



CHAPTER lxxxii.

An Act to confirm certain Provisional Orders made by the Minister of Transport under the General Pier and Harbour Act 1861 relating to Girvan Great Yarmouth and Teignmouth. A.D. 1924.
[7th August 1924.]

WHEREAS a Provisional Order made by the Minister of Transport 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 Provisional Orders made by the Minister of Transport 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 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. 2) Act 1924. Short title.

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The SCHEDULE of Orders.

1. GIRVAN HARBOUR.—Transfer of harbour to Town Council &c.
2. GREAT YARMOUTH PORT AND HAVEN.—Increase of certain tolls &c.
3. TEIGNMOUTH HARBOUR.—Reconstitution of Harbour Commissioners &c.

S C H E D U L E.

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GIRVAN HARBOUR.

Provisional Order for the transfer to the provost magistrates and councillors of the burgh of Girvan of the undertaking known as the harbour of Girvan to confer powers on the Town Council with reference thereto and the maintenance management and improvement thereof and for other purposes.

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PRELIMINARY.

1. This Order may be cited as the Girvan Harbour Order 1924. Short title.
2. This Order shall come into operation 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.—(1) In this Order unless the context otherwise requires— Interpreta-
tion.
 - "The burgh" means the burgh of Girvan;
 - "The Town Council" means the provost magistrates and councillors of the burgh;
 - "The town clerk" means the town clerk of the burgh and includes any depute acting for him;
 - "The Harbour Commissioners" means the Harbour of Girvan Improvement Commissioners;
 - "The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;
 - "The Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1911 and any Act amending the same;
 - "The Harbour Orders" means the Girvan Harbour Orders 1865 1867 and 1881;
 - "The harbour" means the harbour of Girvan or as the case may be any part thereof within the limits prescribed in this Order and includes the lands buildings works plant and conveniences connected therewith;
 - "The harbour undertaking" means and includes the harbour and the harbour undertaking transferred to and all property and all rights conferred on or vested in the Town Council by and under this Order for the purposes thereof;

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“The harbour revenue” means and includes the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking under the authority of this Order;

“The works” means and includes the piers jetties quays roads buildings and works and all conveniences connected therewith transferred to the Town Council or constructed purchased or otherwise acquired by the Town Council under the powers of this Order;

“The purchase agreement” means the agreement between the Harbour Commissioners and the Town Council with the consent and concurrence of Lieutenant-Colonel North Victor Cecil Dalrymple Hamilton of Bargany and John Campbell Kennedy of Dunure and Dalquharran which is confirmed by this Order;

“The date of transfer” means the twenty-seventh day of September nineteen hundred and twenty-three.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions “packet boat” or “Post Office packet” and “Post Office bag of letters” used in that Act shall mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

UNDERTAKERS.

Undertakers.

4. The Town Council shall be the undertakers for carrying this Order into execution.

TRANSFER.

Transfer of
harbour to
Town
Council and
dissolution
of Harbour
Commis-
sioners.

5.—(1) Subject to the provisions of this Order and without prejudice to the provisions of the section of this Order the marginal note of which is “Crown rights” the purchase agreement (a copy of which is set forth in the First Schedule to this Order) is hereby confirmed and made binding on the parties thereto respectively and the same may and shall be carried into effect accordingly.

(2) From and after the commencement of this Order the harbour and all the estate and interest of the Harbour Commissioners in the lands within the limits prescribed in this Order the buildings thereon and the Girvan Harbour pertinents and

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the whole undertaking and all the powers rights and privileges vested in or belonging to the Harbour Commissioners in relation to or in connection with the harbour shall be deemed to have been transferred to and be vested in the Town Council according to the tenure nature or quality thereof respectively as from the date of transfer and shall subject to the provisions of this Order be held maintained used exercised and enjoyed by the Town Council as from the date of transfer freed and discharged from all obligations and liabilities of the Harbour Commissioners in relation thereto or in connection therewith.

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(3) For the purpose of completing the title of the Town Council to the property and rights hereby transferred to them this Order shall be deemed to be a conveyance by the Harbour Commissioners to the Town Council as on the date of transfer.

(4) As from the date of transfer all estates and interests rights powers privileges and authorities of the Harbour Commissioners in over and in respect of or connected with the harbour and the said land and other property shall cease and determine and the Harbour Commissioners shall be thenceforth freed and discharged from all obligations and liabilities in respect thereof arising after the date of transfer.

(5) The Harbour Commissioners shall apply the sum of seven hundred pounds paid to them by the Town Council in consideration of the said transfer in or towards the settlement of and shall discharge all debts incurred by the Harbour Commissioners or their predecessors prior to the date of transfer and thereupon the Harbour Commissioners shall be dissolved and cease to exist.

6. Subject to the provisions of this Order nothing in this Order contained shall be held to prejudice or affect any right or cause of action or suit or any remedy which immediately before the commencement of this Order the Harbour Commissioners had against any person but all such rights causes suits and remedies may be enforced or prosecuted by the Town Council in lieu of and in substitution for the Harbour Commissioners.

Saving rights
of action.

7. All documents books and writings of the Harbour Commissioners may be used and referred to by the Town Council for the purposes of this Order and those which if the Act confirming this Order had not been passed would have been receivable in evidence shall be admitted as evidence in all courts of law and elsewhere.

Documents
&c. to be
evidence.

8. Any person who before the commencement of this Order owed any moneys to the Harbour Commissioners or to any person on their behalf shall pay the same with all interest (if any) due or accruing in respect thereof to the Town Council and such moneys may be recovered and all remedies in respect thereof be enforced by the Town Council accordingly.

Moneys due
to Harbour
Commis-
sioners to be
paid to Town
Council.

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ACQUISITION OF LANDS.

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Incorporation of Lands
Clauses Acts.

9. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "the special Act" in those Acts shall mean this Order.

Lands for
extra-
ordinary
purposes.

10.—(1) The Town Council may purchase by agreement and hold for extraordinary purposes any lands not exceeding in the whole ten acres but nothing in this section shall exempt the Town Council from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

(2) Section 20 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Power to
take servi-
tudes &c. by
agreement.

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

Power to
retain and
sell lands.

12. Notwithstanding anything in the Lands Clauses Acts or in any other Act to the contrary the Town Council may retain hold and use for such time as they may think fit or may sell feu let lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual feu-duty or rent or of any payment in any other form any lands and premises or any interest therein vested in them or acquired by them under this Order and may sell exchange or dispose of any feu-duties created or rents reserved on the sale exchange lease or other disposition of such lands and premises and may make do and execute any deed act or thing proper for effectuating any such sale feu lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

LIMITS.

Limits.

13.—(1) The limits within which the Town Council shall have authority to levy rates and within which the powers of the

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harbour master may be exercised shall comprise the harbour and the lands foreshore and sea contained within the same and shall extend from the bridge which crosses the Water of Girvan at or near Newton Kennedy to and shall include an area below high-water mark within a radius of three hundred yards in a circle seaward from high-water mark at ordinary spring tides the centre of such circle being a point at the entrance to the River Girvan midway between the extreme points of the existing northern and southern piers which limits are in this Order termed "the limits of the harbour."

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(2) A map showing the limits of the harbour having been signed in quadruplicate by an assistant secretary to the Ministry of Transport and one copy thereof having been deposited at the office of the Ministry of Transport another copy thereof shall be deposited at the office of the Mercantile Marine Department of the Board of Trade another copy thereof shall be deposited at the office of the principal sheriff clerk of the county of Ayr and another copy thereof shall be deposited at the office of the town clerk.

(3) In case of any discrepancy between the limits delineated on the said map and the limits described in subsection (1) of this section the said map shall be deemed to be correct and shall prevail.

WORKS AND POWERS.

14.—(1) Subject to the provisions of this Order the Town Council may maintain restore reconstruct alter improve enlarge and extend the harbour and may in connection with the harbour construct maintain alter improve and enlarge embankments landing places piers quays jetties weirs bridges slips wharves beaches for hauling boats buoys moorings cranes lights beacons roads sewers drains watercourses gas and water pipes electric light and power 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 piers quays and other harbour works of the Town Council and lands connected therewith and may provide motive power for tramways.

Power to
maintain
and im-
prove 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 it has been inspected and certified by the Ministry of Transport to be fit for that use.

(3) Any electric light and power or other apparatus constructed and maintained under this Order shall be so constructed and maintained as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

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(4) Nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

Works below
high-water
mark not to
be construc-
ted without
consent of
Board of
Trade.

15. The Town Council shall not under the powers of this Order construct on over or under the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any work owned by the Town Council may have been constructed below high-water mark of ordinary spring tides the Town Council shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Town Council and the amount of such costs and charges shall be a debt due from the Town Council to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of
works by
Board of
Trade.

16. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of a work owned or constructed by the Town Council on in over through or across tidal lands or tidal water or of the intended site of any such work the Town Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Town Council to the Crown and be recoverable as a Crown debt or summarily.

Abatement
of work
abandoned
or decayed.

17. If a work owned or constructed by the Town Council on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Town Council and the amount of such expense shall be a debt due from the Town Council to the Crown and be recoverable as a Crown debt or summarily.

Penalty for
obstructing
works.

18. Any person who wilfully obstructs any person acting under the authority of the Town Council in setting out the lines of any works authorised by this Order or who pulls up or removes any poles or stakes driven into the ground for the purpose of

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setting out the lines of those works shall for every such offence be liable to a penalty not exceeding five pounds. A.D. 1924.

19. Subject to the provisions of this Order the Town Council may with the consent in writing of the Board of Trade construct and carry out such works as may be necessary for reclaiming or filling in any portion of the foreshore within the limits of this Order and may dredge from the bed of the sea the material required for filling up such reclaimed land. Provided that such dredging shall only be carried out in accordance with such restrictions and regulations as may be prescribed by the Board of Trade.

Girvan Harbour.
Power to reclaim lands.

20. The Town Council may construct and maintain on the works and may furnish manage and equip and make such reasonable charges as they think fit for the use of and admission to warehouses sheds stores fishing platforms auctioneers' stances pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle stands band stands shops bazaars kiosks aquaria waterclosets urinals lavatories baths and sanitary and other conveniences and they may also construct under or in proximity to the works and maintain and make such reasonable charges as they think fit for the use of and admission to floating swimming baths.

Power to erect pavilions and other buildings.

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

Power to dredge.

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

(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 harbour revenue under this Order is to be applied.

(4) Nothing herein contained shall be deemed to authorise in relation to any foreshore or bed of the sea vested in the Crown within the limits of the harbour the removal or sale of any sand mud or other materials by the Town Council or their licensees otherwise than to the extent hereinbefore mentioned.

22. The Town Council may from time to time provide purchase take on lease hire and use such steam or other dredgers engines tugs lighters or other vessels diving bells tools pile-drivers plant machinery and apparatus as they may think necessary for

Power to provide dredgers &c.

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effecting the purposes of this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same. All sums received in respect of any such letting on hire shall be deemed to form part of the harbour revenue and all moneys realised by any such sale shall be deemed to be money received on capital account within the meaning of the section of this Order the marginal note whereof is "Proceeds of sale of surplus lands to be treated as capital" and be dealt with and applied in the manner provided by that section.

RATES.

Power to
levy rates.

23.—(1) Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

(2) From and after the commencement of this Order the Town Council may within the limits of the harbour subject and according to the provisions of this Order demand receive and recover for the use of the harbour and in respect of vessels boats persons goods animals fish and things and for services described in the Second Schedule to this Order any rates not exceeding those specified in that Schedule.

(3) Nothing in this section shall be deemed to prevent the Town Council recovering any rates or moneys due to the Harbour Commissioners or the Town Council at the commencement of this Order and all such rates or moneys may be recovered by the Town Council accordingly.

Power to
vary exemp-
tions and
compound
for rates.

24. The Town Council 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 under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Rates for
warehouses
&c.

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

Rates for
tugs.

26. The rates and charges payable for or in respect of the use of steam and other tugs provided maintained or let by the Town Council shall be paid by the owner master consignee or other person having charge of the vessel obtaining the assistance of the tug to the Town Council or their lessees and those rates and charges shall be due and payable whether the tug shall be

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actually employed or not provided the assistance thereof shall have been required and shall in consequence of a requisition have been tendered by the master or other person having command of the tug.

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27.—(1) The Town Council shall have exclusive control over the supplying of ballast to and the discharging and removal of ballast from vessels within the limits of the harbour.

Ballast for
vessels.

(2) The Town Council may supply and remove ballast for the accommodation of vessels within the limits of the harbour on payment to the Town Council of such reasonable rates as they shall think fit but no material shall be taken from the foreshore or sea bed under the provisions of this section without the approval of the Board of Trade.

28.—(1) The master or owner of any vessel (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel within the 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.

29.—(1) The Town Council may demand levy recover and receive the rates for white fish and for fresh or salt sprinkled herrings direct from the sea transhipped or unshipped within the harbour or brought to the harbour by carriers or others by land for the purpose of disposal thereat (without prejudice to their rights to levy demand recover and receive the rates from any other person) either from the fish salesman or auctioneers who dispose of the fish or from persons purchasing or receiving delivery of the fish (otherwise than as carriers) from any vessel or vehicle.

Rates for fish
recoverable
from sales-
men &c.

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

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

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Harbour
master may
prevent
sailing of
vessels.

Certain fish-
ing vessels
under stress
of weather
exempt
from rates.

Exemption
of lifeboat
crew.

Power to
charge
higher
rates at cer-
tain times.

30. The harbour master may prevent the removal or sailing from within the limits of 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.

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

32. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life 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 harbour.

33.—(1) Notwithstanding anything contained in this Order the Town Council may charge for every person entering upon and using the works between the hours of 6 p.m. and 10 p.m. on any day on which a concert or other public entertainment (lasting for at least one and a half hours between the said hours of 6 p.m. and 10 p.m.) is held on the works or in any pavilion building or room for the time being on the works any sum not exceeding sixpence.

(2) Any person who having already paid the ordinary charge for using the works remains thereon after 6 p.m. on any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

(3) The Town Council shall notwithstanding the progress of any concert or other public entertainment reserve a sufficient passage along the works for all persons landing or embarking at the works and that reserved passage shall be open for use by such persons at the ordinary charge and without payment of the special rate by this section authorised so long as they use the works as a passage only and do not remain thereon.

(4) A copy of this section shall be exhibited in print at the entrance to the works and in some conspicuous place or places on the works.

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34.—(1) The Town Council may on any special occasions but not exceeding twelve days in any one year or for more than three days consecutively close the works or any part thereof against the public and may if they think fit on such occasions admit any persons to the works or any part thereof on payment of such special rates of admission not exceeding one shilling for each person as the Town Council may think fit.

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Power to
close works
on special
occasions.

(2) On all such occasions the Town Council shall reserve a sufficient passage along the works from the landing steps to the shore for any persons landing or embarking at the works the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the works as a passage and do not remain thereon.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the Second Schedule to this Order and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the works or part thereof on the day for which the special rate is charged.

(4) The Town Council shall give notice of their intention to close the works or part thereof under this section by exhibiting the notice conspicuously at the entrance to the works during at least two days before the day on which the works are to be closed.

(5) Notwithstanding anything contained in this and the immediately preceding section of this Order the crews of all vessels using the harbour and all persons employed on the harbour undertaking or engaged in connection with the shipment transshipment or unshipment of goods thereat shall at all times have free ingress passage and egress to along and from the harbour.

35.—(1) The Town Council may grant to passengers and promenaders or others for the use of the works (either exclusively or not of any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as the Town Council may think fit and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only but for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

Pass and
family
tickets.

(2) The Town Council shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A pass ticket or family ticket shall not be used otherwise than in

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(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

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

Minister of Transport may alter rates.

36.—(1) The rates to be received by the Town Council shall be adjusted by them in such a manner that as far as possible the harbour revenue shall be sufficient and not more than sufficient for the purposes of the harbour undertaking.

(2) If at any time it appears to the Minister of Transport from the annual account to be sent to him under this Order that the clear annual income derived from the rates leviable by the Town Council 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 Minister may if in his discretion he thinks 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 Second Schedule to this Order.

POWERS OF SALE AND LEASING.

Power to sell.

37.—(1) The Town Council at any time may with the previous consent in writing of and upon such terms conditions and restrictions as may be sanctioned by the Minister of Transport sell the harbour undertaking and the purchaser to the extent authorised by his conveyance shall have and may exercise all or any of the powers conferred upon the Town Council by or under this Order or which the Town Council have or might exercise thereunder and shall be subject to all the liabilities and obligations to which the Town Council are subject and shall perform all the duties of the Town Council under this Order.

(2) The Town Council shall within one month after the date of any conveyance made under this section deposit a certified copy thereof with the Ministry of Transport and 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 subsection.

Power to lease undertaking or rates.

38.—(1) The Town Council may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Minister of

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Transport lease to any company corporation or person (a) the entire harbour undertaking of the Town Council or any part thereof or (b) the rates and other charges authorised to be taken by this Order.

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(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Town Council by this Order which the Town Council have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Town Council are subject and shall perform all the duties of the Town Council under this Order.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Minister of Transport.

(4) The Town Council shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Ministry of Transport and 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 subsection.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

(6) Nothing in this section shall exempt the Town Council from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Town Council and all moneys received by the Town Council under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

39. In addition to any general power in this Order contained the Town Council may let for hire or lease for any term not exceeding twenty-one years any pavilions rooms shops baths sheds slips bridges warehouses or other buildings separately from any other part of the harbour undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Power to
lease
pavilions &c.

FINANCE.

40. The Town Council may and shall provide such moneys as may become necessary for the purposes of this Order or any of them and of the harbour undertaking and the maintenance management and improvement thereof and the payment of

Power to
Town Council to provide
moneys for
purposes of
Order.

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expenses in connection therewith out of the harbour revenue or if that shall be insufficient out of moneys to be raised by means of the assessment by this Order authorised to be imposed and levied.

Power to
Town Coun-
cil to impose
and levy
assessment.

41.—(1) Subject to the provisions of this Order the Town Council may as from and after the 15th day of May 1924 if and so far as may be necessary for the purposes mentioned in the last preceding section of this Order or any of such purposes and for the purpose of paying any expense of and connected with the provision of the moneys therein referred to charge in equal proportion all owners and occupiers of lands or premises within the burgh with an assessment which shall be levied and recovered in the same manner as the general improvement rate authorised by the Police Acts is levied and recovered and all the provisions of those Acts with respect to the mode of imposing levying and recovering the general improvement rate shall mutatis mutandis extend and apply to the said assessment hereby authorised.

(2) The said assessment so leviable shall be in addition to any assessments levied by the Town Council under the Police Acts but shall not except with the consent of the Secretary for Scotland exceed sixpence in the pound of the rateable value of the burgh.

Power to
accept grants
of money.

42. The Town Council may accept and apply towards the purposes of the harbour undertaking any moneys which may be granted or contributed to them for those purposes or any of them.

Power to
borrow.

43.—(1) The Town Council may from time to time borrow—

- (a) for payment to the Harbour Commissioners under the purchase agreement the sum of seven hundred pounds;
- (b) for restoring and improving the works and constructing a breastwork in front of the existing masonry quay on the south side of the harbour such sum or sums as may be required for that purpose not exceeding in the aggregate ten thousand two hundred pounds;
- (c) for dredging the harbour such sum or sums as may be required for that purpose not exceeding in the aggregate five thousand five hundred pounds;
- (d) with the consent of the Secretary for Scotland such further sum or sums as may from time to time be required for the purposes of the harbour undertaking; and
- (e) for paying the costs charges and expenses of this Order the sum requisite for that purpose.

(2) In order to secure the repayment of money borrowed under this section and the payment of interest thereon the Town

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Council may mortgage or charge the assessment by this Order authorised to be levied or the harbour revenue or both of them.

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(3) The Secretary for Scotland shall have and may exercise in relation to any such consent as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889.

44. The Town Council for the purpose of raising any money by this Order authorised to be borrowed may accept and take from any bank or banking company credit to such amount as they think expedient on a cash account to be opened and kept with such bank or banking company in the name of the Town Council according to the usage of bankers in Scotland.

Power to
take credit
from bank.

45. All moneys borrowed by the Town Council under this Order shall be repaid within the respective periods following (in this Order referred to as "the prescribed periods") (that is to say):—

Periods for
repayment
of borrowed
money.

- (a) As to the moneys borrowed under paragraph (a) of subsection (1) of the section of this Order the marginal note whereof is "Power to borrow" within forty years from the date or dates of borrowing the same;
- (b) As to moneys borrowed under paragraph (b) of the said subsection within thirty-five years from the date or dates of borrowing the same;
- (c) As to moneys borrowed under paragraph (c) of the said subsection within twenty-five years from the date or dates of borrowing the same;
- (d) As to moneys borrowed under paragraph (d) of the said subsection within such period from the date or dates of borrowing the same and by such method as the Secretary for Scotland may prescribe;
- (e) As to the money borrowed under paragraph (e) of the said subsection within five years from the commencement of this Order.

46. All moneys borrowed by the Town Council under the powers of this Order shall be applied only to the purposes for which such moneys are authorised to be borrowed and to which capital is properly applicable.

Application
of moneys
borrowed.

47.—(1) The Town Council shall have power—

Power to
re-borrow.

- (a) to borrow for the purpose of paying off any moneys previously borrowed under this Order which are intended to be forthwith repaid; or
- (b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Town Council in repaying moneys previously borrowed under this Order and which at the time of such repayment it was intended to replace by borrowed moneys.

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(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Town Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Town Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Incorporation of provisions of Police Acts.

48. The provisions of the Police Acts as to the borrowing of money for the general purposes of those Acts shall in so far as applicable and not inconsistent with the provisions of this Order be incorporated with this Order and shall so far as aforesaid apply to the borrowing by the Town Council of the money which they are by this Order authorised to borrow and the mortgages or bonds to be granted by the Town Council for the purposes of this Order shall refer to the title of this Order. Provided that in the event of repayment of money borrowed being made by way of instalments the annual instalments shall be sufficient to pay off the whole of such moneys so borrowed within the prescribed periods.

Protection of lenders from inquiry.

49. A person lending money to the Town Council under this Order shall not be concerned to inquire as to the observance by the Town Council of any of the provisions of the Police Acts or this Order or be bound to see to the application or be answerable for any loss or non-application of the money lent or any part thereof.

Sinking fund.

50.—(1) If the Town Council determine to repay by means of a sinking fund any moneys borrowed under this Order the sinking fund shall be formed and maintained either—

- (a) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

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(b) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations by way of compound interest at a rate not exceeding four pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately deposited in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise invested in securities in which trustees in Scotland may lawfully invest trust moneys (not being securities of the Town Council) and the Town Council shall be at liberty from time to time to vary and transpose the investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Town Council towards the equal annual payments to the fund.

(4) The Town Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Town Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by the sinking fund or the part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Town Council.

(6) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(7) Any expenses connected with the formation maintenance investment application or management of or otherwise in relation to any sinking fund under this Order shall be paid by the Town Council in addition to the payments provided for by this Order.

(8) If it appears to the Town Council at any time that the amount in the sinking fund with the future payments thereto

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in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Town Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Secretary for Scotland that any such increase is necessary the Town Council shall increase the payments to such extent as the said Secretary may direct.

(9) If the Town Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(10) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Secretary for Scotland be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Town Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the said Secretary shall approve.

(11) If the amount in any sinking fund at any time together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Secretary for Scotland be sufficient without any further payments thereto to repay the loan in respect of which it is formed within the prescribed period the Town Council may with the consent of the said Secretary discontinue the equal annual payments to the sinking fund until the said Secretary shall otherwise direct.

(12) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Town Council with the consent of the Secretary for Scotland may determine.

Return as to
sinking fund
&c. to be
made to Sec-
retary for
Scotland.

51.—(1) The town clerk shall within two months after the fifteenth day of May in each year if during the twelve months next preceding the said fifteenth day of May any sum is required to be paid as an instalment or annual payment or to be appropriated or paid to a sinking fund in pursuance of the provisions of this Order or in respect of any money raised thereunder and at any other time when the Secretary for Scotland may require such a return to be made transmit to the said Secretary a return in such form as may be prescribed by him and if required by him verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for

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such other period as the said Secretary may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year.

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

(3) If it appears to the Secretary for Scotland by the return under this section or otherwise that the Town Council have failed to pay any instalment or annual payment or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund under this Order (whether such instalment or annual payment or sum is required by this Order or by the said Secretary in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised by this Order the said Secretary may by order direct that the sum mentioned in that order not exceeding double the amount in respect of which the default has been made shall be paid or applied as in that order mentioned and that order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

52. The proceeds of sale of any surplus lands of the Town Council under the powers of this Order and all other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the Town Council and shall be applied in discharge of moneys borrowed by the Town Council under this Order. Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Secretary for Scotland.

Proceeds of
sale of sur-
plus lands to
be treated as
capital.

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

Appoint-
ment of
judicial
factor.

(2) In order to authorise the appointment of a judicial factor in respect of arrears of principal or principal and interest the amount owing to the mortgagees by whom the application

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(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in those sections the expression "commissioners" shall mean the Town Council and the expression "receiver" shall mean judicial factor and the expressions "mortgage" and "mortgagee" shall respectively include any security for money borrowed under this Order and the holder of any such security.

Contingency
fund.

54. The Town Council may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any time the sum of five thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the harbour appropriate and set apart subject to the provisions of this Order as to the application of the harbour revenue any amount which they think fit in any year out of the harbour revenue and shall deposit any such amount in some joint stock bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise or shall invest the same in securities in which trustees in Scotland may lawfully invest trust money (but not in securities of the Town Council) until required for any of the aforesaid purposes.

Application
of harbour
revenue.

55. The Town Council shall apply the harbour revenue and all moneys received for or in respect of the assessment by this Order authorised to be made for the purposes and in the order following and not otherwise (that is to say) :—

- (1) In paying the costs of and connected with the preparation obtaining and confirming of this Order so far as those costs are not paid out of money borrowed under this Order;
- (2) In paying any feu-duties and rents payable in respect of lands and property belonging to or leased by the Town Council in connection with the harbour undertaking;
- (3) In paying the expenses properly chargeable to revenue of conducting managing repairing and maintaining the harbour undertaking including the purchasing of the necessary appliances therefor;
- (4) In paying year by year the interest on moneys borrowed under this Order;
- (5) In paying the instalments as they become due in discharge of any moneys borrowed under this Order and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of principal moneys borrowed under this Order;

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- (6) In making such payments (if any) as the Town Council think fit into a contingency fund established under the provisions of this Order; A.D. 1924.
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- (7) In repaying to the burgh all sums which have been provided by means or out of the assessment authorised by this Order to be levied and have been applied for the purposes of the harbour undertaking whether in respect of money borrowed or otherwise:

The surplus (if any) after providing for the purposes aforesaid shall be applied by the Town Council in the improvement of the harbour undertaking.

56.—(1) The Town Council shall keep an account of the harbour undertaking separate from the other accounts of the burgh showing all moneys received on account of the harbour undertaking and all moneys expended thereon or in connection therewith. *Separate account for harbour undertaking.*

(2) In the application of section 96 of the Town Councils (Scotland) Act 1900 to such separate account as forming part of the yearly account of the Town Council each of the expressions "person assessed" "ratepayer" and "elector" occurring therein shall be deemed to include any person interested in such separate account.

57.—(1) The Town Council shall within one month after the date when a copy of their annual account or an abstract thereof is under section 96 of the Town Councils (Scotland) Act 1900 to be sent to the Secretary for Scotland send to the Ministry of Transport a copy of the separate account by the last preceding section of this Order required to be kept and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Town Council and any and every such separate account. *Annual account to be sent to Ministry of Transport.*

(2) The Town Council shall as from the expiration of the said period of one month be liable to a penalty not exceeding twenty pounds for each week or part of a week during which they refuse or neglect to comply with this section.

(3) The account shall be made up to the end of the fifteenth day of May in each year.

BYELAWS.

58.—(1) The byelaws which may from time to time be made by the Town Council in exercise of the power in that behalf conferred on them by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws. *Byelaws.*

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport

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

LIFE-SAVING APPARATUS.

Provision for life-saving apparatus.

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

(2) The Town Council shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site on 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 Town Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving apparatus may be attached to harbour.

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

Lifebuys to be kept.

61. The Town Council shall at all times keep at convenient places in the harbour and in obedience to any requirements which may be made by the Board of Trade lifebuys and lifelines in good order and fit and ready for use.

LIGHTS.

Lights on works during construction.

62. The Town Council shall at or near the works below high-water mark during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

If the Town Council fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

Permanent lights on works.

63. The Town Council shall at the outer extremity of the works below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

If the Town Council fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

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64. In case of injury to or destruction or decay of the works below high-water mark or any part thereof the Town Council shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Town Council shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision
against
danger to
navigation.

MISCELLANEOUS.

65.—(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 Town 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 approaches therefrom.

Removal of
stranded or
sunk vessels.

(2) The Town 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 or 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 :

Provided that the Town Council shall before selling any such cargo goods chattels or effects as aforesaid pay all duties charges or payments which may be payable to His Majesty in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties charges or payments so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

(3) If the proceeds of sale are insufficient to reimburse the Town Council for the aforesaid expenses the Town Council may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbiter 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

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owner thereof 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 arbiter to determine and award whether any and what sum is payable in respect of the deficiency and the award of the arbiter 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 arbiter 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 Town Council under 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 thereof 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.

Cables pipes
or wires
under or
across tidal
waters.

66. Notwithstanding anything contained in this Order any cables pipes or wires to be laid or placed by the Town Council under or across any tidal water shall be laid or placed at such depth under or such height over the tidal water as the Board of Trade may require.

Meters and
weighers.

67. The Town Council shall have the appointment of meters and weighers within the limits of the harbour.

Appoint-
ment of
officers to
enforce bye-
laws and
regulations.

68. The Town Council may appoint officers for securing the observance of the byelaws and regulations made by the Town Council under this Order in respect of the harbour and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

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

69. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed "the special Act" but sections 12 and 13 of that Act shall not be incorporated with this Order.

70. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

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Recovery of penalties.

71. Officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the harbour without payment.

Officers exempt from rates.

72. The Town Council shall within the limits of the harbour be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Local lighthouse authority.

73. Nothing in this Order or in the First Schedule to this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Town Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages 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 of 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).

Crown rights.

74. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to the Crown under or adjacent to the lands and works of the Town Council authorised to be taken or constructed by this Order but in the event of any such right being at any time intended to be exercised the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near the railway shall apply when the workings reach a point the distance of which from the nearest of such lands would not if measured horizontally exceed one half the depth of such workings below the surface level of such lands and in the application of those provisions the term "company" shall mean the Town Council and the term "railway" shall mean the said lands and works.

Crown minerals.

75. The harbour shall be deemed to be for all purposes within the burgh.

Harbour to be within burgh.

76. The Harbour Orders are hereby repealed.

Repeal.

77. All costs charges and expenses of and incident to the preparing obtaining and confirmation of this Order and otherwise incurred in reference thereto (as taxed by the proper officer) shall be paid by the Town Council.

Costs of Order.

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FIRST SCHEDULE.

MINUTE OF AGREEMENT between the HARBOUR OF GIRVAN IMPROVEMENT COMMISSIONERS incorporated by and acting under the Girvan Harbour Orders Eighteen hundred and sixty-five Eighteen hundred and sixty-seven and Eighteen hundred and eighty-one of the first part (hereinafter called "the Harbour Commissioners") and the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF GIRVAN of the second part (hereinafter called "the Town Council") with the consent and concurrence of Lieutenant-Colonel North Victor Cecil Dalrymple Hamilton M.V.O. of Bargany and John Campbell Kennedy Esquire of Dunure and Dalquharran for any right title and interest they have as within mentioned.

It is contracted and agreed between the parties as follows:—

First The Harbour Commissioners hereby agree to transfer to the Town Council and the Town Council hereby agree to take over from the Harbour Commissioners for the consideration hereinafter mentioned and subject to the conditions hereinafter contained all and whole the Girvan Harbour the lands delineated and enclosed within the boundaries coloured red on the plan annexed and signed as relative hereto and buildings thereon so far as belonging to the Harbour Commissioners the Girvan Harbour pertinents and the whole harbour undertaking vested in the Harbour Commissioners by the above-mentioned Orders or by any other deed document or title and all the estate interest powers rights and privileges of the Harbour Commissioners in or over the said harbour together with the assets including without prejudice to said generality all material and plant now belonging to the Harbour Commissioners and all loans writs securities moneys debts books and plans belonging or addebted or which may belong or be addebted to the Harbour Commissioners but free of all debts or obligations incurred by the Harbour Commissioners or by their predecessors and in particular free of all liability for any overdraft obtained or to be obtained by the Harbour Commissioners or by any person or persons on their behalf and all interest due or to become due thereon and the parties hereto hereby agree to execute and deliver all deeds documents and titles necessary for carrying this provision into effect.

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Second The said transfer shall take effect as from the completion of the signing of this agreement (hereinafter referred to as "the date of transfer").

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Harbour.

Third In consideration of the said transfer the Town Council shall pay to the Harbour Commissioners the sum of seven hundred pounds sterling in full settlement of all claims of the Harbour Commissioners or of the consenters hereto in or to said harbour lands and buildings harbour pertinents and harbour undertaking which claims shall be discharged by the Harbour Commissioners The said sum of seven hundred pounds shall be payable at the date of transfer and shall bear interest at the rate of five per cent. per annum from the said date until paid.

Fourth As from the date of transfer to the date of the passing of the Act confirming the Order hereinafter mentioned (a) the Town Council shall free and relieve the Harbour Commissioners from all responsibility and liability financial or otherwise in connection with the harbour and the maintenance thereof or repairs or new works thereon but the Harbour Commissioners shall continue nominally to administer the whole affairs of the said harbour and harbour undertaking through a committee of management which shall consist of five members of whom two shall be elected by the Harbour Commissioners and three shall be elected by the Town Council (b) the Harbour Commissioners shall levy and collect all dues and charges chargeable during the said period and shall pay the same into a special bank account controlled by the said committee of management for the use of the said harbour (c) the said committee of management shall pay the salaries of the officials connected with the harbour and all sums required to be expended on the maintenance of the harbour or for repairs or other works either out of the said bank account or out of funds to be provided by the Town Council should the revenue of the harbour be insufficient for that purpose during the said period (d) the Harbour Commissioners shall afford the Town Council full and complete access to the said Harbour and all facilities for the purpose of maintaining and repairing the harbour works constructing new works or dredging.

Fifth The Town Council hereby agree to apply in December nineteen hundred and twenty-three to the Secretary for Scotland or the Minister of Transport for and use their best endeavours to obtain an Order to confirm or give effect to this agreement The said Order shall contain all such clauses and provisions as may be necessary to give effect to this agreement which clauses and provisions shall be adjusted to the satisfaction of the parties hereto or in the event of difference between them shall be settled by an arbiter to be appointed as hereinafter mentioned.

Sixth The Town Council hereby agree to pay all costs charges and expenses (including the charges and expenses of the Harbour

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Commissioners' law agents and engineers) of and incident to the preparation and obtaining of the said Order and the transfer of the said harbour and others or otherwise incurred in relation thereto.

Seventh This agreement is subject to such alterations as may be made by the Secretary for Scotland the Minister of Transport or Parliament therein during the progress of the said Order but if any such alterations be so made which in the opinion of the arbiter to be appointed as hereinafter provided are material it shall be competent to either party to withdraw therefrom.

Eighth In the event of the said Order not being obtained and confirmed by Parliament this agreement shall be void and cease to have effect and no penalty shall be payable by either of the parties The Harbour Commissioners shall however in such case be bound to repay to the Town Council the said sum of seven hundred pounds with interest as aforesaid but such repayment is hereby declared to be their sole liability and they are not to be liable for repayment to the Town Council of any moneys expended by them on the harbour for repairs or otherwise.

Ninth The said North Victor Cecil Dalrymple Hamilton and John Campbell Kennedy do hereby concur in this agreement for all right title or interest which they or either of them may have in the subjects hereby agreed to be transferred and in particular the said North Victor Cecil Dalrymple Hamilton concurs to the discharge of the annual payment of twenty-five pounds payable to him by the Harbour Commissioners as compensation for anchorage dues as from the date of transfer and in all time thereafter.

Tenth Any question or dispute arising between the parties hereto under this agreement shall be referred to an arbiter to be mutually chosen or failing agreement to be appointed on the application of either of the parties by the Sheriff of the County of Ayr.

In Witness whereof these presents typewritten on this and the three preceding pages are together with the plan annexed subscribed as follows videlicet They are sealed with the corporate seal of the Harbour of Girvan Improvement Commissioners and subscribed by John James Inglis Lovestone Girvan factor for the said North Victor Cecil Dalrymple Hamilton John McPhail draper residing in Roodlands Road Girvan and John Crawford Blake colliery manager residing at Three Davaar Girvan being three and a quorum of said Commissioners at Girvan on the seventeenth day of September nineteen hundred and twenty-three before these witnesses Agnes Gray Alexander and Jessie Purdon Stewart both typists to Murray and Tait solicitors Girvan by the said John Campbell Kennedy also at Girvan on the said day of the month and year last mentioned before these

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witnesses the said Agnes Gray Alexander and Jessie Purdon Stewart by the said North Victor Cecil Dalrymple Hamilton at Bargany on the twenty-sixth day of the month and year last mentioned before these witnesses Edward Mundy Hamerton chauffeur in the employment of the said North Victor Cecil Dalrymple Hamilton and Duncan McLellan estate clerk Bargany Estate Office Girvan and they are sealed with the common seal of the said Town Council and are signed by Robert Hervey provost and James Smith town clerk at a meeting of said Town Council duly convened and held at Girvan on the twenty-seventh day of the month and year last mentioned before these witnesses George Harley burgh surveyor Girvan and James McCreath hallkeeper McMaster Town Hall Girvan.

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—
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 Harbour.*

AGNES G. ALEXANDER
 Witness.
 JESSIE P. STEWART
 Witness.



J. J. INGLIS.
 JOHN MCPHAIL.
 JOHN C. BLAKE.

GEORGE HARLEY
 Witness.
 JAMES MCCREATH
 Witness.



ROBERT HERVEY
 Provost.
 JAMES SMITH
 Town Clerk.

EDMUND MUNDY
 HAMERTON Witness.

NORTH DALRYMPLE
 HAMILTON.

D. McLELLAN Witness.

AGNES G. ALEXANDER
 Witness.

JOHN C. KENNEDY.

JESSIE P. STEWART
 Witness.

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SECOND SCHEDULE.

*Girvan
 Harbour.*

I.—RATES ON VESSELS (OTHER THAN FISHING VESSELS)
 ANCHORING OR MOORING AT THE HARBOUR OR WITHIN THE
 LIMITS OF THE HARBOUR.

	Per registered ton. <i>d.</i>
For every vessel under 20 tons	4
For every vessel of 20 tons and under 50 tons...	6
For every vessel of 50 tons and upwards	8
For every vessel remaining in the harbour after one month for each week or part thereof	4
All lighters from any vessel inside the limits of the harbour shall be exempt from rates but if the vessel does not enter the limits of the harbour every lighter shall pay for each trip per registered ton ...	4

Proviso—In the case of any vessel calling at the harbour and also making or attempting to make calls at four other piers or ports during the same trip the tonnage rates shall not be charged on the registered tonnage of the vessel but in lieu thereof there shall be made in respect of such vessel on each call a charge of five shillings and in addition a rate not exceeding one shilling per ton on the cargo landed or shipped at the harbour whichever is the greater. In calculating for this purpose the tonnage of cargo so landed or shipped fifteen passengers with their free luggage shall be computed as equal to one ton of goods and three horses or bulls or cows or five ponies or ten calves or stirks or fifteen sheep or lambs or pigs shall be computed as equal to one ton of goods and so in proportion for any less or broken number. Provided that for the purposes of the above provisions the quantity of cargo landed or shipped shall in no case be treated as less than one ton. Provided also that the above provisions shall not apply when the rates payable thereunder are greater than the rates on the registered tonnage of vessels contained in this schedule.

II.—RATES ON FISHING VESSELS.

A.D. 1924.

For all fishing boats whether decked or undecked for each time of entering the harbour whether with or without cargo and in the option of the owner a composition for the month or year :

Girvan Harbour.

	Each Time.			Per Month.			Per Year.		
	£	s.	d.	£	s.	d.	£	s.	d.
Under two tons	0	1	0	—	—	—	1	10	0
Two tons and under five tons ...	0	3	0	1	0	0	4	0	0
Five tons and under ten tons ...	0	4	0	1	10	0	6	0	0
Ten tons and under twenty tons...	0	5	0	2	0	0	8	0	0
Twenty tons and upwards same as vessels Table I.									
For salmon cobbles	—	—	—	—	—	—	1	10	0

NOTE.—The period for the annual composition shall be from the fifteenth day of May yearly All compositions at whatever time paid shall expire on the fifteenth day of May in each year and shall be paid in advance.

For all boats for which composition has not been paid remaining in the harbour after two weeks from the date of their arrival :

For each week or part of a week exceeding two days over and above the dues exigible on arrival :—

	s.	d.
Under ten tons	2	6
Ten tons and upwards...	5	0

III.—RATES ON PLEASURE BOATS AND YACHTS.

For pleasure rowing skiffs plying for hire :

	Per Year.		
	£	s.	d.
If under 18-feet keel	0	10	0
18-feet keel and upwards	1	0	0
Not plying for hire...	1	0	0

Pleasure boats or yachts for private use driven under power or sail :

	Each Time.		Per Year.		
	s.	d.	£	s.	d.
Under 18 feet	1	0	1	10	0
18 feet and under 30 feet	2	0	2	0	0
30 feet and under 40 feet	4	0	3	0	0
40 feet and upwards same as vessels Table I.					

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A.D. 1924. IV.—RATES ON GOODS SHIPPED UNSHIPED OR TRANSHIPPED
 AT THE WORKS OR IN ANY PART OF THE HARBOUR.

*Girvan
 Harbour.*

							s.	d.
Aerated waters	...	...	...	...	per ton		1	8
Ale beer and porter	...	...	...	...	per 54 gallons		0	6
Ale beer and porter (bottled in pint bottles)	...	...	...	...	per doz.		0	0½
Anchors	...	...	...	...	per cwt.		0	9
Animals live :—								
Bulls	...	...	...	...	each		1	0
Cows and oxen	...	...	...	...	each		0	6
Calves	...	...	...	...	each		0	3
Horses asses and mules	...	...	...	...	each		1	0
Ponies under 12 hands	...	...	...	...	each		0	6
Pigs	...	...	...	...	each		0	3
Sheep	...	...	...	...	each		0	1½
Lambs	...	...	...	...	each		0	1
Ashes of all kinds	...	...	...	...	per ton		1	0
Bark	...	...	...	...	per ton		2	0
Bedding	...	...	...	...	per cwt.		0	3
Beef or pork	...	...	...	...	per cwt.		0	2
Bicycles or tricycles	...	...	...	...	each		0	3
Biscuits	...	...	...	...	per cwt.		0	3
Bones and bone dust	...	...	...	...	per ton		1	0
Bottles	...	...	...	...	per gross		0	6
Bran	...	...	...	...	per ton		1	0
Bread	...	...	...	...	per cwt.		0	3
Bricks	...	...	...	...	per 1000		1	4
Butter and lard	...	...	...	...	per cwt.		0	2
Cables (iron or hempen)	...	...	...	...	per ton		1	6
Candles	...	...	...	...	per cwt.		0	2
Canvas...	...	...	...	...	per 56 lbs.		0	1
Carrots	...	...	...	...	per ton		1	0
Casks and barrels (empty not being returned packages)					each		0	1
Carriages :—								
Four-wheeled carriages	...	...	...	...	each		2	6
Two-wheeled carriages	...	...	...	...	each		1	0
Carts	...	...	...	...	each		1	0
Handcarts and perambulators...	...	...	...	...	each		0	2
Motor cars	...	...	...	...	each		2	6
Cement...	...	...	...	...	per ton		1	0
Cheese	...	...	...	...	per cwt.		0	2
Chimney cans	...	...	...	...	each		0	3
Cinders and charcoal...	...	...	...	...	per ton		0	6
Clay (manufactured)	...	...	...	...	per ton		0	3
Clay (common)	...	...	...	...	per ton		0	1
Cloth haberdashery &c.	per cwt.		0	2
Coals of all kinds	per ton		0	6
Copper	per ton		2	0

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		s.	d.	A.D. 1924.
Copper (old)	per cwt.	0	1	— <i>Girvan Harbour.</i>
Cordage	per cwt.	0	3	
Cork	per cwt.	0	6	
Corn :—				
Wheat and malt... ..	per ton	1	0	
Barley beans peas tares oats rye buckwheat and Indian corn	per ton	1	0	
Crabs lobsters and all shell fish (fresh)	per cwt.	0	4	
or at the option of the Town Council	per <i>l.</i> value	0	6	
Crystal... ..	per cwt.	0	2	
Cutch	per ton	0	10	
Dissolved bones and other artificial manure	per ton	1	0	
Dogs ... ..	... each	0	6	
Draff	per ton	0	10	
Drugs (in casks hampers or boxes)	per cwt.	0	2	
Earthenware or chinaware (in casks hampers or boxes)	per cwt.	0	2	
Earthenware or chinaware (in crates)	per cwt.	0	2	
Eggs	per cwt.	0	1	
Fish :—				
Herrings fresh when landed	per cran	0	6	
or at the option of the Town Council	per <i>l.</i> value	0	6	
Herrings salt sprinkled or iced... ..	per cran	0	6	
or at the option of the Town Council	per <i>l.</i> value	0	6	
Salmon fresh salt or dried	per cwt.	0	6	
or at the option of the Town Council	per <i>l.</i> value	0	6	
All other fresh fish when landed	per cwt.	0	6	
or at the option of the Town Council	per <i>l.</i> value	0	6	
All other fish cured exported or imported	per cwt.	0	4	
Offal and refuse	per cwt.	0	1	
Livers	per cwt.	0	1	
Flax	per cwt.	0	1½	
Flour	per 2½ cwt.	0	2½	
Fruit	per cwt.	0	6	
Furniture (household)	per cwt.	0	2	
Game of all kinds (except hares)	per cwt.	0	6	
Glass of all descriptions	per cwt.	0	2	
Groceries :—				
Tea coffee confections dried fruit spices rice &c.	per cwt.	0	3	
Guano	per ton	1	0	
Gunpowder	per 100 lbs.	0	3	
Ham bacon or tongues	per cwt.	0	4	
Hardware	per cwt.	0	1	
Hares and rabbits each	0	1	
Hay and straw	per ton	1	6	
Hemp	per cwt.	0	2	

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A.D.: 1924.	Hides :—	s.	d.
— <i>Girvan Harbour.</i>	Ox cow or horse... .. each	0	2
	Sheepskins each	0	1
	Lambskins each	0	1
	Hoops of wood per 1500	1	0
	Hoops of iron per cwt.	0	2
	Husbandry implements per cwt.	0	2
	Iron :—		
	Bar bolt and rod plate sheet and forged iron gates stoves nails and other ironmongery per cwt.	0	2
	Old per cwt.	0	1
	Pig and unmanufactured per ton	1	0
	Kelp per ton	0	6
	Lead per ton	0	10
	Leather (tanned and dressed) per cwt.	0	6
	Lime per ton	1	0
	Limestone per ton	1	0
	Loam or moulding sand per ton	0	3
	Machinery of all kinds per cwt.	0	1
	Manure not enumerated per ton	1	6
	Masts and spars (wooden) :—		
	Ten inches in diameter and upwards each	1	6
	or per 50 cubic feet	1	8
	Meal per 2½ cwt.	0	2½
	Meat (fresh) per cwt.	0	4
	Milk per 3 gallons	0	1
	Musical instruments per cubic foot	0	1
	Nitrate of soda per ton	1	0
	Oils per ton	1	0
	Oil cake per ton	1	0
	Oranges and lemons per cwt.	0	2
	Ores per ton	1	0
	Paint per cwt.	0	3
	Peats per ton	0	4
	Phosphate rock per ton	1	0
	Pitch per cwt.	0	2
	Potatoes per ton	1	0
	Poultry each	0	1
	Rags :—		
	Linen per ton	0	9
	Other rags old ropes and the like per ton	0	6
	Rape cakes per ton	1	0
	Sails per cwt.	0	6
	Salt per ton	0	9
	Seeds :—		
	Clover per quarter	0	3
	Flax and rape per quarter	0	3

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Seeds— <i>cont.</i>						<i>s.</i>	<i>d.</i>	A.D. 1924.
Garden	per quarter	0	3	Girvan Harbour.
Hemp and canary	per quarter	0	3	
Ryegrass	...	...	...	...	per quarter	0	3	
Sheepskins with wool	...	...	...	...	per cwt.	0	3	
Slates	...	...	...	...	per ton	1	0	
Snuff	...	...	...	...	per cwt.	0	3	
Spirits	...	...	...	...	per gallon	0	0½	
Steel	...	...	...	...	per ton	1	0	
Stones :—								
Freestone pavement and granite	...	...	...	...	per ton	1	0	
Scythe stones	...	...	...	...	per score	0	2	
Millstones	...	...	...	...	... each	1	0	
Limestones and other stones	...	...	...	...	per ton	1	0	
Curling stone blocks	...	...	...	...	per ton	1	0	
Sugar	...	...	...	...	per cwt.	0	1	
Sulphate of ammonia	...	...	...	...	per ton	1	0	
Tallow	...	...	...	...	per cwt.	0	2	
Tar	...	...	...	...	per cwt.	0	2	
Tiles (roofing)	...	...	...	...	per ton	0	6	
Tiles or pipes for draining	...	...	...	...	per ton	0	6	
Tin of all kinds	...	...	...	...	per cwt.	0	2	
Tobacco	...	...	...	...	per cwt.	0	3	
Tow	...	...	...	...	per cwt.	0	2	
Turnips	...	...	...	...	per ton	1	0	
Turpentine	...	...	...	...	per cwt.	0	1	
Varnish	...	...	...	...	per cwt.	0	1	
Vegetables (not enumerated)	...	...	...	...	per ton	1	0	
Vinegar	...	...	...	...	per cwt.	0	1	
Vitriol	...	...	...	...	per cwt.	0	1	
Whalebone	...	...	...	...	per cwt.	0	2	
Wheels (coach or cart)	...	...	...	...	per pair	0	3	
Whiting	...	...	...	...	per ton	0	6	
Wine	...	...	...	...	per 54 gallons	1	0	
Wood :—								
Fir larch beech oak ash elm and all other hard woods rough or round or in plank or sided...	...	...	...	...	per 50 cubic feet	1	8	
Fir deals planks and boards or battens	...	...	...	...	per 50 cubic feet	1	8	
Railway sleepers...	...	...	...	...	per 50 cubic feet	1	8	
Lathwood sawn	...	...	...	...	per 1000 superficial feet	1	8	
Cartwheel spokes and felloes	...	...	...	...	per 40 pieces	0	6	
Wedges	...	...	...	...	per 1000 pieces	1	8	
Pitprops not exceeding 6 inches in average diameter	...	...	...	...	per 50 cubic feet	1	3	
Wainscot	...	...	...	...	per 50 cubic feet	2	0	
Deal ends 3 inches thick and under 4 feet in length and firewood	per 50 cubic feet	1	0	

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A.D. 1924.	Wood— <i>cont.</i>	s.	d.
<i>Girvan Harbour.</i>	Rickers under 30 feet in length and under 4 inches diameter per dozen	0	6
	Oars per dozen	1	0
	Handspokes per dozen	0	8
	Treenails per 1000 lineal feet	1	0
	Wool per cwt.	0	2
	Yarn :—		
	Cotton lint and worsted per cwt.	0	2
	Other kinds per cwt.	0	1
	Zinc per cwt.	0	1

For all articles not specified in this part of this Schedule sums may be charged equal to the rates payable in respect of goods specified therein which are as nearly as may be of like nature package and quantity.

In charging the rates on goods the gross weight or measurement of all goods including the packages shall be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged and the minimum charge for a single package shall be 1*d.* or at the rate of 6*d.* per cwt.

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

V.—RATES FOR USE OF CRANES WEIGHING MACHINES SHEDS &c.

(1) *Cranes.*

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

(2) *Weighing Machines.*

For goods weighed for each ton or part of a ton	0	2
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The expression "goods" in this subsection shall not include goods in parcels not exceeding fourteen pounds in weight.

(3) *Warehouses &c.*

A.D. 1924.

For each 40 cubic feet of goods or for each ton of goods which shall remain in any warehouse or shed or on the works for a longer time than 48 hours the sum of 8*d.* and the sum of 2*d.* for each 40 cubic feet or per ton for each 24 hours or part thereof during which such goods shall remain after the first 48 hours.

Girvan Harbour.

(4) *Lighting and Cleansing the Quay.*

	s.	d.
On each vessel (other than a fishing boat) using the harbour or works per registered ton	0	1
On each fishing boat under 5 tons register using the harbour or works per boat per annum	5	0
On each fishing boat 5 tons and under 10 tons using the harbour or works per boat per annum	7	6
On each fishing boat 10 tons and under 20 tons using the harbour or works per boat per annum	10	0
On all fish brought to the harbour from other ports per <i>l.</i> value	0	6
On all fish unshipped at or brought to the harbour—for removal of refuse per <i>l.</i> value	0	1

(5) *Dues for Coal Shutes and Tips.*

For each ton of coal tipped by means of the shutes or tips per ton	0	2
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(6) *Hawser Dues.*

For every vessel under the burden of 100 tons using any hawser of the Town Council per vessel	0	6
For every vessel of the burden of 100 tons or upwards per vessel	1	0

(7) *Pilotage Dues.*

For every vessel of 40 tons or upwards which may accept the services of a pilot coming into or going out of the harbour per registered ton	0	2
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(8) *Rates for Planks and Shutes.*

	Per vessel.	
	s.	d.
For every vessel under the burden of 25 tons	1	0
For every vessel exceeding the burden of 25 tons but not exceeding 100 tons... ..	2	0
For every vessel of the burden of 100 tons and upwards ...	4	0

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A.D. 1924:

(9) *Rates for Towing Vessels.*

*Girvan
 Harbour.*

	s.	d.
For every vessel coming into or going out of the harbour per registered ton	0	2
Vessels to be towed for the above rates from or to half a mile beyond the pier head of the harbour.		
For every vessel towed from one berth of the harbour to another per registered ton	0	1

(10) *Charges for Use of Beaching Ground.*

	£	s.	d.
For every fishing or other boat beached or laid up on ground provided for the purpose by the Town Council payable in advance per off season as same may be fixed by the Town Council	0	10	0
Each additional month or part thereof beyond said off season or at any other time	0	2	0
For every vessel beached or laid up for repairs or other purposes payable in advance for every month or part thereof :—			
Vessels under 20 tons of registered tonnage ...	0	5	0
Vessels over 20 tons and under 50 tons of registered tonnage	0	10	0
Vessels over 50 tons of registered tonnage ...	1	0	0

VI.—RATES ON PASSENGERS AND PASSENGERS' LUGGAGE
SHIPPED OR UNSHIPED AT THE WORKS.

	s.	d.
For every passenger or other person who shall land or embark on board of any vessel for each and every time any sum not exceeding	0	2
For every person using the works and not going on board of a vessel for each and every time any sum not exceeding	0	2

NOTE.—Children under twelve years of age in
charge of parent or servant free.

Servants going for or with luggage free but the luggage
to be paid for.

For every trunk portmanteau box parcel or package within the description of luggage shipped or unshipped and not carried by the passenger	0	1
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NOTE.—The crews of all vessels using the harbour
and all persons employed on the harbour undertaking
or engaged in connection with the shipment tranship-
ment or unshipment of goods thereat shall at all
times have free ingress passage and egress to along
and from the harbour with all necessary luggage
belonging to them.

GREAT YARMOUTH PORT AND HAVEN.

A.D. 1924.

Provisional Order for varying certain tolls leviable by the Great Yarmouth Port and Haven Commissioners and for other purposes.

Great
Yarmouth
Port and
Haven.

1. This Order may be cited as the Great Yarmouth Port and Haven Order 1924 and shall be read together with the Great Yarmouth Port and Haven Acts 1866 to 1911 as extended by the Lowestoft (Oulton Broad) Order 1922 and as amended by this Order which Acts and this Order may be cited together as the Great Yarmouth Port and Haven Acts and Order 1866 to 1924.

Short and
collective
titles.

2. This Order shall come into operation upon the day that 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. The Great Yarmouth Port and Haven Commissioners shall be the undertakers for the purposes of this Order and are in this Order referred to as "the Commissioners."

Undertakers.

4.—(1) From the commencement of this Order the provisions of the Great Yarmouth Port and Haven Acts 1866 to 1911 as extended by the Lowestoft (Oulton Broad) Order 1922 shall be read and construed as if the words "or passengers" and the words "and for every vessel let lent hired or engaged for gift pay hire reward or promise of payment and navigating or using any part of either of the said rivers" were omitted from and the word "or" were inserted after the word "fish" in paragraph 1 of the Fourth Schedule to the Great Yarmouth Port and Haven Act 1911 and as if the words "or for gift pay hire reward or promise of future payment let lent hired or engaged for purposes of pleasure there shall be paid the following tolls (that is to say)" were omitted from paragraph 2 of the said Fourth Schedule and as if there were substituted for paragraph 3 of the said Fourth Schedule (except that part of the said paragraph which is set out in brackets and commences with the words "For the purposes of this Schedule" and ends with the words "second paragraph in this Schedule") the provision following that is to say :—

Alteration of
tolls on cer-
tain vessels.

£ s. d.

- (a) For each vessel yacht sailing or other boat (not being an open rowing boat) house-boat or hulk used as a house-boat navigating or using the Rivers Yare Bure or Waveney or any of them or any part of any such rivers or any part of Oulton Broad or Oulton Dyke for any purpose

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other than the purpose of carrying animals £ s. d.
 fish or goods—

If propelled by mechanical power per ton
 per annum 0 7 6
 with a minimum toll per annum of 10s. and a
 maximum toll per annum of 7*l.* 10s.

If propelled in any other way per ton per
 annum 0 5 0
 with a minimum toll per annum of 7*s.* 6*d.* and
 a maximum toll per annum of 5*l.*

(b) For each open rowing boat navigating or using
 the said rivers or any part of any of such
 rivers or any part of Oulton Broad or Oulton
 Dyke per annum 0 4 0

Provided that every yacht house-boat or other vessel using
 the said rivers for any purpose other than that of carrying
 animals fish or goods shall be allowed free of toll a dinghy being
 part of the equipment of any such vessel and used for convenience
 of access to the shore or other such purpose only but not
 exceeding fourteen feet in length or half the overall length of
 such vessel whichever is the less in each case.

(2) The provisions of paragraph 1 of the Fourth Schedule
 to the said Act of 1911 shall cease to apply to any vessel in
 respect of which any toll provided for by this Order is payable.

Revision of
 dues or rates.

5.—(1) If at any time it is represented in writing to the
 Minister of Transport—

(a) by any representative body of traders or shipowners or
 any person who is in the opinion of the Minister of
 Transport a proper person for the purpose; or

(b) by the Commissioners;

that under the circumstances then existing all or any of the dues
 or rates authorised by or in pursuance of this Order in respect of
 the undertaking of the Commissioners should be revised the said
 Minister may if he thinks fit after inquiry in pursuance of any such
 representation make an order revising all or any of such dues
 or rates as aforesaid and may fix the date as from which such
 order shall take effect and thenceforth such order shall be
 observed until the same expires or is revoked or modified by a
 further order of the said Minister made in pursuance of this
 section. Provided that the revised maximum dues or rates as
 authorised by any such order shall not be less than the dues or
 rates authorised by the Great Yarmouth Port and Haven Act
 1911 or be more than the maximum dues or rates authorised
 by this Order.

(2) No application shall be made under this section for a
 general revision of dues or rates for the time being authorised

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under this Order within twelve months after the date of an order made by the Minister of Transport for a general revision thereof and no application shall be made for a revision of any particular dues or rates within twelve months after the date of an order made by the said Minister for a general revision or of any previous application for a revision of the particular dues or rates in question.

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Port and
Haven.*

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or one of the secretaries of the Board."

(4) An application made to the Minister of Transport under this section shall be accompanied by such information and particulars certified in such manner as the said Minister may require and the said Minister and any person duly authorised pursuant to section 2 of the Board of Trade Arbitrations &c. Act 1874 as applied by this section to hold an inquiry for the purposes of this section may call for such documents and accounts as he shall think fit and such person may hear such witnesses as he shall think fit and shall have power to take evidence on oath and for that purpose any such person may administer oaths.

6.—(1) The Commissioners shall within three months after the date to which their annual accounts and balance sheet are made up send a copy of the same to the Ministry of Transport and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Commissioners and all and any such accounts.

Annual
accounts to
be sent to
Ministry of
Transport.

(2) The Commissioners shall as from the expiration of that period 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 the foregoing provision.

(3) The accounts of the Commissioners referred to in this section and in section 50 of the Harbours Docks and Piers Clauses Act 1847 respectively shall be made up to the end of the twenty-fifth day of March in each year.

(4) Section 37 of the Great Yarmouth Port and Haven Act 1900 is hereby repealed.

7. 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.

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TEIGNMOUTH HARBOUR.

*Teignmouth
Harbour.*

*Provisional Order for the management and improvement
of the Harbour of Teignmouth in the County of
Devon.*

Short title.

1. This Order may be cited as the Teignmouth Harbour Order 1924.

Commence-
ment of
Order.

2. This Order shall come into operation 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."

Interpreta-
tion.

3.—(1) In this Order unless the context otherwise requires—

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

"The Act of 1853" means the Teignmouth Harbour Act 1853;

"The Commissioners" means the Teignmouth Harbour Commissioners incorporated by this Order;

"The Commissioners of 1853" means the Commissioners for carrying the Act of 1853 into execution;

"The clerk" means the clerk to the Commissioners or (if the case so requires) to the Commissioners of 1853;

"The harbour" means the harbour of Teignmouth or (as the case may be) any part thereof within the limits prescribed in this Order and includes the lands buildings works plant and conveniences connected therewith;

"The harbour undertaking" means and includes the harbour and the harbour undertaking transferred to and all rights conferred on and all property vested in the Commissioners by and under this Order for the purposes thereof;

"The harbour revenue" means and includes the rates tolls dues rents and other moneys and receipts which may be taken and received by way of income from or in respect of the harbour undertaking;

"Ballast" includes stone gravel sand clay earth soil and other materials and substances used as ballast;

"Rubbish" includes ballast wreck ashes filth and other waste materials and substances.

(2) In the application to this Order of the Harbours Clauses Act 1847 the expressions "packet boat or Post Office packet" and "Post Office bag of letters" used in that Act shall mean respectively a vessel employed by or under the Post Office or the

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Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and a mail bag as defined by the same Act:

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Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall exempt from rates duties regulation or control any such vessel as aforesaid if she also conveys passengers or goods for hire.

4.—(1) For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed to be “the special Act” but the following sections thereof 6 to 11 and 16 to 19 and 25 and 26 and 84 and 85 shall not be incorporated with this Order.

Incorporation of Acts.

(2) The following enactments shall be incorporated with this Order :—

(a) The Commissioners Clauses Act 1847 (in so far as applicable and as the case may require not being inconsistent with this Order) except sections 6 and 7 and 17 to 32 and 36 and 40 and 42 and 43 and 54 and 84 and 90 to 92 and 95 Provided that notwithstanding anything contained in section 66 the same person may be both clerk and treasurer ;

(b) The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry on lands by the promoters of the undertaking) and for this purpose this Order shall be deemed to be “the special Act.”

5.—(1) The persons to be appointed or elected as Commissioners under this Order not exceeding twenty in number are hereby constituted as a body of Commissioners which shall have power to act as soon as five persons have duly made and signed their declarations as Commissioners and thereupon shall be the undertakers for carrying this Order into execution.

Commissioners constituted and incorporated.

(2) Such Commissioners and their successors are hereby for the purposes of this Order incorporated by the name of “the Teignmouth Harbour Commissioners” and by that name shall be a body corporate with perpetual succession and a common seal with power to purchase take hold and dispose of land and other property for the purposes of this Order.

(3) The first meeting of the Commissioners shall be held at some convenient place at Teignmouth within three months next after the commencement of this Order.

(4) An annual meeting of the Commissioners shall be held on the third Wednesday in the month of September in every year thereafter at such place as the Commissioners may from time to time appoint and the Commissioners shall also hold meetings for the transaction of general business from time to time at such

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—
*Teignmouth
Harbour.*

(5) Proceedings of the Commissioners shall not be invalidated or be illegal by reason of any vacancy in their body or of the non-appointment or non-election of or any defect in the appointment or election of a Commissioner.

Repeal of
Act of 1853
and transfer
of property
&c.

6. At the expiration of two months from the commencement of this Order or on the day when the Commissioners become the undertakers for carrying this Order into execution whichever may be the later date the following provisions shall have effect:—

- (1) The Act of 1853 shall be and thereafter is hereby repealed but subject to the powers and provisions of this Order:
- (2) Notwithstanding the repeal of the Act of 1853 all estates plant works expectancies claims and property whatsoever of or to which the Commissioners of 1853 are in any way possessed or entitled shall be and thereafter are hereby transferred to and vested in the Commissioners absolutely according to the tenure nature or quality thereof respectively but subject and without prejudice to any charges incumbrances or claims which affect the Commissioners of 1853 or their property:
- (3) Notwithstanding the repeal of the Act of 1853 all deeds bonds contracts agreements actions suits and proceedings shall to all intents and purposes continue in force and have effect whether for or against the Commissioners in like manner as for or against the Commissioners of 1853 and the Commissioners shall be substituted in the place of the Commissioners of 1853 and their name may where necessary be used in substitution accordingly and all debts liabilities and moneys which are due to or from or recoverable by or from the Commissioners of 1853 in relation to or in connection with the harbour shall be due to or from and recoverable by or from the Commissioners:
- (4) Notwithstanding the repeal of the Act of 1853—
 - (a) The Commissioners and their officers and servants shall be entitled for the purposes of this Order to the benefit of the provisions of any enactment other than the Act of 1853 in force at the commencement of this Order in favour of or relating to the Commissioners of 1853 or their officers and servants; and
 - (b) Every officer and servant appointed by virtue of or acting under that Act shall hold and enjoy his office and employment with the salary and emoluments thereunto annexed and be deemed an officer and servant of the Commissioners until he be removed

from such office and employment and he shall have the like power and authority for the purposes of this Order and be subject to the like power of removal rules regulations pains and penalties in all respects whatsoever as if he had been appointed under this Order ;

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Harbour.*

(c) All maps plans books accounts documents and writings kept or made and receivable in evidence under the Act of 1853 shall be admitted as evidence in any court and may together with any registers be used for the purposes of this Order as if that Act were not repealed.

7. The Commissioners shall be appointed or be elected as hereinafter provided :—

As to ap-
pointment
and election
of Com-
missioners.

The appointed Commissioners shall not exceed 12 in number to be qualified by virtue of property or of nomination or of appointment as follows :—

(1) The Minister of Transport may appoint two persons to be Commissioners ;

(2) The owner for the time being of the Stover Canal or his nominee shall be one Commissioner ;

(3) The owner for the time being of the Hackney Canal or his nominee shall be one Commissioner ;

(4) The lord for the time being of the manor of West Teignmouth or his nominee shall be one Commissioner ;

(5) The lord for the time being of the manor of East Teignmouth or his nominee shall be one Commissioner ;

(6) The Urban District Council of Newton Abbot may subject to and in accordance with the provisions of this Order elect and appoint two persons to be Commissioners ;

(7) The Rural District Council of Newton Abbot may subject to and in accordance with the provisions of this Order elect and appoint two persons to be Commissioners ;

(8) The Urban District Council of Teignmouth may subject to and in accordance with this Order elect and appoint two persons to be Commissioners.

If at any time there are two or more persons who together are the lord of any one of the said manors or the owner of any one of the said canals then one of them or their nominee (who may be one of themselves) instead of themselves shall be a Commissioner in respect of such manor or canal ;

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If at any time the lord of any one of the said manors or the owner of any one of the said canals is a company or partnership then the nominee of such company or partnership shall be qualified to be a Commissioner as aforesaid instead of such company or partnership ;

If in any case there is more than one nominee the Commissioners shall in the absence of agreement decide which nominee shall be a Commissioner :

The elected Commissioners shall not exceed eight in number to be qualified by virtue of election as follows :—

(9) Any person partnership or company who or which has in the three years next preceding the first day of July nineteen hundred and twenty-four or the first day of July in any subsequent third year paid to the average amount of five pounds per annum or upwards any of the rates or dues specified in Schedule " B " to the Act of 1853 or in Schedule " B " to this Order (in this Order referred to as " harbour ratepayers ") may subject to and in accordance with this Order vote for the election of six Commissioners Provided that for the purposes of this subsection the party appearing on the bills of lading in the case of exports as consignor and in the case of imports as consignee shall be deemed the party paying such rates and dues ;

(10) Any person partnership or company who or which has within twelve months next preceding the first day of July nineteen hundred and twenty-four or the first day of July in any subsequent third year been registered as part owner or sole owner of any ship or vessel belonging to the Port of Teignmouth (the register of which ship or vessel is kept at the Custom House of the said port) and has become liable to and has paid dues at the harbour of Teignmouth (in this Order referred to as " registered shipowners ") may subject to and in accordance with this Order vote for the election of two Commissioners :

Provided that if the register of the registered shipowners to be kept as provided in this section shows that on the thirtieth day of June nineteen hundred and twenty-four or the thirtieth day of June in any subsequent third year there were less than five shipowners registered as therein provided then and in any such case the registered shipowners shall not elect more than one Commissioner ;

(11) The harbour ratepayers shall be entitled to votes according to the following scale (that is to say)

every person partnership or company appearing by the register of harbour ratepayers to be a harbour ratepayer and who or which in the preceding three years ending with the thirtieth day of June nineteen hundred and twenty-four or the thirtieth day of June in any subsequent third year has paid any such rates and dues to the average amount of five pounds per annum or upwards but less than twenty pounds one vote to the average amount of twenty pounds per annum or upwards but less than fifty pounds two votes and to the average amount of fifty pounds per annum or upwards three votes but no person partnership or company shall have more than three votes ;

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Harbour.*

(12) The registered shipowners shall be entitled to votes according to the following scale (that is to say) every person partnership or company appearing by the register of the registered shipowners to be a registered shipowner whether as part owner or sole owner to the amount or aggregate amount of fifteen registered tons or upwards but less than three hundred tons one vote to the amount or aggregate amount of three hundred registered tons or upwards but less than five hundred tons two votes and to the amount or aggregate amount of five hundred registered tons or upwards three votes but no person partnership or company shall have more than three votes ;

(13) From the commencement of this Order the clerk shall subject to the provisions of this Order prepare and keep a register of the harbour ratepayers who within twelve months beginning with the first day of July nineteen hundred and twenty-one and in every subsequent year and ending with the thirtieth day of June in the next year shall have paid any of the rates and dues specified in the Schedule " B " to the Act of 1853 or Schedule " B " to this Order and shall from time to time insert therein the names and addresses of all persons partnerships and companies entitled to be included in such registers respectively together with the particulars of the amounts from time to time paid to the Commissioners by each such person partnership and company for rates or dues in respect to which they are or may be entitled to vote Provided that for the purposes of this subsection the party appearing on the bills of lading in the case of exports as consignor and in the case of imports as consignee shall be deemed the party paying such rates and dues ;

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Harbour.*

(14) From the commencement of this Order the clerk shall subject to this Order prepare and keep a register of the registered shipowners and shall from time to time insert therein the names and addresses of all persons partnerships and companies who have been registered in the books of the Custom House at Teignmouth as the owners or part owners at any time during the year ending on the thirtieth day of June then next preceding of any ships or vessels with the names and registered tonnage of such ships and vessels respectively ;

(15) The registers shall be kept at the office of the clerk and each register shall be certified in writing by the clerk as containing to the best of his knowledge and belief correct particulars in accordance with the provisions of this Order and shall thereupon be sufficient and conclusive evidence to all intents and purposes of the same being registers according to this Order and of all the provisions hereof in any way relating to the qualification of harbour ratepayers or registered shipowners having been duly complied with ;

(16) Every such register shall be in force until the completion of the then next register and the persons partnerships and companies whose names appear on the register for the time being in force shall subject to this Order be the persons partnerships and companies entitled to vote for the purposes of the election of Commissioners and shall at every such election be respectively entitled to the number of votes to which such register shall show them to be entitled in accordance with this Order.

Qualification
of and tenure
of office by
Commis-
sioners &c.

8.—(1) The Commissioners appointed or elected under subsections (6) (7) (8) (9) and (10) of section 7 shall be resident within eight miles of the town of Newton Abbot.

(2) The Commissioners appointed under the first five subsections of section 7 shall hold office respectively for life or as the case may be until they may resign or their appointments be determined as hereinafter provided.

(3) Subject to the express provisions of this Order as to the term of office of the first appointed and elected Commissioners the Commissioners appointed or elected under subsections (6) (7) (8) (9) and (10) of section 7 shall hold office for a period of three years from the date of their appointment or election and retiring members shall be eligible for re-appointment or re-election.

(4) The appointment of an appointed Commissioner may at any time be determined by the body person or authority by whom

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he may have been appointed and notice of such determination shall be given in writing by the body person or authority making the same and be delivered to the Commissioners and an entry of every such determination shall be made in the minutes of the proceedings of the Commissioners :

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 Harbour.*

Provided that if any such person lord of manor or owner of canal is an infant or an idiot lunatic or non compos mentis his guardian or the committee of his estate may act in his stead in making the nomination and revocation respectively and whenever any such person is beyond the seas he may by his steward or agent (if any in England) make the nomination or revocation.

(5) Whenever a vacancy arises by death resignation or otherwise in the office of an appointed Commissioner the body person or authority by whom such Commissioner was appointed shall appoint another person to fill the vacancy.

(6) Whenever a vacancy arises by death resignation or otherwise in the office of an elected Commissioner the harbour rate-payers or registered shipowners as the case may be shall elect another person to fill the vacancy in the manner hereinafter provided but each Commissioner so elected shall hold office so long only as the person in whose place he is appointed would have been entitled to continue in office.

9. With respect to the appointment of Commissioners by the Newton Abbot Urban District Council Newton Abbot Rural District Council and Teignmouth Urban District Council and each of them the following provisions shall have effect :—

Mode of ap-
 pointment of
 Commis-
 sioners by
 Newton
 Abbot
 U.D.C. New-
 ton Abbot
 R.D.C. and
 Teignmouth
 U.D.C.

(1) As to the appointment of first Commissioners :—

(a) The clerk shall by notice in writing require the clerk of each of the councils to cause each such council at a meeting of such council held within two months next after the commencement of this Order to appoint two Commissioners and within seven days after such meeting the clerk of the council shall report to the clerk the names of the persons appointed by the council ;

(b) The persons appointed are to take office as soon as may be and are to go out of office at the end of the third Thursday in September nineteen hundred and twenty-seven :

(2) As to the appointment of Commissioners subsequent to the first :—

(a) The meeting for their appointment is to be held in the month of and not later than the third Thursday in September nineteen hundred and twenty-seven and so in every subsequent third year ;

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(b) The persons appointed are to take office on the Friday following the third Thursday in September nineteen hundred and twenty-seven and in every third subsequent year and are to go out of office at the end of the day before the Friday on which their successors are to take office :

- (3) As to the appointment of Commissioners by any council to fill casual vacancies the clerk shall notify the clerk of such council whenever a vacancy is caused in the office of any Commissioner appointed by such council and the council shall at their next practicable meeting appoint another person to fill the vacancy :
- (4) Within seven days after every meeting at which any Commissioner is appointed the clerk of the council shall report to the clerk the name of the person appointed.

Mode of election of Commissioners by the harbour ratepayers and registered shipowners.

10. With respect to the election of Commissioners by the harbour ratepayers and by the registered shipowners the following provisions shall have effect :—

- (1) A company shall have the same powers of voting as an individual and shall vote by its secretary or other duly appointed nominee :
- (2) In every case of several persons in partnership being harbour ratepayers or being registered as shipowners (whether as part owners or sole owners) then the member of the firm agreed upon by the members of the firm in writing or failing this the member whose name stands first in the firm shall alone be entitled to exercise on behalf of the firm the right of voting at the election of Commissioners by harbour ratepayers and by registered shipowners :
- (3) As to the election of the first Commissioners :—
 - (a) The meetings for their election are to be held at the town hall in the town of Teignmouth within two months after the commencement of this Order ;
 - (b) The persons elected are to take office as soon as may be and are to go out of office at the end of the third Thursday in September nineteen hundred and twenty-seven :
- (4) As to the election of Commissioners subsequent to the first :—
 - (a) The meetings for their election are to be held at a convenient place to be appointed by the Commissioners in the month of and not later than the third Thursday in September nineteen hundred and twenty-seven and so in every subsequent third year ;

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(b) The persons elected are to take office on the Friday following the third Thursday in September nineteen hundred and twenty-seven and in every third subsequent year and are to go out of office at the end of the day before the Friday on which their successors are to take office :

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—
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Harbour.*

(5) As to the election of the first and subsequent Commissioners :—

(a) The clerk is to give notice of the day and place of meeting by affixing the same on the door of the office of the Commissioners and in any other convenient manner four days at least and not more than ten before the day of the meeting ;

(b) Any elector may attend the meeting and vote ;

(c) The registers of the Commissioners shall as hereinbefore provided be evidence as to what persons are duly qualified electors ;

(d) Any elector may at the meeting propose any person resident as hereinbefore provided as a candidate and if the number of persons proposed do not exceed the number of Commissioners to be elected the chairman of the meeting is to declare them elected without taking a vote ;

(e) The Commissioners to be from time to time elected shall be elected by a majority of the votes of the persons present and entitled to vote at the meeting for the election such votes to be given in such manner as may be directed by the chairman but a proxy is not to be in any case admitted Provided that in every case of an equality of votes the chairman of the meeting shall when requisite to decide the election have an additional or casting vote ;

(f) At every meeting a person appointed by the meeting shall preside as chairman and the person so presiding shall receive the votes of the electors and shall act in all other respects as chairman of the meeting and the only business to be transacted or discussed at any such meeting shall be the election by the meeting of the persons to be elected Commissioners thereat ;

(g) The chairman of the meeting is within seven days after the meeting to report to the clerk in writing the names of the persons elected.

11. All reasonable expenses properly incurred of or incidental to an election of Commissioners under this Order are to be paid Expenses of election.

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Teignmouth
Harbour.
Limits of
harbour.

by the Commissioners out of the dues or other income of the Commissioners.

12. This Order shall be put in force within the present limits of the harbour of Teignmouth which limits extend from the boundary stone marked T.H.B. on the beach in the parish of Teignmouth and the ecclesiastical parish of East Teignmouth about one hundred yards east of the lighthouse to the boundary stone at the foot of the Ness in the parish of Saint Nicholas also marked T.H.B. and comprise all places between those points so far as the tide flows and the River Teign and all places within the navigation of the River Teign as high as the first lock of the Stover Canal the aforesaid limits being indicated by the red lines marked on the map or plan signed by an assistant secretary to the Ministry of Transport whereof one copy having been deposited at the offices of the Ministry of Transport another copy shall be deposited at the offices of the Board of Trade another copy with the clerk of the urban district council of Teignmouth another copy with the clerk of the urban district council of Newton Abbot another copy with the clerk of the rural district council of Newton Abbot and another copy at the offices of the Commissioners Provided that in case of any discrepancy between the limits delineated on the said map or plan and the limits described in this section the said map or plan shall be deemed to be correct and shall prevail.

Power to
dredge.

13.—(1) The Commissioners may deepen dredge scour and excavate any portion of the harbour and of the foreshore and the bar at the mouth of the harbour and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the harbour for vessels using the same but so that the Commissioners in the exercise of such power shall not endanger or affect the works or property of the Great Western Railway Company.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid 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 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 harbour revenue under this Order is to be applied.

(4) Nothing herein contained shall be deemed to authorise in relation to any foreshore or bed of the sea vested in the Crown within the limits of this Order the removal or sale of any sand mud or other materials by the Commissioners or their licensees otherwise than to the extent hereinbefore mentioned.

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(5) The powers conferred by this section shall not be exercised so as in any way to interfere with damage or affect the railways works or property of the Great Western Railway Company.

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—
Teignmouth Harbour.

14. The Commissioners may from time to time purchase take on lease provide or hire such dredgers engines vessels lighters tools plant or other materials as they think fit and may from time to time let the same on hire subject to such terms and conditions and demand and receive such sums for the use of the same as they think fit or may sell and dispose of the same and the money realised by any such sale or disposition shall be applied for carrying into effect any of the purposes of this Order to which capital is properly applicable Provided that the Commissioners shall not be entitled to provide or let on hire any boats to be used as ferry boats between Teignmouth and Shaldon which may compete or interfere with the ferry belonging to the Teignmouth and Shaldon Bridge Company or the Teignmouth and Shaldon Bridge.

Commis-
sioners may
provide
dredgers and
engines &c.

15. The Commissioners may from time to time build purchase contract for or hire and may maintain use and let tugs hoppers barges or other power for the use and accommodation of vessels frequenting the harbour and may also from time to time license such number of tugs hoppers barges or other power (not including pleasure boats which the Teignmouth Urban District Council have power to license under section 94 of the Public Health Acts Amendment Act 1907 and pleasure boats used for private purposes) belonging to any person for such period and on such terms and conditions as the Commissioners may think fit but such powers shall not be so used as to interfere or compete with the bridge or ferry of the Teignmouth and Shaldon Bridge Company.

Commis-
sioners may
provide and
license steam
tugs &c.

16. The Commissioners may construct and may maintain and improve all necessary or existing embankments walls stairs landing-places approaches roads jetties piers wharves warehouses sheds cranes buoys lights lighthouses tow-paths bridges and other works and conveniences in connection with the harbour or the approaches thereto Provided that the works and conveniences authorised by this section shall not interfere with or prejudice the rights powers or privileges of the Teignmouth and Shaldon Bridge Company as owners of the said ferry or of the Teignmouth and Shaldon Bridge Any electric light and power or other apparatus constructed and maintained under this Order shall be so constructed used and maintained as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

Works
authorised.

17. The Commissioners shall not under the powers of this Order construct on over or under the shore of the sea or of any creek bay arm of the sea or navigable river communicating there-with where and so far up the same as the tide flows and re-flows

Works below
high water
mark not to
be construct-
ed without

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consent of
Board of
Trade.

any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any work owned by the Commissioners may have been constructed below high-water mark of ordinary spring tides the Commissioners shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of
works by
Board of
Trade.

18. If at any time the Board of Trade deem it expedient to order a survey and examination of a work owned or constructed by the Commissioners on in over through or across tidal lands or a tidal water or of the intended site of any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Abatement
of work
abandoned
or decayed.

19. If a work owned or constructed by the Commissioners on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay and becomes an obstruction or danger to navigation the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and be recoverable as a Crown debt or summarily.

Power to
levy dues.

20.—(i) The Commissioners may demand and receive in respect of vessels anchoring or mooring within the limits of the harbour or entering leaving or otherwise using the harbour and in respect of all goods and merchandise discharged from or shipped on all vessels entering or leaving the harbour dues or rates not exceeding those specified in the Schedules (A) and (B) to this Order. Provided that the Commissioners shall not have power to demand dues under Schedule (A) in respect of pleasure boats which the Teignmouth Urban District Council have power to license under section 94 of the Public Health Acts Amendment Act 1907 nor on pleasure boats used for private purposes but shall have power to charge for the use by any such boats of the buoys moorings or appliances of the Commissioners.

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Provided also that the Commissioners shall not have power to charge dues or rates under Schedule (A) in respect of ferry boats belonging to the Teignmouth and Shaldon Bridge Company or under Schedule (B) in respect of goods or merchandise carried in the ferry boats of the Teignmouth and Shaldon Bridge Company to and from Teignmouth and Shaldon.

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Harbour.*

(ii) The harbour master may prevent the removal or sailing from within the limits of the harbour of any vessel in respect of which or of the goods imported or exported therein any rates dues or charges are payable until evidence has been produced to him of the payment of those rates dues or charges to the collector.

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

Power to
lease dues.

22.—(1) If at any time it is represented in writing to the Minister of Transport—

Revision of
dues or rates.

(a) by any chamber of commerce or shipping or any representative body of traders or any person who is in the opinion of the Minister of Transport a proper person for the purpose; or

(b) by the Commissioners;

that under the circumstances then existing all or any of the dues or rates authorised by or in pursuance of this Order in respect of the undertaking should be revised the said Minister may if he thinks fit after inquiry in pursuance of any such representation make an order revising all or any of such dues or rates as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the said Minister made in pursuance of this section. Provided that the revised maximum dues or rates as authorised by any such order shall not be less than the dues or rates authorised by the Act of 1853 or be more than the statutory maximum dues or rates authorised by this Order.

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(2) No application shall be made under this section for a general revision of dues or rates for the time being authorised under this Order within twelve months after the date of an order made by the Minister of Transport for a general revision thereof and no application shall be made for a revision of any particular dues or rates within twelve months after the date of an order made by the said Minister for a general revision or of any previous application for a revision of the particular dues or rates in question.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing" "under the hand of the President or one of the secretaries of" "the Board."

(4) An application made to the Minister of Transport under this section shall be accompanied by such information and particulars certified in such manner as the said Minister may require and the said Minister and any person duly authorised pursuant to section 2 of the Board of Trade Arbitrations &c. Act 1874 as applied by this section to hold an inquiry for the purposes of this section may call for such documents and accounts as he shall think fit and such person may hear such witnesses as he shall think fit and shall have power to take evidence on oath and for that purpose any such person may administer oaths.

Certain fish-
ing vessels
under stress
of weather
exempt from
dues.

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

Lifeboat
crews to be
exempt from
dues.

24. 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 of saving life also 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 of the Commissioners without payment.

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25.—(1) Without prejudice to any existing right of His Majesty nothing in this Order shall be deemed to authorise any tolls to be demanded or taken under this Order from any person when on duty in the service of the Crown or from any police officer acting in the execution of his duty. The expression "the Crown" includes any Government department.

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Exempting officers of the Crown from toll.

(2) If any person wilfully and with intent to defraud claims or takes the benefit of any such exemption as aforesaid without being entitled thereto he shall for every offence be liable on summary conviction to a fine not exceeding ten pounds.

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

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

27.—(1) The Commissioners may (so far as the rates specified in the schedules to this Order do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any tugs 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 under this Order.

Rates for warehouses &c.

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

Charges for use of steam tugs &c.

28. The Commissioners may from time to time borrow at interest not exceeding six pounds per centum per annum or such higher rate (if any) as the Minister of Transport may from time to

Power to borrow.

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time allow on mortgage and on the security of the harbour revenue for any purposes of the harbour undertaking :—

- (a) A sum not exceeding together with any sums previously borrowed by them or the Commissioners under the Act of 1853 and not repaid 15,000*l.*;
- (b) With the consent of the Minister of Transport such further sum or sums as may from time to time be required.

A mortgage may be according to the Form in the Schedule (C) to this Order annexed so far as that form is applicable or to the like effect.

The Commissioners shall not be bound to see to the execution of any trust whatsoever express implied or constructive to which a mortgage may be subject and the receipt of the party in whose name a mortgage stands in the register of mortgages or if it stands in the name of more persons than one the receipt of any one of the persons named in the register shall be a sufficient discharge to the Commissioners for any interest or other sum payable in respect of such mortgage notwithstanding any trusts to which such mortgage is then subject and whether or not the Commissioners have had notice of such trusts and the Commissioners shall not be bound to see to the application of any money paid upon any such receipt.

Period for
repayment.

29. All moneys borrowed by the Commissioners under the section of this Order of which the marginal note is "Power to borrow" shall be repaid within the respective periods following :—

- (a) As to money borrowed within the limits of paragraph (a) of the said section if borrowed before the commencement of this Order within 30 years from such commencement or if not so borrowed within 30 years from the date of borrowing;
- (b) As to money borrowed with the consent of the Minister of Transport under paragraph (b) of the said section within such period or periods as the Minister may prescribe.

Re-borrow-
ing.

30. All money already borrowed or borrowed by the Commissioners under this Order and repaid otherwise than by instalments or by means of a sinking fund may be from time to time re-borrowed by the Commissioners but so that the sum shall be repaid within the respective periods limited by this Order.

Application
of money
borrowed.

31. Any money borrowed under this Order shall be applied only in payment of the cost of works authorised by this Order or for any other purposes of this Order to which capital is properly applicable.

32. 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 3,000*l.* to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to 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 or shall invest the same in securities upon which trust moneys may be invested (other than securities of the Commissioners) until required for any of the purposes aforesaid.

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Harbour.*

Contingency
fund.

33. The harbour revenue shall be applied for the purposes and in the order following and not otherwise :—

Application
of harbour
revenue.

- (1) In paying the costs charges and expenses of or incidental to preparing and obtaining this Order ;
- (2) In paying or contributing jointly with any person persons or corporation to the expense of the maintenance repair management and regulation of the harbour and the works connected therewith and the approaches thereto ;
- (3) In paying year by year the interest accruing on money already borrowed or borrowed under this Order ;
- (4) In payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments and in forming a sinking fund for payment of principal moneys already borrowed or borrowed under this Order ;
- (5) In making such payments (if any) as the Commissioners think fit into a contingency fund established under the provisions of this Order.

The surplus (if any) after providing for the purposes aforesaid shall be applied for the general purposes of the harbour undertaking.

34.—(1) In addition to the powers of making byelaws contained in the Harbours Clauses Act 1847 the Commissioners may subject to the provisions of this Order from time to time make vary or repeal such byelaws to take effect only within the limits of the harbour as they shall think fit for all or any of the following purposes that is to say :—

Additional
byelaws.

- (i) For regulating the removal and disposal within the harbour of all rubbish and of all ballast brought by the vessels entering the harbour and for regulating the supply of ballast to vessels in the harbour ;

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- (ii) For regulating and fixing the speed of vessels and boats (other than the ferry boats belonging to the Teignmouth and Shaldon Bridge Company whilst plying between Teignmouth and Shaldon) within the limits of the harbour :

Provided that due notice of the intention of the Commissioners to make such byelaws shall be notified to the secretary of the Great Western Railway Company.

(2) The byelaws which may from time to time be made by the Commissioners under this section or section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding 5*l.* for the breach or non-observance of any of the byelaws and no such byelaw shall come into operation until it has received the allowance and confirmation of the Minister of Transport which allowance and confirmation shall be sufficient for all purposes.

(3) All byelaws rules regulations orders and notices made and given under the authority and according to the provisions of the Act of 1853 and which are in force at the commencement of this Order shall continue in full force and effect until the same shall be re-enacted repealed altered or varied under the authority of this Order and such byelaws rules regulations and orders and all penalties and forfeitures thereby respectively imposed may and shall be enforced recovered and applied in the same manner in all respects as the same respectively might be enforced recovered and applied in case the same respectively were made and imposed under the authority of this Order.

Sand &c. not to be removed from or deposited in harbour without licence.

35. Subject to the provisions of this Order and without prejudice to the provisions of the section of this Order of which the marginal note is " Crown rights " any person other than a grantee from the Crown who at any time digs carries away or removes any sand gravel shingle rock soil or other material from the foreshore or bed of the harbour or deposits the same thereon without first having obtained the licence in writing of the Commissioners or who having obtained such licence so digs carries away removes or deposits any sand gravel shingle rock soil or other material or does so at any place or in any quantity or manner other than the place quantity or manner permitted by such licence shall for every such offence be liable to a penalty not exceeding twenty pounds.

Appointment of officers to enforce byelaws and regulations.

36. The Commissioners may appoint officers for securing the observance of the byelaws and regulations made by the Commissioners under this Order in respect of the harbour and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

Life-saving apparatus may be

37. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or

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

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attached to
harbour.

38. The Commissioners shall at or near the works below high-water mark during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve.

Lights on
works during
construction.

If the Commissioners fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

39. The Commissioners shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

Permanent
lights on
works.

If the Commissioners fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

40. In the case of injury to or destruction or decay of the works below high water or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding 10% for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision
against
danger to
navigation.

41.—(1) The Minister of Transport shall unless he may 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 dues or rates or other income received by them under this Order.

Auditor.

(2) The Minister of Transport may at any time revoke the appointment of any person as auditor and thereupon shall unless he may 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

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documents and furnish him with all 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 20*l.* for every month during which they neglect or refuse so to comply.

Annual
accounts to
be sent to
Ministry of
Transport.

42.—(1) The Commissioners shall within two months after the date to which their annual accounts and balance sheets are made up send a copy of the same to the Ministry of Transport and the 16th section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include the Commissioners and any and all of such accounts.

(2) The Commissioners shall as from the expiration of that period be liable to a penalty not exceeding 20*l.* for every week or part of a week during which they refuse or neglect to comply with this section.

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

(4) In addition to the account lodged with the clerk of the peace in accordance with section 50 of the Harbours Clauses Act 1847 the Commissioners shall also lodge with him a full and detailed statement showing the capital expenditure made by the Commissioners during the year covered by the said account.

Power to
remunerate
certain
officers.

43. It shall be lawful for the Commissioners to pay to the Lords Commissioners of the Treasury or to the Commissioners of His Majesty's Customs and Excise such sum or sums of money out of the rates and dues hereby made payable as the Commissioners in the execution of this Order shall deem advisable and think right towards repaying the salary and expenses of any additional officer or officers who may be appointed by the said Commissioners of the Treasury or Customs and Excise in consequence of the said harbour having been established as a supernumerary port with bonding privileges.

Harbour not
to be subject
to any law
relating to
sewers.

44. The harbour or any part thereof shall not be subject to the control direction survey or order of any commissioners of sewers or other body or persons having the care or management of any sewers or drains or to any law or statute relating to sewers or drains. But so that nothing in this section contained shall prejudice or affect the rights of the urban district council of Teignmouth to maintain and control their existing sewers laid and discharging within the limits of the harbour.

Crown
rights.

45. 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

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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).

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46. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Duke of Cornwall for the time being.

Saving rights of Duchy of Cornwall.

47. Except within the limits of the harbour nothing in this Order contained shall take away lessen alter or prejudice any of the jurisdictions franchises rights powers or privileges of the corporation of Exeter.

Saving rights of corporation of Exeter.

48. Except as is by this Order expressly provided no power under this Order shall be exercised so as in any manner to defeat lessen or interfere with any right jurisdiction usage or property of the lord of any manor or of the owner of any land adjoining the harbour and lying above high-water mark without the previous consent in writing of such lord or owner.

For protection of lords of manors and land owners.

49. Except as is by this Order expressly provided nothing therein contained shall take away lessen alter or affect any right jurisdiction usage power or privilege belonging to the respective lords of the several manors of West Teignmouth and Ringmore and East Teignmouth and Kenton and Wolborough and Kingsteignton and Bishopsteignton and Combe-in-Teignhead and Netherton or any of them.

Saving rights of lords of manors.

50. Except as is by this Order expressly provided nothing therein contained shall take away lessen alter or prejudice any of the estates rights interests powers or privileges of the owners of the Stover Canal and the Hackney Canal respectively.

Saving rights of owners of Stover Canal.

51. Except as is by this Order expressly provided nothing therein contained shall take away lessen alter or prejudice any of the estates property rights interests powers or privileges of the Teignmouth and Shaldon Bridge Company.

Saving rights of Teignmouth and Shaldon Bridge Company.

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

Costs of Order.

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SCHEDULE (A).

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RATES AND DUES ACCORDING TO NET REGISTERED TONNAGE.

	£	s.	d.
For every sailing ship barge lighter or other sailing vessel for every time it comes into the harbour of Teignmouth per net registered ton	0	0	2
For every motor ship barge lighter or other motor vessel for every time it comes into the harbour of Teignmouth per net registered ton	0	0	2
For every steamship barge lighter or other steam vessel for every time it comes into the harbour of Teignmouth per net registered ton	0	0	2
Every vessel remaining at the harbour more than six months one-third more of the above rate and dues so remaining one year double the above due and the above rate for every six months it shall so remain beyond the year.			

SCHEDULE (B).

RATES IN RESPECT OF ANIMALS AND GOODS SHIPPED UNSHIPPED OR TRANSHIPPED IN THE HARBOUR.

		s.	d.
Aerated waters	per ton	1	0
Agricultural implements	per ton	1	0
Alum	per ton	1	8
Ammonia	per ton	1	4
Anchors iron or steel	per ton	1	8
Animals live :			
Asses	each	0	8
Bulls	each	0	4
Calves	each	0	2
Cows	each	0	4
Dogs	each	0	2
Goats	each	0	2
Horses	each	0	8
Lambs	per score	1	8
Mules	each	0	8
Pigs	each	0	2
Sheep	per score	3	4
Not otherwise specified	each	1	0
Aniseed	per ton	1	0
Apples	per ton	1	8
Arrowroot	per ton	3	4

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							s.	d.	A.D. 1924.
Ashes	per ton	1	8	—
Asphalt...	per ton	3	4	<i>Teignmouth</i>
Bacon	per ton	1	8	<i>Harbour.</i>
Ballast ... ..	...	...	...	...	...	per ton	0	1	
Bark ... ..	...	...	...	...	...	per ton	1	0	
Barrels empty...	...	...	...	...	...	... each	0	0 $\frac{1}{2}$	
Barrows ... ..	...	...	...	...	...	... each	0	2	
Bars iron or steel	...	...	...	...	...	per ton	1	0	
Basic slag ... ..	...	...	...	...	...	per ton	0	6	
Baskets over 12 ins. diameter	...	...	...	...	...	per doz.	0	4	
Baskets under 12 ins. diameter	...	...	...	...	...	per doz.	0	3	
Beer in casks ... ..	...	...	...	...	...	per ton	1	0	
Beer bottled ... ..	...	...	...	...	...	per ton	1	0	
Bicycles ... ..	...	...	...	...	...	... each	0	6	
Biscuits ... ..	...	...	...	...	...	per ton	3	4	
Bleaching powder	...	...	...	...	...	per ton	1	0	
Blubber ... ..	...	...	...	...	...	per ton	0	5	
Boats ... ..	...	...	...	...	...	... each	3	0	
Bolts iron or steel	...	...	...	...	...	per ton	1	8	
Bone ash ... ..	...	...	...	...	...	per ton	1	0	
Bones for manure	...	...	...	...	...	per ton	1	8	
Books ... ..	...	...	...	...	...	per ton	3	4	
Boots and shoes	...	...	...	...	...	per ton	3	4	
Bottles ... ..	...	...	...	...	...	per gross	1	0	
Bottles broken	...	...	...	...	...	per ton	0	6	
Boxes empty ... ..	...	...	...	...	...	per ton	0	0	
Brass ... ..	...	...	...	...	...	per ton	3	4	
Bread ... ..	...	...	...	...	...	per ton	3	4	
Bricks common	...	...	...	...	...	per 1000	1	0	
Bricks fireclay and bath	...	...	...	...	...	per 1000	1	0	
Brimstone ... ..	...	...	...	...	...	per ton	1	8	
Brooms... ..	...	...	...	...	...	per gross	1	8	
Brooms and brush handles	...	...	...	...	...	per ton	1	0	
Brushes ... ..	...	...	...	...	...	per ton	1	0	
Bulrushes ... ..	...	...	...	...	...	per ton	1	0	
Burnt ore ... ..	...	...	...	...	...	per ton	0	6	
Butter ... ..	...	...	...	...	...	per ton	1	8	
Calcium chloride	...	...	...	...	...	per ton	1	8	
Candles... ..	...	...	...	...	...	per ton	1	8	
Canvas ... ..	...	...	...	...	...	per ton	1	0	
Carbide of calcium	...	...	...	...	...	per ton	1	8	
Carpets... ..	...	...	...	...	...	per ton	1	8	
Carriages :									
Four wheels	...	...	...	...	...	... each	2	0	
Two wheels	...	...	...	...	...	... each	1	0	
Carrots ... ..	...	...	...	...	...	per ton	0	6	
Carts ... ..	...	...	...	...	...	... each	1	0	
Castings iron or steel...	...	...	...	...	...	per ton	1	0	

[Ch. lxxxii.] *Pier and Harbour* [14 & 15 GEO. 5.]
Orders Confirmation (No. 2) Act, 1924.

A.D. 1924.

—
*Teignmouth
 Harbour.*

								s.	d.
Cement...	...	...	...	...	...	per ton	1	6	
Chaff ...	...	...	...	...	...	per ton	1	0	
Chains iron or steel ...	...	...	...	...	...	per ton	1	0	
Chalk ...	...	...	...	...	...	per ton	0	4	
Charcoal ...	...	...	...	...	...	per ton	0	3	
Cheese ...	...	...	...	...	...	per ton	1	8	
Chemicals not otherwise specified ...	...	...	...	...	...	per ton	1	8	
Chimney pots clay ...	...	...	...	...	...	per ton	1	8	
Chimney pots or tops metal ...	...	...	...	...	...	per ton	1	8	
China stone ...	...	...	...	...	...	per ton	0	4	
Chinaware ...	...	...	...	...	...	per ton	1	8	
Chocolate ...	...	...	...	...	...	per ton	3	4	
Cider ...	...	...	...	...	...	per ton	0	9	
Cigarettes ...	...	...	...	...	...	per ton	1	8	
Cigars ...	...	...	...	...	...	per ton	1	8	
Cinders...	...	...	...	...	...	per ton	1	8	
Clay ...	...	...	...	...	...	per ton	0	4	
Cloth ...	...	...	...	...	...	per ton	0	4	
Coal ...	...	...	...	...	...	per ton	0	4	
Cochineal ...	...	...	...	...	...	per ton	3	4	
Cocoa ...	...	...	...	...	...	per ton	3	4	
Coffee ...	...	...	...	...	...	per ton	3	4	
Coke ...	...	...	...	...	...	per ton	0	4	
Confectionery ...	...	...	...	...	...	per ton	3	4	
Copper ...	...	...	...	...	...	per ton	3	4	
Copperas ...	...	...	...	...	...	per ton	1	8	
Coprolites ...	...	...	...	...	...	per ton	0	9	
Cordage ...	...	...	...	...	...	per ton	2	0	
Cork ...	...	...	...	...	...	per ton	1	8	
Corkwood ...	...	...	...	...	...	per ton	1	8	
Corn meal &c. :									
Barley ...	...	...	...	...	...	per ton	1	8	
Beans ...	...	...	...	...	...	per ton	1	8	
Bran ...	...	...	...	...	...	per ton	1	8	
Flour ...	...	...	...	...	...	per ton	1	8	
Maize (Indian corn) ...	...	...	...	...	...	per ton	1	8	
Malt ...	...	...	...	...	...	per ton	1	8	
Oats ...	...	...	...	...	...	per ton	1	8	
Oatmeal ...	...	...	...	...	...	per ton	1	8	
Peas ...	...	...	...	...	...	per ton	1	8	
Rye ...	...	...	...	...	...	per ton	1	8	
Tares ...	...	...	...	...	...	per ton	1	8	
Wheat ...	...	...	...	...	...	per ton	1	8	
Cotton manufactured...	...	...	...	...	...	per ton	3	4	
Cotton raw ...	...	...	...	...	...	per ton	1	8	
Cotton wool ...	...	...	...	...	...	per ton	1	8	
Culm ...	...	...	...	...	...	per ton	0	4	
Doors wooden ...	...	...	...	...	...	per ton	3	4	

[14 & 15 GEO. 5.] *Pier and Harbour* [Ch. lxxxii.]
Orders Confirmation (No. 2) Act, 1924.

		s.	d.	A.D. 1924.
Drugs	per ton	3	4	<i>Teignmouth Harbour.</i>
Dye stuffs not otherwise specified	per ton	1	8	
Earthenware	per ton	1	8	
Eggs	per ton	2	0	
Emery	per ton	3	4	
Esparto grass	per ton	1	0	
Essences and extracts not otherwise specified	per ton	3	4	
Feathers	per ton	6	8	
Felt	per ton	1	8	
Fish cured or salted	per ton	1	0	
Flax	per ton	1	4	
Fruit fresh not otherwise specified	per ton	3	4	
Fruit dried	per ton	2	0	
Furniture household	per ton	3	4	
Game	per ton	3	4	
Ginger	per ton	2	6	
Ginger preserved	per ton	3	4	
Glass broken	per ton	0	6	
Glass window	per ton	1	8	
Glassware	per ton	3	4	
Glue	per ton	3	4	
Granite... ..	per ton	0	2	
Grates	per ton	1	0	
Gravestones	per ton	0	6	
Grease	per ton	1	8	
Grindstones	per ton	0	10	
Groceries not otherwise specified	per ton	3	4	
Guano	per ton	1	8	
Gunpowder	per ton	1	8	
Gypsum	per ton	1	8	
Haberdashery... ..	per ton	3	4	
Hams	per ton	1	8	
Hair	per ton	1	8	
Hardware	per ton	1	8	
Hats	per ton	3	4	
Hay	per ton	1	0	
Hearthstones	per ton	0	10	
Hemp	per ton	1	0	
Hides and skins	per ton	1	8	
Honey	per ton	2	0	
Hoops wooden	per ton	1	8	
Hoops iron or steel	per ton	1	8	
Hops	per ton	3	4	
Horns	per ton	1	8	
Ice	per ton	0	4	
Indigo	per ton	3	4	
Jute	per ton	1	0	
Kainit	per ton	0	6	

[Ch. lxxxii.] *Pier and Harbour* [14 & 15 GEO. 5.]
Orders Confirmation (No. 2) Act, 1924.

A.D. 1924.

*Teignmouth
Harbour.*

								<i>s.</i>	<i>d.</i>
Kelp ... ..	...	...	...	...	...	per ton		1	8
Lard ... ..	...	...	...	...	...	per ton		3	4
Lead black red white...	...	...	...	...	...	per ton		1	8
Lead sheet ... ..	...	...	...	...	...	per ton		1	8
Leather ... ..	...	...	...	...	...	per ton		1	8
Lemons ... ..	...	...	...	...	...	per ton		1	8
Lignite ... ..	...	...	...	...	...	per ton		0	6
Lime ... ..	...	...	...	...	...	per ton		0	3
Limestone ... ..	...	...	...	...	...	per ton		0	1
Linseed... ..	...	...	...	...	...	per ton		1	8
Lint ... ..	...	...	...	...	...	per ton		1	8
Loam ... ..	...	...	...	...	...	per ton		0	4
Machines and machinery not otherwise specified						per ton		1	0
Manure :									
Chemical not otherwise specified ... ..	...	...	...	...	...	per ton		1	8
Street ... ..	...	...	...	...	...	per ton		1	0
Marble ... ..	...	...	...	...	...	per ton		1	0
Masts and spars wooden :									
Not exceeding 16 ft. in length... ..	...	...	...	...	...	each		1	0
Above 16 ft. in length ... ..	...	...	...	...	...	each		2	0
Mats ... ..	...	...	...	...	...	per ton		3	4
Meal. See Corn.									
Meat :									
Fresh ... ..	...	...	...	...	...	per ton		3	4
Salted ... ..	...	...	...	...	...	per ton		1	8
Milk ... ..	...	...	...	...	...	per ton		3	4
Millinery ... ..	...	...	...	...	...	per ton		3	4
Mill stones ... ..	...	...	...	...	...	per ton		0	10
Mineral waters ... ..	...	...	...	...	...	per ton		1	0
Mirrors ... ..	...	...	...	...	...	per ton		3	4
Molasses ... ..	...	...	...	...	...	per ton		0	10
Moss litter ... ..	...	...	...	...	...	per ton		0	4
Motor cars ... ..	...	...	...	...	...	each	10	0	
Motor cycles ... ..	...	...	...	...	...	each	1	6	
Musical instruments ... ..	...	...	...	...	...	per ton	£1	0	0
Nails iron or steel ... ..	...	...	...	...	...	per ton		1	8
Nitrate of soda ... ..	...	...	...	...	...	per ton		1	8
Nuts iron or steel ... ..	...	...	...	...	...	per ton		1	0
Nuts not otherwise specified... ..	...	...	...	...	...	per ton		1	0
Oakum ... ..	...	...	...	...	...	per ton		1	0
Ochre ... ..	...	...	...	...	...	per ton		0	10
Oil :									
Fish ... ..	...	...	...	...	...	per ton		1	8
Fuel ... ..	...	...	...	...	...	per ton		1	8
Mineral ... ..	...	...	...	...	...	per ton		1	8
Vegetable... ..	...	...	...	...	...	per ton		1	8
Oilcake... ..	...	...	...	...	...	per ton		1	8
Onions ... ..	...	...	...	...	...	per ton		1	8

[14 & 15 GEO. 5.] *Pier and Harbour* [Ch. lxxxii.]
Orders Confirmation (No. 2) Act, 1924.

						s.	d.	A.D. 1924.
Oranges	...	...	...	...	...	per ton	1 8	—
Ore :								<i>Teignmouth Harbour.</i>
Copper	...	...	...	...	...	per ton	0 6	
Iron	...	...	...	...	...	per ton	0 6	
Lead	...	...	...	...	...	per ton	0 6	
Manganese	...	...	...	...	...	per ton	0 6	
Sulphur	...	...	...	...	...	per ton	0 6	
Paints and colours not otherwise specified...						per ton	2 0	
Paper	...	...	...	...	...	per ton	1 8	
Patent fuel	...	...	...	...	...	per ton	0 4	
Paving stones	...	...	...	...	...	per ton	0 6	
Peats	...	...	...	...	...	per ton	0 4	
Perry	...	...	...	...	...	per ton	0 9	
Pewter	...	...	...	...	...	per ton	1 8	
Pig iron	...	...	...	...	...	per ton	1 0	
Pipe clay	...	...	...	...	...	per ton	0 4	
Pipes drain	...	...	...	...	...	per ton	0 6	
Pipes iron or steel	...	...	...	...	...	per ton	1 0	
Piping lead	...	...	...	...	...	per ton	1 8	
Pitch	...	...	...	...	...	per ton	0 6	
Plaster of Paris	...	...	...	...	...	per ton	1 8	
Plates iron or steel	...	...	...	...	...	per ton	1 0	
Potatoes	...	...	...	...	...	per ton	0 6	
Preserves fish fruit meat and provisions	...	...	...	...	...	per ton	3 4	
Pyrites	...	...	...	...	...	per ton	0 6	
Rabbits dead	...	...	...	...	...	per dozen	0 2	
Rags	...	...	...	...	...	per ton	0 4	
Rails iron or steel	...	...	...	...	...	per ton	1 0	
Rice	...	...	...	...	...	per ton	1 8	
Ropes new	...	...	...	...	...	per ton	1 8	
Ropes old	...	...	...	...	...	per ton	0 10	
Rods iron and steel	...	...	...	...	...	per ton	1 8	
Resin	...	...	...	...	...	per ton	0 6	
Rubber...	...	...	...	...	...	per ton	3 4	
Saddlery	...	...	...	...	...	per ton	3 4	
Sails	...	...	...	...	...	per ton	1 0	
Salt	...	...	...	...	...	per ton	0 6	
Saltpetre	...	...	...	...	...	per ton	1 8	
Sand	...	...	...	...	...	per ton	0 4	
Scrap iron or steel	...	...	...	...	...	per ton	0 4	
Screws iron or steel	...	...	...	...	...	per ton	1 0	
Scythes...	...	...	...	...	...	per ton	1 0	
Scythe stones	...	...	...	...	...	per ton	1 0	
Seeds agricultural and vegetable not otherwise specified						per ton	1 8	
Sewing machines	...	...	...	...	...	... each	0 6	
Sheets iron or steel	...	...	...	...	...	per ton	1 8	
Shot lead	...	...	...	...	...	per ton	1 8	

[Ch. lxxxii.] *Pier and Harbour* [14 & 15 GEO. 5.]
Orders Confirmation (No. 2) Act, 1924.

A.D. 1924.								s.	d.	
	—	Shovels...	...	...	...	...	per ton	1	8
<i>Teignmouth</i>		Shumac	...	...	...	...	per ton	3	4
<i>Harbour.</i>		Slates common	...	...	...	...	per ton	0	6
		Slates writing	...	...	...	...	per ton	1	0
		Soap	...	...	...	...	per ton	1	8
		Soda	...	...	...	...	per ton	1	4
		Soot	...	...	...	...	per ton	0	6
		Spades	...	...	...	...	per ton	1	8
		Spirits.	See Wines.							
		Spirits of turpentine	...	...	...	...	per ton	2	0
		Starch	...	...	...	...	per ton	1	8
		Stationery	...	...	...	...	per ton	3	4
		Staves prepared for casks	...	...	...	...	per ton	2	0
		Steel not otherwise specified...	...	...	...	...	per ton	1	8
		Stone not otherwise specified	...	...	...	...	per ton	0	6
		Stoneware	...	...	...	...	per ton	0	2
		Stoves	...	...	...	...	per ton	3	4
		Straw	...	...	...	...	per ton	0	6
		Stucco	...	...	...	...	per ton	1	6
		Sugar	...	...	...	...	per ton	1	8
		Superphosphate	...	...	...	...	per ton	1	8
		Tallow	...	...	...	...	per ton	1	0
		Tanning requisites not otherwise specified...	...	...	...	...	per ton	1	8
		Tar	...	...	...	...	per ton	0	6
		Tea	...	...	...	...	per ton	6	8
		Tiles roofing	...	...	...	...	per ton	1	0
		Tin	...	...	...	...	per ton	2	0
		Tinplate	...	...	...	...	per ton	2	0
		Tobacco leaf	...	...	...	...	per ton	3	4
		Tobacco manufactured	...	...	...	...	per ton	3	4
		Tow	...	...	...	...	per ton	1	0
		Toys	...	...	...	...	per ton	1	8
		Treenails	...	...	...	...	per 1000	0	4
		Turnips	...	...	...	...	per ton	0	6
		Turpentine	...	...	...	...	per ton	2	0
		Twine	...	...	...	...	per ton	2	0
		Varnish	...	...	...	...	per ton	2	0
		Vegetables not otherwise specified	...	...	...	...	per ton	1	8
		Vinegar	...	...	...	...	per ton	1	8
		Vitriol	...	...	...	...	per ton	3	4
		Wedges wood	...	...	...	...	per 1000	0	4
		Whalebone	...	...	...	...	per ton	2	0
		Wheels carriage or cart	...	...	...	...	per pair	0	3
		Whitening	...	...	...	...	per ton	0	10
		Wines and spirits	...	...	...	...	per ton	3	4
		Wire iron or steel	...	...	...	...	per ton	3	4

[14. & 15 GEO. 5.] *Pier and Harbour* [Ch. lxxxii.]
Orders Confirmation (No. 2) Act, 1924.

Wood :						s.	d.	A.D. 1924.
Battens ... ..	...	...	...	...	per ton	2	0	—
Deals and deal-ends	...	...	...	...	per ton	2	0	<i>Teignmouth</i>
Fir ... ..	...	...	...	...	per ton	2	0	<i>Harbour.</i>
Firewood	...	...	...	...	per ton	2	0	
Fustic ... ..	...	...	...	...	per ton	2	0	
Greenheart	...	...	...	...	per ton	2	0	
Laths ... ..	...	...	...	...	per ton	2	0	
Lathwood	...	...	...	...	per ton	2	0	
Lignum vitæ	...	...	...	...	per ton	3	4	
Logwood ...	...	...	...	...	per ton	3	4	
Mahogany	...	...	...	...	per ton	3	4	
Oak ... ..	...	...	...	...	per ton	3	4	
Pine ... ..	...	...	...	...	per ton	2	0	
Pitprops ...	...	...	...	...	per ton	2	0	
Rosewood	...	...	...	...	per ton	3	4	
Sleepers ...	...	...	...	...	per ton	2	0	
Wood pulp ...	...	...	...	...	per ton	0	6	
Wool ... ..	...	...	...	...	per ton	2	0	
Worsted ...	...	...	...	...	per ton	2	0	
Yarn cotton ...	...	...	...	...	per ton	2	0	
Yeast ... ..	...	...	...	...	per ton	3	4	
Zinc ... ..	...	...	...	...	per ton	3	4	

For all articles not specified in this schedule sums may be charged equal to the rates payable in respect of goods specified therein which are as nearly as may be of like nature package and quantity.

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

1. All returned empties are exempted from payment of rates.

2. All goods landed and re-shipped on board the same or any other vessel shall be liable to one rate only provided that the goods were consigned in the first instance from the original forwarding point through to the destination to which they are re-shipped and no change of ownership of the goods has in the meantime taken place.

3. In charging the rates on goods the gross weight or measurement of all goods shall be taken (Fractional parts of any weight measure number or value shall be charged proportionately and the minimum charge for a single package shall be one penny.)

[Ch. lxxxii.] *Pier and Harbour* [14 & 15 GEO. 5.]
Orders Confirmation (No. 2) Act, 1924.

A.D. 1294.

Teignmouth
Harbour.

SCHEDULE (C).

FORM OF MORTGAGE.

The Teignmouth Harbour Commissioners

Mortgage No..... £.....

By virtue of the Teignmouth Harbour Order 1924 we the
Teignmouth Harbour Commissioners in consideration of
paid to us for the purposes of the Teignmouth Harbour Order by
A.B. of

(or otherwise as the case may be) do assign unto the said A.B. or
unto C.D. of the nominee of

the said A.B. his executors administrators and assigns the Teign-
mouth Harbour Fund and all the rates dues and other moneys
from time to time to be paid to the credit of that fund to hold
unto the said A.B. or C.D.

his executors administrators and assigns until the sum of
with interest for the same at the
yearly rate of in the hundred be satisfied [the
principal sum to be repaid at the end of years from
the date hereof (if any period be agreed upon for that purpose)].

Dated this day of 19

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FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
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