

[3 EDW. 7.]

*Pier and Harbour Orders
Confirmation (No. 3) Act, 1903.*

[Ch. cxxix.]



CHAPTER cxxix.

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Aultbea and Pennan. A.D. 1903.

[11th August 1903.]

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

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

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

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

2. The undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any district for the purposes or within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth Special
provisions
as to houses
of labouring
classes.
60 & 61 Vict.
c. 38.

A.D. 1903. day of December but have been or shall be subsequently so occupied.

If any undertakers acquire or appropriate any house or houses under the powers of this Act or of the said Orders in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

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

Short title.

3. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 3) Act 1903.

THE SCHEDULE OF ORDERS.

1. AULTBEA--Construction of pier.
 2. PENNAN--Incorporation of Harbour Trustees &c.
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SCHEDULES.

A.D. 1903.

AULTBEA PIER.

Provisional Order for the construction maintenance and regulation of a Pier at Aultbea in the Parish of Gairloch and County of Ross and Cromarty.

Aultbea.

Preliminary.

1. This Order may be cited as the Aultbea Pier Order 1903.

Short title.

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.

Undertakers.

3. The Most Honourable Lawrence Dundas Marquis of Zetland Earl of Ronaldshay Baron Dundas K.T. and his successors in title to the estates of Letterewe and Gruinard shall be the undertakers for carrying this Order into execution and are in this Order referred to as "the Undertakers."

Undertakers.

Acquisition of Lands.

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

Incorporation of Lands Clauses Acts.

5. For the purposes of the works authorised by this Order the Undertakers may by agreement enter on take and use all or such parts of the lands shown on the plan deposited with reference to this Order as they may think requisite for the purposes of this Order.

Power to take lands by agreement.

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

Power to take servitudes &c. by agreement.

Limits.

7.—(1) The limits within which the Undertakers shall have authority and within which the powers of the pier master may be exercised shall comprise the works by this Order authorised and an area below high-water mark within a distance of five hundred feet measured in any direction seawards from any part of the pier which limits are in this Order termed "the limits of this Order."

Limits.

A.D. 1903.

Aultbea.

(2) The limits within which the power to levy rates may be exercised shall comprise the works authorised by this Order.

Works.

Power to construct works.

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

Description of works.

9. The works authorised by this Order comprise—

A pier or quay commencing three yards or thereabouts above ordinary high-water mark at the south-eastern extremity of Aird Point Loch Ewe at a point seventy-eight yards or thereabouts eastward from the limekiln situate upon the said Aird Point (or otherwise four hundred and thirty yards or thereabouts in a south or south-westerly direction from the Free or United Free Church Manse of Aultbea as measured in a straight line) and extending seaward in a south-easterly direction to a point one hundred and three yards or thereabouts distant from the point of commencement with a cross-head extending to fifteen yards or thereabouts in a north-easterly direction and fifteen yards or thereabouts in a south-westerly direction from the above-mentioned point of termination of the said pier or quay and all necessary embankments slips accesses works and conveniences connected with the pier or quay which will be situated in the parish of Gairloch and county of Ross and Cromarty or on the foreshore or bed of the sea ex adverso of the same. The said pier will be constructed partly of solid and partly of open work.

Power to deviate.

10. In constructing the works authorised by this Order the Undertakers 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 with the like consent may deviate vertically to any extent and may also from time to time with the consent in writing of the Board of Trade lengthen and extend the pier authorised by this Order seawards to such an extent within the limits of deviation marked on the deposited plan as may be specified in such consent.

Penalty for obstructing works.

11. If any person wilfully obstructs any person acting under the authority of the Undertakers in setting out the lines of the works by this Order authorised or pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works or defaces or destroys the works or any part thereof that person shall for each such offence be liable to a penalty not exceeding five pounds.

Power to construct ware-

12.—(1) Subject to the provisions of this Order the Undertakers may construct and maintain or take on feu or lease all warehouses offices sheds

weighing machines cranes and other works buildings and conveniences which may be found necessary in connexion with the pier for the accommodation of vessels and traffic landed at or embarked from the same and they may also from time to time construct provide and maintain on the pier lighting apparatus rails tramways sidings and turntables.

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houses and
other buildings.

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

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

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

Powers to cease
in certain
events.

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

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

14. Any works authorised by this Order below high-water mark shall not be commenced without the consent in writing of the Board of Trade and shall be executed only in accordance with such consent.

Consent of
Board of Trade
to works.

Management.

15. The Undertakers may dredge scour deepen enlarge alter and improve any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier and works.

Dredging &c.
of harbour.

16. The Undertakers may for the purposes of the works authorised by this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters and other vessels diving bells ballast lighters rubbish lighters tools plant or other materials and machinery as they think fit and may demand and receive such sums for the use of them as they think fit and may sell or dispose of them and the money thereby realised shall be

Power to
Undertakers to
purchase or
hire dredgers
&c.

A.D. 1903. applied towards carrying into effect any purposes of this Order to which capital is properly applicable.

Aulbea.

Disposal of dredging.

17.—(1) All sand mud and other materials dredged up or removed within the limits of this Order shall be the property of the Undertakers and they may sell or otherwise dispose of the same or lay down the same in another place within those limits as they think fit. Provided that no sand mud stone or other material shall be laid down or deposited in any place below high-water mark without the consent of the Board of Trade having been first obtained.

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

Meters and weighers.

18. The Undertakers shall have the appointment of meters and weighers within the limits of this Order.

Power to make byelaws.

19.—(1) The Undertakers may without prejudice to the power to make byelaws under section 83 of the Harbours Docks and Piers Clauses Act 1847 make byelaws for the regulation and control of vessels and boats within the limits of this Order and also for the regulation and control of the fishermen and others frequenting or resorting to or employed at the pier or within the limits of this Order.

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

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

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

Rates.

Power to levy rates.
10 & 11 Vict.
c. 27.

20. When in addition to the certificate to be granted under the twenty-sixth section of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary to the due construction of the works authorised by this Order have been given the Undertakers may subject to and according to the provisions of this Order demand and recover for the use of the pier and works and in respect of the vessels persons and things described in the Schedule hereto any sums not exceeding the rates specified in such Schedule.

Rates may be levied though works not completed.

21. If it is at any time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade but to be paid by the Undertakers that the works authorised by this Order have been so far completed as to afford increased accommodation for the landing and embarking of passengers and goods by means of those works the Undertakers may

notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order have not then been completed demand and recover such of the rates or such proportion of all or any of the rates specified in the Schedule to this Order as shall in the opinion of the Board of Trade be commensurate to the increased accommodation afforded.

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22. The Undertakers may from time to time lease the rates authorised by this Order for any period not exceeding seven years and for such rent and consideration and on such terms and conditions as they think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering the said rates as the Undertakers have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the same provisions as to accounts and otherwise to which the Undertakers are made subject by this Order.

Power to lease rates.

23. The Undertakers may from time to time confer vary or extinguish exemptions from and enter into compositions with any person with respect to the payment of the rates authorised by this Order but so that no undue preference be in any case given to any person over any other person using the pier and works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

Power to confer exemptions and compound rates.

24. The Undertakers may take such rates as they think proper for the supply and removal of ballast for the accommodation of vessels.

Rates for ballast.

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

Rates for warehouses.

26. If at any time and from time to time the clear annual income derived from the pier on the average of the then three last preceding years after payment of all expenses and outgoings other than payments of interest or principal in respect of money borrowed shall exceed interest at the rate of ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the Undertakers in executing the works authorised by this Order the Board of Trade 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 aforesaid interest at the rate of ten pounds per centum per annum but with power to the Board of Trade at any time to raise the rates again to any sum not exceeding the sums respectively specified in the Schedule to this Order.

Board of Trade may reduce rates.

27.—(1) The master or owner of every vessel with a take or cargo of fish shall on the arrival of the vessel 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.

Master of fishing vessel to report take of fish.

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

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*Aultbeu.*Pier-master
may prevent
sailing of
vessels.

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

Undertakers
may supply
and charge for
water.

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

Certain fishing
vessels under
stress of
weather exempt
from rates.

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

Exemption of
lifeboat crew.

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 all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the pier and works.

Extension of
10 & 11 Vict.
c. 27 (ss. 28
and 99) to all
Government
departments.

32. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

*Finance.*Power to
borrow money.

33. The Undertakers may borrow and reborrow at interest such money as may be required for the purposes of this Order not exceeding in the whole the sum of four thousand two hundred pounds on the security of the rates authorised by this Order or they may accept and take from any bank or banking company credit for any amount not exceeding in the whole the said sum of four thousand two hundred pounds on a cash account to be opened and kept in the name of the Undertakers according to the usage of bankers in Scotland but so that the whole sum owing by the Undertakers on such cash account and for other money borrowed and for the time being unpaid shall not exceed in the whole the sum of four thousand two hundred pounds exclusive of interest and the Undertakers may grant bonds and assignations of the rates in security of the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively and such bonds and

assignments and any transfers thereof may be in the forms contained in Schedules (B) and (C) annexed to the Burgh Harbours (Scotland) Act 1853 or to the like effect and shall be recorded in the Division of the General Register of Sasines at Edinburgh applicable to the County of Ross and Cromarty.

A.D. 1903.

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

Application
of money
borrowed.

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

For appoint-
ment 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 three hundred and fifty pounds in the whole.

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

36. The revenue received from rates or otherwise under this Order shall be applied for the purposes and in the order following and not otherwise (that is to say):—

Application of
rates received.

(1) In paying the costs of and connected with the preparation obtaining and making of this Order;

(2) In defraying the expense properly chargeable to revenue of the management repair and maintenance of the pier and works and of carrying into effect any powers given by this Order for the management and regulation of the traffic within the limits of this Order;

(3) In paying year by year the interest accruing on money borrowed under this Order;

(4) Any surplus shall belong to the Undertakers for their own use.

37.—(1) The Undertakers within one month after sending to the sheriff-clerk the copy of their annual account in abstract (which account shall be made up to the thirty-first day of March in each year) shall send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

Annual account
to be sent to
Board of Trade.

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

Life-saving Apparatus.

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

Portions of Har-
bours Clauses
Act excepted.
10 & 11 Vict. c. 27.

A.D. 1903.

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(2) The Undertakers 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 pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

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

Life-saving
apparatus may
be attached to
pier.

39. 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 pier 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 pier.

Lifebuoy to be
kept.

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

Lights.

As to lights
during con-
struction of
works.

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

(2) The Undertakers 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 directions so given.

As to lights
after comple-
tion of works.

42.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Undertakers shall exhibit at the outer extremity of the pier 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.

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

Buoys and
lights in case
of decay of
works.

43.—(1) In case of injury to or destruction or decay of the pier or any part thereof the Undertakers shall lay down such buoys exhibit such lights or take such other means for preventing (as 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.

(2) The Undertakers 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.

A.D. 1903.

*Aultbea.**Miscellaneous.*

44. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847, and for all the purposes of that Act this Order shall be deemed the special Act.

Recovery of
penalties.
10 & 11 Vict.
c. 27.

45. Nothing in this Order shall authorise the Undertakers 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 lands hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained (which consent those Commissioners and the Board of Trade are hereby authorised to give) neither shall anything in this Order extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Saving rights
of Crown.

46. All costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Undertakers.

Costs of Order

47. The works authorised by this Order shall be deemed to be for all purposes within the parish of Gairloch in the county of Ross and Cromarty.

Works to be
in parish of
Gairloch.**SCHEDULE** referred to in the foregoing Order.

I.—RATES ON VESSELS USING THE PIER.

(1) *Tonnage Rates on Vessels other than Fishing Vessels exclusive of their Cargoes.*

For all vessels:—	£	s.	d.
Under 50 tons per registered ton	0	0	4
Of 50 tons and under 100 tons per registered ton	0	0	6
Of 100 tons and upwards per registered ton	0	0	7
Steam vessels same rates as sailing vessels.			

(2) *Rates on Fishing Vessels exclusive of their Cargoes.*

Every vessel on each occasion of loading or discharging			
herrings at the pier	0	2	6
Or in full of rates per annum payable in advance	1	0	0
Every vessel on each occasion of loading or discharging			
white fish at the pier	0	1	0
Or in full of rates per annum payable in advance	0	7	6

A.D. 1903. II.—RATES ON ANIMALS FISH AND GOODS SHIPPED UNSHIPED OR
Aultbea. TRANSHIPPED AT THE PIER OR WITHIN THE LIMITS OF THIS ORDER.

	£	s.	d.
Ale or beer per gallon	0	0	0 $\frac{1}{4}$
Ale or beer bottled per gross	0	1	0
Anchors per ton	0	3	0
Aerated waters (all kinds) per ton	0	1	8
Bacon or hams per ton	0	2	6
Ballast per ton	0	0	2
Bark per ton	0	2	0
Barley per ton	0	1	6
Barrels empty not being returned packages each	0	0	0 $\frac{1}{2}$
Baskets under 12 inches diameter per dozen	0	0	6
„ above 12 inches diameter per dozen	0	1	0
Beef or pork per ton	0	3	0
Biscuits or bread per ton	0	2	6
Blocks under 10 inches per dozen	0	0	3
Blocks 10 inches and above per dozen	0	0	6
Blubber per ton of 252 gallons	0	3	0
Boats each	0	3	0
Books and stationery per cwt.	0	0	4
Bones and bone dust per ton	0	1	6
Boxes (empty) each	0	0	1
Bottles per gross	0	0	4
Bran per ton	0	1	0
Bricks of all sorts per 1000	0	1	0
Brooms per dozen	0	0	2
Butter per cwt.	0	0	6
Candles per ton... ..	0	3	0
Canvas per cwt.	0	0	2
Carpets rugs and upholstery articles per ton... ..	0	2	0
Carriages:—			
Four wheels each	0	1	6
Two wheels each	0	1	0
Carts each	0	0	6
Casks empty not being returned packages per puncheon	0	0	3
Other casks in proportion.			
Cattle viz. :—			
Bulls each	0	1	0
Calves each	0	0	4
Cows and oxen each... ..	0	0	6
Horses each	0	1	0
Pigs each	0	0	4
„ young each	0	0	2
Sheep each	0	0	4
Lambs each	0	0	2
Other animals (live) not particularly enumerated each	0	1	0

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*Pier and Harbour Orders
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[Ch. cxxix.]

					£	s.	d.	A.D. 1903.
Cement per ton	0	1	0	— Aultbea.
Chalk per ton	0	1	0	
Cheese per ton	0	2	6	
Chimney tops each	...	...	...	...	0	0	1	
Cinders per ton	...	...	...	...	0	1	0	
Cider per gallon	...	...	...	...	0	0	0½	
Clay :—								
Manufactured per ton	...	...	...	...	0	0	6	
Common per ton	...	...	...	...	0	0	2	
Clocks each ...	...	...	...	...	0	1	0	
Cloth haberdashery and millinery per cwt.	...	...	...	...	0	0	1	
Clover seeds per ton	...	...	...	...	0	2	0	
Coals per ton ...	...	...	...	...	0	0	10	
Copper per ton ...	...	...	...	...	0	2	0	
Cork wood and corks per ton	...	...	...	...	0	3	0	
Cocoa per ton ...	...	...	...	...	0	3	0	
Cocoanuts per 100	...	...	...	...	0	0	3	
Coffee per cwt. ...	...	...	...	...	0	0	2	
Coke per ton ...	...	...	...	...	0	0	10	
Confections of all kinds per cwt.	...	...	...	...	0	0	2	
Copperas per cwt.	...	...	...	...	0	0	1	
Colours per cwt.	...	...	...	...	0	0	1	
Cordage per ton	...	...	...	...	0	2	0	
Corn and meal viz. :—								
Barley and bigg per ton	...	...	...	...	0	1	2	
Bere and meal per ton	...	...	...	...	0	1	4	
Beans per ton	...	...	...	...	0	1	2	
Indian corn per ton	...	...	...	...	0	1	2	
„ meal per ton	...	...	...	...	0	1	4	
Malt per ton	...	...	...	...	0	2	6	
Oats per ton	...	...	...	...	0	1	2	
Oatmeal per ton	...	...	...	...	0	1	4	
Peas per ton	...	...	...	...	0	1	4	
Rye per ton	...	...	...	...	0	1	2	
Wheat per ton	...	...	...	...	0	1	4	
Cotton wool &c. per ton	...	...	...	...	0	5	0	
Crabs per dozen	...	...	...	...	0	0	1	
Crystal per ton ...	...	...	...	...	0	4	0	
Cutch per ton ...	...	...	...	...	0	3	4	
Dogs each	...	...	...	...	0	0	2	
Drugs per cwt. ...	...	...	...	...	0	0	4	
Dung per ton ...	...	...	...	...	0	4	0	
Earthenware per ton	...	...	...	...	0	2	0	
Eggs per cwt. ...	...	...	...	...	0	0	3	
Emery and emery stones per cwt.	...	...	...	...	0	0	3	
Feathers per ton	...	...	...	...	0	8	0	

A.D. 1903.

Aultbea.

	£	s.	d.
Felt per ton	0	2	0
Fish dried per cwt.	0	0	2
„ pickled or salt per cwt.	0	0	2
„ fresh haddock cod ling and fish not enumerated per 1 <i>l.</i> value	0	0	4
„ offal per ton	0	0	6
„ salmon gillse sea trout or bull trout each	0	0	0½
Flax per cwt.	0	0	2
Flour per ton	0	2	8
Flower roots per cwt.	0	0	2
Flint stones per ton	0	0	6
Fruit viz. :—			
Apples pears and berries per cwt.	0	0	3
Plums cherries grapes and nuts (except cocoa) per cwt.	0	0	4
Melons per cwt.	0	0	2
Peaches per 100	0	0	2
All not enumerated per 10 <i>l.</i> value	0	0	10
Furniture household per 10 <i>l.</i> value	0	1	0
Furriers' waste per ton	0	0	4
Game viz. :—			
Hares each...	0	0	1
Rabbits each	0	0	0½
All others each	0	0	1
Ginger per cwt....	0	0	2
„ preserve per cwt. ...	0	0	4
Glass of all descriptions per cwt.	0	0	1
Glue per cwt.	0	0	4
Grates stoves &c. per ton	0	3	0
Grease per ton	0	2	6
Groceries all kinds per cwt.	0	0	2
Gunpowder per cwt.	0	0	3
Guano per ton	0	1	6
Hair all kinds per cwt. baken	0	0	4½
„ plasterers' per ton	0	2	0
Hardware per cwt.	0	0	2
Hats each	0	0	0½
Hay per ton	0	1	0
Hemp per ton	0	3	6
Herrings imported fresh per 37½ gallons	0	0	2
„ cured and exported per 26⅔ gallons	0	0	2
„ in barrels imported and exported per 26⅔ gallons	0	0	3
Hides raw per cwt.	0	0	2
Honey per cwt.	0	0	3
Hoops of wood per 1000	0	0	10
Hops per cwt.	0	0	6
Horns slugs and tips per 1000	0	1	8
Husbandry implements per ton	0	1	4

[3 EDW. 7.]

Pier and Harbour Orders
Confirmation (No. 3) Act, 1903.

[Ch. cxxix.]

Iron viz. :—	£	s.	d.	A.D. 1903.
Bar plate bolt and rod per ton... ..	0	1	6	<u>Aultbea.</u>
Forged made work and hoops per ton	0	3	0	
Old per ton	0	1	0	
Old and broken goods per ton... ..	0	0	4	
Cast iron goods per ton	0	2	0	
Wire per cwt.	0	0	1½	
Pig per ton	0	0	10	
Kelp per ton	0	1	0	
Kiln pavement per 30 feet	0	0	4	
Lard per ton	0	1	9	
Lead per ton	0	1	4	
„ black per ton	0	1	4	
„ ore per ton	0	1	4	
„ red and white per ton	0	1	4	
„ shot per ton	0	2	0	
„ sugar of per cwt.	0	0	2	
Leather tanned and dressed per cwt.	0	0	3	
Lemons per cwt.	0	0	4	
Lignum vitæ per ton	0	3	0	
Lime per ton	0	0	9	
Loam per ton	0	0	4	
Lobsters per dozen	0	0	2	
Machinery per ton	0	2	6	
Manures manufactured and not otherwise enumerated per ton	0	1	0	
Mats and basses per dozen	0	0	1	
Mill waste per ton	0	2	0	
Molasses per ton	0	2	0	
Mussels per ton... ..	0	0	6	
Nuts all kinds per cwt.	0	0	3	
Oakum per ton	0	2	6	
Ochre per cwt.	0	0	1½	
Oil all kinds per ton	0	3	0	
Oilcakes per ton	0	2	6	
Onions per cwt.... ..	0	0	2	
Oranges per cwt.	0	0	3	
Oysters per cwt.	0	0	3	
Paint per ton	0	3	4	
Peats per ton	0	0	6	
Paper per cwt.	0	0	2	
Pewter per ton	0	2	0	
„ old per ton	0	1	8	
Pianoforte per 10l. value	0	1	0	
Pictures under 2 feet square per picture	0	0	4	
„ 2 feet and under 4 feet per picture	0	0	8	
„ 4 feet and upwards per picture	0	1	0	

[Ch. cxxix.] *Pier and Harbour Orders*
Confirmation (No. 3) Act, 1903.

[3 EDW. 7.]

A.D. 1903.

Aulbea.

	£	s.	d.
Pig's head per cwt.	0	0	0 $\frac{3}{4}$
Pitch per cwt.	0	0	2
Plaster of Paris per ton	0	2	8
Plants nursery and garden all kinds per cwt ..	0	0	4
Porter per gallon	0	0	0 $\frac{1}{4}$
„ bottled per gross	0	1	0
Potatoes per ton	0	1	0
Poultry of all kinds per doz.	0	0	3
Any less number each	0	0	1
Pumice stones per cwt.	0	0	3
Pipes drain under 3 inches diameter per 1000 ...	0	0	4
„ „ above per 1000	0	0	6
„ „ collars per 1000	0	0	2
„ spigot and faucet clay glazed per ton	0	0	9
NOTE.—Drain tiles and mugs one-third less.			
Pipes tobacco per cwt.	0	0	4
Provisions preserved all kinds per cwt.	0	0	2
Rags and old ropes per ton	0	2	0
Rice per cwt.	0	0	2
Ropes all kinds per ton	0	2	0
Rosin per ton	0	2	0
Saddlery all kinds per cwt.	0	0	2
Sand per ton	0	0	9
Salt in bulk per ton	0	0	10
„ rock per ton	0	0	6
„ saltpetre and Glauber salt per ton	0	3	0
„ in barrel including dues of barrel per ton	0	1	0
Seed viz. :—			
Rape and flax per cwt.	0	0	1
Clover per cwt.	0	0	2
Rye grass per ton	0	3	0
Shoes of all kinds per ton	0	2	6
Sheep skins with wool per cwt.	0	0	2
„ pelts per cwt.	0	0	1
Shell fish other than those specified per cwt.	0	0	2
Slates large per 1000	0	1	4
„ sizeable per 1000	0	0	10
„ small per 1000	0	0	6
Snuff per cwt.	0	0	6
Soap per ton	0	1	8
Soda per ton	0	0	4
Spades or shovels per doz.	0	0	1
Spirits of all kinds per gallon	0	0	0 $\frac{1}{4}$
Starch per cwt.	0	0	3
Steel per ton	0	3	0
Straw per ton	0	1	0

[3 Edw. 7.]

Pier and Harbour Orders
Confirmation (No. 3) Act, 1903.

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Stones viz. :—	£	s.	d.	A.D. 1903.
Freestone building per ton	0	0	4	— <i>Aultbea.</i>
Polished granite per ton	0	2	3	
Causeway granite per ton	0	0	2	
Kerb pavement and building per ton	0	0	4	
Rubble and chips per ton	0	0	1	
Rigging stones per 100 running feet	0	1	4	
Flagstones per ton	0	0	8	
Gravestones each	0	2	6	
Marble per ton	0	2	6	
Scythe stones per cwt.	0	0	1	
Grindstones each	0	0	3	
Millstones each	0	0	4	
All other descriptions per ton	0	0	10	
Stucco per ton	0	1	0	
Sugar of all kinds per ton	0	1	8	
Stoneware of all kinds per cwt.	0	0	2	
Tallow per ton	0	1	8	
Tanners' waste per ton	0	1	0	
Tar coal per 39 gallons	0	0	1	
„ Archangel per 26½ gallons	0	0	2	
Tea per cwt.	0	0	6	
Tiles roofing per 1000	0	1	0	
Tin of all kinds per ton	0	1	0	
„ plates per ton	0	1	0	
Tobacco in leaf per cwt.	0	0	2¼	
„ manufactured per 100 lbs. ..	0	0	4½	
„ stalks per cwt.	0	0	3	
Tongues smoked per doz.	0	0	1½	
„ pickled per cwt.	0	0	4	
Toys per cwt.	0	0	3	
Treenails per 1000	0	1	6	
Turnery per 10l. value	0	0	10	
Turnips per ton... ..	0	0	6	
Turpentine per 36 gallons	0	0	6	
Twine per cwt.	0	0	3	
Tow of all kinds per ton	0	1	6	
Vases or sculptured marble per cwt.	0	0	3	
Vinegar per gallon	0	0	0¼	
Vitriol per gallon	0	0	0½	
Varnish per cwt.	0	0	2	
Veneers of all kinds per cwt.	0	0	4	
Vegetables per ton	0	1	0	
Whalebone or whale fins per ton	0	3	4	
Wheels coach carriage or cart per pair	0	0	6	
Whelks per cwt.	0	0	2	

A.D. 1903.

Aultbea.

						£	s.	d.
Whitening per ton	...	...	...	...	...	0	0	8
Willow reeds per cwt.	...	...	...	...	...	0	0	2
Wine per gallon	...	...	...	...	...	0	0	0 $\frac{1}{4}$
„ bottled per gallon	...	...	...	...	...	0	0	1
Wood:								
Herring barrel billets per ton	...	...	...	...	...	0	1	0
„ „ staves per 1000 superficial feet	...	...	...	...	...	0	1	4
All other kinds not enumerated per <i>l.</i> value	...	...	...	...	...	0	0	4
Wool per ton	...	...	...	...	...	0	3	4
Yarn viz.:								
Lint and cotton per ton	...	...	...	...	...	0	4	6
Tow per ton	...	...	...	...	...	0	3	4
Hemp per ton	...	...	...	...	...	0	3	6
Worsted per ton	...	...	...	...	...	0	4	6
Zinc per ton	...	...	...	...	...	0	2	0
All goods or articles not enumerated in the foregoing schedule								
per cwt.	...	...	...	...	...	0	0	2

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

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

2. All goods landed from any vessel and reshipped 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 from the original packages having been destroyed or damaged shall only pay duties on landing and may be reshipped in the same or another vessel upon her departure without paying duties 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 reloaded.

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.

III.—RATES FOR THE USE OF SHEDS CRANES AND WEIGHING MACHINES.

These to be paid by the persons using the same.

1.—Sheds.

For each ton of goods which shall remain in any shed on the quay or pier for a longer time than twenty four hours the sum of threepence and the sum of three halfpence per ton for each day during which such goods shall remain after the first twenty-four hours.

2.—*Cranes.*

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

A.D. 1903.

*Aultbeu.*3.—*Weighing Machines.*

For goods weighed for each ton or part of a ton ...	0	0	3
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IV.—WATER MONEY.

For each 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel	0	0	1½
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V.—RATES ON PASSENGERS AND PASSENGERS' LUGGAGE.

For every passenger or other person (not being a member of the crew) who shall use the pier or works for the purpose of landing from or embarking on board of any ship vessel packet or passage boat for each time a sum not exceeding—

Above 12 years of age	0	0	2
Under 12 years of age	0	0	1
For every trunk portmanteau box parcel or other package within the description of luggage not carried by the passenger in his hand not exceeding 28 lbs.	0	0	2
Over 28 lbs. and not exceeding 84 lbs.	0	0	4
Over 84 lbs. and not exceeding 112 lbs.	0	0	5
Over 112 lbs. and not exceeding 140 lbs.	0	0	6
Over 140 lbs. and not exceeding 196 lbs.	0	0	7
Over 196 lbs. and not exceeding 2 cwt.	0	0	8
For every cwt. beyond	0	0	4
And for every 28 lbs. in addition	0	0	1

A.D. 1903.

PENNAN.

Pennan.

Order for incorporating a body of Trustees for the Harbour of Pennan in the Parish of Aberdour and County of Aberdeen and for the improvement maintenance and regulation of the Harbour.

Preliminary.

Short title and commencement.

1.—(1) This Order may be cited as the Pennan Harbour Order 1903.

(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.

Interpretation.

2. In construing this Order and the Acts incorporated therewith the following words and expressions shall have the meanings hereinafter assigned to them namely:—

“The owners of Auchmedden” means the Trustees or Trustee for the time being of the will dated the fourteenth day of November one thousand eight hundred and ninety-one and two codicils thereto of George Alexander Baird deceased or other the successors for the time being of the late George Alexander Baird deceased in the estate of Auchmedden;

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

“The harbour” means the area lying below high water which is comprised within the limits of this Order;

“The works” means as well the existing works as the works authorised by this Order.

Undertakers.

3. The Pennan Harbour Trustees as incorporated by this Order (in this Order called “the Trustees”) shall be the undertakers for carrying this Order into execution.

Limits of Order.

4. The limits within which the Trustees shall have authority and within which the powers of the harbour master may be exercised and which shall be deemed the limits to which this Order and the power to levy rates extend shall comprise the works and an area lying below high water and within a distance of 100 yards measured seawards from any part of such works (which limits are in this Order termed “the limits of this Order.”)

Incorporation and Constitution of Trustees.

Incorporation of Trustees.

5. This Order shall be carried into execution by a body of Trustees not exceeding five in number to be qualified appointed and elected as provided in this Order and those Trustees are hereby incorporated by the name of the Pennan Harbour Trustees and by that name shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued

and to purchase take lease hold and dispose of land and other property for the purposes of but subject to the restrictions of this Order.

A.D. 1903.

Pennan.

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

Incorporation
of Commis-
sioners Clauses
Act 1847.

7.—(1) The first Trustees shall be the owners of Auchmedden.

First Trustees.

(2) The first Trustees shall come into office at the expiration of fourteen days from the commencement of this Order and shall go out of office on the thirty-first day of March next after the issue of a certificate under section 31 of this Order.

8.—(1) As on and from the first day of April next after the issue of a certificate under section 31 of this Order there shall be five Trustees.

Provisions for
future Trustees.

(2) The owners of Auchmedden shall on the second Tuesday in March next after the issue of a certificate under section 31 of this Order and on the same day in each succeeding year appoint three Trustees (in this Order called "Auchmedden Trustees") who shall come into office on the then next succeeding first day of April and shall hold office until the following first day of April.

(3) Notice shall be given in writing to the clerk to the Trustees within fourteen days after each second Tuesday in March specifying the name address and description of each person appointed to be an Auchmedden Trustee and the name of the Trustee in whose place such person has been appointed. If within fourteen days after the second Tuesday in March in any year the clerk to the Trustees shall not have received notice of the appointment of three Auchmedden Trustees the retiring Auchmedden Trustees or so many of them as shall not have had their places filled up by the appointment of Trustees duly notified to the clerk to the Trustees as aforesaid shall be deemed to have been reappointed by the owners of Auchmedden and shall continue in office for another year on and from the first day of April then next ensuing.

(4) In the event of any Trustee appointed to be an Auchmedden Trustee refusing to accept office dying resigning or becoming disqualified or incompetent to act as or ceasing to be a Trustee from any other cause than that of going out of office in regular course the Auchmedden Trustees shall within one month after receiving notice from the clerk to the Trustees of the vacancy by notice in writing addressed to the clerk to the Trustees appoint another person to fill the vacancy and the person so appointed shall continue in office for the same period as the person in whose place he is appointed would in ordinary course have continued and shall go out of office at the same time but shall be eligible to be re-appointed.

(5) The following persons are hereby constituted as the elective body by virtue of this Order and for the purposes of the same shall elect two Trustees

A.D. 1903. (in this Order called "Elective Trustees") in manner hereinafter provided
namely :—

Pennan.

All owners of fishing boats and ships and other persons who shall have paid to the Trustees during the twelve months ending on the thirty-first day of December next preceding the date of any such election the sum of twenty shillings in respect of harbour dues or rates.

(6) The first election of Elective Trustees shall take place on the second Tuesday in March next after the issue of a certificate under section 31 of this Order and the Trustees elected at that meeting shall come into office on the first day of April then next succeeding and shall hold office until the following first day of April. Subsequent elections of Elective Trustees shall take place on the second Tuesday in March in each year and the Elective Trustees shall come into office on the next following first day of April after their election and shall hold office until the following first day of April.

(7) In respect of the first and every subsequent election the Trustees shall advertise at least fourteen days before the second Tuesday in March in at least one newspaper circulating in the district and by notices affixed on the principal doors of the office and of the churches in the parish of Aberdour the day hour and place for holding such election.

(8) The persons qualified in terms of subsection (4) of this section (hereinafter called "the Electors") the test of which qualification shall be the appearance of their names on a register hereinafter provided for shall meet on the second Tuesday in March next after the issue of a certificate under section 31 of this Order and every subsequent year thereafter at the hour and place appointed by the Trustees and shall in manner hereinafter provided elect two Elective Trustees.

(9) At every such election as in the last preceding subsection mentioned the clerk to the Trustees or one of the Trustees for the time being shall act as chairman of the meeting and shall declare the number of votes given for each candidate.

(10) Any two of the Electors may nominate any person as a candidate by sending to the clerk to the Trustees a nomination paper. The nomination paper shall be dated and subscribed by the two Electors and shall contain the Christian name surname place of abode and designation of each of the subscribers and of the candidate nominated. No nomination paper shall be received after four o'clock in the afternoon of the Tuesday immediately preceding the day of election and public notice shall be given not later than the Thursday immediately preceding the day of election of the list of candidates by affixing the same to the door of the office and on such other conspicuous places as the Trustees may direct. Any candidate may at any time before the day of election be withdrawn by the delivery of a notice of withdrawal signed by him and addressed to the clerk to the Trustees.

(11) In the event of only two persons being nominated as hereinbefore provided for election as Elective Trustees the clerk to the Trustees shall without further procedure declare such two persons to be duly elected and such declaration shall be in writing signed by the clerk to the Trustees and shall be conclusive evidence of the due election of such persons.

(12) At each and every election every Elector shall be entitled to two votes and may distribute them among the candidates as he may think fit but in no case shall he be entitled to give more than one vote to any one candidate.

A.D. 1903.

Pennan.

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

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

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

(16) Any partnership firm or company which shall have paid to the Trustees during the twelve months ending on the thirty-first day of December next preceding the date of any meeting for the election of Trustees the sum of twenty shillings in respect of harbour dues or rates shall be entitled by notice in writing given to the clerk to the Trustees at least forty-eight hours before the meeting to appoint one of the partners of the firm or any member of the company or the bonâ fide agent of the firm or company in the parish of Aberdour to vote at any such meeting for or on behalf of the firm or company.

(17) If at any meeting the place of any retiring Elective Trustee is not filled up the retiring Trustee shall continue in office for another year as from the day when his period of office expired.

(18) The expenses connected with each election (exclusive of the expenses of any candidate) shall be paid by the Trustees out of the funds belonging to them as such Trustees.

9. The clerk to the Trustees shall before the thirty-first day of January one thousand nine hundred and six and before the thirty-first day of January in every year thereafter make up a list of the Electors and the list shall be open to public inspection in the office of the Trustees on and after the thirty-first day of January one thousand nine hundred and six and on and after every succeeding thirty-first day of January until the next succeeding election and any person claiming to be an Elector whose name is not contained in the list aforesaid shall be entitled within six days after the thirty-first day of January one thousand nine hundred and six and within six days after each succeeding thirty-first day of January to deliver or transmit to the clerk to the Trustees a statement of his qualification to be an Elector and if thereafter the clerk shall refuse or shall for fourteen days neglect to insert his name in the list such person may apply to the Sheriff to have his name inserted therein and shall forthwith give notice in writing to the Trustees or their clerk of having made such application and on proof of his qualification being given to the Sheriff by such person the Sheriff shall if he thinks fit order the name of such person to be inserted in the list and the

Register of
Electors.

A.D. 1903. Sheriff may make such order as to costs and otherwise with respect to such application as he thinks fit and the decision of the Sheriff shall be final.
Pennan.

Re-election
quorum and
resignation.

10.—(1) A retiring Trustee may be re-appointed or re-elected.

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

(3) A Trustee may resign office at any time by giving not less than three weeks' notice in writing of his resignation to the Trustees or their clerk.

Casual
vacancies.

11.—(1) In the event of a casual vacancy occurring in the office of Elective Trustee by reason of death resignation failure to make a valid election or otherwise from any cause other than retirement from office in the regular course the other Trustees shall as soon as may be thereafter at a meeting of the Trustees elect a person to fill the vacancy and the Trustee so elected shall continue in office for the same period and retire from office at the same time as the person whose vacancy he fills would in ordinary course have continued in office or retired from office.

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

Validity of acts
of Trustees.

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

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

Meetings.

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

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

(3) The first meeting of the Trustees shall be held within one month after the commencement of this Order.

(4) From and after the first election of Trustees the annual meeting of the Trustees shall be held at such place in the parish of Aberdour and on such day in the month of February as may be fixed by the Trustees.

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

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

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

A.D. 1903.

*Acquisition of Land.**Pennan.*

14. The Lands Clauses Consolidation (Scotland) Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (in this Order called "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 incorporated with this Order and for the purpose of that incorporation the expression "Special Act" in the Acts so incorporated means this Order.

Incorporation
of Lands
Clauses Acts.

15. For the purposes of the works authorised by this Order the Trustees may by agreement enter upon take and use such of the lands shown on the plans deposited for the purposes of this Order as they think requisite for the purposes of those works.

Power to take
lands by agree-
ment.

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

Lands for
extraordinary
purposes.

17. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Trustees 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.

Power to take
easements &c.
by agreement.*Works and Management.*

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

Power to make
works.

19. The works authorised by this Order are—

A new west pier or breakwater commencing on the foreshore of the Bay of Pennan at a point twelve yards or thereabouts measuring in a northerly direction from the centre of the bridge over the stream or burn of Auchmedden in the village of Pennan and proceeding thence in a north-north-westerly direction for a length of twenty yards or thereabouts thence in a north-north-easterly direction for a length of sixty yards or thereabouts thence in a north-easterly direction for a length of twenty-five yards or thereabouts thence in a south-easterly direction for a length of seven yards or thereabouts and terminating on the rocky foreshore.

Description of
works.

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The proposed new west pier will be built solid throughout its whole extent and will be situate in the parish of Aberdour in the county of Aberdeen and on the foreshore or bed of the sea adjacent thereto.

Power of deviation.

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

Improvement and maintenance of harbour and works.

21.—(1) Subject to the provisions of this Order the Trustees may from time to time construct maintain alter and improve the works within the limits of this Order and in connexion therewith any jetties wharves sewers drains watercourses roads approaches gates and other works and conveniences and may provide lay down and construct gas or electric lighting mains and other apparatus rails tramways turntables and sidings on or along the quays piers and other works within the limits of this Order.

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

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

Power to acquire and construct quays warehouses &c.

22. The Trustees may also acquire construct and maintain or take on lease all quays wharves sheds houses warehouses offices weighing-machines cranes and other works buildings and conveniences which may be found necessary in connexion with the pier and harbour for the accommodation of vessels and traffic landed at or embarked from the same.

Consent of Board of Trade to certain works.

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

Powers to cease in certain events.

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

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

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

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25. The Trustees may for the purposes of the works or any of them from time to time provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells ballast lighters rubbish lighters tools plant or other materials and machinery as they think fit and may from time to time demand and receive such sums for the use of the same as they may think fit or may sell or dispose of the same and the money thereby realised shall be applied towards carrying into effect the purposes of this Order or some of them.

Power to purchase or hire dredgers.

26.—(1) The Trustees may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approaches to the harbour and works.

Dredging.

(2) All sand mud and materials dredged up under the powers contained in the preceding subsection shall be the property of the Trustees who may from time to time sell or otherwise dispose of the same or remove or deposit the same within the limits of this Order Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other application of any sand mud or other materials under this section after payment of any expenses connected therewith shall be applied as part of the revenue of the harbour.

27. The Trustees shall have the appointment of meters and weighers within the limits of this Order.

Meters and weighers.

28. Every person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the works authorised by this Order or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the said works or any part thereof or who defaces or destroys the said works or the existing works or any part thereof shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing works.

29.—(1) The Trustees may without prejudice to the power to make byelaws under section 83 of the Harbours Docks and Piers Clauses Act 1847 make vary and rescind byelaws for the regulation and control of vessels and boats within the harbour and for the regulation and control of the fishermen and other persons and goods ballast and traffic in and at the harbour and works.

Power to make byelaws.

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

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

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

Rates.

Power to levy rates.

30. When in addition to the certificate to be granted under section 26 of the Harbours Docks and Piers Clauses Act 1847 a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order or otherwise necessary for the due construction of the works authorised by this Order have been given the Trustees may subject to the provisions of this Order demand recover and receive for the use of the harbour and the works and in respect of vessels boats passengers animals fish and goods and also in respect of services rendered described in the schedule to this Order any sums not exceeding the several rates specified in that schedule.

Rates may be levied though works not completed.

31. When and so soon as it shall be at any time or from time to time certified in writing under the hand of an officer to be appointed for the purpose by the Board of Trade and paid by the Trustees that the works authorised by this Order have been so far completed as to afford increased accommodation for the traffic of the harbour by means of such works the Trustees may notwithstanding the twenty-fifth section of the Harbours Docks and Piers Clauses Act 1847 and although the whole of the works authorised by this Order shall not then have been completed demand receive and recover such of the rates or such proportion of all or any of the rates specified in the schedule to this Order as shall in the opinion of the Board of Trade be commensurate with the increased accommodation afforded.

Master or owner to report take of fish.

32.—(1) The master or owner of every vessel with a take or cargo of fish shall on the arrival of the vessel in the harbour forthwith furnish to the collector of rates a true and accurate statement of his take or cargo of fish and the name of any person obtaining delivery thereof.

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

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

33.—(1) The Trustees may levy demand recover and receive the rates for white fish and for fresh or salt sprinkled herrings direct from the sea transhipped or unshipped within the harbour (without prejudice to their right to levy demand recover and receive the rates from any other person) either from the fish salesmen or auctioneers who dispose of the fish or from the person purchasing or receiving delivery of the fish (otherwise than as carriers) from any vessel.

(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 Trustees or their collector of rates with an account under their hands of the quantity

of the fish and verify the account by the production of their books accounts or other documents to the Trustees or to their collector of rates.

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

34. The harbour master may prevent the removal or sailing out of the harbour of any vessel or boat in respect of which or of the goods imported or exported therein any rates or dues are payable until evidence shall have been produced to him of the payment of such rates or dues to the collector and in case of a vessel or boat with a take or cargo of fish until the master or owner of such vessel or boat shall have given in an account of his take or cargo of fish in accordance with this Order.

Harbour master
may prevent
sailing of
vessels.

35. The Trustees may demand levy and receive such rates or other consideration as they may think reasonable for the use of any warehouses offices sheds buildings weighing machines cranes works and conveniences belonging to the Trustees for the use of which rates are not specifically fixed in the schedule to this Order.

Rates for use
of warehouses
&c.

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

Ballast for
vessels.

37.—(1) The Trustees may fix such rates as appear to them reasonable for or in respect of the use of steam tugs provided or licensed by them or in respect of any services rendered by them in connexion with their piers quays or wharves for which rates are not specially authorised by this Order.

Rates for
steam tugs.

(2) Rates for the use of steam tugs shall be paid by the owner master consignee or other person having charge of the vessel using the tug and those rates shall be due and payable whether the tug shall be actually employed or not provided the assistance thereof shall have been required and shall in consequence of a requisition have been tendered by the master or other person having the command of the tug.

38. If and so long as the Trustees 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 charges as they may think fit not exceeding the rates specified for that purpose in the schedule to this Order for pure and wholesome water supplied by them.

Trustees may
supply and
charge for
water.

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

Power to con-
fer exemptions
from and com-
pound for rates.

A.D. 1903.

*Pennan.*Certain fishing
vessels under
stress of wea-
ther exempt
from rates.

the harbour under like circumstances and that anything done under this section shall not prejudice the other provisions of this Order.

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

Exemption of
lifeboat crews.

41. 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 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 from the harbour and works without payment.

Revision of
rates.

42.—(1) The Trustees shall revise the rates receivable by them under this Order within the maximum rates specified in the schedule to this Order so that the income of the Trustees under this Order may always be so far as practicable sufficient and not more than sufficient for the purposes of this Order.

(2) If at any time it appears to the Board of Trade that the clear annual income derived from the harbour and any quays piers wharves warehouses sheds and other property acquired or leased by the Trustees on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Order the Board of Trade 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 so that they do not exceed those specified in the schedule to this Order.

Power to
lease rates.

43. The Trustees may from time to time lease the rates authorised by this Order for any period not exceeding seven years from the date of the lease and for such rent and consideration and on such terms and conditions as they think fit and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering rates and dues as the Trustees have or might exercise under the Harbours Docks and Piers Clauses Act 1847 and this Order and shall be subject to all the provisions as to accounts and otherwise to which the Trustees are made subject under this Order.

Partial incor-
poration of
Harbours and
Passing Tolls Act.
24 & 25 Vict.
c. 47.

44. Part V. of the Harbours and Passing Tolls Act 1861 shall be incorporated with this Order.

*Finance.*Power to
borrow.

45.—(1) The Trustees 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 two thousand pounds on the security of the rates dues and charges authorised by this Order or they may accept and take from any bank or banking company credit to such amount as they may think expedient on a cash account to be opened and kept in the names of the Trustees

according to the usage of bankers in Scotland but so that the whole sum owing by the Trustees on such cash account and for other money borrowed and for the time being unpaid shall not exceed in the whole the sum of two thousand pounds exclusive of interest and the Trustees may grant bonds and assignations of the rates dues and charges hereby authorised in security of the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively and such bonds and assignations and any transfers thereof may be in the forms contained in Schedules (B) and (C) annexed to the Burgh Harbours (Scotland) Act 1853 or to the like effect and shall be recorded in the division of the general register of Sasines at Edinburgh applicable to the county of Aberdeen.

A.D. 1903.

Pennan.

(2) All moneys borrowed under this Order shall be applied in defraying the cost of the works authorised by this Order or for other purposes to which capital money is properly applicable and not otherwise.

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

Appointment of
judicial factor.

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

(3) In sections 86 and 87 of the Commissioners Clauses Act 1847 as incorporated with this Order the expression "receiver" shall mean judicial factor.

47. Any person advancing money to the Trustees shall not be bound to require any further or other evidence of the power of the Trustees to borrow the money advanced by such person than such as is afforded by a certificate signed by the clerk to the Trustees and two of the Trustees that the Trustees are not exceeding the powers of borrowing conferred on them by this Order and by an inspection of the register of mortgages by section 76 of the Commissioners Clauses Act 1847 required to be kept by the Trustees.

Protection of
lenders.

48.—(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 Trustees 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 Trustees out of the rates or other income received by them under this Order.

Audit.

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

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*Pennan.*Application of
moneys.

(4) If the Trustees 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.

49. The rates dues and charges received under this Order shall be applied for the purposes and in the order following (that is to say):—

- (1) In paying the costs charges and expenses of or connected with the preparation obtaining and making of this Order or otherwise in relation thereto;
- (2) In paying the expenses of the election of Trustees and of the maintenance repair improvement management and regulation of the harbour and of the works;
- (3) In paying year by year the interest and any instalments of principal due in respect of money borrowed under this Order;
- (4) In forming a sinking fund in accordance with this Order for payment of principal moneys borrowed under this Order;
- (5) In paying the expenses of the execution maintenance repair and purchase of such other works lands buildings sheds warehouses wharves jetties tugs dredgers hydraulic machinery cranes engines lifeboats life-saving apparatus and conveniences as the Trustees may from time to time deem to be necessary for the purposes of the harbour and works or the accommodation of the shipping or fishermen resorting thereto or in providing a reserve fund not exceeding one thousand pounds for these purposes.

Sinking fund.

50. The Trustees 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 preceding section such a sum as will with the accumulations thereof by way of compound interest be sufficient to pay off the whole of the principal moneys borrowed under this Order within forty years after the date when those moneys are respectively borrowed.

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

51.—(1) The Trustees within one month after sending to the sheriff's clerk the copy of their annual account in abstract shall send a copy of it to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account and the expression "the Company" in that section shall mean "the Trustees."

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

(3) The Trustees shall also within the time aforesaid in each year furnish to the Secretary for Scotland a report specifying the number of vessels and boats resorting to the harbour and the accommodation available in the harbour and the works and the provisions made for the maintenance of the works authorised by this Order.

(4) If the Trustees refuse or neglect to comply with this section they shall be liable to a penalty not exceeding ten pounds for every week during which such refusal or neglect continues.

Variation of
s. 66 of
10 & 11 Vict.
c. 16.

52. Notwithstanding anything in the Commissioners Clauses Act 1847 the same person may be both clerk and treasurer to the Trustees.

A.D. 1903.

Life-Saving Apparatus.

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

(2) The Trustees 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.

(3) If the Trustees shall 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.

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

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

Lights.

56. Before commencing the works authorised by this Order the Trustees shall apply to the Board of Trade for directions as to 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 such application or afterwards from time to time given as to the like matters by the Board of Trade during the construction of the works and compliance with the directions so given shall satisfy and be in lieu of every other statutory requirement as to lights during the construction of the works and the Trustees 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 obey any direction so given.

57. After completion or permanent discontinuance or abandonment of the works authorised by this Order the Trustees shall at the outer extremity of the pier and works or the completed portions thereof or in such other place or places as may be required exhibit for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to the Commissioners for such directions and the Trustees 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.

58. In case of any injury to or destruction or decay of the pier or works of the Trustees or any part thereof the Trustees shall lay down such buoys

Pennan.
Portions of
Harbours
Clauses Act
excepted.

Life-saving
apparatus may
be attached to
harbour works.

Life-buoys and
life-lines.

Temporary
lights.

Lights after
completion of
works.

Buoys and lights
in case of decay
of works.

A.D. 1903.

Pennan.

exhibit such lights or take such other means for preventing as far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for such directions and the Trustees shall be liable to a penalty not exceeding ten pounds for every day during which they omit to apply for or refuse or neglect to observe any such directions.

Miscellaneous.

Recovery of penalties.

59. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all purposes of that Act this Order shall be deemed the special Act.

Extension of 10 & 11 Vict. c. 27. (ss. 28, 99) to all Government departments.

60. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections.

Saving rights of Crown.

61. Nothing in this Order shall authorise the Trustees to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or 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 (which consent those Commissioners and that Board are hereby respectively authorised to give) neither shall anything in this Order extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the King's Majesty.

Compensation to Crown for damage to salmon fishing.

62. The Trustees shall make compensation for the damage or injury (if any) which may be sustained by His Majesty or His tenants in respect of His right of salmon fishing through the exercise of the powers of this Order. And in case the amount of such compensation shall not be agreed upon the same shall be settled by two referees one being appointed by the Commissioners of Woods and the other being appointed by the Trustees or by an umpire to be appointed by the said referees before proceeding with the reference and the charges and expenses of such reference including the fees of the referees and umpire shall be paid by the Trustees.

Repeal.

63. The Pennan Harbour Order 1891 is hereby repealed.

Costs of Order.

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

Harbour and works to be in parish of Aberdour.

65. The harbour and the works shall be deemed for all purposes to be within the parish of Aberdour in the county of Aberdeen.

The SCHEDULE to which the foregoing Order refers.

A.D. 1903.

Pennan.

I.—TONNAGE DUES.

(a) *On Vessels other than Fishing Boats exclusive of Cargo.*

	£	s.	d.
For all vessels entering the harbour to load or unload per registered ton	0	0	4
For all vessels wind-bound or otherwise and not loading or unloading per registered ton	0	0	2
For all vessels laid up for each month or part of a month. (Vessels not going to sea within one month after arrival to be considered laid up) per registered ton	0	0	3
For every pleasure yacht entering the harbour not carrying goods or passengers for hire per registered ton	0	0	3

(b) *On Fishing and other Boats exclusive of Cargo.*

Every boat engaged in the herring fishery as a composition in full of tonnage duty for the period of the fishing season payable in advance—

If under 15 tons register	1	0	0
If 15 tons register or above	1	5	0

Every boat not paying the aforesaid composition shall on each occasion of entering the harbour to load or discharge herrings pay

And if not loading or discharging herrings	0	1	3
Other boats loading or discharging	0	2	6
Other boats if not loading or discharging	0	1	6

Other boats when above 15 tons register to be charged according to tonnage dues for vessels other than fishing boats.

Each white fishing boat for season commencing 1st October and payable annually in advance:—

If manned by not less than four hands	0	15	0
If manned by less than four hands	0	7	6

For every large herring and white fishing boat or other boat above 30 tons register beached for the season

Every smaller herring or white fishing boat or other boat under 30 tons register beached for the season

The above composition dues shall not apply to steam trawlers or steam liners of more than 30 tons which shall be charged according to the tonnage dues on vessels other than fishing boats.

A.D. 1903. II.—RATES ON ARTICLES OF IMPORT AND EXPORT BY BOATS OR VESSELS.

Penny.

	£	s.	d.
Ale and beer of all kinds per 50 gallons	0	1	0
Alkali per ton	0	0	8
Anchors per cwt.	0	0	9
Ashes all kinds per ton	0	1	0
Bacon or hams per cwt.	0	0	3
Ballast per ton	0	0	6
Bark per ton	0	2	0
Barrels empty each	0	0	2
Barley (see Corn):—			
Shelled or pearl ditto per cwt.	0	0	2
Bedding per cwt.	0	0	3
Beef or pork per 2 cwt.	0	0	3
Biscuits or bread per cwt.	0	0	3
Blubber per 252 gallons	0	3	0
Bones of cattle per ton	0	1	0
Bone dust per 40 bushels	0	1	0
Bottles of green or common glass not less than pints per gross	0	0	4
Bottles broken per ton	0	0	6
Bran per quarter	0	0	2
Bricks per 1000	0	1	0
Butter per cwt.	0	0	3
Cables iron or hempen per ton	0	3	0
Candles per cwt.	0	0	2
Canvas per 56 lbs.	0	0	1
Carrots per ton	0	0	6
Casks empty of 84 gallons capacity not being returned packages	0	0	6
Other casks in proportion.			
Cattle viz. :—			
Bulls cows and oxen each	0	1	0
Calves each	0	0	6
Horses each	0	2	0
Pigs each	0	0	6
Sheep each	0	0	3
Lambs each	0	0	2
Cement per ton	0	1	0
Chalk per ton	0	0	6
Cheese per cwt.	0	0	2
Chimney cans per 100	0	2	8
Clay fire manufactured per ton	0	1	0
Clay common per ton	0	0	2
Cloth haberdashery &c. per 5 cubic feet	0	0	2
Coaches &c. :—			
Chaise and other four-wheeled carriages each	0	7	6
Gigs carts and other two-wheeled carriages each	0	5	0
Hand carts and perambulators	0	1	0

[3 EDW. 7.]

Pier and Harbour Orders
Confirmation (No. 3) Act, 1903.

[Ch. cxxix.]

	£	s.	d.	A.D. 1903.
Coals per ton	0	0	6	<u>Pennan.</u>
Copper per ton	0	3	0	
Cordage per ton	0	3	0	
Corks per 5 cubic feet	0	0	4	
Corn viz. :—				
Barley beans Indian corn malt oats peas rye and wheat per quarter... ..	0	0	3	
Cinders and charcoal per ton	0	0	6	
Crabs per doz.	0	0	1	
Crystal per 2 cwt.	0	0	2	
Cutch per ton	0	3	4	
Dogs each	0	0	6	
Dissolved bones per ton	0	1	0	
Drugs per 2 cwt.	0	0	3	
Earthenware per 2 cwt.	0	0	4	
Eggs per 5 cubic feet	0	0	4	
Felt per ton	0	2	6	
Flax per cwt.	0	0	2	
Flour per 280 lbs.	0	0	4	
Fish viz. :—				
Salted per cwt.	0	0	2	
Dried per cwt.	0	0	3	
Fresh haddocks cod ling and all not enumerated per cwt.	0	0	1	
Salmon per cwt.	0	0	6	
Herrings imported fresh per 37½ gallons	0	0	3	
„ exported cured per 26½ gallons	0	0	2	
„ red or smoked per cwt.	0	0	1	
Fruits of all kinds per bushel	0	0	3	
Game per score of all kinds	0	3	0	
Glass per 2 cwt.	0	0	3	
Groceries viz. :—				
Tea coffee sugar confections dried fruits molasses spices rice soap tobacco snuff &c. per cwt.	0	0	4	
Guano per ton	0	1	0	
Gunpowder per 100 lbs.	0	0	3	
Hams bacon and tongues per cwt.	0	0	4	
Hay per ton	0	2	0	
Hardware per ton	0	2	6	
Herrings brought here for shipment which have been landed fresh at any other place and have not been charged dues at this harbour per 26½ gallons	0	0	4	
Hemp rough per ton	0	3	0	
Hides per cwt.	0	0	4	

A.D. 1903.	Hoops:—	£	s.	d.
<i>Pennan.</i>	Hoops of wood all of the size of 84 gallon cask hoops and			
	under per 1200	0	0	9
	All above per 1200	0	1	0
	Iron per cwt.	0	0	2
	Household furniture per 5 cubic feet	0	0	4
	Husbandry utensils per 2 cwt.	0	0	4
	Iron viz.:—			
	Bar bolt and rod plate sheet and forged iron grates stoves			
	and other ironmongery and rails per cwt.	0	0	2
	Hoop (see Hoops).			
	Old iron per cwt.	0	0	1
	Old or broken cast iron per cwt.	0	0	0½
	Kelp per cwt.	0	0	1
	Lard per cwt.	0	0	2
	Lead per cwt.	0	0	2
	Leather tanned and dressed per cwt.	0	0	6
	Lime per 16 gallons	0	0	1
	Limestone per ton	0	1	0
	Lobsters per doz.	0	0	2
	Loam or moulding sand per ton	0	0	6
	Machinery per ton	0	2	6
	„ per 5 cubic feet	0	0	6
	Manures not enumerated per ton	0	1	0
	Masts per cwt.	0	0	1
	Meal per 140 lbs.	0	0	2
	Meat fresh per cwt.	0	0	6
	Milk per gallon	0	0	0½
	Musical instruments per cubic foot	0	0	1
	Oakum per cwt.	0	0	2
	Oil per ton	0	3	0
	Oil-cake per ton	0	3	0
	Oranges and lemons per cwt.	0	0	6
	Oysters per cwt.	0	0	4
	Paint per cwt.	0	0	4
	Passengers' luggage not exceeding 8 cwt. free.			
	All above 8 cwt. per 2 cwt.	0	0	6
	Pipes:—			
	Spigot and faucet glazed per ton... ..	0	1	0
	Pipes or tiles for draining per 1000	0	1	0
	Pitch per cwt.	0	0	2
	Potatoes per ton	0	0	6
	Peats per 500	0	0	1
	Poultry each	0	0	1
	Rabbits per doz.... ..	0	0	4
	Rags and old rope per ton... ..	0	2	0

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	£	s.	d.	A.D. 1903.
Resin per ton	0	2	6	—
Ropes of all kinds per ton	0	2	6	<i>Pennan.</i>
Sails per cwt.	0	0	6	
Salt per 40 bushels	0	1	0	
Saltpetre per ton	0	3	0	
Sand	0	1	0	
Seed viz. :—				
Flax and rape per 52½ gallons... ..	0	0	9	
" " per 32 gallons	0	0	4½	
Clover per 300 cwt.	0	0	6	
Garden seeds per 2 cwt.	0	0	6	
Hemp and canary per 2 cwt.	0	0	3	
Rye grass per quarter	0	0	3	
Sheepskins with wool per cwt.	0	0	3	
Shell fish other than specified per cwt.	0	0	2	
Slates viz. :—				
Under size per 1000	0	1	0	
Sizeable per 1000	0	2	0	
Over size per 1000	0	3	0	
Spirits per 50 gallons	0	0	9	
Staves—herring barrel staves per 1000 super. feet	0	1	0	
Stones viz. :—				
Rubble per ton	0	0	2	
Hewn ashlar per ton... ..	0	0	9	
Rough ashlar per ton	0	0	6	
Large stones per ton... ..	0	0	6	
Causeway stones dressed per ton	0	0	3	
Pavement per ton	0	0	6	
Kerb per ton	0	0	6	
Gravestones each	0	3	0	
Scythe stones per score	0	0	0½	
Grindstones each	0	0	6	
Millstones each	0	3	0	
Steel per ton	0	2	8	
Sugar per ton	0	2	8	
Tallow soap and candles per cwt.	0	0	2	
Tar per 25 gallons	0	0	4	
Tares per quarter	0	0	2	
Tea per 115 lbs.	0	0	6	
Tiles per 1000	0	1	6	
Tin of all kinds per ton	0	3	0	
Tobacco per ton	0	5	0	
Tow per cwt.	0	0	2	
Treenails under 2 feet in length per 1000	0	1	0	
" exceeding 2 feet in length per 1000	0	2	0	

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Penman.

	£	s.	d.
Turnips per ton...	0	0	6
Turpentine per 52½ gallons	0	1	4
Varnish per cwt.	0	0	1
Vegetables per 10 cwt.	0	0	4
Vinegar per 52½ gallons	0	1	0
Vitriol per 3½ gallons	0	0	4
Whalebone per ton	0	5	0
Wheels coach or cart per pair	0	0	9
Wine per 43 gallons	0	1	4
„ bottled per 5 cubic feet	0	0	8
Wood of all kinds per 1 <i>l.</i> value	0	0	6
Wool per cwt.	0	0	6
Yarn per ton	0	2	8
Zinc per ton	0	2	8
All other goods not particularly enumerated in the above table viz.:			
Light goods per 5 cubic feet or 2 cwt.	0	0	4
Heavy goods per ton	0	2	6

NOTES WITH REFERENCE TO THE FOREGOING.

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

2. All goods landed from any vessel and reshipped 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 from the original packages having been destroyed or damaged shall only pay duties on landing and may be reshipped in the same or another vessel upon her departure without paying duties 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 reloaded.

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 proportionally and the minimum charge for a single package shall be one penny.

III.—RATES FOR THE USE OF SHEDS CRANES WEIGHING MACHINES AND
WARPS.

1.—Sheds.

For each ton of goods of 8 barrels' bulk or for each ton of goods of 20 cwt. which shall remain in any shed or on the pier for a longer time than 48 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 48 hours,

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		£	s.	d.	A.D. 1903.
<i>2.—Cranes.</i>					
All goods or packages not exceeding 1 ton	...	0	0	3	Pennan.
Exceeding 1 ton and not exceeding 2 tons	...	0	0	4	
Exceeding 2 tons and not exceeding 3 tons	...	0	0	6	
Exceeding 3 tons and not exceeding 4 tons	...	0	0	8	
Exceeding 4 tons and not exceeding 5 tons	...	0	0	10	
Exceeding 5 tons and not exceeding 6 tons	...	0	1	0	
Exceeding 6 tons and not exceeding 7 tons	...	0	1	2	
Exceeding 7 tons and not exceeding 8 tons	...	0	1	4	
Exceeding 8 tons and not exceeding 9 tons	...	0	1	8	
Exceeding 9 tons and not exceeding 10 tons	...	0	2	0	
Exceeding 10 tons	... ..	0	3	0	

3.—Weighing Machines.

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

4.—Warps or Planks.

Harbour warps All vessels per registered ton	...	0	0	0 $\frac{1}{4}$
All vessels requiring the use of planks for each plank	...	0	1	0

5.—Water.

Pure and wholesome water for every 25 gallons supplied	...	0	0	1 $\frac{1}{2}$
For the supply of pure and wholesome water to any herring or white fishing boat for the entire fishing season	... ..	0	2	6

IV.—RATES FOR PASSENGERS.

For every passenger disembarking from any vessel entering the harbour	0	0	2
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