.	...	...	...	...	...	...	0	3
Mussels winkles &c. per ton	...	...	...	...	...	...	0	6
Naphtha per ton	...	...	...	...	...	...	1	0
Nitrate of soda per ton	...	...	...	...	...	...	0	6
Nuts per ton	...	...	...	...	...	...	0	10
Oakum per ton	...	...	...	...	...	...	0	10
Ochre per ton	...	...	...	...	...	...	0	6
Oils (linseed palm rape turpentine and sperm) per ton	...	...	...	...	...	...	1	0
Oils (whale or train) per 252 gallons	...	...	...	...	...	...	1	0
Oranges per ton	...	...	...	...	...	...	1	0
Paints per ton	...	...	...	...	...	...	1	0
Paper (writing and printing) per ton	...	...	...	...	...	...	1	0
Paper (packing) per ton	...	...	...	...	...	...	0	10
Passengers' luggage if under 5 cwt. free.								
Passengers' luggage all above per ton	...	...	...	...	...	...	1	0
Peats per hundred	...	...	...	...	...	...	0	0½
Pitch per ton	...	...	...	...	...	...	0	10
Plants of trees or shrubs per ton	...	...	...	...	...	...	1	0
Plaster of Paris per ton	...	...	...	...	...	...	1	0
Porter in casks per 36 gallons	...	...	...	...	...	...	0	1½
Potatoes per ton	...	...	...	...	...	...	0	5
Poultry per doz.	...	...	...	...	...	...	0	1
Poultry any less quantity	...	...	...	...	...	...	0	0½
Putty per ton	...	...	...	...	...	...	1	0
Rabbits and hares per dozen	...	...	...	...	...	...	0	1
Rags (linen) per ton	...	...	...	...	...	...	0	8
Other rags old ropes and old leather per ton	...	...	...	...	...	...	0	8
Rape cakes per ton	...	...	...	...	...	...	0	6
Rice per ton	...	...	...	...	...	...	0	10
Rosin per ton	...	...	...	...	...	...	0	10
Saddlery not enumerated per ton	...	...	...	...	...	...	1	3
Sago per ton	...	...	...	...	...	...	0	10
Salt and salt rock in lump per ton	...	...	...	...	...	...	0	6
Saltpetre per ton	...	...	...	...	...	...	0	10
Sand per ton	...	...	...	...	...	...	0	0½
Sawdust per ton	...	...	...	...	...	...	0	2
Seeds of all kinds except those for crushing per ton	...	...	...	...	...	...	0	10

[1 EDW. 7.] *Pier and Harbour Orders Confirmation*
(No. 1) Act, 1901.

[Ch. lii.]

	s.	d.	A.D. 1901.
Seeds for crushing per ton	0	8	Cellardyke.
Skins (calve sheep deer kid and lamb) per score...	0	1½	
Skins (seal) per score	1	0	
Skins (hare and rabbit) per score	0	0½	
Slates :—			
Under size per 1200	0	4	
Sizeable per 1200	0	6	
Over size per 1200	0	10	
Slates (school and slate pencils) per ton	0	10	
Smelts per cwt.	0	1	
Soap per ton	0	10	
Soda per ton	0	10	
Spirits per ton	1	0	
Steel per ton	1	0	
Stones (rubble freestone and causeway) per ton	0	1	
Stones (curb and causeway dressed and pavement) per ton	0	2	
Stones (rough or hewn ashlar freestone) per ton... ..	0	2	
Stones (gravestones) each	1	0	
Stones (scythe) per score	0	1	
Stones (millstones) each	0	6	
Straw per ton	0	6	
Sugar raw per ton	0	10	
Sugar refined per ton	0	10	
Tallow per ton	0	10	
Tar per ton	0	6	
Tea per cwt.	0	3	
Tiles (drain or roofing) per 1200	0	6	
Tin of all kinds per ton	1	0	
Tobacco per ton	2	6	
Tow per ton	0	10	
Treenails per 1200	0	4	
Turnips per ton	0	3	
Turpentine per 36 gallons	0	3	
Twine and twisted yarn per ton	1	0	
Vases and sculptured marble per ton	1	6	
Vegetables per cwt.	0	0½	
Veneers of all kinds per ton	1	0	
Vinegar per ton	1	4	
Vitriol per ton	1	6	
Whalebone dressed or undressed per ton	2	0	
Whitening per ton	0	3	
Willow reeds per bundle	0	0½	
Wine in casks per ton	2	0	
Wine in bottles per ton	1	6	

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.	Wood viz. :—	s.	d.
<i>Cellardyke.</i>	Fir and pine per 50 cubic feet	0	6
	Hard wood per 50 cubic feet	0	8
	Pine and other descriptions not enumerated per 50 cubic feet ...	0	8
	Fire wood per ton	0	1
	Laths and lathwood per 216 cubic feet	1	0
	Handspikes per 120	0	6
	Oars per 120	1	6
	Spars under 22 feet in length above 2½ and under 4 inches in diameter per 120	1	6
	Spars 2½ inches in diameter and under per 120	0	9
	Spars 22 feet in length and upwards and not exceeding 4 inches in diameter per 120	5	0
	Pipe staves per 120	0	10
	White herring barrel staves per 100 superficial feet	0	0 ^¾
	Red herring barrel staves per 100	0	0 ^½
	Cart wheel spokes per 60 pieces	0	1
	Wool per cwt.	0	2
	Yarn :—		
	Cotton tow or hemp per ton	1	0
	Worsted per cwt.	0	1
	Jute per ton	1	0
	Lint per ton	1	0
	Zinc per ton	1	0

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED IN THE ABOVE
TABLE.

Light goods per 5 cubic feet	0	2
Heavy goods per ton	0	10

In charging the rates on goods the gross weight or measurement of all goods including their 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.

Note.—All goods landed from any vessel and re-shipped in the same condition and without having been transferred from the lander or removed from the quays shall pay only rates on landing and may be re-shipped in the same or in another vessel upon her departure outwards without paying rates again provided such re-shipment is effected within one month from the date of entering the harbour.

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

RATES FOR USE OF CRANES WEIGHING MACHINES AND SHEDS.

A.D. 1901.

1st Rates of Craneage.

	s.	d.
All goods or packages not exceeding 1 ton	0	2
Exceeding—		
1 ton and not exceeding 2 tons	0	3
2 tons and not exceeding 3 tons	0	5
3 tons and not exceeding 4 tons	0	7
4 tons and not exceeding 5 tons	0	9
5 tons and not exceeding 6 tons	0	11
6 tons and not exceeding 7 tons	1	1
7 tons and not exceeding 8 tons	1	3
8 tons and not exceeding 9 tons	1	6
9 tons and not exceeding 10 tons	1	9
10 tons and upwards	2	6

Cellardyke.

2nd Weighing Machines.

For goods weighed not exceeding 1 ton 2*d.* and 1*d.* for each ton or part of a ton additional.

3rd Shed Dues.

For each ton of goods of 40 cubic feet or for each ton of goods of 20 cwt. which shall remain in the sheds or on the quays of the harbour for a longer time than 48 hours the sum of 3*d.* and the further sum of 1½*d.* per ton for each day or part of a day during which such goods shall remain after the first 72 hours.

PILOT DUES.

For every vessel above 20 tons entering and leaving the harbour per ton register	0	2½
For each tide's work within the harbour for vessels under 50 tons	3	0
For each tide's work within the harbour for vessels above 50 tons	5	0

HELMSDALE HARBOUR.

Provisional Order for transferring to His Grace Cromartie Sutherland Leveson Gower Duke and Earl of Sutherland and his successors in title the Harbour of Helmsdale in the county of Sutherland and for other purposes connected therewith. Helmsdale.

1. In this Order the following expressions have the following meanings (that is to say):— Interpretation.

“The Order of 1890” means the Helmsdale Harbour Order 1890;

“The Duke” means His Grace Cromartie Sutherland Leveson Gower Duke and Earl of Sutherland and the successors in title of the Earl of Sutherland;

[Ch. lii.] *Pier and Harbour Orders Confirmation*. [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.
—
Helmsdale.

“The Trustees” means the Helmsdale Harbour Trustees;

“The harbour” means the harbour as existing at the commencement of this Order and the works connected therewith at Helmsdale.

Commence-
ment of Order.

2. This Order shall save as expressly provided therein come into operation on the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order.

Undertaker.

3. The Duke shall be the Undertaker for the purposes of this Order.

Vesting of
harbour in
the Duke.

4. The Harbour of Helmsdale and the quays piers works roads and conveniences connected therewith and all plant and other property thereof within the harbour and appertaining thereto shall subject to any debts and liabilities existing at the commencement of this Order be transferred to and vested in the Duke and shall be deemed to have been so transferred and vested as from the first day of January 1901 (in this Order referred to as the date of vesting).

Application of
Order of 1890.

5.—(1) The Duke shall be the Undertaker for the purpose of the Order of 1890 in the place of the trustees.

(2) All powers duties and liabilities (including the liability to penalties) of the trustees under the Order of 1890 shall be transferred and attach to the Duke and that Order shall as respects those powers duties and liabilities be construed as if the Duke were substituted for the trustees.

(3) This section shall be deemed to have taken effect as from the date of vesting.

Dissolution
of harbour
trustees.

6. The trustees shall be dissolved as from the commencement of this Order but notwithstanding that dissolution or any repeal effected by this Order the trustees shall be entitled (if required by the Duke) to grant in his favour a conveyance or disposition of the Harbour.

Appointment
of a judicial
factor.

7.—(1) The holders of any security given in respect of money borrowed under the Order of 1890 or this Order may enforce payment of arrears of interest or principal or principal and interest due on their security 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 persons by whom the application for a judicial factor is made shall not be less than one thousand pounds in the whole.

(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in those sections as so incorporated the expression “the Commissioners” shall mean the Undertakers under this Order the expression “receiver” shall mean judicial factor and the expressions “mortgage” and “mortgagee” shall respectively include any security for money borrowed under the Order of 1890 or this Order and the holder of any such security.

(4) This section shall have effect in lieu of sections 34 35 and 36 of the Order of 1890.

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
 (No. 1) Act, 1901.

8.—(1) The revenue received from rates or otherwise under the Order of 1890 and this Order shall be applicable for the purposes and in the order following and not otherwise :—

A.D. 1901.

Helmsdale.

Application of moneys.

(a) In paying the costs of and connected with the preparation obtaining and passing of this Order and completing the title of the Duke to the Harbour ;

(b) In paying the expense properly chargeable to revenue of the maintenance repair and management of the Harbour ;

(c) In payment year by year of the interest accruing on money borrowed under the Order of 1890 and this Order ;

(d) The surplus (if any) after providing for the purposes aforesaid shall belong to the Duke for his own use.

(2) This section shall have effect in lieu of section 37 of the Order of 1890 and shall be deemed so to have had effect as from the date of vesting.

9.—(1) If at any 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 other than payments for interest or principal in respect of money borrowed exceeds interest at the rate of ten per centum per annum on the entire sum appearing to the Board of Trade to have been properly expended on the harbour the Board of Trade may if in their discretion they think fit reduce the rates leviable under the Order of 1890 or any of them to such amounts as will be sufficient to provide the last-mentioned interest at the rate of ten per centum per annum and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time to raise them again to sums not exceeding the amounts specified in the schedule to the Order of 1890.

Board of Trade may reduce rates.

(2) This section shall have effect in lieu of section 26 of the Order of 1890 and shall be deemed so to have had effect as from the date of vesting.

10. The Act confirming this Order and this Order shall for all purposes be deemed to be and be a conveyance or disposition to the Duke of the harbour without any further or other conveyance disposition or title and a copy of the Act confirming this Order with warrant of registration thereon on behalf of the Duke may accordingly be recorded in the appropriate division of the General Register of Sasines or a notarial instrument may be passed upon a copy of the said Act to the same intent and effect as if the same were a conveyance or disposition from a proprietor fully infeft.

Order to be deemed a conveyance or disposition of harbour and to be so registered.

11. 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 Duke.

Costs of Order.

12. Sections 1 to 6 8 26 and 34 to 37 of the Order of 1890 are hereby repealed.

Repeal.

13. This Order shall be read together with the Order of 1890 and may be cited as the Helmsdale Harbour Order 1901 and the Order of 1890 and this Order may be cited together as the Helmsdale Harbour Orders 1890 and 1901.

Short title.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

LEITIR MHOR PIER.

Leitir Mhor. Provisional Order for the construction maintenance and regulation of a Pier and Works at Leitir Mhor in the Parish of Lismore and Appin and County of Argyll.

Undertakers.

Undertakers. 1. The Quarrier Company Limited shall be the Undertakers for carrying this Order into execution and are in this Order referred to as the Undertakers.

Acquisition of Lands.

Incorporation of Lands Clauses Acts. 2. The Lands Clauses Acts (except so much thereof as relates to the taking of land 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 lands by agreement. 3. For the purposes of the works authorised by this Order the Undertakers may by agreement enter on take and use all or such parts of the lands shown on the plan deposited with reference to this Order as they may think requisite for the purposes of this Order.

Power to take servitudes &c. by agreement. 4. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Order grant any servitude right or privilege (not being a servitude right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid.

Limits and Works.

Limits of Order. 5. The limits within which the Undertakers shall have authority and within which the powers of the piermaster may be exercised and which shall be deemed the limits to which this Order extends shall comprise the pier and works authorised by this Order (herein-after included in the term "the pier") together with the whole area below the line of high-water mark lying within a distance of six hundred feet from any part of the pier.

Power to construct works. 6. Subject to the provisions of this Order and subject also to such alterations if any in the plan and sections deposited with reference to this Order as the Board of Trade require before the completion of the works in order to prevent injury to navigation the Undertakers may on the lands and in the lines and situations and according to the levels shown on the said plan and sections so far as the same are shown thereon and within the limits of

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
 (No. 1) Act, 1901.

deviation shown on the said plan or specified in the Order make and maintain the works authorised by this Order. A.D. 1901.

Leitir Mhor.
 Description
 of works.

7. The works authorised by this Order comprise:—

- (1) A pier of solid work with a timber wharf frontage commencing at a point one hundred and thirty-three yards or thereabouts measuring in a northerly direction from the westmost corner of the navvies' hut situate on the north-west side of the public road leading from Duror to Ballachulish seven hundred and ninety yards or thereabouts northward from Kintalen Pier and terminating at a point one hundred and fifty-two yards or thereabouts measuring in a northerly direction from the westmost corner of the said navvies' hut:
- (2) An approach road commencing at a point twenty-one yards or thereabouts measuring in a north-westerly direction from the westmost corner of the said navvies' hut and terminating at the point above described as the commencement of the pier.

8. In constructing the works authorised by this Order the Undertakers may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and vertically to any extent approved by the Board of Trade. Power to deviate.

9. If any person wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds. Penalty for obstructing works.

10.—(1) Subject to the provisions of this Order the Undertakers may construct and maintain or take on feu or lease all warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or convenient in connexion with the pier for the accommodation of vessels and traffic landed at or embarked from the pier and they may also lay down and maintain rails tramways sidings and turntables on and along the pier and other works and the lands connected therewith. Power to construct or lease warehouses and other buildings.

(2) A line of rails or tramway constructed under the powers of this Order shall not be used for the public conveyance of passengers unless and until it has been inspected and certified by the Board of Trade to be fit for that use.

11.—(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 given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is 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 given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of the works as are then completed unless those powers are by the special direction of the Board of Trade

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901. 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.
Leitir Mhor.

(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 fact stated in that certificate.

Consent of Board of Trade to works.

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

Supplemental Provisions with respect to Management.

Dredging &c.

13. The Undertakers in connection with the works authorised by this Order may within the limits to which this Order extends dredge scour deepen enlarge alter and improve the entrances channels and approaches to the pier.

Power to Undertakers to purchase or hire dredgers &c.

14. The Undertakers may for the purposes of the works authorised by this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters and other vessels diving bells ballast lighters rubbish lighters tools plant or other materials and machinery as they think fit and may demand and receive such sums for the use of them as they think fit and may sell or dispose of them and the money thereby realised shall be applied towards carrying into effect any purposes of this Order to which capital is properly applicable.

Disposal of dredging.

15.—(1) All sand mud and other materials dredged up or removed within the limits of this Order shall be the property of the Undertakers and they may sell or otherwise dispose of the same or lay down the same in another place within those limits as they think fit.

(2) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

(3) Sand mud stone or other material shall not be laid down or deposited in any place below high-water mark without the consent of the Board of Trade.

Vessels not to anchor within certain limits.

16. A vessel shall not anchor within the limits to which this Order extends without the consent of the Undertakers or their piermaster.

Vessels not to moor alongside pier without consent.

17. A vessel shall not be moored alongside the pier without the consent of the Undertakers or their piermaster.

Meters and weighers.

18. The Undertakers shall have the appointment of meters and weighers within the limits to which this Order extends.

Power to make byelaws.

19.—(1) The Undertakers may in addition to the power to make byelaws under the Harbours Docks and Piers Clauses Act 1847 make byelaws for the regulation and control—

Of vessels within the limits to which this Order extends;

Of the fishermen and others frequenting or resorting to or employed at the pier or within the limits to which this Order extends;

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

Of the embarking disembarking loading or unloading of any goods or traffic at the pier or within the limits to which this Order extends.

A.D. 1901.

Leitir Mhor.

(2) The byelaws may provide for imposing and recovering a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(3) A byelaw under this section shall not come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

Rates.

20. When in addition to the certificate to be granted 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 Undertakers may subject and according to the provisions of this Order demand recover and receive in respect of vessels persons animals fish goods matters and things described in the Schedule to this Order any sums not exceeding the several rates specified in that Schedule.

Power to levy rates.
10 & 11 Vict.
c. 27.

21. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Undertakers 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 those works the Undertakers may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand and recover such of the rates or such proportion of all or any of the rates specified in the Schedule to this Order as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded.

Rates may be levied though works not completed.

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

Power to vary exemptions from rates and to enter into compositions &c.

23.—(1) The Undertakers may grant to passengers promenaders and others pass tickets for the use of the pier at such rates on such terms and for such periods not exceeding one year as may be agreed upon but so that no preference be given to any person.

Pass tickets for use of pier.

(2) A pass ticket shall not be transferable nor be used by any person except the person to or for whom it is granted nor by any person after the period limited for its use.

(3) If any person acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit pass ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

Leitir Mhor.
Rates for
ballast.

Rates for ware-
houses &c.

Board of Trade
may reduce
rates.

Master or
owner to report
take of fish.

Piermaster
may prevent
sailing of
vessels.

Certain fishing
vessels under
stress of
weather
exempt from
rates.

Extension of
10 & 11 Vict.
c. 27. (ss. 28
and 99) as to
exemption of
Government
officers &c.

Lifeboat crew
exempt from
rates.

24. The Undertakers may take such rates as they think proper for the supply and removal of ballast for the accommodation of vessels.

25. The Undertakers may demand and recover such rates or other consideration as they may think reasonable for the use of any warehouses sheds buildings weighing machines mooring posts buoys cranes works and conveniences provided by them or in respect of any services rendered by them for which rates are not specially fixed in the Schedule to this Order.

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

27.—(1) The master or owner of every vessel with a take or cargo of fish shall on the arrival of the vessel within the limits to which this Order extends forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof.

(2) If the master or owner of a vessel fails to comply with this section he shall be liable for each offence to a penalty not exceeding ten pounds.

28. The pier master may prevent the removal or sailing from the limits to which this Order extends of any vessel in respect of which or the goods imported or exported therein any rates are payable until evidence has been produced to him of the payment of those rates to the collector and in the case of a vessel with a take or cargo of fish until the master or owner of the vessel has given in the account of his take or cargo of fish required by this Order.

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

30. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any government department in the same manner as they apply to and for the benefit of the government departments specially named in those sections.

31. 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

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and on and from the pier without payment.

A.D. 1901.
Leitir Mhor

Power to Lease Rates.

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

Power to lease rates.

Finance.

33. The Undertakers may borrow and reborrow at interest such money as may be required for the purposes of this Order not exceeding in the whole the sum of one thousand pounds on the security of the rates authorised by this Order or they may accept and take from any bank or banking company credit for any amount not exceeding in the whole the said sum of one thousand pounds on a cash account to be opened and kept in the name of the Undertakers according to the usage of bankers in Scotland but so that the whole sum owing by the Undertakers on such cash account and for other money borrowed and for the time being unpaid shall not exceed in the whole the sum of one thousand pounds exclusive of interest and the Undertakers may grant bonds and assignations of the rates under this Order in security of the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively and such bonds and assignations and any transfers thereof may be in the forms contained in Schedules (B) and (C) annexed to the Burgh Harbours (Scotland) Act 1853 or to the like effect and shall be recorded in the Division of the General Register of Sasines at Edinburgh applicable to the county of Argyll.

Power to borrow money.

16 & 17 Vict.
c. 93.

34. All money borrowed under this Order shall be applied only for the purposes of the Order to which capital money may properly be applied and not otherwise.

Application of money borrowed.

35.—(1) The mortgagees of the Undertakers may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor.

For 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 one hundred pounds in the whole.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

Leitir Mhor.

8 & 9 Vict.
c. 17.

Application
of rates
received.

(3) Sections 56 and 57 of the Companies Clauses Consolidation (Scotland) Act 1845 shall be incorporated with this Order.

36. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise :—

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

(2) In paying the expense properly chargeable to revenue of the maintenance repair and management of the pier and of carrying into effect any powers given by this Order for the management and regulation of the traffic within the limits to which the Order extends ;

(3) In payment year by year of the interest accruing on money borrowed under this Order ;

(4) The surplus (if any) after providing for the purposes aforesaid shall belong to the Undertakers for their own use.

Annual
account to
be sent to
Board of
Trade.
25 & 26 Vict.
c. 19.

37.—(1) The Undertakers within one month after sending to the sheriff clerk the copy of their annual account in abstract shall send a copy of it 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 such account.

(2) The account shall be made up to the twenty-fifth day of March in each year.

(3) If the Undertakers refuse or neglect to comply with this section they shall for each refusal or neglect be liable to a penalty not exceeding twenty pounds.

Life Saving Apparatus.

Portions of
Harbours
Clauses Act
excepted.
10 & 11 Vict.
c. 27.

38.—(1) Sections 16 to 19 inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

(2) The Undertakers shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site near the pier and build on that site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Undertakers fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving
apparatus may
be attached to
pier.

39. 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 without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the pier.

Life buoy
to be kept.

40. The Undertakers shall at all times keep at the outer extremity of the pier lifebuoys and life lines in good order and fit and ready for use.

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

A.D. 1901.

Leitir Mhor.

Lights.

41.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to like matters 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 those matters during the construction of the works.

As to lights during construction of works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

42.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of the pier or the completed portion thereof or in such other places as may be required from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

As to lights after completion of works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

43.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing as far as may be danger to navigation as are directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

As to buoys and lights in case of decay of works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe any such direction.

Miscellaneous.

44. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.

Recovery of penalties.

10 & 11 Vict. c. 27.

45. Nothing in this Order shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty (which consent those Commissioners and that Board are hereby respectively authorised to give) neither shall

Saving rights of the Crown.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901. anything in this Order extend^d to take away prejudice diminish or alter any
Leitir Mhor. of the estates rights privileges powers or authorities vested in or enjoyed or
exercisable by the King's Majesty.

Costs of Order. 46. All costs charges and expenses of and incident to the preparing and
obtaining of this Order and otherwise incurred in reference thereto shall be
paid by the undertakers.

Short title. 47. This Order may be cited as the Leitir Mhor Pier Order 1901.

The SCHEDULE to which the foregoing Order refers.

I.—RATES ON VESSELS.

(1) Tonnage Rates on Vessels other than Fishing Vessels exclusive of their
Cargoes.

	£	s.	d.
All vessels entering within the limits of this Order to load or unload at the pier:—			
Under fifty tons per registered ton	0	0	4
Of fifty tons and under one hundred tons per registered ton	0	0	6
Of one hundred tons and upwards per registered ton	0	0	7
Steam vessels same rates as sailing vessels.			

(2) Rates on Fishing Vessels exclusive of their Cargoes.

Every vessel on each occasion of loading or discharging herrings at the pier	0	2	6
Or in full of rates per annum payable in advance	1	0	0
Every vessel on each occasion of loading or discharging white fish at the pier	0	1	0
Or in full of rates per annum payable in advance	0	7	6

II.—RATES ON GOODS SHIPPED OR UNSHIPED AT THE PIER.

Ale beer and porter per 54 gallons	0	0	4
Ale bottled per dozen bottles	0	0	1
Anchor stock per ton	0	3	0
Bark per ton	0	2	0
Bedding per ton	0	2	0
Biscuit or bread per ton	0	3	0
Blubber per 252 gallons	0	3	0
Bones and bone-dust per ton	0	1	6
Bottles per cwt.	0	0	1

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
 (No. 1) Act, 1901.

	£	s.	d.	A.D. 1901.
Bricks per ton ...	0	0	8	<i>Leitir Mhor.</i>
Butter lard and other smearing grease per ton ...	0	3	4	
Cables iron or hempen per ton ...	0	3	0	
Canvas per 36 yards ...	0	0	1	
Carriages:				
Chaises and other four-wheeled carriages each ...	0	1	6	
Gigs and other two wheeled carriages each ...	0	1	0	
Carts each ...	0	0	6	
Hand-carts and perambulators each ...	0	0	3	
Casks (empty) each ...	0	0	1	
Cattle:				
Bulls each ...	0	0	4	
Cows and oxen each ...	0	0	3	
Horses each ...	0	1	0	
Ponies and foals each ...	0	0	6	
Sheep and lambs per score ...	0	0	6	
For any smaller number than half a score each ...	0	0	0½	
Goats each... ...	0	0	1	
Pigs each ...	0	0	3	
Other animals (live) not particularly enumerated each ...	0	1	0	
Cement per ton ...	0	1	0	
Chalk per ton ...	0	1	0	
Cheese each ...	0	0	0½	
Chimney-pots each ...	0	0	1	
Cinders and charcoal per ton ...	0	0	6	
Clay per ton ...	0	0	6	
Cloth haberdashery &c. per cwt. ...	0	0	1	
Coals per ton ...	0	1	0	
Copper per ton ...	0	3	0	
Cordage per ton ...	0	3	0	
Cork per ton ...	0	3	0	
Crystal crockery &c. per cwt. ...	0	10	1	
Clams per 37½ gallons ...	0	1	0	
Crabs per dozen... ...	0	0	2	
Dogs each when not the property of those in charge of cattle or sheep being shipped unshipped or transhipped ...	0	0	2	
Drugs (in casks hampers or boxes) per cubic foot ...	0	0	2	
Earthenware (in casks hampers or boxes) per cubic foot ...	0	0	0½	
" per cwt. ...	0	0	1	
Eggs per 12 dozen ...	0	0	2	
Empties each ...	0	0	1	
Firkins and jars each ...	0	0	1	
Fish (dried or salted) per ton ...	0	2	6	
" (fresh except as otherwise specified) per cwt. ...	0	0	1½	
Cod ling skate turbot and halibut per score ...	0	0	1	
Salmon grilse sea-trout or bull-trout each ...	0	0	0½	
" " " " per cwt. ...	0	0	6	

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

Leitir Mhor.

	£	s.	d.
Flax per ton	0	3	4
Flour and meal per 280 lbs.	0	0	2
" " per ton	0	1	0
Fruit of all kinds per ton... ..	0	5	0
Furniture (household) per five cubic feet	0	0	4
Game of all kinds per score	0	0	4
Glass per cwt.	0	0	1
Grains including barley beans Indian corn malt oats peas rye seeds of all kinds and feeding stuffs per 280 lbs.	0	0	2
Grains including barley beans Indian corn malt oats peas rye seeds of all kinds and feeding stuffs per ton	0	1	0
Groceries not enumerated per ton	0	1	8
Guano per ton	0	3	4
Gunpowder dynamite and other explosives per 100 lbs.	0	0	6
Haddocks (smoked) per 300 fish	0	0	4
Hams bacon or tongues per ton	0	3	4
Hardware per ton	0	2	6
Hay and straw per ton	0	1	0
Hemp per ton	0	3	0
Herrings per 26 $\frac{3}{4}$ gallons	0	0	2
Hides :			
Ox cow or horse (wet or dry) each	0	0	1
Hoops of wood all of the size of puncheon hoops and under per 1,200	0	0	9
All above per 1,200	0	1	0
Iron hoops per ton	0	3	4
Iron :			
Bar bolt rod and sheet per ton... ..	0	0	8
Pig and old per ton	0	0	8
Manufactured per ton	0	0	8
Pots each	0	0	1
Grates stoves and other ironmongery per ton	0	2	6
Kelp per ton	0	1	0
Lead per ton	0	0	8
Leather tanned and dressed per ton	0	5	0
Lime per ton	0	1	0
Limestone per ton	0	1	0
Lobsters per dozen	0	0	2
Machinery per ton	0	2	6
Manure (not enumerated) per ton	0	1	0
Masts and spars 10 inches in diameter and upwards each	0	2	6
Meat per ton	0	3	4
Milk per 3 gallons	0	0	0 $\frac{1}{2}$
Musical instruments per cubic foot... ..	0	0	1
Nets per 5 cubic feet	0	0	4
Oakum per ton	0	3	4

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
 (No. 1) Act, 1901.

	£	s.	d.	A.D. 1901.
Oils per 42 gallons	0	0	4	<i>Leitir Mhor.</i>
Oilcake per ton...	0	1	0	
Ores per ton	0	1	0	
Oysters per hundred	0	0	3	
Paint per ton	0	3	4	
Peats per ton	0	1	0	
Piano cottage each	0	0	6	
large or grand each	0	1	0	
Pitch per ton	0	3	4	
Potatoes per ton	0	1	0	
Poultry per dozen	0	0	2	
Rags and old rope per ton	0	1	8	
Rabbits per dozen	0	0	2	
Sails per ton	0	3	0	
Salt per ton	0	0	9	
Sand per ton	0	0	8	
Shell fish other than those herein particularly specified per ton	0	3	4	
Shrimps per ton	0	3	4	
Skins:				
Calf goat sheep lamb or dog per score	0	0	3	
Slates per 24 cubic feet	0	1	0	
Snuff per ton	0	10	0	
Spirits per 36 gallons	0	0	6	
Sprats or garvies per 37½ gallons	0	0	4	
Stones asphalte pipes or other building or heavy material per				
16 cubic feet	0	0	8	
Steel per ton	0	3	0	
Sugar per ton	0	3	4	
Tallow soap and candles per ton	0	1	8	
Tar per ton	0	3	4	
Tea per ton	0	10	0	
Tiles per ton	0	0	8	
Tin and zinc per ton	0	0	8	
Tobacco per ton	0	10	0	
Turnips per ton	0	0	6	
Turpentine and varnish per 36 gallons	0	0	6	
Turtle each	0	2	6	
Vegetables (not enumerated) per ton	0	1	8	
Vinegar per 54 gallons	0	0	6	
Vitriol per 10 gallons	0	0	2	
Wine in bottles per dozen	0	0	2	
" per 10 gallons	0	0	2	
Wood:				
Fir pine and other descriptions not enumerated per 50 cubic				
feet	0	1	6	
Oak or wainscot per 50 cubic feet	0	2	0	

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) *Act, 1901.*

A.D. 1901.	Wood— <i>cont.</i>	£	s.	d.
<i>Leitir Mhor.</i>	Firewood per 216 cubic feet	0	1	6
	Laths and lathwood per 216 cubic feet	0	2	6
	Handspikes per 120	0	3	0
	Oars per 120	0	5	0
	Spars under 22 feet in length above 2½ and under 4 inches in diameter per 120	0	5	0
	Spars 2½ inches in diameter and under per 120	0	4	0
	„ 22 feet in length and upwards and not exceeding 4 inches in diameter per 120	0	9	0
	Spars above 4 and under 6 inches in diameter per 120	0	14	0
	Spokes of wheels not exceeding 2 feet in length per 120	0	2	0
	„ exceeding 2 feet in length per 120	0	3	0
	Trenails per 1,000	0	2	6
	Wedges per 1,000	0	2	6
	Pipes staves and others in proportion per 120	0	2	6
	Herring-barrel staves per 1,000 superficial feet	0	1	2
	Lignum vitæ fustic logwood mahogany and rosewood per ton	0	2	0
	Wool per ton	0	2	4
	Yarn:			
	Lint per ton	0	3	4
	Cotton per ton	0	3	4
	Tow per ton	0	2	6
	Hemp per ton	0	2	6
	Worsted per ton	0	3	4
	All other goods not particularly enumerated above:			
	Light goods per cubic foot	0	0	1
	Heavy goods per ton	0	0	8

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

In weighing and measuring packages to be included.

III. —RATES FOR USE OF CRANES WEIGHING MACHINES AND SHEDS.

1.—*Rates of Cranage.*

All goods of 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

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

£ s. d. A.D. 1901.
Leitir Mhor.

2.—*Weighing Machines.*

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

3.—*Shed Dues.*

For each ton or forty cubic feet 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 3d. and the further sum of 1½d. per ton or forty cubic feet for each day during which such goods shall remain after the first seventy-two hours.

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

IV.—RATES FOR SUPPLYING WATER.

Water per 25 gallons ... 0 0 1½

V.—RATES ON PASSENGERS AND PASSENGERS' LUGGAGE LANDED ON OR EMBARKED FROM THE PIER.

For every person above twelve years of age landing from or embarking in any vessel ... 0 0 2

For every person under twelve years of age with parent guardian master or servant ... 0 0 1

Children in arms free.

Servants going for or with luggage not to be charged but the luggage to be paid for as below.

Passengers' luggage each article unless carried by themselves ... 0 0 1

MACDUFF HARBOUR.

Provisional Order for amending the Macduff Harbour Order 1898 with respect to the limit on the amount of the assessment to be levied as the security for money borrowed under that Order and with respect to the time for the commencement of works under that Order and for other purposes connected therewith. Macduff.

1.—(1.) This Order may be cited as the Macduff Harbour Order 1901 and shall be read as one with the Macduff Harbour Improvement Act 1847 the Macduff Harbour Order 1875 and the Macduff Harbour Order 1898. Short title and interpretation and commencement.

(2.) Expressions to which a special meaning is attached by the Macduff Harbour Order 1898 have the same respective meanings in this Order.

(3.) This Order shall come into operation on the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

Macduff.

Amendment of the Macduff Harbour Order 1898 as to assessment leviable as security for borrowed money.

2.—(1) Any money borrowed by the Town Council under the Macduff Harbour Order 1898 may be borrowed on the security of the rates and charges authorised by that Order and the other revenues of the harbour and also on the security of an assessment to be levied on the owners of all lands and premises within the Burgh in manner provided by Part V. of the Burgh Police (Scotland) Act 1892 and the Acts amending the same as if it were an assessment authorised by that Act.

(2) The assessment so leviable shall be in addition to any assessment levied by the Town Council under the said Act but shall not exceed one shilling and sixpence in the pound on the rateable value of the Burgh.

(3) Subsection (2) of section 38 of the Macduff Harbour Order 1898 is hereby repealed.

Time for commencement &c. of works.

3. The periods of two years and five years mentioned in section 21 of the Macduff Harbour Order 1898 (Powers to cease in certain events) shall respectively be calculated from the commencement of this Order and not from the commencement of that Order.

Costs of Order.

4. 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 Town Council.

PORTHGAIN HARBOUR.

Porthgain. Provisional Order for the construction of a Tidal Dock at Porthgain in the County of Pembroke and for other purposes connected with Porthgain Harbour.

Preliminary.

Short title and commencement.

1.—(1) This Order may be cited as the Porthgain Harbour Order 1901 and this Order and the Porthgain Harbour Order 1896 (in this Order referred to as "the Order of 1896") may be cited together as the Porthgain Harbour Orders 1896 and 1901.

(2) This Order shall come into force and have effect upon the day when the Act confirming this Order is passed and that day is in this Order referred to as the commencement of this Order.

Undertakers.

Undertakers.

2.—(1) The Porthgain Harbour Limited (who have the powers of the Undertakers under the Order of 1896 by virtue of a sale under section 17 of that Order) shall be the Undertakers for the purposes of this Order and are in this Order referred to as the Undertakers.

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
(No. 1) Act, 1901.

(2) The works authorised by this Order shall subject to the provisions of this Order for all purposes form part of the Porthgain harbour and of the Undertakers' harbour undertaking under the Order of 1896. A.D. 1901.
Porthgain.

(3) The Undertakers may apply any of their capital whether raised before or after the commencement of this Order to all or any of the purposes of this Order to which capital is properly applicable.

Acquisition of Land.

3. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the Promoters of the undertaking) shall be incorporated with this Order. Incorporation
of Lands
Clauses Acts.

4. For the purposes of the works authorised by this Order the Undertakers may by agreement purchase enter on take and use such of the lands shown on the plans deposited for the purposes of this Order as they may require for the purposes of those works or any easement or right over or affecting those lands. Power to take
lands by
agreement.

5. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Undertakers any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid respectively. Power to
take easements
&c. by
agreement.

6. This Order or anything herein contained shall not exempt the Undertakers from any proceedings on account of any nuisance caused or permitted by them on any lands acquired by them under this Order. Nuisance not
authorised.

Limits and Works.

7. The limits to which the provisions of this Order extend shall be the limits defined by section 13 of the Order of 1896. Limits of
Order.

8. 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 may require before the completion of the works in order to prevent injury to navigation the Undertakers may on the lands and in the lines and according to the levels shown on the deposited plans and sections (so far as the same are shown thereon) and within the limits of deviation shown on those plans construct and maintain the works authorised by this Order. Power to
execute works.

9. The works authorised by this Order are as follows :—
 A pier quay or jetty commencing at a point about five yards measured in a north-westerly direction from the easternmost point of the front Works autho-
rised.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.

Porthgain.

of the structure known as the Boiler House and terminating at a point about fifty-five yards from the said point of commencement measured in a north-westerly direction.

The works will be situated within the parish of Llanrhian in the county of Pembroke or on the foreshore or in the sea or bed thereof adjoining thereto.

The pier quay or jetty will be constructed as a solid work throughout.

Power to deviate.

10. The Undertakers in constructing the works authorised by this Order may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation and vertically to any extent not exceeding ten feet.

Penalty for obstructing works.

11. If any person wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works authorised by this Order or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works or defaces or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

Powers to cease in certain events.

12.—(1) If within two years after the commencement of this Order the works authorised by this Order and shown on the deposited plans and sections are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2) If those works after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as is then completed unless those 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 commencement of 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 that certificate.

Consent of Board of Trade to works.

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

Works in connection with harbour and jetty.

14.—(1) Subject to the provisions of this Order the Undertakers may in connection with the pier quay or jetty make provide and maintain landing-stages landing-places tramways roads sea-walls groynes approaches toll-houses toll-gates turnstiles cranes buoys mooring-posts and other buildings erections works and conveniences and appliances and may erect upon the harbour or jetty such shelters and other conveniences with suitable approaches thereto as may be considered desirable.

[1 EDW. 7.] *Pier and Harbour Orders Confirmation* [Ch. lii.]
 (No. 1) Act, 1901.

(2) A line of rails or tramway constructed under this Order shall not be used for the public conveyance of passengers until it has been inspected and certified by the Board of Trade to be fit for that use.

A.D. 1901.
 —
Porthgain.

15. The Undertakers may for the purposes of the works authorised by this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters and other vessels diving bells ballast lighters rubbish lighters tools plant or other materials and machinery as they think fit and may demand and receive such sums for the use of them as they think fit and may sell or dispose of them and the money thereby realised shall be applied towards carrying into effect any purposes of this Order to which capital is properly applicable.

Power to purchase or lease dredgers engines tugs &c.

16.—(1) All sand mud and other materials dredged up or removed under the powers of this Order or the Order of 1896 within the limits of this Order shall be the property of the Undertakers and they may sell or otherwise dispose of the same or lay down and use the same in any other place within those limits as they think fit.

Disposal of dredging.

(2) All money arising from any sale or other application of any sand mud or other materials under this section after payment of any expenses connected therewith shall be applied as part of the revenue of the harbour.

(3) No sand mud stone or other material shall be laid down or disposed of in any place below high-water mark without the consent of the Board of Trade.

Lights.

17.—(1) Before commencing the works authorised by this Order the Undertakers shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards given as to the like matters 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 those matters during the construction of the works.

As to lights during construction of works.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

18.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of the harbour and works or the completed portion thereof or in such other places as may be required for all or any portion of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and the Undertakers shall apply to that Corporation for those directions.

As to lights after completion of works.

[Ch. lii.] *Pier and Harbour Orders Confirmation* [1 EDW. 7.]
(No. 1) Act, 1901.

A.D. 1901.
—
Porthgain.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

As to buoys
&c. in case of
decay of works.

19.—(1) In case of injury to or destruction of or decay of the harbour or works authorised by this Order or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions.

(2) The Undertakers shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to obey any such directions.

Extension of time for 1896 works.

Time for com-
mencement &c.
of 1896 works.

20. The periods of two years and five years mentioned in section 35 of the Order of 1896 (Powers to cease in certain events) shall respectively be calculated from the commencement of this Order and not from the date of the passing of the Act confirming the Order of 1896.

Miscellaneous.

Recovery of
penalties.

21. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all purposes of that Act this Order shall be deemed the special Act.

Saving rights
of the Crown.

22. Nothing herein contained shall authorise the Undertakers to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the King's Majesty.

Costs of Order.

23. All costs charges and expenses of and incident to the preparing and obtaining this Order and otherwise incurred in reference thereto shall be paid by the Undertakers.

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