



CHAPTER lxxi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Forth Navigation. A.D. 1903.
[30th June 1903.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63 Vict.
c. 47.

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 Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Forth Navigation Order Confirmation Act 1903. Short title.

A.D. 1903.

SCHEDULE.

FORTH NAVIGATION.

Provisional Order to authorise the Commissioners of the Forth Navigation to improve and deepen certain parts of the bed or navigable channel of the River Forth to make works to acquire lands and for other purposes.

6 & 7 Vict.
c. 47.

WHEREAS by the Act 6 & 7 Victoria c. 47 a body of Commissioners were constituted and incorporated by the name of the Commissioners of the Forth Navigation (hereinafter called "the Commissioners") and were declared to be a body corporate with perpetual succession and were empowered to purchase and hold lands and to do all other acts matters and things for the purposes and in accordance with the provisions of the said Act :

And whereas the said Act was passed for the purpose among other things of improving and regulating the navigation of the River Forth from Alloa to Stirling by deepening the channel of the river and improving the navigation thereof so as to admit vessels of greater burden to navigate the same and to reach the quay or shore of the harbour of Stirling :

And whereas by the said Act the persons appointed Commissioners were the provost magistrates and town council of the royal burgh of Stirling and their successors in office together with two Commissioners of Supply for each of the counties of Stirling Perth and Clackmannan who were appointed to be elected in the manner set forth in the said Act :

And whereas provision was further made for the election of the said elected commissioners by the Commissioners of Supply of each of the said counties from time to time as therein set forth :

And whereas it is expedient to amend the said first recited Act and to make provision for the meetings of the Commissioners and to enlarge their powers :

And whereas under the said Act the Commissioners were authorised to make certain works and to do certain things for the purpose of improving the navigation of the river hereinafter in this Order defined and of improving and extending the accommodation of the quay or shore of the harbour of Stirling :

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And whereas it is expedient that the navigation of the said river should be deepened and improved and that the channel thereof should be maintained for the proper navigation of vessels to and from the quay and harbour of Stirling and that the works hereinafter mentioned should be authorised so as to effect the said purposes :

And whereas the works to be authorised by this Order and the lands and other property intended to be acquired for the purposes thereof should be acquired under the provisions hereinafter specified :

And whereas it is expedient that the Commissioners should be authorised to levy rates tolls and dues on shipping for the use of the navigation in accordance with the provisions of the said first recited Act and on goods and passengers in accordance with the Schedule of Rates annexed to this Order and that the rates in Schedule (G) to the said Act should be repealed :

And whereas it is expedient that the Commissioners should be authorised to borrow money for the purposes of this Order and for the execution of the works and the purchase of lands and other property :

And whereas the other powers hereinafter mentioned should be conferred on the Commissioners :

And whereas plans and sections showing the lines and levels of the works authorised by this Order and the lands proposed to be taken for the purposes thereof and books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and property which may be taken under the powers of this Order were duly deposited with the principal sheriff clerk of the county of Stirling at his office in Stirling and also with the principal sheriff clerk of the county of Clackmannan at his office in Alloa and the same are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the said last-mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited for all purposes as the Forth Short title.
Navigation Order 1903 and shall come into operation on the date of

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A.D. 1903. the passing of the Act confirming the same which date is in this
Order referred to as "the commencement of this Order."

Interpreta-
tion.

2. In this Order the following words and expressions shall have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"Commissioners" shall mean the Commissioners of the Forth Navigation constituted and incorporated under the Act 6 and 7 Victoria c. 47 as amended by the Local Government (Scotland) Act 1889 and this Order:

"The Act of 1843" shall mean the Act 6 and 7 Victoria c. 47:

"River" shall mean the River Forth within the limits defined in the Act of 1843:

"The town council" shall mean the provost magistrates and councillors of the royal burgh of Stirling for the time being:

"Elected Commissioners" shall mean the Commissioners elected from time to time by the county councils of the counties of Stirling Perth and Clackmannan respectively as Commissioners under the Act of 1843 and this Order:

"Burgh" shall mean the royal burgh of Stirling:

"Sheriff" shall include sheriff substitute and shall mean the sheriff or the sheriff substitute of the county in which any matter requiring the cognizance of such sheriff or sheriff substitute shall arise:

"Vessel" shall include ship lighter tug vessel steamer barge and boat:

"Rates" shall mean the rates tolls dues and other charges authorised by the Act of 1843 as amended by this Order and by this Order.

Application
of Act.
6 & 7 Vict.
c. 47.

3. The Act of 1843 so far as the provisions thereof are not by this Order repealed or varied or are not inconsistent with the provisions of this Order shall extend and apply to the purposes of this Order including the works authorised by this Order Provided always that notwithstanding anything contained in the said Act—

(1) The offices of clerk treasurer and collector to the Commissioners may be held by one and the same person:

(2) In addition to any powers which the Commissioners possess under the said Act for the making and enforcement of bye-laws the Commissioners may subject to the provisions of the said Act and this Order for the purpose of preserving order at the pier of Stirling make and enforce byelaws for

controlling and regulating the passenger traffic at the said pier and the landing of passengers thereat and prescribe by such byelaws among other things the times and places at which passengers may land : A.D. 1903.

(3) All actions proceedings and prosecutions under the said Act and this Order may be taken before the Sheriff whose jurisdiction shall extend and apply in all respects to any action or proceedings which may competently be taken before one or more justices and such procedure before the Sheriff may be prosecuted summarily.

4. The following Acts are hereby incorporated with this Order :— Incorporation of Acts.

The Lands Clauses Acts :

The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said clauses and provisions “the Company” means the Commissioners “the railway” means the works authorised by this Order and “the centre of the railway” means any part of these works.

5. The county councils of the counties of Stirling Perth and Clackmannan respectively shall in each year elect two persons from each of such county councils to be the elected Commissioners. Election of elected Commissioners.

6. The Commissioners shall hold two general meetings in every year the one in the month of May and the other in the month of November and the first general meeting to be held after the commencement of this Order shall be held in the month of November and all such meetings shall be held at the usual place of meeting of the town council. Meetings of Commissioners.

7. The limits of this Order shall be the limits described in the Act of 1843 that is to say commencing at the upper limits of the harbour of Alloa and ending at the quay or shore of Stirling inclusive. Limits of Order.

8. Subject to the provisions of this Order the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described with all necessary and proper excavations mooring posts wharves landing-places works machinery mooring stages drains culverts and other conveniences in connection therewith and with the existing harbour piers and other works and may enter upon take Power to construct works.

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A.D. 1903. and use such of the lands and property delineated on the deposited plans and described in the deposited books of reference as may be required for the said purposes.

Description
of works.

9. The works hereinbefore referred to and authorised by this Order are—

(1) An improvement and deepening (Work No. 1) of the bed or navigable channel of the River Forth commencing at a point in the bed or alveus of the said river sixty-three yards or thereabouts measuring in a southerly direction below the steamboat jetty at the shore of Stirling and extending down the said river for a distance of two thousand eight hundred yards or thereby and there terminating in the bed or alveus of the said river situate the said work in the parishes of Stirling Logie and St. Ninians respectively and county of Stirling :

(2) An improvement and deepening (Work No. 2) of the bed or navigable channel of the River Forth commencing at the last-named point in the bed or alveus of the said river and extending down the river for a distance of two thousand and sixty-six yards or thereby and there terminating in the alveus or bed of the said river situate the said work in the parishes of Logie and St. Ninians respectively and county of Stirling :

(3) An improvement and deepening (Work No. 3) of the bed or navigable channel of the River Forth commencing at the last-named point in the alveus or bed of the said river and extending down the river for a distance of one thousand five hundred and twenty-three yards or thereby and there terminating in the alveus or bed of the said river situate the said work in the parishes of Logie and St. Ninians respectively and county of Stirling and in the parish of Alloa and county of Clackmannan.

Errors and omissions in plans and book of reference may be corrected by sheriff who shall certify same.

10. If there be any omission misstatement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Commissioners after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described

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and such certificate shall be deposited with the principal sheriff clerk of the county in which the lands affected thereby are situate and kept by such principal sheriff clerk with the other documents to which the same relates and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Commissioners may enter on take hold and use those lands and execute the works in accordance with such certificate.

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Certificate
to be de-
posited.

11. In the execution of the works by this Order authorised the Commissioners may deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans on the lands waters and property described in the deposited books of reference and may deviate vertically to any extent not exceeding five feet downwards Provided that the Commissioners shall only exercise such powers of deviation with the previous consent of the Board of Trade under the hand of the secretary or an assistant secretary of that Board.

Powers of
deviation.

12. The Commissioners may on any lands acquired by them for the purposes of this Order make erect and maintain all walls arches culverts and buildings in connection with the several works hereinbefore described and may also dredge and excavate the river to such extent as may be necessary for the purposes of the works by this Order authorised.

Subsidiary
works &c.

13. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Order shall not be exercised after the expiration of three years from the commencement of this Order.

Period for
compulsory
purchase of
lands.

14. In addition to the lands to be acquired by the Commissioners under the powers of this Order the Commissioners may by agreement purchase for extraordinary purposes any quantity of land not exceeding two acres in connection with the existing works and the works authorised by this Order but nothing in this Order shall exempt the Commissioners from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands acquired under the powers of this section.

Lands for
extraordi-
nary pur-
poses.

15. The Commissioners may take by agreement and persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Order grant to the Commissioners any servitude right or privilege not being a servitude of water

Power to
take servi-
tudes &c.
by agree-
ment.

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Period for completion of works.

16. If the works by this Order authorised are not completed within five years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Commissioners for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Expiration of period not to prevent dredging &c.

17. Notwithstanding the expiration of the period by this Order limited for the completion of the works the Commissioners from time to time in connection with the existing works and the works authorised by this Order may subject to the provisions of this Order do all such dredging and clearing of any part of the river as the Commissioners may consider necessary or expedient and may make and maintain all such incidental extensions accommodations and conveniences of or connected with the works as the Commissioners find requisite.

Penalty for obstructing construction of works.

18. Every person who shall wilfully obstruct any person acting under the authority of the Commissioners in setting out the lines of the works by this Order authorised or who shall pull up or remove any poles or stakes driven into the ground for the purpose of setting out the lines of the said works or deface or destroy the said works or any part thereof or of the existing works of the Commissioners shall for every such offence be liable to a penalty not exceeding five pounds.

Restriction on displacing persons of labouring class.

19. The Commissioners shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Commissioners acquire or appropriate any house or houses under the powers by this Order granted in contravention of the foregoing provisions they shall be liable to a penalty of

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five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session 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. A.D. 1903.

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

20. Subject to the provisions of the Act of 1843 as amended by this Order and this Order the Commissioners may levy on and in respect of vessels rates not exceeding the rates on vessels authorised by the Act of 1843 Provided that the maximum rates for every vessel whether entitled to the privileges of a British ship or not shall be the sums respectively prescribed by the said Act for vessels entitled to such privileges. Rates on vessels.

21. Schedule (G) of the Act of 1843 is hereby repealed and the Commissioners may subject to the provisions of the Act of 1843 as amended by this Order and this Order levy on and in respect of all goods articles or things and for passengers landed shipped or unshipped received or delivered or carried or conveyed within the limits described in the Act of 1843 any sums not exceeding the several rates specified in the Schedule to this Order. Rates on goods as in schedule.

22. All goods not particularly enumerated in the Schedule to this Order annexed shall be liable to rates equal to the rates specified in the said Schedule on such goods as in the judgment of the Commissioners may be nearest in description and value to such unenumerated goods. Rates on goods not enumerated.

23. The Commissioners may charge and receive such rates or other consideration as they think reasonable for the use of any warehouses sheds buildings steam or hydraulic or other cranes weighing machines works and conveniences belonging to the Commissioners for the use of which rates are not specially fixed in the Act of 1843 or in this Order. Rates for use of warehouses &c.

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Power to compound for rates.
24. The powers of the Commissioners to compound for rates conferred by the Act of 1843 shall extend to the rates authorised by the said Act and this Order and shall subject to the provisions of section 133 of the said Act be extended to include all vessels and the said section is hereby amended accordingly.
- Application of rates.
25. The Commissioners shall apply all money received by them from the rates authorised to be levied by the Act of 1843 and this Order and all revenue arising from their undertaking for the purposes specified in the Act of 1843 with respect to the application of rates.
- Hiring dredging machines.
26. The Commissioners may purchase acquire or hire dredgers and may lend or hire out the same when not required for the purposes of the navigation.
- Borrowing powers.
27. The Commissioners may for the purposes of this Order including the execution of the works authorised by this Order apply any money now in their hands belonging to the undertaking or which may be received by them and may also from time to time borrow on bond mortgage or otherwise such money as may be required for such purposes and for the general purposes of their undertaking not exceeding in the whole the sum of ten thousand pounds on the security of the rates authorised to be levied by the Act of 1843 as amended by this Order and this Order and any money borrowed under this Order and discharged otherwise than by means of the sinking fund hereinafter mentioned may be reborrowed for the purposes of this Order and so from time to time.
- Commissioners may borrow on cash account.
28. The Commissioners may accept and take from any bank or banking company in Scotland credit 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 to the amount of the sum which the Commissioners are authorised to borrow or any part thereof and may grant security on the rates authorised to be levied by the Act of 1843 and this Order for the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided that the whole money borrowed by the Commissioners under the authority of this Order shall not at any time exceed the sum of ten thousand pounds.
- Application of money borrowed.
29. The money borrowed by the Commissioners under the authority of this Order shall be applied only for purposes to which capital is properly applicable.

30. The Commissioners shall pay off all moneys borrowed by them under this Order within the respective periods following (hereinafter called "the prescribed periods") (that is to say) :—

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Periods of repayments.

As to moneys borrowed for the purposes of this Order including the works authorised by this Order and for the general purposes of their undertaking within fifty years from the date or dates of borrowing the same :

As to moneys borrowed for the payment of the costs of this Order within five years from the date or dates of borrowing the same.

31.—(1) If the Commissioners determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed or maintained either—

Sinking fund.

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

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

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority the Commissioners being at liberty from time to time to vary and transpose such investments.

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

(4) The Commissioners may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided

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A.D. 1903. that in the case of an accumulating sinking fund the Commissioners shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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

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

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

(7) If it appears to the Commissioners at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Commissioners to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Commissioners desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Commissioners be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Commissioners may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

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(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Commissioners be sufficient to repay the loan in respect of which it is formed within the prescribed period the Commissioners may discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Commissioners may determine.

32. The clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Order transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and any interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Secretary for Scotland by such return or otherwise that the Commissioners have failed to set apart the sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Annual return to Secretary for Scotland with respect to sinking fund.

33. No person lending money to the Commissioners shall be bound to inquire as to the observance by the Commissioners of any provision of this Order or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Protection of lender from inquiry.

34. The mortgagees of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order

For appointment of a judicial factor.

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A.D. 1903. — to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one thousand pounds.

Repeal of sections of Act of 1843.

35. The following sections of the Act of 1843 shall be and the same are hereby repealed (that is to say) :—

- Section 2 (Election of Commissioners for Stirling Perth and Clackmannan).
- Section 5 (Their first and other meetings).
- Section 18 (Offices of clerk and treasurer to be separate).
- Section 20 (Penalty on officer taking fees).
- Section 39 (Acceptance of compensation for price of or damage to lands).
- Section 40 (Amount of compensation to be ascertained by valuation in case of parties under disability).
- Section 41 (Compensation to absent parties to be ascertained by valuation).
- Section 46 (Taxation of costs).
- Section 47 (Purchase-money payable to parties under disability amounting to two hundred pounds to be deposited in Bank Application thereof).
- Section 48 (Order for application).
- Section 49 (Sums from twenty pounds to two hundred pounds to be deposited or invested in trustees).
- Section 50 (Sum not exceeding twenty pounds to be paid to parties).
- Section 51 (Where parties refuse to convey or do not show title the purchase-moneys to be deposited).
- Section 52 (Application of moneys so deposited).
- Section 53 (Court may direct investment or payment of money in respect of leases for lives &c. or reversions as they may think just).
- Section 54 (Party in possession deemed to be the owner).
- Section 55 (Costs in cases of money deposited).
- Section 56 (Payment of price to be made previous to entry except to survey &c.).
- Section 57 (Penalty for entering upon lands without consent before payment of the purchase money).
- Section 58 (Decision of sheriff not conclusive as to right).
- Section 59 (Notice of intention to take lands).
- Section 60 (Parties interested in lands to state their claims).
- Section 61 (Proceedings in case of refusal to deliver possession of lands).

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- Section 62 (Disputes as to compensation to be settled by a jury). A.D. 1903
- Section 63 (Claims not exceeding fifty pounds to be settled summarily by two justices).
- Section 64 (Notice by Commissioners of intention to have jury summoned).
- Section 65 (Requisition by party claiming compensation that jury be summoned).
- Section 66 (Requisition for summoning jury to be addressed to the sheriff).
- Section 67 (Summoning of jurymen).
- Section 68 (Impanneling of jury).
- Section 69 (Notice of trial).
- Section 70 (Sheriff to preside Witnesses to be summoned).
- Section 71 (Oath of jurymen).
- Section 72 (Verdict of jury to be for purchase of lands and for damages assessed separately).
- Section 73 (Value of interests previously purchased to be deducted).
- Section 74 (Verdict and judgment to be recorded).
- Section 75 (Costs of the trial).
- Section 76 (Particulars of the costs).
- Section 77 (Penalty on jury for default).
- Section 78 (Penalty on witnesses making default).
- Section 79 (Special jury to be summoned at the request of either party).
- Section 80 (Deficiency of jurymen).
- Section 81 (Other trial before same special jury by consent).
- Section 82 (Reference of dispute as to compensation).
- Section 83 (Commissioners empowered to purchase the interest in lands the purchase whereof may have been omitted by mistake).
- Section 84 (How value of such lands to be estimated).
- Section 85 (Commissioners to pay the costs of litigation as to such lands).
- Section 86 (Parties not to be required to sell part of a house).
- Section 87 (Superiorities not to be affected).
- Section 88 (Power to pay off heritable debts).
- Section 89 (Heirs of entail on receiving payment to renounce and discharge the price).
- Section 90 (Tenants to quit after notice).
- Section 91 (Compensation to such tenants).
- Section 92 (Persons holding under lease to produce the same).

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- Section 93 (Compulsory purchase limited for five years).
 Section 94 (Lands not wanted to be sold).
 Section 95 (Lands not so sold to vest in owners of adjoining lands).
 Section 96 (Lands to be offered to adjoining owners).
 Section 97 (Right of pre-emption to be claimed within sixty days).
 Section 99 (Differences as to price to be settled as in other cases).
 Section 100 (Land tax and poor's rate to be made good).
 Section 101 (Power to purchase lands required by consent).
 Section 102 (Compensation to proprietors of salmon fishings).
 Section 103 (Count and reckoning in ascertaining compensation).
 Section 104 (Final compensation how to be made).
 Section 121 (Tonnage of British registered vessels to be ascertained by the register that of other vessels by measurement according to 5 & 6 W. 4. c. 56).
 Section 126 (Sinking fund to be established).
 Section 131 (Extent of rates regulated).
 Section 201 (Provision for damages not otherwise provided for).
 Section 202 (Distress against Commissioners Distress against Treasurer).
 Section 203 (Re-imbusement of treasurer).
 Section 211 (Form of conviction).
 Schedule (E).

Provided always that notwithstanding such repeal anything done previous to the commencement of this Order in accordance with the provisions so repealed shall be good valid and effectual to all intents and purposes.

Provision for
 Merchant
 Shipping
 Act and
 general
 Acts.

36. Nothing in this Order contained shall exempt the harbour or the Commissioners from the provisions of the Merchant Shipping Act 1894 or any general Acts relating to harbours or docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the rates or dues by this Order authorised.

Saving
 rights of
 Crown.

37. 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 hereditaments subjects or rights of whatsoever description

belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

38.—(1) Nothing in this Order contained shall vest any property or any part thereof or any rights therein belonging to any Government Department in the said Commissioners or authorise the said Commissioners to take enter upon use or interfere with any land buildings soil stores piers jetties landing places works and conveniences or water or any other property whatsoever or any right in respect thereof vested in or exercised by any Government Department or to take away lessen prejudice alter or affect any of the rights privileges exemptions or powers vested in enjoyed or exercised by any Government Department without the previous consent of such Department certified in writing which consent such Department is hereby authorised to give subject to such special or other conditions as such Department shall see fit to impose on the said Commissioners.

A.D. 1903.
—
Saving
rights of
Government
Depart-
ments.

(2) Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 shall be incorporated with the Act of 1843 and with this Order and the expression "the Special Act" in the said sections shall mean the Act of 1843 and this Order and the expression "the Harbour Dock and Pier" in the said section 28 shall mean the River Forth within the limits of the Act of 1843 or this Order and all harbours docks wharfs quays piers or other works constructed under or subject to the powers and provisions of the Act of 1843 or this Order and the said sections shall apply to or for the benefit of any Government Department in the same manner as they are expressed to apply to or for the benefit of the Departments therein named.

39. The Commissioners shall not under the powers of this Order construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant

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

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A.D. 1903. secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Commissioners shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable as a Crown debt or summarily.

Expenses of Order. 40. All costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Commissioners out of the moneys to be borrowed or received under the authority of this Order.

SCHEDULE.

RATES LEVIABLE UPON GOODS IMPORTED AND EXPORTED AND PASSENGERS.

	RATES.				Per ton.	
					<i>s.</i>	<i>d.</i>
Aërated and mineral waters	2	0
Agricultural implements	1	4
Ale beer and porter in casks	1	0
" " in bottles	1	4
Alum	0	10
Ashes pot or other kinds	1	8
Asphalte	0	8
Bacon (see Beef).						
Bark	1	4
Beef mutton bacon or pork :—						
Fresh	1	8
Preserved	1	8
Salt	1	8
Beer (see Ale).						
Bicarbonate of soda	1	2
Bichromate of potash	1	0
Bichromate of soda	1	0

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							Per ton.	A.D. 1903
							s.	d.
Bicycles and tricycles in bulk	1	6
"	"	with passengers	each	1d.	
Biscuits	...	...	...	...	...	...	1	4
Blacking	...	...	...	...	...	...	1	8
Blood manure dried	...	...	...	...	...	...	1	4
Boats	...	...	...	...	...	...	3	0
Bones	...	...	...	...	...	...	0	8
" dissolved	...	...	...	...	...	...	0	8
Bone ash	...	...	...	...	...	...	0	8
" dust	...	...	...	...	...	...	0	8
" meal	...	...	...	...	...	...	0	8
Bottles	...	...	...	...	...	...	1	0
" broken	...	...	...	...	...	...	0	8
Boxes cases or crates empty	...	...	...	...	...	...	1	6
Bran and thirds	...	...	...	...	...	...	0	4
Brass	...	...	...	...	...	...	3	0
Bricks common fireclay and bath	...	...	...	...	...	...	1	0
Brushes	...	...	...	...	...	...	3	0
Bulbous roots (see Roots).								
Butter and margarine	...	...	...	...	...	...	1	4
Cake whole or ground rape linseed and others	...	...	...	...	...	...	1	0
Candles	...	...	...	...	...	...	2	0
Carbon—gas coke	...	...	...	...	...	...	0	3
Carriages including railway gun coach chariot chaise and others	...	...	...	...	...	...	3	0
Carts	...	...	...	...	...	...	2	0
Cases empty (see Boxes).								
Casks empty	...	...	...	...	...	...	1	4
Cattle &c. (viz.):—						s. d.		
Bulls cows and oxen	...	...	...	...	each	0	6	
Calves	...	...	...	...	"	0	4	
Lambs	...	...	...	...	"	0	1	
Sheep	...	...	...	...	"	0	2	
Horses and ponies	...	...	...	...	"	1	0	
Pigs	...	...	...	...	"	0	2	
All other animals	...	...	...	...	"	0	6	
Cement (part cargo)	...	...	...	...	...	...	0	8
" (whole cargo)	...	...	...	...	...	...	0	4
Chalk rough	...	...	...	...	...	...	1	6
" refined	...	...	...	...	...	...	1	6
" French	...	...	...	...	...	...	1	6
Charcoal all kinds	...	...	...	...	...	...	1	4
Cheese	...	...	...	...	...	...	1	4
Chimney cans (see Fireclay).								
Chinaware (see Dishes).								
Chloride of lime	0	6
Cigars	1	6
Cinders gas and other	0	3

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A.D. 1903.							Per ton.
—							s. d.
	Clay china	0 6
	„ common	0 6
	„ pipe	0 6
	Cloth goods not otherwise specified	3 0
	Coal and coal dust	...	...	...	...	...	0 4
	Coal briquettes	...	...	...	...	...	0 4
	Cocoanut fibre	...	...	...	...	...	1 6
	„ shells	...	...	...	...	...	1 6
	Coffee whole or ground	...	...	...	...	...	1 8
	Coke	...	...	...	...	...	0 6
	Copper	...	...	...	...	...	2 8
	„ old	...	...	...	...	...	1 4
	„ dross or slag of	...	...	...	...	...	0 8
	„ utensils	...	...	...	...	...	2 8
	Copperas	...	...	...	...	...	0 6
	Coprolites	...	...	...	...	...	0 8
	Cordials (sweetened spirit) in cases	...	...	...	...	...	3 0
	Corn (viz.):—						
	Barley all kinds (including pot or hulled)	...	...	...	...	...	1 8
	Beans	...	...	...	...	...	1 8
	Bere or bigg	...	...	...	...	...	1 8
	Buckwheat	...	...	...	...	...	1 8
	Indian corn	...	...	...	...	...	1 8
	Lentils	...	...	...	...	...	1 8
	Malt	...	...	...	...	...	1 8
	Oats	...	...	...	...	...	1 8
	Pease	...	...	...	...	...	1 8
	„ split	...	...	...	...	...	1 8
	Rye	...	...	...	...	...	1 8
	Tares	...	...	...	...	...	1 8
	Wheat	...	...	...	...	...	1 8
	Cork	...	...	...	...	...	2 0
	Cotton waste	...	...	...	...	...	1 0
	Cotton manufactures	...	...	...	...	...	2 0
	Cotton belting	...	...	...	...	...	2 0
	Cracklings	...	...	...	...	...	1 4
	Crates empty (see Boxes).						
	Crystal (see Glass).						
	Cummings malt	...	...	...	...	...	1 0
	Dishes and earthenware	...	...	...	...	...	1 0
	Disinfectant fluid	...	...	...	...	...	1 4
	Draff	...	...	...	...	...	1 0
	Drysalteries	...	...	...	...	...	2 0
	Dye stuff	...	...	...	...	...	1 4
	Dreg sediment moist or in cake	1 0
	Earth Fullers'	1 0
	Earthenware (see Dishes)...						

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							Per ton.	A.D. 1903.
							s.	d.
Eggs	2	0	—
Emery	1	4	
Fat	1	4	
Feathers	2	0	
Feeding stuffs (not otherwise specified)	1	4	
Felt tarred or dry woollen	...	...	...	...	...	1	4	
Fibre cocoanut	...	...	...	...	...	1	4	
„ vegetable	...	...	...	...	...	2	0	
Fire lighters	...	...	...	...	...	2	0	
Fireclay	...	...	...	...	...	0	2	
„ goods	...	...	...	...	...	1	0	
Fish (viz.):—								
Haddocks cod salmon &c. fresh	...	...	...	...	...	1	0	
„ „ in casks cured	...	...	...	...	...	1	0	
Herrings	...	...	...	...	...	1	0	
Ling tusk cod &c. salted dry	...	...	...	...	...	1	0	
Lobsters oysters and other shell fish	...	...	...	...	...	3	0	
Fish cake and oil refuse	...	...	...	...	...	1	4	
Flint stones	...	...	...	...	...	0	4	
Flour (viz.):—								
Barley	...	...	...	...	...	1	4	
Dust	...	...	...	...	...	0	4	
Indian corn	...	...	...	...	...	1	4	
Paring meal	...	...	...	...	...	1	0	
Wheaten	...	...	...	...	...	1	4	
Flower roots (see Roots).								
Fruit (viz.):—								
Apples	...	...	...	...	...	1	6	
Dry almonds	...	...	...	...	...	1	6	
Dry currants	...	...	...	...	...	1	6	
Figs	...	...	...	...	...	1	6	
Oranges	...	...	...	...	...	3	0	
Plums and greengages	...	...	...	...	...	0	8	
Prunes or dried plums	...	...	...	...	...	1	6	
Raisins	...	...	...	...	...	1	6	
Other kinds	...	...	...	...	...	1	6	
Fruits dried or preserved in tins glass or otherwise	...	...	...	...	...	1	6	
Glass window	...	...	...	...	...	2	0	
„ hollow	...	...	...	...	...	2	0	
„ broken	...	...	...	...	...	0	4	
„ plates	...	...	...	...	...	1	4	
Glassware coloured cut or engraved	...	...	...	...	...	3	0	
Grain (see Corn).								
Granite (see Stone).								
Gravel	0	2	
Gravestones (see Stones).								
Grease	1	4	

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A.D. 1903.					Per ton.
					s. d.
—	Groceries not otherwise specified	1 6
	Guano ammoniacal	0 8
	„ phosphatic ...	...	...	...	0 3
	Gunpowder and explosives	...	...	...	3 0
	Guttapercha	...	...	...	2 0
	„ goods	...	...	...	2 0
	Gypsum ...	...	...	...	0 6
	Hay ...	...	...	...	1 0
	Hemp rough or dressed	...	...	...	1 4
	Hemp goods	...	...	...	1 4
	Herrings (see Fish).				
	Hides wet and dry kip and calf	..	...	...	1 8
	Hide cuttings	...	...	...	1 0
	Hoofs and horn waste	...	...	...	1 0
	Hoops wood lengthways	...	...	...	1 4
	„ „ coiled	...	...	...	1 4
	Hops	...	...	...	3 0
	Horns	...	...	...	2 0
	Horn tips...	...	...	...	1 4
	„ piths for manure	...	...	...	1 0
	Horses (see Cattle).				
	Ice	...	...	...	1 0
	Indigo	...	...	...	3 0
	Indiarubber	...	...	...	2 0
	„ manufactured	...	...	...	2 0
	Ink in casks or cases	...	...	...	1 4
	Ink waste printers'	...	...	...	1 4
	Instruments musical &c.	...	...	...	3 0
	Iron and steel (viz.):—				
	Bar bolt rod sheet plate and hoop...	...	...	...	0 8
	Pipes gas and water	...	...	...	0 8
	Fencing and other wire	...	...	...	1 4
	Ironmongery goods not specified	...	...	...	2 6
	Machinery	...	...	...	1 4
	„ manufactured	...	...	...	1 4
	Nails and spikes	...	...	...	1 0
	Pig iron	...	...	...	0 4
	Scrap	...	...	...	0 8
	Kelp burnt	...	...	...	0 6
	Lard	...	...	...	1 8
	Lead pipes and sheets	...	...	...	1 0
	Leather	...	...	...	1 4
	Leather belting	3 0
	Lime and limestone or shells...	0 3
	Linoleum	0 8
	Loam	0 3
	Locust beans	0 6

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	Per ton.	A.D, 1903.
	s. d.	—
Luggage (see Passengers).		
Manures common street	0 2	
„ dung	0 2	
„ chemical and fish	1 0	
„ not specified	1 0	
„ artificial	1 0	
Margarine (see Butter).		
Matches	3 0	
Mats	1 4	
Meal all kinds	1 4	
Mill waste	1 8	
Molasses	0 8	
Moss litter or peat bedding	0 8	
Mutton (see Beef).		
Nitrate of Soda	0 6	
Oakum or junk	1 0	
Ochre	1 4	
Oil all kinds	1 4	
Paints and colours	1 0	
Paper including shavings hangings sheathing and pasteboards	1 4	
Paper stock	1 4	
Paraffin scale and wax	1 4	
Paris white	0 8	
Peat (see Moss).		
Passengers (including 60 lbs. of luggage per passenger)	each 1d.	
Passengers' luggage (exceeding 60 lbs. per passenger)	3 0	
Petroleum	1 0	
Pipes drain	0 8	
Pork (see Beef).		
Potash (see Manure).		
„ kainet	0 2	
„ sulphate	0 4	
„ nitrate	0 8	
Preserves	1 6	
Pumice stone	1 0	
Rags	0 6	
Rice	1 4	
„ ground	1 4	
Roots flower and others	3 0	
Ropes	1 4	
Salt refined	0 8	
„ white	0 8	
Salt waste and rock	0 3	
Saltpetre	1 4	
Sand	0 2	
Sawdust	0 8	
Seeds all kinds	1 4	

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							Per ton.
							s. d.
—	Sheep dip	2 6
	Shot lead and iron	0 8
	Slates roofing all kinds	0 6
	Soap all kinds	1 4
	Soapers' waste	...	...	...	...	...	0 3
	Soda	...	...	...	...	...	1 2
	Soda ash	...	...	...	...	...	0 6
	Soda bicarbonate of	...	...	...	...	...	1 0
	„ bichromate of	...	...	...	...	...	1 0
	„ hyposulphite	...	...	...	...	...	1 0
	„ prussiate of	...	...	...	...	...	1 4
	Slag phosphate whole or ground	...	...	...	...	...	0 4
	Soot	...	...	...	...	...	0 8
	Spanish juice (liquorice)	...	...	...	...	...	1 4
	Spices (ginger cinnamon cloves &c.)	...	...	...	...	...	2 0
	Spirits and wines:—						
	In casks	...	...	...	...	...	1 8
	In cases	...	...	...	...	...	3 0
	Starch	...	...	...	...	...	2 0
	Stationery	...	...	...	...	...	1 4
	Steel (see Iron).						
	Stones (viz.):—						
	Ashlar	...	...	...	...	...	0 8
	Causeway	...	...	...	...	...	0 8
	Chips	...	...	...	...	...	0 8
	Curb	...	...	...	...	...	0 8
	Granite rough or dressed	...	...	...	...	...	1 4
	„ polished	...	...	...	...	...	1 4
	Gravestones	...	...	...	...	...	1 4
	Macadamising	...	...	...	...	...	0 8
	Mill	...	...	...	...	...	1 0
	Pavement or flag	...	...	...	...	...	0 8
	Other kinds not specified	...	...	...	...	...	1 0
	Straw	...	...	...	...	...	1 0
	Sugar all kinds	...	...	...	...	...	0 8
	Sulphate of soda	...	...	...	...	...	1 0
	„ potash	...	...	...	...	...	0 8
	„ copper iron zinc or copperas	...	...	...	...	...	1 0
	Superphosphate of lime	...	...	...	...	...	0 8
	Tar all kinds	...	...	...	...	...	1 0
	Tea	...	...	...	...	...	1 6
	Thirds (see Bran)						
	Tiles roofing	0 3
	„ drain	0 4
	Tin of all kinds	1 8
	Tinned goods	1 6
	Tobacco all kinds	1 4

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	Per ton.	A.D. 1903.
	s. d.	—
Tow	1 0	
Treacle (see Molasses).		
Turpentine	1 4	
Twine	1 4	
Vegetables all kinds	0 8	
Vinegar	2 6	
Vitriol in carboys	3 0	
Washing powder	1 0	
Waters mineral and aërated (see Aërated).		
Wax bees' and other kinds	1 4	
White Paris (see Paris).		
Whiting	0 4	
Window frames glazed and unglazed	3 0	
Wines (see Spirits and Wines).		
Wire	1 4	
Wire rope	1 4	
Wood (viz.):—		
Baltic red and white deals and battens American yellow pine and white wood spruce deals and battens flooring and deals staves all 55 cubic feet string measure or 60 feet caliper to a ton	0 8	
Mast poles oars Baltic fir logs and spars all at 55 cubic feet caliper measure to a ton	0 8	
Pitch pine at 50 cubic feet caliper measure to a ton	0 8	
Staves birch and oak at 48 cubic feet caliper measure to a ton	0 8	
Baltic hardwood logs ash birch elm oak wainscot at 45 cubic feet caliper measure to a ton	0 8	
Greenheart and teak at 45 cubic feet caliper measure to a ton	0 8	
American hardwood logs at 45 cubic feet string measure to a ton	0 8	
Dogwood handspikes naves for wheels spokes felloes rollers wedges treenails veneers barwood Brazilwood camwood dyewood ebony fustic lancewood lignum-vitæ logwood mahogany Nicaragua wood rosewood sassafras and walnut —all at 20 cwt. to a ton	0 8	
All the above cut in boards	2 0	
Turned wood at 20 cwt. to a ton	2 0	
Yellow pine and other dressed boards	2 0	
Shavings or woodwool at 20 cwt. to a ton	1 0	
Firewood and lathwood at 65 cubic feet caliper measure to a ton	0 8	
Pit props and sleepers at 55 cubic feet caliper measure to a ton	0 8	
Smoking wood for curing at 20 cwt. to a ton	0 8	
Woodware and utensils	3 0	
Wooden doors windows and other framed goods for building purposes	2 0	
Wool	2 0	
Woollen goods (see Cloth).		

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A.D. 1903. Yarn :—	Per ton.
	s. d.
Coir cotton lint or flax manilla mohair worsted and all other kinds	1 4
Hemp and tow... ..	1 0
Yeast	1 4

Where the weight or quantity of any goods articles or things shall be less or more than the weight or quantity specified in this Schedule the rates shall be payable in proportion.

In weighing goods the weight of the package is to be included.

All rates are given at per ton of 20 cwt. except where otherwise stated and are the same inward and outward.

No charge shall be less than one penny.

Where the charge exceeds one penny no fraction of a penny is to be levied unless amounting to a halfpenny or upwards and a fraction of a penny amounting to a halfpenny or upwards is to be charged a penny.

All goods shipped overside from one vessel into another are to be charged half rates and this privilege will cover landing on the quays to facilitate such trans-shipment provided such goods are re-shipped within five days (excluding Sundays) after being landed after which such goods shall be charged full rates.

Stones and other material to be used in maintaining and repairing the banks of the River Forth within the limits of the Order shall be exempt from rates.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C. ; or
 OLIVER AND BOYD, EDINBURGH ; or
 E. PONSONBY, 116, GRAFTON STREET, DUBLIN