

**CHAPTER cxlviii.**

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

A.D. 1913.

[15th August 1913.]

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 Viet.
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 1913.

Short title.

A.D. 1913.

THE SCHEDULE OF ORDERS.

1. BUCKIE.—Construction of additional harbour works &c.
2. FINDOCHTY.—Construction of additional harbour works &c.

S C H E D U L E.

A.D. 1913.

BUCKIE BURGH AND BUCKIE (CLUNY) HARBOUR.

Order for empowering the Provost Magistrates and Councillors of the Burgh of Buckie in the County of Banff to construct additional Works at Buckie (Cluny) Harbour to borrow money for the purposes thereof to apply to the purposes of this Order the special Cluny Harbour rate and for other purposes. *Buckie.*

1. This Order may be cited as the Buckie Burgh and Buckie (Cluny) Harbour Order 1913 and 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." *Short title and commencement of Order.*

2.—(1) In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that in the Acts wholly or partially incorporated herewith the following words and expressions have for the purposes of this Order the meanings hereby assigned to them (that is to say):— *Interpretation.*

"The promoters of the undertaking" "the undertakers" and "the company" respectively mean the Town Council;

"The special Act" means this Order:

And in this Order unless the context otherwise requires—

"The burgh" means the burgh of Buckie;

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

"The town clerk" means the town clerk of the burgh and includes any depute acting for him;

"The harbour" means the Buckie (Cluny) Harbour and includes the works by this Order authorised;

"The harbour undertaking" means the harbour undertaking for the time being of the Town Council;

"The sheriff" means the sheriff of the counties of Aberdeen Kincardine and Banff or any of his substitutes;

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“The Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1911 and any Act or Acts amending the same;

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

“The Order of 1874” means the Buckie (Cluny) Harbour Order 1874;

“The Act of 1898” means the Buckie (Cluny) Harbour Act 1898;

“The Order of 1908” means the Buckie Burgh and Buckie (Cluny) Harbour Order 1908;

“The Order of 1909” means the Buckie Burgh and Buckie (Cluny) Harbour Order 1909;

“The Buckie Harbour Acts” means the Order of 1874 the Act of 1898 the Order of 1908 and the Order of 1909;

“The deposited plan and sections” or “the deposited plan” or “the deposited sections” as the case may be means the plan and sections deposited for the purposes of this Order with the Board of Trade.

(2) In this Order 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.

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

Acquisition of Lands.

Incorporation of Lands Clauses Acts.

4. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order.

Power to take lands by agreement.

5. For the purposes of the works authorised by this Order the Town Council may purchase by agreement 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.

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

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 Lands for extraordinary purposes.

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

Power to take servitudes &c. by agreement.

8. The Town Council may enter into agreements with the trustees of the late John Gordon of Cluny (in this Order referred to as "the Cluny Trustees") the trustees of the late Caroline Countess Dowager of Seafield James Jones and Sons Limited of Larbert and Buckie John Geils Gillan salmon fisher of Portsoy and others or any one or more of them or their respective successors and assignees for the settlement of any claim or claims for compensation which may be made by them respectively on account of properties or interests belonging to them respectively which will or may be affected by or in connexion with the construction of the works or any of them authorised by this Order and the said agreements or any of them may provide for the settlement of such claim or claims by arbitration by an arbiter to be appointed by the sheriff on the application of either party or otherwise as may be agreed upon and for the payment of the costs of or incidental to such arbitration by the parties or by the Town Council.

Agreements with trustees of late John Gordon of Cluny and trustees of late Caroline Countess Dowager of Seafield and others.

9. The agreement made between the Cluny Trustees of the first part and the Town Council of the second part set forth in the First Schedule to this Order is hereby confirmed and made binding on the parties thereto and the Cluny Trustees and the Town Council are hereby respectively empowered to carry the said agreement into effect.

Confirmation of agreement with Cluny Trustees.

10. The agreement made between Mackenzie Innes and Logan writers to the signet Edinburgh for and on behalf of the trustees of the late Caroline Countess Dowager of Seafield of the first part John Geils Gillan salmon fisher Portsoy of the second part James Jones and Sons Limited Larbert and Buckie of the third part and the Town Council of the fourth part set forth in the Second Schedule to this Order is hereby confirmed and made binding on the parties thereto

Confirmation of agreement with Seafield Trustees.

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A.D. 1913. and the said trustees the said John Geils Gillan the said James Jones
 Buckie. and Sons Limited and the Town Council are hereby respectively
 empowered to carry the said agreement into effect :

Provided always that nothing contained in the scheduled agreement shall be held to recognize or confirm any right title or claim of the said trustees to the foreshore below high-water mark but the right and title to such foreshore shall remain in the same state as if the Act confirming this Order had not been passed.

Town Coun-
 cil may sell
 convey or
 exchange
 lands &c.

11. The Town Council may for the purposes of the harbour the harhour undertaking and the works authorised by this Order sell convey feu or exchange for such price and upon such terms and conditions as they think fit or without any price being paid all or any part or parts of the lands and other subjects comprised in the Cluny Harbour pertinents defined by the Order of 1908 and of the lands and other subjects vested in the Town Council or any other person on their behalf in reference to Buckie (Craigenroan) Harbour by or under the provisions of the Buckie Burgh Extension and Buckie (Craigenroan) Harbour Order 1902 and the Order of 1908 or either of them.

Cluny Trus-
 tees autho-
 rised to sell
 &c. certain
 pieces of
 land.

12. The Cluny Trustees may sell convey feu or exchange the following pieces of land or either of them to or with the Town Council and the Town Council may by agreement purchase or otherwise acquire and may hold use and deal with the said pieces of land or either of them for the purposes of the harbour of the harbour undertaking and of the works authorised by this Order.

The said pieces of land are the following namely :—

(a) All and whole that triangular piece of ground at Gordonsburgh Buckie part of the lands and estate of Buckie in the parish of Rathven and county of Banff containing two hundred and seventy-two square yards or thereby imperial measure bounded on the north or north-west by the Cluny Harbour pertinents defined by the Order of 1908 along which it extends one hundred and one feet or thereby on the east by unfeued ground the property of the Cluny Trustees along a line in line with the east side of March Street Gordonsburgh and along which line the said piece of ground extends fifty-nine feet or thereby and on the south by Commercial Road along which it extends eighty-three feet or thereby :

(b) All and whole that piece of ground immediately to the south or south-east of the junction of the Freuchny Burn with the burn of Rathven at Gordonsburgh Buckie part of the lands and estate of Buckie in the parish of Rathven and

county of Banff containing six hundred and fifty-nine square yards or thereby imperial measure bounded on the north or north-east by Rathven Burn along which it extends fifty-seven feet or thereby on the west or south-west by an irregular line along which it extends one hundred and seventy-five feet and on the east by unfeued ground belonging to the Cluny Trustees along a line in line with the east side of March Street Gordonsburgh along which line the said piece of ground extends one hundred and twenty feet six inches or thereby.

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Limits.

13. Section 19 of the Order of 1909 is hereby repealed and the limits within which the Town Council shall have authority (and which shall except where otherwise provided be deemed the limits to which the Buckie Harbour Acts and this Order extend) shall for the purposes of levying tolls rates dues and charges comprise the piers harbours quays and other works already constructed under the authority of the Buckie Harbour Acts before the commencement of this Order and to be constructed under the authority of those Acts and this Order (in this section referred to as "the works") and also so much of the shores and waters of the sea or Moray Firth below high-water mark (in this section referred to as "the Moray Firth") as lies within two hundred yards of any part of the works except as herein-after provided and such limits shall for all other purposes comprise the works and also so much of the Moray Firth as lies within five hundred yards of any part of the works except as herein-after provided Provided always that the limits so far as outside and to seaward of the works shall not extend for any purpose beyond the east side of a line drawn from a point at the junction of the north-west pier and north-west pier extension opposite the letter A on the deposited plan at a right angle to the north-west pier extension for a distance of five hundred lineal yards in a north or north-westerly direction into the Moray Firth and so that with respect to the north-west pier extension the limits for all purposes shall not extend to seaward outside that work itself Provided also that the limits so far as outside and to seaward of the works shall not extend for any purpose beyond the west side of a line drawn five hundred lineal yards to seaward in a northerly direction into the Moray Firth from the seaward end of the groyne Work No. 15 by this Order authorised.

Limits of
harbour.

Abandonment of Works.

14. The Town Council may relinquish and abandon the following works and portion of work authorised by the Order of 1909 namely:—
(a) The wall or quay numbered (3) described in section 6 of the Order of 1909:

Abandon-
ment of
works.

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- (b) So much of the pier or breakwater numbered (5) described in the said section 6 as lies between the commencement of the said pier and a point distant six hundred and thirty feet or thereabouts from the junction of the said pier with the existing north pier:
- (c) The embankment numbered (6) described in the said section:
- (d) The reclamation and filling in of foreshore and other lands adjoining numbered (7) described in the said section.

Works and Powers.

Power to
 construct
 and descrip-
 tion of works.

15. 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 before completion of the works the Town Council for the purposes of the harbour may on the lands belonging to them or acquired under this Order and in the lines and according to the levels shown on the deposited plan and sections make and maintain the works herein-after described The said works authorised by this Order are—

Work No. 1.—A solid pier or breakwater commencing at a point on the north-west pier authorised by the Order of 1909 now under construction distant six hundred and thirty feet or thereabouts from the junction of the said north-west pier with the existing north pier and extending in a direction approximately east-north-east for a distance of one thousand one hundred and forty feet or thereabouts and there terminating on the foreshore or banks of the sea at a point distant five hundred and fifty feet or thereabouts measured in a direction approximately north-west from the bench mark on the north boundary wall of the corner house on the south side of Commercial Road at the junction of Aboyne Street and Commercial Road in Gordonsburgh and one thousand feet or thereabouts measured in a direction approximately north-east by north from the gate-post at the eastern side of the gateway to Jones and Sons' timber yard:

Work No. 2.—A solid jetty commencing by a junction with the south quay and roadway authorised by the Order of 1909 (and therein called Work No. 1) at the termination of the said quay and extending in a direction approximately north-north-west for a distance of three hundred and thirty feet or thereabouts and there terminating on the foreshore or bed of the sea:

Work No. 3.—A solid harbour wall or quay and roadway commencing by a junction with Work No. 2 on its eastern face at the commencement of Work No. 2 and extending in a direction

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approximately south-south-east for a distance of twenty feet or thereabouts and afterwards in a direction approximately east-north-east for a distance of two hundred and ninety feet or thereabouts and afterwards in a direction approximately south-south-east for a distance of two hundred and ten feet or thereabouts and there terminating by a junction with the wall or quay and roadway Work No. 4 herein-after described at the commencement of the said Work No. 4 :

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Work No. 4.—A solid wall or quay and roadway commencing at the termination of Work No. 3 and extending in a direction approximately east-north-east for a distance of four hundred and thirty feet or thereabouts and there terminating by a junction with the wall or quay and roadway Work No. 5 herein-after described at the commencement of the said Work No. 5 :

Work No. 5.—A solid wall or quay and roadway commencing at the termination of Work No. 4 and extending in a direction approximately north-north-west for a distance of six hundred and thirty feet or thereabouts and there terminating by a junction with Work No. 1 on its south face at a point distant one thousand and ten feet or thereabouts from the commencement of the said Work No. 1 :

Work No. 6.—The excavation to a depth of two feet or thereabouts below the level of low water of ordinary spring tides of the area contained between Work No. 1 and Works Nos. 2 3 4 and 5 and Work No. 8 herein-after described (excluding the site of the slip Work No. 7 herein-after described) :

Work No. 7.—A solid slip for steam drifters commencing by a junction with Work No. 5 on its western face at a point distant sixty-five feet or thereabouts from the termination of the said Work No. 5 and extending in a direction approximately west-south-west for a distance of five hundred and ten feet or thereabouts and there terminating on the bed of the sea including berths for steam drifters fifty feet or thereabouts in width on the north side of the said slip and one hundred feet or thereabouts in width on the south side of the said slip and extending for a distance of two hundred feet or thereabouts from the commencement of the said slip and there terminating on the foreshore or bed of the sea :

Work No. 8.—The excavation to a depth of eleven feet or thereabouts below the level of low water of ordinary spring tides of the area contained between Works Nos. 1 2 and 6 respectively herein-before authorised and the excavation and deepening Work No. 12 authorised by the Order of 1909 :

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Work No. 9.—An extension of solid construction of the jetty Work No. 4 authorised by the Order of 1909 in a direction approximately north-north-west for a distance of eighty feet or thereabouts and there terminating on the foreshore or bed of the sea :

Work No. 10.—An extension of solid construction of the existing east pier commencing at the bend in the said pier on the north-east face thereof and extending in a direction approximately north-north-west for a distance of seventy feet or thereabouts and there terminating on the foreshore or bed of the sea :

Work No. 11.—A diversion of Rathven Burn commencing at a point distant four hundred and sixty feet or thereabouts measured in a direction approximately north-north-west from the commencement of Work No. 5 and one hundred and eighty-five feet or thereabouts measured in a direction south-east by east from the termination of the said Work No. 5 extending in a direction approximately north-north-west and terminating at a point distant two hundred and forty feet or thereabouts measured in a direction approximately north-west by north from its commencement and seventy feet or thereabouts measured in a direction approximately north from the termination of the said Work No. 5 on the foreshore or bed of the sea :

Work No. 12.—A diversion of the existing sewer commencing at a point where it crosses the roadway in Work No. 5 distant three hundred and forty feet or thereabouts measured in a direction north-north-west from the commencement of the said Work No. 5 extending in a direction approximately north-north-west for a distance of three hundred and seventy feet or thereabouts and afterwards in a direction approximately west-south-west for a distance of two hundred and seventy feet or thereabouts and there terminating on the foreshore or bed of the sea at the level of low water of ordinary spring tides including the severance of another existing sewer at the point where the said diversion crosses the said existing sewer at a point one hundred and ninety feet distant from the commencement of the said diversion and the joining up at that point of the said existing sewer with the said diversion :

Work No. 13.—An embankment commencing by a junction with the west face of the existing west pier of the existing outer harbour at a point distant one hundred and eighty feet or thereabouts measured in a direction approximately south from the bend in the said pier and extending in a direction approximately west by south for a distance of one thousand feet or thereabouts and afterwards in a direction approximately north-west by north for a distance of five hundred and twenty feet

[3 & 4 GEO. 5.] *Pier and Harbour Orders* [Ch. cxlviii.]
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or thereabouts and there terminating by a junction with the wall or groyne Work No. 15 herein-after described : A.D. 1913.
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Work No. 14.—A reclamation and filling in of foreshore and other lands adjoining lying to the south and west of the embankment Work No. 13 herein-before described and bounded on the north by the said Work No. 13 and on the east by the existing west pier of the existing outer harbour and on the south by the existing boundary walls of the properties on the north sides of Low Street and Bank Street and by Bank Street and Baron Street and on the west by the wall or groyne Work No. 15 herein-after described :

Work No. 15.—A solid wall or groyne commencing at the northern extremity of the east boundary wall or fence of the existing coastguard station in Baron Street and extending in a direction approximately north by east for a distance of three hundred and fifty feet or thereabouts and there terminating on the foreshore or bed of the sea.

16. 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 to any extent. Powers to deviate.

17. The Town Council may subject to the provisions of this Order make and maintain on in over or in connexion with the said works herein-before described or any of them all necessary footways carriage-ways approaches roads communications steps slips slipways sewers drains sluices culverts embankments walls fences railings groynes sea defences aprons dams cuts jetties landing-places quays wharves gates basins stages staithes gantries gridirons channels locks beacons buoys dolphins moorings pontoons floating docks dredgers lights warehouses sheds cellars storehouses toll-houses shelters cranes hoists lifts machinery engines tramways railway sidings junctions turntables reclamations deepenings dredgings excavations conveniences works and appliances necessary or convenient for or ancillary or incidental to the said works or any of them. Power to make subsidiary works.

18. Subject to the provisions of this Order and within the limits shown on the deposited plan the Town Council for the purposes of the works authorised by this Order or any of them or works connected therewith may make and maintain junctions and communications with any existing roads highways streets quays or footways which may be intersected or interfered with by any of the said works or be contiguous thereto and for the purposes of any such junctions or communications may alter the line or level of any existing road highway street quay or Power to make road connexions &c.

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A.D. 1913. footway and may remove alter divert stop up inclose use or appropriate
 Buckie. all or any part of any road highway street quay footway stream
 watercourse sewer drain gas water or other main or pipe telegraph
 telephone or other wire work or apparatus within the limits aforesaid
 the Town Council first providing all proper substituted works and
 making reasonable compensation to any person who suffers damage
 from the exercise of the powers in this section contained Provided
 that nothing in this section shall extend to or authorise any interference
 with any works of any undertakers within the meaning of the Electric
 Lighting Acts 1882 to 1909 to which the provisions of section 15 of
 the Electric Lighting Act 1882 apply except in accordance with and
 subject to the provisions of that section.

Tramways to 19. A line of rails or tramway constructed under the powers of
 be certified this Order shall not be used for the public conveyance of passengers
 by Board of unless and until it has been inspected and certified by the Board of
 Trade. Trade to be fit for that use.

Protection of 20. Any electric lighting apparatus or other electric mains and
 telegraphic works constructed provided or maintained under this Order shall be
 lines of so constructed used and worked as to prevent any interference with
 Postmaster- telegraphic communication by means of any telegraphic line belonging
 General. to or used by the Postmaster-General.

Consent of 21. No part of the works authorised by this Order below high-
 Board of water mark shall be commenced without the consent in writing of
 Trade to the Board of Trade and those works shall be executed only in
 works below accordance with the terms of such consent.
 high-water mark.

Penalty for 22. If any person wilfully obstructs any person acting under the
 obstructing authority of the Town Council in setting out the lines of the works
 works. authorised by this Order or pulls up or removes any poles or stakes
 driven into the ground for the purpose of setting out the lines of
 those works or defaces or destroys those works or any part thereof
 that person shall for each such offence be liable to a penalty not
 exceeding five pounds and shall in addition be liable to repay to the
 Town Council any expenses incurred by them in making good such
 damage.

Powers to 23.—(1) If within two years from the commencement of this Order
 cease in cer- the works authorised by this Order are not substantially commenced
 tain events. the powers given by this Order for executing those works or other-
 wise in relation thereto shall cease unless the time for the commencement
 of the works be extended by the special direction of the Board of
 Trade.

(2) If the works authorised by this Order after having been
 substantially commenced are virtually suspended for twelve consecutive
 months the powers by this Order given for executing those works or

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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. A.D. 1913.
Buckie.

(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.

24.—(1) The Town Council may from time to time excavate dredge deepen scour and improve the harbour and the approaches thereto and all channels waterways and anchorages therein or adjacent thereto and all rock stone shingle sand mud and other materials so excavated dredged up or removed as aforesaid shall be the property of the Town Council and they may use appropriate sell or otherwise dispose of the same or lay down and use the same for the purposes of the harbour and the harbour undertaking as they think fit Provided that all materials excavated or dredged under the provisions of this section if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade. Power to dredge &c.

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

25. The works authorised by this Order shall subject to the provisions of this Order for the purposes of rates and charges which may be demanded recovered and received by the Town Council and for all other purposes be and be deemed to be part of the harbour and of the harbour undertaking and the powers and provisions of the Buckie Harbour Acts shall extend and apply mutatis mutandis to the works authorised by this Order and all byelaws rules and regulations of the Town Council for the time being in force relating to the harbour or the harbour undertaking shall be applicable and apply to the works authorised by this Order and shall and may be enforced by the Town Council accordingly and all securities granted by the Town Council over the existing harbour and harbour undertaking or any part or parts thereof shall be held to include and extend to the works authorised by this Order to the same effect as if the said works had formed part of the existing harbour and harbour undertaking or such part or parts thereof respectively. Works to be deemed to be part of harbour undertaking.

Rates.

26. Sections 25 and 26 of the Harbours Clauses Act 1847 shall not be incorporated with this Order and the Town Council may levy Rates for use of slipways &c.

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A.D. 1913. demand recover and receive reasonable rates or other consideration for
Buckie. the use of any slipways or slips and conveniences connected therewith
belonging to or provided by them at the harbour.

Revision of
rates.

27. Section 21 of the Order of 1909 is hereby repealed and section 19 of the Act of 1898 shall not apply to the Town Council or the harbour or the harbour undertaking and in lieu thereof the following provisions shall have effect (that is to say):—

(1) The rates to be levied by the Town Council for the time being with reference to the harbour and the harbour undertaking shall be adjusted by the Town Council within the maximum rates authorised to be taken by them in such a manner that so far as possible their income from the harbour and the harbour undertaking shall not for the time being be more than is sufficient for the purposes of the Buckie Harbour Acts and this Order and for repaying any moneys borrowed on account of the harbour and the harbour undertaking and for paying interest thereon and recouping the burgh on account of the special Cluny Harbour rate authorised by the Order of 1908 to be levied:

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under section 20 of the Act of 1898 as varied by section 8 of the Order of 1908 that the clear annual income derived by the Town Council from the harbour and the harbour undertaking on the average of the three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of the Buckie Harbour Acts and this Order that Board may if they think fit reduce the maximum rates to such sums as will be sufficient to provide the amount aforesaid and may at any time raise those maximum rates again but so that they do not exceed the sums authorised to be taken by the Town Council with reference to the harbour and the harbour undertaking.

Finance.

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

28. The Town Council may and shall provide such moneys as may become necessary for the purposes of this Order or any of them and of the harbour and the harbour undertaking and the maintenance management and improvement thereof and the payment of expenses in connexion therewith out of the revenue of the harbour and the harbour undertaking and by means of the special Cluny Harbour rate authorised by the Order of 1908 to be imposed and levied or either of them as the Town Council may think fit and section 30 (Power to Town Council to

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impose and levy special rate) of the Order of 1908 shall be read and have effect as if the said section authorised the imposing levying and recovering of the said special Cluny Harbour rate for the purposes of this Order as well as for the purposes of the Order of 1908 and the Order of 1909 and the Town Council may accordingly impose levy and recover the said rate for those purposes:

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Provided always that owners and occupiers of lands or premises referred to in section 31 (Limitation of rate in area added to burgh under Order of 1902) of the Order of 1908 shall continue to be entitled to the exemption conferred upon them by that section but shall be charged with the said special Cluny Harbour rate to the extent necessary for the "other purposes" in that section referred to for which the said rate is by the Order of 1908 authorised to be levied and for the purposes of the Order of 1909 and of this Order.

29. Section 23 (Limitation of rate as regards Great North of Scotland and Highland Railway Companies) of the Order of 1909 is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say)—The Great North of Scotland and the Highland Railway Companies shall not be called upon to pay in any one year in respect of their property within the burgh by way of rates or assessments levied for the purposes of the Order of 1908 and of the Order of 1909 and of this Order a sum greater than three shillings in the pound calculated upon the amount of the valuation of their property for ordinary burgh purposes:

Limitation
of rate as
regards
Great North
of Scotland
and Highland
Railway
Companies.

Provided always that unless and until the Town Council exercise the borrowing powers conferred upon them for the works authorised by this Order the said railway companies shall not be called upon to pay in any one year in respect of their property within the burgh by way of rates or assessments levied for the purposes of the Order of 1908 the Order of 1909 and this Order a sum greater than two shillings in the pound calculated as aforesaid.

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

Power to
accept con-
tributions.

31. The Town Council shall not after the commencement of this Order borrow any further moneys under the powers of borrowing specified in paragraph (A) of subsection (1) of section 25 of the Order of 1909 Provided that this provision shall not affect the powers of re-borrowing contained in the said Order.

Restriction
as to bor-
rowing.

32.—(1) The Town Council may (in addition to any other sums already borrowed) from time to time borrow and re-borrow at interest not

Power to
borrow.

[Ch. cxlviii.] *Pier and Harbour Orders* [3 & 4 GEO. 5.]
Confirmation (No. 3) Act, 1913.

A.D. 1913. exceeding five pounds per centum per annum by means of mortgage
Buckie. bond or otherwise—

- (a) For carrying into effect the construction of the works authorised by this Order any sum or sums of money not exceeding in the whole ninety-two thousand five hundred pounds;
- (b) For carrying into effect the other purposes of this Order or any of them such sum or sums of money not exceeding in the whole five thousand pounds as may be sanctioned by the Secretary for Scotland; and
- (c) For paying the costs of this Order the amount necessary.

(2) Any money may be so borrowed on the security of the tolls rates duties dues and charges arising from the harbour and the harbour undertaking and the other revenues of the harbour and the harbour undertaking and on the security of the special Cluny Harbour rate authorised by the Order of 1908 to be levied or any one or more of them as the Town Council may from time to time determine but not so as to affect the priority of any securities heretofore granted by the Town Council in favour of the Cluny Trustees under the Order of 1908 or of any other securities heretofore granted by the Town Council under the Buckie Harbour Acts.

(3) The Town Council for the purpose of raising the money which may be so borrowed may accept and take from any bank or banking company credit to such amount as they think expedient on a cash account to be opened and kept with such bank or banking company in the name of the Town Council according to the usage of bankers in Scotland and the Town Council may subject to the securities and priority of the Cluny Trustees and of others as aforesaid make and grant mortgages or other securities of and may assign the tolls rates duties dues and charges and revenues and the said special Cluny Harbour rate herein-before mentioned or any 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. Provided always that the whole sums due and owing by the Town Council on such cash account and borrowed on mortgage or bond under the powers conferred by this Order shall never when taken together exceed the aggregate amount of the sum by this Order authorised to be borrowed.

Periods for
repayment
of money
borrowed.

33. The Town Council shall pay off all moneys borrowed by them under this Order within the respective periods following (in this Order respectively referred to as "the prescribed periods") (that is to say):—

- (a) As to money borrowed for carrying into effect the construction of the works authorised by this Order within sixty years from the date or dates of borrowing the same;

- (b) As to money borrowed for the other purposes of this Order (other than the payment of the costs of this Order) within such period not exceeding fifty years from the date or dates of borrowing the same and by such method of repayment as the Secretary for Scotland may fix at the time when he gives his sanction to such borrowing; and
- (c) As to money borrowed for paying the costs of this Order within five years from the commencement of this Order.

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Buckie.

34.—(1) The Town Council shall pay off all moneys borrowed by them under this Order either by means of equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and such sum as will be sufficient to make the required payment shall be set apart out of the revenue of the harbour and the harbour undertaking and by means of the special Cluny Harbour rate authorised by the Order of 1908 or either of them as the Town Council may think fit in each year and paid either as an instalment or to the sinking fund as the case may be.

Mode of
 repayment
 of money
 borrowed.

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

(3) The provisions of the Police Acts as to the borrowing of money for the general purposes of those Acts shall in so far as applicable and not inconsistent with the provisions of this Order 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.

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

- (a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after 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 pounds 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 herein-after called an “accumulating sinking fund.”

A.D. 1913.

Buckie.

(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 trust moneys 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 other than the Town Council the Town Council 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 Town Council towards the equal annual payments to the fund.

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

(5)—(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 Town Council:

(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 Town Council in addition to the payments provided for by this Order.

(7) If it appears to the Secretary for Scotland or to the Town Council 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 (in the case of an accumulating sinking fund) the probable accumulations thereon will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Town Council to

make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. A.D. 1913.
Buckie.

(8) If the Town Council 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 (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Town Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Town Council may with the consent of the Secretary for Scotland 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.

(10) If the amount in any sinking fund at any time together with (in the case of an accumulating sinking fund) the probable accumulations thereon will in the opinion of the Town Council be sufficient to repay the loan in respect of which it is formed within the prescribed period the Town Council may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund until the Secretary for Scotland shall otherwise direct.

(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 or purposes as the Town Council may determine.

(12) The period at which the payments into the sinking fund shall commence shall not be later than one year after the date or dates of borrowing.

36.—(1) The town clerk shall within two months after the expiration of each year during which any instalment is required to be paid in respect of money borrowed under this Order or any sum is required to be paid to a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by him and verified by statutory declaration if so required by him showing the amount which has been paid as an instalment or invested for the purposes of the sinking fund during the year preceding the making of the return and the description of the securities upon which the amount has been invested and also showing the purposes to which any portions of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year. Annual return to Secretary for Scotland with respect to sinking fund.

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

[Ch. cxlviii.] *Pier and Harbour Orders* [3 & 4 GEO. 5.]
Confirmation (No. 3) Act, 1913.

A.D. 1913
Buckie.

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

Application
of money
borrowed.

37. All money borrowed under this Order shall be applied only for the purposes of this Order for which the money is authorised to be borrowed and to which capital is properly applicable.

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

38. The proceeds of sale of any surplus lands of the Town Council under the powers of this Order shall be applied only for the purposes of this Order to which capital is properly applicable and the powers of borrowing conferred upon the Town Council by this Order shall be reduced to the extent of the net amount of any such proceeds from time to time received by the Town Council but without prejudice to anything done or suffered to be done under such powers previously to the receipt.

Protection
of lenders.

39. Any person lending or paying money to the Town Council under this Order shall not be bound to inquire as to the observance by the Town Council of any provision of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or paid or of any part thereof.

Securities to
rank *pari*
passu.

40. All mortgages bonds or other securities granted under the section of this Order of which the marginal note is "Power to borrow" and the amounts due under the same for the time being shall rank *pari passu* without any preference among such mortgages bonds or other securities by reason of priority in the dates thereof or the dates of advancing the moneys for which the same shall have been granted.

For appoint-
ment of a
judicial
factor.

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

(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 pounds in the whole.

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

A.D. 1913.

Buckie.

42. Section 33 (Application of rates) of the Order of 1909 is hereby repealed save in so far as that section repeals section 41 (Application of rates) of the Order of 1908 and from and after the commencement of this Order the Town Council shall notwithstanding anything contained in the Buckie Harbour Acts apply all rates and other moneys received by them by way of revenue in respect of the harbour or the harbour undertaking and also (subject to the proviso to the section of this Order of which the marginal note is "Power to Town Council to provide moneys for purposes of Order") all moneys received from the special Cluny Harbour rate authorised by the Order of 1908 for the purposes and in the order following (that is to say):—

Application
of rates.

- (1) In paying the costs of and connected with the preparing obtaining and confirming of the Order of 1908 and of the Order of 1909 and of this Order so far as those costs are not paid out of money borrowed under the Order of 1908 or under the Order of 1909 or under this Order as the case may be:
- (2) In paying the expenses properly chargeable to revenue of conducting managing and maintaining the harbour and the harbour undertaking and works lands property and other subjects connected therewith:
- (3) In paying any feu duties and rents payable in respect of the lands and property belonging to or leased by the Town Council in connexion with the harbour and the harbour undertaking:
- (4) In paying the instalments of the purchase price and interest to the Cluny Trustees in terms of the agreement set forth in the schedule to the Order of 1908:
- (5) In paying year by year the interest on money borrowed under the Order of 1908:
- (6) In paying year by year the interest on money borrowed under the Order of 1909:
- (7) In providing for instalments for repayment of money borrowed under the Order of 1908 and in creating and maintaining any sinking fund required for the purpose of paying off the money so borrowed:

A.D. 1913.
 —
Buckie.

- (8) In providing for instalments for repayment of moneys borrowed under the Order of 1909 and in creating and maintaining any sinking fund required for the purpose of paying off the moneys so borrowed :
- (9) In paying year by year the interest on money borrowed under this Order :
- (10) In providing for instalments for repayment of moneys borrowed under this Order and in creating and maintaining any sinking fund required for the purpose of paying off the moneys so borrowed :
- (11) In making such payments (if any) as the Town Council think fit to the contingency fund authorised by the Order of 1909 :
- (12) In recouping the burgh for the proceeds of any special Cluny Harbour rate authorised by the Order of 1908 which may have been levied on or contributed by the burgh for the purposes of the Order of 1908 or of the Order of 1909 or of this Order :
- (13) Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Town Council in the general improvement of the harbour and the harbour undertaking.

Life-saving Apparatus.

Provision for
 life-saving
 apparatus.

43.—(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 works authorised by this Order 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 works.

44. 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 or parts of the works authorised by this Order 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 any part of such works.

Lifebuoys
 to be kept.

45. The Town Council shall at all times keep at convenient places on the works authorised by this Order 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.

A.D. 1913.

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

Buckie.
 Lights on
 works during
 construction.

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

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

Permanent
 lights on
 works.

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

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

Provision
 against
 danger to
 navigation.

Miscellaneous.

49. Sections 79 and 80 of the Harbours Clauses Act 1847 shall not be incorporated with this Order.

Exclusion of sec-
 tions 79 and 80
 of 10 & 11 Vict.
 c. 27.

50. 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.

51. 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.

52. 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 along and from the works authorised by this Order without payment.

Officers
 exempt from
 rates.

[Ch. cxlviii.] *Pier and Harbour Orders* [3 & 4 GEO. 5.]
Confirmation (No. 3) Act, 1913.

A.D. 1913.

Buckie.

Local light-
house autho-
rity.

Nothing to
exempt har-
bour or Town
Council from
provisions of
Merchant
Shipping Act.

53. The Town Council shall within the limits to which the Buckie Harbour Acts and this Order extend be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

54. Nothing contained in this Order shall be deemed to exempt the harbour undertaking or the Town Council from the provisions of the Merchant Shipping Act 1894 or from any general Act relating to merchant shipping harbours or docks or to dues on shipping or on goods carried in vessels 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 authorised by this Order.

Crown rights.

55. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree 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 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 mine-
rals.

56. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to the Crown under or adjacent to the lands and works of the Town Council even though such working may lower the surface or endanger the Town Council's works unless the Town Council shall give notice requiring any minerals to be left unworked and shall pay compensation therefor in terms of the Railways Clauses Consolidation (Scotland) Act 1845 but without reference to any "prescribed distance" which notice they shall be entitled to give in the case of Crown minerals required for the support of their lands or works.

Works to be
in burgh of
Buckie.

57. The works authorised by this Order shall be deemed to be for all purposes situate in the burgh of Buckie parish of Rathven and county of Banff and on the foreshore and bed of the sea adjacent thereto.

[3 & 4 GEO. 5.] *Pier and Harbour Orders* [Ch. cxlviii.]
Confirmation (No. 3) Act, 1913.

58. All costs charges and expenses of or incident to the preparing A.D. 1913.
obtaining and confirmation of this Order shall be paid by the Town ^{Buckie.}
Council out of any moneys to be borrowed under the powers of ^{Costs of}
this Order or out of the special Cluny Harbour rate authorised by ^{Order.}
the Order of 1908 or out of any of their funds but shall be ultimately
charged to the account of the harbour and the harbour undertaking.

The SCHEDULES to which the foregoing Order refers.

FIRST SCHEDULE.

MINUTE OF AGREEMENT between LADY EMILY ELIZA STEELE GORDON
CATHCART wife of Sir Reginald Archibald Edward Cathcart of
Carlton Baronet and WILLIAM GARSON writer to the signet Edin-
burgh surviving trustees original and assumed of the deceased
John Gordon of Cluny acting under his trust disposition and
deed of settlement dated 4th January 1869 and along with five
codicils thereto registered in the books of Council and Session
8th April 1879 (herein-after called "the Trustees") of the first part
and the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH
OF BUCKIE in the county of Banff (herein-after called "the Town
Council") of the second part.

Stamp.

Six
pence.

THE parties considering that the Trustees are proprietors in trust of
the estates of Buckie Gollachy and Freuchny and other property in
the county of Banff and were formerly proprietors in trust of the
Buckie (Cluny) Harbour in the said county of Banff:

And further considering that by the Buckie Burgh and Buckie
(Cluny) Harbour Order 1908 the Trustees were authorised to sell to
the Town Council the undertaking of said harbour and certain lands
and other subjects in the vicinity thereof and that the consideration
for the sale was the payment by the Town Council of an annual sum
of 2000*l.* for thirty years the first payment being due at the term of
Whitsunday 1909:

And further considering that the Trustees duly conveyed the
harbour undertaking and others to the Town Council and that the
Town Council granted a bond and disposition and assignation in

[Ch. cxlviii.] *Pier and Harbour Orders* [3 & 4 GEO. 5.]
Confirmation (No. 3) Act, 1913.

A.D. 1913. security dated the 10th and recorded in the division of the General
Buckie. Register of Sasines applicable to the county of Banff the 20th both
days of August 1908 in favour of the Trustees providing for the
payment of the said annual sum of 2000*l.* for thirty years and that
the Town Council have duly paid the first four annual sums of
2000*l.* leaving twenty-six annual sums of 2000*l.* still to be paid at the
terms provided by the said bond and disposition and assignation in
security :

And further considering that the Town Council who are now the
harbour and pilotage authority for the Buckie (Cluny) Harbour were
authorised by the Buckie Burgh and Buckie (Cluny) Harbour Order 1909
to construct certain additional harbour works and that such works are
at present in course of construction and further considering that the
Town Council are at present promoting a Provisional Order before the
Board of Trade for the purpose inter alia of obtaining authority to
construct certain additional harbour works which when completed will
also form part of said Buckie (Cluny) Harbour :

And further considering that the Trustees are apprehensive that
their property rights and interests will be affected or interfered with
by the said Order and in particular that the salmon fishings con-
nected with the estates of Buckie Gollachy and Freuchny will be
injuriously affected by the proposed operations of the Town Council :

And further considering that the Town Council have consented
in order to meet the objections of the Trustees to enter into the
agreement herein-after set forth :

Therefore the parties have agreed and hereby agree as follows :—

First—The Town Council agree to pay to the Trustees such sum
(if any) as failing agreement may be fixed by arbitration as the amount
of the damage (if any) of whatever kind including permanent or
temporary damage to the property of the Trustees by or in consequence
of the operations of the Town Council in connexion with the con-
struction of the said additional harbour works or otherwise in connexion
therewith.

Second—The Town Council agree to free and relieve the Trustees
of all claims competent against the Trustees of whatever description in
connexion with the construction of the said additional harbour works
at the instance of their tenants feuars long leaseholders and others
including without prejudice to the foregoing generality claims for
temporary damage (if any) occasioned while the works are in progress
and for damage (if any) caused through the conveyance and preparation
of the material to be used in connexion with the works and for
disturbance (if any).

Third--The Town Council agree to divert the burn of Rathven so as to provide and at all times to maintain a sufficient sea outfall for the said burn the line of diversion being as described in clause 7 (11) of the draft Provisional Order and to bear all expense incurred in making good any damage which may be caused to the property of the Trustees and their tenants feuars long leaseholders and others by or in consequence of the operations of the harbour authority in the diversion of the burn.

A.D. 1913.

Buckie.

Fourth--The Town Council agree to pay to the Trustees the sum of 320*l.* sterling as the amount of the permanent and temporary damage which may have been or may be done by the operations of the Town Council in connexion with the said harbour works to the salmon fishings connected with the estates of Buckie Gollachy and Freuchny held by the Trustees in trust.

Fifth--Should the parties fail to agree on any question or claim hereunder the same shall be decided by an arbiter to be chosen by both parties or in the event of their not agreeing to be nominated by the sheriff of the county of Banff and in the event of any question or claim arising at the instance of tenants feuars and long leaseholders of the Trustees and others who are not parties hereto the Town Council hereby agree if and when called upon to do so to refer such question to an arbiter to be chosen or nominated as aforesaid.

Sixth--The Town Council agree to bear all expenses in connexion with the adjustment and settlement of all lawful claims made or to be made by the Trustees themselves and by their tenants feuars long leaseholders and others including the expenses of arbitration and the arbiter's fees and shall pay and free and relieve the Trustees of the whole costs charges and expenses incurred or to be incurred by them in connexion with the Provisional Order at present being promoted by the Town Council and in connexion with this agreement or preliminary or incidental thereto or arising in connexion with the carrying out of the same.

Seventh--The parties agree that whatever deeds or writings and relative plans are necessary to carry out this agreement shall be granted but always at the expense of the Town Council.

Eighth--The parties agree that this agreement shall subject to the authority of the Board of Trade and of Parliament be scheduled to the Provisional Order at present being promoted by the Town Council for authority to construct the said additional harbour works and shall subject as aforesaid be thereby confirmed but if any material alteration is made in this agreement either party shall be at liberty to withdraw therefrom and in that event or in case the said Provisional Order is

[Ch. cxlviii.] *Pier and Harbour Orders* [3 & 4 GEO. 5.]
Confirmation (No. 3) Act, 1913.

A.D. 1913. not confirmed by Parliament this agreement shall become null and
Buckie. void.

In witness whereof these presents written on this and the preceding page by Peter Campbell clerk to Messieurs Skene Edwards and Garson writers to the signet Edinburgh are together with a duplicate hereof executed by the parties hereto as follows:— They are sealed with the common seal of the said burgh of Buckie and subscribed for and on behalf of the provost magistrates and councillors of the said burgh by James Archibald Provost and John Love McNaughton town clerk of said burgh (as specially authorised by a special meeting of the Town Council of the said burgh held at Buckie on the twenty-ninth day of March nineteen hundred and thirteen) at Buckie on the said twenty-ninth day of March nineteen hundred and thirteen before these witnesses William Cumming burgh surveyor Buckie and Marion Valentine typist Low Street Buckie and they are subscribed by the said Lady Emily Eliza Steele Gordon Cathcart at Titness Park Sunninghill Berkshire on the second day of April and year last mentioned before these witnesses Joseph William Burge butler and William Dale footman both at Titness Park aforesaid and by the said William Garson at Edinburgh on the third day of said month of April and year last mentioned before these witnesses Miss Anda Macrae residing at sixty Palmerston Place Edinburgh and James Garson writer to the signet Edinburgh.

JOSEPH W. BURGE witness.

WILLIAM DALE witness.

ANDA MACRAE witness.

JAMES GARSON witness.

WILLIAM CUMMING witness.

MARION VALENTINE witness.

EMILY CATHCART.

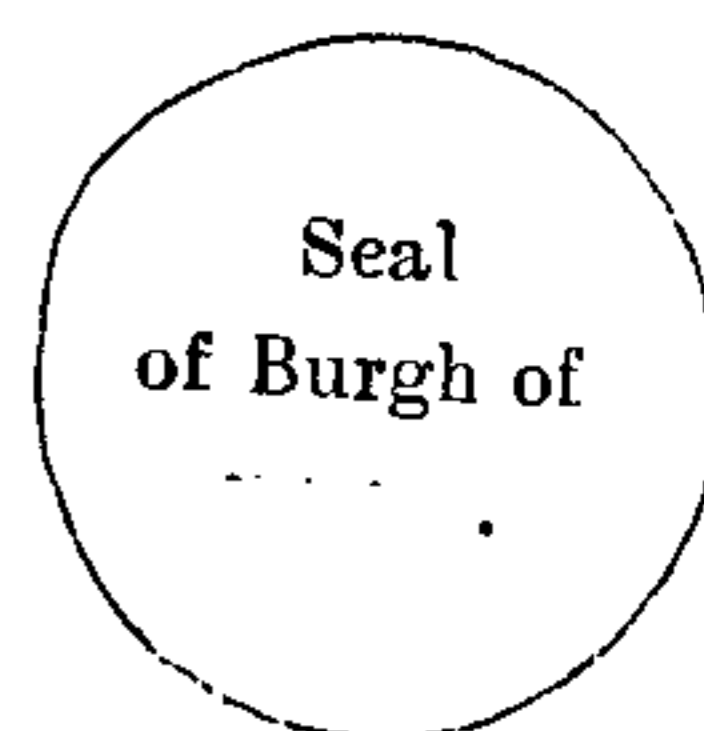
WM. GARSON.

JAS. ARCHIBALD

Provost.

JOHN L. MCNAUGHTON

Town Clerk.



SECOND SCHEDULE.

A.D. 1913.

Buckie.

Stamp.

MINUTE OF AGREEMENT between MACKENZIE INNES and LOGAN writers to the signet Edinburgh as law agents for and expressly authorised to enter into and subscribe these presents for and on behalf of ALFRED DONALD MACKINTOSH of Mackintosh GARDEN ALEXANDER DUFF Esquire of Hatton EVAN JAMES CUTHBERTSON writer to the signet Edinburgh Captain DAVID BAIRD younger of Newbyth M.V.O. and Sir REGINALD MACLEOD OF MACLEOD K.C.B. the trustees acting under the trust disposition granted by the Right Honourable Caroline Countess Dowager of Seafield now deceased widow of the Right Honourable Sir John Charles Grant Ogilvie of Grant baronet Earl of Seafield K.T. &c. &c. &c. dated the 19th day of December 1891 and with ten relative additions and a direction registered in the books of Council and Session on the 21st day of October 1911 (herein-after called the first parties) of the first part JOHN GEILS GILLAN salmon fisher Portsoy (herein-after called the second party) of the second part JAMES JONES AND SONS Limited engineers and sawmillers Larbert and Buckie (herein-after called the third parties) of the third part and the PROVOST MAGISTRATES AND COUNCILLORS OF THE BURGH OF BUCKIE in the county of Banff (herein-after called the fourth parties) of the fourth part.



THE parties considering that the fourth parties are the harbour and pilotage authority for the Buckie Cluny Harbour in the burgh of Buckie and county of Banff:

That the fourth parties are presently promoting a Provisional Order before the Board of Trade for the purpose inter alia of obtaining authority to construct certain new and additional harbour works which when completed will form part of said Buckie Cluny Harbour:

That for the purpose of said new harbour works the fourth parties require a piece of ground at Ianstown Buckie belonging to the first parties and that the first parties have agreed to feu said piece of ground to the fourth parties on terms herein-after set forth:

That the second party holds on lease from the first parties or their predecessors ground lying immediately to the north of the said piece of ground proposed to be feued to the fourth parties together with a salmon bothy thereon for purposes in connexion with salmon fishings leased to him by the first parties or their predecessors which salmon fishings or a portion thereof will it is alleged be affected by the said new harbour works and that the fourth parties have agreed to indemnify him on the terms herein-after specified:

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That the third parties are the leaseholders from the first parties of a piece of ground at Ianstown Buckie upon which they have erected a patent slip for repairing fishing boats or ships &c.:

That the third parties allege that the construction of said new harbour works will injuriously affect the works of said patent slip and that the fourth parties while not in any way admitting that the construction of said harbour works will so affect the works of said patent slip have for the sake of an amicable settlement and with the view of avoiding opposition to their application for a Provisional Order agreed to join with the third parties in erecting certain protective works and to make another concession to the third parties all as herein-after set forth:

And that in respect of the payments to be made by the fourth parties to the second and third parties and the provisions for their protection herein-after set forth the first parties should be freed from all claims against them at the instance of their said tenants in respect of the operations of the fourth parties:

Therefore the parties have agreed and do hereby agree as follows:—

First—The first parties agree to feu to the fourth parties for the purpose of said harbour works at a feu duty of one shilling per annum beginning the first payment at Whitsunday nineteen hundred and thirteen for the year preceding that date all and whole that piece of ground at Ianstown Buckie forming part of the lands and estate of Rannes in the parish of Rathven and county of Banff measuring and bounded as follows:—

On the north-east by ground belonging to the first parties measuring in a straight line commencing at a point in the centre of the burn of Rathven and extending in a north-westerly direction for a distance of 200 feet or thereby thence in a south-westerly direction to the low-water mark O.S.T. a distance of 270 feet or thereby thence in a southerly direction along the line of the low-water mark O.S.T. a distance of 100 feet or thereby to an imaginary point corresponding with the centre of the burn of Rathven thence in an irregular line along the centre of said burn in an easterly direction to the first-mentioned point a distance of 380 feet or thereby measured along the curves which piece of ground embraces a total area of 1 acre and 14 poles or thereby imperial measure the area above high-water mark O.S.T. being 30 poles or thereby and the area between high-water mark and low-water mark being 3 roods 24 poles or thereby as the said piece of ground is delineated and coloured red in the sketch or plan thereof annexed and signed as relative hereto.

Second—The fourth parties agree to pay to the first parties such sum as may be fixed by arbitration as the amount of permanent damage to the property of the first parties by or in consequence of the operations of the fourth parties in connexion with the construction of the said new harbour works.

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Third—The fourth parties agree to free and relieve the first parties of all claims of any description at the instance of their tenants feuars and long leaseholders including without prejudice to the foregoing generality claims for temporary damage occasioned while the works are in progress such as damage caused through the conveyance and preparation of the material to be used in connexion with the works and for disturbance.

Fourth—The fourth parties agree to divert the burn of Rathven so as to provide and at all times to maintain a sufficient sea outfall for the burn and to bear all expense incurred in making good any damage which may be caused to the property of the first parties or their lessees and feuars by or in consequence of the operations of the harbour authority in the diversion of the burn.

Fifth—The fourth parties agree to make and maintain in all time a sufficient roadway not less than forty feet in breadth from the north-east end of the breakwater to the west end of Blantyre Terrace and if found necessary to construct a sufficient wall of concrete for the protection of the roadway from the sea. The first parties agree to allow said roadway to be made on ground belonging to them so far as available for that purpose and in their possession free of all charge but as there is not sufficient space at the point where said roadway turns into Blantyre Terrace the fourth parties shall be bound and hereby agree to acquire so much of the piece of ground which forms the corner stance at the westmost end of Blantyre Terrace and which is at present held by Alexander Flett under lease from the first parties as shall be necessary for making the roadway 40 feet in breadth at this point and to compensate the said Alexander Flett for his interest in the land so taken.

Sixth—The fourth parties agree to divert the present sewer from the north side of the roadway and to discharge it below low-water mark at least as far to the west as its present point of discharge and to maintain the same to the satisfaction of the local authority.

Seventh—The fourth parties agree to erect at the east end of Portessie on a site belonging to the first parties a new salmon bothy of the same breadth but 3 feet longer than the present salmon bothy at Ianstown and with accommodation similar to that of the present bothy and that at the expense of the fourth parties which bothy when erected shall be the property of the first parties for all time coming. The said new salmon bothy shall be ready for occupation by the second party on or before eleventh February nineteen hundred and thirteen.

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Eighth—In consequence of the ground formerly used by the second party for drying salmon nets being now rendered useless for that purpose the fourth parties agree to provide a piece of ground lying between the public road and high-water mark extending eastwards from the boundary ditch between the properties of the first and fourth parties at the east end of Portessie for a distance of 100 yards or thereby forming part of a piece of ground belonging to the fourth parties known as the "Muckle Sands Portessie" The said new drying ground shall be cleared of the old boats or other obstructions thereon and shall be ready for occupation by the second party on or before eleventh February nineteen hundred and thirteen The fourth parties agree to grant a valid and unencumbered title to the first parties of said piece of ground under which the first parties shall be relieved of all payment of feu duty in respect thereof and shall be entitled to use by themselves or their tenants the said piece of ground as a drying-ground for salmon nets.

Ninth—The fourth parties agree to pay to the second party on or before eleventh February nineteen hundred and thirteen the sum of seventy-five pounds sterling in respect of disturbance or alleged damage to the value of the salmon fishings during the continuance of his present tenancy and also to free and relieve him of the whole costs of and incidental to this agreement including the costs incurred by him in the negotiations leading thereto.

Tenth—The fourth parties agree to bear one-half of the expense of works (including engineer's fees) to be constructed by the third parties for the protection of their patent slip at Ianstown and also to bear the whole of the expenses incurred by the third parties in connexion with their claim against the fourth parties or with the Provisional Order to be promoted by the fourth parties for authority to construct said new harbour works—provided always that the total sum to be paid by the Town Council on these heads shall not exceed one thousand two hundred and fifty pounds sterling (1250*l.*) The third parties have estimated the said expenses at the sum of one hundred guineas but the limitation of expenses to this amount shall only take effect provided that the Provisional Order proceeds in the normal way.

Eleventh—The fourth parties agree to renounce the break in the present lease of yard at Commercial Road Buckie tenanted by the third parties under the fourth parties and that to the effect that the said lease shall proceed to its natural expiry without a break.

Twelfth—In respect of the above arrangements made between the second and fourth parties and the third and fourth parties respectively the second and third parties do hereby for their respective interests approve of the arrangements made between the first and fourth parties and agree to waive and forego all claims competent to them against

the first parties for damages in respect of the operations of the fourth parties. A.D. 1913.

Buckie.

Thirteenth—Should the fourth and first parties fail to agree upon any question hereunder which may arise between them all such questions and claims shall be decided by an arbiter to be chosen by both parties or in the event of their not agreeing to be nominated by the sheriff of the county of Banff and in the event of any question or claim arising at the instance of tenants feuars and long leaseholders of the first parties who are not parties hereto the fourth parties hereby agree if and when called upon to do so to refer such question to an arbiter to be chosen or nominated as aforesaid.

Fourteenth—The fourth parties agree to bear all expenses in connexion with the adjustment and settlement of all claims made or to be made by the first parties themselves and by their tenants feuars and long leaseholders (other than the second and third parties who are herein specially provided for) including the expenses of arbitration and shall pay and free and relieve the first parties of the whole costs charges and expenses incurred or to be incurred by them in connexion with this agreement or preliminary or incident thereto or arising in connexion with the carrying out of same and that both as regards their solicitors and engineer or any other person employed in advising them.

Fifteenth—The parties agree that whatever deeds or writings with relative plans are necessary to carry out this agreement shall be granted but always at the expense of the fourth parties.

Sixteenth—The parties agree that this agreement shall be scheduled to the Provisional Order to be promoted by the fourth parties for authority to construct said new harbour works and shall be thereby confirmed but if any material alteration is made on the scheme as at present proposed any party shall be at liberty to withdraw from this agreement and in that event or in case the said Provisional Order with this agreement scheduled thereto shall not be confirmed by an Act of Parliament the arrangement contained in this agreement shall become null and void except in so far as already acted upon but in any event the fourth parties shall pay to the first parties the whole expenses as hereinbefore provided for under clauses fourteenth and fifteenth hereof.

In witness whereof these presents written in triplicate are subscribed on each page along with the plan annexed as follows namely:—By the said Mackenzie Innes and Logan per Evan James Cuthbertson a partner of said firm at Edinburgh on the fourteenth day of March nineteen hundred and thirteen before these witnesses James Douglas Little and George Watson both clerks to the said Mackenzie Innes and Logan On behalf of the said James Jones and Sons Limited (the seal of the said company being at same time adhibited) by James Jones and

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Peter Forbes Jones both directors of said company at Larbert on the fifteenth day of said month of March and year last mentioned before these witnesses Benjamin Waters Meikle cashier Saugh Park Larbert and David Leith Junior clerk McMillan Place Stenhousemuir Larbert and by the said Peter Forbes Jones as secretary (interim) of said company also at Larbert on the day last mentioned before these witnesses Robert McKinlay clerk eight Miller Place Stenhousemuir Larbert and the said David Leith Junior By James Archibald provost and John Love McNaughton town clerk both of the burgh of Buckie for and on behalf of and as authorised by the provost magistrates and councillors of the burgh of Buckie (the burgh seal being at same time adhibited) at a meeting of the said provost magistrates and councillors in the council chamber Buckie upon the seventeenth day of said month of March and year last mentioned before these witnesses James Hood clerk and John Sandison Junior draper's assistant both of Buckie and by the said John Geils Gillan at Portsoy on the twentieth day of said month of March and year last mentioned before these witnesses Alexander Campbell bank agent Union Bank of Scotland Limited Portsoy and John Lawrence clerk Union Bank of Scotland Limited Portsoy.

J. DOUGLAS LITTLE witness. MACKENZIE INNES AND LOGAN.

GEO. WATSON witness. JOHN G. GILLAN.

ALEX. CAMPBELL witness.

JOHN LAWRENCE witness.

BEN WATERS MEIKLE witness.

DAVID LEITH Jr. witness.

BEN WATERS MEIKLE witness.

DAVID LEITH Jr. witness.

ROBERT MCKINLAY witness.

DAVID LEITH Jr. witness.

JAMES HOOD witness.

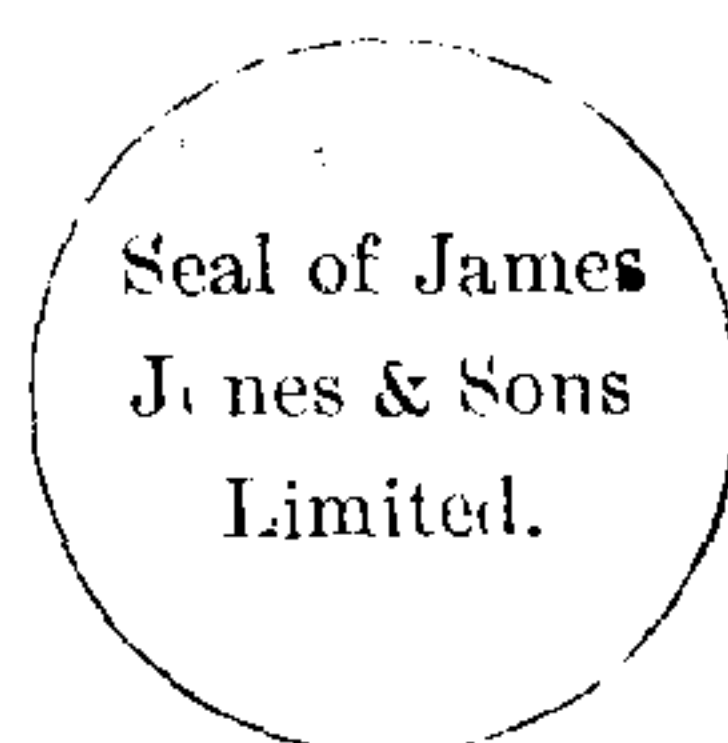
JOHN SANDISON Jr. witness.

PRO JAMES JONES & SONS LIMITED.

JAMES JONES Director.

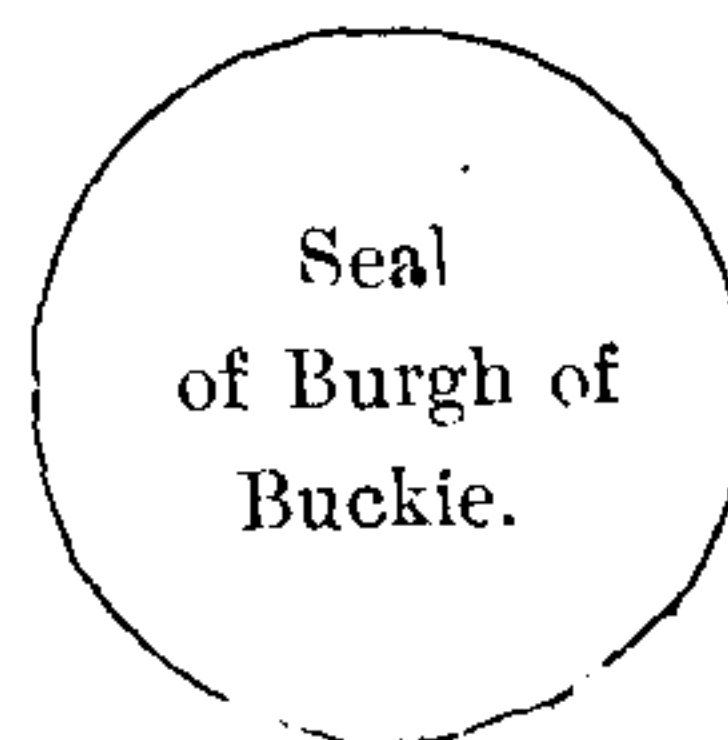
P. FORBES JONES Director.

P. FORBES JONES Secretary (interim).



JAS. ARCHIBALD Provost.

JOHN L. McNAUGHTON Town Clerk.



FINDOCHTY HARBOUR.

A.D. 1913.

Order for amending the Findochty Harbour Order 1893 and for the construction and maintenance and regulation of Piers and Works in connection therewith and for other purposes. *Findochty.*

Preliminary.

1.—(1) This Order may be cited as the Findochty Harbour Order 1913. *Short and collective titles.*

(2) The Findochty Harbour Order 1893 (in this Order called “the Order of 1893”) as varied and amended by this Order and this Order may for all purposes be cited together as the Findochty Harbour Orders 1893 and 1913.

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

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

“The Order of 1893” means the Findochty Harbour Order 1893;

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

“The existing works” means and includes the works authorised by the Order of 1893 so far as the same have been executed and are existing at the commencement of this Order;

“The works” means and includes as well the existing works as the works authorised by this Order;

“The existing harbour” means and includes the harbour of Findochty as existing at the commencement of this Order and the existing works;

“The harbour” means and includes the works and the area lying below high-water mark which is comprised within the limits of 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.

(2) In this Order 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

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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 Findochty Harbour Commissioners (herein-after called "the Commissioners") shall be the Undertakers for carrying this Order into execution.

Acquisition of Land.

Incorporation of Lands Clauses Acts.

5. The Lands Clauses Acts (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement and to the entry upon lands by the promoters of the undertaking) are hereby incorporated with this Order and with the Order of 1893 and for the purpose of that incorporation the term "special Act" in those Acts shall mean this Order and the Order of 1893.

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 extraordinary purposes.

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

Power to take servitudes by agreement.

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 over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

9. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Commissioners may retain hold and use for such time as they may think fit or may sell let lease

exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale, either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands and premises or any interest therein vested in them or acquired by them under this Order and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and premises and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

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Limits.

10.—(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 shall comprise the existing harbour and the works by this Order authorised and the area below high-water mark of the Bay of Findochty in the Moray Firth within the space defined by an imaginary line commencing at a point on the Edindoune Rock on the seashore two hundred and sixty-six yards or thereby west of north-east point of west pier of Findochty Harbour and proceeding due north from high-water mark in a straight line for the length of five hundred and sixty-three yards and thence due east for a further length of six hundred and thirty yards and thence proceeding due south along another imaginary line through the Worries Rocks for a length of about two hundred and ten yards till it reaches high-water mark which limits are in this Order termed “the limits of this Order.”

Limits.

(2) A map or plan showing the above limits 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 Banff and the remaining copy thereof shall be deposited at the office of the Commissioners.

(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.

(4) The expression “harbour” in the Order of 1893 shall have the same meaning as “the limits of this Order.”

Works and Powers.

11. 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

Power to construct works.

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Confirmation (No. 3) Act, 1913.

A.D. 1913. the Commissioners may on the lands belonging to them or acquired
Findochty. under this Order 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.

12. The works authorised by this Order are—

Work No. 1—A solid pier or breakwater commencing by a junction with the foreshore at a point distant one hundred and fifty feet or thereabouts measured along a line drawn from the south-west corner of the building used as the post office Findochty to a point on the north face of the pier on the east side of the harbour entrance distant eighty-five feet from the west end of the said pier and extending in a direction approximately north-west for a distance of two hundred and fifteen feet or thereabouts and there terminating on the bed of the sea :

Work No. 2—A solid harbour wall commencing by a junction with the north-east face of the proposed pier Work No. 1 at a point distant forty feet from the commencement thereof herein-before described and extending in a direction approximately north-east for a distance of one hundred and thirty-five feet or thereabouts and there terminating by a junction with the harbour wall at the east end of the existing harbour :

Work No. 3—A solid wall or quay and roadway commencing by a junction with the south-west face of the proposed pier Work No. 1 at the commencement thereof herein-before described and extending in a direction approximately south for a distance of thirty feet or thereabouts thence in a direction approximately south-west for a distance of two hundred and thirty-five feet or thereabouts and there terminating at a point distant two hundred feet or thereabouts from the bench mark on the aforesaid post office :

Work No. 4—A stone pitched slope and roadway commencing at the termination herein-before described of the proposed wall Work No. 3 and extending in a direction approximately west for a distance of four hundred and fifty feet or thereabouts thence approximately in an arc of one hundred and thirty-five feet radius for a distance of two hundred and twenty feet or thereabouts and there terminating by a junction with the approach to the existing north-west pier at a point distant four hundred and forty feet or thereabouts measured along the south-east face of the said pier and in line therewith from the bend in the said pier :

Work No. 5—The excavation to the level of low water of ordinary spring tides of all rock within the existing harbour lying to the

north-west of an imaginary line drawn from a point on the north-east face of the proposed pier Work No. 1 distant seventy feet or thereabouts from the termination thereof herein-before described in a direction approximately east-north-east together with the formation of an expanding bank over the area bounded by the said line and the proposed Works Nos. 1 and 2 and the afore-said harbour wall at the east end of the existing harbour :

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Findochty.

Work No. 6—The excavation and deepening of the area contained within the proposed Works Nos. 1 3 and 4 of the existing north-west pier the approach thereto and an imaginary line drawn from the seaward extremity of the said north-west pier to the termination herein-before described of the proposed pier Work No. 1 to depths varying from eleven feet to five feet below the level of high water of ordinary spring tides :

Work No. 7—A reclamation and filling in of foreshore and other lands adjoining over an area bounded on the north by the low-water mark of ordinary spring tides and on the south by a line drawn parallel to the high-water mark of ordinary spring tides distant thirty feet or thereabouts measured in a landward direction therefrom and on the east and west by imaginary parallel lines drawn in a direction approximately north at a distance of eight hundred and fifty feet and one thousand three hundred feet respectively measured in a direction approximately west from the centre of the entrance of the existing harbour.

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

Power to deviate.

14.—(1) 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 and may in connexion with the works construct maintain alter and improve embankments excavations landing places piers quays jetties wharves slips slipways 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 turntables on and along the works and lands connected therewith and may take down or remove portions of the existing works.

Power to maintain and improve works.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless

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A.D. 1913. works under the like circumstances and that anything done under
Findochty. this section shall not prejudice the other provisions of this Order.

Rates for
warehouses
&c.

25. 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 considerations as they may think reasonable for the use of any warehouses buildings yards mooring posts 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.

Supply of
and rate for
water.

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

Master of
fishing vessel
to report
take of fish.

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

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

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

28.—(1) The Commissioners may levy demand recover and receive the rates for white fish and for fresh herrings direct from the sea transhipped or unshipped within the limits of this Order (without prejudice to their rights to levy demand recover and receive rates from any other person) either from the fish salesman or auctioneer who disposes of the fish or from the persons purchasing or receiving delivery of the fish (otherwise than as carriers) from any vessel or boat.

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

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

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

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Findochty.
 Harbour-master may prevent sailing of vessels.

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

Certain fishing vessels under stress of weather exempt from rates.

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

Exemption of lifeboat crew.

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

Board of Trade may reduce 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 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.

Finance.

33. The Commissioners may borrow and re-borrow at interest such money as may be required for the purposes of this Order not exceeding in the whole the sum of eight thousand two hundred and fifty pounds on security of the rates authorised by this Order or they may accept and

Power to borrow money.

A.D. 1913.
Findochty.

- (4) In forming a sinking fund under the provisions of this Order for payment of principal moneys borrowed by the Commissioners under the Order of 1893 :
- (5) In payment year by year of the interest accruing on money borrowed by the Commissioners under this Order :
- (6) In forming a sinking fund under the provisions of this Order for payment of principal moneys borrowed by the Commissioners under this Order :
- (7) In making such payments (if any) as the Commissioners think fit into a contingency fund established under the provisions of this Order :

The surplus (if any) after providing for the purposes aforesaid shall be applied by the Commissioners in the improvement of the harbour and the works and conveniences connected therewith.

Sinking
funds.

41. The Commissioners shall every year appropriate and set apart out of the surplus income (if any) after providing for the expenses mentioned in subsections (1) (2) and (3) of the last preceding section such a sum as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay off the whole of the principal moneys borrowed under the Order of 1893 within fifty years after the date when those moneys were or are respectively borrowed and similarly the Commissioners shall every year appropriate and set apart out of the surplus income after providing for the expenses mentioned in subsections (1) (2) (3) (4) and (5) such a sum as will with the accumulations thereof as aforesaid be sufficient to pay off the whole of the principal moneys borrowed under this Order within forty years after the date when those moneys are respectively borrowed.

Provisions
with respect
to sinking
funds.

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

(2) The Commissioners may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed but if they avail themselves of this provision they shall out of such surplus income as aforesaid (if any) pay into that fund each year and accumulate during the residue of the respective periods of fifty years and forty years as the case may be a sum equal to the interest which would

have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based. A.D. 1913.
Findochty.

(3) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Commissioners with the consent of the Board of Trade may determine.

(4) The clerk to the Commissioners shall within two months after the expiration of each year during which any sum is required to be appropriated and set apart for the respective sinking funds under this Order transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount (if any) which has been deposited or invested for the purpose of such sinking funds respectively 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 purpose or purposes to which any portions of the moneys deposited or invested for the respective sinking funds and the interest thereof have been applied during the same period and the total amounts respectively remaining deposited or invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds. If it appears to the Board of Trade by such return or otherwise that the Commissioners have failed to appropriate and set apart in accordance with the provisions of this Order the sums thereby required for the respective sinking funds or have applied any portion of the moneys appropriated and set apart for those funds or either of them or any interest thereof to any purposes other than those authorised by this Order the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be appropriated and set apart and deposited or invested as part of the sinking fund in question and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

43.—(1) The Commissioners shall within one month after sending to the sheriff clerk the copy of their annual account in abstract send a copy of the same to the Board of Trade and the 16th section 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.

(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.

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A.D. 1913. (3) The account shall be made up to the end of the thirty-first
 day of March in each year.

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Auditor.

44.—(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.

(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 and give him all information in their possession or power and afford him all reasonable facilities for conducting the examination and audit.

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

Byelaws.

Byelaws.

45.—(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.

Life-saving Apparatus.

Provision for
life-saving
apparatus.

46.—(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 and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

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(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. A.D. 1913.
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47. 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-saving apparatus may be attached to harbour.

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

Lights.

49.—(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 lights during the construction of the works. Lights during construction of works.

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

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

51.—(1) In case of injury to or destruction or decay of the harbour or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing As to buoys and lights in case of decay of works.

[Ch. cxlviii.] *Pier and Harbour Orders* [3 & 4 GEO. 5.]
Confirmation (No. 3) Act, 1913.

A.D. 1913. (as far as may be) danger to navigation as shall from time to time
Findochty. 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.

Meters and 52. The Commissioners shall have the appointment of meters and
 weighers. weighers within the limits of this Order.

Application 53. For all the purposes of the Harbours Clauses Act 1847 this
 of Harbours Order shall be deemed the special Act.
 Clauses Act
 1847.

Recovery of 54. All penalties under this Order shall be recovered and applied
 penalties. as penalties are recoverable and applicable under the Harbours Clauses
 Act 1847.

Officers 55. Officers of the Board of Trade and police officers acting in
 exempt from the execution of their duty shall at all times have free ingress passage
 rates. and egress to along and from the harbour without payment.

Local light- 56. The Commissioners shall within the limits of this Order be a
 house autho- local lighthouse authority for the purposes of the Merchant Shipping
 rity. Act 1894.

Crown 57. Nothing in this Order shall affect prejudicially any estate right
 rights. 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 Commis-
 sioners 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).

Crown 58. Notwithstanding the provisions contained in the last preceding
 minerals. section of this Order or in any public statute His Majesty and His
 lessees for their respective interests may work any minerals belonging
 to the Crown under or adjacent to the lands and works of the Com-
 missioners even though such working may lower the surface or
 endanger the Commissioners' works unless the Commissioners shall
 give notice requiring any minerals to be left unworked and shall pay
 compensation therefor in terms of the Railways Clauses Consolidation
 (Scotland) Act 1845 but without reference to any "prescribed distance"

[3 & 4 GEO. 5.] *Pier and Harbour Orders* [Ch. cxlviii.]
Confirmation (No. 3) Act, 1913.

which notice they shall be entitled to give in the case of Crown A.D. 1913.
minerals required for the support of their lands or works.

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59. The works shall be deemed to be for all purposes within the
parish of Rathven and county of Banff.

Works to be
in parish of
Rathven.

60.—(1) Sections 3 14 to 29 inclusive 33 to 40 inclusive and 43 to
46 inclusive of the Order of 1893 are hereby repealed and section 31
(Re-borrowing) of that Order shall be construed and have effect as if
the words “or by instalments” were omitted therefrom.

Repeal and
amendment
of certain
sections of
Order of
1893.

(2) Notwithstanding such repeal any byelaws made under the
powers of the Order of 1893 in force at the commencement of this
Order shall remain in force for one year from the commencement of
this Order but shall then cease to have effect and be repealed.

(3) The repeal of the above sections of the said Order shall not
affect any penalty forfeiture or punishment in respect of any offence
against the Order of 1893 committed before the commencement of this
Order and the repeal of the said byelaws shall not affect any penalty
forfeiture or punishment in respect of any offence against those bye-
laws committed before the date on which those byelaws cease to have
effect and are repealed.

61. All costs charges and expenses of and incident to the prepara-
tion and making of this Order and otherwise incurred in reference
thereto shall be paid by the Commissioners out of the funds at their
disposal within five years from the commencement of this Order.

Costs of
Order.

The SCHEDULE to which the foregoing Order refers.

TABLE OF RATES.

I.—RATES ON VESSELS &C.

(1) *Tonnage Rates.*

	£	s	d.
For every vessel loading cargo for any port or place on the east coast of Scotland including the Orkney and Shetland Islands per register ton - - - - -	0	0	4
For every vessel discharging cargo from any port or place on the east coast of Scotland including the Orkney and Shetland Islands per register ton - - - - -	0	0	4
For every vessel from a port or place on the east coast of Scotland including the Orkney and Shetland Islands light or in ballast or windbound or not loading or discharging per register ton - - - - -	0	0	2

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		£	s.	d.
A.D. 1913.	For every vessel loading cargo for any other port or place in Great Britain or Ireland per register ton - -	0	0	6
<i>Findochty.</i>	For every vessel discharging cargo from any other port or place in Great Britain per register ton - -	0	0	6
	For every vessel from a port or place in Great Britain or Ireland not on the east coast of Scotland or in the Orkney or Shetland Islands light or in ballast or wind-bound or not loading or discharging per register ton -	0	0	3
	For every vessel loading cargo for an oversea port per register ton - - - - -	0	0	8
	For every vessel discharging cargo from an oversea port per register ton - - - - -	0	0	8
	For every vessel from an oversea port light or in ballast or windbound or not loading or discharging per register ton - - - - -	0	0	4
	For every yacht not carrying goods or passengers for hire per register ton - - - - -	0	0	3
	For every small boat unregistered used for pleasure purposes using the harbour per week or part of a week -	0	2	0
	Boats or registered vessels carrying cargo other than fish to pay tonnage rates according to their capacity as above.			
	In the event of any vessel remaining in the harbour more than a week the above rates shall be payable for the first week and for each week or part thereof after the first week unless windbound when one-half only of the above rates shall be payable.			

(2) *Rates on Fishing Vessels.*

For every boat engaged in the herring fishing as a composition in full of tonnage rates payable in advance:—

A. If propelled by sails or oars—

- | | | | | | |
|---|---|---|---|----|---|
| (1) If under 15 tons register per month | - | - | 1 | 0 | 0 |
| (2) If 15 tons register or over per month | - | - | 1 | 10 | 0 |

B. If propelled by steam or any other mechanical power other than sails or oars—

- | | | | | |
|---|---|---|----|---|
| (1) If under 40 feet of keel per month | - | 1 | 10 | 0 |
| (2) If over 40 feet of keel and under 50 tons register per month | - | 2 | 10 | 0 |
| (3) If over 40 feet of keel and of 50 tons register or over per month | - | 3 | 10 | 0 |

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	£	s.	d.	A.D. 1913. <i>Findochty.</i>
For every boat engaged in the white fishing or other fishing other than the herring fishing as a composition for any fishing season payable in advance:—				
A. If propelled by sails or oars—				
(1) If under 15 tons register per month - - -	0	7	6	
(2) If 15 tons register or over per month - - -	0	15	0	
B. If propelled by steam or any other mechanical power other than sails or oars—				
(1) If under 40 feet of keel per month - - -	0	15	0	
(2) If over 40 feet of keel and under 50 tons register per month - - -	1	0	0	
(3) If over 40 feet of keel and of 50 tons register or over per month - - -	2	0	0	
For every boat discharging fish of any description not paying the above composition dues:—				
A. If propelled by sails or oars—				
(1) If under 15 tons register - - - - -	0	1	6	
(2) If 15 tons register or over - - - - -	0	2	6	
B. If propelled by steam or any other mechanical power other than sails or oars—				
(1) If under 50 tons register - - - - -	0	3	6	
(2) If 50 tons register or over - - - - -	0	5	0	
For every fishing boat of any description entering the harbour windbound or on passage - - - - -	0	2	0	
For every boat or fishing vessel other than as above entering the harbour:—				
A. If propelled by sails or oars—				
(1) If under 15 tons register per day - - - - -	0	2	0	
(2) If 15 tons register or over per day - - - - -	0	3	0	
B. If propelled by steam or any other mechanical power other than sails or oars—				
(1) If under 40 feet of keel per day - - - - -	0	2	6	
(2) If over 40 feet of keel per day - - - - -	0	4	0	

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

In the event of any boat or fishing vessel not paying the above composition dues remaining in the harbour more than 24 hours the above rates shall be payable for the first 24 hours and for each 24 hours or part thereof thereafter.

Notes.

All rates on vessels when not otherwise provided to be paid before leaving the harbour.

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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Articles of Export or Import.						Weight or Measure.			Rates.	
									s.	d.
Colours	-	-	-	-	-	per cwt.	-	-	0	1 $\frac{3}{4}$
Cordage	-	-	-	-	-	per ton	-	-	5	0
„ old not in use	-	-	-	-	-	per ton	-	-	1	0
Cork wood and corks	-	-	-	-	-	per ton	-	-	6	6
Corn viz. :—										
Barley and bigg	-	-	-	-	-	per quarter	-	-	0	3
Bere	-	-	-	-	-					
Beans	-	-	-	-	-					
Indian corn	-	-	-	-	-					
Malt	-	-	-	-	-					
Oats	-	-	-	-	-					
Pease	-	-	-	-	-					
Rye	-	-	-	-	-	per quarter	-	-	0	4
Wheat	-	-	-	-	-					
Cotton wool &c.	-	-	-	-	-	per ton	-	-	5	0
Crystal	-	-	-	-	-	per ton	-	-	5	0
Cutch	-	-	-	-	-	per ton	-	-	3	4
D.										
Dogs	-	-	-	-	-	each	-	-	0	6
Draff and dreg	-	-	-	-	-	per ton	-	-	0	4
Drugs	-	-	-	-	-	per cwt.	-	-	0	4
Dung	-	-	-	-	-	per ton	-	-	0	4
E.										
Earthenware	-	-	-	-	-	per ton	-	-	2	6
Eggs	-	-	-	-	-	per ton	-	-	3	6
Emery and emery stones	-	-	-	-	-	per cwt.	-	-	0	3
Esparto grass	-	-	-	-	-	per ton	-	-	1	0
F.										
Feathers	-	-	-	-	-	per ton	-	-	10	0
Felt	-	-	-	-	-	per ton	-	-	2	6
Ferrets	-	-	-	-	-	each	-	-	0	1
Fish dried smoked or cured	-	-	-	-	-	per ton	-	-	3	4
„ pickled or salt	-	-	-	-	-					
„ fresh haddock cod ling and fish not enumerated	-	-	-	-	-					
„ large fresh cod ling and skate in the discretion of the Harbour Authority	-	-	-	-	-	per score	-	-	0	6
(NOTE.—The Harbour Authority to have the option of charging on fish of all kinds 4d. per 1l. value in lieu of the rates above detailed.)										
„ offal	-	-	-	-	-	per ton	-	-	0	6
Flax	-	-	-	-	-	per ton	-	-	4	2
Flour	-	-	-	-	-	per ton	-	-	2	8
Flower roots	-	-	-	-	-	per cwt.	-	-	0	2
Flint stones	-	-	-	-	-	per ton	-	-	0	6
Fruit viz. :—										
Apples pears and berries	-	-	-	-	-	per cwt.	-	-	0	3
Plums cherries and grapes	-	-	-	-	-	per cwt.	-	-	0	4
Melons	-	-	-	-	-	per cwt.	-	-	0	2

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Articles of Export or Import.	Weight or Measure.	Rates.
Fruit— <i>continued</i> .		<i>s. d.</i>
Peaches - - - - -	per 100 - - -	0 2
All not enumerated - - - - -	per 10 <i>l.</i> value - - -	0 10
Furniture household - - - - -	per ton - - -	2 6
Furriers' waste - - - - -	per ton - - -	0 4
G.		
Game viz. :—		
Hares - - - - -	each - - -	0 2
Rabbits - - - - -	each - - -	0 1
All other - - - - -	each - - -	0 2
Gelatine of scrows - - - - -	per ton - - -	2 0
Ginger - - - - -	per cwt. - - -	0 3
„ preserved - - - - -	per cwt. - - -	0 6
Glass of all descriptions - - - - -	per cwt. - - -	0 2
Glue - - - - -	per cwt. - - -	0 4
Grates stoves &c. - - - - -	per ton - - -	3 6
Grease - - - - -	per ton - - -	2 6
Groceries all kinds not enumerated - - - - -	per cwt. - - -	0 3
Gunpowder and other explosives - - - - -	per cwt. - - -	0 3
Guano - - - - -	per ton - - -	1 6
Gypsum ground - - - - -	per ton - - -	1 0
„ unground - - - - -	per ton - - -	0 6
H.		
Hair baken - - - - -	per cwt. - - -	0 4½
„ plasterers' - - - - -	per ton - - -	2 0
Hardware - - - - -	per cwt. - - -	0 2
Hats - - - - -	per dozen - - -	0 5
Hay - - - - -	per ton - - -	2 6
Heading - - - - -	per 1000 - - -	0 2
Hemp - - - - -	per ton - - -	3 6
Herrings imported - - - - -	per 37½ gallons - - -	0 4
„ exported - - - - -	per 26½ gallons - - -	0 3
Hides raw - - - - -	per cwt. - - -	0 4
Honey - - - - -	per cwt. - - -	0 3
Hoops of wood - - - - -	per 1000 - - -	0 10
Hops - - - - -	per cwt. - - -	0 6
Horns slugs and tips - - - - -	per 1000 - - -	1 8
Husbandry implements viz. :—		
Ploughs - - - - -	each - - -	0 9
Harrows - - - - -	per pair - - -	0 9
Wheelbarrows - - - - -	each - - -	0 4
Other implements - - - - -	per ton - - -	2 6
I.		
Ice - - - - -	per ton - - -	1 0
Iron viz. :—		
Bar plate bolt and rod - - - - -	per ton - - -	2 0
Forged - - - - -	per ton - - -	3 4
Hoops - - - - -	per ton - - -	3 9
Made work - - - - -	per ton - - -	5 0
Old - - - - -	per ton - - -	1 3

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Articles of Export or Import.						Weight or Measure.	Rates.	
<i>Iron—continued.</i>							<i>s.</i>	<i>d.</i>
Old and broken goods	-	-	-	-	-	per ton	0	6
Pots	-	-	-	-	-	each	0	1
Cast-iron goods	-	-	-	-	-	per ton	2	6
Wire	-	-	-	-	-	per cwt.	0	4
Ore	-	-	-	-	-	per ton	0	2
Pig	-	-	-	-	-	per ton	1	0
J.								
Junk or old ropes	-	-	-	-	-	per ton	1	0
Jute	-	-	-	-	-	per ton	0	4
K.								
Kelp	-	-	-	-	-	per ton	1	0
Kiln pavement	-	-	-	-	-	per 30 feet	0	4
L.								
Lard	-	-	-	-	-	per ton	2	0
Lead	-	-	-	-	-	per ton	3	0
„ black	-	-	-	-	-	per ton	2	0
„ ore	-	-	-	-	-	per ton	2	0
„ red and white	-	-	-	-	-	per ton	2	0
„ shot	-	-	-	-	-	per ton	3	0
„ sugar of	-	-	-	-	-	per cwt.	0	2
Leather tanned and dressed	-	-	-	-	-	per cwt.	0	3
Lemons	-	-	-	-	-	per cwt.	0	4
Lime	-	-	-	-	-	per ton	0	10
Linen yarn	-	-	-	-	-	per ton	2	6
Linseed	-	-	-	-	-	per ton	1	0
Loam	-	-	-	-	-	per ton	0	4
Locust beans whole or ground	-	-	-	-	-	per ton	1	0
M.								
Machinery	-	-	-	-	-	per cwt.	0	2
Madder ground	-	-	-	-	-	per ton	2	6
„ root	-	-	-	-	-	per ton	2	6
Manganese	-	-	-	-	-	per ton	1	0
Mangold wurzel	-	-	-	-	-	per ton	0	6
Manures manufactured and not otherwise enumerated	-	-	-	-	-	per ton	1	6
Matches	-	-	-	-	-	per ton	2	0
Mats and basses	-	-	-	-	-	per dozen	0	1
Meal viz. :—								
„ Bere meal	-	-	-	-	-	per ton	1	6
„ Maize meal	-	-	-	-	-			
„ Oatmeal	-	-	-	-	-			
„ Peasemeal	-	-	-	-	-			
Mill waste	-	-	-	-	-	per ton	2	0
Molasses	-	-	-	-	-	per ton	2	0
Moss litter	-	-	-	-	-	per ton	1	0
Mussels	-	-	-	-	-	per ton	0	6
Musical instruments not enumerated	-	-	-	-	-	per ton	2	6

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Articles of Export or Import.	Weight or Measure.	Rates.
N.		s. d.
Nails iron or copper - - - - -	per ton - - - - -	1 0
Nuts all kinds (except cocoa) - - - - -	per cwt. - - - - -	0 3
Nutmeg - - - - -	per ton - - - - -	2 3
O.		
Oakum - - - - -	per ton - - - - -	3 0
Ochre - - - - -	per cwt. - - - - -	0 1½
Oil all kinds - - - - -	per ton - - - - -	3 0
Oil cake - - - - -	per ton - - - - -	3 0
Onions - - - - -	per cwt. - - - - -	0 3
Oranges - - - - -	per cwt. - - - - -	0 4
Oysters - - - - -	per cwt. - - - - -	0 3
P.		
Peats - - - - -	per ton - - - - -	0 6
Paper - - - - -	per cwt. - - - - -	0 2
Pewter - - - - -	per ton - - - - -	2 0
„ old - - - - -	per ton - - - - -	1 8
Pianoforte - - - - -	per 10% value - - - - -	1 0
Pictures under two feet square - - - - -	each - - - - -	0 6
„ two feet and under four feet - - - - -	each - - - - -	1 0
„ four feet and upwards - - - - -	each - - - - -	2 0
Pigs' heads - - - - -	per cwt. - - - - -	0 0¾
Pipes drain under three inches diameter - - - - -	per 1000 - - - - -	0 6
„ „ above three inches diameter - - - - -	per 1000 - - - - -	0 9
„ collars - - - - -	per 1000 - - - - -	0 3
„ spigot and faucet clay glazed - - - - -	per ton - - - - -	1 0
(NOTE.—Drain tiles and mugs one-third less.)		
Pipes tobacco - - - - -	per cwt. - - - - -	0 4
Pitch - - - - -	per cwt. - - - - -	0 2
Plaster of Paris - - - - -	per ton - - - - -	2 8
Plants nursery and garden all kinds - - - - -	per cwt. - - - - -	0 4
Potatoes - - - - -	per ton - - - - -	1 4
Poultry all kinds - - - - -	each - - - - -	0 1
Provisions preserved all kinds - - - - -	per cwt. - - - - -	0 2
Pumice stone - - - - -	per cwt. - - - - -	0 3
Pyrites - - - - -	per ton - - - - -	0 6
„ burned or spent - - - - -	per ton - - - - -	0 3
R.		
Rags - - - - -	per ton - - - - -	2 0
Rails composite steel or iron - - - - -	per ton - - - - -	1 0
Rice - - - - -	per cwt. - - - - -	0 2
Rosin - - - - -	per ton - - - - -	2 6
S.		
Saddlery all kinds - - - - -	per cwt. - - - - -	0 3
Sails - - - - -	per cwt. - - - - -	0 6
Salt in bulk - - - - -	per ton - - - - -	1 0
„ rock - - - - -	per ton - - - - -	0 9

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Articles of Export or Import.					Weight or Measure.			Rates.	
								s.	d.
Salt saltpetre and Glauber salt	-	-	-	-	per ton	-	-	3	4
„ in barrel including dues of barrel	-	-	-	-	per ton	-	-	1	4
Salmon	-	-	-	-	per cwt.	-	-	0	6
Seed viz. :—									
Rape and flax	-	-	-	-	per cwt.	-	-	0	3
Clover	-	-	-	-	per cwt.	-	-	0	3
Garden seeds	-	-	-	-	per cwt.	-	-	0	3
Hemp and Canary	-	-	-	-	per cwt.	-	-	0	3
Rye grass	-	-	-	-	per ton	-	-	3	4
Shoes of all kinds	-	-	-	-	per ton	-	-	3	0
Sheep skins with wool	-	-	-	-	per cwt.	-	-	0	3
„ pelts	-	-	-	-	per cwt.	-	-	0	2
Slates large	-	-	-	-	per 1000	-	-	1	4
„ sizeable	-	-	-	-	per 1000	-	-	0	10
„ small	-	-	-	-	per 1000	-	-	0	6
Snuff	-	-	-	-	per cwt.	-	-	0	6
Soap	-	-	-	-	per ton	-	-	2	0
Soda	-	-	-	-	per ton	-	-	1	6
Spades or shovels	-	-	-	-	per dozen	-	-	0	1
Spirits of all kinds	-	-	-	-	per 50 gallons	-	-	1	0
Starch	-	-	-	-	per cwt.	-	-	0	3
Steel	-	-	-	-	per ton	-	-	3	0
Straw	-	-	-	-	per ton	-	-	1	0
Stones viz. :—									
Freestone building	-	-	-	-	per ton	-	-	0	5
Polished granite	-	-	-	-	per ton	-	-	2	6
Causeway granite or whinstone	-	-	-	-	per ton	-	-	0	3
Kerb pavement and building	-	-	-	-	per ton	-	-	0	5
Rubble and chips	-	-	-	-	per ton	-	-	0	2
Rigging stones	-	-	-	-	per 100 feet	-	-	1	6
Flagstones	-	-	-	-	per ton	-	-	0	9
Gravestones	-	-	-	-	each	-	-	3	0
Marble	-	-	-	-	per ton	-	-	3	0
Scythe stones	-	-	-	-	per cwt.	-	-	0	2
Grindstones	-	-	-	-	each	-	-	0	4
Millstones	-	-	-	-	each	-	-	3	0
All other descriptions except flint	-	-	-	-	per ton	-	-	1	0
Stucco	-	-	-	-	per ton	-	-	1	8
Sugar raw	-	-	-	-	per ton	-	-	2	8
„ refined	-	-	-	-	per ton	-	-	3	4
Stoneware all kinds	-	-	-	-	per cwt.	-	-	0	2
T.									
Tallow	-	-	-	-	per ton	-	-	3	0
Tanners' waste	-	-	-	-	per ton	-	-	1	1
Tar coal	-	-	-	-	per 39 gallons	-	-	0	4
„ Archangel	-	-	-	-	per 26½ gallons	-	-	0	4
Tares	-	-	-	-	per ton	-	-	1	6
Tea	-	-	-	-	per cwt.	-	-	0	6
Terra alba or sulphite of lime	-	-	-	-	per ton	-	-	1	0
Tiles roofing	-	-	-	-	per 1000	-	-	1	0
Tin of all kinds	-	-	-	-	per ton	-	-	2	0
„ plates	-	-	-	-	per ton	-	-	2	0
Tobacco in leaf	-	-	-	-	per cwt.	-	-	0	2½
„ manufactured	-	-	-	-	per 100 lbs.	-	-	0	4½

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Articles of Export or Import.	Weight or Measure.	Rates.
		s. d.
Tobacco stalks - - - - -	per cwt. - - - - -	0 3
Tongues smoked - - - - -	per dozen - - - - -	0 1½
„ pickled - - - - -	per cwt. - - - - -	0 4
Toys - - - - -	per cwt. - - - - -	0 3
Turnery - - - - -	per 10l. value - - - - -	0 10
Turnips - - - - -	per ton - - - - -	0 6
Turpentine - - - - -	per cwt. - - - - -	0 2
Twine - - - - -	per cwt. - - - - -	0 3
Tow all kinds - - - - -	per ton - - - - -	3 0
U.		
Umber - - - - -	per ton - - - - -	1 0
V.		
Vases or sculptured marble - - - - -	per cwt. - - - - -	0 3
Vinegar - - - - -	per 56 gallons - - - - -	1 0
Vitriol and acids - - - - -	per cwt. - - - - -	1 0
Varnish - - - - -	per cwt. - - - - -	0 2
Veneers all kinds - - - - -	per cwt. - - - - -	0 4
Vegetables - - - - -	per ton - - - - -	0 6
W.		
Wax paraffin - - - - -	per ton - - - - -	2 0
Whalebone or whalefins - - - - -	per ton - - - - -	3 4
Wheels coach carriage or cart - - - - -	per pair - - - - -	0 9
Whitening - - - - -	per ton - - - - -	0 10
Willow reeds - - - - -	per cwt. - - - - -	0 2
Wine - - - - -	per gallon - - - - -	0 0¼
„ bottled - - - - -	per cwt. - - - - -	0 6
Wire rope - - - - -	per ton - - - - -	1 6
Wood viz. :—		
Fir larch beech oak ash elm and all other hard woods rough or round or in plank or sided - - - - -	per 50 cubic feet - - - - -	1 0
Masts and spars - - - - -	per 50 cubic feet - - - - -	1 0
Fir deals planks and boards or battens - - - - -	per 50 cubic feet - - - - -	1 0
Railway sleepers - - - - -	per 50 cubic feet - - - - -	1 0
Lathwood sawn - - - - -	per 1000 superficial feet. - - - - -	1 0
Cart wheel spokes and felloes - - - - -	per 40 pieces - - - - -	0 3
Wedges - - - - -	per 1000 pieces - - - - -	1 0
Pitprops not exceeding 6 inches in diameter - - - - -	per 50 cubic feet - - - - -	0 9
Wainscot - - - - -	per 50 cubic feet - - - - -	1 3
Deal ends 3 inches thick and under 4 feet in length and firewood - - - - -	per 50 cubic feet - - - - -	0 6
Rickers under 30 feet in length and under 4 inches diameter - - - - -	per dozen - - - - -	0 3
Oars - - - - -	per dozen - - - - -	0 4
Handspokes - - - - -	per dozen - - - - -	0 4
Treenails - - - - -	per 1000 - - - - -	1 6

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Articles of Export or Import.						Weight or Measure.	Rates.
Wood by weight :—							s. d.
Barwood	boxwood	Brazil wood	camwood				
ebony	fustic	lignum vitæ	logwood	Nicaragua wood	redwood	sassafras &c.	- per ton - - - 2 0
Mahogany	-	-	-	-	-	-	per 40 cubic feet or ton 2 0
Wood staves and billets :—							
Herring barrel	billets	-	-	-	-	per 50 cubic feet -	1 8
Herring barrel	staves	-	-	-	-	per 1000 superficial feet.	1 2
Wood of all other kinds not enumerated						per £ value - - -	0 4
Wood pulp	-	-	-	-	-	per ton - - -	1 6
Wool	-	-	-	-	-	per ton - - -	5 0
Y.							
Yarn viz. :—							
Lint and cotton	-	-	-	-	-	per ton - - -	4 6
Hemp	-	-	-	-	-	per ton - - -	3 6
Worsted	-	-	-	-	-	per ton - - -	4 6
Yeast	-	-	-	-	-	per ton - - -	2 0
Z.							
Zinc	-	-	-	-	-	per ton - - -	2 0

All goods or articles not enumerated in the above table of rates 2d. per cwt.

All rates on goods to be shipped to be paid before shipment and all rates on goods to be unshipped to be paid before removal.

Exemptions &c. from Rates.

1. All empty boxes barrels sacks and packages returned to the original shipper within three months from date of import are exempted from rates.

2. All goods landed from any vessel and re-shipped in the same or another vessel in the original packages and without being transferred from the lander or if the said goods have been put into other packages through the original packages having been destroyed or damaged shall only pay rates on landing and may be re-shipped in the same or another vessel upon her departure outwards without paying rates again.

3. If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded no rates shall be charged a second time for such goods on being re-loaded.

4. Goods of all descriptions rated by weight shall be charged according to gross weight fractional parts of any weight measure number or value shall be charged proportionately and the minimum charge for a single package shall be one penny.

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III.—RATES FOR PASSENGERS AND PASSENGERS' LUGGAGE.

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	s.	d.	
For every passenger landed or embarked at the harbour	- 0	2	<i>Findochty.</i>
Passengers' luggage exceeding two hundredweight in weight per cwt. - - - - -	- 0	2	

IV.—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 for a period not exceeding 24 hours the sum of three-pence and the sum of three halfpence 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	3
Exceeding 1 ton and not exceeding 2 tons	- 0	4
Exceeding 2 tons and not exceeding 3 tons	- 0	6
Exceeding 3 tons and not exceeding 4 tons	- 0	8
Exceeding 4 tons and not exceeding 5 tons	- 0	10
Exceeding 5 tons and not exceeding 6 tons	- 1	0
Exceeding 6 tons and not exceeding 7 tons	- 1	2
Exceeding 7 tons and not exceeding 8 tons	- 1	4
Exceeding 8 tons and not exceeding 9 tons	- 1	8
Exceeding 9 tons and not exceeding 10 tons	- 2	0
Exceeding 10 tons	- 3	0

(3) *Weighing Machines.*

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

(4) *Warps or Planks.*

Harbour warps all vessels per register ton	- 0	0 $\frac{1}{4}$
Harbour planks long per pair	- 3	0
Harbour planks short per pair	- 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 thereof supplied	- 0	1 $\frac{1}{2}$
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(6) *Harbour Lights.*

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

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

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