



CHAPTER clvi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Annagassan Lossiemouth and Macduff. A.D. 1912.
[13th December 1912.]

WHEREAS a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament: 24 & 25 Vict.
c. 45.

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament:

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The several Orders as amended and set out in the schedule to this Act shall be and the same are hereby confirmed and all the provisions thereof in manner and form as they are set out in the said schedule shall from and after the passing of this Act have full validity and force. Confirmation
of Orders in
schedule.

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 3) Act 1912. Short title.

3.—(1) The Undertakers named in the Annagassan Pier and Harbour Order hereby confirmed shall not under the powers of that Order purchase or acquire any house or houses which on the fifteenth day of December last were occupied either wholly or partly by thirty or more persons belonging to the Restriction
on power to
take houses
of working
class under
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Pier and

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working class as tenants or lodgers or except with the consent of the Local Government Board for Ireland any house or houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the said Undertakers acquire or appropriate any house or houses for the purposes of the said Order in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board for Ireland by action in the High Court in Ireland and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means mechanics artisans labourers and others not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

The SCHEDULE of Orders.

1. ANNAGASSAN.—Incorporation of Pier Commissioners and construction of pier &c.
 2. LOSSIEMOUTH.—Incorporation of Harbour Commissioners and construction of pier &c.
 3. MACDUFF.—Construction of pier &c.
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ANNAGASSAN PIER.

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Order for incorporating Commissioners for the Harbour of Annagassan in the County of Louth and for the Construction of a Pier and other Works and the Improvement Maintenance and Regulation of the Harbour. *Annagassan Pier.*

Preliminary.

1. This Order may be cited as the Annagassan Pier and Harbour Order 1912. 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." Commencement.

3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the following meanings (that is to say):— Interpretation.

"The works" means the works shown on the deposited plan and authorised by this Order;

"The harbour" means the works and the area lying below high-water mark which is comprised within the limits of this Order;

"The pier" means the Work No. 1 authorised by the section of this Order the marginal note whereof is "Description of works";

"The undertaking" means the works and the right to levy tolls rates and other charges and all other rights and powers conferred upon the Commissioners incorporated by this Order;

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

"The Department" means the Department of Agriculture and Technical Instruction for Ireland;

"The county council" means the county council of the county of Louth;

"The Commissioners" means the Annagassan Pier Commissioners incorporated by this Order;

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

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

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“Ratepayers” means and includes all persons whose names are for the time being entered in the roll of voters for parliamentary purposes for the divisions of the county of Louth;

“The deposited plan” and “the deposited sections” mean respectively the plan and the sections deposited with reference to this Order with the Board of Trade.

(2) The following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions “packet boat” and “Post Office packet” 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 the expression “Post Office bag of letters” means a mail bag as defined by the same Act. Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

Undertakers.

4. The Annagassan Pier Commissioners as incorporated by this Order shall be the Undertakers for carrying this Order into execution.

Incorporation and Constitution of Commissioners.

Incorporation of Commissioners.

5. For the purpose of carrying this Order into execution there shall be a body of Commissioners not exceeding nine in number to be constituted as in this Order provided and those Commissioners and their successors are hereby incorporated by the name of “The Annagassan Pier Commissioners” and by that name shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued and to purchase take on lease hold and dispose of lands and other property for the purposes and subject to the provisions and restrictions of this Order.

Incorporation of Commissioners Clauses Act 1847.

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

First Commissioners named.

7.—(1) The following nine persons shall be the first Commissioners:—

1. Michael Meade of Castlebellingham county Louth farmer.
2. Patrick Magee of Chaileville county Louth farmer.
3. Patrick Byrne of Dromiskin county Louth farmer.

4. Charles Dougherty King of Annagassan county Louth merchant. A.D. 1912.
 5. John Hoey of Annagassan county Louth merchant. *Annagassan*
Pier.
 6. Peter McGuinness of Annagassan county Louth merchant.
 7. Joseph Sylvester Harmon of Salterstown county Louth farmer.
 8. Matthew Clinton of Annagassan county Louth merchant.
 9. Charles John Thornhill of Castlebellingham county Louth
 brewer.

(2) The first Commissioners shall come into office immediately on the commencement of this Order and shall go out of office on the first Monday in July one thousand nine hundred and fourteen.

8.—(1) As on and from the first Monday in July one thousand nine hundred and fourteen there shall be one trustee nominated by the Department and eight trustees nominated by the county council in this Order called "Nominated Commissioners." Constitution
of Commis-
sioners.

(2) The county council shall on or before the third Monday in June one thousand nine hundred and fourteen and in every third year thereafter by notice in writing delivered to the clerk nominate eight persons being of the age of twenty-one years or upwards to be Commissioners and the Commissioners so nominated shall come into office on the first Monday in July following their nomination and shall go out of office on the first Monday in July in the third year thereafter.

(3) Three of the persons to be so nominated by the county council shall be members of the county council at the date of their nomination and are in this Order called "Council Commissioners."

(4) Three other of the persons to be so nominated by the county council shall be ratepayers resident at the date of their nomination within five miles measured in a straight line from the commencement of the pier and are in this Order called "Local Commissioners."

(5) The other two of the persons to be so nominated by the county council shall be ratepayers resident at the date of their nomination in the county of Louth and are in this Order called "County Commissioners."

(6) The Department shall on or before the third Monday in June one thousand nine hundred and fourteen and in every third year thereafter by notice in writing delivered to the clerk nominate a person being of the age of twenty-one years or upwards to be a Commissioner. The person so nominated (in this Order called "the Department Commissioner") shall come into office on the first Monday in July following his nomination and shall go out of office on the first Monday in July in the third year thereafter.

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(7) The clerk shall within forty-eight hours after receiving notice of the nomination of any person to be a Commissioner give notice in writing to the person so nominated of his nomination.

Vacancies.

9.—(1) In the event of the death or resignation before the first Monday in July one thousand nine hundred and fourteen of any of the first Commissioners other than the said Charles John Thornhill or of any successor to any of the first Commissioners other than the said Charles John Thornhill the clerk shall forthwith give notice in writing to the county council of such vacancy and the county council shall within two months after the receipt of such notice by notice in writing delivered to the clerk nominate some person being of the age of twenty-one years or upwards to be a Commissioner in the place of the Commissioner so dying or retiring and the Commissioner so nominated shall hold office for so long only as the Commissioner whose vacancy he fills would have retained the same if the vacancy had not occurred.

(2) In the event of a casual vacancy occurring after the first Monday in July one thousand nine hundred and fourteen among the nominated Commissioners by reason of the death or resignation of a nominated Commissioner the clerk shall forthwith give notice in writing of such vacancy to the county council and the county council shall within two months after the receipt of such notice by notice in writing delivered to the clerk nominate a duly qualified person to fill the vacancy according as the person so dying or retiring was a council-Commissioner—a local Commissioner or a county Commissioner and the Commissioner so nominated shall hold office for so long as the Commissioner whose vacancy he is nominated to fill would have held office if the vacancy had not occurred.

(3) Upon the death or resignation of Charles John Thornhill or any other Department Commissioner the clerk shall forthwith give notice in writing thereof to the Department and the Department shall within two months after the receipt of such notice by notice in writing delivered to the clerk nominate a person being of the age of twenty-one years or upwards to be a Commissioner and the person so nominated shall hold office so long as the Department Commissioner whose vacancy he is nominated to fill would have held office had the vacancy not occurred.

Renomina-
tion quorum
and resigna-
tion.

10.—(1) A retiring Commissioner shall be eligible for renomination.

(2) A quorum for a meeting of the Commissioners shall be five.

(3) A Commissioner may resign office at any time by giving notice in writing of his resignation to the clerk.

Validity of
acts of Com-
missioners.

11.—(1) The Commissioners may act notwithstanding any vacancy in their body so long as the number of the Commissioners is not reduced below six but not further or otherwise.

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

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

Meetings.

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

(3) The first meeting of the Commissioners shall be held on the second Thursday after the commencement of this Order at the Lace School Annagassan or other convenient place at Annagassan at eleven o'clock in the forenoon.

(4) The annual meeting of the Commissioners shall be held at such time and place in the month of May as may be fixed by the Commissioners.

(5) Sections 42 and 43 of the Commissioners Clauses Act 1847 as incorporated with this Order shall be read as if the word "monthly" wherever it occurs therein was omitted therefrom.

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

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

Limits.

13.—(1) The limits within which the Commissioners shall have authority to levy rates and within which the powers of the harbour master may be exercised (in this Order called "the harbour") shall comprise the works and an area lying within an imaginary line commencing at a point where an imaginary line forming the prolongation in a straight line of the eastern boundary fence of the garden belonging or reputed to belong to Thomas Sharkey meets the high-water mark of ordinary spring tides on the shore of Dundalk Bay in the townland of Linns and proceeding seaward in a north-easterly direction for a distance of three hundred and seventy-three yards or thereabouts thence in an easterly direction for a distance of two hundred and sixty-three yards or thereabouts thence in a southerly direction for a distance of seven hundred and seven yards or thereabouts towards the north-east corner of Annagassan House in the townland of Dillonstown until it reaches the line of high-water mark of ordinary spring tides thence in a north-westerly direction following the line of high-water

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mark until it reaches a point forty yards or thereabouts eastward of the north corner of the lime kiln belonging or reputed to belong to Charles Dougherty King thence in a westerly direction for a distance of forty yards or thereabouts to the north corner of the said kiln thence in a south-westerly direction for a distance of forty-seven yards or thereabouts until it reaches the line of high-water mark of ordinary spring tides on the north-eastern bank of the River Glyde thence following the line of high-water mark in a south-easterly direction along that bank until it reaches the western face of Annagassan Bridge thence crossing the said river along the north-western face of the said bridge to the line of high-water mark of ordinary spring tides on the south-western bank of the said river thence in a north-westerly direction for a distance of twenty-five yards or thereabouts along the line of high-water mark of ordinary spring tides on the south-western bank of the said river thence in a straight line for a distance of one hundred and twenty yards or thereabouts to the north-eastern edge of the public road in the townland of Linns leading from Annagassan to Castlebellingham opposite the south-eastern corner of the dwelling house belonging or reputed to belong to John Hoey thence in a north-westerly direction along the north-eastern edge of the said public road to the north-western extremity of the fence wall separating the said public road from the said river thence in a northerly direction for a distance of one hundred and seventy-three yards or thereabouts to the line of high-water mark of ordinary spring tides on the west bank of the said river thence following the line of high-water mark to and terminating at the point of commencement.

(2) A map or plan showing the above limits having been signed in quadruplicate by an Assistant Secretary to the Board of Trade and one copy thereof having been deposited at the office of the Board of Trade another copy thereof shall be deposited with the clerk of the peace for the county of Louth another copy thereof shall be deposited with the secretary of the county council and the remaining copy thereof shall be deposited at the office.

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

Acquisition of Lands.

Incorporation of Lands
Clauses
Acts.

14. 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 and form part of this Order and for the purposes of that incorporation the expression "special Act" in those Acts shall mean this Order.

15. For the purposes of the works the Commissioners may from time to time by agreement enter on take and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as the Commissioners may think requisite for the purposes of the works.

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Pier.*Power to
take lands by
agreement.

16. The Commissioners may (in addition to the lands by the preceding section authorised to be taken by them) by agreement purchase lease acquire and hold for the purpose of beaching boats or for extraordinary purposes connected with the undertaking any lands not exceeding in the whole one acre but nothing in this section shall exempt the Commissioners from any proceedings for nuisance caused or permitted by them on land acquired by them under the powers conferred by this section.

Lands for
extraordin-
ary pur-
poses.

17. 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 to the Commissioners any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
take ease-
ments &c. by
agreement.*Works and Powers.*

18. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and sections deposited with reference to this Order as the Board of Trade may require before completion of the works the Commissioners may on the lands belonging to them or acquired under this Order and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and the deposited sections make and maintain the works.

Power to
construct
works.

19. The works will be situate on the foreshore and bed of the sea of Dundalk Bay in or adjacent to the county of Louth and are—

Description
of works.

Work No. 1 A pier of solid construction commencing at a point eighty yards or thereabouts measured in a northerly direction from the limekiln belonging or reputed to belong to Charles Dougherty King and terminating at a point sixty-seven yards or thereabouts measured in a southerly direction from the point herein-before described as the commencement of the pier:

Work No. 2 A breakwater of solid construction adjoining and extending along the eastern side of the pier above described

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commencing at a point one hundred and eighty yards or thereabouts measured in a northerly direction from the above-named limekiln and terminating at a point one hundred and seventy-five yards or thereabouts measured in a southerly direction from the point herein-before described as the commencement of the breakwater:

Work No. 3 A new cut being a straightening widening and deepening of the channel of the River Glyde for a distance of four hundred and fifty yards or thereabouts commencing at a point marked X on the deposited plan and terminating at a point marked Y on the said plan:

Work No. 4 The dredging a portion of the channel of the River Glyde and the foreshore of Dundalk Bay for the formation of a basin or pool one hundred and fifty yards or thereabouts in length adjoining and on the western side of Works Nos. 1 and 2 above described.

Department
may execute
certain of
the works.

20.—(1) In the event of any agreement entered into before or after the commencement of this Order by the Department in pursuance of the Grand Jury (Ireland) Act 1836 Amendment Act 1908 providing for the contribution by the Department out of funds at their disposal of a sum or sums of money towards the expenses of the construction of such of the works as may be specified in such agreement the work or works so specified may if the Department so elect be carried out by the Department or shall if not executed by the Department be carried out under the supervision of the Department.

(2) If the Department elect to carry out any work or works as aforesaid they may for that purpose exercise such of the powers by this Order conferred upon the Commissioners as may be necessary in that behalf.

Power to
deviate.

21. In constructing the works the Commissioners may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Power to
maintain and
improve
works.

22.—(1) Subject to the provisions of this Order the Commissioners may maintain and from time to time with the consent of the Board of Trade alter and improve the works and in connection with the works may with the like consent construct alter improve and renew embankments excavations landing-places piers quays jetties slips wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains watercourses gas and water pipes electric mains lighting apparatus 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 turn-tables on and along the works and land connected therewith and may take down or remove portions of the works and may provide motive power for tramways.

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

(3) Before making any application for the consent of the Board of Trade under this section the Commissioners shall obtain the consent of the Dundalk Harbour Commissioners to such application which consent shall not be unreasonably withheld. Any difference or question as to whether such consent is unreasonably withheld or otherwise arising under this section between the Commissioners and the Dundalk Harbour Commissioners shall on the application of either party be determined by the Board of Trade.

23. Any electric lighting or other apparatus constructed and provided under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line belonging to or used by the Postmaster-General.

For protec-
tion of tele-
graphs.

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

Consent of
Board of
Trade to
works.

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

Penalty for
obstructing
works.

26.--(1) If within two years after the commencement of this Order the works are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade.

Powers to
cease in cer-
tain events.

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

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

Works Nos.
1 and 2 to
be public
property
in certain
event.

27. In the event of the county council contributing a sum or sums of money for the construction of the Works Nos. 1 and 2 authorised by this Order and the works connected therewith such works shall under the provisions of sections 67 and 68 of the Local Government (Adaptation of Irish Enactments) Order 1899 be deemed to be and shall become public property within the meaning and for the purposes of section 18 of the Local Government (Ireland) Act 1898 and of the Acts in that section mentioned and the county council on the one hand and the Commissioners on the other hand may enter into agreements for the management and maintenance of the said works Provided that any such agreement shall not have any operation until the same has been approved by the Board of Trade.

Management.

Power to
construct
warehouses
&c.

28. The Commissioners may subject to the provisions of this Order purchase lease construct and maintain any houses warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or desirable in connection with the works for the accommodation of vessels using the harbour and the works and traffic landed at or embarked from the same and the convenient working thereof.

Power to
dredge.

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

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

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

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 Power to purchase or hire dredgers &c.

31. The Commissioners may provide maintain and employ ferry or other boats for the conveyance of passengers animals and goods to and from any part or parts of the harbour and from or to vessels to or from the works when owing to stress of weather or any other cause vessels are prevented from entering the harbour or mooring alongside the works.

Power to provide ferry boats.

Rates.

32. When in addition to the certificate to be granted under section 26 of the Harbours Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due execution of the works have been given the Commissioners may within the harbour subject and according to the provisions of this Order demand receive and recover for the use of the harbour and the works and the conveniences connected therewith and in respect of passengers vessels boats goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule.

Power to levy rates.

33. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Commissioners that the works have been so far completed as to afford increased accommodation for the purposes for which those works may be used the Commissioners may notwithstanding the twenty-fifth section of the Harbours Clauses Act 1847 and although the whole of the works have not then been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as will in the opinion of the Board of Trade be commensurate with the increased accommodation afforded.

Rates may be levied though works not completed.

34. The Commissioners may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Order but so that no preference be in any case given to any person over any other person using the

Power to vary exemptions and compound for rates.

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Rates for
warehouses
&c.

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

Supply of
and rates for
water.

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

Ballast for
vessels.

37. The Commissioners may supply and remove ballast for the accommodation of vessels within the harbour or permit the master or owner of any vessel within the harbour to lift or convey ballast from or to any place where it may be lawfully obtained or deposited for the purpose of supplying or removing the ballast of such vessel on payment to the Commissioners of such rates as they shall deem proper not exceeding the rates specified in the schedule to this Order.

Provision as
to rates for
protection of
Dundalk
Harbour.

38. Notwithstanding anything in the preceding sections of this Order contained the rates to be charged by the Commissioners under this Order in respect of vessels animals and goods specified in Parts I. and VI. of the schedule to this Order shall not at any time be less than the rates on vessels and on goods and animals of a similar description for the time being in force at Dundalk Harbour whenever and so long as the last-mentioned rates do not exceed the maximum rates therefor respectively authorised by this Order.

Anchoring of
vessels within
harbour.

39. No vessel shall without the consent of the Commissioners or their harbour-master anchor within the harbour.

Master of
fishing-
vessel to
report take
of fish.

40.—(1) The master or owner of every vessel or boat (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel within the harbour furnish to the collector of rates or the harbour-master a true and correct statement of his take or cargo of fish and the name of any person obtaining delivery thereof.

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

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

Harbour-
master may
prevent
sailing of
vessels.

42.—(1) The Commissioners may levy demand receive and recover the rates for white fish fresh herrings and mackerel direct from the sea and transhipped or unshipped within the harbour either from the fish salesmen or auctioneers who dispose of such fish or from the person purchasing or receiving delivery of the same (otherwise than as carriers) from any vessel.

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

(2) Any such fish salesman auctioneer purchaser or receiver respectively shall be entitled to deduct the amount of such rates from the price at which such fish were sold or purchased and shall when required furnish the Commissioners or the collector of rates with a true account under his hand of the quantity of such fish and verify the same by the production of his books accounts and other documents to the Commissioners or to the collector of rates.

(3) If any such fish salesman auctioneer purchaser or receiver shall when so required refuse or fail to give and verify such an account or shall give or subscribe a false account he shall be liable to a penalty not exceeding ten pounds for each offence.

43. Sections 28 and 99 of the Harbours Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government Department in the same manner as they apply to and for the benefit of the Government Departments specially named in those sections.

Exemptions
and savings
for Govern-
ment Depart-
ments.

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

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

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

Exemption
of lifeboat
crew.

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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 and the works.

Board of
Trade may
reduce rates.

46.—(1) Subject to the provisions of this Order the rates to be levied by the Commissioners shall be adjusted by them in such a manner that as far as possible the income derived from the rates leviable by the Commissioners shall be sufficient and not more than sufficient for the purposes of this Order.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Commissioners on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order the Board may subject to the provisions of this Order if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

*Power to Lease.*Power to
lease sheds
&c.

47. The Commissioners may let for hire or lease for any term not exceeding seven years any sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Byelaws.

Byelaws.

48.—(1) The byelaws which may from time to time be made by the Commissioners 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.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

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

*Financial.*Application
of tolls and
rates for
pier.

49. The tolls and rates to be received by the Commissioners in connection with the use of the pier shall be kept distinct from the other rates received by the Commissioners under this Order and shall be

accounted for by the Commissioners to the county council and applied by the Commissioners in such manner as the county council shall direct. A.D. 1912.

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Pier.*

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

51. The revenue received from rates or otherwise under this Order with the exception of the tolls and rates received by the Commissioners in respect of the use of the pier authorised by this Order shall be applicable for the purposes and in the order following and not otherwise:— Application of revenue.

- (1) In payment of the costs of and connected with the preparation and making of this Order:
- (2) In payment of the expense of and connected with the management and maintenance of the undertaking other than the pier:
- (3) In repayment to the county council of any sum or sums of money advanced by them for the construction of the Works Nos. 1 and 2.

The surplus (if any) after providing for the purposes aforesaid shall be applied by the Commissioners in the improvement of the harbour and the works (other than the Works Nos. 1 and 2) and the works and conveniences used in connection with the harbour.

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

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

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

(4) If the Commissioners refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they neglect or refuse so to comply.

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Pier.
Annual
account to
be sent to
Board of
Trade.

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

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

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

Life-Saving Apparatus.

Provision for
life-saving
apparatus.

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

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

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

Life-saving
apparatus
may be
attached to
works.

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

Lifebuoys to
be kept.

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

Lights.

Lights
during con-
struction of
works.

57.—(1) Before the works are commenced the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to the like matters by

the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to lights during the construction of the works.

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Pier.

(2) The Commissioners shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any directions so given.

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

Lights after
completion
of works.

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

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

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

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

Miscellaneous.

60. The Commissioners shall have the appointment of meters and weighers within the limits of this Order.

Meters and
weighers.

61. The Commissioners shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Commis-
sioners to
be a local
authority.

62. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed to be the special Act.

Application of
Harbours
Clauses Act
1847.

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

Recovery of
penalties.

[Ch. clvi.] *Pier and Harbour Orders* [2 & 3 GEO. 5.]
Confirmation (No. 3) Act, 1912.

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Pier.*

Officers
exempt from
rates.

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

Crown
rights.

65. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Works to be
in parish of
Drumcar.

66. The works shall be deemed to be for all purposes within the parish of Drumcar in the county of Louth.

Costs of
Order.

67. All the 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.

SCHEDULE referred to in the foregoing Order.

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

	<i>s.</i>	<i>d.</i>
For every vessel to or from all ports or places to load or unload - - - - - per register ton	0	6
For every such vessel not loading or unloading - per register ton	0	2

II.—RATES FOR MOORING ANCHORS AND BALLAST CHARGES.

For every vessel made fast to mooring anchor - - - - -	1	0
For ballast supplied to any vessel - - - - - per ton	2	0
For ballast put out of any vessel - - - - - per ton	2	0

III.—RATES FOR LIGHTS.

A.D. 1912.

	s.	d.	
For every vessel entering the harbour - - - per register ton	0	0 $\frac{1}{4}$	<i>Annagassan Pier.</i>
For every vessel engaged in the herring or mackerel fishery and using the pier for the period of the fishery season - - -	2	0	

Rates for lights shall only be demanded and received during so long as a light or lights are duly exhibited.

AS TO RATES IN PARTS I. II. AND III.

In the case of vessels belonging to owners engaged in a regular trade to the harbour and making not less than fifty calls between the first day of January and the thirty-first day of December in any one year at Annagassan there shall be charged per register ton in respect of each such vessel or of any vessel the property of or chartered by the same owner substituted for such vessel on any trip not more than one-half of the actual tonnage rates for the time being in force Provided always that up to fifty calls the rates shall be paid in full and on the completion of fifty calls one moiety of such rates already paid shall be repaid to the owners.

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

IV.—RATES FOR WATER.

	s.	d.
For each 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel - - -	0	1
Any vessel engaged in the herring or mackerel fishery and requiring water may pay as a composition for the period of the fishery season - - - - -	2	6

V.—RATES ON FISHING VESSELS ANCHORING OR MOORING WITHIN THE HARBOUR.

	s.	d.
Every vessel engaged in the herring or mackerel fishery as a composition in full of the tonnage duty for the period of the fishery season payable in advance - - - - -	17	0
Every vessel loading or discharging herrings or mackerel not paying the aforesaid composition shall on each occasion pay	1	8
And when not loading or unloading - - - - -	0	10
Other fishing vessels loading or discharging each time each	2	0

		s.	d.
A.D. 1912.	Other fishing vessels not loading or unloading - - - each	1	0
<i>Annagassan</i>	Other fishing vessels when above fifteen tons register to be		
<i>Pier.</i>	charged according to tonnage dues for vessels as in Part I.		
	Each vessel engaged in the white fishery for season commencing		
	1st October may pay annually in advance as a composition—		
	if manned by more than four hands - - - - -	10	0
	if manned by four hands or less - - - - -	5	0

VI.—RATES ON ANIMALS AND GOODS LOADED OR UNLOADED WITHIN
THE HARBOUR.

		s.	d.
Ale or beer - - - - -	per 56 gallons	0	6
" bottled - - - - -	per cwt.	0	2
Bacon - - - - -	per ton	1	4
Bark - - - - -	per ton	1	0
Barrels empty not being returned packages	each	0	0½
Beef or pork - - - - -	per ton	1	4
" - - - - -	per 224 lbs.	0	2
Biscuits - - - - -	per ton	1	0
Blocks under 10 inches - - - - -	per dozen	0	3
" 10 inches and above - - - - -	per dozen	0	6
Blubber - - - - -	per 252 gallons	1	0
Boats - - - - -	each	1	0
Bone dust - - - - -	per ton	1	0
Bones - - - - -	per ton	0	6
Bottles - - - - -	per gross	0	2
Bricks of all sorts - - - - -	per 1,000	1	0
Brooms - - - - -	per dozen	0	1
Butter - - - - -	per cwt.	0	9
Carriages four wheels - - - - -	each	2	0
" two wheels - - - - -	each	1	0
Carts - - - - -	each	0	6
Casks empty not being returned packages - - - - -	each	0	3
Cattle viz. :—			
Bulls - - - - -	each	1	6
Calves - - - - -	each	0	6
Cows and oxen - - - - -	each	1	0
Horses - - - - -	each	1	6
Pigs - - - - -	each	0	6
Sheep - - - - -	each	0	6
Lambs - - - - -	each	0	3
Chalk - - - - -	per ton	0	8
Cinders - - - - -	per ton	1	0

		s.	d.	A.D. 1912.
Clay (fire) manufactured	- - - - -	per ton	0 6	Annagassan Pier.
Clay common	- - - - -	per ton	0 2	
Cloth haberdashery &c.	- - - - -	per cwt.	0 2	
Clover seeds	- - - - -	per ton	2 0	
Coals	- - - - -	per ton	0 10	
Copper	- - - - -	per ton	1 4	
Corks	- - - - -	per cwt.	0 2	
Corn	- - - - -	per 100 lbs.	0 1	
Crystal	- - - - -	per cwt.	0 2	
Dissolved bones and other artificial manures	- - - - -	per ton	0 8	
Dogs	- - - - -	each	0 2	
Drugs	- - - - -	per cwt.	0 3	
Earthenware	- - - - -	per cwt.	0 2	
Eggs	- - - - -	per cwt.	0 2	
Empty barrels not being returned	- - - - -	each	0 0 $\frac{1}{2}$	
Feathers	- - - - -	per cwt.	0 6	

Fish:—

(a) Other than herrings mackerel and shell fish:—

Dried or salted - - - - - per cwt. 0 3

In pickle and undried - - - - - per cwt. 0 3

Fresh brought for sale for every shilling in value - 0 0 $\frac{1}{2}$ (b) Herrings and mackerel fresh - - - - - per 37 $\frac{1}{2}$ gallons 0 3" " cured - - - - - per 26 $\frac{2}{3}$ gallons 0 4

(c) Shell fish lobsters or crabs - - - - - per dozen 0 3

" other than lobsters - - - - - per bushel 0 6

Flax and tow - - - - - per ton 1 4

Flour - - - - - per 280 lbs. 0 2

" - - - - - per 100 lbs. 0 1 $\frac{1}{2}$ Geese alive - - - - - each 0 0 $\frac{1}{2}$

Glass - - - - - per cwt. 0 3

Grass seeds - - - - - per 100 lbs. 0 0 $\frac{1}{2}$

Groceries viz.:—

Almonds figs cinnamon currants pepper pimento plums

prunes raisins and the like - - - - - per cwt. 0 3

Guano - - - - - per ton 0 8

Gunpowder and other explosives - - - - - per 100 lbs. 0 6

Hardware - - - - - per cwt. 0 3

Hares and rabbits - - - - - per dozen 0 3

Any less quantity - - - - - - 0 1

Harrows - - - - - per pair 0 6

Hay - - - - - per ton 1 0

Hemp - - - - - per ton 1 4

		s.	d.	A.D. 1912.
Seeds flax and rape in bulk -	-	0	2	—
„ garden -	-	1	4	Annagassan Pier.
Slates under size -	-	0	6	
„ sizeable -	-	0	10	
„ over size -	-	1	5	
Soap -	-	1	8	
Snuff -	-	1	6	
Spades and shovels -	-	0	2	
Spirits -	-	3	0	
Steel -	-	2	0	
Stones :—				
Rubble -	-	0	1	
Hewn ashlar freestone or limestone -	-	0	2	
Rough ashlar freestone -	-	0	1	
Pavement not exceeding 3 inches thick per 70 superficial feet	-	0	1	
Pavement above 3 inches thick -	-	0	1	
Kerb pavement and building -	-	0	1	
Paving setts -	-	0	1	
Scythe stones -	-	0	1	
Flagstones -	-	0	1	
Mill stones -	-	0	8	
Stucco -	-	0	6	
Sugar -	-	0	3	
„ -	-	1	4	
Tar -	-	0	2	
Tea -	-	1	0	
Tiles roofing -	-	1	0	
Tiles or pipes for draining -	-	1	0	
Tin of all kinds -	-	1	3	
Tobacco -	-	1	6	
Treenails under 2 feet in length -	-	0	6	
„ exceeding 2 feet in length -	-	1	0	
Turnips -	-	0	10	
Turpentine -	-	0	3	
Vegetables :—				
Potatoes -	-	0	9	
Turnips -	-	0	10	
Others -	-	0	2	
Vinegar -	-	0	6	
Vitriol -	-	0	2	
Whalebone -	-	2	6	
Wheels -	-	0	4	
Whitening -	-	0	6	
Wine -	-	3	0	

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Pier.

	s.	d.
Wine bottled - - - - - per cwt.	0	6
Wood of all kinds for every pound sterling value (including invoice freight and duty when landed) - - - - -	0	6

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

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

All other goods not particularly enumerated in the above table:—

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

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

VII.—RATES ON PASSENGERS AND PASSENGERS' LUGGAGE.

(1) *Passengers.*

	s.	d.
For every passenger or other person who shall land from or embark on any vessel within the harbour for each and every time - - - - -	0	2

(2) *Passengers' Luggage.*

A.D. 1912.

	s.	d.
For each trunk portmanteau box parcel or package within the description of luggage over 28 lbs. and not exceeding 84 lbs.	0	3
And in addition for every 20 lbs. exceeding 84 lbs.	0	1

Annagassan
*Pier.*VIII.—RATES FOR THE USE OF CRANES WEIGHING MACHINES
WAREHOUSES SHEDS &C.(1) *Cranes.*

All goods or packages not exceeding one ton	-	-	0	4
Exceeding one ton and not exceeding two tons	-	-	0	6
Exceeding two tons and not exceeding three tons	-	-	0	8
Exceeding three tons and not exceeding four tons	-	-	0	10
Exceeding four tons and not exceeding five tons	-	-	1	0
Exceeding five tons and not exceeding six tons	-	-	1	2
Exceeding six tons and not exceeding seven tons	-	-	1	4
Exceeding seven tons and not exceeding eight tons	-	-	1	6
Exceeding eight tons and not exceeding nine tons	-	-	1	10
Exceeding nine tons and not exceeding ten tons	-	-	2	4
Exceeding ten tons	-	-	3	6

(2) *Weighing Machines.*

For goods weighed for each ton or part of a ton	0	2
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(3) *Warehouses Sheds &c.*

For each 40 cubic feet of goods or for each ton of goods which shall remain in any warehouse or shed or on any part of the Work No. 1 for a longer time than forty-eight hours the sum of 3d. and the sum of 1½d. per 40 cubic feet or per ton for each day during which such goods shall remain after the first forty-eight hours.

For any portmanteau trunk or other article of passengers' luggage for each day or part of a day after the first twenty-four hours	-	-	-	-	-	0	2
All vessels using warps	-	-	-	-	per registered ton	0	0¼

Planks:—

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

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

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(4) Cattle Yards.

		s.	d.
<i>Annagassan</i>	For cattle each per day - - - - -	0	1½
<i>Pier.</i>	For horses each per day - - - - -	0	1
	For pigs each per day - - - - -	0	0½
	For sheep each per day - - - - -	0	0½

(5) 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 Commissioners payable in advance per off season as same may be fixed by the Commissioners - - - - -		0	10	0
Each additional month or part thereof beyond said off season or at any other time - - - - -		0	2	0
For every other 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

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

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

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

LOSSIEMOUTH OLD HARBOUR.

Lossiemouth
Old Harbour. Order for the Incorporation of Harbour Commissioners and the construction maintenance and regulation of Works for a Boat Shelter at the Harbour of Lossiemouth in the Parishes of Drainie and Urquhart and County of Elgin.

WHEREAS the Elgin and Lossiemouth Harbour Company (herein-after referred to as "the Company") are the successors in title of a company

incorporated by the Act 4 & 5 William IV. chapter 86 and by the Elgin and Lossiemouth Harbour Acts 1856 and 1890 and the Elgin and Lossiemouth Harbour Orders 1868 and 1901 further powers were conferred on the Company :

A.D. 1912.
Lossiemouth
Old Harbour.

And whereas the Company are the proprietors of the Harbour of Lossiemouth in the burgh of Lossiemouth and county of Elgin which consists of three harbours connected with one another and together comprising an area of five acres or thereby and is herein-after called "the new harbour" :

And whereas the Company are also the proprietors of another harbour which was formed at the mouth of the River Lossie at some distance from the new harbour and is known as and herein-after called "the old harbour" :

And whereas since the construction of the new harbour the old harbour has not been used for the ordinary traffic of the port but has been used and maintained by the Company for laying up fishing boats for the winter months :

And whereas owing to the increase in size of fishing boats and the extended use of steam vessels in place of sailing vessels in the conduct and prosecution of the fishing industry the new harbour and the old harbour as now existing are insufficient for the accommodation of the boats belonging to or frequenting the Port of Lossiemouth and it is essential in the interests of that port that further accommodation shall be provided for the laying up overhauling repairing and fitting out of steam drifters and other vessels :

And whereas it is expedient that a body of Commissioners should be incorporated for the purpose of taking over the old harbour and constructing new works in order to adapt that harbour for the laying up overhauling repairing and fitting out of steam drifters and other vessels :

And whereas the cost of the works necessary for the purposes aforesaid is estimated at twelve thousand pounds or thereabouts and it is expedient that the said Commissioners should be authorised to raise the said sum :

And whereas it is not proposed that the old harbour should be used for any commercial purpose or for embarking or disembarking goods or passengers or for any other purpose than the laying up overhauling repairing and fitting out of vessels or that the Commissioners should have any power to levy rates except in respect of the laying up overhauling repairing and fitting out of vessels :

And whereas it is expedient that the Company should be authorised to transfer the site of the old harbour and the works at present existing

A.D. 1912. in connexion therewith to the said Commissioners in consideration for
the payment of fixed annual sums :

Lossiemouth
Old Harbour.

And whereas application has been made to the Board of Trade by the Company for a Provisional Order under the General Pier and Harbour Act 1861 and the General Pier and Harbour Act 1861 Amendment Act for powers to carry out the above-mentioned objects and for other purposes :

Now therefore the Board of Trade hereby make the following Provisional Order:—

Short title
and com-
mencement.

1.—(1) This Order may be cited as the Lossiemouth Old Harbour Order 1912.

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

Interpreta-
tion.

2.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the following meanings (that is to say):—

“The Harbours Clauses Act 1847” means the Harbours Docks and Piers Clauses Act 1847;

“The Company” means the Elgin and Lossiemouth Harbour Company;

“The Commissioners” means the Lossiemouth Old Harbour Commissioners incorporated by this Order;

“The clerk” means the clerk for the time being to the Commissioners;

“The office” means the office for the time being of the Commissioners;

“The burgh” means the burgh of Lossiemouth;

“The town council” means the provost magistrates and councillors of the burgh;

“The existing harbour” means the harbour of Lossiemouth (other than and except the old harbour) and includes any alteration extension or enlargement of the existing harbour and the works connected therewith belonging to the Company;

“The old harbour” means and includes the area situated and comprised within the following boundary:—

Commencing at a point distant about one hundred and fifteen feet measured in a south-westerly direction from the south-east corner of the station building of the Great North of Scotland Railway Company and proceeding thence in a north-easterly direction for a distance of about thirty-six

feet thence in a south-easterly direction for a distance of about sixty-five feet thence in a north-easterly direction for a distance of about four hundred and sixty-six feet thence in a south-westerly direction for a distance of about one thousand five hundred and sixty-six feet to the north side of the Seatown public road thence north-westerly along the said north boundary of the said public road till the said boundary meets the corner of the said railway company's wall at the level crossing about twenty-five feet to the east of the railway crossing thence bounded by the easterly side of the railway line in a north-easterly and then in an east-north-easterly direction for a distance of about nine hundred and ninety-five feet thence round the east side of the said railway company's signal cabin for about fifty-five feet where it joins the first-named point and the works lands buildings and conveniences now existing and connected with or being within that area and also the works authorised by this Order and any lands or buildings for the time being used for or in connexion with those works ;

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Old Harbour.*

"The Police Acts" means the Burgh Police (Scotland) Acts 1882 to 1903 ;

"The Harbour Acts" means the Elgin and Lossiemouth Harbour Acts 1856 to 1901.

(2) The following expressions used in the Harbours Clauses Act 1847 have the following respective meanings (that is to say) :—

The expressions "packet boat" and "Post Office packet" 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 the expression "Post Office bag of letters" means a mail bag as defined by the same Act Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

3. The Lossiemouth Old Harbour Commissioners as incorporated by this Order shall be the Undertakers for carrying this Order into execution. Undertakers.

Acquisition of Land.

4. The Lands Clauses Acts (except so much thereof as relates to the taking of lands otherwise than by agreement and to the entry upon Incorporation of Lands Clauses Acts.

A.D. 1912. lands by the promoters of the undertaking) are hereby incorporated with this Order and for the purposes of that incorporation the term "special Act" in those Acts shall mean this Order.

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Conveyance
of old har-
bour by Com-
pany to Com-
missioners.

5.—(1) The Company may sell or transfer to the Commissioners and the Commissioners may acquire or take a transfer from the Company of the site of the old harbour and as from the date of the completion of such acquisition or transfer the old harbour shall be held and used by the Commissioners for the purposes and according to the provisions of this Order. Such transfer shall be subject to a right of pre-emption by the Company and to such other terms and conditions as may be agreed.

(2) The price or consideration to be paid by the Commissioners to the Company for the transfer of the site of the old harbour shall be the payment of a sum of one hundred pounds per annum but such annual payment shall only be payable out of the annual revenue of the Commissioners after the several payments by the section of this Order (the marginal note whereof is "Application of revenue") directed to be paid out of such revenue in priority to that annual sum shall have been made.

Power to
take lands by
agreement.

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

Lands for
extraordi-
nary pur-
poses.

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

Owners may
grant servi-
tudes &c.

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

Incorporation and Constitution of Commissioners.

Incorporation
of Com-
missioners.

9. For the purpose of carrying this Order into execution there shall be a body of Commissioners to be constituted as by this Order provided

and those Commissioners are hereby incorporated by the name of "The Lossiemouth Old Harbour Commissioners" and by that name shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued and to purchase take on feu or lease hold and dispose of lands and other property for the purposes but subject to the provisions and restrictions of this Order.

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Old Harbour.*

10. The Commissioners Clauses Act 1847 is incorporated with this Order except so far as it is expressly varied by or is inconsistent with this Order.

Incorporation of
Commissioners
Clauses Act.
10 & 11 Vict. c. 16.

11.—(1) The following six persons shall be the first Commissioners:—

First Com-
missioners
named.

1. Charles James Johnston of Lesmurdie Elgin.
2. James Grant of Glengrant Rothes.
3. Alexander Cowie Lossiemouth.
4. James Clark Peterkin Lossiemouth.
5. Charles Duff Wilson Elgin.
6. The Provost of the Burgh.

(2) The first Commissioners shall come into office at the expiration of fourteen days after the commencement of this Order and shall go out of office on the third Friday of December one thousand nine hundred and thirteen.

12.—(1) As on and from the third Friday in December one thousand nine hundred and thirteen the Commissioners shall subject to the provisions of this Order consist of seven persons of whom one shall be ex-officio Commissioner and the other six shall be elected as herein-after provided and are herein-after collectively called "the elected Commissioners."

Constitution
of Commis-
sioners.

(2) The Chairman for the time being of the Company shall be ex-officio Commissioner.

(3) The elected Commissioners shall be the following persons namely:—

- (A) A person (herein-after called the "Boat Owners' Commissioner") to be elected as herein-after provided:
- (B) A person (herein-after called the "Insurance Club Commissioner") to be appointed as herein-after provided:
- (C) A person (herein-after called the "Guarantors' Commissioner") to be appointed as herein-after provided:
- (D) A person (herein-after called the "Mortgagees' Commissioner") to be appointed as herein-after provided:

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(E) A person (herein-after called the "Elgin Commissioner") to be appointed as herein-after provided :

(F) A person (herein-after called the "Lossiemouth Commissioner") to be appointed as herein-after provided.

(4) The elected Commissioners shall come into office on the third Friday in December after their respective election and shall go out of office on the third Friday in December in the third year thereafter.

Election of
Boat Owners'
Commis-
sioner.

13.—(1) The Boat Owners' Commissioner shall be elected at the times and in the manner herein-after prescribed by the following persons (herein-after called the "boat owner electors") viz. :—

All persons being of the age of twenty-one years or upwards resident in the burgh who are registered owners or part owners of steam drifters or owners or part owners of fishing boats using the existing harbour or the old harbour who shall have paid to the Commissioners during the twelve months ending on the thirtieth day of September last preceding any election the sum of twenty shillings or upwards in respect of rates recoverable under this Order.

(2) The first election of a Boat Owners' Commissioner shall take place on the first Friday in December one thousand nine hundred and thirteen and all future elections shall take place on the first Friday in December in every third year thereafter.

(3) The Commissioners shall before the first day of November one thousand nine hundred and thirteen and before the first day of November in every third year thereafter cause to be prepared a register of the boat owner electors entitled to vote at the election of Boat Owners' Commissioners and shall cause the said register to be publicly exhibited in manner herein-after provided with regard to notices of meetings of the boat owner electors on and after the first day of November one thousand nine hundred and thirteen and on and after the first day of November in every third year thereafter until the next succeeding election of a Boat Owners' Commissioner Any boat owner elector whose name does not appear in the said register but who claims to be entitled to be included therein shall within ten days after publication of the said register lodge his claim with the clerk in writing and produce such evidence as the Commissioners think sufficient to substantiate his claim and upon production of such evidence the Commissioners may order his name to be added to the register Any such additions must be made before the first day of December following the publication of the said register Part owners of any registered steam drifter or of any fishing boat shall for the purposes of electing the Boat Owners' Commissioner be deemed to be one boat owner elector and shall be entered on the said register jointly as one elector and are herein-after referred to as "joint electors."

(4) The boat owner electors whose names appear on the said register shall alone be qualified to vote at the election of a Boat Owners' Commissioner.

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Old Harbour.*

(5) In the case of joint electors they may by writing under their hands delivered or sent by prepaid post to the clerk on or before the Friday next preceding any election of a Boat Owners' Commissioner nominate one of their number to vote at such election and after any such nomination so delivered or sent the joint elector so nominated shall alone be entitled to vote at such election. In default of any such nomination being so delivered or sent to the clerk within the time aforesaid that one of the joint electors present at the meeting whose name stands first on the register shall alone be entitled to vote.

(6) In any case where any company is registered as the owner of a steam drifter or fishing boat that company may by notice under its seal delivered or sent by prepaid post to the clerk on or before the Friday next before any election of a Boat Owners' Commissioner nominate any one of its directors for the time being to vote at such election and the director so nominated shall be entitled to vote at such election. In default of any such nomination being so delivered or sent within the time aforesaid no person shall be entitled to vote for or on behalf of such company at such election.

(7) The election of a Boat Owners' Commissioner shall take place at a meeting (to be held at a convenient place within the burgh) of the boat owner electors who are entered on the register mentioned in subsection (3) of this section as entitled to vote at that election.

(8) The Commissioners shall cause the hour and place of such meeting to be made public not less than seven clear days before such meeting by affixing notices written or printed on such conspicuous place or places in the burgh as they may think fit.

(9) Every candidate for the office of Boat Owners' Commissioner shall be proposed at such meeting by two boat owner electors and only persons bonâ fide resident in the burgh and being of the age of twenty-one years or upwards shall be eligible for the office of Boat Owners' Commissioner. If one person only is proposed as a candidate the chairman shall declare him elected. If more persons than one are proposed the election shall in the first instance be by show of hands.

(10) At every meeting for the election of a Boat Owners' Commissioner one of the boat owner electors present not being a candidate shall by a majority of the boat owners present be elected chairman of the meeting and shall declare the number of votes given by a show of hands to each candidate and in case his decision is challenged

A.D. 1912. shall cause the number of votes for each candidate to be ascertained by a poll as herein-after provided.

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(11) At each and every election at which a poll is taken every boat owner elector shall be entitled to one vote.

(12) The candidate having the greatest number of votes at any contested election shall be elected and in every case of equality of votes the chairman of the meeting shall have a casting vote in addition to the vote to which he may be entitled as a boat owner elector.

(13) Any question or dispute regarding the election of a candidate shall be determined at the meeting by the chairman of the meeting whose decision shall be final.

(14) The poll at every contested election shall be taken by ballot in such manner as the chairman of the meeting shall direct.

(15) The result of the poll shall be declared by the chairman of the meeting and his declaration shall be final.

(16) The chairman of the meeting shall report in writing to the clerk the name of the person elected as Boat Owners' Commissioner.

(17) The expenses connected with each election (exclusive of the expenses of any candidate) shall be paid by the Commissioners out of the revenue from the old harbour.

Appointment
of Insurance
Club Com-
missioner.

14.—(1) The Moray Firth Mutual Insurance Boat Club (herein-after called "the insurance club") shall on or before the first day of December in the year one thousand nine hundred and thirteen and in every third year thereafter appoint some person of the age of twenty-one years or upwards to be the Insurance Club Commissioner as on and from the third Friday of that December and shall on or before the first Friday in December in the year one thousand nine hundred and thirteen and in every third year thereafter send to the clerk by prepaid post notice of such appointment with the full name and address of the person so appointed.

(2) The right of the insurance club to appoint an Insurance Club Commissioner shall cease and determine if and when all money at any time advanced by the insurance club to the Commissioners with all interest thereon shall have been fully paid and discharged. But the Insurance Club Commissioner for the time being in office when all such money and interest shall be discharged shall continue in office during the residue of the period for which he was appointed.

Appointment
of Guarantors'
Commissioner.

15.—(1) The guarantors for the time being of the existing loan from the Public Works Loan Commissioners to the Company (herein-after called "the guarantors") shall on or before the first day of December in the year one thousand nine hundred and thirteen and in

every third year thereafter by writing under the hands of the guarantors appoint some person of the age of twenty-one years or upwards to be the Guarantors' Commissioner as on and from the third Friday of that December and shall on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter send by prepaid post to the clerk notice of such appointment with the full name and address of the person so appointed to be the Guarantors' Commissioner.

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Old Harbour.*

(2) The right of the guarantors to appoint a Guarantors' Commissioner shall cease and determine if and when all money at any time advanced to the Company by the Public Works Loan Commissioners and guaranteed by the guarantors with all interest thereon shall have been fully paid and discharged. But the Guarantors' Commissioner for the time being in office when all such money and interest shall be discharged shall continue in office during the residue of the period for which he was appointed.

16.—(1) The mortgagees and other secured creditors for the time being of the Company shall be entitled on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter to appoint some person of the age of twenty-one years or upwards to be the Mortgagees' Commissioner as on and from the third Friday of that December.

Appointment
of Mortga-
gees' Com-
missioner.

(2) The secretary for the time being of the Company shall on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter send by prepaid post to the clerk the name and address of the person so appointed by the mortgagees or other secured creditors for the time being to be Mortgagees' Commissioner. Such notice shall be accompanied by a certificate signed by two directors of the Company and countersigned by the secretary certifying that the person named in the notice has been duly appointed by such mortgagees and other secured creditors as aforesaid of the Company to be Mortgagees' Commissioner and such certificate shall be conclusive evidence of such appointment.

(3) The right of the mortgagees and other secured creditors as aforesaid of the Company to appoint a Mortgagees' Commissioner shall cease and determine if and when all money for the time being owing by the Company upon any security with all interest thereon shall have been fully paid and discharged. But the Mortgagees' Commissioner for the time being in office when all such money and interest is discharged shall continue in office during the residue of the period for which he was appointed.

17. The town council of Elgin shall on or before the first day of December in the year one thousand nine hundred and thirteen and in

Appointment
of Elgin Com-
missioner.

A.D. 1912. every third year thereafter appoint some person being of the age of twenty-one years or upwards to be the Elgin Commissioner as on and from the third Friday in the same December respectively and the town clerk of Elgin shall on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter send by prepaid post to the clerk the full name and address of the person so appointed to be the Elgin Commissioner.

*Lossiemouth
Old Harbour.*

Appointment
of Lossie-
mouth Com-
missioner.

18.—(1) The town council shall on or before the first day of December in the year one thousand nine hundred and thirteen and in every third year thereafter appoint some person being of the age of twenty-one years or upwards to be the Lossiemouth Commissioner as on and from the third Friday in the same December respectively and the town clerk of the burgh shall on or before the first Friday of December in the year one thousand nine hundred and thirteen and in every third year thereafter send by prepaid post to the clerk the full name and address of the person so appointed to be the Lossiemouth Commissioner.

(2) If and when the town council shall have levied any assessment for the purpose of meeting any guarantee which may have been given by them under the powers conferred by the section of this Order the marginal note whereof is "Power to town council to guarantee" the town council may in addition to the Lossiemouth Commissioner appointed under subsection (1) of this section with the consent of the Secretary for Scotland appoint another person being of the age of twenty-one years or upwards to be an additional Lossiemouth Commissioner.

(3) The person so appointed shall hold office during the period for which the Lossiemouth Commissioner then in office is entitled to hold office and shall go out of office at the same time as such Lossiemouth Commissioner.

(4) After the town council shall have appointed an additional Lossiemouth Commissioner and so long as any such guarantee as aforesaid shall continue the town council shall be entitled to appoint two Lossiemouth Commissioners and the provisions of subsection (1) of this section shall apply mutatis mutandis to the appointment of both the Lossiemouth Commissioners and the number of elected Commissioners shall be increased accordingly.

Casual
vacancies.

19.—(1) In the event of a casual vacancy occurring among the elected Commissioners by reason of death resignation or failure to make an appointment and give due notice thereof as herein-before provided or otherwise from any cause other than retirement from office in the regular course the other Commissioners shall as soon as conveniently may be thereafter at a meeting of the Commissioners elect a person to fill the vacancy and the Commissioner so elected shall continue in office for the same period and retire from office at the same time as the person

whose vacancy he fills would in ordinary course have continued in and retired from office but shall be eligible for re-election Provided always that on any casual vacancy occurring in the office of Boat Owners' Commissioner the person to be elected by the Commissioners shall be a person who was entered in the register of boat owner electors at the date of the then last preceding election of Boat Owners' Commissioner.

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Old Harbour.

(2) If and whenever the right of the insurance club or the guarantors or the mortgagees or other secured creditors of the Company (as the case may be) to appoint a Commissioner shall have ceased and determined the other Commissioners for the time being shall at the first meeting of the Commissioners to be held after the Insurance Club Commissioner the Guarantors' Commissioner or the Mortgagees' Commissioner (as the case may be) shall have gone out of office and in every third year thereafter appoint a Commissioner to take the place of such Insurance Club Commissioner Guarantors' Commissioner or Mortgagees' Commissioner respectively and the person so appointed shall hold office for the period during which the Insurance Club Commissioner the Guarantors' Commissioner or the Mortgagees' Commissioner (as the case may be) would have held office if such right of appointment had not ceased and determined and shall in all respects be substituted for such Commissioner respectively.

(3) In the case of an equality of votes at any meeting of the Commissioners in favour of any person to be a Commissioner the chairman of the meeting shall have a second or casting vote.

20.—(1) A retiring Commissioner may be re-elected or re-appointed as the case may be.

Re-election
quorum
and resignation.

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

(3) A Commissioner may resign office at any time by giving notice to the Commissioners or the clerk.

21.—(1) The Commissioners may act notwithstanding any vacancy in their body but if the number of the Commissioners is reduced below four they shall act only for the purpose of causing vacancies in their body to be filled up.

Validity of
acts of Com-
missioners.

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

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

Meetings.

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

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Old Harbour.

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

(4) The annual meeting of the Commissioners shall be held at such time in the month of November or in such other month and at such place as may be fixed by the Commissioners.

(5) Sections 42 and 43 of the Commissioners Clauses Act 1847 as incorporated with this Order shall be read as if the word "monthly" wherever it occurs therein was omitted therefrom.

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

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

*Limits.*Limits of
Order.

23.—(1) The limits within which the Commissioners shall have authority to levy rates and within which the powers of their harbour-master may be exercised shall comprise the old harbour and those limits are in this Order referred to as "the limits of this Order."

(2) A map or plan showing the limits of the old harbour having been signed in triplicate by an assistant secretary to the Board of Trade and one copy thereof having been deposited at the office of the Board of Trade another copy thereof shall be deposited with the sheriff clerk for the county of Elgin and another copy thereof shall be deposited at the office.

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

*Works.*Power to
construct
works.

24. Subject to the provisions of this Order and subject also to such alterations (if any) in the deposited plan and deposited sections as the Board of Trade may require from time to time before the completion of the works the Commissioners may on the lands and in the lines and according to the levels and within the limits of deviation shown on the plan and sections deposited with reference to this Order

with the Board of Trade make and maintain the works following (that is to say):—

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Old Harbour.

Work No. 1 A solid pier commencing at the end of the old pierhead distant fifty-six yards or thereby measured in a south seven degrees westerly direction from the south-east corner of the station building of the Great North of Scotland Railway Company and extending in a south eighty-two degrees easterly direction for a distance of ninety-two yards or thereby and there terminating in the foreshore or bed of the sea or alveus of the River Lossie:

Work No. 2 A line of open piling or protection work commencing at a point on the foreshore or bed of the sea or alveus of the River Lossie situate three hundred and thirty yards or thereby measured in a south twenty-four degrees westerly direction from the south-east corner of the said station building and extending in a north forty-five degrees easterly direction for a distance of two hundred yards or thereby where it meets the eastern pier in the old harbour and thence partly open and partly solid proceeding in a north forty-five degrees easterly direction for a distance of one hundred and sixty-two yards or thereby in the form partly of a restoration of the eastern pier and partly of new pilework and terminating on the foreshore or bed of the sea or alveus of the River Lossie or found of old east pierhead at a point distant one hundred and fifty-eight yards or thereby measured in a south sixty-four degrees easterly direction from the south-east corner of the station building:

Work No. 3 A deepening of the old harbour and alveus of the River Lossie and bed of the sea and removal of the foot-bridge over the area enclosed by the lines of the above described works and the old quays of the old harbour extending from the south corner of the old pierhead distant fifty-eight yards or thereby measured in a south ten degrees westerly direction from the south-east end of the station building to a point distant three hundred and ninety-five yards or thereby measured in a south forty-eight degrees westerly direction from the south-east corner of the station building thence bounded by a line drawn in a south thirty degrees easterly direction for a distance of one hundred and forty-three yards or thereby and thence bounded by a line extending in a north forty-five degrees easterly direction for a distance of one hundred and twenty-one yards or thereby:

Work No. 4 An improvement and deepening of the channel way of the River Lossie seawards of the works above described.

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*Old Harbour.*Power to
deviate.

25. The Commissioners in constructing the works authorised by this Order may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent.

Power to
maintain and
improve
works.

26. Subject to the provisions of this Order the Commissioners may maintain and with the consent of the Board of Trade alter improve and extend the works authorised by this Order and may in connexion with those works construct maintain alter and improve embankments excavations landing-places piers quays jetties wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains gas pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and boats.

For protec-
tion of Post-
master-
General.

27. Any electric light apparatus or other electric mains and works constructed or maintained under this Order shall be so constructed used and worked as to prevent any interference with the telegraphic communication by means of any telegraphic line of the Postmaster-General.

For protec-
tion of Great
North of
Scotland
Railway
Company.

28. If in the construction working use or maintenance of the works authorised by this Order the railway or any other property of the Great North of Scotland Railway Company shall at any time or from time to time be interfered with endangered or disturbed the Great North of Scotland Railway Company may execute and maintain at the expense of the Commissioners all such needful and proper works as may be reasonably necessary for removing or obviating any such interference danger or disturbance Provided that the Great North of Scotland Railway Company in executing any works under this section shall forthwith give notice thereof in writing to the Commissioners specifying in such notice the particular interference danger or disturbance complained of and the character and extent of the works which are being executed in consequence thereof and any difference with respect to the necessity for or otherwise in respect of or concerning such works or any of them shall be settled by arbitration and shall be referred to a single arbiter to be agreed on between the parties or failing agreement to be appointed by the Board of Trade upon the application of either party.

As to foot-
bridge over
River Lossie.

29. In the event of the existing footbridge across the River Lossie being removed by the Commissioners for the purpose of constructing maintaining or using the works by this Order authorised the Commissioners shall at their own expense re-erect or re-build such footbridge at such other point across the said river as they may think fit The conditions and provisions contained in the minute of agreement between

the Company and the town council dated the thirtieth day of August and the first and third days of September one thousand nine hundred and six shall apply in all respects to such footbridge when re-erected or re-built in the same manner and to the same extent as if it were the existing footbridge.

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—
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Old Harbour.

30. Subject to the provisions of this Order the Commissioners may construct and maintain or take on feu or lease offices sheds cranes and other works buildings and conveniences which may be found necessary or convenient in connexion with the old harbour for the accommodation of vessels and boats using the same.

Power to
construct or
lease sheds
and other
buildings.

31. Any works authorised by this Order below high-water mark shall not be commenced without the consent thereto of the Board of Trade having been first obtained in writing and shall be executed only in accordance with the terms of such consent.

Consent of
Board of
Trade to
works.

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

Penalty for
obstructing
works.

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

Powers to
cease in cer-
tain events.

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

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

Management.

34.—(1) The Commissioners may dredge scour-deepen enlarge alter and improve the old harbour and also the entrances channels and approaches thereto to the extent necessary to secure a sufficient waterway and approach to the works for boats and vessels using the same.

Dredging &c.

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(2) All sand mud gravel and other materials dredged up or removed shall be the property of the Commissioners and they may sell or otherwise dispose of the same as they think fit Provided that no sand mud gravel or other materials 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 or in the existing harbour without the consent of the Company having been first obtained.

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

Power to
purchase or
hire dredgers
&c.

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

Power to
make bye-
laws.

36.—(1) The byelaws relating to the old harbour which may from time to time be made by the Commissioners 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.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

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

(4) At the expiration of one month after any byelaws made by the Commissioners shall have received the confirmation of the Board of Trade the byelaws of the Company for the time being in existence shall cease to affect or apply to the old harbour.

Restrictions
as to user of
old harbour
by steamers
and other
mechanically
driven
vessels.

37.—(1) No vessel or boat propelled by steam or other mechanical power shall be moved by such power within the limits of the old harbour without the consent of the harbour-master or other duly authorised officer of the Commissioners.

(2) No boat or vessel propelled by steam or other mechanical power shall when aground or fast in a berth use or drive her propeller without the authority of the harbour-master or other duly authorised officer of the Commissioners.

(3) If the owner or person in charge of any such boat or vessel as in this section mentioned shall be guilty of any wilful breach of

the provisions of this section he shall be liable to a penalty not exceeding ten pounds for each such breach.

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*Old Harbour.**Powers of Leasing.*

38.—(1) The Commissioners 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 Board of Trade lease to any company corporation or person (A) the entire undertaking of the Commissioners or (B) the rates and other charges authorised to be taken by this Order.

Power to
lease.

(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 Commissioners by this Order which the Commissioners have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Commissioners are subject and shall perform all the duties of the Commissioners under this Order.

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

(4) The Commissioners shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Board of Trade 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 Commissioners 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 lessees as the Commissioners and all moneys received by the Commissioners 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. The Commissioners may let for hire or lease for any term not exceeding seven years any rooms shops sheds or other buildings separately from any other part of the undertaking to any company

Power to
lease sheds
&c.

A.D. 1912. corporation or person upon such terms pecuniary or otherwise and
 Lossiemouth under such restrictions and conditions as they think fit.
 Old Harbour.

Rates.

Power to
levy rates.

40.—(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 Commissioners may within the old harbour subject and according to the provisions of this Order demand receive and recover for the use of the old harbour and the conveniences connected therewith any rates not exceeding those specified in the schedule to this Order.

(3) The Commissioners may also demand receive and recover for the use of any part of the existing harbour by any boat or vessel laying up overhauling repairing or fitting out any rates not exceeding the rates specified in the schedule to this Order and the Company shall—

- (A) Either collect such rates on behalf of the Commissioners on such terms as may be agreed between the Company and the Commissioners or in the event of difference as may be determined by a single arbiter to be agreed between the parties or failing agreement to be appointed by the Board of Trade on the application of either party; or
- (B) If they think fit allow the Commissioners by any officers appointed by them for the purpose to enter upon the existing harbour and collect such rates.

(4) Notwithstanding anything in the Harbour Acts contained any vessel or boat that has paid to the Commissioners the rates authorised by this Order shall be entitled to the use of the existing harbour without being liable to pay to the Company any of the rates authorised by the Harbour Acts for the user of the existing harbour Provided always that such user shall not be permitted when it will in the opinion of the Company interfere with or interrupt the ordinary traffic of the existing harbour.

(5) On and after the commencement of this Order the powers of the Company of demanding receiving and recovering rates for the use of the old harbour or (subject to the provisions of subsection (3) of this section) for the use of the existing harbour by any boat or vessel for laying up overhauling repairing or fitting out shall not be exercised by the Company while and so long as the Commissioners levy the rates mentioned in the schedule to this Order and in consideration thereof the Commissioners shall pay to the Company the annual sum of three hundred and fifty pounds (herein-after called "the rates annuity")

Provided always that in the event of the Commissioners at any time failing to pay the rates annuity or any part thereof the Company may enter upon the old harbour and demand receive and recover the rates specified in the schedule to this Order until the rates received after paying the expense of collection are sufficient to pay off all arrears for the time being owing to the Company in respect of the rates annuity and until the amount due to the Company has been so paid off the Commissioners shall not be entitled to demand levy and recover any of the rates by this Order authorised.

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Old Harbour.

41.—(1) The old harbour shall be used only for the purposes of laying up overhauling repairing and fitting out of boats and vessels and the Commissioners shall not use or permit the use of the old harbour for any commercial purpose or the embarking or disembarking thereat of goods or passengers as defined in the schedule to the Elgin and Lossiemouth Harbour Order 1901.

Goods and passengers not to be embarked or disembarked at old harbour.

(2) If the Commissioners make default in complying with the provisions of this section they shall forfeit and pay to the Company the rates authorised to be taken by the Company by the Harbour Acts in respect of such goods and passengers.

(3) Nothing in this Order shall prohibit the owner or master of any boat or vessel from taking in at the old harbour stores (other than coal) for use in such boat or vessel.

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

Revision of rates.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Commissioners on the average of the then three last preceding years after payment of all expenses and outgoings including all interest payable on moneys borrowed under this Order and all contributions to any sinking fund created under this Order exceeds the amount sufficient for the purposes of this Order that Board may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order.

43. 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

Lifeboat crew exempt from rates.

A.D. 1912. time being actually employed in saving life or in exercising or using
Lossiemouth the lifeboat or the apparatus for saving life and also all persons
Old Harbour. brought ashore from any vessel in distress shall at all times have free
 ingress passage and egress to or along and on and from the old
 harbour without payment.

Finance.

Power to
borrow.

44.—(1) The Commissioners may from time to time borrow at interest not exceeding five per centum per annum for the purposes of this Order such sum or sums not exceeding twelve thousand pounds.

(2) In order to secure the repayment of money borrowed under this section and the payment of interest thereon the Commissioners may mortgage or charge the revenue of the old harbour.

Power to
take credit
from bank.

45. The Commissioners 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 (not exceeding in the whole taken together with any sums borrowed on mortgage or charge under the last preceding section and for the time being remaining unpaid) the sum of twelve thousand pounds exclusive of interest on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Scotland.

Application
of borrowed
money.

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

Power to
re-borrow.

47. Any money borrowed under the powers of this Order which shall be discharged otherwise than by means of a sinking fund or instalments may be re-borrowed by the Commissioners from time to time if required for the purposes of this Order.

Power to
town council
to guarantee.

48.—(1) The town council being a rating authority as defined by section 7 of the Public Works Loans Act 1882 may (subject to the provisions of this Order) if they think it expedient in the interests of the inhabitants at large of the burgh so to do guarantee the payment of the principal and interest or the principal or interest of or in respect of any moneys which may from time to time be borrowed by the Commissioners under the powers in this Order contained to the extent of the assessment herein-after authorised to be made by the town council and may for the purpose of meeting such guarantee charge in equal proportions 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 the Police 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.

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Lossiemouth
Old Harbour.

(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 exceed sixpence in the pound of the rateable value of the burgh.

(3) The town council shall not give any charge under the power conferred on them by this section except in pursuance of a special resolution for the purpose passed at a meeting of the town council and published once at least in each of two successive weeks in a local newspaper circulating in the burgh and confirmed at a second meeting of the town council held not less than fourteen days after the first publication of notice of such resolution and not more than three months after the meeting at which the resolution was passed.

But only
under special
resolution.

49. The Commissioners shall in the month of September in every year so long as any guarantee of the town council under this Order is in force ascertain whether their resources will after retaining in hand a proper balance for current expenditure and claims and a reserve not exceeding two hundred pounds for contingencies enable them to meet the interest on and any instalments and sinking fund contributions due or falling due towards repayment of principal of any loan raised by them. If their resources will after retaining such balance and reserve as aforesaid be insufficient they shall before the end of the same month of September by writing under the hand of their clerk claim from the town council payment of such sum as they shall deem to be the amount of the deficiency to the extent of but not beyond the total amount guaranteed by the town council under the powers of this Order. The town council shall in order to enable them to judge of the propriety of such claim be at liberty by themselves or by any person or persons on their behalf to examine the books accounts and papers of the Commissioners so far as they relate to or affect the subject matter of the claim and the Commissioners shall give to the town council or such person or persons as aforesaid all other information in their possession or power relating to or affecting the said subject matter. If the town council shall be of opinion that the amount of the claim is incorrect or that the claim is otherwise improper and shall signify such opinion under the hand of their clerk to the Commissioners the matter in difference shall be referred to the determination of an arbiter to be appointed by the Board of Trade as herein-after provided. If in manner aforesaid it shall be found that there is such deficiency as aforesaid it shall be the duty of the town council to fulfil their guarantee by providing and paying

Commis-
sioners to
furnish
accounts to
town council.

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Old Harbour.

to the Commissioners the amount of such deficiency to the extent of but not beyond their guarantee but the town council shall in respect of any claim to be made by the Commissioners in any month of September be allowed as respects one half of the amount till the end of the following month of March and as respects the other half of the amount till the end of the then following month of September during which to raise and provide the amount payable by them. Such amount when paid to the Commissioners shall be applied by them in or towards meeting the actual deficiency and for no other purpose and if there is any surplus of such amount after paying the actual deficiency such surplus shall be repaid to the town council.

Proceedings
in case of
default.

50. If the town council make default in fulfilling their guarantee in manner by this Order provided the Commissioners may recover the amount due thereunder as a simple contract debt by action in any court of competent jurisdiction or the Secretary for Scotland may on the application of the Commissioners order the town council to remedy their default and such order may on the application of the Commissioners be made a rule of the Court of Session or of the High Court.

Sums paid
under gua-
rantee to be
repaid.

51. All sums paid by the town council in fulfilment of their guarantee shall be repaid by the Commissioners to the town council with interest at the rate of four per centum per annum from the date of payment as soon as the resources of the Commissioners will admit and any doubt or difference as to the time and amount of any such repayment shall on the application of the town council stand referred to and be settled by an arbiter to be appointed by the Secretary for Scotland.

Application
of money
repaid.

52. All money repaid by the Commissioners to the town council shall be applied by the town council in such manner as the town council with the previous consent in writing of the Secretary for Scotland may determine.

Powers to
town council
to provide
sums for
purpose of
guarantee.

53. The town council shall provide out of the burgh assessments any sums from time to time required for the fulfilment of their guarantee and shall from time to time raise and levy as part of the burgh assessments such sums as may be necessary for that purpose.

Reference of
disputes.

54. Any dispute arising between the Commissioners and the town council with respect to the construction of this Order or the giving effect to the same or with respect to their mutual duties or obligations under this Order which is not otherwise provided for by this Order shall on the written application of either party to the Secretary for Scotland stand referred to and be determined by an arbiter to be appointed by the Secretary for Scotland and the determination of such

arbiter shall be binding on the Commissioners and the town council and final for all purposes.

55. Save as herein expressly otherwise provided nothing in this Order shall abridge affect or interfere with any powers rights or privileges of the Company or of the town council.

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

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

(3) In sections 86 and 87 of the Commissioners Clauses Act 1847 as incorporated with this Order 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.

57. All moneys borrowed by the Commissioners under this Order shall be repaid within forty years after the date when those moneys are respectively borrowed (herein-after called "the prescribed period").

58. The Commissioners shall pay off all moneys borrowed by them under this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments after the date of borrowing the sum in respect of which the payment is made.

59. The Commissioners shall in the event of their borrowing otherwise than by way of repayment by instalments within the prescribed period appropriate and set apart in every year out of the revenues to be received by them under this Order such a sum as will with the accumulations thereon by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within the prescribed period.

60. The Commissioners may if they think fit form and maintain a contingency fund not exceeding in amount for the time being the sum of four thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the old harbour and for that purpose may appropriate and set apart (subject to the provisions of this Order as to the

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*Old Harbour.*Saving for
Company
and town
Council.For appoint-
ment of a
judicial
factor.Period for
repayment.Mode of
repayment.

Sinking fund.

Contingency
fund.

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Old Harbour.

application of revenue) any amount which they think fit in any year and shall deposit such amount in some joint stock bank of issue in Scotland or invest the same in any security in which trustees are by law authorised to invest trust money and shall accumulate the resulting income therefrom in the way of compound interest until required for any of the aforesaid purposes.

Annual
statement
need not be
printed.

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

Application
of revenue.

62. The Commissioners shall apply all money received by them from the rates dues and charges authorised by this Order for the purposes and in the order following (that is to say):—

- (1) In paying any feu duties and rents payable in respect of the lands and property belonging or leased to the Commissioners (other than the feu duties or rents payable to the Company) and the expenses of the maintenance management and regulation of the old harbour:
- (2) In payment to the Company of the rates annuity as hereinbefore provided:
- (3) In paying year by year the interest on any money borrowed under this Order and in payment of the instalments as they become due in respect of any such money which is repayable by instalments:
- (4) In providing a sinking fund for the repayment of any money borrowed under this Order and not repayable by instalments:
- (5) In repaying to the Company the costs charges and expenses of and incident to the preparing for and obtaining of this Order and otherwise incurred in connexion therewith:
- (6) In payment of the sum of one hundred pounds to the Company as provided by the section of this Order the marginal note whereof is "Conveyance of old harbour by Company to Commissioners":
- (7) In creating and maintaining (if the Commissioners think fit) a contingency fund in manner specified in the section of this Order the marginal note whereof is "Contingency fund":
- (8) Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Commissioners in the improvement of the old harbour.

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

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Old Harbour.
Auditor.

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

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

(4) If the Commissioners refuse or neglect to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds for every month during which they refuse or neglect so to comply.

64.—(1) The Commissioners within one month after sending to the Sheriff Clerk the copy of their annual account in abstract shall send a copy of it to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

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

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

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

Life-saving Apparatus.

65. Sections 16 to 19 inclusive of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

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

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

Life-saving
apparatus
may be
attached
to pier.

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Lossiemouth
*Old Harbour.*Lifebuoys
to be kept.

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

*Lights.*As to lights
during con-
struction of
works.

68.—(1) Before commencing the works authorised by this Order the Commissioners shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given upon that application or afterwards from time to time given as to like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in place of every other statutory requirement as to those matters during the construction of the works.

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

As to lights
after comple-
tion of works.

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

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

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

70.—(1) In case of injury to or destruction or decay of the works authorised by this Order 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 Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions.

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

*Miscellaneous.*Recovery of
penalties.

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

Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.

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Old Harbour.

72. The Commissioners shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

Local
lighthouse
authority.

73. The old harbour shall be deemed to be for all purposes within the burgh of Lossiemouth and county of Elgin.

Works to be
in burgh of
Lossiemouth.

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

75. All costs charges and expenses of and incident to the preparing for and obtaining of this Order and otherwise incurred in connexion therewith shall in the first instance be paid by the Company and ultimately by the Commissioners out of the revenues received by them under this Order as provided by the section of this Order of which the marginal note is "Application of revenue."

Costs of
Order.

The SCHEDULE to which the foregoing Order refers.

	£	s.	d.
For every steam drifter or other vessel propelled by mechanical power using the old harbour—			
For the first month or any part thereof	3	0	0
For the second month or any part thereof	2	0	0
For the third or any subsequent month or any part thereof	1	0	0
For other boats or vessels not propelled by mechanical power using the old harbour—			
For the first month or any part thereof	2	0	0
For the second or any subsequent month or any part thereof	1	0	0

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MACDUFF HARBOUR.

*Macduff
Harbour.*

Order for empowering the Provost Magistrates and Councillors of the Burgh of Macduff to construct New Works at and for the Maintenance and Regulation of the Harbour to alter the Dues Rates and Charges leviable thereat and for other purposes.

Interpretation.

Short title
inter-
pretation
and com-
mencement.

1.—(1) This Order may be cited as the Macduff Harbour Order 1912.

(2) The Macduff Harbour Improvement Act 1847 the Macduff Harbour Order 1875 the Macduff Harbour Order 1898 and the Macduff Harbour Order 1901 as that Act and those Orders are respectively varied and amended by this Order and this Order may be cited together as the Macduff Harbour Acts 1847 to 1912.

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

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

Interpreta-
tion of
terms.

2.—(1) The several words and expressions to which by the Acts incorporated with this Order meanings are assigned have in this Order the same respective meanings unless excluded by the subject or context and in this Order the following expressions have the following meanings (that is to say):—

“The Act of 1847” means the Macduff Harbour Improvement Act 1847;

“The Order of 1875” means the Macduff Harbour Order 1875;

“The Order of 1898” means the Macduff Harbour Order 1898;

“The Order of 1901” means the Macduff Harbour Order 1901;

“The previous Acts” means the Act of 1847 the Order of 1875 the Order of 1898 and the Order of 1901;

“The burgh” means the burgh of Macduff;

“The Town Council” means the provost magistrates and councillors of the burgh;

“The existing harbour” means and includes the harbour of Macduff as defined by the Act of 1847 and the existing works in connexion therewith;

“The harbour” means and includes the existing harbour and the works authorised by this Order

“The harbour undertaking” means and includes the harbour and the conveniences connected therewith and the right to levy rates and tolls and all other rights vested in the Town Council by the previous Acts and this Order and the entire undertaking of the Town Council in connexion with the harbour;

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Macduff
Harbour.

“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 previous Acts and this Order;

“The deposited plan” and “the deposited sections” mean respectively the plan and sections deposited with reference to this Order with the Board of Trade;

“The Harbours Clauses Act 1847” means the Harbours Docks and Piers Clauses Act 1847.

(2) The following expressions used in the Harbours Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions “packet boat” and “Post Office packet” 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 the expression “Post Office bag of letters” means a mail bag as defined by the same Act. Provided that nothing in the Harbours Clauses Act 1847 or in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

3. The Town Council shall be the Undertakers for carrying this Order into execution. Undertakers.

Acquisition of Land.

4. The Lands Clauses Acts (except so much thereof as relates to the 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 “special Act” in those Acts shall mean this Order. Incorporation of Lands Clauses Acts.

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

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Macduff
*Harbour.*Construction
of works.*Works and Powers.*

6. Subject to the provisions of this Order and subject also to such alterations (if any) in the deposited plan and sections as the Board of Trade may require from time to time before the completion of the works the Town Council may on the lands and in the lines and according to the levels and within the limits of deviation shown on the deposited plan and sections make and maintain the works authorised by this order.

Description
of works.

7. The works authorised by this Order comprise—

Work No. 1 A solid pier commencing at a point on the seaward face of the north quay of the north harbour 85 feet or thereabouts measured on its seaward face from the north-west end of the said quay and extending in a direction approximately north-north-east for a distance of 450 feet or thereabouts from the said point of commencement thence in a direction approximately east-north-east for a distance of 80 feet or thereabouts and terminating by a junction with Work No. 2 herein-after described at the point of commencement of Work No. 2 :

Work No. 2 A solid wall or quay and roadway (with retaining wall over 255 feet of its length) commencing at the termination herein-before described of Work No. 1 and extending in a direction approximately east-north-east for a distance of 64 feet or thereabouts thence in a direction approximately east-south-east for a distance of 150 feet or thereabouts thence in a direction approximately south by east for a distance of 30 feet or thereabouts thence in a direction approximately south-west by south for a distance of 318 feet or thereabouts thence in a direction approximately south-south-west for a distance of 100 feet or thereabouts and there terminating at the root of the north quay of the north harbour :

Work No. 3 A solid wall or quay commencing at the termination herein-before described of Work No. 2 and extending in a direction approximately south-west by west for a distance of 20 feet or thereabouts thence in a westerly direction in line with the seaward face of the north quay of the north harbour for a distance of 40 feet or thereabouts and there terminating :

Work No. 4 An embankment commencing at the termination herein-before described of Work No. 1 and extending in a direction approximately east-north-east for a distance of 65 feet or thereabouts thence in a direction approximately east-south-

east for a distance of 300 feet or thereabouts and there terminating: A.D. 1912.

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Work No. 5 The pulling down and removal of the parapet wall on the seaward face of the north quay of the north harbour commencing at the junction of the proposed Work No. 1 with the said quay and extending landwards to the termination of the said parapet wall:

Work No. 6 The pulling down and removal to the level of the adjacent harbour beds of a portion of the north quay commencing at the junction of proposed Work No. 1 with the said quay and extending landwards therefrom for a distance of 36 feet or thereabouts:

Work No. 7 The excavation of the area contained between the proposed pier Work No. 1 herein-before described and the proposed Works Nos. 2 3 and 5 respectively herein-before described to a depth of 11 feet or thereabouts below the level of high water of ordinary spring tides with the exception of approximately one-third of the said area at its north end and the formation of a "lying-up" slope thereon including the removal of the sheds buildings warehouses curing yards paths walls fences and other works now existing on the said area:

Work No. 8 The diversion of the existing sewer commencing at a point where it crosses the proposed road Work No. 2 extending in a direction approximately north-east by north for a distance of 600 feet or thereabouts and there terminating on the foreshore or bed of the sea at the level of low water of ordinary spring tides.

8. In constructing the works authorised by this Order the Town Council may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically from the levels of those works as shown on the deposited sections to any extent. Power of deviation.

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

10.--(1) The Town Council may construct and maintain or take on feu or lease any warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or desirable in connexion with the harbour for the accommodation of Power to construct warehouses &c.

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vessels and traffic landed at or embarked from the harbour and may also lay down and maintain apparatus for supplying light or power rails tramways sidings and turntables in or upon any of the piers quays or works forming part of the harbour or the lands connected therewith.

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

Power to
maintain
and improve
works.

11. Subject to the provisions of this Order the Town Council may maintain and with the consent of the Board of Trade alter deepen improve and extend the harbour and may in connexion with the harbour construct maintain alter and improve embankments excavations breakwaters booms shipping places landing places piers quays jetties dolphins floats stages staiths wharves fishcuring stations custom houses beaches for hauling boats buoys moorings lights beacons slipways roads sewers drains watercourses gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and boats.

For protec-
tion of Post-
master-
General.

12. Any apparatus for the supply of light or power and any mains and pipes used in connexion with or for the purpose of the supply of electric light or power shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

Dredging
&c.

13.—(1) The Town Council may dredge scour deepen widen enlarge alter and improve and maintain the harbour and also the entrances channels and approaches to the harbour to the extent necessary to secure a sufficient waterway and approach to the works for vessels using the same.

(2) All sand mud gravel and other materials dredged up or removed shall be the property of the Town Council and they may sell or otherwise dispose of the same as they think fit Provided that no sand mud gravel or other materials 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 gravel and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied.

Powers to
town council
to purchase
or hire
dredgers and
apparatus.

14.—(1) The Town Council may provide purchase take on lease hire and use such steam or other dredgers eroders engines tugs lighters or other vessels diving bells machinery and apparatus as they think necessary for 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 All sums received in respect of such letting on hire shall be deemed to form part of the harbour revenue. A.D. 1912.
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(2) The Town Council may from time to time in their discretion sell or dispose of any of the articles and things purchased under this section and the money realised by any sale thereof shall be deemed to be money received on capital account and be applied for any of the purposes of this Order to which capital is properly applicable.

15. Any works authorised by this Order below high-water mark shall not be commenced without the consent thereto of the Board of Trade having been first obtained in writing and shall be executed only in accordance with the terms of such consent. Consent of Board of Trade to works.

16.—(1) If within two years from the commencement of this Order the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade. Powers to cease in certain events.

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

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

Rates.

17.—(1) Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order. Revision of rates authorised by Order of 1898.

(2) Schedule A. of the Order of 1898 is hereby repealed and the Town Council may demand recover and receive for the use of the harbour and in respect of the persons vessels goods matters and things specified in the schedule to this Order annexed any sums not exceeding the several rates mentioned in that schedule.

(3) If and so long as the Town Council shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels resorting to the harbour a supply of pure and wholesome water

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they shall be entitled to make and recover such reasonable charge as they may think fit not exceeding the rate specified for that purpose in the schedule to this Order annexed for pure and wholesome water supplied by them.

Rates for
use of ware-
houses &c.

18. The Town Council may (so far as the rates specified in the schedule to this Order and in Schedule B. of the Order of 1898 do not extend) demand and receive such rates or other consideration as they think reasonable for the use of any buildings works and conveniences belonging to or leased by the Town Council for the use of which rates are not specially fixed by the schedule to this Order annexed and by Schedule B. of the Order of 1898:

Power to
vary exemp-
tions and
compound.

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

Adjustment
of rates.

20.—(1) The rates to be received by the Town Council under this Order and the Order of 1898 as amended by this Order shall be adjusted by the Town Council in such a manner that so far as possible the income of the harbour shall be sufficient and not more than sufficient for the purposes of the previous Acts and this Order.

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear harbour revenue on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient to answer the purposes of the previous Acts and this Order the Board may if they think fit reduce the rates leviable under the previous Acts and this Order to such amounts as will be sufficient to provide the amount aforesaid and may at any time again raise those rates to any amounts not exceeding the sums specified in the schedule to this Order annexed and Schedule B. of the Order of 1898.

Restrictions
as to user of
harbour by
steamers
and other
mechani-
cally driven
vessels.

21.—(1) No vessel or boat propelled by steam or other mechanical power shall be moved by such power within that part of the harbour which lies on the landward side of an imaginary line drawn between the seaward extremities of the piers or quays at the entrance of the harbour.

(2) No boat or vessel propelled by steam or other mechanical power shall when aground or fast in a berth use or drive her propeller without

the authority of the harbour-master or other duly authorised officer of the Town Council. A.D. 1912.

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(3) If the owner or person in charge of any such boat or vessel as in this section mentioned shall be guilty of any wilful breach of the provisions of this section he shall be liable to a penalty not exceeding ten pounds for each such breach.

Finance.

22.—(1) The Town Council may borrow and re-borrow at interest by means of mortgage bond or otherwise such money as may be required— Power to borrow money.

(A) For the purposes of this Order not exceeding in the whole the sum of thirty-five thousand pounds;

(B) For paying the costs of this Order the amount necessary.

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

(3) The assessment so to be levied shall be in addition to any assessment levied by the Town Council under the said Act but shall not exceed (with any assessment levied under section 2 (2) of the Order of 1901) one shilling and sixpence in the pound on the rateable value of the burgh.

23. All moneys borrowed by the Town Council under this Order shall be repaid within the respective periods following (which periods are in this Order called "the prescribed periods") (that is to say):— Period for repayment.

(A) As to the money borrowed for the purposes (A) mentioned in the section of this Order the marginal note of which is "Power to borrow money" within a period of fifty years from the date of borrowing:

(B) As to money borrowed for the purpose (B) mentioned in the same section within a period of five years from the commencement of this Order.

24. Any money so to be borrowed may be borrowed on terms of repayment thereof by means of annual or half-yearly instalments of principal and interest or by means of a sinking fund or the Town Council may accept and take from any bank or banking company credit to such amount as they think expedient not exceeding in the whole taken together with any sums borrowed and for the time Mode of borrowing.

A.D. 1912. being remaining unpaid the sum of fifty-five thousand pounds on a cash account to be opened and kept in the name of the Town Council according to the usage of bankers in Scotland and may assign the rates and charges and assessment to the extent herein-before mentioned or any part of them in security for the repayment of the sum or sums so borrowed or of the amount of the credit or of the sums advanced on the cash account with interest thereon.

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Power to
re-borrow.

25. Any money borrowed under the provisions of this Order which shall be discharged otherwise than by means of a sinking fund or instalments may be re-borrowed from time to time if required for the purposes of this Order.

Incorporation of provisions of Police Act.

26. The provisions of the Burgh Police (Scotland) Act 1892 as to the borrowing of money for the general purposes of that Act shall in so far as applicable and not inconsistent with the provisions of this Order be incorporated with this Order and shall so far as aforesaid apply to the borrowing by the 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.

Payments by instalments.

27. Where money borrowed is repayable by instalments the annual or half-yearly amount of the instalments shall be sufficient to pay off the whole of the money so borrowed within the prescribed period.

Sinking fund.

28. Where money borrowed is repayable by means of a sinking fund the Town Council shall appropriate and set apart in every year out of the harbour revenues and out of the assessments to be so levied as herein-before provided such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys so borrowed within the prescribed period.

Application of borrowed money.

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

Priority of existing charges.

30. Any charge on the harbour revenue existing before the commencement of this Order shall have priority to any charge thereon created under this Order.

For appointment of a judicial factor.

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

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

whom the application for a judicial factor is made shall not be less than two thousand five hundred pounds in the whole. A.D. 1912.

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(3) Sections 86 and 87 of the Commissioners Clauses Act 1847 shall be incorporated with this Order and in such sections the expression "the 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.

32.—(1) The Town Council shall keep an account of the harbour undertaking separate from the other accounts of the burgh showing all moneys received and all moneys expended on account of or in connexion with the harbour undertaking. Separate account to be kept of 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 the expressions "any person assessed or elector" and "any ratepayer or elector" occurring therein shall be deemed to include (a) any person who has advanced any money to the Town Council under the powers of the previous Acts or of this Order and to whom any part of such money or any interest thereon remains owing and (b) any person who has during the year to which such separate account relates paid any rates tolls or dues for or in respect of the user of the harbour and (c) any person who is otherwise interested in such separate account.

33.—(1) The Town Council shall within one month after the date when a copy of the annual account of the Town Council or abstract thereof is under section 96 of the Town Councils (Scotland) Act 1900 to be sent to the Secretary for Scotland send to the Board of Trade 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 (25 & 26 Vict. c. 19) shall apply to and include such account. Annual return to be sent to Board of Trade.

(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) Sections 44 and 45 of the Order of 1898 are hereby repealed.

34.—(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.

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(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

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

(4) Section 48 of the Order of 1898 is hereby repealed but notwithstanding the repeal of that section all byelaws made under the powers of the Order of 1898 and in force at the commencement of this Order shall continue in force for one year from the commencement of this Order but shall then cease to have effect and be repealed.

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

Life-saving Apparatus.

Provision
for life-
saving
apparatus.

35.—(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 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
pier.

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

Life-buoys
to be kept.

37. The Town Council shall at all times keep at convenient places at or near the harbour and in obedience to any requirements which may be made by the Board of Trade life-buoys and life-lines in good order and fit and ready for use.

Lights.

Temporary
lights on
works.

38.—(1) Before commencing the works authorised by this Order the Town Council shall apply to the Board of Trade for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions

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given upon that application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in lieu of every other statutory requirement as to lights during the construction of the works.

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

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

As to lights
after com-
pletion of
works.

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

40.—(1) In case of injury to or destruction or decay of the works included in or connected with the harbour 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 may from time to time be directed by the Commissioners of Northern Lights and shall apply to those Commissioners for directions as to the means to be taken.

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

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

Miscellaneous.

41. For all the purposes of the Harbours Clauses Act 1847 this Order shall be deemed the special Act.

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

42. All penalties under this Order shall be recovered as penalties are recoverable under the Harbours Clauses Act 1847 and shall when recovered form part of the harbour revenue.

Recovery of
penalties.

43. Officers of the Board of Trade and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to in and upon the harbour and every part thereof without payment.

Officers
exempt
from rates.

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

Local
lighthouse
authority.

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Crown
rights.

45. Nothing in 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).

Harbour to be
within burgh
of Macduff.

46. The harbour shall be deemed to be for all purposes within the burgh of Macduff in the county of Banff.

Costs of
Order.

47. All costs charges and expenses of or incident to the preparing for and obtaining of this Order or otherwise incurred in relation thereto as taxed by the proper officer shall be paid by the Town Council.

The SCHEDULE to which the foregoing Order refers.

TABLE OF SHORE AND HARBOUR DUES AT CREEKS
AND HARBOUR.

I.—RATES FOR VESSELS.

Class I.

	£	s.	d.
(1) For all vessels to or from any port or place in Great Britain or Ireland per register ton - - - - -	0	0	6
(2) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place in Great Britain or Ireland per register ton - - - - -	0	0	6

Class II.

(1) For all vessels to or from all other places not in Great Britain or Ireland and all vessels from a home port whose cargo was shipped abroad per register ton -	0	0	10
(2) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place not in Great Britain or Ireland per register ton - - - - -	0	0	6

[2 & 3 GEO. 5.] *Pier and Harbour Orders* [Ch. clvi.]
Confirmation (No. 3) Act, 1912.

For vessels launched at the harbour half rates shall be paid on the first sailing thereafter outwards if in ballast only but if loading goods or passengers full rates shall be paid. A.D. 1912:
Macduff Harbour.

For vessels entering the harbour for safety or wind-bound and not breaking bulk nor taking in goods subject however to the provisions of the Order of 1898 as to fishing vessels belonging to countries with which treaties exist the following rates shall be paid namely:—

One penny per register ton if on a voyage to or from any port or place in Great Britain or Ireland and 2*d.* per register ton if on a voyage to or from any other port or place:

But in the case of all classes if they break bulk or take in goods full rates shall be paid.

The rates above specified shall not be charged both on the arrival of a vessel inwards and on her next following sailing outwards but shall be charged only on one of them and it shall be in the option of the Town Council to charge the said rates according to the class either on the sailing inwards or on the sailing outwards.

If the rates shall be charged on the sailing outwards there shall be deducted therefrom the amount of rates that may have been previously paid on the sailing inwards but if any vessel having sailed inwards sail outwards in ballast the rates shall be charged only on the sailing inwards.

For vessels sailing from the harbour and put back by stress of weather or other cause without having accomplished the voyage no additional rates shall be charged on such return the period for remaining in port to be restricted to eight days on such return.

For vessels remaining in the harbour there shall be paid in advance a rate of 1½*d.* per register ton for a week or for any period less than a week in which such vessels shall remain in the harbour after the expiration of fourteen days from their arrival.

The rate shall not be chargeable for any vessels while under repair on slips or in graving or dry docks.

	<i>£</i>	<i>s.</i>	<i>d.</i>
For any new boats and vessels fitting up and for boats and vessels repairing per week or part of a week	-	-	0 10 0
Vessels arriving and departing in ballast to pay half dues.			

Exemption.

No rate shall be charged for tug steamers while those tug steamers are employed only in towing vessels into or out of the harbour.

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II.—RATES ON FISHING VESSELS &c.

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Harbour.

For every boat engaged in the herring white or other fishing and using the harbour as a composition in full of tonnage rates for the period of the herring white or other fishing season from 1st May to 1st August payable in advance—

	£	s.	d.
If under 15 tons register - - - - -	1	15	0
If 15 tons register or above - - - - -	2	0	0
Skiffs and other small boats each - - - - -	0	5	0

For every boat engaged in the white fishing or other fishery and using the harbour as a composition in full of tonnage rates for any of the following fishing seasons payable in advance—

For season from 1st August to 1st November - - - - -	1	10	0
For season from 1st November to 1st February - - - - -	1	10	0
For season from 1st February to 1st May - - - - -	1	10	0
Skiffs and other small boats each - - - - -	0	5	0

For every sailing boat bonâ fide loading or discharging herrings or white or other fish which has not paid in advance the above composition dues for each occasion it uses the harbour - - - - -

0 3 0

For every sailing boat engaged in the herring or white or other fishery wind-bound which has not paid the above composition dues for each occasion when it uses the harbour

0 1 6

For every trawler liner or drifter propelled by steam or other mechanical power which has not paid in advance the above composition dues for each occasion of entering the harbour—

If under 25 tons register - - - - -	0	3	6
If 25 tons register or above - - - - -	0	5	0

For every boat or fishing vessel other than above entering the harbour—

If under 15 tons register - - - - -	0	2	0
If 15 tons register or above - - - - -	0	4	0

In the event of any boat or fishing vessel not paying composition dues remaining in the harbour more than twenty-four hours the above rate shall be payable for each twenty-four hours or part thereof after the first twenty-four hours.

The above charges shall also be payable in respect of any hull lying in the harbour for purposes of being completed or engined.

Note—A sailing vessel engaged in the fishing trade and fitted with auxiliary motor power in addition to her sails shall be deemed to be a sailing vessel and be chargeable as such.

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III.—BERTHING.

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Harbour.

	£	s.	d.
All vessels under 30 tons register for each voyage -	0	0	8
All vessels of 30 tons register and under 60 tons -	0	1	3
All vessels of 60 tons register and under 80 tons -	0	1	9
All vessels of 80 tons register and under 120 tons -	0	2	3
All vessels of 120 tons register and under 300 tons -	0	3	6
All vessels of 300 tons register and upwards -	0	4	6

IV.—RATES FOR VESSELS AND BOATS PROPELLED BY STEAM OR OTHER MECHANICAL POWER OR SAIL FISHING BOATS LAID UP IN THE HARBOUR OR AT ANY OF THE QUAYS OF THE TOWN COUNCIL.

	£	s.	d.
For first four weeks or any shorter period -	5	0	0
For every succeeding week or part of a week -	0	10	0

V.—RATES FOR THE USE OF SHEDS CRANES WEIGHING MACHINES WARPS &C.

(1) *Sheds.*

For each ton of goods which shall remain in any shed or on any quay or pier of the Town Council for a period not exceeding 24 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day or part of a day during which such goods shall remain after the first 24 hours.

(2) *Cranes.*

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

(3) *Weighing Machines.*

For potatoes salt and coals each ton or part of a ton -	0	0	4
Goods in quantities of 20 tons and upwards of same cargo			
per ton -	0	0	3
Other goods per ton or part of a ton -	0	0	6

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Harbour.*(4) *Warps and Planks.*

	£	s.	d.
Harbour warps all vessels per register ton - - -	0	0	0 $\frac{1}{4}$
Harbour planks long per pair - - -	0	3	0
Harbour planks short per pair - - -	0	1	0

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

(5) *Water Money.*

For each 25 gallons or part of 25 gallons of pure and wholesome water supplied to any vessel or boat - - -	0	0	1 $\frac{1}{2}$
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(6) *Harbour Lights.*

For every fishing boat under 30 tons payable in advance per season - - - - -	0	2	6
For every fishing boat of 30 tons or above payable in advance per season - - - - -	0	5	0
For all other boats each - - - - -	0	0	6
For every ship entering the harbour per register ton - - -	0	0	0 $\frac{1}{4}$

But rates for lights shall only be demanded and received when they have been provided to the satisfaction of the Board of Trade and so long thereafter as a light or lights are duly exhibited during the proper hours.

(7) *Ballast.*

For all ballast supplied by the Town Council to vessels or discharged from vessels within the harbour per ton - - -	0	1	0
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VI.—RATES FOR SALMON FISHERS.

The lessee or other person carrying on the salmon fishing industry at Macduff shall pay the sum of two pounds two shillings per annum for the use of the harbour.

General Note.

All seaborne bunker coal supplied to any vessel engaged in the fishing industry or to any vessel propelled by steam and which vessel has paid harbour rates to the Town Council shall be exempt from further rates.

All rates on vessels where not otherwise provided to be paid before leaving the harbour For boats &c. remaining in the harbour dues payable weekly in advance.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

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