

[6 EDW. 7.]

*Pier and Harbour Orders
Confirmation (No. 1) Act, 1906.*

[Ch. cxiii.]



CHAPTER cxiii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Brixham Newlyn and Torquay.

A.D. 1906.

[20th July 1906.]

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.

Confirmation
of Orders in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 1) Act 1906.

Short title.

A.D. 1906.

THE SCHEDULE OF ORDERS.

1. BRIXHAM.—Amending former Acts and Orders.
 2. NEWLYN.—Reconstitution of commissioners maintenance and inspection of works &c.
 3. TORQUAY.—Amending former Orders.
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BRIXHAM HARBOUR.

Brixham. Provisional Order to authorise the Brixham Urban District Council to levy rates on passengers and to amend the Acts and Orders relating to Brixham Harbour.

Short title and construction.

1.—(1) This Order may be cited as the Brixham Harbour Order 1906 and shall be construed as one with the following Acts and Orders (that is to say):—

An Act of the 39th year of His late Majesty King George III. chapter VI. intituled “An Act to enable the Lords of the Manor of Brixham in the County of Devon to repair and enlarge or rebuild the pier or quay at Brixham Quay within the said Manor to improve the harbour there to regulate the mooring of vessels therein and to establish a market there” (in this Order called “the Act of 1799”);

An Act of the first year of Her late Majesty Queen Victoria chapter LXXV. intituled “An Act for improving enlarging and maintaining the pier harbour and market of Brixham in the County of Devon and for the formation of a breakwater in Torbay” (in this Order called “the Act of 1837”);

The Brixham Harbour Order 1875 (in this Order called “the Order of 1875”);

The Brixham Harbour Order 1877 (in this Order called “the Order of 1877”); and

The Brixham Harbour and Market Act 1896 (in this Order called “the Act of 1896”).

(2) The Act of 1799 may hereafter be cited as the Brixham Harbour and Market Act 1799 and the Act of 1837 may hereafter be cited as the Brixham Harbour and Market Act 1837.

(3) The Act of 1799 the Act of 1837 the Order of 1875 the Order of 1877 the Act of 1896 and this Order may be for all purposes cited as the Brixham Harbour Acts and Orders 1799 to 1906. A.D. 1906.
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Brixham.

2. This Order shall come into force 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." Commence-
ment of Order.

3. In this Order the following words and expressions shall unless the context otherwise requires have the meanings herein-after assigned to them namely:— Definitions.

"The Council" means the Brixham Urban District Council;

"The district fund and general district rate" means the district fund and general district rate of the Brixham Urban District;

"The harbour" means the harbour of Brixham as defined by the Act of 1837;

"The piers" means the breakwater the outer pier the eastern quay and any other quay pier or landing place belonging to the Council within the harbour and the works connected therewith.

4.—(1) The Council may after the commencement of this Order and without any further certificate under the 25th section of the Harbours Docks and Piers Clauses Act 1847 or otherwise demand recover and receive in addition to the rates which under the Order of 1875 and the Order of 1877 they are now authorised to levy the following rate for the use of the piers (that is to say):— Rates on pas-
sengers.

For every passenger or other person (not being a member of the crew) who shall embark from the piers on board of or land on the piers from any ship vessel packet or passage boat for each and every time any sum not exceeding one penny.

(2) From and after the commencement of this Order the Order of 1875 shall be read as if the rate by subsection 1 of this section authorised had been authorised by that Order to the intent that that rate shall be a security for all moneys borrowed or to be borrowed under the Order of 1875.

5. The Council may confer vary or extinguish exemptions from and enter into compositions with any persons with respect to the payment of the rate authorised by this Order but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Order Provided nevertheless that the levying of different rates at different piers shall not be deemed a preference within the meaning of this Order and that the Council may levy such rates accordingly notwithstanding the provisions of section 17 of the General Pier and Harbour Act 1861 Amendment Act. Power to vary
exemptions
from rates and
to enter into
compositions
&c.

6. The Council may lease for any term not exceeding seven years the rates and charges by the Order of 1875 the Order of 1877 and this Order authorised to be taken to any person upon such terms and conditions and for such rent or consideration as they may think fit and the lessee (during Power to
lease rates.

A.D. 1906.

Brixham.

the continuance of and to the extent provided in his lease) shall have and may exercise the same powers of levying and recovering rates and charges as the Council have or might exercise under this Order or under the Harbours Docks and Piers Clauses Act 1847 and shall be subject to all the provisions as to accounts and the keeping and furnishing and auditing of the same and otherwise to which the Council are subject.

Byelaws as to
bathing in
harbour.

7.—(1) The Council may make byelaws for appointing and limiting the places within the harbour from which persons can bathe without a machine or tent and for the preservation of decency and order at public bathing places within the harbour and for regulating the hours during which bathing may take place.

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

(3) No byelaw shall 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.

(4) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not apply to such byelaws.

Removal of
stranded or
sunk vessels.

8.—(1) Whenever any vessel is stranded or sunk in the harbour or in or near any approach thereto from the sea or is laid by in the harbour or neglected as unfit for sea service the Council may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the harbour and its said approaches therefrom.

(2) The Council may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also all or any part of the cargo goods chattels and effects which may be raised or saved from any such vessel to be sold in such manner as they think fit (subject to such notice being given of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894) and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto.

(3) If the proceeds of sale are insufficient to reimburse the Council for the aforesaid expenses the Council may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbitrator to be payable in respect of the deficiency from the person who at the time of the sinking or stranding of the vessel was the registered owner of the vessel or from the executors or administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(4) If on demand being made under this provision for payment of any deficiency the person on whom the demand is made is dissatisfied with the

amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbitrator to determine and award whether any and what sum is payable in respect of the deficiency and the award of the arbitrator appointed by the Board of Trade that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties. The costs of the appeal and the award shall be in the absolute discretion of the arbitrator and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

(5) The powers given to the Council by subsection (1) of this section shall not be exercised if the registered owner of the vessel stranded or sunk shall within twenty-four hours after the vessel shall have been stranded or sunk take such steps as may in the opinion of the harbour-master be necessary for the raising or removal of the vessel and shall thenceforth continuously and diligently and to the satisfaction of the harbour-master prosecute and do all such works and things as may in the opinion of the harbour-master be necessary and proper for the raising and removal of the vessel as speedily as possible.

9. Notwithstanding the provisions of the Order of 1875 the Council shall repay all moneys which have been or may hereafter be borrowed or reborrowed by them for the payment off of moneys which had been borrowed under the Order of 1875 before and were outstanding at the passing of the Act of 1896 within fifty years from the 8th day of June 1897 by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund as in the Act of 1896 provided or partly by such instalments and partly by a sinking fund and all moneys which have been or may hereafter be so borrowed or reborrowed as aforesaid shall for all the purposes of the Act of 1896 be deemed to be and as from the said 8th day of June 1897 to have been moneys borrowed by the Council under the Act of 1896.

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Brizham.

Amendment of
Order of 1875
and Act of
1896 as to
repayment of
moneys bor-
rowed under
Order of 1875.

10.—(1) In addition to the moneys which the Council are authorised to borrow under the Order of 1875 and the Act of 1896 the Council may borrow the sum necessary for the purpose of paying the costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Order in section 15 of this Order mentioned at a rate of interest not exceeding five per centum per annum on the security of the harbour revenue.

Power to
borrow.

(2) By way of collateral security for the repayment of any moneys borrowed under this Order and for the payment of the interest thereon the Council may mortgage so much of the district fund and general district rate as arises from and is leviable upon rateable property in the area mentioned in section 11 of the Act of 1896 and described in the schedule to that Act subject to any mortgages or charges thereon existing at the commencement of this Order.

A.D. 1906.

*Brixham.*Mode of repay-
ment of moneys
borrowed
under this
Order.

11.—(1) The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first annual payment to the said sinking fund shall be made within one year after the date of borrowing the sum in respect of which the payment is made.

(2) Money borrowed by the Council under this Order shall be repaid within five years from the commencement of this Order.

Application of
sections of
Public Health
Act 1875 and
Act of 1896.

12.—(1) The provisions contained in sections 236 to 239 of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Order except where any such provisions are expressly altered or varied by this Order and for the purposes of such application the term "local authority" in the said provisions shall be construed to mean the Council and the term "rates" shall be construed to mean the rates authorised by the Order of 1875 the Order of 1877 and this Order and the district fund and general district rate.

(2) Sections 13 15 16 18 19 20 21 and 24 of the Act of 1896 shall apply to the moneys borrowed under this Order as if such moneys had been borrowed under the Act of 1896.

(3) The moneys borrowed under this Order shall be deemed to have been moneys borrowed under the Act of 1896 for the purposes of section 23 of that Act.

Repeal of sec-
tion 31 of Order
of 1875.

13. Section 31 of the Order of 1875 is hereby repealed.

Recovery of
penalties.

14. All penalties recovered under this Order or under any byelaws made thereunder shall be paid to the treasurer for the time being of the Council and by him carried to the credit of the district fund or to such other fund as the Council direct.

Costs of Order.

15. All costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Order shall after taxation by the proper officer be paid by the Council in the first instance out of the revenues of the harbour undertaking or out of the district fund and general district rate and moneys so paid shall be recouped by and charged to the moneys borrowed for the purpose under the provisions of this Order.

NEWLYN PIER AND HARBOUR.

A.D. 1906.

Provisional Order for the management and maintenance of the Pier and Harbour of Newlyn in the County of Cornwall for the construction of new works in connection therewith for repealing the Newlyn Pier and Harbour Orders 1866 to 1892 and for other purposes.

Newlyn.

1. This Order may be cited as the Newlyn Pier and Harbour Order 1906. Short title.

Preliminary.

2. This Order shall come into force 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." Commencement.

3. In construing this Order and the Acts incorporated with this Order the following terms and expressions shall have the meanings herein-after assigned to them namely:— Interpretation.

"The existing harbour" means the harbour of Newlyn as existing at the commencement of this Order;

"The harbour" means the harbour of Newlyn within the limits described in section 6 of this Order;

"The works" means as well the existing piers and quay at Newlyn as the works authorised by this Order;

"The former Orders" means the Newlyn Pier and Harbour Orders 1884 to 1892;

"The existing Commissioners" means the Newlyn Pier and Harbour Commissioners incorporated by the former Orders or any of them;

"The Commissioners" means the Newlyn Pier and Harbour Commissioners incorporated by this Order;

"The clerk" means the Clerk to the Commissioners for the time being;

"The office" means the office for the time being of the Commissioners.

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

5. As from the commencement of this Order--

(1) The existing harbour and the works and the piers quays jetties works roads and conveniences connected therewith respectively and all plant and property and all powers and authorities which at the commencement of this Order shall belong to or be vested in the existing Commissioners shall be transferred to and shall vest in the Commissioners and shall be held and

Vesting of
existing
harbour.

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Newlyn.

used by the Commissioners for the purposes and subject to the provisions of this Order;

- (2) There shall also be transferred from the existing Commissioners to the Commissioners all liabilities with respect to all mortgage debts and charges and all other debts liabilities and obligations of the existing Commissioners which at the commencement of this Order shall be existing and the Commissioners shall in respect of the same be subject to all the duties obligations and liabilities of the existing Commissioners in like manner *mutatis mutandis* as if the Commissioners were the existing Commissioners and all debts moneys or payments charged upon any property of the existing Commissioners shall remain charged on that property And every mortgagee or other person secured shall have the same rights and remedies as nearly as may be against the Commissioners and the harbour and the works and the land and property connected therewith and the rates and charges authorised under this Order and any other property of the Commissioners as he would have had against the existing Commissioners and the existing harbour and the works and the land and property connected therewith and the rates and charges authorised under the former Orders or any of them as if this Order had not been made;
- (3) The existing Commissioners shall be dissolved.

*Limits.*Limits of
harbour.

6. The limits within which the Commissioners shall have authority and within which the powers of the harbour-master may be exercised shall comprise the works and the area below high-water mark within the following limits:—

An imaginary line commencing at a point (hereinafter called point "A") on the beach at the high-water ordinary spring tide mark distant in the direction of Mousehole in a direct line one thousand four hundred and ten feet from a point on the parapet wall of the south pier of the harbour indicated by a double-headed arrow cut in the coping thereof such point being distant twenty-six feet from the root or commencement of the said parapet and running in the direction of true north in a straight line for a distance of two thousand six hundred and twelve feet or thereabouts thence in the direction forty-nine degrees west of true north in a straight line for a distance of one thousand six hundred and thirty-eight feet or thereabouts to a point on the beach at the high-water ordinary spring tide mark near the old high road leading from Penzance to Newlyn in the parish of Madron such point being nine hundred and seventeen feet distant in a direct line in a north-north-east direction from a point in the parapet wall of

the north pier of the harbour indicated by a double-headed arrow cut in the upper surface of the parapet coping thereof such point being distant one hundred and fifty-eight feet ten inches in a south-easterly direction from the root or commencement of the said parapet thence along the land line of the coast and harbour in the direction of Mousehole and terminating at point "A."

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Newlyn.

7. The limits within which the power to levy rates may be exercised (herein-after termed "the rating limits of the harbour") shall comprise the works and the area below high water within the following limits:—

Rating limits.

An imaginary line commencing at a point (hereinafter called point "B") on the beach at the high-water ordinary spring tide mark distant in the direction of Mousehole in a direct line four hundred feet from the double-headed arrow on the south pier referred to in the last preceding section and running in the direction thirty-eight and a half degrees east of true north in a straight line until it meets the imaginary straight line running in the direction of true north referred to in the last preceding section and thence following that line and the further limit lines described in the said section and terminating at point "B."

Incorporation and Constitution of Commissioners.

8. As from the commencement of this Order there shall be a body of Commissioners established for carrying this Order into execution not exceeding nine in number which Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of the Newlyn Pier and Harbour Commissioners and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase lease take hold and dispose of lands and other property for the purposes but subject to the restrictions of this Order. The first Commissioners shall be David Howell William Edward Thomas Bolitho William Lueg Harvey George Paulle Bazeley Thomas Willis Field Thomas Bedford Bolitho Charles Tregenza Thomas Keigwin Harvey and John Harvey. They shall come into office on the commencement of this Order.

Incorporation
of Commis-
sioners.

9. The Commissioners Clauses Act 1847 is incorporated with this Order except so much thereof as relates to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors and except where expressly varied by or inconsistent with this Order.

Incorporation
of Commis-
sioners Clauses
Act.
10 & 11 Vict.
c. 16.

10. The future appointment and the tenure of office succession and election of the Commissioners shall be regulated as follows:—

Appointment
and election of
Commis-
sioners.

- (1) The Board of Trade by writing under the hand of one of their secretaries or assistant secretaries shall appoint four of the Commissioners (who are in this Order referred to as "the

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Board of Trade Commissioners") and may from time to time remove the same or any of them or revoke any such appointment and whenever a vacancy is caused by removal revocation death resignation or otherwise in the office of any of the Board of Trade Commissioners the Board of Trade in like manner shall appoint another Commissioner to fill the vacancy and so on toties quoties The following persons shall be the first Board of Trade Commissioners namely the said David Howell William Edward Thomas Bolitho William Lueg Harvey and George Paulle Bazeley and each of them shall hold his office subject to the powers by this Order given to the Board of Trade and as if he had been appointed by such Board ;

(2) The Public Works Loan Commissioners (in this Order referred to as "the Loan Board") being the holders of mortgage securities constituting a first charge on the harbour and the works and the revenues thereof shall by writing under the hand of their secretary appoint one other of the Commissioners (who is in this Order referred to as the "Loan Board Commissioner") and may from time to time remove the same or revoke any such appointment and whenever a vacancy is caused by removal revocation death resignation or otherwise in the office of the Loan Board Commissioner the Loan Board shall in like manner appoint another Commissioner to fill such vacancy Provided that when all principal money and interest secured by all and every the mortgages or other securities affecting the harbour and the works or the revenue of the Commissioners now or hereafter held by the Loan Board shall have been fully paid and satisfied then the right of the Loan Board to appoint a Commissioner shall lapse and any Commissioner so appointed by them shall cease to be a Commissioner and the number of Commissioners shall be reduced accordingly The said Thomas Willis Field shall be the first Loan Board Commissioner and shall hold his office subject to the powers by this Order given to the Loan Board and as if he had been appointed by them ;

(3) The persons who for the time being are holders of mortgages or other securities over or on the harbour and the works or the revenue of the Commissioners and ranking after the securities held by the Loan Board (which persons are in this Order referred to as "the puisne mortgagees") or the majority in value of the puisne mortgagees may in manner herein-after provided appoint one other of the Commissioners (who is in this Order referred to as the "Mortgage Commissioner") and whenever a vacancy is caused by death resignation or otherwise in the office of Mortgage Commissioner may appoint another Commissioner to fill such vacancy Provided that if and when

the total principal moneys secured by all the mortgages or other securities held by the puisne mortgagees at the commencement of this Order with all interest thereon have been fully paid and satisfied then the right of the puisne mortgagees to appoint a Commissioner shall cease and in the case of future borrowing by the Commissioners such power shall not revive and the Commissioner appointed by the puisne mortgagees shall cease to be a Commissioner and the number of Commissioners shall be reduced accordingly. The said Thomas Bedford Bolitho shall be the first Mortgage Commissioner as if he had been appointed by the puisne mortgagees and shall subject to the provisions of this subsection as to cesser of his office hold office until the end of the second Monday in November one thousand nine hundred and nine unless he shall previously die or resign;

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Newlyn.

- (4) The county council of the county of Cornwall (herein-after called "the county council") at their ordinary meeting held next before the second Monday in November in the year one thousand nine hundred and seven and in each year thereafter shall appoint one other of the Commissioners (who is in this Order referred to as the "County Council Commissioner") and whenever a vacancy is caused by death resignation or otherwise in the office of County Council Commissioner shall appoint another Commissioner to fill such vacancy. The said Charles Tregenza shall be the first Commissioner to represent the county council and he shall hold his office until the end of the second Monday in November one thousand nine hundred and seven as if he had been appointed by the county council;
- (5) The registered owners for the time being resident in the Newlyn district of the urban district of Paul of fishing boats or vessels which are of a length of thirty feet keel lineal measurement or upwards and are engaged or employed in fishery in and out of Newlyn (herein-after called "the boat-owners") or a majority thereof shall elect two Commissioners (who are in this Order referred to as the "Boat-owners Commissioners") The said Thomas Keigwin Harvey and John Harvey shall be the first Boat-owners Commissioners as if they had been appointed by the boat-owners and shall hold office until the end of the second Monday in November one thousand nine hundred and six.

11.—(1) In the first week of October one thousand nine hundred and nine and every third year thereafter so long as any of the mortgages or securities held by the puisne mortgagees shall be subsisting the clerk shall send notice in writing to the puisne mortgagees calling upon them to elect a Mortgage Commissioner in the place of the then present Mortgage

Election of
Mortgage
Commissioner.

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Commissioner The notice shall be sent by post addressed to each of the puisne mortgagees or in the case of any mortgage or security held in joint names to that one of the mortgagees whose name stands first on the register of mortgages kept by the Commissioners at his or her address as stated in that register and shall state that if the person to whom it is sent desires to appoint any person to be the Mortgage Commissioner in the place of the Mortgage Commissioner whose term of office will expire on the second Monday in the following November the person to whom the notice is sent must send to the clerk by post on or before the thirty-first October then instant the name and address of the person (if any) whom he or she desires to appoint.

(2) The clerk shall within the first week of November one thousand nine hundred and nine and every subsequent third year certify in writing to the Commissioners whether any and what person has been appointed by the majority of the puisne mortgagees to be the Mortgage Commissioner in the place of the said Thomas Bedford Bolitho or other the Mortgage Commissioner for the time being and every certificate made under this subsection shall be conclusive evidence of the facts stated therein and the person (if any) thereby certified to have been appointed shall be and continue as from the end of the second Monday in the November in which such certificate is made the Mortgage Commissioner for the period of three years thence next ensuing.

(3) If any casual vacancy shall occur in the office of Mortgage Commissioner by reason of the death or resignation of the Mortgage Commissioner the clerk shall give a like notice *mutatis mutandis* to the puisne mortgagees fixing a time not being less than three weeks after the date of such notice within which each puisne mortgagee is to nominate a person to fill that vacancy and if the majority of the puisne mortgagees shall within the time fixed by the notice appoint any person to fill the vacancy the clerk shall forthwith certify in writing to the Commissioners the name of the person so appointed and the person so certified to have been appointed shall be the Mortgage Commissioner in place of the Commissioner by whose death or resignation the vacancy has occurred but shall hold office only so long as the person in whose place he is appointed would have held office had he not died or resigned.

Election of
County Council
Commissioner.

12.—(1) If at the ordinary meeting of the county council held next before the second Monday in November one thousand nine hundred and seven or any subsequent year the county council shall fail to appoint any person to be County Council Commissioner for the then ensuing year the person who for the time being fills that office shall continue in office until the end of the second Monday in November in the following year.

(2) Any casual vacancy occurring in the office of County Council Commissioner by reason of the death or resignation of the County Council Commissioner may be filled up by the county council at the first or any subsequent meeting of the county council held after the occurrence of the

vacancy but the person appointed to fill any such casual vacancy shall hold office only so long as the person in whose place he is appointed would have continued to hold office had he not died or resigned.

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Newlyn.

13. The following provisions shall apply to the election of Boat-owners Commissioners:—

Election of
Boat-owners
Commis-
sioners.

- (1) An election of Boat-owners Commissioners shall take place on the first Monday in November one thousand nine hundred and six and every subsequent third year and the Commissioners elected at every such meeting shall come into office as from the end of the second Monday in that month and shall hold office until the end of the second Monday in November in the third following year;
- (2) In respect of the election of Boat-owners Commissioners in the year one thousand nine hundred and six and every subsequent election the Commissioners shall advertise at least fourteen days before the day of such election in at least one newspaper circulating in the district and by notices affixed to the door of the office the day hour and place (which shall be within the urban district of Paul) on and at which the election is to be held;
- (3) At every election of Boat-owners Commissioners the clerk or one of the Commissioners for the time being shall act as chairman of the meeting and shall declare the number of votes given for each candidate;
- (4) Any two of the boat-owners may nominate any person (being a boat-owner within the definition contained in section 10 (5) of this Order) as a candidate by sending to the clerk a nomination paper. The nomination paper shall be dated and subscribed by the two boat-owners and shall contain the christian name surname place of abode and designation of each of the subscribers and of the candidate nominated. No nomination paper shall be received after four o'clock in the afternoon of the Monday immediately preceding the day of election and public notice shall be given not later than the Thursday immediately preceding the day of election of the list of candidates by affixing the same to the door of the office and on such other conspicuous place as the Commissioners may direct. Any candidate may at any time before the day of election be withdrawn by the delivery of a notice of withdrawal signed by him and addressed to the clerk;
- (5) In the event of only two persons being nominated as herein-before provided for election as Boat-owners Commissioners the clerk shall without further procedure declare such two persons to be duly elected and such declaration shall be in writing signed by the clerk and shall be conclusive evidence of the due election of such persons;

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- (6) At each and every election every boat-owner shall be entitled to two votes and may distribute them among the candidates as he may think fit but in no case shall he be entitled to give more than one vote to any one candidate ;
- (7) The two candidates having the greatest number of votes at any contested election shall be elected and in every case of equality the chairman of the meeting shall have a casting vote in addition to the vote (if any) to which he may be entitled as an elector ;
- (8) Any question or dispute regarding the election of a candidate shall be determined at the meeting by the chairman of the meeting whose decision shall be final ;
- (9) The poll at every contested election shall be taken by ballot in such manner as the chairman of the meeting shall direct ;
- (10) Where there are more registered owners than one resident in the Newlyn district aforesaid of any fishing boat or vessel that one of those owners whose name stands first on the register shall be the registered owner of such boat or vessel for all purposes of this section ;
- (11) If at any meeting the place of any retiring Boat-owners Commissioner is not filled up the retiring boat-owner shall continue in office for the period of three years from the second Monday in the November in which such meeting takes place ;
- (12) The expenses connected with each election (exclusive of the expenses of any candidate) shall be paid by the Commissioners out of the funds belonging to them as such Commissioners ;
- (13) The chairman of the meeting at which any Boat-owners Commissioner is appointed shall report to the Commissioners in writing the name of every Boat-owners Commissioner appointed at that meeting.

Re-election
quorum and
resignation.

14.—(1) A retiring Commissioner may be re-appointed or re-elected.

(2) The quorum for a meeting of Commissioners shall be three.

(3) A Commissioner may resign office at any time by giving notice in writing of his resignation to the Commissioners or the clerk and in the case of a Commissioner other than a Mortgage Commissioner or Boat-owners Commissioner also to the body or persons by whom he was appointed.

Casual
vacancies
among Boat-
owners Com-
missioners.

15.—(1) In the event of a casual vacancy occurring in the office of Boat-owners Commissioners by reason of death or resignation or otherwise the Commissioners shall as soon as may be thereafter at a meeting of the Commissioners elect a person duly qualified as aforesaid to fill the vacancy and the Commissioner so elected shall continue in office for the same period and retire from office at the same time as the person whose vacancy he

fills would in ordinary course have continued in or retired from office but shall be eligible for re-election. A.D. 1906.

Newlyn.

(2) In case of an equality of votes at any such election the chairman for the time being of the Commissioners shall have a second or casting vote.

16.—(1) The Commissioners may act notwithstanding any vacancy in their body but if the number of the Commissioners is reduced below five they shall act only for the purpose of causing vacancies in their body to be filled up. Validity of acts
of Commis-
sioners.

(2) Every act of the Commissioners or of any person acting under their authority shall notwithstanding any defect in the appointment of or any disqualification of any person party to or doing the act be as valid as if there had been no such defect or disqualification.

17.—(1) The Commissioners need not hold monthly meetings but they may hold meetings at any time and place they think fit. Meetings.

(2) The Commissioners shall hold at least two meetings in every year.

(3) The first meeting of the Commissioners shall be held on the third Wednesday after the commencement of this Order at twelve o'clock noon at the office or other convenient place.

(4) The annual meeting of the Commissioners shall be held at such time and place in the last week of November in the year one thousand nine hundred and seven and every subsequent year as may be fixed by the Commissioners.

(5) Such parts of the Commissioners Clauses Act 1847 as are incorporated with this Order shall be read as if the word "monthly" wherever it occurs therein was omitted therefrom.

(6) The clerk on requisition being made to him stating in writing the object of the intended meeting and signed by the chairman or any two of the Commissioners shall cause a special meeting of the Commissioners to be called within forty-eight hours and to be held within seven days after the receipt of such requisition.

(7) Two shall form a quorum for any committee of the Commissioners.

Acquisition of Lands.

18. 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 and for the purposes of that incorporation the term "Special Act" in those Acts shall mean this Order. Incorporation
of general
enactments.

19. For the purposes of the works authorised by this Order the Commissioners may from time to time by agreement enter on take and use all or such parts of the lands shown on the plans deposited with reference to Power to take
lands by agree-
ment.

A.D. 1906. this Order as they may from time to time think requisite for the purposes of those works.

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Land for extraordinary purposes.

20. The Commissioners may (in addition to the lands by the last preceding section authorised to be taken by them) by agreement purchase lease acquire and hold for extraordinary purposes any lands not exceeding in the whole five acres but nothing in this section shall exempt the Commissioners from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Power to take easements &c. by agreement.

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 this Order grant any easement right or privilege (not being an easement 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 so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid.

Works and Powers.

Power to execute works.

22. 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 from time to time require before the completion of the works the Commissioners may on the lands and in the lines and according to the levels shown on the deposited plans and sections and within the limits of deviation shown on those plans construct and maintain the works authorised by this Order.

Description of works.

23. The works authorised by this Order comprise—

(A) A pier or jetty of openwork construction with a solid approach thereto commencing at Gwavas Quay at a point on the north face thereof at the junction of the foot of the slip leading to the beach with the north wall of the said quay and extending seaward in a direction approximately east-south-east for a distance of four hundred feet or thereabouts from the point of commencement and there terminating;

(B) A roadway commencing at a point near to the Admiralty boat-house at Street-an-Nowan forty feet or thereabouts to the south of the south corner thereof and extending in a direction approximately south by east and afterwards approximately south by west and south-east for a distance of one thousand two hundred feet or thereabouts and terminating at a point twenty feet or thereabouts to the north-west of the west side of Trewarveth Street and carried for a portion of its length by an openwork viaduct over the harbour foreshore between Keel Alley and Gwavas Quay and in connexion therewith an embankment on the foreshore extending from the jetty

herein-before described to the point of termination of the said roadway ;

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- (c) A quay or wharf of openwork construction commencing at a point near to the said Admiralty boat-house at Street-an-Nowan forty feet or thereabouts to the south of the south corner thereof and extending parallel to the intended roadway above described and terminating at a point on the foreshore of the harbour adjacent to Keel Alley Beach four hundred and thirty-three feet or thereabouts measured in a southerly direction from the point of commencement.

24. In constructing the works authorised by this Order the Commissioners 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 plans and may with the like consent deviate vertically to any extent.

Power to deviate.

25. During the construction of the works by this Order authorised on or near the foreshore of the harbour and also at all times after completion thereof the Commissioners shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such footways and carriageways over or across the works as the Board of Trade may from time to time direct or approve.

Accesses &c.

26.—(1) Subject to the provisions of this Order the Commissioners may from time to time maintain the harbour and the works and with the consent of the Board of Trade alter improve and extend the works and may in connection with the same respectively construct maintain alter and improve embankments landing places piers quays jetties wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains watercourses gas and electric lighting and water pipes and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the works and land connected therewith and may take down or remove portions of the existing works.

Power to maintain and improve works.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until the same shall have been inspected and certified by the Board of Trade to be fit for such traffic.

(3) Any electric lighting or other apparatus constructed and provided under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraph line of the Postmaster-General or with any telephonic communication by means of any apparatus of the National Telephone Company Limited.

27. The Commissioners may subject to the provisions of this Order from time to time purchase construct and maintain or take on lease any land warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or convenient in connexion

Power to erect warehouses &c.

A. D. 1906. with the harbour and the works for the accommodation of vessels using the
Newlyn. harbour and the works and the traffic landed at or embarked from the vessels
and the convenient landing thereof.

Consent of
Board of Trade
to works.

28. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.

Penalty for
obstructing
works.

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

Powers to cease
in certain
events.

30.—(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 the commencement of the works be extended by the special direction of the Board of Trade.

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

Power to
dredge.

31.—(1) The Commissioners may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure sufficient waterway and approach to the harbour and the works for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Commissioners and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud stone or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) 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.

32. The Commissioners may for the purposes of this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells tools plant or other materials as they may think fit and may demand and receive such reasonable sums for the use of the same as they may think fit or may sell or dispose of the same and the money realised by any sale thereof shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable.

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Power to purchase or hire dredgers &c.

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

Meters and weighers.

34.—(1) Subject to the provisions of section 73 of this Order and without prejudice to the power to make byelaws conferred by section 83 of the Harbours Docks and Piers Clauses Act 1847 the Commissioners may make byelaws for the regulation and control of vessels and boats within the harbour and the beaching of boats and for the providing and disposal of ballast and for the regulation of the fishermen and other persons using the harbour and the works and of goods and traffic embarked or disembarked loaded or unloaded at the works or within the harbour or on any land or property belonging to the Commissioners and used for the purposes authorised by this Order.

Power to make byelaws.

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

(3) No byelaw shall 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.

(4) Sections 84 and 85 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Rates.

35. The Commissioners may within the rating limits of the harbour subject and according to the provisions of this Order demand receive and recover for the use of the harbour and the works as existing at the commencement of this Order and the conveniences connected therewith and in respect of vessels boats persons goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Power to levy rates for use of existing harbour and works.

36. When in addition to the certificate to be granted under section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works authorised by this Order have been given the Commissioners may subject and according to the provisions of this Order demand receive and recover for the use of those works and the conveniences connected therewith and in respect of vessels boats persons

Power to levy rates at new works.

A.D. 1906. goods animals fish and things and for services described in the schedule to
Newlyn. this Order any rates not exceeding those specified in that schedule.

Rates may be
levied though
works not
completed.

37. 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 Commissioners that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking or the shipping and unshipping of passengers animals or goods by means of those works the Commissioners may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand recover and receive in respect of those works such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Board of Trade be commensurate with the increased accommodation afforded.

Power to vary
exemptions
and compound
for rates.

38. The Commissioners may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the harbour or the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Power to lease
undertaking or
rates.

39.—(1) The Commissioners may lease for any term not exceeding seven years the rates and charges authorised by this Order to be taken upon such terms (pecuniary or otherwise) and under such restrictions and conditions as they think fit.

(2) Where the rates or other charges are leased under this section the lessee during the continuance of his lease and to the extent provided in that lease shall have and may exercise all or any of the powers conferred upon the Commissioners by this Order (including powers of levying and recovering rates and charges) which the Commissioners have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to the same provisions as to accounts and otherwise as the Commissioners are made subject to under this Order.

Rates for ware-
houses &c.

40. The Commissioners may (so far as the rates specified in the schedule to this Order do not extend) demand and recover such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or provided by the Commissioners or in respect of any services rendered by them in connection with the harbour or the works.

Board of Trade
may reduce
rates.

41.—(1) The rates to be received by the Commissioners shall be adjusted by them in such a manner that as far as possible the income of the undertaking of the Commissioners shall be sufficient and not more than sufficient for the purposes of this Order.

(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 rates leviable by the Commissioners 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 in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

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42.—(1) The master or owner of any vessel with a take or cargo of fish shall on the arrival of the vessel within the rating limits of 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 every person obtaining delivery thereof.

Master of fishing vessel to report take of fish.

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

43. The harbour-master may prevent the removal or sailing from within the harbour of any vessel in respect of which or of 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.

Harbour-master may prevent sailing of vessels.

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

Certain fishing vessels under stress of weather exempt from rates.

45. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the premises and works belonging to the Commissioners.

Exemption of lifeboat crew.

46. If and so long as the Commissioners shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the harbour a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charge as they may think fit not exceeding the rate specified for that purpose in the schedule to this Order for pure and wholesome water supplied by them.

Supply of and rate for water.

47. The Commissioners may supply and remove ballast for the accommodation of vessels within the harbour or permit the master or owner of any vessel within the harbour to lift or convey ballast from or to any place

Ballast for vessels.

A.D. 1906. where it may be lawfully obtained or deposited for the purpose of supplying
Newlyn. or removing the ballast of such vessel on payment to the Commissioners of
 such rates as they shall deem proper not exceeding the rates specified in
 the schedule to this Order.

Finance.

Power to
borrow.

48. In addition to all moneys borrowed under the former Orders for the time being outstanding the Commissioners may from time to time but subject and without prejudice to the securities outstanding under the former Orders borrow at interest not exceeding five per centum per annum any sums not exceeding (except with the consent of the Board of Trade) twenty thousand pounds on the security of the harbour and the works and the land and property connected therewith and of the rates and charges authorised by this Order and for securing any money so borrowed the Commissioners may from time to time but subject and without prejudice as aforesaid convey assign and charge by means of mortgages or debentures the harbour and the works and the land and property connected therewith and the rates and charges authorised by this Order and any other property or revenue of the Commissioners and may execute and do all deeds acts and things necessary or proper for that purpose Provided that in every case in which the existing Commissioners have under the authority of the former Orders created any mortgage charge or other security over rates or charges authorised by the former Orders or any of them such mortgage charge or other security shall be read and construed as if the rates and charges therein comprised were the rates and charges authorised by this Order.

Re-borrowing.

49. All money borrowed by the Commissioners under this Order and repaid otherwise than by instalments or by means of a sinking fund in manner provided by this Order may be from time to time re-borrowed by the Commissioners but so that the same shall be repaid within the period limited by this Order.

Application of
money bor-
rowed.

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

Appointment of
a receiver.

51.—(1) The holders of any security given in respect of money borrowed under this Order or the former Orders may enforce payment of arrears of interest or principal or principal and interest due on their securities by the appointment of a receiver.

(2) In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole.

Application of
sections 75 to
88 of Commis-
sioners Clauses
Act 1847.

52. In sections 75 to 88 (both inclusive) of the Commissioners Clauses Act 1847 incorporated with this Order the expression "Commissioners" shall mean the Commissioners and the expressions "mortgage" and "mort-

gagee" shall respectively include any security for money borrowed under this Order or the former Orders and the holder of any such security. A.D. 1906.

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53. Any person advancing money to the Commissioners shall not be bound to require any further or other evidence of the power of the Commissioners to borrow the money advanced by such person than such as is afforded— Protection of
lenders.

- (A) By a certificate signed by the clerk and two of the Commissioners that the Commissioners are not exceeding the powers of borrowing conferred on them by this Order; and
- (B) By the production of the register of mortgages by section 76 of the Commissioners Clauses Act 1847 required to be kept by the Commissioners.

54. It shall not be obligatory on the Commissioners under section 90 of the Commissioners Clauses Act 1847 as incorporated with this Order to cause the statement and accounts therein mentioned to be printed and notwithstanding anything in that Act the same person may be both clerk and treasurer to the Commissioners. Accounts need
not be printed.

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

- (1) In payment of the costs of and connected with the preparation and making and confirmation of this Order ;
- (2) In payment of the expense properly chargeable to revenue of the maintenance repair and management of the undertaking and all conveniences connected therewith ;
- (3) In payment year by year of the interest in respect of moneys borrowed under the former Orders and in payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments according to the priorities of the securities given for such sums respectively and in payment of the sums (if any) which ought to be set aside towards any sinking funds created under the former Orders or any of them according to the priorities of the securities against which such sinking funds have been respectively provided ;
- (4) In payment year by year of the interest accruing on money borrowed under this Order and in payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments ;
- (5) In forming a sinking fund in accordance with this Order for payment of principal moneys borrowed under this Order ;
- (6) In making such payments (if any) as the Commissioners think fit into a contingency fund established under the provisions of this Order.

A.D. 1906. The surplus (if any) after providing for the purposes aforesaid shall be applied in the further general improvement of the harbour and the works.
Newlyn.

Sinking fund.

56. The Commissioners shall every year appropriate and set apart out of the surplus income (if any) after providing for the expenses mentioned in subsections (1) (2) (3) and (4) of the preceding section such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within fifty years after the date when those moneys are respectively borrowed.

Contingency fund.

57. The Commissioners may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any time the sum of three 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 the works appropriate and set apart subject to the provisions of this Order as to application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint stock bank to be increased by accumulation in the way of compound interest or otherwise invested in trust securities until required for any of the aforesaid purposes.

Appointment of an auditor.

58.—(1) The Board of Trade shall unless they see special reason to the contrary appoint a person to be permanent auditor to examine and audit the accounts of the Commissioners and shall fix the payments to be made to him for salary and for expenses (if any) and the amount of the salary and expenses (if any) shall be paid by the Commissioners out of the rates or other income received by them under this Order.

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon shall unless they see special reason to the contrary appoint another person as auditor.

(3) The Commissioners shall on demand by the auditor produce to him all books accounts deeds papers writings and other documents or information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Commissioners refuse or neglect 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 they neglect or refuse so to comply.

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

59.—(1) The Commissioners shall within one month after sending to the clerk of the peace the copy of their annual account in abstract send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The account shall be made up to the end of the thirty-first day of March in each year.

(3) The Commissioners shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section.

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*Newlyn.**Life-Saving Apparatus.*

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

Provision for
life-saving
apparatus.

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

(3) If the Commissioners 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.

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

Life-saving
apparatus may
be attached to
pier.

62. The Commissioners shall at all times keep at convenient places and in obedience to any requirements which may be made by the Board of Trade lifebuoys and life-lines in good order and fit and ready for use.

Lifebuoys to
be kept.*Lights.*

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

Lights during
construction of
works.

(2) The Commissioners 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 or comply with any directions so given.

64.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Commissioners shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required from sunset to sunrise and

Lights after
completion of
works.

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Newlyn.

according to the requirements of the traffic and the season of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for such directions.

(2) The Commissioners 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 or comply with any such direction.

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

65.—(1) In case of injury to or destruction or decay of the works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from time to time be directed by the said Corporation of Trinity House and shall apply to the said Corporation for directions as to the means to be taken.

(2) The Commissioners 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 or comply with any such directions.

Miscellaneous.

Application of
Harbours &c.
Clauses Act.
10 & 11 Vict. c. 27.

66. For all the purposes of the Harbours Docks and Piers Clauses Act 1847 this Order shall be deemed the Special Act.

Recovery of
penalties.

67. 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.

Exemptions
and savings for
Government
Departments.

68. 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.

Saving for
Loan Board
and other
existing mort-
gagees.

69. Nothing herein contained shall alter prejudice or affect the priorities or rights of the holders of mortgages charges or other securities created by the existing Commissioners or the position of the Loan Board as mortgagees in possession of the harbour undertaking.

Crown rights.

70. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners 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 His 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 the said Commissioners and Board are hereby respectively authorised to give).

71. The consent of His Royal Highness the Prince of Wales in right of his Duchy of Cornwall signified to this Order shall not be taken as a consent to the surrender of and nothing in this Order contained shall prejudice or affect any property rights powers authorities or privileges of His Royal Highness or of the possessor of the Duchy of Cornwall for the time being.

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—
Newlyn.
Rights of
Duchy of
Cornwall.

72. The works authorised by this Order shall be deemed to be for all purposes within the parish of Paul in the county of Cornwall.

Works to be in
parish of Paul.

73.—(1) The Newlyn Pier and Harbour Order 1866 the Newlyn Pier and Harbour Order 1871 the Newlyn Pier and Harbour Order 1873 and the former Orders are hereby repealed.

Repeal of
Newlyn Har-
bour Orders
and savings.

(2) Notwithstanding that repeal any byelaws made under the powers of the former Orders or any of them in force at the commencement of this Order shall remain in force for one year from the commencement of this Order but shall then cease to have effect and be repealed.

(3) The repeal of the said Orders shall not affect any penalty forfeiture or punishment in respect of any offence against those Orders or any of them committed before the commencement of this Order and the repeal of the said byelaws shall not affect any penalty forfeiture or punishment in respect of any offence against those byelaws committed before the date on which those byelaws cease to have effect and are repealed.

74. 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 Commissioners.

Costs of Order.

The SCHEDULE to which the foregoing Order applies.

RATES ON VESSELS AND BOATS.

I.—RATES ON VESSELS ENTERING WITHIN THE RATING LIMITS OF THE HARBOUR OR USING THE WORKS EXCLUSIVE OF THEIR CARGOES.

	£	s.	d.
Vessels discharging or loading goods if bound from or to any place not in the United Kingdom or Isle of Man			
per registered ton	0	0	3
Otherwise per registered ton	0	0	2
Vessels entering within the rating limits of the harbour for safety or wind bound and not unloading any goods and cargo			
per registered ton	0	0	1½
Vessels remaining within the rating limits of the harbour for a longer period than one calendar month then for the period during which the same remain beyond that period the further rates following that is to say—			
For every week or part of a week per registered ton	0	0	1

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Newlyn.

	£	s.	d.
Hulks moored or remaining within the rating limits of the harbour for a longer period than four weeks then for the period during which the same remain beyond that period the rate following for every week or part of a week per registered ton	0	0	0½

II.—RATES ON FISHING PLEASURE AND OTHER BOATS HEREINAFTER MENTIONED ENTERING WITHIN THE RATING LIMITS OF THE HARBOUR OR USING THE WORKS EXCLUSIVE OF THEIR CARGOES.

Fishing boats with their punts (if any) not compounding			
28 feet keel and under each visit	0	1	0
Not exceeding 3 months	0	7	0
Exceeding 3 and not exceeding 6 months	0	12	0
" 6 months and for one year	1	0	0
Exceeding 28 feet keel and not exceeding 36 feet	0	2	0
Not exceeding three months	0	10	6
Exceeding 3 and not exceeding 6 months	0	18	0
" 6 months and for the whole year	1	10	0
Exceeding 36 feet keel and not exceeding 50 feet	0	2	6
Not exceeding 3 months	1	1	0
Exceeding 3 and not exceeding 6 months	1	16	0
" 6 months and for the whole year	3	0	0
Exceeding 50 feet keel each visit	0	5	0
Not exceeding 3 months	1	10	0
Exceeding 3 and not exceeding 6 months	2	10	0
" 6 months and for the whole year	4	0	0
Sean boats including folyer (if any) and cockboat			
each visit	0	1	0
By the year	0	10	0
Gigs and other rowing boats each visit	0	0	6
By the year per oar	0	1	0
Pleasure boats of any description not exceeding 20 feet keel			
each visit	0	1	0
By the year	0	10	0
Exceeding 20 and not exceeding 30 feet each visit	0	2	0
By the year	1	0	0
Exceeding 30 and not exceeding 40 feet each visit	0	4	0
By the year	2	0	0
Exceeding 40 feet per registered ton each visit	0	0	3
Pilot cutters per registered ton each visit	0	0	2
Steam tugs each visit	0	3	0

For any of the above fishing pleasure and other boats not compounding remaining within the rating limits of the harbour after the expiration of two weeks from the date of their arrival (unless compelled to do so by stress of weather) 2s. per boat for each week or part of a week over and above the dues leviable on arrival.

III.—RATES ON GOODS SHIPPED UNSHIPED OR TRANSHIPPED WITHIN
THE RATING LIMITS OF THE HARBOUR OR AT THE WORKS.

A.D. 1906.

Newlyn.

							s.	d.
Acid water	...	...	...	...	...	per 36 gallons	0	4
Ale beer or porter	...	...	...	...	...	per 108 gallons	1	0
"	"	"	...	...	...	per 54 gallons	0	6
"	"	"	...	...	...	per 36 gallons	0	3
"	"	"	...	...	...	per 18 gallons	0	1½
"	"	"	in bottles...	...	...	per ton	2	6
"	"	"	"	if less than 1 ton	...	per cwt.	0	2
Alabaster	...	...	...	...	...	per cubic foot	0	1½
Alum	...	...	...	...	...	per cwt.	0	2
Almonds	...	...	...	...	...	per cwt.	0	3
Anchors	...	...	...	...	...	per cwt.	0	1
Anchovies	...	...	...	...	...	per cwt.	0	2
Anvils...	...	...	...	...	...	per cwt.	0	2
Apples and pears	...	...	...	...	...	per cwt.	0	3
Arrow-root and powder	...	...	...	...	...	per cwt.	0	3
Arsenic	...	...	...	...	...	per cwt.	0	2
"	if a ton or upwards	...	...	...	...	per ton	1	0
Bacon or pork	...	...	...	...	...	per cwt.	0	1
Bagging	...	...	...	...	...	per cwt.	0	4
Ballast	...	...	...	...	...	per ton	0	3
Bark of all sorts	...	...	...	...	...	per ton	2	0
Baskets	...	...	...	...	...	per doz.	0	1
Basket rods	...	...	...	...	...	per 1,000	0	3
Bass rope	...	...	...	...	...	per cwt.	0	2
Bedsteads or beds	...	...	...	...	...	each	0	3
Beef and other fresh meats	...	...	...	...	...	per cwt.	0	2
Beer spruce	...	...	...	...	...	per 32 gallons	0	8
Bell-metal	...	...	...	...	...	per cwt.	0	2
Bellows—smiths'	...	...	...	...	...	each	0	6
"	common	...	...	...	...	per doz.	0	6
Biscuit or bread	...	...	...	...	...	per cwt.	0	2
Blackjack	...	...	...	...	...	per ton	0	6
Blacking	...	...	...	...	...	per cwt.	0	2
Blocks heel	...	...	...	...	...	per gross	0	2
Blocks last	...	...	...	...	...	per doz.	0	1
Blocks ship	...	...	...	...	...	per doz.	0	1
Blubber	...	...	...	...	...	per cwt.	0	1
Blue	...	...	...	...	...	per cwt.	0	2
Boats	...	...	...	...	...	each	2	6
Bones and bone dust...	...	...	...	...	...	per ton	1	6
Borax	...	...	...	...	...	per cwt.	0	2
Books	...	...	...	...	...	per cwt.	0	4
Bottles loose empty	...	...	...	...	...	per gross	0	2

A.D. 1906.

s. d.

Newlyn.

Bran	per ton	1	0
Brass new	per cwt.	0	2
„ old	per cwt.	0	1
Bricks common	per 1,000	1	6
„ fire	per 1,000	2	0
„ scouring	per 1,000	1	6
„ slapjacks	per doz.	0	1½
Brimstone	per cwt.	0	1
Brocoli cabbage and rhubarb	per ton	2	0
„ „ „ for pickling	per cwt.	0	1½
Brooms birch	per gross	0	2
Brushes and brush handles	per gross	0	6
Brush heads and stocks	per 100	0	1
Brushes (hair rush or whalebone)	per doz.	0	2
Buckets	per doz.	0	2
Bullion	per 100 lbs.	1	0
Butter	per cwt.	0	2
Cables iron	per ton	1	0
Cakes linseed or rape	per cwt.	0	1
Camphor	per cwt.	0	3
Candles tallow	per 14 doz.	0	4
„ „	per 7 doz.	0	2
„ wax	per 12 lbs.	0	1
Canes and willows	per ton	2	6
Can goods	per cwt.	0	3
Catechu or cutch	per ton	2	0
Carriages or coaches (with four wheels)	each	10	6
„ or gigs (with two wheels)	each	5	0
„ for guns	each	1	6
Carts	each	2	6
Carts (handcarts)	each	1	0
Case goods where not otherwise charged	per cubic foot	0	1
Casks empty	each	0	0½
Cattle viz. :—			
Asses and mules	each	1	0
Bulls cows and oxen	each	1	6
Calves and lambs	each	0	6
Horses	each	2	0
Pigs and sheep	each	0	6
Sucking pigs	each	0	3
Cement	per cwt.	0	1
Chairs common	per doz.	0	6
„ mahogany walnut	per doz.	1	6
Chalk	per ton	0	6
Charcoal	per cwt.	0	1
Cheese	per cwt.	0	2

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Pier and Harbour Orders
Confirmation (No. 1) Act, 1906.

[Ch. cxiii.]

							s.	d.	A.D. 1906.
Chemicals not enumerated	per cwt.	0	3	Newlyn.
Chestnuts	...	...	...	...	...	per cwt.	0	2	
Cocoa	...	...	...	...	...	per cwt.	0	3	
Chocolate	...	...	...	...	...	per cwt.	0	3	
China	...	...	...	...	...	per ton	1	6	
China clay	...	...	...	...	...	per ton	0	6	
Chloride of lime or potash	...	...	...	...	...	per cwt.	0	1	
Cider or perry	...	...	...	...	...	per ton	2	0	
Cider or perry if less than a ton	...	...	...	...	...	per cwt.	0	2	
Citron preserves	...	...	...	...	...	per cwt.	0	4	
Cloths linen or woollen	...	...	...	...	...	per cwt.	0	2	
Cloths linen woollen or cotton in boxes	...	...	...	...	...	per cubic foot	0	1	
Clocks in cases	...	...	...	...	...	per cubic foot	0	1	
Clover seed	...	...	...	...	...	per cwt.	0	3	
Cloves	...	...	...	...	...	per cwt.	1	0	
Coals culm cinders or coke	...	...	...	...	...	per ton	0	4	
Cocoa-nuts	...	...	...	...	...	per hundred	0	2	
Coffee	...	...	...	...	...	per cwt.	0	3	
Copper	...	...	...	...	...	per cwt.	0	2	
Copper ore	...	...	...	...	...	per ton	0	6	
Copperas	...	...	...	...	...	per cwt.	0	2	
Corks	...	...	...	...	...	per 10 gross	0	2	
Cork	...	...	...	...	...	per cwt.	0	2	
Corn viz:—									
Wheat	...	...	...	...	...	per 500 lbs.	0	3	
Barley	...	...	...	...	...	per 400 lbs.	0	2	
Oats	...	...	...	...	...	per 320 lbs.	0	2	
Flour	...	...	...	...	...	per 280 lbs.	0	2½	
" "	...	...	...	...	...	per 196 lbs.	0	2	
Barley meal	...	...	...	...	...	per 240 lbs.	0	2	
Indian corn or maize	...	...	...	...	...	per 480 lbs.	0	2	
" meal	...	...	...	...	...	per 280 lbs.	0	2	
Oatmeal	...	...	...	...	...	per 280 lbs.	0	2	
Beans and peas	...	...	...	...	...	per 500 lbs.	0	3	
Rye	...	...	...	...	...	per 320 lbs.	0	2	
Cotton raw	...	...	...	...	...	per cwt.	0	3	
Cranberries	...	...	...	...	...	per 5 gallons	0	1	
Cradles	...	...	...	...	...	each	0	3	
Currants	...	...	...	...	...	per cwt.	0	1	
Dates	...	...	...	...	...	per cwt.	0	3	
Down eider	...	...	...	...	...	per cwt.	0	9	
Drugs in casks hampers or boxes	...	...	...	...	...	per cwt.	0	4	
Dyer's stuff	...	...	...	...	...	per cwt.	0	4	
Dynamite	...	...	...	...	...	per cwt.	0	3	
Earthenware in crates	...	...	...	...	...	per cubic foot	0	0¼	
Eggs	...	...	...	...	...	per gross	0	1	

A.D. 1906.

Newlyn.

									s.	d.
Emery	...	...	...	...	...	...	...	per cwt.	0	2
Emery stones	...	...	...	...	...	...	...	per cwt.	0	1
Empty bags and sacks (not returned)	...	...	...	...	...	...	...	per cwt.	0	2
Epsom salt	...	...	...	...	...	...	...	per cwt.	0	2
Feathers	...	...	...	...	...	...	...	per cwt.	0	6
Felt	...	...	...	...	...	...	...	per cwt.	0	1
Figs	...	...	...	...	...	...	...	per cwt.	0	2
Filtering stones	...	...	...	...	...	...	...	each	0	1
Fish viz. :—										
Pilchards fresh	...	...	...	...	...	...	...	per 448 lbs.	0	4
„ for less quantities	...	...	...	...	...	...	...	per 120	0	0 $\frac{1}{4}$
„ cured	...	...	...	...	...	...	...	per 448 lbs.	0	4
Fish—Mackerel	...	...	...	...	...	...	...	per 120	0	2
Herrings	...	...	...	...	...	...	...	per 120	0	0 $\frac{1}{2}$
All other sorts of fresh fish	...	...	...	...	...	...	...	per cwt.	0	2
Stock fish dry	...	...	...	...	...	...	...	per cwt.	0	1
Flagstones	...	...	...	...	...	...	per 100 superficial feet	1	2	
Flax rough	...	...	...	...	...	...	...	per ton	2	6
„ in hanks	...	...	...	...	...	...	...	per cwt.	0	2
Floor cloth	...	...	...	...	...	...	...	per cwt.	0	4
Freestone	...	...	...	...	...	...	...	per ton	1	2
Flower roots plants or trees in packages	...	...	...	...	...	...	...	per cubic foot	0	1
Furniture household cases	...	...	...	...	...	...	...	per cubic foot	0	1
Gates iron or wood	...	...	...	...	...	...	...	each	0	2
Ginger	...	...	...	...	...	...	...	per cwt.	0	2
Glass common	...	...	...	...	...	...	per 100 superficial feet	0	6	
Glass plate	...	...	...	...	...	...	per superficial foot	0	2	
Glauber salts	...	...	...	...	...	...	...	per cwt.	0	2
Glue	...	...	...	...	...	...	...	per cwt.	0	4
Grapes	...	...	...	...	...	...	...	per cwt.	0	3
Grass Esparto	...	...	...	...	...	...	...	per ton	1	6
Grates or stoves	...	...	...	...	...	...	...	per foot run	0	2
Gravel sand...	...	...	...	...	...	...	...	per ton	0	6
Grease or greaves	...	...	...	...	...	...	...	per cwt.	0	1
Groats	...	...	...	...	...	...	...	per cwt.	0	2
Groceries not enumerated	...	...	...	...	...	...	...	per cwt.	0	2
Gums	...	...	...	...	...	...	...	per cwt.	0	4
Gunpowder or blasting powder	...	...	...	...	...	...	...	per 100 lbs.	0	3
Guano	...	...	...	...	...	...	...	per ton	1	6
Haberdashery and hosiery in bales...	...	...	...	...	...	...	...	per cwt.	0	2
„ „ „ boxes	...	...	...	...	...	...	...	per cubic foot	0	1
Hair tanners'...	...	...	...	...	...	...	...	per cwt.	0	2 $\frac{1}{2}$
Hair bull cow ox goat or horse	...	...	...	...	...	...	...	per cwt.	0	3
Hams...	...	...	...	...	...	...	...	per cwt.	0	2
Hanks for sails	...	...	...	...	...	...	...	per doz.	0	0 $\frac{1}{2}$
Hardware	...	...	...	...	...	...	...	per cwt.	0	2

[6 EDW. 7.]

Pier and Harbour Orders
Confirmation (No. 1) Act, 1906.

[Ch. cxiii.]

							s.	d.	A.D. 1906.	
Harrows	each	0	4	<u>Newlyn.</u>
Hats in boxes	...	...	...	...	...	...	per cubic foot	0	1	
Hay straw	per ton	1	0	
Hares and rabbits	per doz.	0	2	
Hay rakes	per doz.	0	2	
Hemp	per ton	2	6	
Hides wet or dry	per 100	3	6	
Hide fleshings	per cwt.	0	2½	
„ roundings or glue pieces	per cwt.	0	2½	
Honey	per cwt.	0	6	
Hoofs	per cwt.	0	1	
Hoops for mast or white hoops	per doz.	0	1	
Hoops	per ton	1	6	
Hops	per cwt.	0	6	
Horns ox or bull	per 100	0	4	
Hurdles	per doz.	0	2	
Ice	per ton	1	0	
Indigo	per cwt.	1	0	
Iron new bar angle and boiler plates	per ton	1	6	
„ old mine materials and scrap	per ton	0	9	
„ hoops	per cwt.	0	2	
„ horse shoes	per cwt.	0	2	
„ ploughshares	per cwt.	0	2	
„ stamp heads	per ton	1	4	
„ furnaces	per 20 gallons	0	1	
„ (cast) hollow ware	per cwt.	0	3	
„ ore	per ton	0	6	
„ wire and nail rods	per cwt.	0	2	
„ bakers and pudding pans	per cwt.	0	2	
Ivory black	per cwt.	0	1	
Jackscrews	per pair	0	6	
Junk or old rope	per cwt.	0	1	
Lac gum stick seed and shell	per cwt.	0	4	
Ladles...	per gross	0	6	
Lamp black	per cwt.	0	4	
Lard	per cwt.	0	2	
Lead ore	per ton	0	6	
„ pigs of	per ton	1	6	
„ red white and black	per cwt.	0	2	
Leather	per cwt.	0	2½	
„ wrought	per cwt.	0	6	
Lemons	per cwt.	0	3	
Lemon lime and orange juice	per 63 gallons	1	0	
Lime burnt	per ton	1	0	
Limestone	per ton	0	4	
Linen or woollen rags	per cwt.	0	1	

A.D. 1906.

Newlyn.

								s.	d.
Linen cloth	...	...	...	...	...	...	per cwt.	0	4
Linseed meal or cake and oil cake	...	...	...	...	...	...	per cwt.	0	1
Liquorice	...	...	...	...	...	...	per cwt.	0	2
Logwood logwood chips	...	...	...	...	...	...	per cwt.	0	3
Macaroni	...	...	...	...	...	...	per cwt.	0	4
Machinery steam and other engines and parts of the same	...	...	...	...	...	...	per cwt.	0	1½
„ foundation plates bobs and pumps for engines	...	...	...	...	...	...	per cwt.	0	1
„ wood and iron mixed	...	...	...	...	...	...	per cwt.	0	1
Madder and madder roots	...	...	...	...	...	...	per cwt.	0	4
Malt	...	...	...	...	...	...	per quarter	0	4
Manganese	...	...	...	...	...	...	per ton	1	0
Mangolds turnips	...	...	...	...	...	...	per ton	1	0
Manure guano	...	...	...	...	...	...	per ton	1	6
Manure all other sorts	...	...	...	...	...	...	per ton	1	0
Mats	...	...	...	...	...	...	per doz.	0	1
Matches in cases	...	...	...	...	...	...	per cubic foot	0	2
Marble or serpentine...	...	...	...	...	...	...	per ton	1	0
Maunds or hampers empty imported	...	...	...	...	...	...	per doz.	0	1
Melting pots	...	...	...	...	...	...	per doz.	0	1
Millboards	...	...	...	...	...	...	per 120 boards	0	6
Milk	...	...	...	...	...	...	per gallon	0	0½
Mineral waters	...	...	...	...	...	...	per doz.	0	2
Mops and brushes	...	...	...	...	...	...	per doz.	0	3
Mouldings in cases	...	...	...	...	...	...	per cubic foot	0	2
Musical instruments...	...	...	...	...	...	...	per cubic foot	0	1
Mustard	...	...	...	...	...	...	per 72 lbs.	0	3
Mustard	...	...	...	...	...	...	per 36 lbs.	0	2
Nails	...	...	...	...	...	...	per cwt.	0	2
Nets	...	...	...	...	...	...	per 5 cubic feet	0	2
Nutmegs	...	...	...	...	...	...	per cwt.	0	6
Nuts	...	...	...	...	...	...	per cwt.	0	2
Oakum	...	...	...	...	...	...	per cwt.	0	1½
Oars	...	...	...	...	...	...	per doz.	0	3
Ochre...	...	...	...	...	...	...	per cwt.	0	1
Oil castor	...	...	...	...	...	...	per cwt.	0	4
„ mineral benzoline	...	...	...	...	...	...	per 36 gallons	0	6
„ „ petroleum and all other sorts	...	...	...	...	...	...	per 36 gallons	0	4
„ olive sperm and other oils	...	...	...	...	...	...	per 36 gallons	0	6
„ olive in flasks	...	...	...	...	...	...	per cwt.	0	2
Onions	...	...	...	...	...	...	per cwt.	0	1
Oranges	...	...	...	...	...	...	per cwt.	0	3
Orange and lemon peel and buds	...	...	...	...	...	...	per cwt.	0	3
Oysters	...	...	...	...	...	...	per bushel	0	3
Paints and painters' colours...	...	...	...	...	...	...	per cwt.	0	2
Paintings pictures and pier glasses	...	...	...	...	...	...	per superficial foot	0	3
Paper stationers'	...	...	...	...	...	...	per cwt.	0	4

[£ EDW. 7.]

Pier and Harbour Orders
Confirmation (No. 1) Act, 1906.

[Ch. cxiii.]

								s.	d.	A.D. 1906.
Paper common	...	...	...	...	...	...	per cwt.	0	1½	Newlyn.
Pepper	...	...	...	...	...	...	per cwt.	0	3	
Pewter	...	...	...	...	...	...	per cwt.	0	2	
Phials in packages	...	...	...	...	...	...	per cubic foot	0	1	
Pick hilts	...	...	...	...	...	...	per gross	1	0	
Pimento	...	...	...	...	...	...	per 100 lbs.	0	3	
Pipes for smoking in cases or barrels	...	...	...	...	...	...	per cubic foot	1	0	
" stoneware	...	...	...	...	...	...	per ton	2	0	
" fireclay	...	...	...	...	...	...	per ton	1	0	
Plaster of Paris	...	...	...	...	...	...	per cwt.	0	1	
Ploughs	...	...	...	...	...	...	each	0	6	
Plums	...	...	...	...	...	...	per cwt.	0	3	
Potash common	...	...	...	...	...	...	per cwt.	0	1	
Potatoes	...	...	...	...	...	...	per ton	1	4	
" (early) shipped between 1st April and 1st July...							per cwt.	0	1	
Preserves	...	...	...	...	...	...	per cwt.	0	4	
Preserved meat and fish in cases	...	...	...	...	...	...	per cwt.	0	2	
Prunes	...	...	...	...	...	...	per cwt.	0	2	
Puncheons empty and pipes...	...	...	...	...	...	...	each	0	2	
Poultry and game	...	...	...	...	...	...	per doz.	0	2	
Putty	...	...	...	...	...	...	per cwt.	0	1	
Pumice stone	...	...	...	...	...	...	per cwt.	0	1	
Quicksilver	...	...	...	...	...	...	per 100 lbs.	0	6	
Raisins	...	...	...	...	...	...	per cwt.	0	1	
Rape seed	...	...	...	...	...	...	per cwt.	0	1	
Rice and rice meal	...	...	...	...	...	...	per cwt.	0	1	
Rope wire	...	...	...	...	...	...	per cwt.	0	2	
" yarn	...	...	...	...	...	...	per cwt.	0	2	
" manufactured	...	...	...	...	...	...	per cwt.	0	2	
Rye grass seed	...	...	...	...	...	...	per cwt.	0	1	
Sago	...	...	...	...	...	...	per cwt.	0	1	
Sails	...	...	...	...	...	...	per cwt.	0	3	
Salt gem rock salt	...	...	...	...	...	...	per ton	0	6	
" fine	...	...	...	...	...	...	per ton	1	0	
" coarse for curing fish	...	...	...	...	...	...	per ton	0	6	
Saltpetre	...	...	...	...	...	...	per cwt.	0	2	
Scythe stones...	...	...	...	...	...	...	per 100	0	3	
Scythes	...	...	...	...	...	...	per doz.	0	2	
Scuttles coal copper or tin plate	...	...	...	...	...	...	per doz.	0	3	
Scoops boat	...	...	...	...	...	...	per doz.	0	1	
" fish	...	...	...	...	...	...	per doz.	0	2	
" malt	...	...	...	...	...	...	per doz.	0	3	
Segars	...	...	...	...	...	...	per cwt.	0	6	
Seeds garden or agricultural grass seeds	...	...	...	...	...	...	per cwt.	0	3	
Shakes	...	...	...	...	...	...	per cwt.	0	2	
Shot bird	...	...	...	...	...	...	per cwt.	0	3	

A.D. 1906.

Newlyn.

									s.	d.
Shovel handles	...	...	...	...	...	...	per doz.	0	1	
Shumac	...	...	...	...	...	...	per cwt.	0	2	
Sieves	...	...	...	...	...	...	per doz.	0	3	
Skins calf	...	...	...	...	...	...	per score	0	3	
" rabbit or hare	...	...	...	...	...	...	per score	0	1	
" sheep and kid	...	...	...	...	...	...	per score	0	3	
" of all sorts	...	...	...	...	...	...	per score	0	6	
Silk raw	...	...	...	...	...	...	per cwt.	1	0	
" manufactured in packages	...	...	...	...	...	...	per cubic foot	0	2	
Slates writing	...	...	...	...	...	...	per gross	0	3	
" rags	...	...	...	...	...	...	per doz.	0	1	
Slates scantle	...	...	...	...	...	...	per ton	0	9	
" cut	...	...	...	...	...	...	per ton	1	2	
Slate hearth or tombstones wrought	...	...	...	...	...	...	per superficial foot	0	0 $\frac{1}{2}$	
" rough	...	...	...	...	...	...	per superficial foot	0	0 $\frac{1}{4}$	
Snuff	...	...	...	...	...	...	per cwt.	0	4	
Soap	...	...	...	...	...	...	per cwt.	0	1	
Soda common	...	...	...	...	...	...	per ton	1	0	
" water	...	...	...	...	...	...	per doz.	0	2	
" carbonate	...	...	...	...	...	...	per cwt.	0	2	
Solder and spelter	...	...	...	...	...	...	per cwt.	0	1	
Spades garden	...	...	...	...	...	...	per doz.	0	6	
Spars <i>see</i> timber.										
Spermaceti	...	...	...	...	...	...	per cwt.	0	4	
Spirits and wines (alcoholic) of all sorts	...	...	...	...	...	...	per 50 gallons	1	6	
" " " in bottles	...	...	...	...	...	...	per cwt.	0	2	
Spokes for wheels	...	...	...	...	...	...	per doz.	0	2	
" naves for wheels	...	...	...	...	...	...	per doz.	0	2	
Sponge	...	...	...	...	...	...	per cwt.	1	0	
Stamp lifters	...	...	...	...	...	...	per doz.	0	6	
Starch	...	...	...	...	...	...	per cwt.	0	2	
Steel	...	...	...	...	...	...	per cwt.	0	2	
Stone Caen for millstones	...	...	...	...	...	...	per ton	2	6	
" macadam	...	...	...	...	...	...	per ton	0	4	
" granite	...	...	...	...	...	...	per ton	0	6	
Stones grinding	...	...	...	...	...	...	per cwt.	0	1	
Sugar soft	...	...	...	...	...	...	per cwt.	0	1	
" refined	...	...	...	...	...	...	per cwt.	0	1 $\frac{1}{2}$	
" candy and sweets	...	...	...	...	...	...	per cwt.	0	2	
Sulphur	...	...	...	...	...	...	per cwt.	0	3	
Tallow	...	...	...	...	...	...	per cwt.	0	1 $\frac{1}{2}$	
Tapioca	...	...	...	...	...	...	per cwt.	0	1	
Tar pitch resin	...	...	...	...	...	...	per cwt.	0	1	
Tea	...	...	...	...	...	...	per cwt.	0	3	
Terra Japonica	...	...	...	...	...	...	per ton	2	0	
Thrumbs	...	...	...	...	...	...	per cwt.	0	4	

			s.	d.	A.D. 1906.
Tile and bricks for paving and ornamental tiles of all sorts	per ton		1	0	<u>Newlyn.</u>
Timber viz. :—					
For mining timber round	... .. per 50 cubic feet		0	6	
For pit props and sleepers	... .. per 50 cubic feet		0	6	
For spars under 4 inches	... .. per doz.		0	4	
" " 6 "	... .. per doz.		0	8	
" " 6 "	... .. per 50 cubic feet		0	8	
Pitch yellow and red pine	... .. per 50 cubic feet		0	8	
Oak elm ash and birch...	... .. per 50 cubic feet		1	0	
Beech sycamore...	... .. per 50 cubic feet		0	8	
Deal and deal ends	... .. per 50 cubic feet		0	8	
Flooring boards...	... .. per 50 cubic feet		0	8	
Staves fir	... .. per 50 cubic feet		0	8	
Ditto hardwood...	... .. per 50 cubic feet		1	0	
Dye woods	... .. per ton		2	0	
Mahogany rosewood teak greenheart	... .. per ton		2	0	
Firewood	... .. per 50 cubic feet		0	6	
Treenails	... .. per 1,000		0	3	
Wedges	... .. per 1,000		0	3	
Handspikes	... .. per 100		0	3	
Timber lathwood	... .. per 216 cubic feet		2	8	
Timber laths	... .. per 1,000		0	4	
All timber not otherwise specified	... .. per ton		2	0	
Tin in blocks ingots or barrels	... .. per cwt.		0	1½	
Tin ore	... .. per ton		1	0	
Tin plate	... .. per cwt.		0	2	
Tobacco	... .. per cwt.		0	3	
Tow	... .. per ton		3	0	
Toys in boxes	... .. per cubic foot		0	1	
Treacle or molasses	... .. per ton		1	0	
Trees for saddles	... .. per doz.		0	3	
Trucks hand	... .. each		0	3	
Trundle sticks	... .. per 1,000		0	3	
Turnips	... .. per ton		1	0	
Turpentine	... .. per cwt.		0	6	
Twine or netting	... .. per cwt.		0	3	
Types	... .. per cwt.		0	6	
Valonia	... .. per ton		2	0	
Varnish	... .. per 36 gallons		0	6	
Vegetables (except as otherwise herein provided)	... .. per 16 gallons		0	1	
Venice turpentine	... .. per cwt.		0	4	
Verdigris	... .. per cwt.		0	1	
Vermicelli	... .. per cwt.		0	6	
Vinegar	... .. per 126 gallons		1	0	
"	... .. per 63 gallons		0	6	
"	... .. per 18 gallons		0	3	

A.D. 1906.

Newlyn.

									<i>s.</i>	<i>d.</i>
Waste of all sorts	...	...	...	...	...	...	...	per cwt.	0	1
Wax	...	...	...	...	...	...	...	per cwt.	0	2
Wheelbarrows	...	...	...	...	...	...	...	each	0	2
Whiting	...	...	...	...	...	...	...	per cwt.	0	1
Wick yarn pack	...	...	...	...	...	...	...	per cwt.	0	3
Winnowing machines	...	...	...	...	...	...	...	each	2	6
Wool	...	...	...	...	...	...	...	per cwt.	0	3
Worsted yarn	...	...	...	...	...	...	...	per cwt.	0	2
Zinc	...	...	...	...	...	...	...	per cwt.	0	2

And all other goods and merchandise not herein enumerated shall pay dues at the rate of 2*l.* 10*s.* per cent. on their invoiced price or if there be no invoice then on their value to be ascertained by a justice of the peace proceeding in a summary manner under the Summary Jurisdiction Acts.

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

(1) RATES OF CRANEAGE.

All goods or packages not exceeding 1 ton	...	...	...	...	...	...	...	...	0	4
Exceeding 1 ton and not exceeding 2 tons	...	...	...	...	...	...	...	...	0	6
" 2 tons	...	3	"	...	...	...	...	...	0	8
" 3 "	...	4	"	...	...	...	...	...	0	10
" 4 "	...	5	"	...	...	...	...	...	1	0
" 5 "	...	6	"	...	...	...	...	...	1	2
" 6 "	...	7	"	...	...	...	...	...	1	4
" 7 "	...	8	"	...	...	...	...	...	1	6
" 8 "	...	9	"	...	...	...	...	...	1	10
" 9 "	...	10	"	...	...	...	...	...	2	4
" 10 "	3	6

(2) WEIGHING MACHINES.

For goods weighed	for every ton or part of a ton	0	3
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(3) SHED DUES.

For every 40 cubic feet or for every ton of goods which remains in the warehouse or sheds or other works of the Commissioners for not longer than forty-eight hours	0	3
And per 40 cubic feet or per ton for each day during which the goods remain after first forty-eight hours	...	...	...	...	0	2
For any portmanteau trunk parcel or other article of passengers' luggage for every day or part of a day	...	...	...	...	0	2

(4) RATES ON PASSENGERS' LUGGAGE LANDED OR EMBARKED
OR TRANSHIPPED.

A.D. 1906.

Newlyn.

For every trunk portmanteau box or parcel or other package within the description of luggage :	s.	d.
Exceeding 112 lbs. and not exceeding 140 lbs.	0	3
" 140 " " 196 lbs	0	4
" 196 " " 2 cwt.	0	6
And for every cwt. exceeding 2 cwt.	0	3
" " 20 lbs. in addition	0	1

V.—RATES FOR SUPPLY OF WATER.

Water	per 252 gallons	1	4
" 	" 60 gallons	0	4

VI.—RATES FOR BALLAST.

For loading ballast into and removing ballast from vessels and for conveying ballast to or from the place of deposit thereof as by agreement and failing agreement not exceeding	per ton	2	0
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TORQUAY HARBOUR.

Provisional Order for amending the Torquay Harbour Orders *Torquay.*
1888 and 1892 and for other purposes.

1.—(1) This Order may be cited as the Torquay Harbour Order 1906 and the Torquay Harbour Act 1803 and the Torquay Harbour Orders 1864 and 1868 the Torquay Harbour and District Act 1886 (so far as that Act refers to the Torquay Harbour) and the Torquay Harbour Orders 1888 and 1892 as each of such Acts or Orders is varied by any other or others of them or by this Order shall be read as one with this Order and those Acts and Orders may with this Order be together cited as the Torquay Harbour Acts and Orders 1803 to 1906.

Short title and
commence-
ment.

(2) This Order shall come into force 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."

2. The Mayor Aldermen and Burgesses for the Borough of Torquay (in this Order called "the Corporation") shall be the Undertakers for carrying this Order into execution. Undertakers.

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Power to lease
for erection of
pavilion por-
tion of Princess
Gardens.

3. The Corporation may lease for the erection of a pavilion concert hall or place of entertainment and gardens in connexion therewith to any person or persons the portion comprising four thousand three hundred and seventy superficial square yards and coloured pink and light green on a plan signed in duplicate by Arthur Hingston Dymond and Frederick Samuel Hex one copy being deposited with the Board of Trade and the other copy with the Clerk of the Peace for the county of Devon of the pleasure ground known as the Princess Gardens for such term at such rent under such covenants and conditions and with under and subject to such rights powers privileges reservations and authorities relating thereto as the Corporation with the approval of the Local Government Board may think fit.

Power to erect
&c. pavilion.

4. The Corporation may themselves with the approval of the Local Government Board erect and maintain furnish and equip upon the site referred to in the last preceding section of this Order a pavilion concert hall or place of entertainment with gardens thereto and may charge for admission thereto or the Corporation may from time to time let or lease the said pavilion concert hall or place of entertainment (if and when so erected by them) and gardens to any person or persons for such term at such rent under such covenants and conditions and with under and subject to such rights powers privileges reservations and authorities relating thereto as the Corporation may think fit.

Height and
description of
buildings.

5. Notwithstanding anything to the contrary contained in the last two preceding sections the Corporation shall not nor shall any person or persons deriving title under them erect on the portion of the Princess Gardens aforesaid coloured pink on the plan herein-before referred to any building exceeding the heights shewn on such plan nor erect either on the portion of the said Gardens coloured light green on the said plan or on the portion thereof coloured dark green on the same plan any buildings other than kiosks shelters fountains conservatories greenhouses bandstands or other similar buildings so that the same shall not materially obstruct the view towards Torbay from the Central Hotel Cary Parade and Cary Green.

Application of
moneys to be
received.

6. All moneys received by the Corporation on account or in respect of any lease of the site referred to in section 3 of this Order or any pavilion concert hall or place of entertainment which may be erected thereon under the power conferred by section 4 of this Order shall be applied in like manner as rates and income received by the Corporation are by section 33 of the Torquay Harbour Order 1888 directed to be applied.

Power to bor-
row for build-
ings.

7.—(1) For the purpose of raising money for the erection maintenance furnishing and equipment of any buildings authorised by section 4 of this Order and of defraying the costs charges and expenses in section 13 of this Order mentioned the Corporation may from time to time subject in each case to the approval of the Local Government Board borrow (in addition to any sums they may be entitled to borrow under the Orders

of 1888 and 1892 or under the provisions of any other public or local Act or Order) at interest not exceeding five per cent. per annum upon the security of the revenue of the harbour undertaking as defined by the Torquay Harbour and District Act 1886 and extended by the Orders of 1888 and 1892 and this Order and of the district fund and general district rate such sum or sums as the Local Government Board may from time to time allow and section 46 of the Torquay Harbour and District Act 1886 shall apply to all mortgages made under this Order.

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(2) All sums borrowed under this Order shall be repaid within the following periods (that is to say):—

As regards moneys borrowed for the purpose of defraying the costs charges and expenses in section 13 of this Order mentioned within five years from the commencement of this Order and as regards other moneys within such a period not exceeding fifty years from the date when they are borrowed as the Local Government Board may sanction.

(3) Sections 49 to 54 of the Torquay Harbour and District Act 1886 shall with the necessary variations apply to moneys borrowed under this Order.

8.—(1) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first equal annual payment to the sinking fund shall be made within one year after the date of borrowing the sum in respect of which the payment is made.

Mode of pay-
ment off of
moneys bor-
rowed

(2) The following provisions shall apply in respect to any sinking fund to be formed under this Order:—

(A) The Corporation in every year shall appropriate and set apart out of the revenue fund and rates on the security of which the moneys are borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum (herein-after in this section referred to as "the prescribed rate") be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the period as by this Order prescribed for the repayment thereof respectively;

(B) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stocks debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the Corporation and securities transferable by delivery) and if and as often as the income derived from such

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investment is not equal to the income which would be derived therefrom at the prescribed rate any deficiency shall be made good out of the revenue fund and rates on the security of which moneys are borrowed under this Order and if and so often as the income derived from such investments is in excess of the income which would be derived therefrom at the prescribed rate any such excess may be applied as part of such equal annual payments;

(c) The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set aside in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based;

(d) Whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be not less in value than the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Corporation may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

Local Govern-
ment Board
may direct
inquiries.

9. The Local Government Board may direct any inquiries which they may deem necessary for giving effect to any of the provisions of this Order under which they have jurisdiction and the inspectors of the Local Government Board shall for the purpose of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875. The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries under this Order including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Power to levy
rates and dues.

10. On and after the first day of January one thousand nine hundred and seven the following rates and dues shall be deemed to be included in Part I. of the schedule to the Order of 1888 and the said schedule and Order shall have effect accordingly:—

	s.	d.
For every tug-boat entering the harbour not exceeding 15 tons ...	2	6
For every tug-boat entering the harbour exceeding 15 tons per registered ton	0	2

[6 EDW. 7.]

Pier and Harbour Orders
Confirmation (No. 1) Act, 1906.

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	s.	d.	A.D. 1906.
For every bicycle or tricycle	0	2	<u>Torquay.</u>
For every motor car not exceeding 2 tons	5	0	
For every motor car exceeding 2 tons	10	0	
Rolled iron joists steel rails and railway iron or metals	1	8	
Straw	2	0	
Wood blocks for paving	1	0	

11. Without prejudice to any other remedy the Corporation may recover any rates dues or duties payable under the Order of 1888 from the person liable to pay the same by proceedings in any court of competent jurisdiction. Recovery of rates dues and duties.

12. The Torquay Promenade Pier Order 1879 is hereby repealed. Repeal of Torquay Promenade Pier Order 1879.

13. All costs charges and expenses of and incident to the preparation of and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Corporation out of the revenue of the harbour undertaking or out of moneys to be borrowed (with the sanction of the Local Government Board) under this Order for that purpose. Costs of Order.

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