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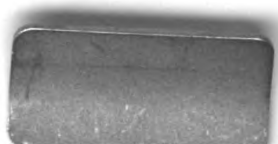
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THE
SESSIONAL PAPERS

8/66
16

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VOL. VIII.

PUBLIC BILLS,

(Six Volumes.)

CONTINUED.

THE SUBJECTS ALPHABETICALLY ARRANGED:

PAC - - PUR

1911.

THIS BOOK
IS TO BE PRESERVED IN THE
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OF THE
BOARD OF TRADE

PUBLIC BILLS, 1911.

(SIX VOLUMES.)

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A

B I L L

INTITULED

An Act to extend the Pacific Cable Act, 1901.

A.D. 1911.

BE it 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:—

5 **1.**—(1) The Pacific Cable Board may, with the approval of the Treasury, apply out of their reserve fund such sums as may be required for the purpose of any works authorised under this Act:

Provision for construction of new works agreed to by contributing Governments.

10 Provided that the sums standing to the credit of that reserve fund are not at any time thereby reduced below the sum of one hundred thousand pounds; and that the Pacific Cable Board shall pay to the reserve fund as part of the annual expenses of the Pacific cable in each year, in accordance with regulations approved by the Treasury, such sums as may be

15 sufficient to repay any moneys so applied in thirty-five years, with interest at the rate of three and a half per cent. per annum.

20 (2) Sections three to seven of the Pacific Cable Act, 1901, shall be read as if references to the Pacific cable included references to any works authorised under this Act, and as if references to the payment of annuities created under that Act included references to payments to the reserve fund required under this Act.

1 Edw. 7. c. 31.

25 **2.**—(1) The works authorised under this Act are a submarine cable between Australia and New Zealand, as already sanctioned by the contributing Governments, and any other extensions, connections, or rearrangements in or near the Pacific Ocean which, in the opinion of all the contributing Governments, are necessary or expedient for the improvement of the Pacific Cable Board's undertaking.

Interpretation.

(197)

A.D. 1911.

(2) The reserve fund means in this Act the reserve fund established under the authority of the Treasury by the Pacific Cable Board.

(3) The contributing Governments mean in this Act the Governments represented on the Pacific Cable Board, namely, His Majesty's Government, the Government of Canada, the Government of the Commonwealth of Australia, and the Government of New Zealand.

Short title.

3. This Act may be cited as the Pacific Cable Act, 1911.

Pacific Cable.

A

B I L L

INTRODUCED

An Act to extend the Pacific Cable
Act, 1901.

(Brought from the Commons 18th August 1911.)

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(197)

[1 GEO. 5.] *Paisley Corporation Order Confirmation.* 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1911.
Legislation Procedure (Scotland) Act 1899 relating to
Paisley Corporation.

WHEREAS His Majesty's Secretary for Scotland has after
inquiry held before Commissioners made the Provisional
Order set forth in the schedule hereunto annexed under the
provisions of the Private Legislation Procedure (Scotland) Act 62 & 63 Vict.
5 1899 and it is requisite that the said Order should be confirmed c. 47.
by 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
10 and by the authority of the same as follows:—

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

2. This Act may be cited as the Paisley Corporation Order Short title.
Confirmation Act 1911.

A.D. 1911.

SCHEDULE.

Provisional Order to authorise the Corporation of the burgh of Paisley to exchang a portion of the lands of Carriagehill to amend the law relating to the levying and recovery of assessments within the burgh to provide for the filling up of 5 casual vacancies in the Corporation and for other purposes.

WHEREAS the late Robert Brodie bank accountant who resided at Carriagehill House Paisley by his trust disposition and settlement dated the twenty-fourth day of June one thousand eight hundred and seventy (hereinafter called "his settlement") conveyed his entire property to trustees therein named in trust for the purposes therein mentioned and inter alia he directed his trustees to convey and make over to his nephew William King that part of his lands of Carriagehill on which the mansion house farmhouses and outhouses were erected with the garden lying within the garden walls together with the mansion house farmhouses and outhouses under burden of a liferent and of the occupation by the then lessee of the lands of Carriagehill of the farmhouses during his lease and he also thereby directed his trustees to convey and make over to the magistrates and town council of the burgh of Paisley (hereinafter called "the burgh") the remainder of his lands of Carriagehill to be held retained and applied in all time thereafter by them and their successors in office as pleasure grounds or place of public resort or recreation for the use of the inhabitants of Paisley :

And whereas by codicil dated the seventeenth day of November one thousand eight hundred and seventy the said Robert Brodie directed his trustees to include and thereby to convey and make over in the disposition or deed of conveyance to be granted by them to the said magistrates and town council for the purposes and with and under the powers conditions and provisions expressed in his settlement that portion of his lands of Carriagehill directed by his settlement to be conveyed to his said nephew under burden of said liferent and lease and he recalled the directions given in his settlement to convey the part or portion of his estate to his said nephew :

And whereas after the death of the said Robert Brodie which took place upon the twentieth day of February one thousand

eight hundred and seventy-one his trustees duly conveyed the said lands and others in implement of his settlement and the said codicil to the said magistrates and town council : A.D. 1911.

And whereas the said portion of the said Robert Brodie's estate directed by his settlement to be conveyed to the said magistrates and town council has since 1877 been laid out and used as a public park but the portion consisting of the lands directed by his settlement to be conveyed to his nephew and afterwards by the said codicil directed to be conveyed to the said magistrates and town council and which are separated by a road from the lands laid out as a public park has continued to be let to tenants :

And whereas the provost magistrates and councillors of the burgh (hereinafter called "the Corporation") are the successors in office of the said magistrates and town council :

And whereas Brown and Polson starch and cornflour manufacturers Paisley whose works adjoin the said lands not yet laid out as a public park are desirous of acquiring a portion thereof in connection with their said works and have agreed to give in exchange therefor to the Corporation a portion of ground of equal dimensions and value belonging to them and further to convey to the Corporation other land belonging to them for the purpose of widening certain roads within the burgh :

And whereas it would be of great advantage to the Corporation as regards the amenity of the lands conveyed to them under the said Robert Brodie's settlement that the said exchange should be effected and it is expedient that the same should be sanctioned and that the agreement for such exchange as set out in the schedule to this Order should be confirmed :

And whereas in the month of March 1904 the Corporation by special order duly passed and confirmed resolved in terms of section 99 of the Burgh Police (Scotland) Act 1903 that section 46 of that Act should not apply to the burgh and that the corresponding section of the Paisley Police and Public Health Act 1901 (being section 6 subsection 13) should remain in force within the burgh :

And whereas it is expedient that the said special order should be rescinded and that the sections of the Burgh Police (Scotland) Act 1892 mentioned or referred to in section 46 of the said Act of 1903 should be made applicable to all assessments levied by the Corporation within the burgh :

A.D. 1911.

And whereas with a view to uniformity in levying assessments within the burgh it is desirable that the provisions of section 347 of the Burgh Police (Scotland) Act 1892 should apply to all assessments leviable by the Corporation in respect of the classes and descriptions of lands and premises specified under heads 1 2 and 3 of the said section: 5

And whereas it is expedient to amend in relation to the burgh the provisions of the Town Councils (Scotland) Act 1900 relating to the filling up of casual vacancies in the Corporation:

And whereas in the years 1890 and 1891 the Corporation 10 purchased ground and laid out the same as a cemetery under the powers of the Burial Grounds (Scotland) Act 1855 and borrowed money for that purpose:

And whereas by section 93 of the Paisley Police and Public Health Act 1901 it is provided that from and after the com- 15 mencement of that Act the Corporation should only be bound to pay in or set apart annually as a sinking fund for the repayment of the money so borrowed one-fortieth part of the principal sum borrowed:

And whereas for some years previously to the passing of the 20 last-mentioned Act the Corporation had paid or set aside annually one-fortieth part only of the amount so borrowed as aforesaid by reason whereof there is debt outstanding which should at this date have been repaid and it is expedient to provide for the repayment thereof in manner provided by this Order: 25

And whereas it is expedient to amend in manner provided by this Order the provisions of the Paisley Police and Public Health Act 1901 relative to the signature of certain deliverances of the dean of guild court of the burgh:

And whereas the Corporation are the owners of a model 30 lodging-house situate in Arthur Street within the burgh the income from which exceeds the expenditure thereon and it is expedient to make provision for the application of such surplus income in manner provided by this Order:

And whereas the Corporation have established an accident 35 fund to meet claims arising out of accidents occurring to persons in their employment and it is expedient to sanction the same and to authorise the continuance of such fund:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by 40

[1 GEO. 5.] *Paisley Corporation Order Confirmation.* 5

Parliament under the provisions of the Private Legislation A.D. 1911.
Procedure (Scotland) Act 1899:

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

5 1. This Order may be cited for all purposes as the Paisley Short title.
Corporation Order 1911.

2. This Order shall except where otherwise expressly pro- Commence-
vided come into force upon the date of the passing of the Act ment of
confirming the same which date is hereinafter referred to as Order.
10 “the commencement of this Order.”

3. Words and expressions to which meanings are assigned Interpretation
by the Burgh Police (Scotland) Acts 1892 to 1903 or the Town of
Councils (Scotland) Act 1900 have in this Order the same terms.
respective meanings unless there be something in the subject or
15 context repugnant to such construction.

And in this Order—

The expression “the burgh” means the burgh of Paisley
in the county of Renfrew and the expression “the
20 Corporation” means the provost magistrates and
councillors of the burgh.

4.—(1) The agreement made between John Armour Brown Confirmation
of the first part and the Corporation of the second part set forth of agreement
in the schedule to this Order is hereby confirmed and made for exchan-
binding on the parties thereto. ge of
portion of
lands of
Carriagehill.

25 (2) The piece of land by the said agreement agreed to be
conveyed to the Corporation and described in article first thereof
shall when so conveyed be held by the Corporation upon the
same trusts and for the same purposes as those to and for which
the portion of the lands of Carriagehill by the said agreement
30 agreed to be conveyed by the Corporation to the said John
Armour Brown were subject and could be used prior to such
conveyance.

5. As from and after the term of Whitsunday one thousand Section 46 of
nine hundred and eleven so much of the special order of the Police Act of
35 Corporation passed on the third and confirmed on the thirty-first 1903 to be
both days of March one thousand nine hundred and four as applicable to
resolved that section 46 of the Burgh Police (Scotland) Act 1903 burgh.
should not be applicable to the burgh shall cease to have effect

A.D. 1911. and as from the date aforesaid the said section shall be applicable to the burgh and shall prevail over the corresponding provisions of any local Act relating to the burgh.

Section 347 of Police Act of 1892 to apply to all statutory assessments.

6. The provisions of section 347 of the Burgh Police (Scotland) Act 1892 which limit the annual value for the purposes of the assessments under the said Act shall apply to all assessments leviable by the Corporation in respect of the classes and descriptions of lands and premises specified under heads 1 2 and 3 of the said section. 5

Amendment of Town Councils (Scotland) Act 1900 relating to casual vacancies in Corporation.

7. Notwithstanding anything in the Town Councils (Scotland) Act 1900 contained in case of any vacancy occurring in the Corporation from any cause (other than retirement in ordinary rotation at an annual election) between the eighteenth day of October in any year being the last day for the issue of the notice referred to in section 42 (Notice of vacancies and dates of nomination and election) of the Town Councils (Scotland) Act 1900 and the first day of October in the following year the vacancy so occurring shall subject to the provisions of the following section of this Order be filled up by a special election by the electors of the ward in respect of which such vacancy has occurred and the following provisions shall apply and have effect (that is to say) :— 10 15 20

(1) The election shall be conducted and the costs and charges thereof defrayed in the same manner as in the case of an annual election : 25

(2) The town clerk of the burgh as soon as may be after the occurrence of the vacancy shall subject to the approval of the Corporation fix the date of the election and the dates for the issue of all necessary notices and for lodging and withdrawing nomination papers so that the intervals between such respective dates shall be the same as in the case of an annual election and such notices and papers shall be in or as nearly as may be in the forms respectively used in the case of an annual election : 30 35

(3) The town clerk shall by notice to be affixed to the outside wall of the municipal buildings in the burgh and also to be published by handbills posted up throughout the ward in respect of which the vacancy has occurred intimate (1) the cause of the vacancy (2) the ward 40

[1 GEO. 5.] *Paisley Corporation Order Confirmation.* 7

in which the vacancy falls to be filled up (3) the date and place for lodging and withdrawing nomination papers (4) the date of the election in the event of there being a poll and (5) the polling place: A.D. 1911.

5 (4) If more than one candidate is nominated for the vacancy the town clerk shall by notice to be affixed and published as aforesaid give the names of all persons so nominated and not withdrawn:

10 (5) The person elected at the election shall hold the office of town councillor during the period for which the person vacating such office might lawfully have held the same.

8. In case of any such vacancy as is referred to in the last preceding section occurring within the three months immediately preceding an annual election the Corporation may resolve that such vacancy shall not be filled up until such annual election. Vacancy within three months of annual election.

9. Notwithstanding anything contained in the Burial Grounds (Scotland) Act 1855 or in section 93 of the Paisley Police and Public Health Act 1901 the Corporation shall only be bound from and after the commencement of this Order to pay into or set aside to the credit of the sinking fund for the repayment of loans already borrowed by the Corporation under the first-mentioned Act such equal annual sums as shall be sufficient to repay the amount of such loans outstanding as at the 15th day of May 1910 by the 15th day of May 1927. Sinking fund under Burial Grounds Acts.

10. From and after the commencement of this Order section 65 (President of court quorum &c.) of the Paisley Police and Public Health Act 1901 shall be read and have effect as if the words "appointing service or intimation of any petition or other step of procedure" were omitted therefrom and as if the words "Deliverances appointing service or intimation of any petition may be signed by the clerk of court" were added thereto. Amendment of section 65 of Paisley Police and Public Health Act 1901.

11. The Corporation may apply in reduction of the rates of the burgh the revenue from time to time derived by the Corporation from the working of the model lodging-house belonging to the Corporation situate in Arthur Street within the burgh after providing for the proper upkeep and working of such lodging-house. Application of surplus revenue from model lodging-house.

A.D. 1911.
 Power to
 continue and
 maintain
 accident
 fund.

12.—(1) The accident fund (in this section called “the fund”) already created by the Corporation to meet claims upon them arising out of accidents occurring to persons in their employment and the contributions heretofore made by the Corporation to the fund are hereby sanctioned and confirmed and the Corporation may continue to maintain the fund and to contribute thereto annually out of any of the revenues of the Corporation such sums as they may from time to time determine. 5

(2) The fund and the annual contributions thereto shall be invested in securities in which trustees are for the time being authorised to invest and shall be accumulated at compound interest but the corporation may at any time resort to the fund for the purpose of meeting any such claim as is mentioned in this section. 10

(3) In the event of the claims arising at any time exceeding the amount of the fund the Corporation may charge their revenues and funds and those of the several departments under their administration with such sums as may be necessary to meet such claims. Such sums shall be paid into the fund under the name of extraordinary contributions and shall along with the fund be applied in meeting such claims. 15 20

(4) The fund shall not at any time exceed five thousand pounds but if it be reduced at any time it may be again restored to the said amount. Provided that the Corporation may notwithstanding that the fund may have reached the said amount repay by means of such contributions as aforesaid any extraordinary contributions that may have been made to the said fund which may not previously have been repaid. 25

Costs of
 Order.

13. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of the burgh general assessment of the burgh. 30

The SCHEDULE referred to in the foregoing Order,

A.D. 1911.

MINUTE OF AGREEMENT between JOHN ARMOUR BROWN Starch
 Manufacturer in Paisley the sole surviving trustee heritably
 vested for behoof of the firm of BROWN AND POLSON Starch
 5 Manufacturers in Paisley and the individual partners thereof
 in the lands of Carriagehill or Wester Carriagehill belonging
 to said firm whereof the plot of ground first hereinafter
 described forms part of the first part and hereinafter called
 the first party and the PROVOST MAGISTRATES AND COUN-
 10 CILLORS OF THE BURGH OF PAISLEY of the second part and
 hereinafter called the second party witnesseth

WHEREAS it has been agreed between the parties subject to the sanction
 of Parliament being obtained that by means of a contract of excambion
 or other deed or deeds the first party as trustee foresaid shall convey
 15 to the second party the plot or area of ground first hereinafter described
 and the second party shall convey to the first party as trustee foresaid
 the plot or area of ground second hereinafter described both freed of
 all burdens except as aftermentioned and that without the one party
 paying to the other any price in respect of such exchange of land:

20 And whereas it has been further agreed that the first party as
 trustee foresaid shall throw into the streets or roads within the burgh
 of Paisley known as Neilston Road and Falside Road certain portions
 of land as aftermentioned and that the second party on behalf of
 themselves and their successors in office shall come under certain
 25 obligations to the first party and his successors in the said lands of
 Carriagehill or Wester Carriagehill in respect of the said streets or
 roads before and after mentioned and the footpaths in connection
 therewith and that all without any price being paid by the one party
 to the other party in respect thereof:

30 Therefore the parties agree on behalf of themselves and their
 successors as aforesaid as follows (videlicet):—

1. By means of a contract of excambion or other appropriate deed
 or deeds the first party as trustee foresaid shall (with warrandice
 from fact and deed only and binding the parties beneficially interested
 35 in said lands belonging to him as aforesaid in absolute warrandice)
 convey to the second party all and whole that plot or area of ground
 lying in the parish of Paisley and county of Renfrew situated on the
 south side of the road now called Braid's Road leading from the
 turnpike road between Paisley and Neilston to the Brodie Park and

A.D. 1911. — containing four thousand four hundred square yards or thereby imperial standard measure and bounded as follows (videlicet) On the north (first) by subjects belonging to the second party along which it extends nine feet or thereby (second) by Braid's Road along which it extends one hundred and ninety feet four inches or thereby and 5 (third) by subjects feued to John Thomson Grierson clerk residing at number eight Cochran Street Paisley along which it extends seven and a half inches or thereby on the south (first) by other lands belonging to the first party as trustee foresaid along which it extends two hundred and thirty feet nine inches or thereby and (second) by 10 subjects belonging to the second party along which it extends four feet or thereby on the east (first) by subjects feued to the said John Thomson Grierson along which it extends on the west face of the gable of the tenement of houses built on said steading the centre of a mutual fence the west face of certain back buildings and the centre line of a mutual 15 fence in continuation thereof in all one hundred and sixty-five feet three inches or thereby and (second) by other lands belonging to the first party as trustee foresaid along which it extends thirty-three feet six inches or thereby and on the west by subjects belonging to the second party along which it extends (first) eighteen feet six inches or thereby (second) 20 thirty-three feet or thereby and (third) one hundred and thirty-two feet or thereby all as delineated and shewn within lines and coloured red on a plan or sketch made out by the master of works of the burgh of Paisley and annexed and signed as relative hereto.

2. No price is to be paid by the second party to the first party 25 in respect of said conveyance.

3. In respect that the plot or area of ground aftermentioned to be conveyed by the second party to the first party forms part of all and whole those portions of the lands of Carriagehill lying within the Abbey parish of Paisley and shire of Renfrew particularly described 30 in the disposition dated fifteenth December one thousand eight hundred and seventy-three and recorded in the register of the county of Renfrew seventeenth January one thousand eight hundred and seventy-four granted by Robert Robertson and others trustees acting under the trust disposition and settlement and relative codicil of the deceased Robert 35 Brodie sometime bank accountant who latterly resided at Carriagehill House Paisley dated respectively twenty-fourth June and seventeenth November one thousand eight hundred and seventy and registered in the books of council and session on sixth March one thousand eight hundred and seventy-one in favour of the provost bailies and remanent 40 members of the town council of the burgh of Paisley for behoof of the whole body of the community under the express burden and condition of being in all time coming held retained and applied by the said provost bailies and remanent members of the town council of

[1 GEO. 5.] *Paisley Corporation Order Confirmation.* 11

A.D. 1911.

- said burgh and their successors in office as pleasure grounds or place of public resort or recreation for the use of the inhabitants of Paisley And considering that by means of the Provisional Order aftermentioned said plot or area of ground is to be freed from said bequest and the
- 5 provisions of said trust disposition and settlement and codicil and the said disposition following thereon and thereafter held by the first party and his successors therein freed of all burdens and conditions And considering that it has been agreed that the plot or area of
- 10 ground before described is to be brought under and held in lieu of the plot or area of ground after described as a portion of said bequest and under the conditions of said trust disposition and settlement and codicil and said disposition the said plot or area of ground before
- 15 described to be conveyed by the first party to the second party shall be held by the provost magistrates and councillors of the burgh of Paisley and their successors in office for behoof of the whole body of the community as pleasure grounds or place of public resort or recreation for the use of the inhabitants of Paisley and for no other purpose whatsoever and shall be so conveyed by the first party as trustee foresaid to the second party.
- 20 4. By means of said contract of excambion or other appropriate deed or deeds the second party shall convey to the first party as trustee foresaid all and whole that plot or area of ground part of the lands of Carriagehill lying in the parish of Paisley and county of Renfrew extending to four thousand four hundred square yards or thereby and
- 25 bounded as follows (videlicet) On the north by other portions of said lands of Carriagehill along which it extends three hundred and eighty-two feet six inches or thereby on the south and east by the centre line of Espedair Burn along which it extends following the bend three hundred and seventy-four feet or thereby and on the west (1) by Braid's
- 30 Road along which it extends twenty feet or thereby and (2) by a part of the lands of Carriagehill or Wester Carriagehill belonging to the first party as trustee foresaid along which it extends one hundred and thirty-three feet nine inches or thereby all as delineated and shown
- 35 annexed and signed as relative hereto said portion of ground so to be conveyed to be freed in all time coming of all burdens and conditions whatsoever.
5. No price is to be paid by the first party to the second party in respect of said last-mentioned conveyance.
- 40 6. In respect the said plot or area of ground last before mentioned forms as before mentioned a portion of the lands held in trust by the provost magistrates and councillors of the burgh of Paisley the second party bind and oblige themselves and their successors in office to

A.D. 1911. promote a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 for which application has already been made by them to the Secretary for Scotland enabling them to convey the said plot or area of ground to the first party as trustee foresaid for the absolute use and benefit of the said first party or the said firm of 5 Brown and Polson or his or their assignees in exchange for a conveyance by the first party in their favour of the plot or area of ground described in the first article hereof and this agreement is intended to be scheduled to and confirmed by said Order and is made subject to such alterations as may be made thereon by Parliament or by the Secretary for Scotland 10 during the progress of said Order and in the event of its being found impossible to procure said Order or of Parliament or the Secretary for Scotland making any material alterations therein affecting the terms of this agreement either party may resile therefrom.

7. The first party as trustee foresaid agrees and binds himself to 15 pay to the second party the sum of one hundred and sixty pounds as a contribution towards the cost of said Provisional Order beyond which sum the expenses of said Provisional Order if any are to be borne exclusively by the second party.

8. The second party shall settle and so free and relieve the first 20 party of all payments due or to become due to the tenants of the second party on said plot or area of ground last before mentioned in respect of their or any of their claims as market gardeners or otherwise in any manner of way.

9. The first party as trustee foresaid shall without any price being 25 paid therefor convey to the second party the portions of ground fronting Neilston Road and Falside Road amounting in cumulo to one thousand nine hundred and eighty square yards or thereby all as coloured pink and shewn on the plan or sketch made by the said master of works and annexed and signed as relative hereto. 30

10. The said portions of ground last mentioned shall on said Provisional Order being confirmed by Parliament be thrown into said respective roads and the second party shall at their own cost (a) take 35 down the existing walls fronting said roads so far as necessary (b) erect to the satisfaction of the first party as trustee foresaid along the proposed new building line as shown on said last-mentioned plan or sketch a wall with gates therein similar in construction and height to the presently existing wall and gates on the west and north of said roads respectively or other suitable fence to the satisfaction of the first party as trustee foresaid (c) lay a footpath along the west side of 40 Neilston Road as widened and a footpath along the north side of Falside Road as widened with the necessary kerbs and channels and

(d) take over said Neilston Road as widened and the said westmost pavement therein and said Falside Road as widened and the said northmost pavement therein and that free of all expense to the first party as trustee foresaid which roads as widened and said pavements shall
 5 be kept up and maintained by the second party and their successors in office in all time coming.

A.D. 1911.

11. The building line on the west of Neilston Road and on the north of Falside Road as shown on said last-mentioned plan is hereby fixed and determined for all time coming and the second party bind
 10 themselves and their successors in office not to require the first party or his successor in the said lands belonging to him to build at any time farther west or north of said roads than the building line shown on said plan Notwithstanding the proposed building line shown on
 15 thereon the said line shall in no way prejudice the rights of the first party or the then proprietors of the ground on the south of said road when the ultimate width of said road falls to be definitely fixed and determined.

12. The expenses of these presents and of the contract of excambion
 20 or conveyance or other deed or deeds to follow hereon shall be borne by the first and second parties mutually and

Lastly Should any question arise between the parties as to the materiality of any alteration made by Parliament or the Secretary for Scotland on this agreement or as to the true intent or meaning of these
 25 presents or as to the contract of excambion or conveyance or other deeds to follow hereon or the terms of said deeds or as to any other matters provided for hereunder or arising hereout the same are hereby referred to the amicable decision of an arbiter to be named (on application to him by any party interested) by the sheriff substitute of Renfrew
 30 and Bute at Paisley And both parties consent to the registration hereof for preservation and execution.

In witness whereof these presents written on this and the four preceding pages of paper duly stamped by William Crawford apprentice to James Edward Campbell and James Cook both writers in Paisley
 35 are (together with said two plans annexed) subscribed in duplicate at Paisley upon the twelfth day of July in the year nineteen hundred and ten as follows (videlicet) By the said John Armour Brown before these witnesses the said James Cook and William Crawford and by William Muir MacKean provost and Francis Martin town clerk of the burgh
 40 of Paisley for and on behalf of the provost magistrates and councillors of said burgh at a meeting of the town council of said burgh held at Paisley before these witnesses James Ferguson Johnstone deputy town

A.D. 1911. clerk of said burgh and Alexander Morrison writer in the town clerk's office Paisley.

J. COOK Witness.

J. ARMOUR BROWN.

WILL CRAWFORD Witness.

JAS. F. JOHNSTONE Witness.

WM. MUIR MACKEAN Provost. 5

ALEXR. MORRISON Witness.

FRA. MARTIN Town Clerk.

Paisley Corporation Order Confirmation.

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Paisley Corporation.

(Brought from the Commons 23rd February 1911.)

Ordered to be printed 23rd February 1911.

LONDON:

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(21)

[1 & 2 GEO. 5.] *Paisley District Tramways
Order Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private A.D. 1911.
Legislation Procedure (Scotland) Act 1899 relating to
Paisley District Tramways.

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

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

2. This Act may be cited as the Paisley District Tramways Short title.
Order Confirmation Act 1911.

A.D. 1911.

S C H E D U L E.

PAISLEY DISTRICT TRAMWAYS.

*Provisional Order to regulate the issue of the share capital
of the Paisley District Tramways Company and for
other purposes.*

5

WHEREAS the Paisley District Tramways Company (in this Order called "the Company") were incorporated by the Paisley District Tramways Order 1901 and under the powers contained in the Paisley District Tramways Orders 1901 to 1908 have constructed and work a system of tramways in the county of 10 Renfrew eighteen miles or thereabouts in length of which fourteen miles or thereabouts are double and four miles or thereabouts single line and are authorised to raise capital and to borrow moneys to the amounts respectively of three hundred and ninety-five thousand pounds and one hundred and thirty-one 15 thousand pounds :

And whereas the said tramways have with all necessary electrical equipment depôts car-sheds cars and other works and plant been constructed and provided at the cost of three hundred and ninety thousand eight hundred pounds by the British 20 Tramways and General Construction Company Limited under various contracts entered into between that company and the Company :

And whereas it was agreed between the Company and the said construction company that the share capital of the Company 25 should not be issued to the public until the system was completed and the actual results of working the same ascertained :

And whereas the Company in pursuance of such agreement have not exercised their borrowing powers and have created and issued share capital to the amount only of six hundred and 30 twenty ordinary shares of ten pounds each and such shares are with the exception of eight pounds per share on one hundred and twenty shares fully paid up :

And whereas it is expedient that the Company should be authorised to create and issue one-half of their said share capital 35

as ordinary shares and one-half thereof as preference shares with the priorities rights liabilities privileges and preferences and on the terms and conditions in this Order provided and to form and maintain sinking contingency or reserve funds for the
 5 further security of their preference shares and loan capital:

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

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

1. This Order may be cited for all purposes as the Paisley District Tramways Order 1911 and shall come into operation at the date of the passing of the Act confirming the same and the
 15 Paisley District Tramways Orders 1901 to 1908 and this Order may be cited together as the Paisley District Tramways Orders 1901 to 1911.

A.D. 1911.
 Short title
 and com-
 mencement
 of Order.

2. Notwithstanding anything contained in the Paisley District Tramways Orders 1901 to 1908 and the Acts incorporated there-
 20 with the following provisions shall apply to the creation and issue of the share capital of the Company (whether such capital be authorised as original or additional capital) and may be exercised by the Company by resolution passed at any general meeting of the Company called and held in accordance with
 25 the provisions of those Orders and the Acts incorporated there-
 with:—

Creation and
 issue of share
 capital by
 Company.

(1) The Company may create and issue any portion not exceeding in all one-half of their authorised capital of three hundred and ninety-five thousand pounds as
 30 preference shares with such rights liabilities privileges and preferences as they think fit Provided that the nominal amount of such preference shares shall not at any time exceed the nominal amount of capital issued as ordinary shares:

(2) The Company may provide that such preference shares shall be entitled to a cumulative preferential dividend or interest not exceeding the rate of five pounds per centum per annum and that if the profits of any
 35 half-year are not sufficient to pay such dividend or interest the deficiency shall be made good out of the
 40

A.D. 1911.

profits of any subsequent half-year or other available funds of the Company :

- (3) Such preference shares may from time to time be issued by the Company with such rights of priority and other rights in the distribution of the assets of the Company as the Company may think fit (including the right to repayment of the amount of preference capital at the time issued and paid up and of any arrears or deficiency of dividend thereon in priority to the ordinary share capital) and the Company may provide that when the holders of such preference shares shall have received repayment in full of the amounts paid up by them and of any arrears or deficiency in the dividend which should have been paid to them thereon they shall not in respect of such shares be entitled to any further participation in the assets of the Company : 5 10 15
- (4) The Company may on such terms and conditions as they think fit form and maintain special sinking contingency or reserve funds for the purpose of securing the repayment in any distribution of the assets of the Company of any issue of preference shares of the Company and of the payment of any arrears or deficiency of dividend thereon and may provide for half-yearly or other payments out of profits into such funds and for the application thereof to the payment of dividends on such issue of preference shares and to the purchase of such preference shares or of other securities or otherwise and for the final distribution of such funds and they may appoint trustees to receive hold manage and apply such funds all on such terms and conditions and with such powers and immunities as the Company may prescribe : 20 25 30
- (5) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any preference shares issued under the authority of this section : 35
- (6) The terms and conditions on which any preference shares are issued shall be clearly stated on the certificate of such shares. 40

[1 & 2 GEO. 5.] *Paisley District Tramways*
Order Confirmation.

5

3. The Company may on such terms and conditions as they think fit form and maintain sinking funds for the redemption of mortgages or apply to that purpose any of the funds of the Company (not appropriated to and required for any other purpose) or any authorised contingency funds and may appoint trustees to receive hold manage and apply such funds on such terms and conditions and with such powers and immunities as the Company may prescribe.

A.D. 1911.
 Sinking
 fund for
 mortgages.

4. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Order and the confirming Act or otherwise in relation thereto shall be paid by the Company.

Costs of
 Order.

**Paisley District
Tramways Order
Confirmation.**

A

B I L L

INTITLED

An Act to confirm a Provisional
Order under the Private Legislation
Procedure (Scotland) Act 1899
relating to Paisley District
Tramways.

(Brought from the Commons 15th August 1911.)

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(176)

Parliament Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Powers of House of Lords as to Money Bills.
 2. Restriction of the powers of the House of Lords as to Bills other than Money Bills.
 3. Certificate of Speaker.
 4. Saving for existing rights and privileges of the House of Commons.
 5. Duration of Parliament.
 6. Short title.
-

A

B I L L

INTITULED

An Act to make provision with respect to the powers of the House of Lords in relation to those of the House of Commons, and to limit the duration of Parliament. A.D. 1911.

WHEREAS it is expedient that provision should be made for regulating the relations between the two Houses of Parliament :

And whereas it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation :

And whereas provision will require hereafter to be made by Parliament in a measure effecting such substitution for limiting and defining the powers of the new Second Chamber, but it is expedient to make such provision as in this Act appears for restricting the existing powers of the House of Lords :

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.—(1) If a Money Bill, having been passed by the House of Commons, and sent up to the House of Lords at least one month before the end of the session, is not passed by the House of Lords without amendment within one month after it is so sent up to that House, the Bill shall, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified, notwithstanding that the House of Lords have not consented to the Bill.

Powers of
House of
Lords as to
Money Bills.

(84.)

A

A.D. 1911.

(2) A Money Bill means a public Bill which in the opinion of the Speaker of the House of Commons contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on the Consolidated Fund, or on money provided by Parliament, or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to those subjects or any of them. In this subsection the expressions "taxation," "public money," and "loan" respectively do not include any taxation, money, or loan raised by local authorities or bodies for local purposes.

(3) There shall be endorsed on every Money Bill when it is sent up to the House of Lords and when it is presented to His Majesty for assent the certificate of the Speaker of the House of Commons signed by him that it is a Money Bill.

Restriction
of the powers
of the House
of Lords as
to Bills
other than
Money Bills.

2.—(1) If any Public Bill other than a Money Bill is passed by the House of Commons in three successive sessions (whether of the same Parliament or not), and, having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of those sessions, that Bill shall, on its rejection for the third time by the House of Lords, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified thereto, notwithstanding that the House of Lords have not consented to the Bill: Provided that this provision shall not take effect unless two years have elapsed between the date of the second reading in the first of those sessions of the Bill in the House of Commons and the date on which it passes the House of Commons in the third of those sessions.

(2) When a Bill is presented to His Majesty for assent in pursuance of the provisions of this section, there shall be endorsed on the Bill the certificate of the Speaker of the House of Commons signed by him that the provisions of this section have been duly complied with.

(3) A Bill shall be deemed to be rejected by the House of Lords if it is not passed by the House of Lords either without amendment or with such amendments only as may be agreed to by both Houses.

[1 & 2 GEO. 5.]

Parliament.

3

(4) A Bill shall be deemed to be the same Bill as a former Bill sent up to the House of Lords in the preceding session if, when it is sent up to the House of Lords, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Commons to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent any amendments which have been made by the House of Lords in the former Bill in the preceding session and any amendments which are certified by the Speaker to have been made by the House of Lords in the third session and agreed to by the House of Commons shall be inserted in the Bill as presented for Royal Assent in pursuance of this section:

Provided that the House of Commons may, if they think fit, on the passage of such a Bill through the House in the second or third session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the House of Lords, and if agreed to by that House, shall be treated as amendments made by the House of Lords and agreed to by the House of Commons; but the exercise of this power by the House of Commons shall not affect the operation of this section in the event of the Bill being rejected by the House of Lords.

3. Any certificate of the Speaker of the House of Commons given under this Act shall be conclusive for all purposes, and shall not be questioned in any court of law.

Certificate
of Speaker.

4. Nothing in this Act shall diminish or qualify the existing rights and privileges of the House of Commons.

Saving for exist-
ing rights and
privileges of the
House of Commons.

5. Five years shall be substituted for seven years as the time fixed for the maximum duration of Parliament under the Septennial Act, 1715.

Duration of
Parliament.
1 Geo. 1,
stat. 2, c. 38.

6. This Act may be cited as the Parliament Act, 1911.

Short title.

Parliament.

A

B I L L

INTITLED

An Act to make provision with respect to the powers of the House of Lords in relation to those of the House of Commons, and to limit the duration of Parliament.

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(84.)

Parliament Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL OF PORTSMOUTH.

Preamble, page 1, line 12, after ("Lords") insert ("for a
" definite period as hereinafter limited")

(84 a.)

Parliament Bill.

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE EARL OF PORTSMOUTH.

29th May 1911.

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(84 a.)

Parliament Bill.

A M E N D M E N T S
TO BE MOVED IN COMMITTEE
BY
THE LORD HENEAGE.

Preamble, page 1, line 6, after ("basis") leave out ("but such
" substitution cannot be immediately brought into operation")
" after") line 8, after ("require") leave out ("here-
line 10, after ("Chamber") leave out
("but")

(84 b.)

Parliament Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD HENEGE.

30th May 1911.

LONDON:

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(S4 b.)

Parliament Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE LORD WILLOUGHBY DE BROKE.

Clause 2, page 2, line 19, after (" money Bill ") insert (" or a.
" Bill which affects the qualification for the exercise of the
" Parliamentary franchise or the distribution of Parliamentary
" seats ")

(84 c.)

Parliament Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE LORD WILLUGHBY
BE BROKE.

12th June 1911.

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[Price 4d.]

(94 c.)

Parliament Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL OF ANCASTER.

Clause 2, page 2, line 19, after (" Public Bill ") leave out (" other than a money Bill ") and insert (" not being either a " money Bill or a Bill extending or modifying the provisions of " this Act ")

(84 *d.*)

Parliament Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL OF ANCASTER.

16th June 1911.

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[Price 3d.]

(84 d.)

After clause 5 insert the following new clause—

. The provisions of this Act shall continue in force until such date as the House of Lords is reconstituted under an Act which has been consented to by both Houses of Parliament, and no longer.

BY THE LORD HYLTON.

Clause 1, page 2, line 2, after (“ Commons ”) insert (“ expressed
“ from the Chair after not less than one clear day’s notice and
“ before the Second Reading of the Bill ”)

line 18, after subsection (3) insert the following new subsection—

(4) No amendment shall be allowed to a Money Bill which, in the opinion of the Speaker of the House of Commons, is such as to prevent the Bill retaining the character of a Money Bill.

BY THE EARL OF MALMESBURY.

Clause 2, page 2, line 19, leave out (“ other than ”) and insert (“ introduced by a Minister of the Crown and not being ”)

line 20, leave out (“ whether of the same
“ Parliament or not ”) and insert (“ of which one at least shall be
“ in the Parliament next succeeding to that in which the Bill was
“ first passed by the House of Commons ”)

line 21, after (“ not ”) insert (“ without the
“ application to the discussion thereof in the third of those sessions
“ of any resolution for limiting debate in the House of Commons
“ or in Standing Committee ”)

BY THE LORD AVEBURY.

Clause 2, page 2, line 19, after (“ Money Bill ”) insert (“ or a
“ Bill containing any provision to extend the maximum duration
“ of Parliament beyond five years ”)

line 20, leave out (“ whether of the same
“ Parliament or not ”) and insert (“ and in two successive
“ Parliaments ”)

(3)

BY THE LORD COLCHESTER.

Clause 2, page 2, line 20, leave out (“ successive ”)
 lines 20 and 21, leave out (“ whether of the
 “ same Parliament or not ”) and insert (“ in the course of two
 “ successive Parliaments ”)
 line 28, leave out from (“ Bill ”) to the end
 of subsection (1).

BY THE LORD WILLOUGHBY DE BROKE.

Clause 2, page 2, line 24, leave out (“ shall on ”) and insert
 (“ may after ”)
 line 25, leave out (“ unless the House of
 “ Commons direct to the contrary ”) and insert (“ and after it has
 “ been submitted to the judgment of the electors and approved by
 “ them, if the House of Commons so determine ”)
 line 33, after subsection (1) insert the
 following new subsection—

(2) A Bill shall be deemed to have been submitted to the
 judgment of the electors and approved by them if, after it has
 been passed by the House of Commons and rejected by the House
 of Lords three times

- (1) a general election has taken place and the Bill is again
 passed by the House of Commons ; or
- (2) the Bill has been directly referred to the electors in
 manner to be hereafter provided by Act of Parliament
 and has been approved by a majority of the electors
 voting.

BY THE VISCOUNT HALIFAX.

Clause 2, page 2, line 33, after (“ sessions ”) insert (“ Provided
 “ further that any Bill which affects the establishment of the
 “ Church of England or of the Church of Scotland, or the
 “ temporalities of the Church of England or of the Church of
 “ Scotland shall not be presented to His Majesty nor receive the
 “ Royal Assent under the provisions of this section unless and
 “ until it has been submitted to a poll of the electors and has
 “ been approved on such poll in manner to be hereafter provided
 “ by Act of Parliament ”)

BY THE LORD STANMORE.

Clause 2, page 2, line 33, after (“sessions”) insert (“Provided
“ always that the provisions of this section shall not apply to
“ any Bill :

“ (a) for the alteration of the order of succession to the
“ Crown ; or

“ (b) for augmenting or diminishing the Prerogatives of the
“ Crown ; or

“ (c) for disestablishing or disendowing, in whole or in part,
“ the Established Church of England or of Scotland ; or

“ (d) for the creation of a separate legislature for any part
“ of the United Kingdom ; or

“ (e) for increasing or diminishing the powers or privileges
“ of either House of Parliament

“ unless the number of those voting in favour of the third
“ reading of the Bill in each session in which it was passed by
“ the House of Commons amounted to at least two-thirds of
“ the whole number of members of that House ”)

Clause 2, page 3, line 28, leave out (“five”) and insert
 (“two”)

BY THE LORD BARNARD.

After clause 5 insert the following new clause—

. A Peer shall not, by reason of being a Peer, be disqualified from being elected, or, if elected, from serving as a member of the House of Commons for any constituency in the United Kingdom, but a Peer shall not be entitled to sit or vote in the House of Lords while he is a member of the House of Commons.

BY THE EARL OF CAMPERDOWN.

After clause 5 insert the following new clause—

. Nothing in sections one or two of this Act shall apply to any Bill founded upon petition to either House of Parliament or subject to Standing Orders of either House relating to Private Bills or to any Bill for confirming a Provisional Order.

Parliament Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

21st June 1911.

LONDON:

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(84 e.)

Parliament Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE

BY

THE EARL OF CAMPERDOWN.

Page 3, after clause 3, insert the following new clause—

4.—(1) In every Bill presented to His Majesty under the preceding provisions of this Act, the words of enactment shall be as follows, that is to say:—

“ Be it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Act, 1911, and by the authority of the same, as follows.”

(2) Any alteration of a Bill necessary to give effect to this section shall be made, in the case of a Money Bill, by the Speaker of the House of Commons, and, in the case of any other Bill, by the Clerk of the Parliaments, and for the purposes of this Act shall not be deemed to be an amendment thereof.

(84.f.)

Parliament Bill.

A M E N D M E N T

TO BE MOVED IN COMMITTEE.

26th June 1911.

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(84.f.)

Parliament Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

BY THE EARL OF CROMER.

Clause 1, page 2, line 2, leave out ("Speaker of the House of Commons") and insert ("Joint Committee")

line 11, after ("them") insert ("but if, in the opinion of the Joint Committee, the governing purpose of a Bill, or of any portion of a Bill, is such as to bring the Bill within the category of general legislation, the Bill, or such portion thereof as aforesaid, shall be subject to the provisions of section two of this Act")

After clause 2 insert the following new clause—

—(1) At the beginning of each Parliament a Joint Committee (in this Act referred to as "the Joint Committee") shall be appointed, consisting of the Speaker of the House of Commons, together with seven members of each House of Parliament, who shall be chosen by the Lord Chancellor and the Speaker of the House of Commons jointly in such manner as they think best adapted to provide an impartial tribunal for the purposes of this Act. The Speaker of the House of Commons shall be chairman, and he shall have a casting vote only.

(2) The Speaker of the House of Commons shall call together the Joint Committee for the purpose of deciding any question which, under this Act, is referred to the decision of the Joint Committee as soon as may be after the receipt by him of a request in writing to that effect by a Minister of the Crown, or after a resolution of either House of Parliament in that behalf.

(3) The decision of the Joint Committee on any question referred to them under this Act shall be final and conclusive for all purposes, and shall not be questioned in any Court of Law.

Parliament Bill.

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE LORD HENEGAGE.

3rd July 1911.

LONDON:

PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

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[Price 1/6.]

(84 k.)

Parliament Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

Clause 1.

BY THE LORD ORANMORE AND BRÓWNE.

Page 1, line 17, leave out (" If ")
 line 18, leave out from (" Commons ") to (" shall ") in
 line 21.
 line 23, leave out from (" signified ") to the end of
 subsection (1).

BY THE LORD MONCKTON (*V. Galway*).

Page 2, lines 1 and 2, leave out (" which in the opinion of the
 " Speaker of the House of Commons ")

BY THE LORD HYLTON.

Page 2, line 2, after (" Commons ") insert (" expressed from
 " the Chair after not less than one clear day's notice and before
 " the Second Reading of the Bill ")

BY THE LORD MONCKTON (*V. Galway*).

Page 2, line 10, leave out (" or ") and insert (" and ")
 line 11, leave out (" those subjects or any of them ")
 and insert (" the provisions of a Money Bill as defined in this sub-
 " section ")
 line 14, after subsection (2) insert the following
 new subsection—

(3) The question whether a Bill is a Money Bill within the
 meaning of this section shall, on a resolution in that behalf being
 passed by either House of Parliament, be referred forthwith for
 final decision to the Court of Appeal, and that court shall, in
 private deliberation and without submission to it of argument or
 evidence, determine whether the Bill is a Money Bill within the
 meaning of this section, and the decision of the court shall be final

Clause 1—continued.

BY THE EARL OF CROMER.*

Page 2, line 11, after (“ them ”) insert (“ but if, in the
“ opinion of the Joint Committee, the governing purpose of a
“ Bill, or of any portion of a Bill, is such as to bring the Bill
“ within the category of general legislation, the Bill, or such
“ portion thereof as aforesaid, shall be subject to the provisions
“ of section two of this Act”)

BY THE LORD MONCKTON (*V. Galway*).

Page 2, line 14, after subsection (2) insert the following new
subsection—

(3) The question whether a Bill is a Money Bill within the
meaning of this section shall, on a resolution in that behalf being
passed by either House of Parliament, be referred forthwith for
final decision to the Court of Appeal, and that court shall, in
private deliberation and without submission to it of argument or
evidence, determine whether the Bill is a Money Bill within the
meaning of this section, and the decision of the court shall be final
and conclusive, and shall be communicated to both Houses of
Parliament: Provided that a judge of that court who is a member
of the House of Lords shall not take part in any proceedings
relating to the consideration or decision of any such question.

BY THE LORD ORANMORE AND BROWNE.

Page 2, line 16, leave out (“ is sent up to the House of Lords
“ and when it”)

BY THE LORD HYLTON.

Page 2, line 18, after subsection (3) insert the following new
subsection—

(4) No amendment shall be allowed to a Money Bill which, in
the opinion of the Speaker of the House of Commons, is such as to
prevent the Bill retaining the character of a Money Bill.

(3)

Clause 2.**BY THE EARL OF MALMESBURY.**

Page 2, line 19, leave out ("other than") and insert ("introduced by a Minister of the Crown and not being")

BY THE EARL OF ANCASTER.

Page 2, line 19, leave out ("other than a Money Bill") and insert ("not being either a Money Bill or a Bill extending or modifying the provisions of this Act")

BY THE LORD WILLOUGHBY DE BROKE.

Page 2, line 19, after the second ("Bill") insert ("or a Bill which affects the qualification for the exercise of the Parliamentary franchise or the distribution of Parliamentary seats")

BY THE LORD AVEBURY.

Page 2, line 19, after the second ("Bill") insert ("or a Bill containing any provision to extend the maximum duration of Parliament beyond five years")

BY THE LORD COLCHESTER.

Page 2, line 20, leave out ("successive")
lines 20 and 21, leave out ("whether of the same Parliament or not") and insert ("in the course of two successive Parliaments")

BY THE LORD AVEBURY.

Page 2, lines 20 and 21, leave out ("whether of the same Parliament or not") and insert ("and in two successive Parliaments")

BY THE EARL OF MALMESBURY.

Page 2, lines 20 and 21, leave out ("whether of the same Parliament or not") and insert ("of which one at least shall be in the Parliament next succeeding to that in which the Bill was first passed by the House of Commons")

line 21, after ("not") insert ("without the application to the discussion thereof in the third of those sessions of any resolution for limiting debate in the House of Commons or in Standing Committee")

Clause 2—continued.

BY THE LORD WILLOUGHBY DE BROKE.

Page 2, line 24, leave out (“shall on”) and insert (“may after”)

line 25, leave out (“unless the House of Commons direct to the contrary”) and insert (“and after it has been submitted to the judgment of the electors and approved by them, if the House of Commons so determine”)

BY THE LORD SALTOUN.

Page 2, line 25, leave out (“unless the House of Commons direct to the contrary”) and insert (“be submitted to a poll of the electors in accordance with the provisions of this Act and if approved by the required majority of the electors shall”)

BY THE LORD COLCHESTER.

Page 2, line 28, leave out from (“Bill”) to the end of subsection (1).

BY THE LORD STANMORE.

Page 2, line 33, after (“sessions”) insert (“Provided always that the provisions of this section shall not apply to any Bill—

“(a) for the alteration of the order of succession to the
“ Crown ; or

“(b) for augmenting or diminishing the Prerogatives of the
“ Crown ; or

“(c) for disestablishing or disendowing, in whole or in part,
“ the Established Church of England or of Scotland ; or

“(d) for the creation of a separate legislature for any part
“ of the United Kingdom ; or

“(e) for increasing or diminishing the powers or privileges
“ of either House of Parliament

“ unless the number of those voting in favour of the Third
“ Reading of the Bill in each session in which it was passed by
“ the House of Commons amounted to at least two-thirds of
“ the whole number of members of that House”)

Clause 2—continued.

- (b) which establishes a National Parliament or Assembly or
 “ a National Council in Ireland, Scotland, Wales, or
 “ England, with legislative powers therein ; or
- “ (c) which has been referred to the Joint Committee, and
 “ which in their opinion raises an issue of great gravity
 “ upon which the judgment of the country has not
 “ been sufficiently ascertained
- “ shall not be presented to His Majesty nor receive the Royal
 “ Assent under the provisions of this section unless and until it
 “ has been submitted to and approved by the electors in manner to
 “ be hereafter provided by Act of Parliament.

“ (2) Any question whether a Bill comes within the meaning
 “ of paragraphs (a) (b) of subsection (1) of this section shall be
 “ decided by the Joint Committee ”)

BY THE EARL VANE (*M. Londonderry*).

Page 2, line 33, after (“ sessions ”) insert (“ Provided further
 “ that the provisions of this Act shall not apply to a Bill to
 “ establish a separate Parliament and Executive for Ireland ”)

BY THE LORD WILLOUGHBY DE BROKE.

Page 2, line 33, after subsection (1) insert the following new
 subsection—

(2) A Bill shall be deemed to have been submitted to the
 judgment of the electors and approved by them if, after it has
 been passed by the House of Commons and rejected by the House
 of Lords three times

- (1) a general election has taken place and the Bill is again
 passed by the House of Commons ; or
- (2) the Bill has been directly referred to the electors in
 manner to be hereafter provided by Act of Parliament
 and has been approved by a majority of the electors
 voting.

BY THE LORD ORANMORE AND BROWNE.

Page 3, line 12, after (“ section ”) insert (“ Provided that
 “ every amendment inserted by the House of Lords in a Bill

Clause 2—continued.

BY THE LORD WILLOUGHBY DE BROKE.

Page 2, line 33, after subsection (1) insert the following new subsection—

(2) A Bill shall be deemed to have been submitted to the judgment of the electors and approved by them if, after it has been passed by the House of Commons and rejected by the House of Lords three times

- (1) a general election has taken place and the Bill is again passed by the House of Commons ; or
- (2) the Bill has been directly referred to the electors in manner to be hereafter provided by Act of Parliament and has been approved by a majority of the electors voting.

BY THE LORD ORANMORE AND BROWNE.

Page 3, line 12, after (“ section ”) insert (“ Provided that
“ every amendment inserted by the House of Lords in a Bill
“ sent up to that House in pursuance of the provisions of this
“ section shall be considered by the House of Commons severally
“ and separately ”)

BY THE LORD NEWTON.*

Page 3, line 22, after (“ Lords ”) insert (“ And provided also
“ that if the Bill rejected as aforesaid by the House of Lords be a
“ Bill for the further limitation of the legislative powers of the
“ House of Lords, that Bill shall, on its rejection for the third time
“ by the House of Lords, be postponed until after the general
“ election thence next ensuing, and may then, if passed by the
“ following Parliament, be presented to His Majesty and become
“ an Act of Parliament on the Royal Assent being signified thereto
“ notwithstanding that the House of Lords have not assented to
“ the Bill ”)

After Clause 2.

BY THE EARL OF CROMER.†

Page 3, insert the following new clause—

Joint Com-
mittee.
.—(1) At the beginning of each Parliament a Joint Com-
mittee (in this Act referred to as “ the Joint Committee ”) shall

† Subsections (2) and (3) of this clause have been substituted for the subsections as printed on the previous Marshalled Lists.

(3)

After Clause 2—continued

be appointed, consisting of the Speaker of the House of Commons, together with seven members of each House of Parliament, who shall be chosen by the Lord Chancellor and the Speaker of the House of Commons jointly in such manner as they think best adapted to provide an impartial tribunal for the purposes of this Act. The Speaker of the House of Commons shall be chairman, and he shall have a casting vote only.

(2) The Speaker of the House of Commons may, if he think fit, and shall, if so requested in writing by a Minister of the Crown or upon a resolution of either House of Parliament in that behalf, call together the Joint Committee for the purpose of deciding any question which under the provisions of this Act may be decided by them.

(3) The decision of the Joint Committee on any question so referred to them shall be final and conclusive for all purposes and shall not be questioned in any Court of Law.

The Viscount St. Aldwyn proposes to amend the new clause proposed by the Earl of Cromer as follows, viz.:

In subsection (1), line 3, leave out from the first ("of") to ("tribunal") in line 7, and insert ("the Lord Chancellor, the Speaker of the House of Commons, the Chairman of Committees of the House of Lords, the Chairman of Ways and Means of the House of Commons, a Lord of Appeal to be chosen by and from the Lords of Appeal in Ordinary and other Peers of Parliament holding or who have held high Judicial Office, and a member of the House of Commons to be appointed by the Speaker;")
line 9, leave out ("only")

The Lord Heneage proposes to amend the new clause proposed by the Earl of Cromer, as follows, viz.:

In subsection (1), line 4, leave out ("seven") and insert ("five")
line 5, leave out ("chosen") and insert ("nominated")
line 6, leave out ("jointly") and insert ("respectively")

(84 ***)

A12

After Clause 2—continued.

(2) Every person whose name appears upon the Parliamentary Register of Electors in force at the time a poll of the electors is taken shall be entitled to vote once and no more on such poll. A person shall not vote or ask for a ballot paper or voting paper for the purpose of voting more than once at one and the same poll of the electors, and if a person acts in contravention of this provision he shall be guilty of personation within the meaning of the enactments relating to personation and to voting.

(3) The ballot papers shall be in accordance with the form set out in the schedule to this Act.

(4) If it shall appear that on the poll of the electors a majority of the electors voting (not being less than twenty-five per cent. of the total number of persons on the Parliamentary Register of Electors) have voted in favour of the Bill the Bill shall be presented to His Majesty and on receiving the Royal Assent shall become an Act of Parliament as provided by this Act, but otherwise a Bill which has been submitted to a poll of the electors shall not be presented to His Majesty or become an Act of Parliament without prejudice to such Bill being introduced as a new Bill in any subsequent Session.

(5) A poll of the electors shall, as far as the circumstances admit, be conducted in the same manner as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and subject to the modifications prescribed by regulations under this Act, the provisions of the Ballot Act, 1872, and of the Corrupt and Illegal Practices Prevention Acts, 1863 to 1883, relating to a poll at a parliamentary election shall apply to a poll of the electors under this Act.

(6) His Majesty may, by Order in Council, make regulations not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this section.

(7) Before any Order under this section is submitted to His Majesty in Council a draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days present an Address to His Majesty against the draft or any part thereof no further proceedings shall be taken thereon without prejudice to the making of any new draft

(5)

After Clause 2—continued.

necessary or convenient to be prescribed for carrying out or giving effect to this section.

(7) Before any Order under this section is submitted to His Majesty in Council a draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days present an Address to His Majesty against the draft or any part thereof no further proceedings shall be taken thereon without prejudice to the making of any new draft Order. Every Order in Council made in pursuance of this section may be revoked, amended, or varied in like manner as made, and shall, while in force, have effect as if enacted in this Act.

Form of Ballot Paper.

POLL of the PARLIAMENTARY ELECTORS of the UNITED KINGDOM, BALLOT PAPER.

Counterfoil No.	Bill.	Yes.	No.
—	—	—	—
(1)	(2)		
	If you wish the above-mentioned Bill to become law, place a cross under the word "Yes."		
	If you do not wish that the above-mentioned Bill should become law, place a cross under the word "No."		

(1) The counterfoil is to have a number to correspond with that on the back of the ballot paper.

(2) Here insert the short title of the Bill submitted to a poll of the electors.

After Clause 3.

BY THE EARL OF CAMPERDOWN.

Page 3, insert the following new clause—

.—(1) In every Bill presented to His Majesty under the preceding provisions of this Act, the words of enactment shall be as follows, that is to say:—

“ Be it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Act, 1911, and by the authority of the same, as follows.”

(84***.)

A 3

After Clause 3—continued.

(2) Any alteration of a Bill necessary to give effect to this section shall be made, in the case of a Money Bill, by the Speaker of the House of Commons, and, in the case of any other Bill, by the Clerk of the Parliaments, and for the purposes of this Act shall not be deemed to be an amendment thereof.

Clause 4.

BY THE EARL OF PORTSMOUTH.

Page 3, line 27, after (" Commons ") insert (" nor shall any powers contained in this Act be able to be used to diminish or qualify the rights and privileges of the House of Lords as reserved in this Act except with the concurrence of at least a two-thirds majority of the House of Commons ")

Clause 5.

BY THE LORD STANMORE.

Page 3, line 28, leave out (" Five ") and insert (" Two ")

After Clause 5.

BY THE LORD BARNARD.

Insert the following new clause—

. A Peer shall not, by reason of being a Peer, be disqualified from being elected, or, if elected, from serving as a member of the House of Commons for any constituency in the United Kingdom, but a Peer shall not be entitled to sit or vote in the House of Lords while he is a member of the House of Commons.

(7)

After Clause 5—continued.BY THE LORD MONCKTON (*V. Galway*).

Insert the following new clause—

. The provisions of this Act shall continue in force until such date as the House of Lords is reconstituted under an Act which has been consented to by both Houses of Parliament, and no longer.

BY THE EARL OF CAMPERDOWN.

Insert the following new clause—

. Nothing in sections one or two of this Act shall apply to any Bill founded upon petition to either House of Parliament or subject to Standing Orders of either House relating to Private Bills or to any Bill for confirming a Provisional Order.

BY THE LORD ELLENBOROUGH.

Insert the following new clauses—

A.—His Majesty, notwithstanding any constitutional usage which has hitherto obtained, may, without the advice of a minister, submit to the parliamentary electors by means of a referendum any question; but at least one hundred and eighty days shall elapse between any two submissions to the electors under the foregoing provision. Provided that nothing herein contained shall prevent any referendum during such period taken in accordance with the advice of the Prime Minister.

B.—His Majesty, notwithstanding any constitutional usage which has hitherto obtained, may, at any time without the advice of a minister, dissolve Parliament, but at least one year shall elapse between any two dissolutions under the foregoing provision. Provided that nothing herein contained shall prevent the dissolution of any Parliament which has lasted less than one year if that Parliament is dissolved in accordance with the advice of the Prime Minister.

BY THE LORD AMPHILL.

Insert the following new clause—

. This Act shall cease to be operative on the 1st of January 1913 whether or not an Act of Parliament has then been passed altering the constitution of the House of Lords and regulating the relations between the two Houses of Parliament.

In the Preamble.

BY THE LORD AMPHILL.

Page 1, line 2, after (" for ") insert (" altering the constitution
" of the House of Lords and for ")

line 4, leave out (" to substitute ") and insert (" in the
" year 1912 to introduce a measure providing for the substitution ")

BY THE LORD HENEAGE.

Page 1, lines 6 and 7, leave out (" but such substitution cannot
" be immediately brought into operation ")

line 8, leave out (" hereafter ")

BY THE LORD AMPHILL.

Page 1, lines 9 and 10, leave out (" limiting and ")

line 10, leave out (" the new Second Chamber ") and
insert (" both Houses of Parliament ")

BY THE LORD HENEAGE.

Page 1, line 10, leave out (" but ")

BY THE LORD AMPHILL.

Page 1, line 11, after (" expedient ") insert (" as a temporary
" and tentative measure ")

BY THE EARL OF PORTSMOUTH.

Page 1, line 12, after (" Lords ") insert (" for a definite period
" as hereinafter limited ")

BY THE DUKE OF NORTHUMBERLAND.

Page 1, leave out lines 4 to 12 inclusive.

Parliament Bill.

SEVENTH MARSHALLED LIST
OF AMENDMENTS TO
BE MOVED IN COMMITTEE.

4th July 1911.

LONDON:

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(S4 ***.)

Parliament Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE.

Clause 2.

BY THE EARL VANE (*M. Londonderry*).

Page 2, line 33, after ("sessions") insert ("Provided further
" that the provisions of this Act shall not apply to a Bill to
" establish a separate Parliament and Executive for Ireland ")

BY THE LORD WILLOUGHBY DE BROKE.

Page 2, line 33, after subsection (1) insert the following new subsection—

(2) A Bill shall be deemed to have been submitted to the judgment of the electors and approved by them if, after it has been passed by the House of Commons and rejected by the House of Lords three times

(1) a general election has taken place and the Bill is again passed by the House of Commons ; or

(2) the Bill has been directly referred to the electors in manner to be hereafter provided by Act of Parliament and has been approved by a majority of the electors voting.

BY THE LORD ORANMORE AND BROWNE.

Page 3, line 12, after ("section") insert ("Provided that
" every amendment inserted by the House of Lords in a Bill
" sent up to that House in pursuance of the provisions of this
" section shall be considered by the House of Commons severally
" and separately ")

BY THE LORD NEWTON.

Page 3, line 22, after ("Lords") insert ("And provided also
" that if the Bill rejected as aforesaid by the House of Lords be a
" Bill for the further limitation of the legislative powers of the
" House of Lords, that Bill shall, on its rejection for the third time
(84 †††.)

A

Clause 2—continued.

“ by the House of Lords **unless it has been referred to the Joint*
“ *Committee under this Act*, be postponed until after the general
“ election then next ensuing, and may then, if passed by the
“ following Parliament, be presented to His Majesty and become
“ an Act of Parliament on the Royal Assent being signified thereto
“ notwithstanding that the House of Lords have not assented to
“ the Bill ”)

After Clause 2.

BY THE EARL OF CROMER.

Page 3, insert the following new clause—

Joint Com-
mittee.

.—(1) At the beginning of each Parliament a Joint Com-
mittee (in this Act referred to as “the Joint Committee”) shall
be appointed, consisting of the Speaker of the House of Commons,
together with seven members of each House of Parliament, who
shall be chosen by the Lord Chancellor and the Speaker of the
House of Commons jointly in such manner as they think best
adapted to provide an impartial tribunal for the purposes of this
Act. The Speaker of the House of Commons shall be chairman,
and he shall have a casting vote only.

(2) The Speaker of the House of Commons may, if he think
fit, and shall, if so requested in writing by a Minister of the Crown
or upon a resolution of either House of Parliament in that behalf,
call together the Joint Committee for the purpose of deciding any
question which under the provisions of this Act may be decided
by them.

(3) The decision of the Joint Committee on any question so
referred to them shall be final and conclusive for all purposes and
shall not be questioned in any Court of Law.

*The Viscount St. Aldwyn proposes to amend the new clause
proposed by the Earl of Cromer as follows, viz.:*

*In subsection (1), line 3, leave out from the first (“of”)
to (“tribunal”) in line 7, and insert (“the Lord Chancellor,
“ the Speaker of the House of Commons, the Chairman of
“ Committees of the House of Lords, the Chairman of Ways*

* The words in *italics* have been added to the amendment since the last
Marshall List was printed.

(3)

After Clause 2—continued

*“ and Means of the House of Commons, a Lord of Appeal
 “ to be chosen by and from the Lords of Appeal in
 “ Ordinary and other Peers of Parliament holding or who
 “ have held high Judicial Office, and a member of the
 “ House of Commons to be appointed by the Speaker,”*
line 9, leave out (“ only ”)

BY THE LORD SALTOUN.

Page 3, insert the following new clause—

.—(1) Whenever a Bill is, under the provisions of this Act, to be submitted to a poll of the electors, His Majesty may, by Order in Council, direct the Lord Chancellor of Great Britain and the Lord Chancellor of Ireland to issue writs for the taking of the Poll which shall be taken throughout the United Kingdom on the day appointed by the writs. The writs shall be directed to the persons appointed to be returning officers for the election of members returned to Parliament.

Provisions
for poll of
the electors.

(2) Every person whose name appears upon the Parliamentary Register of Electors in force at the time a poll of the electors is taken shall be entitled to vote once and no more on such poll. A person shall not vote or ask for a ballot paper or voting paper for the purpose of voting more than once at one and the same poll of the electors, and if a person acts in contravention of this provision he shall be guilty of personation within the meaning of the enactments relating to personation and to voting.

(3) The ballot papers shall be in accordance with the form set out in the schedule to this Act.

(4) If it shall appear that on the poll of the electors a majority of the electors voting (not being less than twenty-five per cent. of the total number of persons on the Parliamentary Register of Electors) have voted in favour of the Bill the Bill shall be presented to His Majesty and on receiving the Royal Assent shall become an Act of Parliament as provided by this Act, but otherwise a Bill which has been submitted to a poll of the electors shall not be presented to His Majesty or become an Act of Parliament without prejudice to such Bill being introduced as a new Bill in any subsequent Session.

(84 †††.)

A 2

After Clause 2—continued.

(5) A poll of the electors shall, as far as the circumstances admit, be conducted in the same manner as the poll at a contested parliamentary election is by the Ballot Act, 1872, directed to be conducted, and subject to the modifications prescribed by regulations under this Act, the provisions of the Ballot Act, 1872, and of the Corrupt and Illegal Practices Prevention Acts, 1863 to 1883, relating to a poll at a parliamentary election shall apply to a poll of the electors under this Act.

(6) His Majesty may, by Order in Council, make regulations not inconsistent with this Act prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this section.

(7) Before any Order under this section is submitted to His Majesty in Council a draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days present an Address to His Majesty against the draft or any part thereof no further proceedings shall be taken thereon without prejudice to the making of any new draft Order. Every Order in Council made in pursuance of this section may be revoked, amended, or varied in like manner as made, and shall, while in force, have effect as if enacted in this Act.

Form of Ballot Paper.

POLL of the PARLIAMENTARY ELECTORS of the UNITED
KINGDOM, BALLOT PAPER.

Counterfoil No.	Bill.	Yes.	No.
(1)	(2)		

(1) The counterfoil is to have a number to correspond with that on the back of the ballot paper.

(2) Here insert the short title of the Bill submitted to a poll of the electors.

If you wish the above-mentioned Bill to become law, place a cross under the word "Yes."

If you do not wish that the above-mentioned Bill should become law, place a cross under the word "No."

(5)

After Clause 3.

BY THE EARL OF CAMPERDOWN.

Page 3, insert the following new clause—

.—(1) In every Bill presented to His Majesty under the preceding provisions of this Act, the words of enactment shall be as follows, that is to say:—

“ Be it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Act, 1911, and by the authority of the same, as follows.”

(2) Any alteration of a Bill necessary to give effect to this section shall be made, in the case of a Money Bill, by the Speaker of the House of Commons, and, in the case of any other Bill, by the Clerk of the Parliaments, and for the purposes of this Act shall not be deemed to be an amendment thereof.

Clause 5.

BY THE LORD STANMORE.

Page 3, line 28, leave out (“ Five ”) and insert (“ Two ”)

After Clause 5.

BY THE LORD BARNARD.

Insert the following new clause—

. A Peer shall not, by reason of being a Peer, be disqualified from being elected, or, if elected, from serving as a member of the House of Commons for any constituency in the United Kingdom, but a Peer shall not be entitled to sit or vote in the House of Lords while he is a member of the House of Commons.

A 3

After Clause 5—continued.

BY THE LORD MONCKTON (*V. Galway*).

Insert the following new clause—

. The provisions of this Act shall continue in force until such date as the House of Lords is reconstituted under an Act which has been consented to by both Houses of Parliament, and no longer.

BY THE EARL OF CAMPERDOWN.

Insert the following new clause—

. Nothing in sections one or two of this Act shall apply to any Bill founded upon petition to either House of Parliament or subject to Standing Orders of either House relating to Private Bills or to any Bill for confirming a Provisional Order.

BY THE LORD ELLENBOROUGH.

Insert the following new clauses—

A.—His Majesty, notwithstanding any constitutional usage which has hitherto obtained, may, without the advice of a minister, submit to the parliamentary electors by means of a referendum any question; but at least one hundred and eighty days shall elapse between any two submissions to the electors under the foregoing provision. Provided that nothing herein contained shall prevent any referendum during such period taken in accordance with the advice of the Prime Minister.

B.—His Majesty, notwithstanding any constitutional usage which has hitherto obtained, may, at any time without the advice of a minister, dissolve Parliament, but at least one year shall elapse between any two dissolutions under the foregoing provision. Provided that nothing herein contained shall prevent the dissolution of any Parliament which has lasted less than one year if that Parliament is dissolved in accordance with the advice of the Prime Minister.

BY THE LORD AMPHILL.

Insert the following new clause—

. This Act shall cease to be operative on the 1st of January 1913 whether or not an Act of Parliament has then been passed altering the constitution of the House of Lords and regulating the relations between the two Houses of Parliament.

(7)

In the Preamble.**BY THE LORD AMPHILL.**

Page 1, line 2, after (" for ") insert (" altering the constitution
 " of the House of Lords and for ")
 line 4, leave out (" to substitute ") and insert (" in the
 " year 1912 to introduce a measure providing for the substitution ")

BY THE LORD HENEAGE.

Page 1, lines 6 and 7, leave out (" but such substitution cannot
 " be immediately brought into operation ")
 line 8, leave out (" hereafter ")

BY THE LORD AMPHILL.

Page 1, lines 9 and 10, leave out (" limiting and ")
 line 10, leave out (" the new Second Chamber ") and
 insert (" both Houses of Parliament ")

BY THE LORD HENEAGE.

Page 1, line 10, leave out (" but ")

BY THE LORD AMPHILL.

Page 1, line 11, after (" expedient ") insert (" as a temporary
 " and tentative measure ")

BY THE EARL OF PORTSMOUTH.

Page 1, line 12, after (" Lords ") insert (" for a definite period
 " as hereinafter limited ")

BY THE DUKE OF NORTHUMBERLAND.

Page 1, leave out lines 4 to 12 inclusive.

Parliament Bill.

EIGHTH MARSHALLED LIST
OF AMENDMENTS TO
BE MOVED IN COMMITTEE.

5th July 1911.

LONDON:

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(84 ftt.)

Parliament Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Powers of House of Lords as to Money Bills.
 2. Restriction of the powers of the House of Lords as to Bills other than Money Bills.
 3. Joint Committee.
 4. Certificate of Speaker.
 5. Saving for existing rights and privileges of the House of Commons.
 4. Duration of Parliament.
 7. Short title.
-

A

B I L L

[AS AMENDED ON REPORT]

INTITULED

An Act to make provision with respect to the powers of the House of Lords in relation to those of the House of Commons, and to limit the duration of Parliament. A.D. 1911.

WHEREAS it is expedient that provision should be made for regulating the relations between the two Houses of Parliament :

And whereas it is intended to substitute for the House of
5 Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation :

And whereas provision will require hereafter to be made by Parliament in a measure effecting such substitution for limiting
10 and defining the powers of the new Second Chamber, but it is expedient to make such provision as in this Act appears for restricting the existing powers of the House of Lords :

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

1.—(1) If a Money Bill, having been passed by the House of Commons, and sent up to the House of Lords at least one month before the end of the session, is not passed by the House
20 of Lords without amendment within one month after it is so sent up to that House, the Bill shall, unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified, notwithstanding that the House of Lords have not consented to
25 the Bill.

(2) A Money Bill means a public Bill which in the opinion of the Joint Committee contains only provisions dealing with all
(132.)

A 2

A.D. 1911.

(2) A Money Bill means a public Bill which in the opinion of the Joint Committee contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on 5 the Consolidated Fund, or on money provided by Parliament, or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; or subordinate matters incidental to the provisions of 10 such Bill; but if, in the opinion of the Joint Committee, the governing purpose of a Bill, or of any portion of a Bill, is such as to bring the Bill within the category of general legislation, the Bill, or such portion thereof as aforesaid, shall be subject to the provisions of section two of this Act. In this subsection the 15 expressions "taxation," "public money," and "loan" respectively do not include any taxation, money, or loan raised by local authorities or bodies for local purposes.

(3) There shall be endorsed on every Money Bill when it is sent up to the House of Lords and when it is presented to 20 His Majesty for assent the certificate of the Speaker of the House of Commons signed by him that it is a Money Bill.

Restriction
of the powers
of the House
of Lords as
to Bills
other than
Money Bills.

2.—(1) If any Public Bill other than a Money Bill or a Bill containing any provision to extend the maximum duration of Parliament beyond five years is passed by the House of 25 Commons in three successive sessions (whether of the same Parliament or not), and, having been sent up to the House of Lords at least one month before the end of the session, is rejected by the House of Lords in each of those sessions, that Bill shall, on its rejection for the third time by the House of Lords, 30 unless the House of Commons direct to the contrary, be presented to His Majesty and become an Act of Parliament on the Royal Assent being signified thereto, notwithstanding that the House of Lords have not consented to the Bill: Provided that this provision shall not take effect unless two years have elapsed 35 between the date of the second reading in the first of those sessions of the Bill in the House of Commons and the date on which it passes the House of Commons in the third of those sessions: Provided further that any Bill—

(a) which affects the existence of the Crown or the Protestant 40 succession thereto; or

[1 & 2 GEO. 5.]

Parliament.

(c) which has been referred to the Joint Committee, and which in their opinion raises an issue of great gravity upon which the judgment of the country has not been sufficiently ascertained

A.D. 1911.

5 shall not be presented to His Majesty nor receive the Royal Assent under the provisions of this section unless and until it has been submitted to and approved by the electors in manner to be hereafter provided by Act of Parliament.

10 (2) Any question whether a Bill comes within the meaning of paragraphs (a) (b) of subsection (1) of this section shall be decided by the Joint Committee.

15 (3) When a Bill is presented to His Majesty for assent in pursuance of the provisions of this section, there shall be endorsed on the Bill the certificate of the Speaker of the House of Commons signed by him that the provisions of this section have been duly complied with.

20 (4) A Bill shall be deemed to be rejected by the House of Lords if it is not passed by the House of Lords either without amendment or with such amendments only as may be agreed to by both Houses.

25 (5) A Bill shall be deemed to be the same Bill as a former Bill sent up to the House of Lords in the preceding session if, when it is sent up to the House of Lords, it is identical with the former Bill or contains only such alterations as are certified by the Speaker of the House of Commons to be necessary owing to the time which has elapsed since the date of the former Bill, or to represent any amendments which have been made by the House of Lords in the former Bill in the preceding session and any amendments which are certified by the Speaker to have
30 been made by the House of Lords in the third session and agreed to by the House of Commons shall be inserted in the Bill as presented for Royal Assent in pursuance of this section:

35 Provided that the House of Commons may, if they think fit, on the passage of such a Bill through the House in the second or third session, suggest any further amendments without inserting the amendments in the Bill, and any such suggested amendments shall be considered by the House of Lords, and if agreed to by that House, shall be treated as amendments made by the House of Lords and agreed to by the House of Commons; but the
40 exercise of this power by the House of Commons shall not affect the operation of this section in the event of the Bill being rejected by the House of Lords.

A.D. 1911.
Joint Com-
mittee.

3.—(1) At the beginning of each Parliament a Joint Committee (in this Act referred to as “the Joint Committee”) shall be appointed, consisting of the Lord Chancellor, the Speaker of the House of Commons, the Chairman of Committees of the House of Lords, the Chairman of Ways and Means of the House of Commons, a Lord of Appeal to be chosen by and from the Lords of Appeal in Ordinary and other Peers of Parliament holding or who have held high judicial office, and a member of the House of Commons to be appointed by the Speaker, for the purposes of this Act. The Speaker of the House of Commons shall be chairman, and he shall have a casting vote.

(2) The Speaker of the House of Commons may, if he think fit, and shall, if so requested in writing by a Minister of the Crown or upon a resolution of either House of Parliament in that behalf, call together the Joint Committee for the purpose of deciding any question which under the provisions of this Act may be decided by them.

(3) The decision of the Joint Committee on any question so referred to them shall be final and conclusive for all purposes and shall not be questioned in any court of law.

Enacting
words.

4.—(1) In every Bill presented to His Majesty under the preceding provisions of this Act, the words of enactment shall be as follows, that is to say:—

“Be it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Commons in this present Parliament assembled, in accordance with the provisions of the Parliament Act, 1911, and by authority of the same, as follows.”

(2) Any alteration of a Bill necessary to give effect to this section shall not be deemed to be an amendment of the Bill.

Certificate
of Speaker.

5. Any certificate of the Speaker of the House of Commons given under this Act shall be conclusive for all purposes, and shall not be questioned in any court of law.

Saving for exist-
ing rights and
privileges of the
House of Commons.

6. Nothing in this Act shall diminish or qualify the existing rights and privileges of the House of Commons.

Duration of
Parliament.
1 Geo. 1,
stat. 2, c. 38.

7. Five years shall be substituted for seven years as the time fixed for the maximum duration of Parliament under the Septennial Act, 1715.

Short title.

8. This Act may be cited as the Parliament Act, 1911.

Parliament.

A

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to make provision with respect to the powers of the House of Lords in relation to those of the House of Commons, and to limit the duration of Parliament.

(Brought from the Commons 15th May 1911.)

Ordered to be printed 13th July 1911.

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(132.)

Parliament Bill.

A M E N D M E N T

TO BE MOVED ON THIRD READING

BY

THE EARL OF CAMPERDOWN.

After clause 5 insert the following new clause—

. In this Act the expression "Public Bill" does not include Provisional
Order Bills
excluded.
any Bill for confirming a Provisional Order.

(132 a.)

Parliament Bill.

A M E N D M E N T

TO BE MOVED ON THIRD READING

BY

THE EARL OF CAMPERDOWN.

13th July 1911.

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(132 a.)

Parliament Bill.

COMMONS REASONS FOR DISAGREEING TO
CERTAIN OF THE LORDS AMENDMENTS AND COMMONS
CONSEQUENTIAL AMENDMENT TO THE BILL.

[NOTE.—*The references are to Bill (No. 84) as first printed
for the House of Lords.
The Commons Reasons are printed in italics.*]

Lords Amendment.

Clause 1, page 2, line 2, leave out (“ Speaker of the House of
“ Commons ”) and insert (“ Joint Committee ”)

*The Commons disagree to this amendment for the following
Reason :—*

*Because the substitution of any new tribunal for the Speaker
for the purpose of deciding whether a Bill is or is not a
Money Bill would constitute an interference with the well
established privilege of the House of Commons and would
also be inconvenient in practice.*

*The Commons propose the following consequential amendment
to the Bill—*

*Clause 1, page 2, line 18, after (“ Bill ”) insert
“ Before giving his certificate, the Speaker shall consult,
“ if practicable, two members to be appointed from the
“ Chairman’s Panel at the beginning of each Session by the
“ Committee of Selection ”)*

Lords Amendment.

Clause 1, page 2, line 11, leave out (“ those subjects or any of
“ them ”) and insert (“ the provisions of such Bill ; but if, in the
“ opinion of the Joint Committee, the main governing purpose of
“ a Bill imposing taxation, or of any portion of a Bill imposing
“ taxation, is not purely financial in character, the Bill, or such
“ portion thereof as aforesaid, shall be subject to the provisions
“ of section two of this Act ”)

The Commons disagree to this amendment for the following Reason :—

Because they consider that the amendment may weaken the present privileges of the House of Commons with respect to Money Bills, and, so far as it has not that effect, is unnecessary.

Lords Amendment.

Page 2, line 33, after (“sessions”) insert (“Provided further that any Bill—

“(a) which affects the existence of the Crown or the
“ Protestant succession thereto; or

“(b) which establishes a National Parliament or Assembly or
“ a National Council in Ireland, Scotland, Wales, or
“ England, with legislative powers therein; or

“(c) which has been referred to the Joint Committee, and
“ which in their opinion raises an issue of great gravity
“ upon which the judgment of the country has not
“ been sufficiently ascertained

“ shall not be presented to His Majesty nor receive the Royal
“ Assent under the provisions of this section unless and until it
“ has been submitted to and approved by the electors in manner to
“ be hereafter provided by Act of Parliament.

“(2) Any question whether a Bill comes within the meaning
“ of paragraphs (a) (b) of subsection (1) of this section shall be
“ decided by the Joint Committee”)

The Commons disagree to this amendment for the following Reason :—

Because they consider that there is no justification for making any special exceptions from the operation of the Bill such as those set out in the amendment, nor for adding a referendum to the procedure required by the Bill as respects any subject.

Lords Amendment.

After clause 2 insert new clause A.—

Joint Com-
mittee.

A.—(1) At the beginning of each Parliament a Joint Committee (in this Act referred to as “the Joint Committee”) shall be appointed, consisting of the Lord Chancellor, the Speaker of the House of Commons, the Chairman of Committees of the House of Lords, the Chairman of Ways and Means of the House

(3)

of Commons, a Lord of Appeal to be chosen by and from the Lords of Appeal in Ordinary and other Peers of Parliament holding or who have held high judicial office, and a member of the House of Commons to be appointed by the Speaker, for the purposes of this Act. The Speaker of the House of Commons shall be chairman, and he shall have a casting vote.

(2) The Speaker of the House of Commons may, if he think fit, and shall, if so requested in writing by a Minister of the Crown or upon a resolution of either House of Parliament in that behalf, call together the Joint Committee for the purpose of deciding any question which under the provisions of this Act may be decided by them.

(3) The decision of the Joint Committee on any question so referred to them shall be final and conclusive for all purposes and shall not be questioned in any court of law.

The Commons disagree to this amendment for the following Reason :—

Because the constitution of the Joint Committee is consequential on the amendments made by the Lords to which the Commons have disagreed.

Parliament Bill.

COMMONS REASONS FOR DISAGREEING
TO CERTAIN OF THE LORDS AMEND-
MENTS, AND COMMONS CONSE-
QUENTIAL AMENDMENT TO THE
BILL.

9th August 1911.

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(168)

A

B I L L

INTITULED

An Act to amend the Parsonages Act, 1838, and the Church Building Act, 1839. A.D. 1911.

BE it 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:—

5 **1.** This Act may be cited as the Parsonages Act, 1911. Short title.

10 **2.** Purchase moneys paid to the Governors of the Bounty of Queen Anne under section nine of the Parsonages Act, 1838, shall, as from the date of such payment, but subject to the performance by the said Governors of the duty or trust imposed on them by the said Act, be applicable and disposable by the said Governors for the benefit of the particular benefice on account of which the same shall have been received, in such and the same manner and with such and the same powers of investment and other powers and authorities in all respects according to the rules and regulations of the said Governors for the time being, as if the said purchase moneys had been appropriated by the said Governors to such benefice out of the general funds and profits of the said Governors or otherwise for the benefit and augmentation thereof: Provided always that, until the complete execution by the said Governors of the duty or trust imposed on them by the said Act, the interest which shall become payable in respect of such purchase moneys shall be added by them to the principal by way of accumulation, unless the said Governors in their uncontrolled discretion shall think fit to pay the whole or part of such interest to the incumbent of such benefice for his own use and benefit.

Application of purchase moneys paid to Governors of Queen Anne's Bounty under section 9 of 1 & 2 Vict. c. 23.

(23.)

A.D. 1911. **3.** In any case in which the purchase moneys paid to the
 said Governors under the said section shall arise from the sale
 of property purchased originally, or built or improved either
 wholly or in part, by means of a loan under the Clergy Resi-
 dences Repair Act, 1776, or the Acts amending or extending the
 same, and any principal money shall still remain owing on
 account of such loan, it shall be lawful for the said Governors,
 if they think fit, out of the said purchase moneys to pay and
 discharge the balance of such principal money or any part
 thereof.

Powers of
 Governors
 of Queen
 Anne's
 Bounty to
 pay off loans
 in certain
 cases.
 17 Geo. 3.
 c. 53.

5
10

4. Section fourteen of the Church Building Act, 1839, is
 hereby repealed so far as the same is inconsistent with this Act.

Repeal of
 section 14 of
 2 & 3 Vict.
 c. 49.

Parsonages. [H.L.]

A

B I L L

INTITULIED

An Act to amend the Parsonages Act,
1838, and the Church Building Act,
1839.

The Lord Archbishop of Canterbury.

Ordered to be printed 23rd February 1911.

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(23.)

[1 & 2 GEO. 5.] *Partick Burgh Order Confirmation.*

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Partick Burgh. A.D. 1911.

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

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

- 10 **1.** The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.
- 2.** This Act may be cited as the Partick Burgh Order Confirmation Act 1911. Short title.

A.D. 1911.

SCHEDULE.

PARTICK BURGH.

Provisional Order to provide for the application of certain sums of money belonging to the burgh of Partick to enable the Town Council of that burgh to raise money by bills to constitute a dean of guild court for the burgh to enlarge the powers of the Town Council in relation to their electricity undertaking to amend the Burgh Police (Scotland) Acts and other Acts in their application to the burgh to confer further powers on the Town Council and for other purposes.

5
10

WHEREAS the burgh of Partick is under the management and administration of the provost magistrates and councillors thereof (hereinafter called "the Town Council") and the Town Council are the local road and sanitary authority within the said burgh (hereinafter called "the burgh") under and for the purposes of the Burgh Police (Scotland) Acts 1892 to 1903 the Roads and Bridges (Scotland) Act 1878 the Public Health (Scotland) Act 1897 and other Acts applicable to the burgh :

And whereas the population of the burgh exceeds sixty-six thousand persons and is rapidly increasing :

And whereas the First Schedule to this Order contains a statement of certain sums of money received from time to time by and presently in the hands of the Town Council for the application of which no provision is made by statute or otherwise and it is expedient that the Town Council should be authorised to apply such money for the purposes and in the manner provided by this Order :

And whereas it is expedient to confer on the Town Council the powers in this Order contained with reference to the raising of money by bills and promissory notes :

And whereas it is expedient to empower the Town Council to grant gratuities to their officers and servants and their dependents

[1 & 2 GEO. 5.] *Partick Burgh Order Confirmation.* 3

and to provide for the establishment of a superannuation fund A.D. 1911.
for the benefit of such officers and servants :

And whereas it is expedient to provide for the constitution
of a dean of guild court for the burgh and to regulate the
5 proceedings of the court :

And whereas by the Partick Electric Lighting Order 1893
the Town Council were authorised to supply and are supplying
electrical energy within the burgh and it is expedient that the
further powers contained in this Order should be conferred
10 on the Town Council in connection with their electricity
undertaking :

And whereas it is expedient to amend in relation to the
burgh the provisions of the Town Councils (Scotland) Acts 1900
and 1903 with regard to the filling up of casual vacancies on the
15 Town Council :

And whereas it is desirable to confer upon the Town Council
such further powers for the prevention of and for minimising
the danger arising from fire as are contained in this Order :

And whereas it is expedient to amend in other respects as
20 enacted in this Order the provisions of the Burgh Police (Scotland)
Acts 1892 to 1903 and the other Acts referred to in this Order
in their application to the burgh and to confer upon the Town
Council such further powers as are herein contained :

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

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

30 1. This Order may be cited for all purposes as the Partick Short title.
Burgh Order 1911.

2. This Order shall except where otherwise provided Commence-
commence and have effect on and from the date of the passing ment of
of the Act confirming the same which date is herein-after Order.
35 referred to as "the commencement of this Order."

3. Words and expressions to which meanings are assigned by Interpretation.
the Burgh Police (Scotland) Acts 1892 to 1903 and the Town
Councils (Scotland) Acts 1900 and 1903 have in this Order the

A.D. 1911. same respective meanings unless there be something in the subject or context repugnant to such construction :

And in this Order—

The expression “the burgh” means the burgh of Partick;
and

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

Establish-
ment of
special fund.

4.—(1) Upon the commencement of this Order the sums of money mentioned in the First Schedule to this Order together with the interest accrued thereon at that date (herein-after called “the special fund”) shall be carried to a separate account in the books of the Town Council to be called the Partick Burgh Order 1911 Special Fund Account and the provisions of the Town Councils (Scotland) Act 1900 as amended with regard to accounts and audit shall apply to the said account Provided that in auditing the said account the auditor shall have regard to the powers conferred on the Town Council by subsection (4) of this section.

(2) The Town Council may out of the special fund defray such proportion as the Town Council may determine of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order and otherwise in relation thereto.

(3) The Town Council may invest the special fund or the balance thereof and any unapplied balance of the revenue thereof in any securities in which trustees are by the law of Scotland for the time being authorised to invest trust moneys or in the purchase of heritable property or of superiorities feu duties ground annuals or other income arising out of a charge upon land and may from time to time vary such investments such investments being taken in the name of the provost magistrates and councillors of the burgh.

(4) The Town Council may from time to time apply the revenue of the special fund including accumulations of revenue (if any) to such purposes in the interests of the burgh as they in their sole discretion may think fit.

Power to
raise money
by bills.

5. Instead of raising for any purpose by the creation and issue of stock or by bonds or mortgages money which they are authorised to raise by either of those methods the Town Council

[1 & 2 GEO. 5.] *Partick Burgh Order Confirmation.*

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may if they see fit raise money for those purposes by means of bills subject to and in accordance with the following provisions :— A.D. 1911.

- (1) Bills issued by the Town Council shall be called “ Partick Corporation bills ” :
- 5 (2) A Partick Corporation bill shall be a bill in the form prescribed by regulations made in pursuance of this Order for the payment of the sum named therein in the manner and at the date therein mentioned so that the date be not less than three nor more than twelve months from the date of the bill :
- 10 (3) Such bills may be offered for purchase by tender in such manner on such conditions and after public advertisement in such manner as the Town Council determine :
- 15 (4) The bills shall be issued under the authority of a warrant sealed by the Town Council :
- (5) Each bill shall be for the amount directed by the Town Council not being less than five hundred pounds :
- (6) Each bill shall be under the seal of the Town Council :
- 20 (7) A register of the bills issued or renewed by the Town Council shall be kept by the chamberlain or treasurer of the Town Council or such other person as may be appointed by the Town Council and such register shall show the amount of each bill the principal money raised by such bill the statutory borrowing power in respect of which the bill is issued the date of issue the date when the same falls due and the date of payment thereof Such register shall at all reasonable times be open to inspection without payment of any fee by any creditor of the Town Council :
- 25 (8) The Town Council shall not issue bills payable to bearer :
- 30 (9) The Town Council shall before issuing any bill under this Order from time to time make regulations with respect to bills subject to and in accordance with this Order and shall furnish to the Secretary for Scotland a copy of any regulations so made Such regulations shall provide—
- 35 (A) For regulating the preparation form mode of issue mode of payment and cancellation of bills ;
- 40

A.D. 1911.

(B) For regulating the issue of a new bill in lieu of one defaced lost or destroyed;

(C) For preventing by the use of counterfoils or of a special description of paper or otherwise fraud in relation to bills; 5

(D) For the proper discharge to be given upon the payment of a bill :

- (10) The Town Council may enter into such arrangements with any bank for carrying into effect the provisions of this Order with respect to the issue of bills and to the payment of the principal sum named therein and to all matters relating thereto and for the proper remuneration of such bank with reference thereto as they may think proper Such remuneration shall be apportioned between the several funds or rates to which the principal moneys raised by the bills are chargeable : 10 15
- (11) The amount of money received by the Town Council in respect of a bill shall be deemed to be principal money raised by means of such bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised : 20
- (12) The Town Council shall provide from the same source and pay at the appropriate times into a sinking fund or sinking funds the same sums for repayment of the principal money so raised as they would have done if bonds or mortgages of the same amount had been issued and such fund or funds shall be dealt with in the same manner as if the same were a bond or mortgage sinking fund and the Town Council shall pay the interest on the principal money out of the fund or rate to which the principal money so raised is charged : 25 30 35
- (13) The aggregate amount payable on bills current at any one time shall not exceed the sum of fifty thousand pounds except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills : 40

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- (14) The Town Council may subject to the provisions of A.D. 1911.
the preceding subsection renew bills at maturity :
- (15) Money raised by the issue of bills shall be employed
by the Town Council for the purposes of the several
5 statutory borrowing powers in respect of which the
bills are respectively issued :
- (16) For the repayment of the principal money raised by
bills the Town Council may raise money by the
10 creation of stock or issue of bonds mortgages or
further bills but save as aforesaid the powers given
to the Town Council to raise moneys by the creation
of stock bonds or mortgages shall be suspended to
the extent to which moneys have been raised by the
issue of bills :
- (17) A Partick Corporation bill shall entitle the holder to
15 payment at maturity of the sum expressed in such
bill to be payable and shall be charged on all the
revenues of the Town Council :
- (18) The town clerk of the burgh shall within twenty-eight
20 days after the fifteenth day of May in any year
during which any bills have been issued or paid off
or are outstanding under this section transmit to the
Secretary for Scotland a return in such form as the
said secretary may prescribe and containing all such
25 particulars as he may require in regard to the issue
and payment of bills by the Town Council :
- (19) In this section the words "bill" and "bills" include
respectively "promissory note" and "promissory
notes."
6. Except as in any public general statute otherwise expressly
30 provided all bonds or mortgages for moneys borrowed by the
Town Council under the powers of any Act or Order relating
to the burgh may be renewed and discharged by minutes of
renewal or discharge in or as near as may be in the forms
35 contained in the Second Schedule to this Order. Renewal
and dis-
charge of
bonds and
mortgages.
- 7.—(1) The Town Council may grant a gratuity to any of
40 their officers or servants (other than a police constable within
the meaning of the Police (Scotland) Act 1890) who may
through bodily or mental infirmity duly certified by a legally
qualified medical practitioner become incapable of performing his
Power to
grant
gratuities.

A.D. 1911. — duty or to the widow or family of any officer or servant (other than as aforesaid) who may die in the service of the Town Council.

(2) Every such gratuity shall be paid out of the fund rate assessment or revenue on which the salary or wages of the 5 officer or servant would have been charged or paid if he had continued in his office or service and no gratuity shall exceed the amount of one month's pay for every completed year of approved service.

Establish-
ment of
superannua-
tion fund.

8. The Town Council may with the approval and sanction 10 of the Secretary for Scotland establish a superannuation fund for such of their officers and servants (other than police constables within the meaning of the Police (Scotland) Act 1890) as may receive injuries in the performance of their duties or from sickness old age or other bodily disability be prevented from 15 continuing or on account of long service may be desirous of ceasing to continue in the service of the Town Council and subject to such approval and sanction may levy contributions on their officers and servants and deduct the same from their salaries and wages and may contribute to the fund a sum 20 equal in amount to the contributions of the officers and servants and may subject to such approval make rules and regulations for the management of the fund and for the future government of the same and the mode in and extent to which the benefits of the same shall be allowed and taken and may subject to such 25 approval from time to time alter and amend such rules and regulations Provided always that all such rules and regulations and any alteration or amendment thereof shall be submitted to and approved of by the officer for the time being appointed by law to revise the regulations of friendly or benefit societies and shall 30 not be binding until so approved of.

Power to
retain sell
&c. lands. |

9.—(1) The Town Council may retain hold and use for such 35 time as they may think fit and may with the consent of the Secretary for Scotland sell lease excamb or otherwise dispose of in such manner and for such considerations and purposes and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent feu duty or ground annual or of payment in any other form any lands or any interest in lands which at the commencement of this Order 40 are vested in used held or enjoyed by them and may with the

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like consent sell or dispose of any ground annuals feu duties or other rents reserved on the sale lease excambion or disposition of such lands or interest in lands and may make do and execute any deed act or thing proper for effectuating any such sale
 5 lease excambion or other disposition of such lands or interest in lands and on any excambion may give or take any money for equality of exchange Provided that upon every sale excambion lease or other disposition of lands interest in lands or rents as aforesaid the value of such lands or interest in lands or rents
 10 shall be credited to the fund or revenue out of which such lands or interest in lands or the lands in respect of which such rents were reserved were purchased or paid for.

A.D. 1911.

(2) The Town Council may with the approval of the Secretary for Scotland appropriate and use for any purpose
 15 of the Town Council any such lands or interest in lands not required for the purpose for which the same were acquired by or vested in the Town Council.

(3) The consideration for the acquisition by the Town Council of any lands may be either money or land or any
 20 yearly sum or ground annuals or feu duties or other rent or a mixed consideration of money and land and on any excambion the Town Council may give or take any money for equality of exchange.

(4) Nothing in this section shall authorise the Town Council
 25 to create or permit any nuisance on any such lands.

10. Notwithstanding anything in the Town Councils (Scotland) Act 1900 contained in case of any vacancy occurring in the Town Council from any cause (other than retirement in ordinary rotation at an annual election) between the eighteenth
 30 day of October in any year being the last day for the issue of the notice referred to in section 42 (Notice of vacancies and dates of nomination and election) of the Town Councils (Scotland) Act 1900 and the first day of October in the following year the vacancy so occurring shall subject as hereinafter
 35 provided be filled up by a special election by the electors of the ward in respect of which such vacancy has occurred and the following provisions shall apply and have effect (that is to say):—

Filling up
of casual
vacancies in
Town
Council.

(1) The election shall be conducted and the costs and
 40 charges thereof defrayed in the same manner as in the case of an annual election:

(171)

B

A.D. 1911.

- (2) The town clerk of the burgh as soon as may be after the occurrence of the vacancy shall subject to the approval of the Town Council fix the date of the election and the dates for the issue of all necessary notices and for lodging and withdrawing nomination papers so that the intervals between such respective dates shall be the same as in the case of an annual election and such notices and papers shall be in or as nearly as may be in the forms respectively used in the case of an annual election: 5 10
- (3) The town clerk shall by notice to be affixed to the outside wall of the municipal buildings in the burgh and also to be published by handbills posted up throughout the ward in respect of which the vacancy has occurred intimate (1) the cause of the vacancy (2) the ward in which the vacancy falls to be filled up (3) the date and place for lodging and withdrawing nomination papers (4) the date of the election in the event of there being a poll and (5) the polling place: 15 20
- (4) If more than one candidate is nominated for the vacancy the town clerk shall by notice to be affixed and published as aforesaid give the names of all persons so nominated and not withdrawn: 25
- (5) The person elected at the election shall hold the office of town councillor during the period for which the person vacating such office might lawfully have held the same. 30

Vacancy within three months of annual election.

11. In case of any such vacancy occurring within three months immediately preceding an annual election the Town Council may resolve that such vacancy shall not be filled up until such annual election. 30

Resignation of member of Town Council.

12. If any member of the Town Council shall at any time within twenty-one days immediately preceding or on the eighteenth day of October in any year intimate in writing to the town clerk of the burgh his resignation or his intention to resign as a member of the Town Council and shall not withdraw such intimation before the issue in that year of the notice referred to in section 42 of the Town Councils (Scotland) Act 1900 the town clerk shall include in such notice or in the 35 40

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amended or supplementary notice hereinafter in this section referred to the name of such member as one of the councillors falling to retire at the next annual election and the resignation contained in such intimation shall thereupon take effect notwithstanding anything contained in section 38 (Councillors may resign office) of the said Act and the vacancy shall be filled up at such annual election:

A.D. 1911.

Provided that in the event of the notice mentioned in section 42 of the said Act having been issued prior to the receipt of any such intimation the town clerk shall if time permits to do so not later than the eighteenth day of October issue in the manner prescribed by that section for the intimation of such notice an amended or supplementary notice containing with reference to such vacancy the particulars required under that section.

13. If in any year after the issue of the notice mentioned in section 42 of the Town Councils (Scotland) Act 1900 and on or before the eighteenth day of October in that year a vacancy occurs in the Town Council from any cause other than the resignation of a member the town clerk shall if time permits to do so not later than the said eighteenth day of October issue in the manner prescribed by that section for the intimation of such notice an amended or supplementary notice containing with reference to such vacancy the particulars required under that section.

Vacancy arising after issue of statutory notice.

14. The dean of guild court of the burgh shall from and after the first election thereof as herein-after provided consist of a dean of guild and four other members who shall all be members of the Town Council The dean of guild and other members of the said court shall be elected annually by the Town Council at the meeting at which the annual election of magistrates takes place and they shall hold office until the election of their successors the first election to be made at the annual election of magistrates occurring next after the commencement of this Order In the event of any vacancy occurring during any year or in the event of the Town Council failing to elect the members of the said court or any of them at the said meeting the Town Council shall fill up the vacancy or vacancies at a meeting to be held as soon thereafter as possible but the said court may act notwithstanding any deficiency or vacancy in their number so long as a quorum remains in office The Town Council shall at

Constitution of dean of guild court.

A.D. 1911. the time of election prescribe the order of seniority for the purposes of the immediately succeeding section of this Order of the members of the said court. From and after the first election of the dean of guild court under this Order there shall be transferred to the said dean of guild court the whole dean of 5 guild jurisdiction whether statutory or at common law possessed by the magistrates of the burgh and by the present dean of guild court of the burgh and from and after that date the magistrates shall cease to possess the aforesaid jurisdiction and the present dean of guild court of the burgh shall be dissolved 10 Provided always that the provisions of the Summary Jurisdiction (Scotland) Act 1908 shall not apply to any proceedings in the dean of guild court and that it shall not be lawful for the dean of guild court to sentence any person to imprisonment in default of payment of any penalty or other sum decerned for either 15 immediately or after an interval or failing recovery thereof by poinding or arrestment.

President
of dean of
guild court
quorum &c.

15. The dean of guild or in his absence one of the other members of the said court according to seniority as such shall preside at meetings of the court and the president shall have a 20 casting vote as well as a deliberative vote. Any three or more members of the said court present at any meeting shall constitute a quorum. Interlocutors pronounced or ordered at any meeting of the said court shall be signed by the member presiding but deliverances appointing service or intimation of any petition 25 motion or other step of procedure or fixing a diet for hearing parties may be pronounced and signed by any member of the said court without the necessity of a meeting. The said court may appoint committees of their number for the purpose of inspecting buildings or streets or disposing of incidental questions 30 arising in any case before them and may delegate any of their powers in connection therewith to the said committees. The quorum and convener of any committee shall be fixed and appointed by the said court and the convener shall preside and shall have a casting as well as a deliberative vote. Except so far 35 as varied by or inconsistent with this Order the provisions of the Burgh Police (Scotland) Acts 1892 to 1903 relating to dean of guild courts shall apply to the dean of guild court of the burgh constituted by this Order.

Linings may
be granted
for a fixed
period.

16. The dean of guild court of the burgh may in granting 40 any warrant or lining fix the period (not being less than one year) during which such warrant or lining shall remain in force

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and any person acting upon such warrant or lining after the expiration of the period so fixed shall be deemed to be guilty of a guild offence and be liable to a penalty of the like amount as such person would have been liable to if he had proceeded
5 without a warrant or lining in the first instance with the work to which the expired warrant or lining relates.

17. The Town Council may within the burgh provide sell let for hire and fix repair alter and remove but shall not manufacture lamps meters electric lines fuses switches fittings
10 lampholders motors stoves radiators and other electrical fittings for lighting heating and motive power and for all other purposes for which electrical energy can or may be used (all of which are hereinafter in this section included in the expression
15 "fittings") and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon :

Provided as follows :—

- (A) The Town Council shall so adjust the charges to be
20 made by them for any such fittings or for the fixing repairing alteration or removal thereof as to meet any expenditure incurred by them under the powers of this section including interest upon moneys borrowed for those purposes and all sums
25 applied either by way of instalments or by way of payments to sinking fund for repayment of moneys so borrowed ;
- (B) Every sum charged by the Town Council to a
30 consumer in respect of the provision of such fittings or the fixing repairing alteration or removal thereof shall be separately stated on every demand note delivered by the Town Council to the consumer ;
- (C) The sums expended and received by the Town
35 Council in connection with the purposes in this section mentioned in each year (including interest and instalments and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Town Council for
40 that year ;

Electrical fittings.

A.D. 1911.

A.D. 1911.

(D) Any money already expended by the Town Council for the said purposes or for which liability may be incurred under this section shall be deemed to be expenses incurred by them for the purposes of and shall be defrayed in the same manner as expenses 5 incurred by the Town Council under the Partick Electric Lighting Order 1893 and the purposes of this section so far as the same are purposes to which capital is properly applicable shall be deemed to be purposes for which the Town Council may 10 apply any money already borrowed or authorised to be borrowed or may borrow additional money under the provisions of the said Order and the Electric Lighting Acts 1882 to 1909.

Further power to recover electrical charges in respect of furnished houses.

18. The Town Council may in addition to their recourse 15 against the actual consumer of electrical energy charge and recover from the tenant of any house or other premises who sub-lets such house or premises furnished for a period less than two months the amount of rates and charges for electrical energy used and consumed by the sub-tenant during the sub- 20 tenancy and any other sums due to the Town Council in connection with the supply of electrical energy to such sub-tenant during such sub-tenancy.

Power to lay mains in streets not dedicated to public use.

19. The Town Council may on the application of the owner or occupier of any premises abutting on or being erected in any 25 street laid out but not dedicated to the public use within the burgh supply such premises with electrical energy and may lay down alter relay or renew in across or along such street such mains cables service lines and other works as may be requisite and proper for furnishing such supply and the provisions of 30 the Partick Electric Lighting Order 1893 with respect to the breaking up of streets for the purpose of laying mains cables service lines and other works and for the protection of the same when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the 35 purposes thereof.

As to buildings causing risk of fire.

20. When application is made to the dean of guild court of the burgh for warrant for the erection of a house or building which in the opinion of the court from its size or situation or the use to which it is intended to be put is likely to cause 40

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extra or undue risk of fire to adjoining or neighbouring houses or buildings or to such building itself the court may require such precautions to be taken and such works to be executed in connection with such house or building as the court may consider
 5 proper for the protection of such adjoining or neighbouring houses or buildings or of such proposed house or building and a failure to comply with a requirement of the court under this section shall in the application to the burgh of the Burgh Police (Scotland) Act 1903 be deemed to be included among the
 10 offences in respect of which a penalty is imposed by section 41 subsection (1) of the said Act.

21. No public bazaar or public entertainment of any description shall be held in any building unless the occupier of such building or the person in charge of any such intended bazaar
 15 or entertainment shall twenty-four hours previous to the holding thereof give notice of the intention to hold the same to the Town Council and unless there shall be provided therein if considered necessary by the firemaster of the burgh sufficient fire-extinguishing appliances to the satisfaction of the firemaster and if
 20 also considered necessary by him unless a qualified fireman shall be in charge of such building during the holding of such bazaar or entertainment Any person contravening this section shall be liable to a penalty not exceeding five pounds recoverable as penalties for police offences are recoverable under the Burgh
 25 Police (Scotland) Act 1892.

Precautions
against fire
in case of
public enter-
tainments.

22. The firemaster and all members of the fire brigade of the Town Council may be enrolled as constables and if so enrolled shall be entitled to act as constables on all occasions of fire.

Firemaster
and fire brig-
ade to be
enrolled as
constables.

23. The Town Council may lay in any public street iron
 30 plates or blocks of stone or other material (but not tramways or lines of railways) for the purpose of facilitating the passage of traffic along or across the same and may remove alter repair or renew such iron plates or blocks of stone or other material and may make byelaws for regulating the use thereof All byelaws
 35 made by the Town Council under this section shall be enforceable by such penalties as may be prescribed therein not exceeding five pounds for each contravention and in other respects shall be subject to the same conditions and provisions as byelaws made by the Town Council under the Burgh Police (Scotland) Acts
 40 1892 to 1903 Any expenses incurred by the Town Council

Iron plates
&c. may be
laid for
facilitating
traffic.

A.D. 1911. under this section shall be defrayed by the Town Council as part of the expenses of the maintenance of streets and roads within the burgh. Provided that nothing in this section or any byelaws made thereunder shall authorise or empower the Town Council or any person on their behalf in laying such plates or stone or 5 other material to break up or interfere with any tramways belonging to the corporation of the city of Glasgow or such portion of any street as is maintainable by the said corporation in terms of the Tramways Act 1870.

Inspector of weights to have powers of constables. 24. An inspector of weights and measures for the burgh 10 shall have and may exercise all the powers conferred upon the chief constable or any officer of police or constable of the burgh by sections 419 420 and 422 of the Burgh Police (Scotland) Act 1892 and any person resisting or obstructing any such inspector in the enforcement of any of the provisions of those 15 sections shall be liable to a penalty not exceeding five pounds recoverable as penalties for police offences are recoverable under the Burgh Police (Scotland) Act 1892.

Modification of sections 220 and 243 of Burgh Police (Scotland) Act 1892. 25. In the application to the burgh of sections 220 and 243 of the Burgh Police (Scotland) Act 1892 those sections shall be 20 held to be amended as follows:—

- (1) The words “twenty-one days” shall be substituted for the words “twenty-eight days” in section 220;
- (2) The powers and duties conferred or imposed by section 243 on the burgh surveyor shall be exercised by the 25 sanitary inspector of the burgh to whom all notices by that section directed to be sent by any owner to the burgh surveyor shall be sent.

Evidence of resolutions &c. 26. A copy of or an extract from a minute of a meeting of the Town Council or of a committee appointed by the Town 30 Council or a copy of any order rule or regulation made by the Town Council or of any such committee certified as correct by the town clerk of the burgh shall be sufficient evidence of the passing of the resolution recorded in such minute or of the making of such order rule or regulation and of the terms thereof 35 respectively and shall be received as evidence in all courts whatsoever.

Crown rights. 27. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject

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to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree.

A.D. 1911.

- 5 28. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order and otherwise in relation thereto so far as not paid out of the special fund constituted by this Order shall be paid by the Town Council out of the burgh general assessment and the roads and bridges
- 10 assessment of the burgh and out of the revenue of the electricity undertaking of the Town Council in such proportions as the Town Council may determine.

Costs of Order. £

A.D. 1911. The SCHEDULES referred to in the foregoing Order:

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Establishment of Special Fund.")

1. The sum of five hundred pounds received by the Town Council 5
on the first day of November one thousand eight hundred and ninety
from the Glasgow District Subway Company.
2. The sum of five hundred pounds received by the Town Council
on the sixteenth day of August one thousand nine hundred from
Messrs. D. and W. Henderson & Co. Ltd. in respect of the closing and 10
appropriation of a public right of way between their shipbuilding yard
and the River Clyde.
3. The sum of five hundred pounds received by the Town Council
on the fifteenth day of April one thousand nine hundred and four from
the trustees of the Clyde Navigation in respect of the closing and 15
appropriation of the public footpath or right of way referred to in
section 10 (1) of the Clyde Navigation Act 1899.
4. The sum of eight hundred pounds received by the Town
Council on the eleventh day of October one thousand nine hundred
and six from the trustees of the Clyde Navigation in respect of the 20
closing and appropriation of the public footpath or right of way
referred to in section 7 of the Clyde Navigation Order 1907.
5. The sum of seven hundred and fifty pounds received by the
Town Council on the twenty-fourth day of November one thousand nine
hundred and six from Messrs. Barclay Curle & Co. Ltd. and the 25
trustees of the late Sir Andrew Maclean in respect of the closing and
appropriation of a public lane or passage leading from South Street to
and along the River Clyde.
6. The sum of ninety-three pounds nine shillings received by the
Town Council in the years eighteen hundred and eighty-four to eighteen 30
hundred and eighty-six being the balance of certain sums provided in
part by the Town Council and in part by public subscription for
meeting the expenses of an action raised against the Town Council and
others with the object of closing a certain public right of way.

Partick Burgh Order Confirmation.

A

B I L L

INTITLED

An Act to confirm a Provisional Order
under the Private Legislation Pro-
cedure (Scotland) Act 1899 relating
to Partick Burgh.

(Brought from the Commons 10th August 1911.)

Ordered to be printed 10th August 1911.

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(171)

**Pensions (Governors of .
Dominions, &c.) Bill.**

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to grant pensions to Governors.
2. Calculation of amount of pension.
3. Provisions as to holding other pensions with Governor's pension.
4. Maximum amount of pension.
5. Reckoning of Governor's service for Civil Service pension in certain cases, and provision as to gratuity on death while serving as Governor.
6. Deduction from pension on account of salary or emolument other than pension.
7. Advancement to higher rate of pension.
8. Obligation to accept re-employment till age of 60, and continue in office till age of 65.
9. Power to grant a reduced pension in special cases.
10. Provision as to determining amount of service as Governor.
11. Provision of money for pensions.
12. Interpretation, repeal, and short title.

SCHEDULE.

A.D. 1911.

The division shall be made by order of the Secretary of State approved by the Treasury and laid before Parliament, and any order so made may be revoked or varied by an order made in a similar manner:

- (2) The unit of pension for every completed month's service as Governor shall be five pounds for Class I., four pounds for Class II., three pounds for Class III., and two pounds for Class IV.:
- (3) Where a Governor's service has been in one class only, the yearly amount of his pension shall be the amount produced by multiplying the unit of pension for that class by the number of completed months' service:
- (4) Where a Governor's service has been in more than one class, the unit of pension for each class in which he has served shall be multiplied by the number of completed months' service in that class, and the yearly amount of the pension shall be the sum of the amounts so produced.

Provisions as to holding other pensions with Governor's pension.

3. A pension may be granted in respect of service in the permanent Civil Service of the State, under the Super-annuation Acts, 1834 to 1909, to any Governor within the meaning of this Act who is entitled to receive a pension under this Act, in the same manner and subject to the same provisions, as far as applicable, as if, on the completion of that service, he had retired on the ground of ill-health, and any pension so granted to him or granted to him in respect of any other service may be held by him in addition to his pension under this Act, subject to the provisions of this Act as to the maximum yearly amount of the pension to be received.

Maximum amount of pension.

4. —(1) The yearly amount of a pension under this Act shall not exceed thirteen hundred pounds.

(2) Where a person is entitled to receive a pension under this Act, and is also in receipt of any other sum by way of pension granted in respect of employment in the service of the Crown—

- (a) he shall not receive the pension under this Act so long as the yearly amount of the other sum so received is thirteen hundred pounds or upwards; and
- (b) if the yearly amount of the other sum so received is less than thirteen hundred pounds he shall not

[1 & 2 GEO. 5.] *Pensions (Governors of Dominions, &c.).* 3

receive a greater sum in respect of the pension under this Act than the difference between that yearly amount and thirteen hundred pounds. A.D. 1911.

5 **5.**—(1) Where any person having served as a Governor within the meaning of this Act, and having likewise been employed in service in the permanent Civil Service of the State, has not become entitled to receive a pension under this Act in respect of his service as Governor, the number of years served by him as Governor shall, for the purpose of computing any
10 pension which may be granted to him under the Superannuation Acts, 1834 to 1909, be deemed to have been passed in service in the permanent Civil Service of the State and at the rate of salary last received by him in respect of his employment in that Service (emoluments being reckoned for this purpose as salary).
Reckoning of Governor's service for Civil Service pension in certain cases, and provision as to gratuity on death while serving as Governor. 9 Edw. 7. c. 10.

15 (2) Where a Governor within the meaning of this Act who was immediately before his appointment as Governor employed in the permanent Civil Service of the State dies while he is Governor, subsection (1) of section two of the Superannuation Act, 1909 (which provides for a gratuity in case of
20 death in certain cases), shall apply in his case as if he was at the time of his death employed in the permanent Civil Service of the State at the rate of salary last received by him in respect of his employment in that service (emoluments being reckoned for this purpose as salary).

25 For the purposes of this provision, employment in the permanent Civil Service of a colony shall not be deemed to be employment in the permanent Civil Service of the State, notwithstanding anything in section two of the Pensions (Colonial Service) Act, 1887. 50 & 51 Vict. c. 13.

30 **6.** If any person to whom a pension has been granted under this Act is, or thereafter becomes, entitled to any salary or other emolument from any public revenue raised, or in respect of any public services performed, within His Majesty's dominions (other than a pension), his pension under this Act shall be reduced by
35 half the amount of the salary or emolument. Deduction from pension on account of salary or emolument other than pension.

7. If any person to whom a pension has been granted under this Act becomes by reason of re-employment entitled to a pension of an increased yearly amount under this Act the Secretary of State may, with the approval of the Treasury, and subject to
40 the maximum yearly amount of a pension under this Act, by Advance-ment to higher rate of pension.

A.D. 1911. — writing under his hand, grant him a pension of an increased yearly amount.

Obligation to accept re-employment till age of 60, and continue in office till age of 65.

8. If any person who has served as a Governor within the meaning of this Act, and has not attained the age of sixty, is called upon by His Majesty to undertake any Governorship within 5 the meaning of this Act, and, not being incapable from infirmity of mind or body of executing the duties of the office, refuses to undertake the Governorship, or if any such person, not being of the full age of sixty-five, relinquishes any such Governorship without the permission of His Majesty, or neglects or declines 10 to execute the duties of the office satisfactorily, the Secretary of State may, by writing under his hand, declare that that person has forfeited all claim to any pension under this Act, and the claim to pension shall thereupon be forfeited accordingly.

Power to grant a reduced pension in special cases.

9.—(1) Where in any special case it appears to the Secretary 15 of State and the Treasury that it is impracticable to find appropriate employment in the public service for a person who has served as a Governor within the meaning of this Act, and who would be entitled under the foregoing provisions of this Act to receive a pension under this Act if he had attained the age of sixty 20 years, and that it is in the interests of the public service to grant him a pension under this Act, the Secretary of State may, by writing under his hand, grant him such a pension as if he had attained the age of sixty years, but in such a case the full yearly amount of the pension shall be reduced by one two-hundred-and- 25 fortieth for every complete month which must elapse between the date on which the pension becomes payable and the time at which the person to whom the pension is granted will attain the age of sixty :

Provided that, if those reductions would amount to more 30 than half the full yearly amount of the pension, the pension shall not be reduced by more than half of its full amount.

(2) A pension may be granted in respect of service in the permanent Civil Service of the State to any Governor who receives a pension under this section in the same manner as if 35 he had received a pension under the foregoing provisions of this Act.

(3) A minute of the Secretary of State, approved by the Treasury, granting a pension under this section shall set forth the amount of the pension granted and the reasons for the grant, 40 and shall be laid before Parliament.

[1 & 2 GEO. 5.] *Pensions (Governors of Dominions, &c.)*. 5

10. The Secretary of State may, with the consent of the Treasury, determine under what conditions and to what extent any person shall be deemed for the purposes of this Act to have been serving as a Governor within the meaning of this Act while serving as provisional Governor, or while proceeding to his government, or while absent from his government with the permission of His Majesty.

A.D. 1911.
Provision as to determining amount of service as Governor.

11. All pensions granted under this Act shall be paid out of moneys provided by Parliament, and a statement of all such pensions shall be laid annually before Parliament.

Provision of money for pensions.

12.—(1) For the purposes of this Act—

Interpretation, repeal, and short title.

The expression “Governor” means the Governor or administrator of any part of His Majesty’s dominions (exclusive of the British Islands and of British India), or of a British Protectorate, and includes the High Commissioner of Cyprus, and the expression “Governorship” shall be construed accordingly.

The expression “service in the permanent Civil Service of the State” means service in respect of which a pension may be granted under the Superannuation Acts, 1834 to 1909.

The expression “pension” includes any superannuation or other retiring allowance, including any Navy or Army retired pay, and also includes any capital sum paid on or in respect of retirement, or by way of commutation of a pension payable periodically.

Where any pension or any part thereof consists of a capital sum, the yearly amount of that sum shall, for the purpose of this Act, be taken to be the yearly amount which would actuarially be the equivalent of the capital sum, having regard to the expectation of life of the person receiving the sum.

(2) The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule:

Provided that—

(a) In section two of the Pensions (Colonial Service) Act, 1887, a reference to this Act shall be substituted for a reference to the Colonial Governors (Pensions) Acts, 1865 and 1872; and

50 & 51 Vict. c. 13.
28 & 29 Vict. c. 113.
35 & 36 Vict. c. 29.

6 *Pensions (Governors of Dominions, &c.).* [1 & 2 GEO. 5.]

A.D. 1911.

- (b) The repeal shall not affect the rights of any person to whom a pension has been granted under the enactments repealed to receive that pension; and
- (c) The repeal shall not affect the rights of any person who is serving or has served as a Governor within the meaning of this Act at the time of the passing of this Act to receive a pension under the repealed enactments in cases where he is entitled to receive a pension under those enactments but not entitled to receive a pension under this Act; and 5 10
- (d) If a person who is serving or has served as a Governor within the meaning of this Act at the time of the passing of this Act subsequently becomes entitled to receive a pension in respect of that service under this Act, and would also have been entitled to receive a pension under the repealed enactments, a pension may be granted to him at his option either in accordance with the provisions of this Act or in accordance with the provisions of the repealed enactments. 15 20

(3) This Act may be cited as the Pensions (Governors of Dominions, &c.) Act, 1911.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	25
28 & 29 Vict. c. 113.	The Colonial Governors (Pensions) Act, 1865.	The whole Act.	
35 & 36 Vict. c. 29.	The Colonial Governors (Pensions) Act, 1872.	The whole Act.	30
50 & 51 Vict. c. 13.	The Pensions (Colonial Service) Act, 1887.	Sections three, four, and five.	

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Pensions (Governors of Dominions, &c.).

A

B I L L

INTITLED

An Act to consolidate and amend the Law relating to the payment of Pensions to Governors of any part of His Majesty's Dominions, or any British Protectorate, or persons holding a similar office.

(Brought from the Commons 15th August 1911.)

Ordered to be printed 15th August 1911.

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PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

[Price 1½d.]

(172)

Perjury Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Perjury.
2. False statements on oath made otherwise than in a judicial proceeding.
3. False statements, &c. with reference to marriage.
4. False statements, &c. as to births or deaths.
5. False statutory declarations and other false statements without oath.
6. False declarations, &c. to obtain registration, &c. for carrying on a vocation.
7. Aiders, abettors, suborners, &c.
8. Venue.
9. Power to direct a prosecution for perjury.
10. Jurisdiction of quarter sessions.
11. Application of Vexatious Indictments Act, 1859.
12. Form of indictment.
13. Corroboration.
14. Proof of certain proceedings on which perjury is assigned.
15. Interpretation, &c.
16. Savings.
17. Repeals.
18. Extent.
19. Short title and commencement.

SCHEDULE.



A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to consolidate and simplify the Law relating to A.D. 1911.
Perjury and kindred offences.

BE it 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:—

- 5 **1.**—(1) If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement material in that proceeding, which he knows to be false or does not believe to be true, he shall be guilty of perjury, and shall on conviction thereof on indictment be liable to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years, or to a fine or to both such penal servitude or imprisonment and fine. Perjury.
- 10 (2) The expression “judicial proceeding” includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath. [2 Geo. 2. c. 25. s. 2 (E.).
3 Geo. 2. c. 4. s. 2 (L.).
3 Geo. 4. c. 114. s. 1 (E.).
7 Geo. 4. c. 9. s. 1 (L.).
54 & 55 Vict. c. 69. s. 1.]
- 15 (3) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorised by law to administer an oath to the person who makes the statement, and to record or authenticate the statement, it shall for the purposes of this section be treated as having been made in a judicial proceeding. [See 31 & 32 Vict. c. 72. s. 14.
14 & 15 Vict. c. 99. s. 16.]
- 20 (4) A statement made by a person lawfully sworn in England or Ireland for the purposes of a judicial proceeding—
- 25 (a) in another part of His Majesty's dominions; or [See 1 Will. 4. c. 22. s. 7.
19 & 20 Vict. c. 113. s. 3.
22 Vict. c. 20. s. 2.
- (b) in a British tribunal lawfully constituted in any place by sea or land outside His Majesty's dominions; or

(33.)

A 2

A.D. 1911. (c) in a tribunal of any foreign state,
 shall for the purposes of this section be treated as a statement
 36 & 37 Vict. c. 60. s. 5. made in a judicial proceeding in England or Ireland.
 44 & 45 Vict. c. 69. s. 22.]

(5) Where for the purposes of a judicial proceeding in
 England or Ireland, a person is lawfully sworn under the
 authority of an Act of Parliament—

[See 55 Geo.
 3. c. 157. s. 8.
 1 Will. 4.
 c. 22. s. 7.
 3 & 4 Vict.
 c. 105. s. 66.
 (I.)

(a) in any other part of His Majesty's dominions; or

(b) before a British tribunal or a British officer in a foreign
 country, or within the jurisdiction of the Admiralty
 of England;

22 Vict.
 c. 20. s. 2.
 52 & 53 Vict.
 c. 10. s. 9.
 57 & 58 Vict.
 c. 60. ss. 689,
 691.]

a statement made by such person so sworn as aforesaid (unless
 the Act of Parliament under which it was made otherwise
 specifically provides) shall be treated for the purposes of this
 section as having been made in the judicial proceeding in England
 or Ireland for the purposes whereof it was made.

(6) The question whether a statement on which perjury is
 assigned was material is a question of law to be determined by
 the court of trial.

False state-
 ments on
 oath made
 otherwise
 than in a
 judicial
 proceeding.

2. If any person—

(1) being required or authorised by law to make any
 statement on oath for any purpose, and being
 lawfully sworn (otherwise than in a judicial pro-
 ceeding) wilfully makes a statement which is
 material for that purpose and which he knows to
 be false or does not believe to be true; or

(2) wilfully uses any false affidavit for the purposes of the
 Bill of Sale Act, 1878, as amended by any subsequent
 enactment,

he shall be guilty of a misdemeanour, and on conviction thereof
 on indictment shall be liable to penal servitude for a term not
 exceeding seven years or to imprisonment, with or without hard
 labour, for a term not exceeding two years, or to a fine or to both
 such penal servitude or imprisonment and fine.

3.—(1) If any person—

(a) for the purpose of procuring a marriage, or a certifi-
 cate or licence for marriage, knowingly and wilfully
 makes a false oath, or makes or signs a false
 declaration, notice or certificate required under any
 Act of Parliament for the time being in force
 relating to marriage; or

False statements,
 &c. with reference
 to marriage.
 [(a) 3 & 4 Vict.
 c. 72. s. 4. (E.).
 7 & 8 Vict. c. 81.
 s. 44. (I.).
 19 & 20 Vict.
 c. 119. ss. 2, 18. (E.).
 26 & 27 Vict. c. 27.
 s. 5. (I.).
 35 & 36 Vict. c. 23.
 s. 15. (a).
 6 Edw 7. c. 40. s. 1.
 (2) (a).]

[1 GEO. 5.]

Perjury.

3

- (b) knowingly and wilfully makes, or knowingly and wilfully causes to be made, for the purpose of being inserted in any register of marriage, a false statement as to any particular required by law to be known and registered relating to any marriage; or
- (c) forbids the issue of any certificate or licence for marriage by falsely representing himself to be a person whose consent to the marriage is required by law knowing such representation to be false,
- 10 he shall be guilty of a misdemeanour and on conviction thereof on indictment shall be liable to penal servitude for a term not exceeding seven years or to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine or to both such penal servitude or imprisonment and fine.
- 15 (2) No prosecution for knowingly and wilfully making a false declaration for the purpose of procuring any marriage out of the district in which the parties or one of them dwell shall take place after the expiration of months from the solemnization of the marriage to which the declaration refers.
- 20 4.—(1) If any person—
- (a) wilfully makes any false answer to any question put to him by any registrar of births or deaths relating to the particulars required to be registered concerning any birth or death, or wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death; or
- (b) wilfully makes any false certificate or declaration under or for the purposes of any Act relating to the registration of births or deaths, or knowing any such certificate or declaration to be false, uses the same as true or gives or sends the same as true to any person; or
- (c) wilfully makes, gives or uses any false statement or declaration as to a child born alive as having been still-born, or as to the body of a deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born; or
- (d) makes any false statement with intent to have the same inserted in any register of births or deaths:
- 40 he shall be guilty of a misdemeanour and shall be liable—

A.D. 1911.

[(b) 6 & 7
Will. 4. c. 86.
s. 41. (E.)
7 & 8 Vict.
c. 81. s. 73. (I.)
26 & 27 Vict.
c. 90. s. 22. (I.)]

[(c) 19 & 20
Vict. c. 119.
s. 18. (E.)
55 & 56 Vict.
c. 23. s. 15.
6 Edw. 7. c. 40.
s. 1 (2).]

[3 & 4 Vict.
c. 72. s. 4.]

False state-
ments, &c. as
to births or
deaths.

[37 & 38 Vict.
c. 88. s. 40.
(E.)]

43 & 44 Vict.
c. 13, s. 30.
(I.)]

A.D. 1911.

- (i) on conviction thereof on indictment to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years, or to a fine instead of either of the said punishments; and 5
- (ii) on summary conviction thereof to a penalty not exceeding ten pounds:

[See 37 & 38 Vict. c. 83, s. 46 (E.), 43 & 44 Vict. c. 13, s. 36. (I.)]

(2) A prosecution on indictment for an offence against this section shall not be commenced more than three years after the commission of the offence. 10

False statutory declarations and other false statements without oath.

[(a) 5 & 6 Will. 4. c. 62. ss. 5, 18, 21.]

[(b) See 3 & 4 Vict. c. 97. s. 4.

29 & 30 Vict. c. 108. s. 16.

30 & 31 Vict. c. 84. s. 30.

31 & 32 Vict. c. 24. s. 9.

31 & 32 Vict. c. 119. s. 5.

34 & 35 Vict. c. 22. s. 7.

34 & 35 Vict. c. 78. s. 10.

39 & 40 Vict. c. 36. s. 168.

43 & 44 Vict. c. 41. s. 10.

8 Edw. 7. c. 69. s. 281.

9 Edw. 7. c. 49. s. 24.]

[(c) 6 & 7 Vict. c. 18. s. 81. (E.).

13 & 14 Vict. c. 69. s. 88. (I.).

24 & 25 Vict. c. 53. s. 5.

45 & 46 Vict. c. 50. s. 59.]

5. If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made—

(a) in a statutory declaration; or

(b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document which he is authorised or required to make, attest, or verify, by [under or for the purposes of] any public general Act of Parliament for the time being in force; or 15 20

(c) in any oral declaration or oral answer which he is required to make by under or in pursuance of any public general Act of Parliament for the time being in force,

he shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment with or without hard labour, for any term not exceeding two years, or to a fine or to both such imprisonment and fine. 25

False declarations, &c. to obtain registration, &c. for carrying on a vocation.

[21 & 22 Vict. c. 90. s. 39.

31 & 32 Vict. c. 121. s. 14.

41 & 42 Vict. c. 33. s. 35.

44 & 45 Vict. c. 62. s. 11.]

6. If any person—

(a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any public general Act of Parliament for the time being in force of persons qualified by law to practise any vocation or calling; or 30

(b) procures or attempts to procure a certificate of the registration of any person on any such register or roll as aforesaid, 35

by wilfully making or producing or causing to be made or produced either verbally or in writing, any declaration, certificate,

[1 GEO. 5.]

Perjury.

5

or representation which he knows to be false or fraudulent, he shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for any term not exceeding twelve months, or to a fine, or to both such imprisonment and fine.

A.D. 1911.
[15 & 16
Vict. c. 56.
s. 16.
2 Edw. 7.
c. 17. s. 12.]

7.—(1) Every person who aids, abets, counsels, procures, or suborns another person to commit an offence against this Act shall be liable to be proceeded against, indicted, tried and punished as if he were a principal offender.

Aiders,
abettors,
suborners,
&c.
[See 24 & 25
Vict. c. 94.
s. 8.]

10 (2) Every person who incites or attempts to procure or suborn another person to commit an offence against this Act shall be guilty of a misdemeanour, and on conviction thereof on indictment shall be liable to imprisonment, or to a fine, or to both such imprisonment and fine.

[Common
law.]

15 8. Where an offence against this Act or any offence punishable as perjury or as subornation of perjury under any other Act of Parliament is committed in any place either on sea or land outside the United Kingdom the offender may be proceeded against, indicted, tried, and punished in any county or place in England where he was apprehended or is in custody as if the offence had been committed in that county or place; and for all purposes incidental to or consequential on the trial or punishment of the offence, it shall be deemed to have been committed in that county or place.

Venue.

[See 52 & 53
Vict. c. 10.
s. 9.]

25 9.—(1) Where any of the following authorities, namely, a judge of or person presiding in a court of record, or a petty sessional court, or any justice of the peace sitting in special sessions, or any sheriff or his lawful deputy before whom a writ of inquiry or a writ of trial is executed is of opinion
30 that any person has in the course of a proceeding before that authority been guilty of perjury, the authority may order the prosecution of that person for such perjury in case there shall appear to be reasonable cause for such prosecution and may commit him, or admit him to bail, to take his trial at the
35 proper court, and may require any person to enter into a recognizance to prosecute or give evidence against the person whose prosecution is so ordered, and may give the person so bound to prosecute a certificate of the making of the order for the prosecution, for which certificate no charge shall be made.

Power to
direct a
prosecution
for perjury.
[14 & 15
Vict. c. 100.
s. 19.
14 & 15
Vict. c. 57.
s. 157. (I).]

A.D. 1911.

(2) An order made or a certificate given under this section shall not be given in evidence for the purpose or in the course of any trial of a prosecution resulting therefrom.

Jurisdiction of
quarter sessions.
[5 & 6 Vict. c. 33.
s. 1, paragraphs
6, 7.]
[Irish Act,
31 Geo. 3. c. 18.
s. 3.]

10. A court of quarter sessions shall not have jurisdiction to try an indictment for any offence against this Act, or for an offence which under any enactment for the time being in force is declared to be perjury or to be punishable as perjury, or as subornation of perjury.

Application
of Vexatious
Indictments
Act, 1859.
22 & 23 Vict.
c. 17.

11. The provisions of the Vexatious Indictments Act, 1859, and the Acts amending the same, shall apply in the case of any offence punishable under this Act, and in the case of any offence which under any other enactment for the time being in force, is declared to be perjury or subornation of perjury or is made punishable as perjury or as subornation of perjury, in like manner as if all the said offences were enumerated in section one of the said Vexatious Indictments Act, 1859: Provided that in that section a reference to this Act shall be substituted for the reference therein to the Criminal Procedure Act, 1851.

Form of in-
dictment.

12.—(1) In an indictment—

(a) for making any false statement or false representation punishable under this Act; or

[14 & 15
Vict. c. 100.
s. 20.]

(b) for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, solemn declaration, statutory declaration, affidavit, deposition, notice, certificate, or other writing,

it is sufficient to set forth the substance of the offence charged, and before which court or person (if any) the offence was committed without setting forth the proceedings or any part of the proceedings in the course of which the offence was committed, and without setting forth the authority of any court or person before whom the offence was committed.

[14 & 15
Vict. c. 100.
s. 21.]

(2) In an indictment for aiding, abetting, counselling, suborning, or procuring any other person to commit any offence herein-before in this section mentioned, or for conspiring with any other person, or with attempting to suborn or procure any other person, to commit any such offence, it is sufficient—

(a) where such offence has been committed, to allege that offence, and then to allege that the defendant procured the commission of that offence; and

[1 GEO. 5.]

Perjury.

7

(b) where such offence has not been committed, to set forth the substance of the offence charged against the defendant without setting forth any matter or thing which it is unnecessary to aver in the case of an indictment for a false statement or false representation punishable under this Act. A.D. 1911.

5

13. A person shall not be liable to be convicted of any offence against this Act, or of any offence declared by any other Act to be perjury or subornation of perjury, or to be punishable as perjury or subornation of perjury solely upon the evidence of one witness as to the falsity of any statement alleged to be false. Corroboration.

10

14. On a prosecution—

(a) for perjury alleged to have been committed on the trial of an indictment for felony or misdemeanour; or
 (b) for procuring or suborning the commission of perjury on any such trial, Proof of certain proceedings on which perjury is assigned.

15

the fact of the former trial shall be sufficiently proved by the production of a certificate containing the substance and effect (omitting the formal parts) of the indictment and trial purporting to be signed by the clerk of the court, or other person having the custody of the records of the court where the indictment was tried, or by the deputy of that clerk or other person, without proof of the signature or official character of the clerk or person appearing to have signed the certificate. [14 & 15 Vict. c. 100. s. 22.]

20

25

15.—(1) For the purposes of this Act the forms and ceremonies used in administering an oath are immaterial, if the court or person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question, and if the oath has been administered in a form and with ceremonies which the person taking the oath has accepted without objection, or has declared to be binding on him. Interpretation, &c. [See 1 & 2 Vict. c. 105. s. 1.]

30

(2) In this Act—

The expression “oath” in the case of persons for the time being allowed by law to affirm or declare instead of swearing, includes “affirmation” and “declaration,” and the expression “swear” in the like case includes “affirm” and “declare”; and 52 & 53 Vict. c. 63. s. 3.]

35

(8.)

B

A.D. 1911.
[5 & 6 Will. 4.
c. 62.]

[See 52 & 53
Vict. c. 63.
s. 21.]

The expression "statutory declaration" means a declaration made by virtue of the Statutory Declarations Act, 1835, or of any Act, Order in Council, rule or regulation applying or extending the provisions thereof; and

5

The expression "indictment" includes "criminal information."

Savings.

16.—(1) Where the making of a false statement is not only an offence under this Act, but also by virtue of some other Act is a corrupt practice or subjects the offender to any forfeiture or disqualification or to any penalty other than penal servitude, or imprisonment, or fine, the liability of the offender under this Act shall be in addition to and not in substitution for his liability under such other Act. 10

(2) Nothing in this Act shall apply to a statement made without oath by a child under the provisions of the Prevention of Cruelty to Children Act, 1904, and the Children Act, 1908. 15

(3) Where the making of a false statement is by any other Act, whether passed before or after the commencement of this Act, made punishable on summary conviction proceedings may be taken either under such other Act or under this Act: 20

Provided that where such an offence is by any Act passed before the commencement of this Act, as originally enacted, made punishable only on summary conviction, it shall remain only so punishable. 25

Repeals.

17. The enactments specified in the schedule to this Act are hereby repealed, so far as they apply to England, to the extent specified in the third column of that schedule.

Extent.

18. This Act shall not extend to Scotland or Ireland.

Short title
and com-
mencement.

19. This Act may be cited as the Perjury Act, 1911, and shall come into operation on the first day of January nineteen hundred and twelve. 30

[1 GEO. 5.]

Perjury.

9

SCHEDULE.

A.D. 1911.

ENACTMENTS REPEALED.

5	Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.
10	32 Hen. 8. c. 9.	Agens ^t maintenauce and embracery byeng of titles, &c.	In section three the words "or suborne any "witness by tres, re-wardis, promises, or "by any other sinistre "labour or meanes," and the words "or "to the procurement "or occasion of any "manner of p̄jury by "false verdict or other- "wise."	Cl. 7.
15	5 Eliz. c. 9.	An Act for the Punyshe-ment of suche persones as shall procure or comit any wyllful Per-jurye.	The whole Act - -	Cls. 1, 7.
20	1 Ann. stat. 2. c. 9.	An Act for punishing of Accessories to felo-neys and Receivers of stolen Goods, and to prevent the wilful burning and destroying of Ships.	Section three from "and "if convicted" to the end of the section.	Cl. 1.
25	12 Geo. 1. c. 29.	The Frivolous Arrests Act, 1725.	In section four the words, "or of wilful and cor-rupt perjury or of "subornation of per-jury."	Not reproduced.
30	2 Geo. 2. c. 25.	The Perjury Act, 1728 -	The whole Act - -	Ss. 2, 4 covered by Cl. 1. Rest already repealed.
35	24 Geo. 3. sess. 2. c. 25.	The East India Company Act, 1781.	Section seventy - five, from "and if any such witness" to the end of the section.	Cls. 1 (5), 8.
40	42 Geo. 3. c. 85.	The Criminal Jurisdic-tion Act, 1802.	Section five - -	Covered by cls. 1, 8, but not proposed for repeal as to British pos-sessions, see cl. 17.
45				

(8.)

B 2

A.D. 1911.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.
42 Geo. 3. c. 116.	The Land Tax Redemption Act, 1802.	Section one hundred and ninety-three.	Cls. 1, 2. 5
48 Geo. 3. c. 149.	The Probate and Legacy Duties Act, 1808.	Section thirty-seven, from "and if any person or persons making any such affidavit" to the end of the section.	Cl. 2. 10
54 Geo. 3. c. 159.	The Harbours Act, 1814	Section twenty-five -	Cl. 1.
56 Geo. 3. c. 46.	The Civil List Audit Act, 1816.	Section eleven - -	Cl. 1.
1 & 2 Geo. 4. c. 121.	The Commissariat Accounts Act, 1821.	Section twenty-eight -	Cls. 1 (5), 8, 17. 15
3 Geo. 4. c. 114.	The Hard Labour Act, 1822.	In section one the words "wilful and corrupt perjury or of subornation of perjury."	Cls. 1, 7. 20
7 Geo. 4. c. 16.	The Chelsea and Kilmainham Hospitals Act, 1826.	Section twenty-eight -	Cl. 2.
7 Geo. 4. c. 46.	The Country Bankers Act, 1826.	Section eighteen from "and if any such secretary" to the end of the section.	Cl. 2. 25
7 & 8 Geo. 4. c. 53.	The Excise Management Act, 1827.	Section thirty-one -	Cls. 2, 5, 7.
10 Geo. 4. c. 24.	The Government Annuities Act, 1829.	Section forty-four -	Cls. 2, 5. 30
10 Geo. 4. c. 50.	The Crown Lands Act, 1829.	Section eighty-three -	Cls. 1, 2, 17.
1 Will. 4. c. 22.	The Evidence on Commission Act, 1831.	Section seven from "and if upon such oath or affirmation" to the end of the section.	Cls. 1, 8. 35
2 & 3 Will. 4. c. 53.	The Army Prize Money Act, 1832.	Section forty-five - In section forty-six the words "the offence of taking a false oath or suborning any person so to do or." Section forty nine, from "or shall knowingly take a false oath . . . to other military service."	S. 45 covered by cls. 1, 2. S. 46 covered by cls. 1, 2, 7, 8. 40 S. 49 covered by cl. 2. 45

	Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.	A.D. 1911.
5	3 & 4 Will. 4. c. 41.	The Judicial Committee Act, 1833.	Section nine from "and every such witness" to the end of the section.	Cl. 1.	
10	3 & 4 Will. 4. c. 49.	The Quakers and Moravians Act, 1833.	Section one from "and if any such person" to "notwithstanding."	Cls. 1, 2, 15.	
15	5 & 6 Will. 4. c. 62.	The Statutory Declarations Act, 1835.	Section five - - Section twelve from "and all and every" to the end of the section. Section eighteen from "and if any declaration" to the end of the section. Section twenty-one.	Ss. 5, 12, 18, 21 covered by cl. 5.	
20	6 & 7 Will. 4. c. 71.	The Tithe Act, 1836 -	Section ninety-three, from the beginning of the section to "penalties of perjury, and."	Cl. 1.	
25	6 & 7 Will. 4. c. 86.	The Births and Deaths Registration Act, 1836.	Section forty-one -	Cl. 3.	
	1 & 2 Vict. c. 77.	The Quakers and Moravians Act, 1838.	Section one from "and if any such person" to "are, or shall be subject."	Cls. 1, 2, 5, 15.	
30	1 & 2 Vict. c. 105.	The Oaths Act, 1838 -	In section one the word "either" and the words "or a witness" or "a deponent" and from "and every such person" to the end of the section.	Cl. 15 (1).	
35					
	2 & 3 Vict. c. 71.	The Metropolitan Police Courts Act, 1839.	Section twenty-three -	Cl. 1.	
40	3 & 4 Vict. c. 18.	The Tobacco Act, 1840	Section ten from "and if such declaration" to the end of the section.	Cl. 5.	
	3 & 4 Vict. c. 72.	The Marriage Act, 1840	Section four - -	Cl. 3.	
45	3 & 4 Vict. c. 86.	The Church Discipline Act, 1840.	Section eighteen from "and every such witness" to the end of the section.	Cl. 1.	

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.
5 10 & 11 Vict. c. 14.	The Markets and Fairs Clauses Act, 1847.	Section fifty-seven -	Cl. 1.
10 & 11 Vict. c. 15.	The Gas Works Clauses Act, 1847.	Section forty-four -	Cl. 1.
10 10 & 11 Vict. c. 16.	The Commissioners Clauses Act, 1847.	Sections thirteen and one hundred and eight.	S. 13 covered by cl. 5, s. 108 by cl. 1.
10 & 11 Vict. c. 17.	The Waterworks Clauses Act, 1847.	Section eighty-nine -	Cl. 1.
10 & 11 Vict. c. 27.	The Harbours, Docks, and Piers Clauses Act, 1847.	Section ninety-six -	Cl. 1.
15 10 & 11 Vict. c. 34.	The Towns Improvement Clauses Act, 1847.	Section two hundred and thirteen.	Cl. 1.
10 & 11 Vict. c. 65.	The Cemeteries Clauses Act, 1847.	Section sixty-five -	Cl. 1.
20 10 & 11 Vict. c. 69.	The House of Commons Costs Taxation Act, 1847.	Section five from "and any person" to the end of the section.	Cl. 1.
10 & 11 Vict. c. 89.	The Town Police Clauses Act, 1847.	Section seventy-six -	Cl. 1.
25 10 & 11 Vict. c. 109.	The Poor Law Board Act, 1847.	Section twenty-six from the beginning of the section to "penalties of perjury; and."	Cls. 1, 5.
30 11 & 12 Vict. c. 46.	The Criminal Procedure Act, 1848.	Section four from "both with regard" to "and otherwise."	Not reproduced.
12 & 13 Vict. c. 45.	The Quarter Sessions Act, 1849.	Section ten from "both with regard" to "and otherwise."	Not reproduced.
35 12 & 13 Vict. c. 78.	The House of Lords Costs Taxation Act, 1849.	Section five from "and any person" to the end of the section.	Cl. 1.
40 14 & 15 Vict. c. 100.	The Criminal Procedure Act, 1851.	In section one the words "both with respect to the liability of witnesses to be prosecuted for perjury and otherwise." Sections nineteen, twenty, twenty-one, and twenty-two.	S. 1 not reproduced, s. 19 reproduced in cl. 9, ss. 20, 21 in cl. 12, and s. 22 in cl. 14.
45			

A.D. 1911.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.	
15 & 16 Vict. c. 56.	The Pharmacy Act, 1852.	Section sixteen from "shall wilfully" to "under this Act or."	Cl. 6.	5
15 & 16 Vict. c. 57.	The Election Commissioners Act, 1852.	Section thirteen - -	Cl. 1.	
16 & 17 Vict. c. 45.	The Government Annuities Act, 1853.	Section thirty-two - -	Cl. 5.	10
16 & 17 Vict. c. 137.	The Charitable Trusts Act, 1853.	Section thirteen - -	Cl. 1.	
19 & 20 Vict. c. 54.	The Grand Juries Act, 1856.	In section one the words "and every person taking any oath or affirmation in support of any bill of indictment who shall wilfully swear or affirm falsely shall be deemed guilty of perjury."	Cl. 1.	15
19 & 20 Vict. c. 113.	The Foreign Tribunals Evidence Act, 1856.	Section three from "and if upon such oath . . ." to the end of the section.	Cls. 1, 8.	25
19 & 20 Vict. c. 119.	The Marriage and Registration Act, 1856.	Section two from "and every person who shall knowingly" to the end of the section: and section eighteen.	Cl. 3.	30
20 & 21 Vict. c. 85.	The Matrimonial Causes Act, 1857.	Section fifty - - -	Cl. 1.	
21 & 22 Vict. c. 78.	The Parliamentary Witnesses Act, 1858.	Section three - - -	Cl. 1.	35
21 & 22 Vict. c. 90.	The Medical Act, 1858	Section thirty-nine - -	Cl. 6.	
22 Vict. c. 20.	The Evidence by Commission Act, 1859.	Section two - - -	Cls. 1, 8.	
22 & 23 Vict. c. 17.	The Vexatious Indictments Act, 1859.	In section one the words "perjury, subornation of perjury."	Cl. 11.	40
24 & 25 Vict. c. 10.	The Admiralty Court Act, 1861.	Section twenty-six from "and any person" to the end of the section.	Cl. 1.	45

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.	A.D. 1911.
5 24 & 25 Vict. c. 53.	The University Elections Act, 1861.	In section five, the words "falsely making any such declaration as aforesaid, or such declaration as is contained in the Schedule, or," and the words "and any person wilfully making a false answer to any question put to him by the returning or other officer as hereinbefore provided."	Cls. 2, 5.	
10 15 20 25 & 26 Vict. c. 53.	The Land Registry Act, 1862.	In section one hundred and five, the words "make or assist or join in or be privy to the making of any material false statement or representation, or."	Cl. 5.	
25 25 & 26 Vict. c. 67.	The Declaration of Title Act, 1862.	In section forty-four the words "make or assist or join in or be privy to the making of any material false statement or representation or."	Cls. 1, 5, 7.	
30 35 25 & 26 Vict. c. 103.	The Union Assessment Committee Act, 1862.	In section forty the words "or who upon any examination before any such committee wilfully gives false evidence."	Cl. 5.	
40 26 & 27 Vict. c. 87.	The Trustee Savings Banks Act, 1863.	Section forty-nine from "and if upon such oath" to the end of the section.	Cls. 1, 2.	
27 & 28 Vict. c. 25.	The Naval Prize Act, 1864.	Section fifty - - -	Cls. 1, 7, 8.	
45 27 & 28 Vict. c. 114.	The Improvement of Land Act, 1864.	Section five - - -	Cl. 5.	
50 28 & 29 Vict. c. 36.	The County Voters Registration Act, 1865.	In section eleven the words "and any person knowingly and wilfully making any false statement of fact in such declaration."	Cl. 5.	

A.D. 1911.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.	
29 & 30 Vict. c. 62.	The Crown Lands Act, 1866.	Section twenty-nine	Cls. 1, 2.	5
29 & 30 Vict. c. 108.	The Railway Companies Securities Act, 1866.	In section seventeen, the words "on conviction thereof on indictment "to fine or imprisonment, or," so far as relates to indictable offences under section sixteen of the same Act.	Cl. 5.	10
29 & 30 Vict. c. 109.	The Naval Discipline Act.	Section sixty-seven from "and where any such offence" to the end of the section.	Cls. 1, 8.	15
30 & 31 Vict. c. 84.	The Vaccination Act, 1867.	Section thirty from "and every person" to the end of the section.	Cl. 5.	20
30 & 31 Vict. c. 136.	The Parliamentary Costs Act, 1867.	Section two - -	Cl. 1.	
31 & 32 Vict. c. 24.	The Capital Punishment Amendment Act, 1868.	Section nine - -	Cl. 5.	
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Section thirty two from "and any person who wilfully" to "guilty of perjury."	Cls. 1, 8.	25
31 & 32 Vict. c. 71.	The County Courts Admiralty Jurisdiction Act, 1868.	Section nineteen from "and any person" to the end of the section.	Cl. 1.	30
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	In section five the words "on conviction thereof on indictment to fine and imprisonment, or." In section eight the words "Any person who, when so examined on oath, makes any false statement, knowing the same to be false, shall be guilty of perjury."	S. 5 reproduced by cl. 5 and s. 8 by cl. 1.	35 40
31 & 32 Vict. c. 121.	The Pharmacy Act, 1868	Section fourteen from "and any person who shall" to "assisting him therein."	Cl. 6.	45

[1 GEO. 5.]

Perjury.

17

A.D. 1911.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.
5 31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	In section thirty-one the words "and shall be subject to the same penalties for perjury."	Cl. 1.
10 32 & 33 Vict. c. 111.	The Bishops Resignation Act, 1869.	In section six the words "and any person, when examined by such persons, who wilfully makes a false statement, whether on oath or not, shall be guilty of a misdemeanor."	Cls. 1, 5.
15			
33 & 34 Vict. c. 102.	The Naturalization Oath Act, 1870.	Section two - - -	Cl. 5.
20 34 & 35 Vict. c. 36.	The Pensions Commutation Act, 1871.	In section nine the words "shall be deemed to be guilty of a misdemeanour and" and the words "and to be imprisoned for any term not exceeding two years with or without hard labour."	Cls. 5, 16.
25			
30 34 & 35 Vict. c. 78.	The Regulation of Railways Act, 1871.	In section ten the words "on conviction thereof on indictment to fine and imprisonment, or."	Cl. 5.
35 34 & 35 Vict. c. 83.	The Parliamentary Witnesses Oaths Act, 1871.	In section one the words "Any person examined as aforesaid who wilfully gives false evidence shall be liable to the penalties of perjury."	Cl. 1.
40			
35 & 36 Vict. c. 8.	The Deans and Canons Resignation Act, 1872.	Section four from "and any person" to "guilty of a misdemeanour."	Cls. 1, 5.
45 35 & 36 Vict. c. 93.	The Pawnbrokers Act, 1872.	Section twenty-nine from "If any person makes a declaration" to the end of the section.	Cl. 5.
50 36 & 37 Vict. c. 60.	The Extradition Act, 1873.	Section five from "Every person who" to "perjury."	Cl. 1.

(33.)

C 2

A.D. 1911.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.
37 & 38 Vict. c. 88.	The Births and Deaths Registration Act, 1874.	In section forty, subsection one: and in subsection two the words "wilfully makes any false certificate or declaration under or for the purposes of this Act or," and subsections three and four.	Cl. 4. 5 10
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Section two hundred and sixty-three.	Cl. 1.
38 & 39 Vict. c. 87.	The Land Transfer Act, 1875.	Section one hundred and one.	Cls. 1 2, 5. 15
38 & 39 Vict. c. 89.	The Public Works Loans Act, 1875.	Section forty-four from "when examined" to "false evidence or."	Cl. 1.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section thirty-six from "and any witness" to "penalties thereof."	Cl. 1. 20
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878.	In section twenty-five the words "or knowingly and wilfully makes any false statement of fact in any declaration of the nature aforesaid."	Cl. 5. 25
41 & 42 Vict. c. 31.	The Bills of Sale Act, 1878.	Section seventeen from "Whoever" to the end of the section.	Cl. 2. 30
41 & 42 Vict. c. 33.	The Dentists Act, 1878 -	Section thirty-five -	Cl. 6.
43 & 44 Vict. c. 13.	The Births and Deaths Registration (Ireland) Act, 1880.	In section thirty, subsection one: and in subsection two the words "wilfully makes any false certificate or declaration under or for the purposes of the Act, and or" and subsections three and four.	Cl. 4. 35 40
43 & 44 Vict. c. 19.	The Taxes Management Act, 1880.	In section sixty-three the words "If any person wilfully and corruptly makes a false statement in any such oath of service he shall be guilty of misdemeanor, and shall be liable to imprison-	Cl. 2. 45 50

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.
5 43 & 44 Vict. c. 19— <i>cont.</i>	The Taxes Management Act, 1888.	“ment for six months “with or without a “fine not exceeding “fifty pounds” (being subsection four of the said section).	
10 43 & 44 Vict. c. 41.	The Burials Act, 1880 -	In section ten the words “any person who shall “wilfully make any “false statement in “such certificate and.”	Cl. 5.
15 44 & 45 Vict. c. 62.	The Veterinary Surgeons Act, 1881.	Section eleven - - -	Cl. 6.
45 & 46 Vict. c. 37.	The Corn Returns Act, 1882.	In section twelve the words “false or.”	Cl. 5.
20 45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	In section fifty-nine the words “If any person “wilfully makes a false “answer thereto he “shall be guilty of a “misdemeanor” (being subsection three of the said section). In section ninety-four the words “and shall “be liable to the same “penalties for perjury.”	S. 59 reproduced in cl. 5 and s. 94 in cl. 1.
25			
30 45 & 46 Vict. c. 51.	The Government Annuities Act, 1882.	Section eleven, from “If a person” . . . to “twelve months” (being subsection three of the said section).	Cl. 5.
35 46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	In section thirty-three, subsection seven, the words “and on conviction thereof on “indictment shall be “liable to the punishment for wilful and “corrupt perjury.”	Cls. 5, 16.
40			
45 47 & 48 Vict. c. 54.	The Yorkshire Registries Act, 1884.	Section forty-seven -	Cls. .
47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	In section twenty-one, subsection five, the words “and on conviction thereof on “indictment shall be “liable to the punishment for wilful and “corrupt perjury.”	Cls. 5, .
50			
55 48 & 49 Vict. c. 54.	The Pluralities Act Amendment Act, 1885.	Section seven from “and “every witness” to the end of the section.	Cl. 1.

A.D. 1911.

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.	
50 & 51 Vict. c. 28.	The Merchandise Marks Act, 1887.	In section eight subsection (3) the words "on conviction on indictment to the penalties of perjury and."	Cl. 1.	5
50 & 51 Vict. c. 47.	The Trustee Savings Banks Act, 1887.	In section two the words "If any person on examination on oath or affirmation under this section wilfully gives false evidence, he shall be liable to the penalties for perjury" (being subsection five of the said section).	Cl. 1.	10 15
51 & 52 Vict. c. 46.	The Oaths Act, 1888 -	Section one from "and if any person" to the end of the section.	Cls. 1, 4.	20
52 & 53 Vict. c. 10.	The Commissioners of Oaths Act, 1889.	Section seven - -	Cls. 1, 2, 5.	
52 & 53 Vict. c. 49.	The Arbitration Act, 1889.	Section twenty-two - -	Cl. 1.	25
54 & 55 Vict. c. 70.	The Markets and Fairs (Weighing of Cattle) Act, 1891.	In section three the words "false or."	Cl. 5.	
55 & 56 Vict. c. 23.	The Foreign Marriage Act, 1892.	Section fifteen - -	Cls. 3, 8.	30
57 & 58 Vict. c. 46.	The Copyhold Act, 1894	In section fifty-four the words "If any person wilfully gives false evidence in any proceeding under this Act he shall be guilty of perjury" (being subsection five of the said section).	Cl. 1.	35 40
59 & 60 Vict. c. 25.	The Friendly Societies Act, 1896.	In section eighty-seven the words "false or."	Cl. 5.	
61 & 62 Vict. c. 48.	The Benefices Act, 1898	Section four from "For the declaration . . . to perjury" (being subsection four of the said section).	Cl. 5.	45

Session and Chapter.	Title or Short Title.	Extent of Repeal.	How reproduced or otherwise dealt with.
5 62 & 63 Vict. c. 23.	The Anchors and Chain Cables Act, 1899.	In section thirteen the words "or (iii) make any false statement in a certificate of proof."	Cl. 5.
10 2 Edw. 7. c. 8.	The Cremation Act, 1902.	In section eight, subsection two, the words "declaration or".	Cl. 5.
	2 Edw. 7. c. 17.	The Midwives Act, 1902	Section eleven - - Cl. 6.
15 6 Edw. 7. c. 40.	The Marriage with Foreigners Act, 1906.	Section one from "If a person knowingly" to "country or place" (being subsection two of the said section).	Cl. 3.
20 7 Edw. 7. c. 24.	The Limited Partnerships Act, 1907.	Section twelve - -	Cl. 5.
25 8 Edw. 7. c. 28.	The Agricultural Holdings Act, 1908.	Section thirteen, from "Any person who" to "punished accordingly" (being subsection five of the said section).	Cl. 1.
	8 Edw. 7. c. 53.	The Law of Distress Amendment Act, 1908.	Section one from "and if any under tenant" to the end of the section. Cl. 5.
30 8 Edw. 7. c. 69.	The Companies (Consolidation) Act, 1908.	Section two hundred and eighteen and in section two hundred and eighty-one the words "on conviction on indictment to imprisonment for a term not exceeding two years, with or without hard labour, and", and the words "in either case"	S. 218 covered by cl. 1; and s. 281 covered by cl. 5.
35			
40			
45 9 Edw. 7. c. 49.	The Assurance Companies Act, 1909.	In section twenty-four the words "on conviction on indictment to fine and imprisonment, or".	Cl. 5.

Perjury. [H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to consolidate and simplify
the Law relating to Perjury and
kindred offences.

The Lord Chancellor.

Ordered to be printed 14th March 1911.

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[Price 2½d.]

(38.)

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 1
(No. 1). [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Banff Gardenstown and Port Gordon. A.D. 1911.

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.

5 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:

10 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:—

15 **1.** The several Orders 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.

20 **2.** Sections 152 153 and 154 of the Act passed in the third and fourth years of the reign of Her Majesty Queen Victoria intituled "An Act for regulating the municipal government and expenses of the Royal Burgh of Banff North Britain for establishing an effective police within the same Repeal of ss. 152 153 and 154 of the Banff Municipal Police and Harbour

BANFF HARBOUR.

A.D. 1911.

Order for amending an Act passed in the Third and Fourth
Years of the Reign of Her Majesty Queen Victoria relating
to Banff Harbour and the Banff Harbour Order 1895
5 and for conferring further powers upon the Banff Harbour
Trustees.

Banff.

1. This Order may be cited as the Banff Harbour Order
1911 and the Act passed in the third and fourth years of the
reign of Her Majesty Queen Victoria intituled "An Act for regu-
10 " lating the Municipal Government and Expenses of the Royal
" Burgh of Banff North Britain for establishing an effective police
" within the same and also for maintaining improving and regu-
" lating the Harbour of the said Royal Burgh" (in this Order
referred to as "the Act of 1840") and the Banff Harbour Order
15 1895 (in this Order referred to as "the Order of 1895") as that
Act and Order are varied and amended by this Order and this Order
may be cited together as the Banff Harbour Act and Orders 1840
to 1911.

Short title.
Order to be
read with Act
of 1840 and
Order of
1895.

2. This Order shall come into operation on the day when the Act
20 confirming this Order is passed and that day is in this Order referred
to as "the commencement of this Order."

Commence-
ment.

3. In this Order the expression "the Trustees" means the Trustees
as constituted by the Act of 1840 the Order of 1895 and this Order
and the expression "the harbour" means the port and harbour of
25 Banff as defined in the Act of 1840.

Interpreta-
tion.

4.—(1) The persons who shall be qualified and entitled to elect
and to be elected shipowners' trustees shall be—

Qualification
for and of
shipowners'
and traders'
trustees.

(A) Every person resident in the royal burgh of Banff (herein-
after referred to as "the burgh") who shall be at
30 the time of election a registered owner or part owner
in his own right or in right of his wife or as trustee
for a shipping company of any ship fishing boat or
other vessel trading to or from or belonging to the
harbour and who shall be liable in payment of rates as
35 such under the Act of 1840 the Order of 1895 or this
Order:

(B) Every director and manager of a shipping or fishing boat
company incorporated under the Companies Act 1862 or the
Companies (Consolidation) Act 1908 having its registered
40 office in the burgh:

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Banff.

- (c) Every member of any such shipping or fishing boat company who shall at the time of election hold shares or stock of such company of the nominal value of fifty pounds or upwards and resides within the burgh:
- (D) Every person qualified as an elector of shipowners' trustees who possesses more than one qualification shall vote in respect of one qualification only. 5
- (2) The persons who shall be qualified to elect and be elected traders' trustees shall be—
- (A) Every person resident in the burgh who shall at the time of election be actually carrying on trade or business within the burgh and be liable as a trader in payment of rates under the Act of 1840 the Order of 1895 or this Order: 10
- (B) Every director and manager of any company incorporated under the Companies Act 1862 or the Companies (Consolidation) Act 1908 having its registered office in the burgh which at the time of election is liable as a trader in payment of rates under the Act of 1840 the Order of 1895 or this Order: 15 20
- (c) Every member of any company whether incorporated under the Companies Act 1862 or the Companies (Consolidation) Act 1908 who shall at the time of election hold shares or stock of such company of the nominal value of fifty pounds or upwards and resides within the burgh Provided such company is liable as a trader in payment of rates under the Act of 1840 the Order of 1895 or this Order: 25
- (D) Every member of any firm which is liable as a trader in payment of rates under the Act of 1840 and the Order of 1895 whose share or interest in the capital of the firm at the time of election is of the value of fifty pounds or upwards and who resides within the burgh: 30
- (E) Every person qualified as an elector of traders' trustees who possesses more than one qualification shall vote in respect of one qualification only. 35
- (3) Section 3 of the Order of 1895 so far as it relates to the qualification of electors and of shipowners' trustees and of traders' trustees is hereby repealed.

Altering date of election of shipowners' and traders' trustees.

- 5.—(1) From and after the commencement of this Order the date of the annual election of shipowners' and traders' trustees shall be the third Wednesday of December and such trustees shall come 40

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 5
(No. 1).

into office on the next Wednesday thereafter and shall hold office till A.D. 1911.
the fourth Wednesday of December in the following year. *Banff.*

(2) Sections 108 and 109 of the Act of 1840 are hereby repealed Provided that notwithstanding such repeal or anything
5 in this section contained the shipowners' trustees and traders' trustees in office at the date of the commencement of this Order shall remain in office until their respective successors come into office.

6.—(1) From and after the commencement of this Order Parts I. Repeal of Parts I. and II. of schedule to Order of 1895 and enactment of new schedule.
10 and II. of the schedule annexed to the Order of 1895 shall be and the same are hereby cancelled and repealed and the schedule to this Order shall be and the same is hereby substituted in place of the schedule so cancelled and repealed and all the provisions of the Act of 1840 and the Order of 1895 having relation to the schedules by
15 the Order of 1895 and this Order respectively cancelled and repealed including the provision having relation to the security over rates authorised to be levied by the Trustees for borrowed money shall be read and have effect as if the schedule to this Order had been annexed to and formed part of the Act of 1840 and the Order of 1895
20 respectively.

(2) Notwithstanding the repeal in the preceding subsection contained all dues rates and moneys due before the commencement of this Order may be received and recovered in like manner as if this Order had not been made.

7. From and after the commencement of this Order Part III. Amendment of Part III. of schedule to Order of 1895.
25 (Rates on goods shipped transhipped or unshipped in the harbour) of the schedule to the Order of 1895 shall be read and have effect as if the following were included therein:—

		<i>s. d.</i>
30	Mussels (per ton) - - - - -	1 0

and Part IV. 6 (Pier head lights) of the schedule to the Order of 1895 shall be read and have effect as if the following were included therein:—

		<i>s. d.</i>
35	Every fishing boat or fishing vessel per fishing season payable in advance - - - - -	1 6
-	All other fishing boats and fishing vessels each time of entering the harbour - - - - -	0 6

40 and the words "Herring boats for the fishing season 1s. 6d." in that Part of that schedule are as from that date repealed.

8. Sections 25 and 26 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.

Sections 25 and 26 of 10 Vict. c. 27 not to apply. —

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A.D. 1911. 9.—(1) The rates to be received by the Trustees shall be adjusted
Banff. by them in such a manner that as far as possible the income of the
Board of harbour shall be sufficient and not more than sufficient for the purposes
Trade may of the harbour.
reduce rates.

(2) If at any time it appears to the Board of Trade from the 5
annual account to be sent to them under this Order that the clear
annual income derived from the rates leviable 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 may if in their discretion they think fit reduce 10
the rates leviable under this Order to such amounts as will be
sufficient to provide the amount aforesaid and may again at any time
raise the rates to any amount not exceeding the rates specified in the
schedule to this Order.

(3) Section 7 of the Order of 1895 is hereby repealed. 15

Appointment
of an auditor.

10.—(1) The Board of Trade shall unless they see special reason
to the contrary appoint a person to be permanent auditor to examine
and audit the accounts of the 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 20
of the rates or other income received by them under this Order.

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

(3) The Trustees shall on demand by the auditor produce to him 25
all books accounts deeds papers writings and other documents or
information in their possession or power and afford him all reasonable
facilities for conducting the examination and audit.

(4) If the Trustees refuse or neglect to comply with any of the
provisions of this section they shall be liable to a penalty not exceeding 30
twenty pounds for every month during which they neglect or refuse
so to comply.

(5) Section 145 of the Act of 1840 is hereby repealed.

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

11.—(1) The Trustees shall within one month after sending to
the sheriff-clerk the copy of their annual account in abstract send a 35
copy of the same to the Board of Trade and the sixteenth section of
the General Pier and Harbour Act 1861 Amendment Act shall apply
to and include any such account.

(2) The account shall be made up to the end of the thirty-first
day of March in each year. 40

(3) The Trustees shall as from the expiration of that month be
liable to a penalty not exceeding twenty pounds for every week or

[1. & 2 GEO. 5.] *Pier and Harbour Orders Confirmation*
(No. 1).

7

part of a week during which they refuse or neglect to comply with this section. A.D. 1911.
Banff.

(4) Section 8 of the Order of 1895 is hereby repealed.

12.—(1) Sections 16 to 19 inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order. Provision for
life-saving
apparatus.

(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 at or near the harbour and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(3) If the Trustees 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.

(4) Section 13 of the Order of 1895 is hereby repealed.

13. 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. Life-saving
apparatus
may be
attached
to pier.

14. The Trustees shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use. Life-buoys
to be kept.

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

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

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

(4) Section 187 of the Act of 1840 and section 16 of the Order of 1895 are hereby repealed but notwithstanding the repeal of those sections all byelaws made under the powers of the Act of 1840 and the Order of 1895 respectively and in force at the commencement of this Order shall continue in force for one year from the commencement of this Order but shall then cease to have effect and be repealed.

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

Steam or other power not to be used on boats and vessels in harbour.

16. No boat or vessel propelled by steam or other mechanical power shall be moved by such power on the landward side of an imaginary line drawn between the seaward extremities of the piers and no such boat or vessel when aground or fast in a berth on the landward side of the said line shall use or drive her propeller without the authority of the harbour-master or other duly authorised officer of the Trustees and the owner or person in charge of any such boat or vessel who shall offend against the provisions of this section shall be liable to a penalty not exceeding ten pounds for each offence. 5 10

Fitting up vessels in harbour.

17. The Trustees may permit the fitting up of new boats and vessels and the repairing of boats and vessels within the harbour but at such parts thereof only as they may from time to time direct and may levy and recover for such permission dues not exceeding those prescribed by the schedule to this Order. 15

Arrival of vessels and boats to be reported.

18. The master or owner of any vessel liable to rates or of any fishing boat or fishing vessel shall within twelve hours after arrival in the harbour report such arrival to the harbour-master or other duly authorised officer of the Trustees and the owner or person in charge of any vessel or boat failing so to report such arrival shall be liable to a penalty not exceeding ten pounds for each offence. 20

Costs of Order.

19. All the costs charges and expenses of or incident to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Trustees out of moneys belonging to the harbour undertaking. 25

SCHEDULE to which the foregoing Order refers.

I.—TONNAGE DUTIES.

	£	s.	d.	
				30
For all vessels whatever entering the harbour to load or unload per register ton - - - - -	0	0	4	
For all vessels wind-bound or otherwise and not loading or unloading per register ton - - - - -	0	0	2	35
For ditto when laid up or remaining in the harbour for any longer period than fourteen days for each week or part of a week per register ton - - - - -	0	0	1	
For any new boats and vessels fitting up and for boats and vessels repairing per week or part of a week - - - - -	0	10	0	40
Vessels arriving and departing in ballast to pay half dues.				

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(No. 1).

II.—RATES ON FISHING VESSELS &c.		£	s.	d.	A.D. 1911.
					<u>Banf.</u>
	For every boat engaged in the herring white or other fishing and using the harbour as a composition in full of tonnage rates for the period of the herring white or other fishing season from 1st July to 1st October payable in advance :—				
5	If under 15 tons register - - - -	1	5	0	
	If 15 tons register or above - - - -	1	10	0	
	For every boat engaged in the white fishing or other fishery and using the harbour as a composition in full of tonnage rates for any of the following fishing seasons payable in advance :—				
10	For season from—1st October to 1st January - - - -	1	0	0	
	Ditto 1st January to 1st April - - - -	1	0	0	
15	Ditto 1st April to 1st July - - - -	1	0	0	
	For every sailing boat bonâ fide loading or discharging herrings or white or other fish which has not paid in advance the above composition dues for each occasion it uses the harbour :—				
20	If under 15 tons register - - - -	0	2	0	
	If 15 tons register or above - - - -	0	3	0	
	For every sailing boat engaged in the herring or white or other fishery wind-bound which has not paid the above composition dues for each occasion when it uses the harbour :—				
25	If under 15 tons register - - - -	0	1	0	
	If 15 tons register or above - - - -	0	1	6	
	For every steam or motor trawler liner or drifter which has not paid in advance the above composition dues for each occasion of entering the harbour :—				
30	If under 25 tons register - - - -	0	3	6	
	If 25 tons register or above - - - -	0	5	0	
	For every boat or fishing vessel other than above entering the harbour :—				
35	If under 15 tons register - - - -	0	2	0	
	If 15 tons register or above - - - -	0	4	0	
	In the event of any boat or fishing vessel not paying composition dues remaining in the harbour more than twenty-four hours the above rate shall be payable for each twenty-four hours or part thereof after				
40	the first twenty-four hours.				

General Note.

All dues payable in advance For boats &c. remaining in the harbour dues payable weekly in advance.

A.D. 1911.

GARDENSTOWN HARBOUR.

Gardenstown. *Order for the Incorporation of a body of Trustees and the construction maintenance and regulation of Piers and Works at the Harbour of Gardenstown in the Parish of Gamrie in the County of Banff.* 5

Preliminary.

Short title
and com-
mencement.

1.—(1) This Order may be cited as the Gardenstown Harbour Order 1911.

(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.” 10

Interpreta-
tion.

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

“The Order of 1876” means the Gardenstown Harbour Order 1876 ; 15

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

“The proprietor” means Francis Alexander Garden of Troup in the parish of Gamrie and county of Banff and his successors in title to the estate of Troup ; 20

“The existing works” means and includes the works authorised by the Order of 1876 so far as the same have been executed and are existing at the commencement of this Order ;

“The works” means and includes as well the existing works as the works authorised by this Order ; 25

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

“The harbour” means and includes the works and the area lying below high-water mark which is comprised within the limits of this Order ; 30

“The deposited plan” and “the deposited sections” mean respectively the plan and sections deposited with reference to this Order with the Board of Trade ; 35

The expression “ratepayers” means the persons whose names are for the time being entered in the roll of voters for parliamentary purposes for the county of Banff so far as applicable to the villages of Gardenstown and Crovie.

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 11
(No. 1).

Undertakers.

A.D. 1911.

Gardenstown.
Undertakers.

3. The Gardenstown Harbour Trustees as incorporated by this Order (in this Order called "the Trustees") shall be the Undertakers for carrying this Order into execution.

5

Acquisition of Land.

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

Incorporation of Lands Clauses Acts.

5. The Trustees may by agreement acquire or may accept a transfer of the existing works and the lands buildings and conveniences connected therewith belonging to the proprietor and as from the date of the completion of such transfer the existing works and the lands buildings and conveniences connected therewith or such of them as shall be included in such transfer shall be held and used by the Trustees for the purposes and according to the provisions of this Order.

Power to Trustees to acquire existing harbour. Transfer of existing harbour.

6. For the purposes of the works authorised by this Order the Trustees may from time to time 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 those works.

Power to take lands by agreement.

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

Lands for extraordinary purposes.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the 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 feu-duties or ground-annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Owners may grant servitudes &c.

12 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
(No. 1).

A.D. 1911.

Incorporation and Constitution of Trustees.

Gardenstown.
Incorporation of Trustees.

9. For the purpose of carrying this Order into execution there shall be a body of trustees not exceeding ten in number to be constituted as by this Order provided and those trustees are hereby incorporated by the name of "the Gardenstown Harbour Trustees" 5 and by that name shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued and to purchase take on feu or lease hold and dispose of lands and other property for the purposes of but subject to the provisions and restrictions of this Order. 10

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

10. The Commissioners Clauses Act 1847 is incorporated with this Order except so much thereof as relates to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors and except as expressly varied by or inconsistent with this Order. 15

First Trustees named.

11.—(1) The following ten persons shall be the first Trustees:—

1. James West fisherman No. 73 Gardenstown Gamrie.
2. James Nicol merchant Gardenstown aforesaid.
3. George West fisherman No. 41 Gardenstown aforesaid.
4. George Watt merchant Gardenstown aforesaid. 20
5. James Daniel sailmaker Gardenstown aforesaid.
6. George Craigen merchant Gardenstown aforesaid.
7. William Ingram merchant Gardenstown aforesaid.
8. William Chalmers bank agent Gardenstown aforesaid.
9. David Chalmers Alexander farmer The Garden Gardenstown 25 aforesaid.
10. James Robb farmer Cairnandrew Gamrie.

(2) The first Trustees shall come into office at the expiration of fourteen days after the commencement of this Order and shall go out of office on the third Friday of December one thousand nine hundred and twelve. 30

Constitution of Trustees.

12.—(1) As on and from the third Friday of December one thousand nine hundred and twelve there shall be two nominated Trustees and eight elected Trustees.

(2) Two Trustees (in this Order called "the Garden Trustees") 35 shall be nominated by the proprietor.

(3) The eight remaining Trustees (in this Order called "the elective Trustees") shall be elected by the ratepayers at the times and in the manner herein-after prescribed.

Nomination of Trustees.

13.—(1) Not later than the first Friday in December one thousand 40 nine hundred and twelve and not later than the first Friday in

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 13
(No. 1).

December in every third year thereafter the proprietor shall by notice in writing addressed to and deposited with the sheriff clerk for the county of Banff at Banff nominate two persons being of the age of twenty-one years or upwards to be Trustees and the Trustees so nominated shall come into office on the third Friday of December after their nomination and shall go out of office on the third Friday of December in the third year thereafter.

A.D. 1911.
Gardenstown.

(2) In the event of any Trustee nominated by the proprietor 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 proprietor shall within two months after receiving notice from the clerk to the Trustees of the vacancy by notice in writing addressed to the clerk to the Trustees nominate another person to fill the vacancy and the person so nominated shall continue in office for the same period and retire from office at the same time as the person in whose place he is nominated would in ordinary course have continued and gone out of office but shall be eligible to be re-nominated.

(3) In case the proprietor shall be legally incapacitated from exercising the power of nomination by this section conferred on the proprietor that power shall during such incapacity be exercised by his tutor guardian or curator as the case may be.

(4) If the proprietor or the person for the time being exercising the power of nomination during the incapacity of the proprietor shall at any time or from time to time fail to nominate Trustees or a Trustee in accordance with this section the sheriff principal for the said county of Banff shall upon the application of the other Trustees nominate Trustees or a Trustee to fill the vacancies or vacancy in the Trustees and the persons or person so nominated shall continue in office for the same period and retire from office at the same time as the persons or person in whose place they or he are or is nominated would in the ordinary course have continued and gone out of office but shall be eligible to be re-nominated.

14. The first election of elective Trustees shall take place on the first Friday in December one thousand nine hundred and twelve and all future elections shall take place on the first Friday in December in every third year thereafter and the Trustees so elected at the first election shall come into office on the third Friday in December one thousand nine hundred and twelve and shall go out of office on the third Friday in December one thousand nine hundred and fifteen when the Trustees elected in their room shall come into office and so on in every third year thereafter.

Provisions
for election
of Trustees.

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 15
(No. 1).

(11) The expenses connected with each election (exclusive of the expenses of any candidate) shall be paid by the Trustees out of the funds in their hands as such Trustees. A.D. 1911.
Gardenstown.

16.—(1) A retiring Trustee may be re-elected. Re-election
quorum and
resignation.

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

(3) A Trustee may resign office at any time by giving notice in writing of his resignation to the Trustees or their clerk and in the case of a nominated Trustee by giving in addition to such notice notice in writing to the proprietor.

10 17.—(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 qualified
15 as aforesaid 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 and retired from office but shall be eligible for re-election. Casual
vacancies
among elec-
tive Trustees.

20 (2) In case of an equality of votes at any such election the chairman of the meeting shall have a second or casting vote.

18.—(1) The Trustees may act notwithstanding any vacancy in their body but if the number of the Trustees is reduced below seven they shall act only for the purpose of causing vacancies in their
25 body to be filled up. Validity of
acts of Trus-
tees.

(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.

30 19.—(1) The Trustees need not hold monthly meetings but they may hold meetings at any time and place they think fit. Meetings.

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

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

(4) The annual meeting of the Trustees shall be held at such time in the last week of November and at such place in the parish of Gamrie as may be fixed by the Trustees.

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

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(No. 1).

A.D. 1911. (6) The clerk to the Trustees on requisition being made to him
Gardenstown. stating in writing the object of the intended meeting and signed by
the chairman or any two of the Trustees shall within forty-eight hours
thereafter cause a special meeting to be called to be held within seven
days after the receipt of such requisition. 5

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

Limits.

Limits of
Order.

20.—(1) The limits within which the Trustees shall have authority
to levy rates and within which the powers of the harbour-master may
be exercised shall comprise the works and also so much of the shore 10
of the Moray Firth in or adjacent to the county of Banff as is com-
prehended within the following lines that is to say (1) a straight line
extending from a point in the line of high-water mark at the com-
mencement of the new pier or breakwater being Work No. 2 described
in the section of this Order the marginal note whereof is "Description 15
of works" to the most western point southward and westward of the
beacon of the rocks of Craigendargity (2) another line drawn from
such most western point following along the west side of those rocks
to the most northern point of those rocks (3) another line drawn from
such most northern point to a point in the line of low-water mark on 20
the rocks on the east side of the existing harbour known as the White
Snub (4) another line drawn from the said point known as White
Snub along low-water mark in a south-westerly direction to the
termination of the existing East Pier (5) another line drawn along 25
the north-east side of the existing East Pier from its existing termina-
tion to the line of high-water mark and (6) the line of high-water
mark thence to the commencement of line No. 1 and those limits are
in this Order referred to as "the limits of this Order."

(2) A map or plan showing the limits of the harbour having been
signed in triplicate by an assistant secretary to the Board of Trade 30
one copy thereof shall within two months after the commencement of
this Order be deposited at the office of the Board of Trade another
copy thereof shall be deposited with the sheriff-clerk for the county of
Banff and another copy thereof shall be deposited at the office of the
Trustees. 35

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

Works.

40

Power to
construct
works.]

21. Subject to the provisions of this Order and subject also to
such alterations (if any) in the deposited plan and deposited sections

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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 plan and sections make and maintain the works
5 authorised by this Order.

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22. The works authorised by this Order comprise—
- | | | Description
of works. |
|----|---|--------------------------|
| 10 | (1) A seaward extension of the existing East Pier commencing at the existing northern termination of the said East Pier and extending in a north-westerly direction for a distance of 80 feet or thereabouts and there terminating on the bed of the sea : | |
| 15 | (2) A pier or breakwater commencing at a point on the existing Gardenstown Sea Embankment 20 feet or thereabouts measured in a northerly direction from the north-east corner of the north gable of the house known as "Margaret Sutherland's Cottage" and extending in a north-by-east direction for a distance of 550 feet or thereabouts and afterwards in a north-east direction for a distance of 480 feet or thereabouts thereafter in an east-by-south direction for a distance of 52 feet or thereabouts and there terminating by a junction with the existing West Pier of the existing harbour at a point distant 410 feet or thereabouts measured in a north-by-east direction from the termination of Work No. 3 herein-after described : | |
| 20 | | |
| 25 | (3) A retaining wall commencing in Work No. 2 herein-before described at a point distant 68 feet or thereabouts measured in a north-easterly direction from the north-east corner of the north gable of the said house known as "Margaret Sutherland's Cottage" and extending in an east-north-east direction for a distance of 565 feet or thereabouts and there terminating by a junction with the existing West Pier of the existing harbour at a point distant 410 feet in a south-by-west direction from the termination of the aforesaid Work No. 2 : | |
| 30 | | |
| 35 | (4) A reclamation and filling in of foreshore lying to the south of the proposed retaining wall Work No. 3 herein-before described and bounded on the south-west by the aforesaid Work No. 3 on the south-east by the public highway and on the north-east by the West Pier and public highway : | |
| 40 | (5) The excavation and deepening to the level of low water of ordinary spring tides a portion of the area contained between the aforesaid pier or breakwater Work No. 2 and | |

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Gardenstown.

the aforesaid Work No. 3 both herein-before described and the West Pier of the existing harbour :

(6) The pulling down and removing of a portion of the parapet of the existing West Pier lying between the point of termination herein-before described of the aforesaid Work No. 3 herein-before described and the termination of the said Work No. 2 also herein-before described : 5

(7) The formation of an entrance into the new harbour 40 feet in width through the West Pier of the existing harbour the centre of the entrance being distant 268 feet or thereabouts measured in a north-by-east direction from the termination of Work No. 3 herein-before described. 10

Power to deviate.

23. The Trustees in constructing the works authorised by this Order may with the consent in writing of the Board of Trade deviate laterally to any extent within the limits of deviation marked on the deposited plan and may with the like consent deviate vertically to any extent. 15

Power to maintain and improve works.

24.—(1) Subject to the provisions of this Order the Trustees may maintain and with the consent of the Board of Trade alter improve and extend the works and may in connexion with the works construct maintain alter and improve embankments excavations landing-places piers quays jetties wharves beaches for hauling boats buoys moorings lights beacons roads sewers drains watercourses gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the works and land connected therewith and may take down or remove portions of the existing works. 20 25

(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. 30

For protection of telegraphs and telephones.

25. Any electric lighting apparatus or other electric mains and works constructed or maintained under this Order shall be so constructed used and worked as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General. 35

Power to construct or lease warehouses and other buildings.

26. Subject to the provisions of this Order the Trustees 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 or convenient in connexion 40

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(No. 1).

with the harbour and the works for the accommodation of vessels using the harbour and traffic shipped or unshipped at the works. A.D. 1911.
Gardenstown.

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

28. Any 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 pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of those works shall for each offence be liable to a penalty not exceeding five pounds. Penalty for obstructing works.

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

Management.

30.—(1) The Trustees may dredge scour deepen enlarge alter and improve the entrances channels and approaches to the harbour to the extent necessary to secure a sufficient waterway and approach to the works for vessels using the same. Dredging &c.

(2) All sand mud gravel and other materials dredged up or removed shall be the property of the Trustees and they may sell or otherwise dispose of the same as they think fit on their own ground Provided that no sand mud gravel 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.

20 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
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- A.D. 1911. (3) All money arising from any sale or other disposition of sand
Gardenstown. mud gravel and other materials under this section after payment of
the expenses connected therewith shall be applied in the same manner
as the revenue received from rates under this Order is to be applied.
- Power to purchase or hire dredgers &c.** 31. The Trustees may for the purposes of the works authorised 5
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 10
money realised from such sale or disposal shall be applied towards
carrying into effect any purposes of this Order to which capital is
properly applicable.
- Meters and weighers.** 32. The Trustees shall have the appointment of meters and 15
weighers within the limits to which this Order extends.
- Power to make byelaws.** 33.—(1) The byelaws which may from time to time be made by 20
the Trustees in exercise of the power in that behalf conferred on them
by section 83 of the Harbours Act 1847 may provide for imposing a
penalty not exceeding forty shillings for the breach or non-observance
of any of the byelaws. 20
- (2) No byelaw shall come into operation until it has received the
allowance and confirmation of the Board of Trade and that allowance
and confirmation shall be sufficient for all purposes.
- (3) Sections 84 and 85 of the Harbours Act 1847 shall not be 25
incorporated with this Order. 25
- Restrictions as to user of harbour by steamers and other mechanically driven vessels.** 34.—(1) No boat or vessel propelled by steam or other mechanical 30
power shall be moved by such power within that part of the harbour
as lies on the landward side of an imaginary line drawn from the
north-west corner of the existing East Pier to a point on the pier or
breakwater (being the Work No. 2 authorised by this Order) 52 lineal 30
feet from the seaward end of that pier or breakwater according to the
dimensions thereof as authorised by this Order.
- (2) The course of the imaginary line mentioned in the last
preceding subsection is shown by the blue line drawn on the map or 35
plan referred to in subsection (2) of the section of this Order the
marginal note whereof is "Limits of Order."
- (3) No boat or vessel propelled by steam or other mechanical 40
power shall when aground or fast in a berth use or drive her
propeller without the authority of the harbour-master or other duly
authorised officer of the Trustees. 40
- (4) If the owner or person in charge of any such boat or vessel
as in this section mentioned shall be guilty of any wilful breach of

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 21
(No. 1).

the provisions of subsections (1) and (3) respectively of this section A.D. 1911.
or either of those subsections he shall be liable to a penalty not *Gardenstown.*
exceeding ten pounds for each such breach.

Powers of Leasing.

5 35.—(1) The Trustees may with the previous consent in writing of *Power to*
and upon the same terms conditions and restrictions and for such period *lease.*
as may be sanctioned by the Board of Trade lease to any company
corporation or person (a) the entire undertaking of the undertakers
or (b) the rates and other charges authorised to be taken by this
10 Order.

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

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

(4) The Trustees shall within one month after the date of any lease
made under this section deposit a certified copy thereof respectively
with the Board of Trade and shall as from the expiration of that
month be liable to a penalty not exceeding twenty pounds for every
25 week or part of a week during which they refuse or neglect to comply
with this subsection.

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

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

36. The Trustees may let for hire or lease for any term not *Power to*
exceeding seven years any rooms shops sheds warehouses or other *lease sheds*
buildings separately from any other part of the undertaking to any *&c.*
40 company corporation or person upon such terms pecuniary or otherwise
and under such restrictions and conditions as they think fit.

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Rates.

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

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

(2) From and after the commencement of this Order the Trustees may within the harbour subject and according to the provisions of this Order demand receive and recover for the use of the harbour and the conveniences connected therewith and in respect of vessels boats goods animals fish and things and for services described in the schedule to this Order any rates not exceeding those specified in that schedule. 5 10

Rates for
use of ware-
houses &c.

38. The Trustees may (so far as the rates specified in the schedule to this Order do not extend) demand and receive such rates or other consideration as they think reasonable for the use of any warehouses buildings works and conveniences belonging to or provided by the Trustees or in respect of any services rendered by them in connexion with the harbour. 15

Power to
vary exemp-
tions and
compound
for rates.

39. The Trustees may 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 preference be in any case given to any person over any other person using the works under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Order. 20

Rates for
ballast.

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

Revision of
rates.

41.—(1) The rates to be received by the Trustees shall be adjusted by them in such manner that as far as possible the income of the harbour shall be sufficient and not more than sufficient for the purposes of the harbour. 25

(2) If at any time it appears to the Board of Trade from the annual account to be sent to them under this Order that the clear annual income derived from the rates leviable by the Trustees on the average of the then three last preceding years after payment of all expenses and outgoings including all interest payable on moneys borrowed under this Order and all contributions to any sinking fund created under this Order exceeds the amount sufficient for the purposes of this Order that Board may if in their discretion they think fit reduce the rates leviable under this Order to such amounts as will be sufficient to provide the amount aforesaid and may again at any time raise the rates to any amount not exceeding the rates specified in the schedule to this Order. 30 35 40

Master or
owner to
report take
of fish.

42.—(1) The master or owner of every vessel or boat (not being a pleasure boat) with a take or cargo of fish shall on the arrival of the vessel or boat within the limits of this Order forthwith furnish to the

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 23
(No. 1).

collector of rates a true and accurate statement of his take or cargo of fish and the name of every person obtaining delivery thereof. A.D. 1911.
Gardenstown.

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

43.—(1) The Trustees may levy demand recover and receive the rates for white fish and for fresh herrings direct from the sea transhipped or unshipped within the limits of this Order (without prejudice to their rights to levy demand recover and receive the rates from any other person) either from the fish salesmen or auctioneers who dispose of the fish or from the persons purchasing or receiving delivery of the fish (otherwise than as carriers) from any vessel or boat. Provision as to collection of rates on white fish and fresh herrings.

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

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

44. The harbour-master may prevent the removal or sailing from within the limits of this Order of any vessel or boat in respect of which or 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 or boat with a take or cargo of fish until the master or owner of a vessel or boat has given in the account of his take or cargo of fish required by this Order. Harbour-master may prevent sailing of vessels.

45. If and so long as the Trustees shall make and maintain such provisions and appliances as may be necessary for furnishing to vessels or boats 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.

46. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of Certain fishing vessels under stress of weather exempt from rates.

24 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
(No. 1).

A.D. 1911. weather to make use of the harbour and not breaking bulk while
Gardenstown. making use thereof be exempt from rates leviable under this Order.

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

47. Sections 28 and 99 of the Harbours 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 5
of the Government departments specially named in those sections.

Lifeboat
crew exempt
from rates.

48. 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 10
time being actually employed in saving life or in exercising or using
the lifeboat or the apparatus for saving life and also all persons brought
ashore from any vessel in distress shall at all times have free ingress
passage and egress to or along and on and from the harbour without
payment.

Finance.

15

Power to bor-
row money.

49. 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 seven thousand pounds on the security of
the rates authorised by this Order or they may accept and take from 20
any bank or banking company credit for any amount not exceeding in
the whole the said sum of seven thousand pounds on cash-account to
be opened and kept in the name of the Trustees according to the
usage of bankers in Scotland and the Trustees may subject to the
provisions of this Order convey and assign the rates dues and charges
authorised by this Order in security for the repayment of the sum or 25
sums so borrowed or of the sums advanced on such cash-account with
interest thereon respectively and may grant mortgages or bonds and
assignments in security in the forms contained in the Commissioners
Clauses Act 1847 incorporated with this Order or otherwise and any
money borrowed under the provisions of this Order which shall be 30
discharged otherwise than by means of the sinking fund may be
re-borrowed from time to time if required for the purposes of this
Order.

Application
of money
borrowed.

50. All money borrowed under this Order shall be applied only
for the purposes of this Order for which capital money may properly 35
be applied and not otherwise.

For appoint-
ment of a
judicial
factor.

51.—(1) The mortgagees or other creditors of the Trustees 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 or other loans by the appointment of a judicial factor. 40

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

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other creditors by whom the application for a judicial factor is made shall not be less than five hundred pounds in the whole. A.D. 1911.
Gardenstown.

(3) In sections 86 and 87 of the Commissioners Clauses Act 1847 as incorporated with this Order the expression "receiver" shall mean
5 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.

52. The Trustees shall every year appropriate and set apart out
10 of the surplus income (if any) after providing for the expenses mentioned in subsections (1) (2) and (3) of the section of this Order the marginal note whereof is "Application of revenue" such a sum as will be sufficient to pay off the whole of the principal moneys borrowed under this Order (other than moneys advanced to the Trustees on such cash account as aforesaid) within forty years after the date when
15 those moneys are respectively borrowed. Sinking fund.

53. The Trustees may if they think fit form and maintain a
20 contingency fund not exceeding in amount for the time being the sum of four thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the harbour or the works or the buildings or conveniences connected therewith and for that purpose may appropriate and set apart (subject to the provisions of this Order as to the application of revenue) any amount which they think fit in
25 any year and shall deposit such amount in some joint stock bank of issue in Scotland or invest the same in any security in which trustees are by law authorised to invest trust money and shall accumulate the resulting income therefrom in the way of compound interest until required for any of the aforesaid purposes. Contingency fund.

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

55. The Trustees shall apply all money received by them from
35 the rates dues and charges authorised by this Order for the purposes and in the order following (that is to say):— Application of revenue.

- (1) In paying the costs of and connected with the preparation obtaining and making of this Order:
- 40 (2) In paying any feu-duties and rents payable in respect of the lands and property belonging or leased to the Trustees and the expenses of the maintenance management and regulation of the harbour and the works and of the lands and property connected therewith:

A.D. 1911.
Gardenstown.

- (3) In paying year by year the interest on any money borrowed and in payment of the instalments as they become due in discharge of any money advanced by bankers and for the time being owing on cash account and repayable by instalments: 5
- (4) In creating a sinking fund in manner specified in this Order:
- (5) In creating (if they think fit) a contingency fund in manner specified in this Order:
- (6) Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Trustees 10 in the improvement of the harbour and the works and conveniences connected therewith.

Auditor.

56.—(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. 15

(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon unless they see special reason 20 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. 25

(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.

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

57.—(1) The Trustees within one month after sending to the sheriff clerk the copy of their annual account in abstract shall send a copy of it to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. 30

(2) The account shall be made up to the end of the thirty-first day of March in each year. 35

(3) The Trustees shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section. 40

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 27
(No. 1).

Life-saving Apparatus.

A.D. 1911.

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

58.—(1) Sections 16 to 19 inclusive of the Harbours 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 on or 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 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.

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

Life-saving
apparatus
may be at-
tached to
pier.

60. The Trustees shall at all times keep at convenient places on the works 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.

Lifebuoys to
be kept.

Lights.

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

As to lights
during con-
struction of
works.

(2) 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 direction.

62.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order or any of them the Trustees shall exhibit at the outer extremity of the works or the completed portions thereof respectively or in such other places as may be required from sunset to sunrise and according to the requirements

As to lights
after comple-
tion of works.

28 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
(No. 1).

A.D. 1911, of the traffic and the season of the year such lights (if any) and take
Gardenstown. such other steps for the prevention of danger to navigation as are
directed by the Commissioners of Northern Lighthouses and shall apply
to those Commissioners for such directions.

(2) The Trustees shall be liable to a penalty not exceeding ten 5
pounds for every day during which they omit so to apply or refuse or
neglect to observe any such directions.

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

63.—(1) In case of injury to or destruction or decay of the works
or any part thereof the Trustees shall lay down such buoys exhibit
such lights or take such other means for preventing (so far as may be) 10
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 Trustees shall be liable to a penalty not exceeding ten 15
pounds for every day during which they omit so to apply or refuse
or neglect to observe any such directions.

Miscellaneous.

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

64. All penalties under this Order shall be recovered and applied
as penalties are recoverable and applicable under the Harbours Act
1847 and for all the purposes of that Act this Order shall be deemed 20
the special Act.

Local light-
house autho-
rity.

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

Crown rights.

66. Nothing in this Order affects prejudicially any estate right 25
power privilege or exemption of the Crown and in particular nothing
herein contained authorises 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 His Majesty in right 30
of His Crown and under the management of the Commissioners of
Woods or of the Board of Trade respectively without the consent in
writing of the Commissioners of Woods or the Board of Trade as the
case may be on behalf of His Majesty first had and obtained for that
purpose (which consent the said Commissioners and Board are hereby 35
respectively authorised to give).

For pro-
tection of
Crown rights
of salmon
fishing.

67. The Trustees shall not construct any works on the shore bed
of the sea or other land over which a right of salmon fishing belongs
to His Majesty without having previously paid to the Commissioners
of Woods compensation for any injury which the works by this Act 40
authorised may be reasonably expected to occasion to any such right

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(No. 1).

of salmon fishing as in this section mentioned And in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed the one by the Commissioners of Woods and the other by the Trustees or of an oversman to be named by the said arbiters to act in the event of their differing in opinion and the Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section The Trustees shall further make compensation for any damage or injury which may be sustained by His Majesty or his tenants in respect of any right of salmon fishing through the exercise of the powers of this Order although the work causing such damage or injury may be constructed elsewhere than on any shore bed of the sea or other land over which a right of salmon fishing belongs to His Majesty and the amount of such compensation shall failing agreement be settled by arbitration as aforesaid.

A.D. 1911.
Gardenstown.

68. The works shall be deemed to be for all purposes within the parish of Gamrie in the county of Banff.

Works to be
in parish of
Gamrie.

69.—(1) The Order of 1876 is hereby repealed.

Repeal of
Order of
1876.

(2) Notwithstanding that repeal any byelaws made under the powers of the Order of 1876 in force at the commencement of this Order shall remain in force for one year from the commencement of this Order but shall then cease to have effect and be repealed.

(3) The repeal of the said Order shall not affect any penalty forfeiture or punishment in respect of any offence against the Order of 1876 committed before the commencement of this Order and the repeal of the said byelaws shall not affect any penalty forfeiture or punishment in respect of any offence against those byelaws committed before the date on which those byelaws cease to have effect and are repealed.

70. 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 Trustees out of the funds at their disposal as such Trustees.

Costs of
Order.

A.D. 1911. The SCHEDULE to which the foregoing Order refers.
Gardenstown.

I.—TONNAGE RATES ON VESSELS OTHER THAN FISHING VESSELS.

	£	s.	d.
For all vessels whatever entering the harbour to load or unload per register ton - - - - -	0	0	4 5
For all vessels wind-bound or otherwise and not loading or unloading per register ton - - - - -	0	0	2
For ditto when laid up or remaining in the harbour for any longer period than fourteen days for each week or part of a week per register ton - - - - -	0	0	1 10

Vessels arriving and departing in ballast to pay half dues.

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

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

For vessels sailing from the harbour and put back by stress of weather or other cause without having accomplished the voyage no additional rates shall be charged on such return but the period within which such vessel may remain in the harbour without paying any further rates shall not exceed eight days from her return to the harbour inclusive of the day of such return.

Exemption.

No rate shall be charged for tug steamers while those tug steamers are employed only in towing vessels into or out of the harbour. 30

II.—RATES ON FISHING BOATS &c.

	£	s.	d.
For every boat in the herring or other fishing as a com- position in full of tonnage rates for the period of the fishing season from 1st July to 1st October payable in advance			35
If under 15 tons register - - - - -	1	5	0
If 15 tons register or above - - - - -	1	10	0

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		£	s.	d.	A.D. 1911.
	For every boat in the white fishing or other fishing as a composition in full of tonnage rates for any of the following fishing seasons payable in advance:—				<u>Gardenstown.</u>
5	For season from 1st October to 1st January - - -	1	0	0	
	" " 1st January to 1st April - - -	1	0	0	
	" " 1st April to 1st July - - -	1	0	0	
	For every boat bonâ fide loading or discharging herrings or white or other fish not paying the above composition dues on each occasion of entering the harbour:—				
10	If under 15 tons register - - - - -	0	2	0	
	If 15 tons register or above - - - - -	0	3	0	
	For every boat engaged in the herring or white or other fishing wind-bound on each occasion of entering the harbour:—				
15	If under 15 tons register - - - - -	0	1	0	
	If 15 tons register or above - - - - -	0	1	6	
	For every steam or motor trawler liner or drifter on each occasion of entering the harbour:—				
20	If under 25 tons register - - - - -	0	3	6	
	If 25 tons register or above - - - - -	0	5	0	
	For every boat or fishing vessel other than as above on each occasion of entering the harbour:—				
	If under 15 tons register - - - - -	0	2	0	
25	If 15 tons register or above - - - - -	0	4	0	
	In the event of any steam or motor trawler liner or drifter or of any fishing boat or fishing vessel not paying composition dues remaining in the harbour more than twenty-four hours the above rate shall be payable for each twenty-four hours or part thereof after the first twenty-four hours.				
30					
	For each new steam or motor trawler liner or drifter or new fishing boat or vessel fitted up for every week or part of a week during which she is in the harbour -	0	10	0	

35 *General Note.*

All dues payable in advance. For boats &c. remaining in the harbour dues payable weekly in advance.

A.D. 1911. III.—RATES ON ANIMALS AND GOODS SHIPPED TRANSHIPPED OR UNSHIPED
AT PIERS OR QUAYS BELONGING TO THE TRUSTEES.
Gardenstown.

Articles of Export or Import.	Weight or Measure.	Rates.
A.		
Alabaster - - - - -	per ton - - - - -	s. d. 5 2 0
Ale porter and beer - - - - -	per ton - - - - -	1 0
„ in bottle - - - - -	per ton - - - - -	1 6
Alkali black - - - - -	per ton - - - - -	2 0
Almonds - - - - -	per cwt. - - - - -	0 3 10
Alum - - - - -	per ton - - - - -	2 0
Ammonia water - - - - -	per ton - - - - -	1 0
Anchors - - - - -	per ton - - - - -	2 0
Animalised carbon for manure - - - - -	per ton - - - - -	1 6
Anvils - - - - -	per ton - - - - -	1 6 15
Argol - - - - -	per ton - - - - -	2 0
Ashes pot and pearl - - - - -	per ton - - - - -	2 0
„ of all kinds - - - - -	per ton - - - - -	2 0
Asphalte and bitumen - - - - -	per ton - - - - -	1 1
B.		
Bacon or hams - - - - -	per ton - - - - -	3 0 20
Ballast - - - - -	per ton - - - - -	0 2
Barilla - - - - -	per ton - - - - -	1 6
Bark - - - - -	per ton - - - - -	2 0
Barley and all other groats - - - - -	per ton - - - - -	1 8 25
Barrels empty herring - - - - -	each - - - - -	0 1
Basket rods - - - - -	per cwt. - - - - -	0 1
Baskets under 12 inches diameter - - - - -	per dozen - - - - -	0 1
„ above ditto - - - - -	per dozen - - - - -	0 2
Beef or pork - - - - -	per ton - - - - -	2 0 30
Beer (see Ale).		
Bellows household and smith's - - - - -	per 5 cubic feet - - - - -	0 3
Birds—		
Partridges - - - - -	each - - - - -	0 0½ 35
Pheasants - - - - -	each - - - - -	0 0½
Pigeons - - - - -	per dozen - - - - -	0 2
Quails - - - - -	per dozen - - - - -	0 4
Singing - - - - -	each - - - - -	0 3
All not mentioned - - - - -	each - - - - -	0 0½
Biscuit - - - - -	per cwt. - - - - -	0 2 40
Bleaching salts and powder - - - - -	per ton - - - - -	2 0
Blubber - - - - -	per cwt. - - - - -	0 1
Boats—		
12 to 16 feet keel - - - - -	each - - - - -	3 0
16 to 20 feet keel - - - - -	each - - - - -	4 6 45
20 feet keel and above - - - - -	each - - - - -	5 0
Cobbles viz. 12 to 16 feet long - - - - -	each - - - - -	2 6
16 to 20 feet long - - - - -	each - - - - -	3 0
All other boats and cobbles in proportion.		
Bone meal - - - - -	per ton - - - - -	1 3 50
Bones ground - - - - -	per quarter - - - - -	0 3
Bones of cattle - - - - -	per ton - - - - -	1 3
All artificial manures not enumerated - - - - -	per ton - - - - -	1 6
Books and all stationery not otherwise enumerated	per ton - - - - -	4 0

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Articles of Export or Import.		Weight or Measure.	Rates.	A.D. 1911. Gardenstown.
			s. d.	
	Bottles empty - - - - -	per ton - - - - -	1 0	
	„ broken - - - - -	per ton - - - - -	0 6	
5	Boxes salmon empty - - - - -	each - - - - -	0 1	
	Bran - - - - -	per ton - - - - -	0 10	
	Brass - - - - -	per ton - - - - -	2 0	
	Bricks - - - - -	per 1000 - - - - -	1 3	
	Brimstone rough - - - - -	per ton - - - - -	2 0	
10	Bristles - - - - -	per cwt. - - - - -	0 6	
	Broom and brush handles heads and stocks - - - - -	per 40 cubic feet - - - - -	0 8	
	Brooms common - - - - -	per dozen - - - - -	0 2	
	Brushes - - - - -	per 40 cubic feet - - - - -	1 0	
	Bulrushes - - - - -	per cwt. - - - - -	0 4	
15	Butter - - - - -	per cwt. - - - - -	0 1	
C.				
	Cakes ground - - - - -	per ton - - - - -	1 6	
	Cakes of lint and rape seed - - - - -	per ton - - - - -	1 6	
	Candles - - - - -	per ton - - - - -	2 8	
20	„ wicks - - - - -	per cwt. - - - - -	0 3	
	Cane reeds - - - - -	per 1000 - - - - -	0 9	
	Carboys vitriol and acids 160 lbs. - - - - -	each - - - - -	0 1½	
	Cards tow and wool - - - - -	per cwt. - - - - -	0 3	
	Carpets rugs and upholstery articles - - - - -	per cwt. - - - - -	2 0	
25	Carraway seeds - - - - -	per cwt. - - - - -	0 3	
	Carriages of four wheels - - - - -	each - - - - -	12 0	
	„ two wheels - - - - -	each - - - - -	7 6	
	Carrots - - - - -	per ton - - - - -	1 0	
	Casks boxes empty excepting returned packages - - - - -	each - - - - -	0 1	
30	Cement - - - - -	per ton - - - - -	1 6	
	Chalk - - - - -	per ton - - - - -	1 0	
	Charcoal - - - - -	per ton - - - - -	1 6	
Cattle and live animals viz. :—				
	Asses and mules - - - - -	each - - - - -	1 0	
35	Bulls cows and oxen - - - - -	each - - - - -		
	Calves - - - - -	each - - - - -		
	Horses - - - - -	each - - - - -		
	Ponies - - - - -	each - - - - -		
	Sheep and lambs - - - - -	each - - - - -	0 4	
40	Swine and pigs - - - - -	each - - - - -	0 4	
	Chairs - - - - -	each - - - - -	0 2	
	Cheese - - - - -	per cwt. - - - - -	0 1½	
	Chestnuts - - - - -	per ton - - - - -	4 0	
	Chimney tops or cans composition 3 ft. high - - - - -	each - - - - -	0 1	
45	„ „ of clay 2¾ ft. high - - - - -	each - - - - -	0 0½	
	„ „ others in proportion. - - - - -			
	China - - - - -	per ton - - - - -	2 0	
	Chocolate - - - - -	per cwt. - - - - -	0 3	
	Cinders and coke - - - - -	per ton - - - - -	0 6	
50	Cinnamon and cassia - - - - -	per cwt. - - - - -	0 3	
Clay viz. :—				
	China or stone-clay - - - - -	per ton - - - - -	0 4	
	Fire-clay - - - - -	per ton - - - - -	1 0	
	Loam-clay - - - - -	per ton - - - - -	1 0	
55	Pipe-clay - - - - -	per ton - - - - -	0 4	
	Clocks in case - - - - -	per cwt. - - - - -	0 2	

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A.D. 1911.	Articles of Export or Import.	Weight or Measure.	Rates.
<i>Gardenstown.</i>			<i>s. d.</i>
	Clothing haberdashery silk mercery and all articles for clothiers and haberdashers	per cwt. - - -	0 2
	Cloth not enumerated - - - -	per cwt. - - -	0 2 5
	Clover seeds - - - -	per ton - - -	2 0
	Coal and coal dust for founders &c. - - - -	per ton - - -	0 8
	Coals - - - -	per ton - - -	0 8
	„ bunker - - - -	per ton - - -	0 4
	Cocoa nuts - - - -	per 100 - - -	0 3 10
	Coffee - - - -	per cwt. - - -	0 3
	Colours - - - -	per cwt. - - -	0 2
	Confections - - - -	per cwt. - - -	0 2
	Copper - - - -	per ton - - -	2 0
	„ utensils for distilleries and other purposes	per cwt. - - -	0 3 15
	„ old - - - -	per ton - - -	2 0
	„ ore - - - -	per ton - - -	1 0
	Copperas - - - -	per ton - - -	1 6
	Coral - - - -	per cwt. - - -	1 0
	Cordage white and tarred - - - -	per ton - - -	2 0 20
	Corks and cork wood - - - -	per ton - - -	2 0
	Corn viz. :—		
	Barley bere or bigg - - - -	per quarter - - -	0 2
	Beans - - - -	per quarter - - -	0 3
	Flour - - - -	per ton - - -	1 4 25
	Indian corn - - - -	per quarter - - -	0 3
	Malt - - - -	per quarter - - -	0 3
	Meal - - - -	per ton - - -	1 4
	Oatmeal - - - -	per ton - - -	1 4
	Oats - - - -	per quarter - - -	0 2 30
	Peas—		
	Grey - - - -	per quarter - - -	0 3
	White split or boilers - - - -	per ton - - -	2 0
	Rye - - - -	per quarter - - -	0 3
	Wheat - - - -	per quarter - - -	0 3 35
	Cotton wool - - - -	per ton - - -	2 6
	Crystal - - - -	per ton - - -	2 6
	Currants - - - -	per cwt. - - -	0 1
	Cyder - - - -	per ton - - -	1 4
	D.		40
	Drugs medicines and all articles for druggists not otherwise enumerated - - - -	per ton - - -	4 0
	Dung and other manures not enumerated - - - -	per ton - - -	1 6
	E.		
	Eggs - - - -	per ton - - -	2 0 45
	Emery stones - - - -	per cwt. - - -	0 2
	F.		
	Feathers - - - -	per ton - - -	5 0
	Felt - - - -	per ton - - -	1 6
	Figs - - - -	per cwt. - - -	0 3 50

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Articles of Export and Import.		Weight or Measure.	Rates.	A.D. 1911. Gardenstown.
				<i>s. d.</i>
Fish—				
	Cod ling skate eels - - - -	per score - - -	0 4	
5	Or when sold by auction - - - -	per 1 <i>l.</i> value - - -	0 6	
	Or whether sold by auction or not - - - -	per ton - - - -	2 6	
	Cod and ling in bulk pickled - - - -	per ton - - - -	1 6	
	Halibut and turbot - - - -	per cwt. - - - -	0 6	
	Haddocks whittings codlings fresh - - - -	per cwt. - - - -	0 2	
10	Haddocks whittings codlings pickled or smoked - - - -	per ton - - - -	2 6	
	Herrings cured - - - -	per 26 $\frac{2}{3}$ gallons - - -	0 3	
	" fresh - - - -	per 37 $\frac{1}{2}$ gallons - - -	0 3	
	Mussels - - - -	per ton - - - -	0 6	
15	Oysters and other shell fish except mussels - - - -	per cwt. - - - -	0 3	
	Flax - - - -	per ton - - - -	2 6	
	Codilla - - - -	per ton - - - -	1 6	
	Manufactured - - - -	per ton - - - -	2 6	
	Flint stones - - - -	per ton - - - -	0 4	
20	Flower roots - - - -	per ton - - - -	2 0	
	Fruit of all kinds - - - -	per bushel - - - -	0 2	
	Furniture household - - - -	per ton - - - -	3 0	
G.				
	Ginger - - - -	per cwt. - - - -	0 3	
25	Glass of all descriptions - - - -	per ton - - - -	2 0	
	Glue - - - -	per ton - - - -	2 0	
	Grate iron &c. - - - -	per cwt. - - - -	3 0	
	Grease - - - -	per ton - - - -	2 0	
	Guano - - - -	per ton - - - -	1 6	
30	Gum Senegal and other kinds - - - -	per cwt. - - - -	0 3	
	Gunpowder - - - -	per cwt. - - - -	0 3	
	Gypsum - - - -	per ton - - - -	1 0	
H.				
	Hair of all kinds - - - -	per ton - - - -	1 0	
35	Hardware and all articles for hardware merchants not enumerated - - - -	per ton - - - -	2 6	
	Hats - - - -	per ton - - - -	2 6	
	Hay and straw - - - -	per ton - - - -	1 8	
	Hemp rough - - - -	per ton - - - -	2 0	
40	Hides of all kinds - - - -	per 100 - - - -	2 0	
	Honey - - - -	per cwt. - - - -	0 1 $\frac{1}{2}$	
	Hoops of wood - - - -	per 120 - - - -	0 1	
	Hoops iron - - - -	per ton - - - -	1 6	
	Hops - - - -	per cwt. - - - -	0 4	
45	Horns of all kinds - - - -	per ton - - - -	1 6	
	Horses. See Cattle.			
	Husbandry implements viz. :—			
	Box cart - - - -	each - - - -	2 6	
	Harrows - - - -	per pair - - - -	0 9	
50	Ploughs - - - -	each - - - -	0 9	
	Waggons with four wheels - - - -	each - - - -	5 0	
	Wheelbarrows - - - -	each - - - -	0 4	
	Other implements - - - -	per ton - - - -	2 9	

A.D. 1911.
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Articles of Export or Import.	Weight or Measure.	Rates.
I.		
Ice - - - - -	per ton - - -	1 0
Indigo - - - - -	per cwt. - - -	1 0
Ink - - - - -	per gallon - - -	0 0 $\frac{1}{4}$
Iron viz. :—		
Bar bolt angle rod plate sheet hoop nails and wire - - - - -	per ton - - -	1 1 $\frac{1}{4}$
Forged ironwork and machinery - - - - -	per ton - - -	2 2 $\frac{3}{4}$
Steam boilers whole or in pieces - - - - -	per ton - - -	2 2 $\frac{1}{2}$
Grates stoves and tinned work pots and other hollow cast-iron work - - - - -	per ton - - -	2 0
All other castings - - - - -	per ton - - -	2 2 $\frac{1}{2}$
Rust - - - - -	per ton - - -	1 1 $\frac{1}{4}$
Pig - - - - -	per ton - - -	0 6 $\frac{3}{4}$
Old - - - - -	per ton - - -	0 6 $\frac{3}{4}$
Ore - - - - -	per ton - - -	0 2 $\frac{1}{4}$
Ivory and elephants' teeth - - - - -	per ton - - -	1 6
20		
J.		
Junk or old ropes - - - - -	per ton - - -	1 0
K.		
Kelp - - - - -	per ton - - -	1 0
Kiln pavement - - - - -	per ton - - -	0 4
L.		
Lamp black - - - - -	per ton - - -	0 2
Lard - - - - -	per cwt. - - -	0 1 $\frac{1}{4}$
Lead viz. :—		
Ore - - - - -	per ton - - -	1 0
Red white and black - - - - -	per ton - - -	2 0
Sheet pig pipes and shot - - - - -	per ton - - -	2 0
Sugar of - - - - -	per cwt. - - -	0 2
Leather of all kinds - - - - -	per ton - - -	2 9
Lemons and oranges - - - - -	per cwt. - - -	0 2
Lime - - - - -	per ton - - -	0 8
Limes - - - - -	per cwt. - - -	0 3
Linseed - - - - -	per ton - - -	1 6
35		
M.		
Machinery - - - - -	per ton - - -	1 6
Madder ground - - - - -	per ton - - -	2 6
„ root - - - - -	per ton - - -	5 0
Manganese - - - - -	per ton - - -	2 0
Mats - - - - -	per 100 - - -	1 0
Millwaste all kinds - - - - -	per ton - - -	1 6
Molasses - - - - -	per ton - - -	1 6
Mossrock - - - - -	per ton - - -	2 0
Musical instruments - - - - -	per cwt. - - -	0 6
Mustard - - - - -	per cwt. - - -	0 3
40		
45		

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Articles of Export or Import.					Weight or Measure.	Rates.	A.D. 1911.
							<i>Gardenstown.</i>
						<i>s. d.</i>	
N.							
	Nutmegs	-	-	-	per cwt.	- - -	1 0
5	Nuts	-	-	-	per ton	- - -	2 8
O.							
	Oakum	-	-	-	per cwt.	- - -	0 2
	Ochre	-	-	-	per ton	- - -	2 0
	Oil of all kinds	-	-	-	per ton	- - -	2 6
10	Oil cakes	-	-	-	per ton	- - -	1 6
	„ rape	-	-	-	per ton	- - -	1 6
	Onions	-	-	-	per bushel	- - -	0 2
	Orchella weed	-	-	-	per cwt.	- - -	0 3
P.							
15	Pack thread and twine	-	-	-	per ton	- - -	2 6
	Paper of all kinds	-	-	-	per ton	- - -	2 6
	Paretis refuse of	-	-	-	per ton	- - -	1 0
	Pavement all descriptions	-	-	-	per 10l. value	- - -	2 6
	Peats	-	-	-	per 800	- - -	0 4
20	Perry	-	-	-	per ton	- - -	1 4
	Pewter	-	-	-	per ton	- - -	2 0
	Pictures	-	-	-	per cwt.	- - -	0 3
	Pipes tobacco	-	-	-	per ton	- - -	2 9
	Pitch	-	-	-	per ton	- - -	2 0
25	Plants of trees and shrubs	-	-	-	per ton	- - -	1 6
	Plaster of Paris	-	-	-	per ton	- - -	2 0
	Porter (<i>see Ale</i>).	-	-	-			
	Potatoes	-	-	-	per ton	- - -	1 6
	Poultry of all kinds	-	-	-	each	- - -	0 1
30	Preserved provisions	-	-	-	per cwt.	- - -	0 3
	Prunellas	-	-	-	per ton	- - -	4 0
	Pumice stone	-	-	-	per cwt.	- - -	0 3
Q.							
	Quills dressed and undressed	-	-	-	per cwt.	- - -	0 3
R.							
35	Rags linen	-	-	-	per ton	- - -	1 6
	„ woollen	-	-	-	per ton	- - -	1 0
	Raisins	-	-	-	per cwt.	- - -	0 3
	Rice	-	-	-	per ton	- - -	2 0
40	Ropes in coil	-	-	-	per ton	- - -	2 6
	Rosin	-	-	-	per ton	- - -	1 6
	Ryegrass seeds	-	-	-	per ton	- - -	1 0
S.							
	Saddlery of all kinds	-	-	-	per cwt.	- - -	0 2
45	Sago	-	-	-	per cwt.	- - -	0 3
	Sail cloths in bolts	-	-	-	per ton	- - -	2 6
	„ in packages	-	-	-	per ton	- - -	2 6
	Salt rock and white	-	-	-	per ton	- - -	0 9

A.D. 1911. <i>Gardenstown.</i>	Articles of Export of Import.	Weight or Measure.	Rates.
			<i>s. d.</i>
	Salt refined - - - - -	per ton - - - - -	2 0
	„ exported in bulk - - - - -	per ton - - - - -	0 5
	Saltpetre - - - - -	per ton - - - - -	2 6
	Salts glauber and epsom - - - - -	per cwt. - - - - -	0 1½
	Sand for founders - - - - -	per ton - - - - -	0 4
	Screwes of hides - - - - -	per ton - - - - -	2 0
	Scythes - - - - -	per dozen - - - - -	0 0½
	Seeds unenumerated - - - - -	per ton - - - - -	2 0
	Shakes of casks pipe or puncheon - - - - -	each - - - - -	0 2
	Sheffield and Birmingham ware - - - - -	per ton - - - - -	2 6
	Shoes of all kinds - - - - -	per dozen pairs - - - - -	0 6
	Skins not otherwise enumerated - - - - -	per score - - - - -	0 3
	Slates of all kinds - - - - -	per 1000 - - - - -	1 6
	Slate pencils and slates - - - - -	per ton - - - - -	2 6
	Smalts - - - - -	per cwt. - - - - -	0 1½
	Snuff - - - - -	per cwt. - - - - -	0 1
	Soap hard and soft - - - - -	per ton - - - - -	2 0
	Soaper's salts and muriatic residuum - - - - -	per ton - - - - -	1 6
	Soda - - - - -	per ton - - - - -	2 0
	Soda and seltzer water - - - - -	per cwt. - - - - -	2 0
	Spades and shovels - - - - -	per dozen - - - - -	0 1
	Spanish or Italian juice - - - - -	per ton - - - - -	2 6
	Spermaceti - - - - -	per ton - - - - -	2 6
	Spirits - - - - -	per ton - - - - -	2 8
	Starch - - - - -	per cwt. - - - - -	0 3
	Steel - - - - -	per ton - - - - -	1 6
	Stones viz. :—		
	Freestone or granite for building purposes - - - - -	per ton - - - - -	0 6
	Polished granite - - - - -	per ton - - - - -	3 0
	Other stones not enumerated - - - - -	per 10l. value - - - - -	2 6
	Stoneware - - - - -	per ton - - - - -	2 0
	Stucco - - - - -	per ton - - - - -	1 6
	Sugar of all kinds - - - - -	per ton - - - - -	2 0
	T.		
	Tallow - - - - -	per ton - - - - -	0 2
	Tanners' waste - - - - -	per ton - - - - -	0 6
	Tar - - - - -	per ton - - - - -	1 4
	Tares - - - - -	per quarter - - - - -	0 2
	Teas and all articles for grocers not otherwise enumerated. - - - - -	per cwt. - - - - -	0 3
	Tiles - - - - -	per 1000 - - - - -	1 0
	Tin - - - - -	per ton - - - - -	2 0
	Tobacco - - - - -	per cwt. - - - - -	0 1½
	Tongues smoked - - - - -	per dozen - - - - -	0 1
	„ pickled - - - - -	per cwt. - - - - -	0 4
	Tow of all kinds - - - - -	per ton - - - - -	1 6
	Toys - - - - -	per cwt. - - - - -	0 3
	Turnips - - - - -	per ton - - - - -	0 9
	V.		
	Varnish of all kinds - - - - -	per ton - - - - -	2 0
	Vases or sculptured marble - - - - -	per ton - - - - -	4 0
	Veneers of all kinds - - - - -	per ton - - - - -	2 0

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Gardenstown.

Articles of Export or Import.					Weight or Measure.	Rates.
						<i>s. d.</i>
	Verdigris	-	-	-	per cwt.	0 1
	Vermilion	-	-	-	per cwt.	0 6
5	Vinegar	-	-	-	per ton	1 4
W.						
	Walnuts (<i>see Nuts</i>).					
	Whalebone or whale fins	-	-	-	per ton	3 4
	Wheels coach or cart	-	-	-	per pair	0 8
10	Whitening	-	-	-	per ton	0 9
	Wine in casks	-	-	-	per ton	4 0
	Wine in bottles	-	-	-	per ton	2 0
	Wood viz. :—					
	All kinds of foreign timber square and sawn				per 50 cubic feet	1 0
15	Home and foreign round timber and spars	-	-	-	per 40 cubic feet	1 0
	Cart wheel spokes and felloes	-	-	-	per 40 pieces	0 3
	Wedges	-	-	-	per 1000 pieces	1 0
	Pitprops not exceeding 6 inches in average diameter.	-	-	-	per 50 cubic feet	0 9
20	Wainscot	-	-	-	per 50 cubic feet	1 3
	Deal ends 3 inches thick and under 4 feet in length and firewood.	-	-	-	per 50 cubic feet	0 6
	Rickers under 30 feet in length and under 4 inches in diameter.	-	-	-	per dozen	0 3
25	Oars	-	-	-	per dozen	0 4
	Handspokes	-	-	-	per dozen	0 4
	Treenails	-	-	-	per 1000 lineal feet	0 6
	Wood by weight :—					
30	Bar wood box wood Brazil wood cam wood ebony fustie lignum vitæ logwood Nicaragua wood red wood sassafras &c.	-	-	-	per ton	2 0
	Mahogany	-	-	-	per 40 feet or ton	2 0
	Wood staves and billets :—					
	Herring barrel billets	-	-	-	per 50 cubic feet	1 6
35	Herring barrel staves	-	-	-	per 1000 superficial feet.	1 2
	Wood pulp	-	-	-	per ton	1 6
	Wool sheep's	-	-	-	per ton	2 6
	„ manufactured	-	-	-	per ton	2 6
Y.						
40	Yeast	-	-	-	per cwt.	0 1
Z.						
	Zinc	-	-	-	per ton	2 0

Passengers' luggage above two hundredweight shall pay 4s. per 45 ton.

All goods not enumerated in the foregoing schedule 4d. per cwt.

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weight measures and

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A.D. 1911. quantities than those above specified a proportion of the respective
Gardenstown. rates shall be charged.

Shore dues at the above rates to be paid on all goods loaded or unloaded or otherwise arriving or leaving the port or district within the limits of the Order. 5

Exemptions from the above Rates.

1. All returned empty boxes casks barrels sacks bags and packages are exempted from rates.

2. All goods landed from any vessel and re-shipped in the same 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 one rate. 10

3. All goods landed from one vessel and re-shipped in the original package by another vessel shall upon re-shipment pay one-half of the rate paid upon landing. 15

4. Passengers' luggage not exceeding two hundredweight is exempted.

5. Any goods which have paid shore dues when loaded and shall from any accident or otherwise be unloaded shall not be chargeable with a second rate on being re-loaded. 20

6. The furniture and luggage of fishermen coming to or returning from the herring fishery at Gardenstown at the commencement or end of the season are exempted.

7. Stones timber or other materials for the use of the piers are exempted. 25

IV.—RATES FOR BERTHING USE OF CRANES PLANKAGE LIGHTS WATER WEIGHING MACHINE SHEDS AND BEACHING GROUND.

Berthing.

	£	s.	d.	
All vessels under 30 tons register for each voyage -	-	0	0	8 30
„ of 30 tons register and under 60 tons -	-	0	1	3
„ of 60 tons register and under 80 tons -	-	0	1	9
„ 80 tons register and under 120 tons -	-	0	2	3
„ 120 tons register and under 300 tons -	-	0	3	6 35
„ 300 tons register and upwards -	-	0	4	6

Cranes.

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 40
Exceeding three tons and not exceeding four tons	-	0	0	8
Exceeding four tons and not exceeding five tons	-	0	0	10

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	£	s.	d.	A.D. 1911.
				<u>Gardenstown.</u>
5				

Plankage.

10	All vessels requiring the use of planks for each plank they receive belonging to the trustees	-	-	-	0	0	6
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Pier-Head Light.

	Fishing vessels below 15 tons register per season	-	-	0	1	0
	„ „ of 15 tons register and over per season	-	-	0	1	6
	Other vessels below 20 tons register each voyage	-	-	0	0	9
15	„ „ of 30 tons register and below 50 tons	-	-	0	1	3
	„ „ „ 50 tons register and below 80 tons	-	-	0	1	9
	„ „ „ 80 tons register and below 100 tons	-	-	0	2	3
	„ „ „ 100 tons register and upwards	-	-	0	3	6

20 N.B.—Rates for the pier-head light shall only be demanded or received while the light is duly exhibited.

Water Money.

	For every 25 gallons or part of 25 gallons of pure and wholesome drinking water supplied to any vessel	-	0	0	1½
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Weighing Machine.

25	For goods weighed for each ton or part of a ton	-	0	0	2
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Sheds.

30 For each ton of goods which shall remain in the sheds or on the quays of the harbour for a longer time than twenty-four hours and less than forty-eight hours the sum of 3d. and the sum of 1½d. per ton for each day during which such goods shall remain after the first forty-eight hours.

Beaching Ground.

35	For each boat or fishing vessel beached or laid up on the ground provided for the purpose by the Trustees payable in advance per season not exceeding 30 tons register	-	0	7	6
	Exceeding 30 tons register each	-	0	15	0

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PORT GORDON HARBOUR.

Port Gordon. Provisional Order for amending the rates authorised to be taken at the Harbour or Port of Port Gordon in the County of Banff and for other purposes connected therewith.

Preliminary.

- Short title. 1. This Order may be cited as the Port Gordon Harbour Order 1911. 5
- Commencement of Order. 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. 10
- Interpretation. 3. In this Order the expression—
“The Act of 1854” means the Port Gordon Harbour Act 1854;
“The harbour” means the harbour or port of Port Gordon within the limits specified in section 7 of the Act of 1854; 15
“The Harbours Act 1847” means the Harbours Docks and Piers Clauses Act 1847.
- Undertaker. 4. The Most Noble Charles Henry Gordon Lennox Duke of Richmond Gordon and Lennox K.G. or other the proprietor for the time being of the village of Port Gordon in the parish of Rathven and county of Banff (in this Order referred to as “the Undertaker”) shall be the undertaker for the purposes of this Order. 20

Rates.

- New rate at Port Gordon Harbour. 5. As from the commencement of this Order and subject to the provisions of the Act of 1854 and this Order the Undertaker may in respect of the harbour demand receive and recover any sums not exceeding the several rates specified in the schedule to this Order in respect of vessels animals fish goods matters and things and services rendered described in that schedule. 25 30
- Provisions as to collection of rates on white fish and herrings. 6.—(1) The Undertaker 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 either from the fish salesmen or auctioneers who dispose of such fish or from the persons purchasing or receiving delivery of the fish (otherwise than as carriers) from any vessel. 35
- (2) Any such fish salesman auctioneer purchaser or receiver respectively shall be entitled to deduct the amount of such rates from the price at which such fish were sold or purchased but shall when

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required furnish the collector of rates with a true account under his hand of the quantity of such fish and verify the same by the production of his books accounts and other documents to the collector of rates. A.D. 1911.
Port Gordon.

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

10 7.—(1) The master or owner of every vessel (not being a pleasure boat or yacht) 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. Master or owner to report take of fish.

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

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

25 9. The Undertaker may take on lease for such period and on such terms as he thinks fit any site or stance or any warehouse building or other work or convenience. Warehouses &c.

30 10. The Undertaker 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 he may think reasonable for the use of any site or stance and for the use of any warehouses buildings works and conveniences belonging to or leased or provided by him in respect of any services rendered by him in connexion with the harbour. Rates for use of warehouses &c.

35 11. If and so long as the Undertaker 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 he shall be entitled to make and recover such reasonable charges as he may think fit not exceeding the rates specified for that purpose in the schedule to this Order for pure and wholesome water supplied 40 by him. Supply of water for vessels.

12. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the Lifeboat crews exempt from rates.

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A.D. 1911. crew of the lifeboat or to the coastguard or being persons for the
Port Gordon. time being actually employed in saving life or in exercising or using
the lifeboat or the apparatus for saving life and also all persons
brought ashore from any vessel in distress shall at all times have
free ingress passage and egress through to or along and on and from 5
the harbour without payment.

Power to con- 13. The Undertaker may confer vary or extinguish exemptions
fer exemp- from and compound with any person with respect to the payment of
tions from the rates authorised by this Order but so that no preference be in any
rates &c. case given to any person over any other person using the harbour 10
under like circumstances and that anything done under this section
shall not prejudice the other provisions of this Order.

Certain fish- 14. Fishing vessels belonging to countries with which for the time
ing vessels being treaties exist exempting from duties and port charges those
under stress vessels when forced by stress of weather to seek shelter in the ports 15
of weather or on the coast of the United Kingdom shall when forced by stress
from exempt of weather to make use of the harbour and not breaking bulk while
rates. making use thereof be exempt from rates leviable under this Order.

Annual 15.—(1) The Undertaker shall within one month after sending to
account to the principal sheriff clerk the copy of his annual account in abstract 20
be sent to send a copy of the same to the Board of Trade and the sixteenth
Board of section of the General Pier and Harbour Act 1861 Amendment Act
Trade. shall apply to and include any such account.

(2) The account shall be made up to the end of the thirty-first
day of March in each year. 25

(3) The Undertaker shall as from the expiration of that month
be liable to a penalty not exceeding twenty pounds for every week
or part of a week during which he refuses or neglects to comply
with this section.

Board of 16. If at any time it appears to the Board of Trade from the 30
Trade may annual account to be sent to them under this Order that the clear
reduce rates. annual income derived from the rates leviable by the Undertaker on
the average of the then three last preceding years after payment of
all expenses and outgoings exceeds interest at the rate of ten pounds
per centum per annum on the entire sum from time to time appearing 35
to the Board of Trade to have been expended by the Undertaker in
constructing the harbour and the works appurtenant thereto the Board
may if in their discretion they think fit reduce the rates leviable
under this Order to such amounts as will be sufficient to provide the
aforesaid interest at the rate of ten pounds per centum per annum 40
and may again at any time raise the rates to any amount not
exceeding the rates specified in the schedule to this Order.

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Life-saving Apparatus.

A.D. 1911.

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

Port Gordon.
Provision of
life-saving
apparatus.

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

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

18. 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 piers or other works connected with the harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour and the works connected therewith.

Life-saving
apparatus
may be
attached
to piers.

19. The Undertaker shall at all times keep at convenient places on the piers or adjoining the harbour and in obedience to any requirements which may be made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use.

Lifebuoys
to be kept.

Lights.

20.—(1) The Undertaker shall exhibit at the outer extremities of the piers and in such other places (if any) as the Commissioners of Northern Lighthouses may require 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 within three months after the commencement of this Order apply to those Commissioners for such directions.

Lights on
works.

(2) The Undertaker shall be liable to a penalty not exceeding ten pounds for every day after the expiration of the period aforesaid during which he omits so to apply and for every day during which he refuses or neglects to observe or comply with any such direction.

21.—(1) In case of injury to or destruction or decay of any of the piers or other works connected with the harbour the Undertaker shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may be) danger to navigation as may from

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

A.D. 1911. time to time be directed by the Commissioners of Northern Lighthouses
Port Gordon. and shall apply to those Commissioners for directions as to the means
to be taken.

(2) The Undertaker shall be liable to a penalty not exceeding ten pounds for every day during which he omits so to apply or refuses or neglects to observe or comply with any such directions. 5

Miscellaneous.

Application
of Harbours
Act.

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

Exemption
of Govern-
ment depart-
ments.

23. Sections 28 and 99 of the Harbours Act 1847 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. 10

Recovery of
penalties.

24. All penalties under this Order shall be recoverable and applied as penalties are recoverable and applicable under the Harbours Act 1847. 15

Repeal.

25.—(1) Section 10 of the Act of 1854 and Schedule A annexed to that Act are hereby repealed.

(2) The repeal in the preceding subsection contained shall not prejudice or affect the recovery of any dues rates and moneys which had been incurred or become leviable before the commencement of this Order under the Act of 1854 and all such dues rates and moneys may be levied received and recovered in like manner as if this Order had not been made and notwithstanding such repeal all the provisions of the Act of 1854 relating to the rates leviable under that Act (including the provisions with respect to the security over rates for borrowed money) shall apply to the rates authorised to be levied under this Order. 20 25

Harbour to be in
parish of Rathven
in county of
Banff.

26. The harbour shall be deemed to be for all purposes within the parish of Rathven in the county of Banff. 30

Costs of
Order.

27. All the costs charges and expenses of and incident to preparing and obtaining this Order or otherwise incurred in relation thereto shall be paid by the Undertaker.

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SCHEDULE referred to in the foregoing Order.

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Port Gordon.

I.—RATES ON VESSELS ENTERING OR USING THE HARBOUR EXCLUSIVE
OF THEIR CARGOES.

I.—TONNAGE RATES. £ s. d.

5	For every vessel loading cargo for any port or place on the east coast of Scotland including the Orkney and Shetland Islands per register ton	-	-	-	-	0	0	4
	For every vessel discharging cargo from any port or place on the east coast of Scotland including the Orkney and							
10	Shetland Islands per register ton	-	-	-	-	0	0	4
	For every vessel from a port or place on the east coast of Scotland including the Orkney and Shetland Islands light or in ballast or windbound or not loading or discharging per register ton	-	-	-	-	0	0	2
15	For every vessel loading cargo for any other port or place in Great Britain or Ireland per register ton	-	-	-	-	0	0	6
	For any vessel discharging cargo from any other port or place in Great Britain or Ireland per register ton	-	-	-	-	0	0	6
20	For every vessel from a port or place in Great Britain or Ireland not on the east coast of Scotland or in the Orkney or Shetland Islands light or in ballast or windbound or not loading or discharging per register ton	-	-	-	-	0	0	3
	For every vessel loading cargo for an oversea port per register ton	-	-	-	-	0	0	8
25	For every vessel discharging cargo from an oversea port per register ton	-	-	-	-	0	0	8
	For every vessel from an oversea port light or in ballast or windbound or not loading or discharging per register ton	-	-	-	-	0	0	4
30	For every yacht not carrying goods or passengers for hire per register ton	-	-	-	-	0	0	3
	Boats or unregistered vessels carrying cargo other than fish to pay tonnage rates according to their capacity as above.							
35	In the event of any vessel remaining in the harbour more than a week the above rates shall be payable for each week or part thereof after the first week unless windbound when one-half only of the above rates shall be payable.							

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Port Gordon.

II.—RATES ON FISHING BOATS.

	£	s.	d.
For every boat other than a steam trawler steam drifter or steam liner of a gross tonnage of more than 30 tons engaged in the herring fishery as a composition in full of tonnage rates for the period of each herring fishing season payable in advance before 1st September in each year:—			5
If under 15 tons register	-	-	1 5 0
If 15 tons register or above	-	-	1 10 0
For every boat other than a steam trawler steam drifter or steam liner of a gross tonnage of more than 30 tons engaged in the white fishery or any other fishery than the herring fishery as a composition for any of the following fishing seasons payable in advance before the commencement of such season respectively:—			15
For the season from—			
1st September to 1st January -	-	-	1 0 0
1st January to 1st April -	-	-	1 0 0
1st April to 1st July -	-	-	0 10 0
For every steam trawler steam drifter and steam liner of a gross tonnage of more than 30 tons as a composition for any one year commencing on 1st September payable in advance before 1st September in each year	-	-	7 0 0
For every boat engaged in the herring fishery the white fishery or other fishery for which the above composition dues shall not have been paid before the day on which the same is payable in advance as a composition for any one year commencing on 1st September payable on the first occasion after the day on which the season commences when it loads or unloads any fish in the harbour:—			25
If sailing boat over 30 feet keel	-	-	5 0 0
If sailing boat under 30 feet keel	-	-	1 10 0
For every boat loading or discharging herrings or white or other fish and not paying the above composition dues for each occasion on which it loads or unloads any fish in the harbour:—			30
If under 15 tons register	-	-	0 2 0
If 15 tons register or above	-	-	0 3 0
			40

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	£	s.	d.	A.D. 1911.
For every boat engaged in the herring or white or other fishery and not paying the above composition dues wind-bound for each occasion on which it uses the harbour:—				<u>Port Gordon.</u>
5 If under 15 tons register - - - - -	0	1	0	
If 15 tons register or above - - - - -	0	1	6	
For every steam trawler steam drifter or steam liner of a gross tonnage of more than 30 tons and not paying the above composition dues for each occasion on which it				
10 uses the harbour - - - - -	0	5	0	
For every boat or fishing vessel other than as above entering the harbour:—				
If under 15 tons register - - - - -	0	2	0	
If 15 tons register or above - - - - -	0	4	0	
15 In the event of any boat or fishing vessel which has not paid composition dues remaining in the harbour more than twenty-four hours the above rates shall be payable for each twenty-four hours or part thereof after the first twenty-four hours In the event of any boat or fishing vessel which has not paid composition				
20 dues being laid up on the beach one-half of the above rates shall be payable for each twenty-four hours or part thereof after the first twenty-four hours.				

General Note.

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

When a vessel enters the harbour with a cargo and leaves the harbour with a new cargo only one charge for tonnage rates shall be made the harbour authority having the option to charge either the rates for loading or the rates for discharging.

30 II.—RATES ON ANIMALS AND GOODS SHIPPED TRANSHIPPED OR UNSHIPPED AT THE HARBOUR.

	s.	d.
Aerated water all kinds - - - - - per ton	1	8
Ale porter and beer - - - - - per 50 gallons	1	0
35 " " " (bottled) - - - - - per cwt.	0	2
Alkali - - - - - per ton	1	6
Alum - - - - - per cwt.	0	1 $\frac{3}{4}$
Ammonia water - - - - - per ton	1	0
Anchors - - - - - per ton	5	0
40 Animalised carbon - - - - - per ton	1	0
Ashes - - - - - per ton	2	0
Asphalte or bitumen - - - - - per ton	1	3

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A.D. 1911.								<i>s. d.</i>	
Port Gordon.	Bacon or hams	-	-	-	-	per ton	3	4	
	Ballast shipped	-	-	-	-	per ton	0	2	
	„ unshipped	-	-	-	-	per ton	1	0	
	Barilla	-	-	-	-	per ton	3	0	5
	Bark in bulk	-	-	-	-	per ton	2	6	
	Barrels empty herring	-	-	-	-	each	0	1	
	Barytes	-	-	-	-	per ton	1	6	
	Baskets under twelve inches diameter	-	-	-	-	per dozen	0	6	
	„ above „ „ „	-	-	-	-	per dozen	1	0	10
	Basket rods	-	-	-	-	per cwt.	0	2	
	Beef or pork (fresh or salt)	-	-	-	-	per ton	3	6	
	Beer black or spruce	-	-	-	-	per 3 gallons	0	2	
	Billiard table	-	-	-	-	per cwt.	0	2	
	Bicycles or tricycles	-	-	-	-	each	0	3	15
	Biscuits	-	-	-	-	per ton	3	0	
	Blacking	-	-	-	-	per cwt.	0	6	
	Bleaching salts	-	-	-	-	per cwt.	0	2 $\frac{1}{4}$	
	Blood of cattle	-	-	-	-	per ton	1	0	
	Blubber	-	-	-	-	per 252 gallons	3	0	20
	Boats and cobbles:—								
	Under 12 feet keel	-	-	-	-	each	1	6	
	12 feet to 14 feet keel	-	-	-	-	each	2	0	
	14 feet to 16 feet keel	-	-	-	-	each	2	6	
	16 feet to 18 feet keel	-	-	-	-	each	3	0	25
	18 feet to 20 feet keel	-	-	-	-	each	3	6	
	20 feet keel and above	-	-	-	-	each	5	0	
	Bones (crushed or uncrushed)	-	-	-	-	per ton	1	6	
	Books and stationery	-	-	-	-	per cwt.	0	4	
	Boots	-	-	-	-	per ton	3	0	30
	Bottles	-	-	-	-	per cwt.	0	4	
	„ (broken)	-	-	-	-	per ton	0	6	
	Boxes (empty)	-	-	-	-	each	0	1	
	Boxwood	-	-	-	-	per cwt.	0	1 $\frac{3}{4}$	
	Bran	-	-	-	-	per ton	1	0	35
	Brass	-	-	-	-	per ton	2	0	
	Bricks	-	-	-	-	per 1000	1	0	
	Brimstone	-	-	-	-	per ton	2	0	
	Bristles	-	-	-	-	per cwt.	0	9	
	Brooms (common)	-	-	-	-	per dozen	0	2	40
	Bulrushes	-	-	-	-	per cwt.	0	8	
	Butter	-	-	-	-	per cwt.	0	3	
	Calamine or zinc ore	-	-	-	-	per ton	1	0	
	Candles	-	-	-	-	per ton	3	6	
	Canvas	-	-	-	-	per cwt.	0	2	45
	Carpets rugs and upholstery articles	-	-	-	-	per ton	2	6	

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			<i>s.</i>	<i>d.</i>	A.D. 1911.
	Cane reeds	- - - - -	per cwt.	0 3	Port Gordon.
	Carboys (empty)	- - - - -	each	0 1	
	Carriages with springs under 5 cwt.	- - - - -	each	2 6	
5	„ 5 cwt. and under 7½ cwt.	- - - - -	each	5 0	
	„ 7½ cwt. and under 10 cwt.	- - - - -	each	7 6	
	„ 10 cwt. and above	- - - - -	each	10 0	
	Carrots	- - - - -	per ton	1 0	
	Carts and waggons without springs	- - - - -	per ton	2 6	
10	Casks boxes sacks and kits (empty) except returned empties as provided for in the notes to this schedule	- - - - -	each	0 1	
	Cattle viz. :—				
	Bulls cows and oxen	- - - - -	each	1 6	
15	Calves	- - - - -	each	0 6	
	Horses	- - - - -	each	2 0	
	Ponies under 12 hands	- - - - -	each	1 0	
	Asses or mules	- - - - -	each	1 0	
	Pigs	- - - - -	each	0 6	
20	Sheep and lambs and goats	- - - - -	each	0 3	
	Small cattle	- - - - -	each	0 8	
	Cattle foods and feeding stuffs not enumerated	- - - - -	per ton	3 0	
	Cement	- - - - -	per ton	1 6	
	Chalk	- - - - -	per ton	1 6	
25	Cheese	- - - - -	per ton	3 0	
	Chimney tops	- - - - -	each	0 1	
	China	- - - - -	per ton	2 6	
	Chocolate	- - - - -	per cwt.	1 0	
	Chrome ore	- - - - -	per ton	1 0	
30	Cider	- - - - -	per 3 gallons	0 0½	
	Cinders and charcoal	- - - - -	per ton	0 9	
	Clay viz. china or stone	- - - - -	per ton	1 0	
	Clay pipes	- - - - -	per ton	1 0	
	Clocks	- - - - -	each	1 0	
35	Clothing haberdashery silk mercery &c. not otherwise enumerated	- - - - -	per ton	3 0	
	Coals	- - - - -	per ton	0 9	
	„ bunker	- - - - -	per ton	0 2	
	Cocoa	- - - - -	per cwt.	1 0	
40	Cocoa nuts	- - - - -	per 100	0 4	
	Coffee	- - - - -	per cwt.	0 3	
	Coke	- - - - -	per ton	0 10	
	Confections of all kinds	- - - - -	per cwt.	0 2	
	Copper	- - - - -	per ton	5 0	
45	„ old	- - - - -	per ton	2 0	
	„ ore	- - - - -	per ton	1 0	

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(No. 1).

A.D. 1911.		s.		d.	
<i>Port Gordon.</i>	Copperas - - - - -	per cwt.	0	1	$\frac{3}{4}$
	Coprolites - - - - -	per ton	1	0	
	Colours - - - - -	per cwt.	0	1	$\frac{3}{4}$
	Cordage - - - - -	per ton	5	0	5
	„ old not in use - - - - -	per ton	1	0	
	Corkwood and corks - - - - -	per ton	6	6	
	Corn viz. :—				
	Barley and bigg - - - - -	per quarter	0	3	
	Bere - - - - -	per quarter	0	3	10
	Beans - - - - -	per quarter	0	3	
	Indian corn - - - - -	per quarter	0	3	
	Malt - - - - -	per quarter	0	3	
	Oats - - - - -	per quarter	0	3	
	Pease - - - - -	per quarter	0	3	15
	Rye - - - - -	per quarter	0	3	
	Wheat - - - - -	per quarter	0	4	
	Cotton wool &c. - - - - -	per ton	5	0	
	Crystal - - - - -	per ton	5	0	
	Cutch - - - - -	per ton	3	4	20
	Dogs - - - - -	each	0	6	
	Draff and dreg - - - - -	per ton	0	4	
	Drugs - - - - -	per cwt.	0	4	
	Dung - - - - -	per ton	0	4	
	Earthenware - - - - -	per ton	2	6	25
	Eggs - - - - -	per ton	3	6	
	Emery and emery stones - - - - -	per cwt.	0	3	
	Esparto grass - - - - -	per ton	1	0	
	Feathers - - - - -	per ton	10	0	
	Felt - - - - -	per ton	2	6	30
	Ferrets - - - - -	each	0	1	
	Fish (other than herrings) dried smoked or cured - - - - -	per ton	3	4	
	Fish (other than herrings) pickled or salt - - - - -	per ton	3	4	
	Fish fresh haddock cod ling and fish not enumerated - - - - -	per ton	3	4	35
	Fish large fresh cod ling and skate - - - - -	per score	0	6	
	(Note.—The Undertakers to have the option of charging on fish of all kinds 4d. per ll. value in lieu of the rates above detailed.)				40
	Fish offal - - - - -	per ton	0	6	
	Flax - - - - -	per ton	4	2	
	Flour - - - - -	per ton	2	8	
	Flower roots - - - - -	per cwt.	0	2	45
	Flint stones - - - - -	per ton	0	6	

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(No. 1).

					s.	d.	A.D. 1911.
Fruit viz.:							
	Apples pears and berries	-	-	-	per cwt.	0 3	Port Gordon.
	Plums cherries and grapes	-	-	-	per cwt.	0 4	
	Melons	-	-	-	per cwt.	0 2	
5	Peaches	-	-	-	per 100	0 2	
	All not enumerated	-	-	-	per 10l. value	0 10	
	Furniture household	-	-	-	per ton	2 6	
	Furriers' waste	-	-	-	per ton	0 4	
Game viz.:-							
10	Hares	-	-	-	each	0 2	
	Rabbits	-	-	-	each	0 1	
	All others	-	-	-	each	0 2	
	Gelatine of scrows	-	-	-	per ton	2 0	
	Ginger	-	-	-	per cwt.	0 3	
15	„ preserved	-	-	-	per cwt.	0 6	
	Glass of all descriptions	-	-	-	per cwt.	0 2	
	Glue	-	-	-	per cwt.	0 4	
	Grates stoves &c.	-	-	-	per ton	3 6	
	Grease	-	-	-	per ton	2 6	
20	Groceries all kinds not enumerated	-	-	-	per cwt.	0 3	
	Gunpowder and other explosives	-	-	-	per cwt.	0 3	
	Guano	-	-	-	per ton	1 6	
	Gypsum ground	-	-	-	per ton	1 0	
	„ unground	-	-	-	per ton	0 6	
25	Hairs all kinds baken	-	-	-	per cwt.	0 4½	
	„ „ plasterers'	-	-	-	per ton	2 0	
	Hardware	-	-	-	per cwt.	0 2	
	Hats	-	-	-	per dozen	0 5	
	Hay	-	-	-	per ton	2 6	
30	Heading	-	-	-	per 1000	0 2	
	Hemp	-	-	-	per ton	3 6	
	Herrings imported	-	-	-	per 37½ gallons	0 3	
	„ exported	-	-	-	per 26⅔ gallons	0 3	
	Hides raw	-	-	-	per cwt.	0 4	
35	Honey	-	-	-	per cwt.	0 3	
	Hoops of wood	-	-	-	per 1000	0 10	
	Hops	-	-	-	per cwt.	0 6	
	Horns slugs and tips	-	-	-	per 1000	1 8	
Husbandry implements viz.:-							
40	Ploughs	-	-	-	each	0 9	
	Harrow	-	-	-	per pair	0 9	
	Wheelbarrows	-	-	-	each	0 4	
	Other implements	-	-	-	per ton	2 6	
	Ice	-	-	-	per ton	1 0	

A.D. 1911.		Iron viz. :—				s. d.	
Port Gordon.	Bar plate bolt and rod	-	-	-	per ton	2	0
	Forged	-	-	-	per ton	3	4
	Hoops	-	-	-	per ton	3	9
	Made work	-	-	-	per ton	5	0
	Old	-	-	-	per ton	1	3
	Old and broken goods	-	-	-	per ton	0	6
	Pots	-	-	-	each	0	1
	Cast-iron goods	-	-	-	per ton	2	6
	Wire	-	-	-	per cwt.	0	4
	Ore	-	-	-	per ton	0	2
	Pig	-	-	-	per ton	1	0
	Junk or old ropes	-	-	-	per ton	1	0
	Jute	-	-	-	per ton	1	0
	Kelp	-	-	-	per ton	1	0
	Kiln pavement	-	-	-	per 30 feet	0	4
	Lard	-	-	-	per ton	2	0
	Lead	-	-	-	per ton	3	0
	„ black	-	-	-	per ton	2	0
	„ ore	-	-	-	per ton	2	0
	„ red and white	-	-	-	per ton	2	0
	„ shot	-	-	-	per ton	3	0
	„ sugar of	-	-	-	per cwt.	0	2
	Leather tanned and dressed	-	-	-	per cwt.	0	3
	Lemons	-	-	-	per cwt.	0	4
	Lime	-	-	-	per ton	0	10
	Linen yarn	-	-	-	per ton	2	6
	Linseed	-	-	-	per ton	1	0
	Loam	-	-	-	per ton	0	4
	Locust beans whole or ground	-	-	-	per ton	1	0
	Machinery	-	-	-	per cwt.	0	2
	Madder ground	-	-	-	per ton	2	6
	„ root	-	-	-	per ton	2	6
	Manganese	-	-	-	per ton	1	0
	Mangold wurzel	-	-	-	per ton	0	6
	Manures manufactured and not otherwise enumerated	-	-	-	per ton	1	6
	Matches	-	-	-	per ton	2	0
	Mats and basses	-	-	-	per dozen	0	1
	Meal viz. :—						
	Bere meal	-	-	-	per ton	1	6
	Maize meal	-	-	-	per ton	1	6

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					s.	d.	A.D. 1911:	
Meal—cont.								
	Oatmeal	-	-	-	per ton	1	6	Port Gordon.
	Peasemeal	-	-	-	per ton	1	6	
	Mill waste	-	-	-	per ton	2	0	
5	Molasses	-	-	-	per ton	2	0	
	Moss litter	-	-	-	per ton	1	0	
	Mussels	-	-	-	per ton	0	6	
	Musical instruments not enumerated	-	-	-	per ton	2	6	
	Nails iron or copper	-	-	-	per ton	1	0	
10	Nuts all kinds (except cocoa)	-	-	-	per cwt.	0	3	
	Nutmeg	-	-	-	per ton	2	3	
	Oakum	-	-	-	per ton	3	0	
	Ochre	-	-	-	per cwt.	0	1½	
	Oils all kinds	-	-	-	per ton	3	0	
15	Oilcake	-	-	-	per ton	3	0	
	Onions	-	-	-	per cwt.	0	3	
	Oranges	-	-	-	per cwt.	0	4	
	Oysters	-	-	-	per cwt.	0	3	
	Peats	-	-	-	per ton	0	6	
20	Paper	-	-	-	per cwt.	0	2	
	Pewter	-	-	-	per ton	2	0	
	„ old	-	-	-	per ton	1	8	
	Pianos	-	-	-	per 10l. value	1	0	
	Pictures under two feet square	-	-	-	each	0	6	
25	„ two feet and under four feet	-	-	-	each	1	0	
	„ four feet and upwards	-	-	-	each	2	0	
	Pigs' heads	-	-	-	per cwt.	0	0¼	
	Pipes drain under three inches diameter	-	-	-	per 1000	0	6	
	„ „ above „ „ „	-	-	-	per 1000	0	9	
30	„ collars	-	-	-	per 1000	0	3	
	„ spigot and faucet clay glazed	-	-	-	per ton	1	0	
(Note.—Drain tiles and mugs one-third less.)								
	Pipes tobacco	-	-	-	per cwt.	0	4	
	Pitch	-	-	-	per cwt.	0	2	
35	Plaster of paris	-	-	-	per ton	2	8	
	Plants nursery and garden all kinds	-	-	-	per cwt.	0	4	
	Potatoes	-	-	-	per ton	1	4	
	Poultry all kinds	-	-	-	each	0	1	
	Provisions preserved all kinds	-	-	-	per cwt.	0	2	
40	Pumice stones	-	-	-	per cwt.	0	3	
	Pyrites	-	-	-	per ton	0	6	
	„ burned or spent	-	-	-	per ton	0	3	
	Rags	-	-	-	per ton	2	0	
	Rails composite steel or iron	-	-	-	per ton	1	0	

A.D. 1911.							s.	d.		
<i>Port Gordon.</i>	Rice	-	-	-	-	-	per cwt.	0	2	
	Rosin	-	-	-	-	-	per ton	2	6	
	Saddlery all kinds	-	-	-	-	-	per cwt.	0	3	
	Sails	-	-	-	-	-	per cwt.	0	6	5
	Salt in bulk	-	-	-	-	-	per ton	1	0	
	" rock	-	-	-	-	-	per ton	0	9	
	" saltpetre and Glauber salt	-	-	-	-	-	per ton	3	4	
	" in barrel including dues of barrel	-	-	-	-	-	per ton	1	4	
	Salmon	-	-	-	-	-	per cwt.	0	6	10
	Seed viz:—									
	Rape and flax	-	-	-	-	-	per cwt.	0	3	
	Clover	-	-	-	-	-	per cwt.	0	3	
	Garden seeds	-	-	-	-	-	per cwt.	0	3	15
	Hemp and canary	-	-	-	-	-	per cwt.	0	3	
	Rye grass	-	-	-	-	-	per ton	3	4	
	Shoes of all kinds	-	-	-	-	-	per ton	3	0	
	Sheep skins with wool	-	-	-	-	-	per cwt.	0	3	
	" pelts	-	-	-	-	-	per cwt.	0	2	
	Slates	-	-	-	-	-	per 1000	2	0	20
	Snuff	-	-	-	-	-	per cwt.	0	6	
	Soap	-	-	-	-	-	per ton	2	0	
	Soda	-	-	-	-	-	per ton	1	6	
	Spades or shovels	-	-	-	-	-	per doz.	0	1	
	Spirits of all kinds	-	-	-	-	-	per 50 gallons	1	0	25
	Starch	-	-	-	-	-	per cwt.	0	3	
	Steel	-	-	-	-	-	per ton	3	0	
	Straw	-	-	-	-	-	per ton	1	0	
	Stones viz:—									
	Hewn ashlar	-	-	-	-	-	per ton	1	6	30
	Rough ashlar	-	-	-	-	-	per ton	1	0	
	Freestone building	-	-	-	-	-	per ton	0	5	
	Polished granite	-	-	-	-	-	per ton	2	6	
	Causeway granite or whinstone	-	-	-	-	-	per ton	0	3	
	Kerb pavement and building	-	-	-	-	-	per ton	0	5	35
	Rubble and chips	-	-	-	-	-	per ton	0	2	
	Rigging stones	-	-	-	-	-	per 100 feet	1	6	
	Flagstones	-	-	-	-	-	per ton	0	9	
	Gravestones	-	-	-	-	-	each	3	0	
	Marble	-	-	-	-	-	per ton	3	0	40
	Scythe stones	-	-	-	-	-	per cwt.	0	2	
	Grindstones	-	-	-	-	-	each	0	4	
	Millstones	-	-	-	-	-	each	3	0	
	All other descriptions except flint	-	-	-	-	-	per ton	1	0	
	Stucco	-	-	-	-	-	per ton	1	8	45
	Sugar raw	-	-	-	-	-	per ton	2	8	

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		s.	d.	A.D. 1911.
	Sugar refined - - - - -	per ton	3 4	Port Gordon.
	Stoneware all kinds - - - - -	per cwt.	0 2	
	Tallow - - - - -	per ton	3 0	
5	Tanners' waste - - - - -	per ton	1 1	
	Tar coal - - - - -	- per 39 gallons	0 4	
	Tar Archangel - - - - -	per 26½ gallons	0 4	
	Tares - - - - -	per ton	1 6	
	Tea - - - - -	per cwt.	0 6	
10	Terra alba or sulphate of lime - - - - -	per ton	1 0	
	Tiles roofing - - - - -	per 1000	1 0	
	Tin of all kinds - - - - -	per ton	2 0	
	Tin plates - - - - -	per ton	2 0	
	Tobacco in leaf - - - - -	per cwt.	0 2¼	
15	Tobacco manufactured - - - - -	per 100 lbs.	0 4½	
	Tobacco stalks - - - - -	per cwt.	0 3	
	Tongues smoked - - - - -	per doz.	0 1½	
	Tongues pickled - - - - -	per cwt.	0 4	
	Toys - - - - -	per cwt.	0 3	
20	Turnery - - - - -	- per 10l. value	0 10	
	Turnips - - - - -	per ton	0 6	
	Turpentine - - - - -	per cwt.	0 2	
	Twine - - - - -	per cwt.	0 3	
	Tow all kinds - - - - -	per ton	3 0	
25	Umber - - - - -	per ton	1 0	
	Vases or sculptured marble - - - - -	per cwt.	0 3	
	Vinegar - - - - -	- per 56 gallons	1 0	
	Vitriol and acids - - - - -	per cwt.	1 0	
	Varnish - - - - -	per cwt.	0 2	
30	Veneers all kinds - - - - -	per cwt.	0 4	
	Vegetables - - - - -	per ton	0 6	
	Wax paraffin - - - - -	per ton	2 0	
	Whalebone or whalefins - - - - -	per ton	3 4	
	Wheels coach carriage or cart - - - - -	per pair	0 9	
35	Whitening - - - - -	per ton	0 10	
	Willow reeds - - - - -	per cwt.	0 2	
	Wine - - - - -	per gallon	0 0¼	
	Wine bottled - - - - -	per cwt.	0 6	
	Wire rope - - - - -	per ton	1 6	
40	Wood viz.:—			
	Fir larch beech oak ash elm and all other			
	hard woods rough or round or in plank			
	or sides - - - - -	per 50 cubic feet	1 0	
	Masts and spars - - - - -	per 50 cubic feet	1 0	
45	Fir deals planks and boards or battens	per 50 cubic feet	1 0	
	Railway sleepers - - - - -	per 50 cubic feet	1 0	

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(No. 1).

A.D. 1911. Wood— <i>cont.</i>		<i>s. d.</i>				
<i>Port Gordon.</i>	Lathwood sawn	-	-	per 1000 superficial feet	1 0	
	Cartwheel spokes and felloes	-	-	per 40 pieces	0 3	
	Wedges	-	-	per 1000 pieces	1 0	
	Pit props not exceeding 6 inches in average diameter	-	-	per 50 cubic feet	0 9	5
	Wainscot	-	-	per 50 cubic feet	1 3	
	Deal ends 3 inches thick and under 4 feet in length and firewood	-	-	per 50 cubic feet	0 6	
	Rickers under 30 feet in length and under 4 inches diameter	-	-	per doz.	0 3	10
	Oars	-	-	per doz.	0 4	
	Handspokes	-	-	per doz.	0 4	
	Treenails	-	-	per 1000	1 6	
	Wood by weight:—					15
	Bar wood box wood Brazil wood cam wood ebony fustic lignum vitæ logwood Nicaragua wood red wood sassafras &c.	-	-	per ton	2 0	
	Mahogany	-	-	per 40 cubic feet or ton	2 0	
	Wood staves and billets:—					20
	Herring barrel billets	-	-	per 50 cubic feet	1 8	
Herring barrel staves	-	-	per 1000 superficial feet	1 2		
Wood of all other kinds not enumerated	-	-	per ll. value	0 4		
Wood pulp	-	-	per ton	1 6		
Wool	-	-	per ton	5 0	25	
Yarn viz.:—						
Lint and cotton	-	-	per ton	4 6		
Hemp	-	-	per ton	3 6		
Worsted	-	-	per ton	4 6		
Yeast	-	-	per ton	2 0	30	
Zinc	-	-	per ton	0 2		

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

All rates on goods to be shipped to be paid before shipment and all rates on goods to be unshipped to be paid before removal. **35**

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.

EXEMPTIONS &C. FROM RATES. **40**

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

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(No. 1).

2. All goods landed from any vessel and re-shipped in the same or another vessel in the original packages and without being transferred from the lander or if the said goods have been put into other packages through the original packages having been destroyed or damaged shall 5 shall only pay rates on landing and may be re-shipped in the same or another vessel upon her departure outwards without paying rates again.

A.D. 1911.
Port Gordon.

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

10 III.—RATES FOR THE USE OF SHEDS CRANES WEIGHING MACHINES
WARPS &c.

(1) *Sheds.*

For each ton of goods which shall remain in any shed or on any quay or pier for a period not exceeding 24 hours the sum of three- 15 pence and the further sum of three halfpence per ton for each day or part of a day during which such goods shall remain after the first 24 hours.

(2) *Cranes.*

			<i>s.</i>	<i>d.</i>
20	All goods or packages not exceeding 1 ton	-	-	0 3
	Exceeding 1 ton and not exceeding 2 tons	-	-	0 4
	Exceeding 2 tons and not exceeding 3 tons	-	-	0 6
	Exceeding 3 tons and not exceeding 4 tons	-	-	0 8
	Exceeding 4 tons and not exceeding 5 tons	-	-	0 10
25	Exceeding 5 tons and not exceeding 6 tons	-	-	1 0
	Exceeding 6 tons and not exceeding 7 tons	-	-	1 2
	Exceeding 7 tons and not exceeding 8 tons	-	-	1 4
	Exceeding 8 tons and not exceeding 9 tons	-	-	1 8
	Exceeding 9 tons and not exceeding 10 tons	-	-	2 0
30	Exceeding 10 tons	-	-	3 0

(3) *Weighing Machines.*

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

(4) *Warps or Planks.*

	Harbour warps all vessels per register ton	-	-	0 0 $\frac{1}{4}$
	Harbour planks long per pair	-	-	3 0
	Harbour planks short per pair	-	-	1 0
40	The long planks to be paid for by vessel and short planks by merchants.			

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(No. 1).

A.D. 1911.

(5) *Water Money.*

	<i>s.</i>	<i>d.</i>
For each 25 gallons or part of 25 gallons - - -	0	1½

(6) *Harbour Lights.*

For every fishing boat under 30 tons gross tonnage payable in advance per season - - - - -	1	6	5
For every fishing boat of 30 tons gross tonnage or above payable in advance per season - - - - -	3	0	
For all other boats each - - - - -	0	6	
For every ship entering the harbour per register ton - - -	0	0¼	10

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

(7) *Ballast.*

15

For all ballast supplied by the Undertaker to vessels within the harbour per ton - - - - -	0	2
For all ballast discharged from vessels within the harbour per ton - - - - -	1	0

IV.—RATES ON PASSENGERS AND PASSENGERS' LUGGAGE.

20

For every passenger landed or embarked at the harbour -	0	2
Passengers' luggage exceeding two hundredweight in weight per cwt. - - - - -	0	2

Pier and Harbour Orders Confirmation (No. 1). [H.L.]

A.

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Banff Gardenstown and Port Gordon.

The Lord Hamilton of Dalzell.

Ordered to be printed 8th May 1911.

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[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 1
(No. 2). [H.L.]

A

B I L L

INTITULED

An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Brighton Portsmouth and Southend-on-Sea. A.D. 1911.

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.

5 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:

10 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:—

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

2. This Act may be cited as the Pier and Harbour Orders Confirmation (No. 2) Act 1911. Short title.

A.D. 1911.

The SCHEDULE of Orders.

1. BRIGHTON.—Widening of the Brighton Marine Palace and Pier &c.
 2. PORTSMOUTH.—Construction of subsidiary works in connexion with the Camber Dock and Flathouse Wharf &c. 5
 3. SOUTHEND-ON-SEA.—Construction of a loading pier and abandonment of existing loading pier &c.
-

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 3
(No. 2).

BRIGHTON MARINE PALACE AND PIER. A.D. 1911.

Order authorising a widening of the Brighton Marine Palace and Pier in the County Borough of Brighton in the County of Sussex and for other purposes. Brighton.

5 *Preliminary.*

1. This Order may be cited as the Brighton Marine Palace and Pier Order 1911. Short title.

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

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

15 "The Act of 1888" means the Brighton Marine Palace and Pier Act 1888 ;

"The Act of 1899" means the Brighton Marine Palace and Pier Act 1899 ;

"The Company" means the Brighton Marine Palace and Pier Company incorporated by the Act of 1888 ;

20 "The corporation" means the mayor aldermen and burgesses of the county borough of Brighton ;

"The pier" means and includes as well the existing pier and works of the Company constructed under the authority of the Act of 1888 and the Acts amending the same as the widening and works authorised by this Order ;

25 "The Harbours Act 1847" means the Harbours Docks and Piers Clauses Act 1847.

Undertakers.

4. The Company shall be the Undertakers for carrying this Order into execution. Undertakers.

Limits.

5.—(1) The limits within which the Company shall have authority and within which the powers of the pier-master may be exercised shall comprise the pier and an area below high-water mark within a distance of one hundred yards in any direction from the southern extremity of the pier head and are in this Order called "the limits of this Order." Limits of Order.

4 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
(No. 2).

A.D. 1911. (2) The limits within which the power to levy rates under the Act of
Brighton. 1888 and this Order may be exercised shall comprise the pier.

Works and Powers.

Construction of works. 6. The Company may subject to the provisions of this Order construct according to the lines and levels shown on the plan and section deposited with reference to this Order and maintain the works authorised by this Order. 5

Description of works. 7. The works authorised by this Order are the following (that is to say):—

(1) A widening or extension of the existing pier on both sides thereof commencing at a point two hundred and sixty-six feet or thereabouts from the junction of the shore end of the existing pier with Marine Parade above low-water mark and extending three hundred and eleven feet or thereabouts seawards therefrom: 10 15

(2) A further widening or extension of the existing pier on both sides thereof commencing at a point nine hundred and twenty-six feet or thereabouts from the junction of the shore end of the existing pier with Marine Parade and extending one hundred and ninety-one feet or thereabouts seawards therefrom: 20

(3) A new landing or bathing stage on the east side of the head of the pier:

(4) The extension in a northerly direction of the existing landing stage on the west side of the pier head for the length of one hundred and fifty-five feet and of the existing landing stage on the east side of the pier head for a length of fifty-five feet. 25

The widenings authorised by this section shall be constructed upon piers or pillars and shall be open work except so far as they are otherwise shown upon the said plan or section. 30

Power to construct additional works. 8. In connexion with the works authorised by this Order the Company may erect construct and maintain whether temporarily or permanently all such piles caissons cofferdams passage-ways landing stages moorings buoys tollhouses gates and other works and conveniences as may be requisite or expedient for the purposes of or in connexion with the construction maintenance and use of the said works or for the purposes of this Order. 35

Consent of Board of Trade to works. 9. No part of the works authorised by this Order below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent. 40

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 5
(No. 2).

10.—(1) The Company may to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same deepen dredge scour and excavate any portion of the bed of the sea adjoining the existing landing stages at the pier head and the
5 extensions thereof respectively authorised by this Order. A.D. 1911.
Brighton.
Power to
dredge &c.

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

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

11.—(1) If within one year from the commencement of this Order the works authorised by this Order are not completed the powers given by this Order for executing the same or otherwise in relation
20 thereto shall cease. Powers to
cease in cer-
tain events.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for three consecutive months the powers by this Order given for executing the same or otherwise in relation thereto shall cease except as to so much of the
25 same as has then been completed unless those powers be extended and continued by the special direction of the Board of Trade.

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

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

13. The Company may maintain all buildings and conveniences now erected or being on the existing pier and may erect construct
40 furnish equip and maintain on that portion of the pier which is by section 7 (1) of this Order authorised to be widened a pavilion or building to be used as a winter garden and conveniences (which Erection of
pavilion &c.

6 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
(No. 2).

A.D. 1911. together with any existing buildings and conveniences are in this
Brighton. Order included in the expression "buildings") and may make such
reasonable charges as they think fit for the use of and admission to
buildings.

For pro-
tection of
corporation.

14.—(1) The works authorised by this Order shall be constructed 5
to the satisfaction of the borough surveyor of the corporation for the
time being and in accordance with plans sections elevations and
specifications to be previously submitted to and approved by the
corporation and the Company shall not be entitled to construct
either temporarily or permanently any of the works referred to in the 10
section of this Order the marginal note whereof is "Power to construct
additional works" except with the consent of the corporation
under its common seal.

(2) Notwithstanding anything contained in this Order the pro-
visions of an indenture dated the twentieth day of December one 15
thousand nine hundred and ten and made between the corporation
of the one part and the Company of the other part shall remain in
full force and effect and the Company shall not be entitled to construct
any works buildings structures or conveniences on the existing pier
or on the widened portions of the pier authorised by this Order or to 20
make any alteration to any buildings structures or conveniences for
the time being existing thereon without the consent of the corporation
under its common seal other than and except such works buildings
structures or alterations as are referred to and sanctioned by the said
indenture and the last-mentioned works buildings structures and 25
alterations shall be constructed made and maintained in all respects
in accordance with the provisions of the said indenture and not
otherwise.

(3) Notwithstanding anything contained in this Order the
provisions of section 30 of the Act of 1888 as amended by the 30
Act of 1899 shall so far as the same are not inconsistent with
the provisions of this and the last preceding section continue in
full force and effect and extend and apply to the widenings of
the pier and other works and to any buildings structures and con-
veniences authorised by this Order and to the powers conferred upon 35
the Company by this Order in connexion therewith in the same
manner and to the same extent as if the same had been re-enacted
in this Order in reference to such widenings works structures buildings
and powers.

(4) The Company shall not without the consent of the corpora- 40
tion under its common seal apply for any licence to use any part of
the pier as widened or any buildings or structures for the time
being thereon for the sale of spirituous or fermented liquors or for
dancing.

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation*
(No. 2).

7

(5) The provisions of section 6 of the Act of 1899 shall apply to the pier as widened and to all buildings structures and conveniences for the time being thereon. A.D. 1911.
Brighton.

(6) The Company shall forthwith after the commencement of this
5 Order proceed with the widenings of the existing pier and the new
landing stages and other works authorised by this Order and also
with the erection of the pavilion or building to be used as a winter
garden and the extension of the existing shelters and the construction
of new shelters and the reconstruction and enlargement of the
10 existing buildings on the pier and other works referred to in
the said indenture of the twentieth day of December one thousand
nine hundred and ten in all respects in accordance with the pro-
visions of that indenture and all the works and buildings in this
subsection mentioned shall be completed to the satisfaction of the
15 corporation within twelve months from the commencement of this
Order.

(7) If the Company fail to complete the said works and build-
ings referred to in the last preceding subsection within the period
therein mentioned or if the Company shall at any time after the
20 completion of any of the said works or buildings permit or suffer
the same or any of the same or any portion of the existing pier
or existing buildings thereon to become dilapidated or ruinous
or to be unreasonably offensive to the corporation or the inhabitants
of or visitors to Brighton or if the Company shall fail to properly
25 maintain to the satisfaction of the corporation the pier as extended
under the provisions of this Order and the buildings and works
existing thereon or authorised by this Order or the said indenture
of the twentieth day of December one thousand nine hundred and
ten then and in any such case and as often as the same may happen
30 without prejudice to other remedies the corporation may give to the
Company notice in writing requiring the Company within six
months after such notice to complete the said works and buildings
or to repair and make good the dilapidations or remove the cause of
offence or perform the obligation as to maintenance as the case may
35 be or require and if the Company shall not within the said period
of six months comply with the requirements thereof then at the
expiration of that period the provisions of section 30 subsection (9)
of the Act of 1888 shall apply and the corporation may re-enter on
the lands referred to in such subsection in the same manner and
40 with the same consequences as if the Company had failed to comply
with a notice by the corporation under that subsection or if they
so elect the corporation may complete the aforesaid works and
buildings and repair and make good such dilapidations and remove
such cause or offence or otherwise do all such works as may be

A.D. 1911. necessary in performance of the obligations of the Company under
this section or remove and abate the work so left uncompleted or
Brighton. out of repair and restore the site thereof to its former condition and
may for that purpose enter upon and use the pier and any lands
and works of the Company uncompleted and any expense incurred 5
by the corporation in repairing such works or making good the
dilapidations or otherwise carrying into effect the provisions of this
section shall be paid by the Company to the corporation on demand
and shall be a debt due from the Company to the corporation and
recoverable accordingly with costs. 10

Rates &c.

Rates &c. 15.—(1) Sections 25 and 26 of the Harbours Act 1847 shall not
be incorporated with this Order.

(2) Subject to the provisions of this Order the works by this Order
authorised shall for the purposes of the rates which may be demanded 15
and received by the Company and for all other purposes be deemed to
form part of the pier and works authorised by and constructed under
the authority of the Act of 1888.

*Payment of
rates not to
confer right
to use build-
ings.*

16. The payment of rates for the use of the pier shall not entitle
any person paying the same to use or enter any of the pavilion or 20
winter garden buildings or any part of the pier which is set apart for
any particular purpose.

*Pass and
family tickets.*

17.—(1) The Company may grant to passengers and promenaders
or others for the use of the pier (either exclusively or not of any
building for the time being thereon) pass tickets or family tickets 25
at such rates on such terms and for such periods not exceeding one
year as the Company may think fit and may issue books containing
any number of pass tickets at a reduced rate and day tickets available
for one day or part of a day only but for any number of admissions
on such day or part of a day at a reduced rate but so that no 30
preference be given to any person.

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

(3) A pass ticket shall not be transferable and shall not be used 35
by any person except the person to whom it is granted unless by the
terms or conditions thereon printed it is expressed to be transferable
A pass ticket or family ticket shall not be used otherwise than in
accordance with the conditions on which it is issued or after the
period limited for its use. 40

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

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 9
(No. 2).

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings. A.D. 1911.
Brighton.

5 (6) In the event of any pass or family tickets for the use of the pier being granted by arrangement with the proprietors or masters of any vessels engaged in transporting passengers to or from the pier to passengers disembarking or embarking at the pier from or upon any passenger vessel any such arrangement shall be deemed to be an
10 agreement between the Company and such proprietors or masters by way of composition for rates and the provisions of section 32 of the Harbours Act 1847 incorporated with this Order shall apply thereto accordingly.

15 18. -(1) The Company may on such occasions as they may deem special but not exceeding twelve days in any one year or for more than three days consecutively close the pier against the public and may if they think fit on such occasions admit any persons to the pier on payment of such special rates of admission not exceeding one shilling for each person as the Company may think fit. Power to
close pier on
special occa-
sions.

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

(3) The special rate charged under this section shall be in lieu of and not in addition to the rates specified in the Act of 1888 and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which
30 the special rate is charged.

(4) The Company shall give notice of their intention to close the pier under this section by exhibiting the notice conspicuously at the entrance to the pier during at least two days before the day on which the pier is to be closed.

35 19. It shall be lawful for the Company to issue without payment to the holders of mortgages debentures or debenture stock of the Company non-transferable passes for admission to the pier available for the life of the person to whom any such pass is issued or for such time as he remains the holder of mortgages debentures or debenture
40 stock of the Company or for such other period as the Company may determine and subject to such terms and conditions as they may think fit. Issue of
passes to
debenture
holders &c.

10 *Pier and Harbour Orders Confirmation* [1 & 2 GEO, 5.]
(No. 2).

A.D. 1911. 20.—(1) The Company shall within one month after sending to the
Brighton. clerk of the peace the copy of their annual account in abstract send a
Annual copy of the same to the Board of Trade and the sixteenth section of
account to be the General Pier and Harbour Act 1861 Amendment Act shall apply
sent to Board to and include any such account. 5
of Trade.
25 & 26 Vict.
c. 19. (2) The Company shall as from the expiration of that month be
liable to a penalty not exceeding twenty pounds for every week or
part of a week during which they refuse or neglect to comply with
this section.
(3) The account shall be made up to the end of the thirty-first 10
day of December in each year.

Capital.

Application 21. The Company may apply to the purposes of this Order any
of capital. capital authorised to be raised under the Act of 1888 and not required
for the purposes for which it was authorised. 15

Lights.

Lights during 22.—(1) Before commencing the works by this Order authorised
construction the Company shall apply to the Board of Trade for directions as to
of works. the lights to be exhibited and other means to be taken for preventing
danger to navigation and shall in all respects obey any directions 20
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. 25
(2) The Company shall be liable to a penalty not exceeding ten
pounds for every day during which they omit so to apply or refuse or
neglect to observe or comply with any directions so given.

As to buoys 23.—(1) In case of injury to or destruction or decay of the pier
and lights in or any part thereof the Company shall lay down such buoys exhibit 30
case of decay such lights or take such other means for preventing (as far as may
of works. be) danger to navigation as may from time to time be directed by the
Corporation of Trinity House Deptford Strond and shall apply to that
corporation for directions as to the means to be taken.
(2) The Company shall be liable to a penalty not exceeding ten 35
pounds for every day during which they omit so to apply or refuse
or neglect to observe or comply with any such directions.

Byelaws.

Byelaws. 24.—(1) The byelaws which may from time to time be made by
the Company in exercise of the power in that behalf conferred on 40
them by section 83 of the Harbours Act 1847 may provide for

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 11
(No. 2).

imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws. A.D. 1911.
Brighton.

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

(3) Sections 84 and 85 of the Harbours Act 1847 shall not be incorporated with this Order or the Act of 1888.

Miscellaneous.

25. Sections 16 to 19 inclusive of the Harbours Act 1847 shall not be incorporated with this Order. Exclusion of sections 16-19 of Harbours Clauses Act 10 & 11 Vict. c. 27.

26. For all the purposes of the Harbours Act 1847 this Order shall be deemed the special Act. Application of Harbours Clauses Act 10 & 11 Vict. c. 27.

27. All penalties under the Act of 1888 and this Order shall be recovered and applied as penalties are recoverable or applicable under the Harbours Act 1847. Recovery of penalties.

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

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

30. Sections 36 41 and 60 of the Act of 1888 are hereby repealed. Repeal.

31. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company 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 His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent those Commissioners and that Board are hereby respectively authorised to give). Saving rights of Crown.

32. The pier shall be deemed to be for all purposes within the county borough of Brighton in the county of Sussex. Pier to be deemed to be within county borough of Brighton.

33. 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 Company. Costs of Order.

A.D. 1911. PORTSMOUTH CAMBER DOCK AND FLATHOUSE
WHARF.

Portsmouth. Provisional Order empowering the Corporation of Portsmouth to construct subsidiary works in connexion with the Camber Dock and Flathouse Wharf and to levy rates and dues 5 and for other purposes.

Short title
commence-
ment and
interpreta-
tion.

1.—(1) This Order may be cited as the Portsmouth Camber Dock and Flathouse Wharf Order 1911.

(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.” 10

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

“The Corporation” means the mayor aldermen and burgesses of 15 the borough of Portsmouth acting by the council of that borough.

“The Act of 1839” means the Act 2 & 3 Victoria cap. 72 intituled “An Act for enlarging the Town Quay of the Borough of Portsmouth and for improving that portion of the Harbour 20 of Portsmouth called the Camber.”

Undertakers. 2. The Corporation shall be the undertakers for carrying this Order into execution.

Power to
construct
additional
works.

3. The Corporation may erect construct and maintain in and upon or in connexion with their existing Camber Dock and Flathouse Wharf 25 and any other existing docks wharves piers landing places or other property of the Corporation within or adjacent to those parts of the Camber Dock known as the Inner Camber and the Outer Camber and within or adjacent to the Flathouse Wharf warehouses buildings stores offices urinals lavatories weighbridges jetties shipping places landing 30 slips stairs and stages cranes drops gates entrances conveniences and such other works and apparatus as they may from time to time think fit Provided always that the Corporation shall not commence the erection or construction of any work authorised by this section until the written consent of the Admiralty shall have been obtained to such 35 work being commenced and until details of the proposed work together with all necessary plans elevations and drawings thereof shall have been approved by the Admiralty in writing and if and when such consent and approval shall have been given to any work that work shall be executed in accordance in all respects with the details plans 40 elevations and drawings so approved and not otherwise.

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 13
(No. 2).

4.—(1) The Corporation may independently of any other borrowing power from time to time borrow at interest not exceeding five per centum per annum :—

A.D. 1911.
Portsmouth.
Power to borrow.

5 (a) For the construction erection and equipment of works authorised by this Order any sum or sums not exceeding in the whole ten thousand pounds ;

(b) With the consent of the Board of Trade such further sum or sums as may from time to time be required for any of the purposes of the Camber Dock and Flathouse Wharf undertakings of the Corporation ; and

10 (c) Such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of money borrowed for the purposes (a) and (b) mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge as well the borough fund and the borough rate as the revenue arising from the said Camber Dock and Flathouse Wharf undertakings.

20 (3) In order to secure the repayment of money borrowed for the purpose (c) mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge the revenue arising from the said Camber Dock and Flathouse Wharf undertakings and also but only by way of collateral security the borough fund and the borough rate.

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

Periods for repayment of money borrowed.

30 (a) As to the money borrowed for the purpose (a) mentioned in the preceding section within such period not exceeding thirty years from the date of borrowing the same as the Board of Trade may determine :

(b) As to the money borrowed with the consent of the Board of Trade within such period as that Board may determine :

35 (c) As to the money borrowed for the purpose (c) mentioned in the preceding section within five years from the commencement of this Order.

6.—(1) Sections 236 237 238 and 239 of the Public Health Act 1875 shall apply to all mortgages made under this Order.

Provisions as to borrowing.

40 (2) A person lending money to the Corporation shall not be concerned to inquire as to the observance by them of any provisions of this Order or be bound to see to the application or be answerable for any loss mis-application or non-application of the money lent.

A.D. 1911.
Portsmouth.
Mode of
repayment
of borrowed
money.

7.—(1) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Order either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first equal annual payment to the sinking fund shall be made within one year after the date of borrowing the sum in respect of which the payment is made. 5

(2) The following provisions shall apply in respect to any sinking fund to be formed under this Order:— 10

(a) The Corporation in every year shall appropriate and set apart out of the revenue arising from the said Camber Dock and Flathouse Wharf undertakings or rate on the security of which the moneys are borrowed such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum (herein-after in this section referred to as “the prescribed rate”) be sufficient to pay off the principal moneys borrowed (so far as the same are repayable by means of a sinking fund) within the period by this Order prescribed for the repayment thereof respectively: 15 20

(b) The yearly sums so appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are by law authorised to invest or in mortgages stocks debentures or other securities issued by any local authority as defined in section 34 of the Local Loans Act 1875 (other than securities of the Corporation and securities transferable by delivery) and if and as often as the income derived from such investment is not equal to the income which would be derived therefrom at the prescribed rate any deficiency shall be made good out of the revenue aforesaid or rate on the security of which moneys are borrowed under this Order and if and so often as the income derived from such investments is in excess of the income which would be derived therefrom at the prescribed rate any such excess may be applied as part of such equal annual payments: 25 30 35

(c) The Corporation may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which it was set aside in such order and manner as they deem proper Provided that in such case they pay into such sinking fund 40

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(No. 2).

5 in each year afterwards and accumulate as herein-before prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based :

A.D. 1911.
Portsmouth.

10 (d) Whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be not less in value than the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Corporation may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

20 8. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any moneys borrowed or re-borrowed under this Order which have not been repaid and are intended to be forthwith repaid or in respect of any moneys which have been repaid by the temporary application of funds at the disposal of the Corporation within twelve months before the re-borrowing and which at the time of the re-payment it was intended to re-borrow Provided that the Corporation shall not have power to re-borrow for 25 the purpose of paying off any moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of the payment other than moneys borrowed for that purpose Provided also that any moneys re-borrowed shall be deemed 30 to form the same loan as the moneys for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Power to
re-borrow.

35 9.—(1) The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Order transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration of the town clerk if so required by them showing the amount which has been paid as an instalment or invested for the 40 purpose of the sinking fund during the year preceding the making of the return and the description of the securities upon which the amount has been invested and also showing the purposes to which any portion of the money invested for the sinking fund and the interest thereof

Annual
return to
Board of
Trade with
respect to
sinking fund.

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A.D. 1911. have been applied during the same period and the total amount
Portsmouth. remaining invested at the end of the year.

(2) The town clerk in the event of any wilful default in making the return under this section shall be liable to a penalty not exceeding twenty pounds and that penalty shall be paid to the Board of Trade 5 and shall be recoverable by that Board in a summary manner.

(3) If it appears to the Board of Trade by the return under this section or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required for the sinking fund under this Order or have applied any portion of the moneys set apart 10 for that fund or any interest thereon to any purposes other than those authorised by this Order the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which the default has been made shall be set apart and invested as part of the sinking fund and that order shall be enforceable by writ 15 of mandamus to be obtained by the Board of Trade out of the High Court.

(4) The provisions of this section shall apply with the necessary modifications to appropriations and annual payments.

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

10.—(1) The Corporation shall within one month after sending to 20 the clerk of the peace the copy of their annual account in abstract send a copy of the same to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account.

(2) The account shall be made up to the end of the thirty-first 25 day of March in each year.

(3) The Corporation shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section. 30

Application
of money
borrowed.

11. All moneys borrowed under this Order shall be applied by the Corporation only for the purposes for which the money is authorised to be borrowed by this Order and to which capital is properly applicable.

Power to
levy rates.

12. As and from the commencement of this Order the Act of 1839 35 shall be amended by the addition to the Third Schedule thereto of the following rates:—

						<i>s.</i>	<i>d.</i>
Baking powder	-	-	-	-	-	per ton	1 0
Canned fruit meat and vegetables	-	-	-	-	-	per ton	0 10
Coke	-	-	-	-	-	per ton	0 6
Cordial	-	-	-	-	-	per ton	1 3
Cream of tartar	-	-	-	-	-	per ton	0 10

40

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						<i>s. d.</i>		
	Dates	-	-	-	-	per ton	0 10	A.D. 1911.
	Disinfectants	-	-	-	-	per ton	0 10	Portsmouth.
	Doors	-	-	-	-	each	0 0½	
5	Drain pipes	-	-	-	-	per ton	0 6	
	Drugs	-	-	-	-	per ton	1 8	
	Fibre	-	-	-	-	per ton	0 10	
	Gasoline	-	-	-	-	per ton	0 10	
	Granite (polished or monumental)	-	-	-	-	per ton	1 8	
10	Granite dressed	-	-	-	-	per ton	0 10	
	Granite setts or broken	-	-	-	-	per ton	0 2	
	Ice	-	-	-	-	per ton	0 6	
	Ink	-	-	-	-	per ton	1 8	
	Linoleum	-	-	-	-	per ton	1 8	
15	Mahogany	-	-	-	-	per ton	1 8	
	Margarine	-	-	-	-	per cwt.	0 1	
	Mineral water	-	-	-	-	per gross	0 1	
	Moss litter	-	-	-	-	per ton	0 6	
	Motor cars	-	-	-	-	each	10 0	
20	Motor bicycles or tricycles	-	-	-	-	each	5 0	
	Other bicycles or tricycles	-	-	-	-	each	0 2	
	Pickles	-	-	-	-	per ton	0 10	
	Refuse from chemicals	-	-	-	-	per ton	0 6	
	Tapioca	-	-	-	-	per ton	1 8	
25	Vans (loaded lift)	-	-	-	-	each	5 0	

and any reference in any subsequent Act or Order to the said Third Schedule shall be deemed to be a reference to that schedule as amended by this Order.

13. As and from the commencement of this Order so much of the Fourth Schedule to the Act of 1839 as relates to ships and vessels of four hundred tons and upwards is hereby repealed and the said schedule shall be amended by the addition thereto of the following dues:—

For all ships and vessels—						<i>£ s. d.</i>
35	400 tons and under 500 tons	-	-	-	-	0 10 0
	500 tons and under 600 tons	-	-	-	-	0 12 0
	600 tons and under 700 tons	-	-	-	-	0 14 0
	700 tons and under 800 tons	-	-	-	-	0 16 0
	800 tons and under 900 tons	-	-	-	-	0 18 0
40	900 and upwards	-	-	-	-	1 0 0

Exemptions:—Pilot boats fishing vessels boats not decked and ships and vessels arriving in distress.

and any reference in any subsequent Act or Order to the said Fourth Schedule shall be deemed to be a reference to that schedule as amended by this Order.

18 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
(No. 2).

- A.D. 1911. 14. The provisions of the Municipal Corporations Act 1882 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under that Act shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Order. 5
- Portsmouth.*
Audit of accounts.
15. Sections 16 to 19 inclusive of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order.
16. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour pier or 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 Camber Dock and Flathouse Wharf. 10
- Life-saving apparatus may be attached to pier.
- 17.—(1) Nothing in this Order contained authorises the Corporation to interfere with any right vested in or exercised or exerciseable by His Majesty or by His Majesty's Principal Secretary of State for the War Department. 15
- For protection of War Department.
- (2) No buildings works or apparatus by this Order authorised to be erected by the Corporation shall be erected upon any site or sites situate within a distance of forty feet of the building now used by the War Department as the "married quarters" in White Hart Road until the Corporation shall have submitted to the said Secretary of State for the War Department a plan or plans showing the position and elevation of any such buildings works or apparatus proposed to be so erected and until such plan or plans shall have received the approval of the said Secretary of State for the War Department signified in writing under his hand and the said Secretary of State is hereby authorised to give such approval subject to such special conditions as he shall see fit to impose. 20 25 30
18. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or of the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). 35 40
- Saving rights of Crown.

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(No. 2).

19. All costs charges and expenses of and incident to the pre- A.D. 1911,
paration and obtaining of this Order and otherwise incurred in reference *Portsmouth.*
thereto as taxed by the taxing officer of the House of Lords or of the *Costs of*
House of Commons shall be paid by the Corporation out of money *Order.*
5 borrowed for the purposes of the promotion of this Order or out of
the revenue from the said Camber Dock and the Flathouse Wharf
undertakings.

SOUTHEND-ON-SEA LOADING PIER.

10 *Provisional Order for authorising the construction of a loading* *Southend-*
pier or jetty at Southend-on-Sea in the County of Essex *on-Sea.*
and the abandonment of the existing loading pier and for
other purposes.

Preliminary.

15 1.—(1) This Order may be cited as the Southend-on-Sea Loading *Short title*
Pier Order 1911. *and com-*
mencement.

(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."

20 2. In this Order the following words and expressions shall unless *Definitions.*
the context otherwise requires have the meanings herein-after assigned
to them namely:—

"The Corporation" means the mayor aldermen and burgesses of
the borough of Southend-on-Sea;

"The borough" means the borough of Southend-on-Sea;

25 "The borough fund" and "the borough rate" mean respectively
the borough fund and the borough rate of the borough;

"The Port Authority" means the Port of London Authority;

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

30 "The Act of 1875" "the Act of 1887" and "the Act of 1895"
mean respectively the Southend Local Board Act 1875 the
Southend Local Board Act 1887 and the Southend-on-Sea
Corporation Act 1895;

35 "The existing pier Acts" means the Act 10 Geo. IV. cap. xlix.
intituled "An Act for making and maintaining a pier at or
" near Southend in the Parish of Prittlewell in the county of
" Essex and for making convenient approaches to and from
" the same " the Act 5 & 6 William IV. cap. xc. intituled

20 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
(No. 2).

A.D. 1911.
*Southend-
on-Sea.*

“ An Act to explain and amend the powers of an Act of His
“ late Majesty King George the Fourth for making a pier at
“ Southend in the county of Essex” the Act of 1875 the Act
of 1887 and the Act of 1895;

“The loading pier” means and includes the pier jetty or landing 5
stage by this Order authorised and the works buildings
apparatus and conveniences connected therewith;

“The piers” means and includes the existing piers and the works
buildings apparatus and conveniences connected therewith and
the loading pier; 10

“The pier undertaking” means and includes the pier undertaking
of the Corporation authorised by the existing pier Acts and
this Order and also all the right to levy rates tolls and other
charges and all other rights conferred upon the Corporation
by the existing pier Acts and this Order; 15

“The pier revenue” means the revenue of the pier undertaking.

Undertakers.

Undertakers. 3. The Corporation shall be the undertakers for carrying this
Order into execution and shall have and may exercise the powers
privileges and authorities conferred by this Order. 20

Limits.

Limits. 4. The limits within which the Corporation shall have authority
under this Order and within which the powers of the pier-master may
be exercised shall comprise the loading pier and the area below high-
water mark within a distance of two hundred yards from any part of 25
of the said loading pier which limits are in this Order termed “the limits
of this Order” but nothing in this section contained shall limit or
affect the powers of the Corporation to levy rates tolls charges and
duties under the provisions of the existing pier Acts or any of them.

Works and Powers. 30

Power to
construct
works. 5. Subject to the provisions of this Order and subject also to such
alterations (if any) in the plans and sections deposited with reference
to this Order as the Board of Trade may require before the completion
of the works the Corporation may on the lands and in the lines and
according to the levels shown on the said plans and sections and 35
within the limits shown on those plans make and maintain the following
work—

A pier jetty or landing stage (by way of reconstruction of or in
substitution for the existing loading pier of the Corporation)
partly of solid and partly of open work construction and all 40

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 21
(No. 2).

- works and conveniences necessary or convenient in connexion therewith commencing at a point 20 yards or thereabouts above high-water mark of ordinary spring tides and 260 yards or thereabouts measured in an easterly direction from the south-east corner of The Castle public house and terminating at a point 190 yards or thereabouts measured in a southerly direction from its point of commencement and 990 yards or thereabouts above low-water mark of ordinary spring tides.
- 5**
6. In constructing the work the Corporation may with the consent of writing of the Board of Trade deviate laterally within the limits of deviation marked on the deposited plans and may with the like consent deviate vertically to any extent from the levels shown on the deposited sections Provided that no part of the work shall be constructed to the westward of a line drawn westward of and parallel to the centre line of the work as marked on the deposited plans at a distance of 250 feet from such centre line.
- 10**
- 15**
7. No vessel or boat of any kind shall be moored or attached alongside or to the loading pier without the consent of the Corporation or the pier-master.
- 20**
8. Subject to the provisions of this Order the loading pier shall for the purposes of rates and for all other purposes be deemed to be part of the pier undertaking as if it had been authorised by the existing pier Acts and the provisions of those Acts so far as the same are applicable to the loading pier and are not inconsistent with the provisions of this Order shall mutatis mutandis apply to the loading pier.
- 25**
9. (1)—Subject to the provisions of this Order the Corporation may from time to time with the consent of the Board of Trade improve alter and extend the loading pier and may in connexion with the same construct erect maintain alter and improve any warehouses offices sheds cranes embankments landing-places quays jetties buoys moorings lights beacons roads sewers drains watercourses tanks mains pipes wires engines weighing machines and other works buildings apparatus and conveniences which may be found necessary or convenient for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turn-tables on and along the loading pier.
- 30**
- 35**
- (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.
- 40**

A.D. 1911.
Southend-on-Sea.

Power to deviate.

Restrictions on mooring.

New works to be part of pier undertaking.

Power to improve works.

22 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
(No. 2).

- A.D. 1911. 10.—(1) The Corporation may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the loading pier for vessels using the same.
- Southend-on-Sea.*
Power to dredge. (2) All sand mud and other materials dredged up or removed within the limits of this Order shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same 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 in writing of the Board of Trade and the Port Authority having been first obtained. 5 10
- (3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the pier revenue is to be applied. 15
- Abatement of work abandoned or decayed. 11. If the loading pier or any part thereof is hereafter abandoned or suffered to fall into decay the Board of Trade or the Port Authority may at the expense of the Corporation abate and remove any part of the loading pier which is situate below high-water mark and restore the site of the part so removed to its former condition and the amount of such expense shall be a debt due from the Corporation to the Crown or the Port Authority as the case may be and be recoverable accordingly with costs or the same may be recovered with costs in the same manner as a penalty is recoverable from the Corporation. 20
- Penalty for injuring works. 12. Every person who wilfully obstructs any person acting under the authority of the Corporation in setting out the lines of the loading pier or who pulls up or removes any buoys moorings poles posts lights beacons or other conveniences shall for every offence be liable on conviction to a penalty not exceeding five pounds and shall in addition be liable to repay to the Corporation any expenses incurred by them in making good such damage. 25 30
- Powers to cease in certain events. 13.—(1) If within two years from the commencement of this Order the loading pier is not substantially commenced the powers given by this Order for the construction thereof or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade. 35
- (2) If the loading pier after having been substantially commenced is virtually suspended for twelve consecutive months the powers given by this Order for the construction thereof or otherwise in relation thereto shall cease except as to so much of the loading pier 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. 40

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 23
(No. 2).

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

A.D. 1911.
Southend-on-Sea.

14. No part of the loading pier below high-water mark shall be commenced without the consent in writing of the Board of Trade having been previously obtained and the loading pier shall be constructed only in accordance with the terms of such consent.

Consent of Board of Trade to works below high-water mark.]

15. The Corporation may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of the existing pier Acts or this Order and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same All sums received in respect of any such letting on hire shall be deemed to form part of the pier revenue and all moneys realised by any such sale shall be deemed to be money received on capital account and shall be applied in discharge of moneys borrowed by the Corporation under this Order.

Power to purchase dredgers &c

16. The Corporation may demolish and remove the existing loading pier belonging to them.

Removal of existing loading pier.

Finance.

17.—(1) The Corporation may independently of any other borrowing power from time to time borrow at interest not exceeding five per centum per annum—

Power to borrow

(a) For the construction of the loading pier authorised by this Order any sum or sums not exceeding in the whole eleven thousand pounds;

(b) With the consent of the Local Government Board such further sum or sums as may from time to time be required for any of the purposes of the pier undertaking; and

(c) Such sum as may be required for the payment of the costs charges and expenses of this Order.

(2) In order to secure the repayment of moneys borrowed for the purposes mentioned in this section and the payment of interest thereon the Corporation may mortgage or charge as well the borough fund and the borough rate as the pier revenue.

18. All moneys borrowed by the Corporation under the last preceding section of this Order shall be repaid within the respective

Periods for repayment

24 *Pier and Harbour Orders Confirmation* [1 & 2 GEO. 5.]
(No. 2).

- A.D. 1911. periods following (in this Order referred to as "the prescribed periods")
(that is to say)—
- Southend-on-Sea.*
of money borrowed.
- (a) As for the money borrowed for the purposes (a) and (b) mentioned in the last preceding section of this Order within such period not exceeding forty years from the date of borrowing the same as the Local Government Board may prescribe; 5
- (b) As to the money borrowed for the purpose (c) mentioned in the last preceding section within five years from the commencement of this Order. 10
- Application of financial provisions of Act of 1895.
19. The following provisions of the Act of 1895 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order namely—
- Section 52 (Certain regulations of Public Health Act as to borrowing not to apply); 15
- Section 53 (Provisions of Public Health Act as to mortgages to apply);
- Section 55 (Power to borrow under Local Loans Act 1875);
- Section 56 (Payment off of money borrowed);
- Section 57 (Provisions as to sinking fund Investment of sinking fund); 20
- Section 58 (Application of sinking fund);
- Section 60 (Protection of lender from inquiry);
- Section 61 (Corporation not to regard trusts);
- Section 62 (Annual return to Local Government Board with respect to sinking funds); 25
- Section 63 (Application of money borrowed);
- Section 65 (Separate account of pier undertaking and foreshore);
- Section 66 (Application of pier and foreshore revenue);
- Section 67 (Providing for any deficiency in revenue from pier undertaking and foreshore). 30
- Power to re-borrow.
- 20.—(1) The Corporation shall have power—
- (a) To borrow for the purpose of paying off any moneys previously borrowed under any of the existing pier Acts or this Order which are intended to be forthwith paid; or 35
- (b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any of the existing pier Acts or this Order and which at the time of such repayment it was intended to replace by borrowed moneys. 40

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 25
(No. 2).

- (2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section. A.D. 1911.
Southend-on-Sea.
- (3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.
- (4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—
- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.
- (5) Section 16 of the Act of 1875 section 44 of the Act of 1887 and section 59 of the Act of 1895 so far as those sections relate to the pier undertaking are hereby repealed but without prejudice to anything done or suffered to be done thereunder.

Byelaws.

- 21.—(1) The byelaws which may from time to time be made by the Corporation in exercise of the power in that behalf conferred by section 83 of the Harbours Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.
- (2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.
- (3) Sections 84 and 85 of the Harbours Act 1847 shall not be incorporated with this Order.

Life-Saving Apparatus.

- 22.—(1) Sections 16 to 19 inclusive of the Harbours Act 1847 shall not be incorporated with this Order. Provision for life-saving apparatus.
- (2) The Corporation 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 piers and build on that site a house or other

A.D. 1911. proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.
Southend-on-Sea.

(3) If the Corporation 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. 5

Life-saving apparatus may be attached to pier.

23. 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 all or any of the piers 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 piers. 10

Lifebuoys to be kept.

24. The Corporation shall at all times keep at convenient places on the piers and in obedience to any requirements which may be made by the Board of Trade lifebuoys and life-lines in good order and fit and ready for use. 15

Lights.

As to lights during construction.

25.—(1) Before commencing the loading pier the Corporation 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 loading pier 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 loading pier. 25

(2) The Corporation 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 such direction.

As to lights after completion.

26.—(1) After completion of the loading pier the Corporation shall exhibit at the outer extremity of the loading pier 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 Corporation of Trinity House Deptford Strond and shall apply to that corporation for such direction. 30 35

(2) The Corporation shall be liable to a penalty not exceeding ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction. 40

[1 & 2 GEO. 5.] *Pier and Harbour Orders Confirmation* 27
(No. 2).

27.—(1) In case of injury to or destruction or decay of any of the piers or any part thereof respectively the Corporation 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 Corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken.

A.D. 1911.

Southend-on-Sea.

Provision against danger to navigation.

(2) The Corporation 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.

28. The Corporation may appoint officers for securing the observance of the byelaws made by the Corporation in respect of the pier undertaking under the existing pier Acts and this Order and may from time to time procure such officers to be sworn as constables for that purpose but no such officers shall act as constables unless so sworn in and unless in uniform or provided with a warrant.

Appointment of officers to enforce byelaws and regulations.

29. The Corporation may supply and remove ballast for the accommodation of vessels within the limits of this Order or permit the master or owner of any vessel within the limits of this Order 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 Corporation of such charges and rates or duties as they shall deem proper.

Ballast for vessels.

30. Notwithstanding anything to the contrary in this Order contained the following provisions shall unless otherwise agreed in writing between the Corporation and the Port Authority have effect for the protection of the Port Authority in relation to the execution of the works and the exercise of the powers of this Order by the Corporation (that is to say):—

For protection of Port Authority.

(1) The Corporation shall not make or commence any work by this Order authorised whether permanent or temporary in the River Thames or on or under the bed or shores thereof below high-water mark unless and until the plans elevations and sections referred to in the next succeeding subsection have been reasonably approved by the Port Authority:

(2) All such works shall be executed according to plans elevations and sections to be reasonably approved in writing by the Port Authority and deposited at their office and to the reasonable satisfaction of the engineer for the time being

A.D. 1911.
*Southend-
on-Sea.*

of the Port Authority and during the execution of the said works the Corporation shall take such precautions for the safety of the navigation as the Port Authority may reasonably direct and the traffic of the said river shall not be interfered with more than may be absolutely necessary in the construction of the said works: 5

- (3) The works by this Order authorised when commenced shall be proceeded with and completed with all reasonable dispatch and the Corporation shall upon reasonable notice in writing from the Port Authority under the hand of their secretary so to do remove any temporary works and materials for temporary works which may have been placed in the River Thames by the Corporation and are no longer in use and in any event within the period by this Order prescribed for the completion of the loading pier and on their failing to do so the Port Authority may remove the same and recover from the Corporation the expense of so doing and the Corporation shall forthwith repay to the Port Authority all reasonable expenses so incurred: 10 15
- (4) No work of demolition or removal of structures in the River Thames not required or derelict shall be commenced carried on or continued by the Corporation without the written consent of the Port Authority under the hand of their secretary having been first obtained and all such works shall be carried out under the supervision and to the reasonable satisfaction of the engineer of the Port Authority and at the expense in all things of the Corporation: 20 25
- (5) The Corporation shall at all times allow the engineer to the Port Authority or his authorised representative to inspect or survey all or any of the works by this Order authorised both during and after construction and shall give all reasonable facilities for so doing: 30
- (6) After construction of the works by this Order authorised the members of the Port Authority and the duly authorised officers and servants of the Port Authority shall at all reasonable times have free access to from in and over the loading pier without payment either from the landward side or from the River Thames and any vessel employed in the service of the Port Authority shall at all reasonable times when accommodation for any such vessel at the loading pier is reasonably available have the free use of the loading pier without any payment or charge whatever: 35 40
- (7) Nothing in this Order shall extend to or be construed to extend to prejudice or derogate from the estates rights

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(No. 2).

- interests privileges liberties or franchises of the Port Authority or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of the Act confirming this Order the Port Authority did or might lawfully claim use or exercise under and by virtue of the Port of London Act 1908 or otherwise :
- 5
- (8) If any question arises between the Corporation and the Port Authority under the provisions of this section such question shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers upon the application of either party and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.
- 10
31. All penalties recovered under the existing pier Acts in respect of which no other provision is made by those Acts or this Order or any byelaw made thereunder respectively shall except in case of penalties recovered against the Corporation be paid to the treasurer for the time being of the Corporation and be by him carried to the credit of the borough fund.
- 15
32. For all the purposes of the Harbours Docks and Piers Clauses Act 1847 this Order shall be deemed to be the special Act.
- 20
33. The loading pier shall for all purposes be deemed to be within the borough and in the parish of Prittlewell in the county of Essex.
- 25
34. All costs charges and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the pier revenue or out of money borrowed for the purposes of the promotion of this Order.
- 30
- A.D. 1911.
Southend-on-Sea.
- Recovery of penalties.
- Application of 10 & 11 Vict. c. 27.
- Loading pier to be deemed to be within Borough.
- Costs of Order.

**Pier and Harbour
Orders Confirmation
(No. 2). [H.L.]**

A

B I L L

INTITLED

An Act to confirm certain Provisional
Orders made by the Board of Trade
under the General Pier and Harbour
Act 1861 relating to Brighton
Portsmouth and Southend-on-Sea.

The Lord Hamilton of Dalzell.

Ordered to be printed 8th May 1911.

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(74)

[1 & 2 GEO. 5.] *Pier and Harbour Provisional Order*
(No. 3).

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Cullen. A.D. 1911.

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.

5 And whereas it is expedient that the Provisional Order 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
10 Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

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

2. This Act may be cited as the Pier and Harbour Order Confirmation (No. 3) Act 1911. Short title.

A.D. 1911.

SCHEDULE.

CULLEN HARBOUR.

Cullen. *Order for the transfer from the Cullen Harbour Commissioners incorporated under the Cullen Harbour Orders 1884 and 1886 as confirmed by the Pier and Harbour Orders Confirmation Acts 1884 and 1886 and the Acts incorporated therewith of the undertaking known as the Cullen Harbour and certain lands and other subjects in the vicinity thereof to the Provost Magistrates and Councillors of the Royal Burgh of Cullen in the County of Banff to confer powers on the Town Council with reference to the holding maintenance management and improvement of the said Harbour and to authorise the Town Council to borrow money for the purposes of the said Harbour and otherwise and for other purposes.* 5
10
15

Preliminary.

- Short title.** 1. This Order may be cited as the Cullen Harbour Order 1911.
- Commencement of Order.** 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." 20
- Interpretation of terms.** 3.—(1) In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with the Order have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Order the following words and expressions shall unless the context otherwise requires have the following meanings (that is to say):— 25
- "The burgh" means the royal burgh of Cullen;
- "The town council" means the provost magistrates and councillors of the burgh; 30
- "The town clerk" means the town clerk of the burgh and includes any depute acting for him;
- "The Harbours Act 1847" means the Harbours Docks and Piers Clauses Act 1847;
- "The Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1903; 35
- "The Order of 1884" means the Cullen Harbour Order 1884;
- "The Order of 1886" means the Cullen Harbour Order 1886;

[1 & 2 GEO. 5.] *Pier and Harbour Provisional Order*
(No. 3).

3

“The commissioners” means the commissioners acting incorporated and defined by the Order of 1884; A.D. 1911.
Cullen.

5 “The existing harbour” means the harbour and all works powers privileges and things included within the limits of the harbour as defined by section 21 of the Order of 1884;

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

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

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

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

20 “The sheriff clerk” means the principal sheriff clerk of the county of Banff.

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

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

30

Undertakers.

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

35 *Transfer of the Harbour &c.*

5.—(1) From and immediately after the commencement of this Order the existing harbour and all the property heritable and moveable of every kind and all the powers authorities privileges rights jurisdictions obligations and exemptions at the commencement of this Order vested in or belonging to the commissioners in relation to or connexion with the existing harbour shall subject to all debts and liabilities of the commissioners in relation to or connexion with the existing harbour at the commencement of this Order be transferred to and vested in the

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

4 *Pier and Harbour Provisional Order* [1 & 2 GEO. 5.]
(No. 3).

A.D. 1911. Town Council and shall be held used exercised and enjoyed by the
Cullen. Town Council subject to the provisions of this Order and the harbour
commissioners shall as from the commencement of this Order be dissolved
and cease to exist and be thenceforth freed and discharged from all
liabilities claims demands actions suits or other proceedings present or 5
future in relation to or connexion with the harbour harbour undertaking
pertinents property powers authorities privileges rights jurisdictions
obligations and exemptions.

Completion
of title of
Town Coun-
cil. (2) For the purpose of completing the title of the Town Council
to the existing harbour hereby transferred to them a copy of this Order 10
shall be deemed to be a conveyance by the commissioners to the Town
Council.

(3) All powers duties and liabilities of the commissioners at the
commencement of this Order shall as from the commencement of this
Order be transferred to and attach to and be exercised undertaken 15
and discharged by the Town Council and the Town Council shall keep
the commissioners indemnified against all liabilities in relation to or
connexion with the existing harbour existing at the commencement of
this Order.

Pending
causes and
rights of
action pre-
served. 6.—(1) All causes and rights of action or suit accrued before the 20
commencement of this Order which are at the commencement of this
Order in any manner enforceable by or against the commissioners shall
be and remain as good valid and effectual by or against the Town
Council as they would have been by or against the commissioners if
the Act confirming this Order had not been passed. 25

(2) Nothing in this Order shall cause the abatement discontinuance
or determination of or in anywise prejudicially affect any action suit or
other proceeding at law commenced by or against the commissioners
either solely or jointly with any company body or person before the
commencement of this Order and then pending but the same may be 30
continued prosecuted or enforced by or against the Town Council in lieu
of and in substitution for the commissioners.

Officers &c.
of Harbour
Commis-
sioners to be
officers of
Town Coun-
cil. 7. All officers and servants who at the commencement of this Order
are in the employment of the commissioners in connexion with the
existing harbour shall from and after the commencement of this Order 35
become officers and servants as the case may be of the Town Council
with the same rights and subject to the same obligations and incidents
in respect of such employment as they had or were subject to as the
officers and servants of the commissioners and shall so continue unless
and until they respectively are duly removed from such employment by 40
the Town Council or the terms of their employment are duly altered by
the Town Council but the provisions of this section shall not apply to
the clerk of the commissioners whose term of office and employment
shall come to an end and be determined at the commencement of this
Order. 45

Limits.

A.D. 1911.

8. The limits within which the Town Council shall have authority and within which the powers of the harbour-master and the power to levy rates may be exercised shall comprise that part of the Bay of Cullen in the Moray Firth below high-water mark which is within the following imaginary lines that is to say an imaginary line commencing at a point on the seashore two hundred and twenty yards or thereby westward from the Burn of Cullen and proceeding due north in a straight line for a length of three hundred and fifty yards and thence due east for a further length of one thousand and seventy yards and thence proceeding due south for a length of one hundred and twenty-seven yards till it reaches high-water mark of ordinary spring tides at a point on the shore one hundred and seventy yards or thereby eastward from the east end of the ropeworks of Cullen and those limits are in this Order referred to as "the limits of this Order."

Cullen.
Limits.

9. A map or plan showing the limits of this Order having been signed in triplicate by an assistant secretary of the Board of Trade one copy thereof shall within two months after the commencement of this Order be deposited at the Board another copy thereof shall within the same period be deposited at the office of the sheriff clerk and the third copy thereof shall within the same period be deposited at the office of the Town Council. In case of any discrepancy between the limits of this Order as shown on the said map or plan and the limits of this Order as described in the last preceding section of this Order the said map or plan shall be deemed to be correct and shall prevail.

Deposit of
plan of har-
bour limits.*Acquisition of Lands.*

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

Incorporation of Lands
Clauses Acts.

11. For the purposes of the works authorised by this Order the Town Council may purchase by agreement and use all or such parts of the lands shown on the plan deposited for the purposes of this Order as they may think requisite for the purposes of those works.

Power to
take lands by
agreement.

12. The Town Council 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 three acres but nothing in this section shall exempt the Town Council from any proceedings for nuisance caused or permitted by them on land acquired by them under the power conferred by this section.

Lands for
extraordinary
purposes.

A.D. 1911. 13. 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 **5**
or affecting any such land and the provisions of the said Acts with respect
to lands and feu duties or ground annuals so far as the same are appli-
cable in this behalf shall extend and apply to such grants and to such
servitudes rights and privileges as aforesaid.

Cullen.
Power to
take servi-
tudes by
agreement.

New Works.

10

Construction 14. Subject to the provisions of this Order and subject also to
of new works. such alterations (if any) in the deposited plans and the deposited
sections as the Board of Trade may require before completion of the
works the Town Council may in the lines and situations and according
to the levels shown on the deposited plan and sections so far as the same **15**
are shown thereon and within the limits of deviation shown on the said
plan and sections make and maintain the works authorised by this
Order.

15. The said works authorised by this Order are:—

Work No. 1 The removal of the existing stone jetty; **20**

Work No. 2 The construction of a concrete jetty two hundred
feet long and not less than six feet wide with a head thirty feet
long and twenty feet wide parallel to the existing stone jetty
and sixty feet north-east thereof;

Work No. 3 Excavation of the cliff and bed of the inner **25**
harbour bounded on the north by Work No. 2 and on the
east and south by Works Nos. 4 and 5 and on the west by
the west pier to levels of eight feet and six feet below high-
water mark of ordinary spring tides;

Work No. 4 The construction of a dry rubble retaining wall **30**
commencing at the eastern extremity of Work No. 2 and
extending approximately in a south and south-westerly direction
for a distance of about four hundred and ten feet;

Work No. 5 The construction of a path five feet wide on the
harbour face of Work No. 4 with steps at each end to road; **35**

Work No. 6 The improvement of the expending beach at the
eastern end of the outer harbour and the formation of a slip
seventy feet in mean length leading from the road to the bed
of the outer harbour situate on the east side of the said
expending beach; **40**

Work No. 7 The construction of sheet piling on the inner face
of the west pier over a length of three hundred and fifty feet
measured from the shore end of the said pier.

[1 & 2 GEO. 5.] *Pier and Harbour Provisional Order*
(No. 3).

7

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

A.D. 1911.

Cullen.

Power to deviate.

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

Penalty for obstructing construction of works.

18. The Town Council may subject to the provisions of this Order make purchase and maintain in connexion with the harbour all necessary footways carriageways approaches roads communications steps slips slipways sewers drains sluices culverts embankments walls fences railings groins sea defences aprons dams cuts jetties landing places quays wharves gates basins stages staithe gantries grid irons channels locks beacons buoys dolphins moorings pontoons floating docks and gas and water pipes electric light and power mains and other works conveniences and appliances necessary or convenient for or ancillary or incidental to carrying on the harbour undertaking to the best public advantage.

Power to make footways &c.

19.—(1) Subject to the provisions of this Order the Town Council may construct and maintain or take on feu or lease any warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or convenient in connexion with the harbour for the accommodation of vessels and traffic landed at or embarked from the harbour and may also lay down and maintain lighting apparatus rails tramways sidings and turntables in or upon any of the piers or works forming part of the harbour or the lands connected therewith.

Power to construct or lease warehouses and other buildings tramways &c.

(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.

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

For protection of telegraphic lines of Postmaster-General.

21. Nothing in this Act shall extend to or authorise any interference with any works on any undertaking within the meaning of the

For protection of electric lighting undertakers.

- A.D. 1911. *Cullen.* Electric Lighting Acts 1882 to 1900 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.
- Power to maintain dredgers &c.** 22.—(1) Subject to the provisions of this Order the Town Council may maintain the harbour and with the consent of the Board of Trade 5 may alter and improve the same.
- (2) The Town Council may in connexion with the harbour dredge scour deepen excavate and improve the harbour and the entrances channels and approaches thereto to the extent necessary to secure a sufficient waterway and approach in and to the harbour for vessels 10 using the same.
- (3) All rock stone shingle sand mud and other materials dredged up or removed within the limits of this Order shall be the property of the Town Council and they may use appropriate sell or otherwise dispose of the same or lay down and use the same for the purposes 15 of the harbour undertaking as they think fit Provided that no rock stone shingle 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 first been obtained.
- (4) All money arising from any sale or other disposition of any 20 rock stone shingle sand mud and other materials under this section after payment of any expenses connected therewith shall be applied in the same manner as the harbour revenue is to be applied.
- Power to purchase and hire dredgers &c.** 23.—(1) The Town Council may for the purposes of this Order provide purchase lease or hire such steam or other dredgers engines 25 tugs lighters or other vessels diving bells tools plant or other materials as they may think fit and may demand and receive such reasonable sums for the use of the same as they may think fit and the sums so received shall be applied in the same manner as the harbour revenue is to be applied. 30
- (2) The Town Council may from time to time in their discretion sell or dispose of any of the articles and things purchased under this section and the money realised by any sale thereof shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable. 35
- Consent of Board of Trade to works.** 24. No part of the works by this Order authorised to be constructed or made below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent.
- Powers to cease in certain events.** 25.—(1) If within two years from the commencement of this Order 40 the works authorised by this Order are not substantially commenced the powers given by this Order for executing those works or otherwise in relation thereto shall cease unless the time for the commencement of the works be extended by the special direction of the Board of Trade.

[1 & 2 GEO. 5.] *Pier and Harbour Provisional Order* 9
(No. 3).

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

A.D. 1911.
Cullen.

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

Rates.

15 26.—(1) Sections 25 and 26 of the Harbours Act 1847 shall not be incorporated with this Order.

Power to
levy rates.

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

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

Power to vary
exemptions
and com-
pound for
rates.

30 28. The Town Council 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 warehouse rails tramways sheds buildings yards weighing machines mooring posts cranes buoys works and conveniences belonging to or
35 provided by the Town Council or in respect of any services rendered by them in connexion with the harbour undertaking.

Rates for
warehouses
&c.

29. If and so long as the Town Council shall make and maintain
40 such provisions and appliances as may be necessary for furnishing to vessels resorting to the works a supply of pure and wholesome water they shall be entitled to make and recover such reasonable charge as they may think fit not exceeding the rate specified for that purpose in

Supply of
and rate for
water.

A.D. 1911. the schedule to this Order for pure and wholesome water supplied by them.

Cullen.

Master of fishing vessel to report take of fish.

30.—(1) The master or owner of any vessel (not being a pleasure 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. 5

(2) If the master or owner of a vessel fails to comply with this section he shall for each offence be liable to a penalty not exceeding ten pounds. 10

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

31.—(1) The Town Council may levy demand recover and receive the rates for white fish and for fresh herrings direct from the sea and transhipped or unshipped within the limits of this Order either from the fish salesmen or auctioneers who dispose of such fish or from the person purchasing or receiving delivery of the same (otherwise than as carriers) from any vessel. 15

(2) Any such fish salesman auctioneer purchaser or receiver respectively shall be entitled to deduct the amount of such rates from the price at which such fish were sold or purchased and shall when required furnish the Town Council or the collector of rates with the true account under his hand of the quantity of such fish and verify the same by the production of his books accounts and other documents to the Undertakers or to the collector of rates. 20

(3) If any such fish salesman auctioneer purchaser or receiver shall when so required refuse or fail to give and verify such an account or shall give or subscribe a false account he shall be liable to a penalty not exceeding ten pounds for each offence. 25

Harbour-master may prevent sailing of vessels.

32. The harbour-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. 30

Certain fishing vessels under stress of weather exempt from rates.

33. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Order. 35 40

Exemption of lifeboat crew.

34. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to

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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
5 passage and egress to along and from the premises and works belonging to the Town Council.

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

Board of
Trade may
reduce rates.

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

Powers of Leasing.

36.—(1) The Town Council may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be sanctioned by the Board of Trade lease to any
25 company corporation or person (A) the entire harbour undertaking or (B) the rates and other charges authorised by this Order to be taken.

Power to
lease under-
taking or
rates.

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

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

(4) The Town Council shall within one month after the date of any lease made under this section deposit a certified copy thereof
40 respectively with the Board of Trade and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

A.D. 1911. (5) No lease made under this section shall be made in consideration
or part consideration of any fine premium or other capital sum.
Cullen.

(6) Nothing in this section shall exempt the Town Council from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Acts incorporated with this Order and of this Order as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessees as the Town Council and all moneys received by the Town Council under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order. 5 10

Power to
lease pavilions.

37. The Town Council may let for hire or lease for any term not exceeding seven years any sheds warehouses or other buildings separately from any other part of the undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit. 15

Finance.

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

38. The Town Council may and shall provide such moneys as may become necessary for the purposes of this Order or any of them and of the harbour undertaking and the maintenance management and improvement thereof and the payment of expenses in connexion therewith out of the revenue of the harbour undertaking or by means of the assessment by this Order authorised to be imposed and levied or any of them as the Town Council may think fit. 20

Power to
Town Council to impose
and levy
special rate.

39.—(1) Subject to the provisions of this Order the Town Council may if they think fit as from and after the fifteenth day of May first occurring after the commencement of this Order for the purposes mentioned in the last preceding section of this Order or any of such purposes and for the purpose of paying any expense of and connected with the raising of the same charge in equal proportion all owners and occupiers of lands or premises within the burgh with an assessment which shall be levied and recovered in the same manner as the general improvement rate authorised by the Police Acts is levied and recovered and all the provisions of those Acts with respect to the mode of imposing levying and recovering the general improvement rate shall mutatis mutandis extend and apply to the said assessment hereby authorised. 25 30 35

(2) The said assessment so leviable shall be in addition to any assessments levied by the Town Council under the Police Acts but shall not exceed one shilling and sixpence in the pound of the rateable value of the burgh. 40

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40.—(1) The Town Council may from time to time borrow at A.D. 1911.
interest not exceeding five per centum per annum:—

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(A) For carrying into effect the purposes of this Order such sum
or sums not exceeding ten thousand pounds as may be
5 sanctioned by the Secretary for Scotland; and

Power to
borrow.

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

(2) In order to secure the repayment of money borrowed under
this section and the payment of interest thereon the Town Council
may mortgage or charge the assessment by this Order authorised to be
10 levied or the harbour revenue or both of them.

41. The Town Council for the purpose of raising any money by
this Order authorised to be borrowed may accept and take from any
bank or banking company credit to such amount as they think
expedient (not exceeding in the whole taken together with any sums
15 borrowed on mortgage or charge under the last preceding section and
for the time being remaining unpaid) the sum of ten thousand pounds
exclusive of interest on a cash account to be opened and kept with
such bank or banking company in the name of the Town Council
according to the usage of bankers in Scotland.

Power to
take credit
from bank.

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

Periods for
repayment of
money bor-
rowed.

(A) As to the money borrowed for the purposes (A) mentioned in
the section of this Order the marginal note whereof is
25 “Power to borrow” within such period or periods as may
be prescribed by the Secretary for Scotland:

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

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

Application
of borrowed
money.

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

Power to
re-borrow.

45. The provisions of the Police Acts and of any Acts amending
the same as to the borrowing of money for the general purposes of
those Acts shall in so far as applicable and not inconsistent with the
40 provisions of this Order be incorporated with this Order and shall so
far as aforesaid apply to the borrowing by the Town Council of the
money which they are by this Order authorised to borrow and the

Sections of
Incorporation
of Police
Acts.

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A.D. 1911. mortgages or bonds to be granted by the Town Council for the purposes
Cullen. of this Order shall refer to the title of this Order Provided always
that in the event of repayment of money borrowed being made by
way of instalment the annual amount of such instalment shall be
sufficient to pay off the whole of such money so borrowed within the 5
prescribed periods.

Sinking fund. 46. The Town Council shall in the event of their borrowing other-
wise than by way of repayment by instalments within the prescribed
periods appropriate and set apart in every year out of the revenues
to be derived from the harbour and harbour undertaking and out of 10
the assessments to be levied as hereinbefore mentioned 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 the prescribed periods.

For appoint- 47.—(1) The mortgagees in respect of money borrowed under this 15
ment of a
judicial
factor. Order may enforce payment of arrears of interest or principal and
interest due on their mortgages by the appointment of a judicial
factor.

(2) In order to authorise the appointment of a judicial factor in
respect of arrears of principal the amount owing to the mortgagees by 20
whom the application for a judicial factor is made shall not be less
than two 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 25
“commissioners” shall mean the Town Council and the expression
“receiver” shall mean judicial factor and the expressions “mortgage”
and “mortgagee” shall respectively include any security for money
borrowed under this Order and the holder of any such security.

Protection 48. Any person lending or paying money to the Town Council
of lenders. under this Order shall not be bound to require any further or other 30
evidence of the power of the Town Council to borrow the money
advanced by such person than such as is afforded by a certificate signed
by the clerk to the Town Council that the powers of borrowing conferred
on the Town Council by this Order are not being exceeded.

Contingency 49. The Town Council may if they think fit for the purpose of 35
fund. forming and maintaining a contingency fund not exceeding at any time
the sum of one thousand pounds to meet any extraordinary claim or
demand or any unforeseen accident or extraordinary damage which may
happen or be caused to the harbour appropriate and set apart subject
to the provisions of this Order as to the application of the harbour 40
revenue any amount which they may think fit in any year out of the
harbour revenue and shall deposit any such amount in some joint stock

bank of issue in Scotland to be increased by accumulation in the way of compound interest or otherwise invested in securities in which trustees in Scotland may lawfully invest money (but not in securities of the Town Council) until required for any of the aforesaid purposes.

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

Application
of rates.

10 (1) In paying the costs of and connected with the preparation obtaining and confirming of this Order so far as those costs are not paid out of money borrowed under this Order :

(2) In paying the expenses properly chargeable to revenue of carrying on managing and maintaining the harbour undertaking :

15 (3) In paying any feu duties and rents payable in respect of the lands and property belonging to or leased by the Town Council in connexion with the harbour undertaking :

(4) In paying year by year the interest on money borrowed under this Order :

20 (5) In paying the instalments as they become due of any money borrowed under this Order and repayable by instalments :

(6) In providing a sinking fund for the repayment of any money borrowed under this Order and not repayable by instalments :

25 (7) In creating and maintaining if they think fit a contingency fund in manner specified in the section of this Act of which the marginal note is "Contingency fund" :

(8) In repaying to the burgh all sums which have been provided by means or out of the assessment authorised by this Order to be levied and have been applied for the purposes of the harbour undertaking whether in respect of money borrowed or otherwise :

30 (9) Subject to and after answering the purposes aforesaid the surplus revenue (if any) shall be applied by the Town Council in the general improvement of the harbour undertaking.

35 51.—(1) The Town Council shall keep an account of the harbour undertaking separate from the other accounts of the borough showing all moneys received on account of the harbour undertaking and all moneys expended thereon or in connexion therewith.

Separate
account of
harbour
undertaking
to be kept.

40 Act 1900 to such separate account as forming part of the yearly account

(2) In the application of section 96 of the Town Councils (Scotland)

A.D. 1911, of the Town Council the expression "any person assessed or elector"
Cullen and "any ratepayer or elector" occurring therein shall be deemed to include any person (A) who has advanced any money to the Town Council, under the powers of this Order and to whom any part of such money or any interest thereon for the time being remains owing 5
 (B) who has during the year to which such separate account relates paid any rates tolls or dues for or in respect of the user of the harbour (c) who is otherwise interested in such separate account.

**Annual
return to
Board of
Trade.**

52.—(1) The Town Council within one month after the date when a copy of the annual account of the Town Council or abstract thereof 10
 is under section 96 of the Town Councils (Scotland) Act 1900 to be sent to the Secretary for Scotland shall send to the Board of Trade a copy of the separate account by the last preceding section of this Order required to be kept and section 16 of the General Pier and Harbour Act 1861 Amendment Act (25 & 26 Vict. c. 19) shall apply 15
 to and include any such account.

(2) The Town Council shall as from the expiration of the said period of one month be liable to a penalty not exceeding twenty pounds for each week or part of a week during which they refuse or neglect to comply with this section. 20

(3) Section 50 of the Harbours Act 1847 shall not be incorporated with this Order.

Byelaws.

Byelaws.

53.—(1) The byelaws which may from time to time be made by the Town Council in exercise of the power in that behalf conferred 25
 on them by section 83 of the Harbours Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that 30
 allowance and confirmation shall be sufficient for all purposes.

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

Life-saving Apparatus.

**Provision for
life-saving
apparatus.**

54.—(1) Sections 16 to 19 of the Harbours Act 1847 shall not be 35
 incorporated with this Order.

(2) The Town Council shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site in or near the harbour and build on that site a

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house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus. A.D. 1911.
Cullen.

(3) If the Town Council fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month 5 during which the failure continues.

55. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour 10 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. *Life-saving apparatus may be attached to pier.*

56. The Town Council shall at all times keep at convenient places at the harbour and in obedience to any requirements which may be 15 made by the Board of Trade lifebuoys and lifelines in good order and fit and ready for use. *Lifebuoys to be kept.*

Lights.

57.—(1) Before commencing the works authorised by this Order the Town Council shall apply to the Board of Trade for directions as to 20 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 those works and compliance with the directions so given shall satisfy 25 and be in place of every other statutory requirement as to lights during the construction of those works. *Lights during construction of works.*

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

30 58.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order the Town Council shall exhibit at the outer extremity of those works or the completed portions thereof or in such other places as may be required from sunset to sunrise and according to the requirements of the traffic and the season 35 of the year such lights (if any) and shall take such other steps for the prevention of danger to navigation as shall from time to time be directed by the Commissioners of Northern Lights and shall apply to those commissioners for such directions. *Lights after completion of works.*

(2) The Town Council shall be liable to a penalty not exceeding 40 ten pounds for every day during which they omit so to apply or refuse or neglect to observe or comply with any such direction.

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A.D. 1911. 59.—(1) In case of injury to or destruction or decay of the works
Cullen. included in or connected with the harbour or any part thereof the Town
As to buoys Council shall lay down such buoys exhibit such lights or take such
and lights in other means for preventing (as far as may be) danger to navigation
case of decay as may from time to time be directed by the Commissioners of Northern 5
of works. Lights and shall apply to those commissioners for directions as to the
means to be taken.

(2) The Town Council shall be liable to a penalty not exceeding
ten pounds for every day during which they omit so to apply or refuse
or neglect to observe or comply with any such directions. 10

Miscellaneous.

Application of Harbours Act 1847. 60. For all the purposes of the Harbours Act 1847 so far as applic-
able to the objects of this Order this Order shall be deemed the special
Act.

Recovery of penalties. 61. All penalties under this Order shall be recovered and applied 15
as penalties are recoverable and applicable under the Harbours Act
1847.

Exemptions and savings for Government Departments. 62. Sections 28 and 99 of the Harbours 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 20
of the Government departments specially named in those sections.

Local lighthouse authority. 63. The Town Council shall within the limits of this Order be a
local lighthouse authority for the purposes of the Merchant Shipping
Act 1894.

Meters and weighers. 64. The Town Council shall have the appointment of meters and 25
weighers in and in connexion with the harbour.

Crownrights. 65. Nothing in this Order affects prejudicially any estate right
power privilege or exemption of the Crown and in particular nothing
herein contained authorises the Town Council to take use or in any
manner interfere with any portion of the shore or bed of the sea or 30
of any river channel creek bay or estuary or any land hereditaments
subjects or rights of whatsoever description belonging to His Majesty
in right of His Crown and under the management of the Commis-
sioners of Woods or of the Board of Trade respectively without the
consent in writing of the Commissioners of Woods or of the Board of 35
Trade as the case may be on behalf of His Majesty first had and
obtained for that purpose (which consent the said Commissioners and
Board are hereby respectively authorised to give).

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66. The Order of 1884 and the Order of 1886 are hereby repealed. Repeal.
67. The harbour shall be deemed to be for all purposes within the royal burgh of Cullen in the county of Banff. Harbour to be within royal burgh of Cullen.
68. All costs charges and expenses of or incident to the preparing 5 and obtaining of this Order shall be paid by the Town Council. Costs of Order.

SCHEDULE.

TABLE OF RATES.

I.—RATES ON VESSELS &C.

1. *Tonnage Rates.*

	£	s.	d.
10 For every vessel loading cargo for any port or place on the East Coast of Scotland including the Orkney and Shetland Islands per registered ton - - - - -	0	0	4
15 For every vessel discharging cargo from any port or place on the East Coast of Scotland including the Orkney and Shetland Islands per register ton - - - - -	0	0	4
20 For every vessel from a port or place on the East Coast of Scotland including the Orkney and Shetland Islands light or in ballast or windbound or not loading or discharging per register ton - - - - -	0	0	2
For every vessel loading cargo for any other port or place in Great Britain or Ireland per register ton - - - - -	0	0	6
For every vessel discharging cargo from any other port or place in Great Britain per register ton - - - - -	0	0	6
25 For every vessel from a port or place in Great Britain or Ireland not on the East Coast of Scotland or in the Orkney or Shetland Islands light or in ballast or windbound or not loading or discharging per register ton - - - - -	0	0	3
30 For every vessel loading cargo for an oversea port per register ton - - - - -	0	0	8

20 *Pier and Harbour Provisional Order* [1 & 2 GEO. 5.]
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A.D. 1911.		£	s.	d.	
<i>Cullen.</i>	For every vessel discharging cargo from an oversea port per register ton - - - - -	0	0	8	
	For every vessel from an oversea port light or in ballast or windbound or not loading or discharging per register ton - - - - -	0	0	4	5
	For every yacht not carrying goods or passengers for hire per register ton - - - - -	0	0	3	
	Boats or registered vessels carrying cargo other than fish to pay tonnage rates according to their capacity as above.				10
	In the event of any vessel remaining in the harbour more than a week the above rates shall be payable for each week or part thereof after the first week unless windbound when one-half only of the above rates shall be payable.				15

2. *Rates on Fishing Vessels.*

For every boat engaged in the herring fishing as a composition in full of tonnage rates payable in advance:—					
If under 15 tons register per month - - - - -	1	5	0		20
If 15 tons register or above per month - - - - -	1	10	0		
For every boat engaged in the white fishing or other fishing other than the herring fishing as a composition for any fishing seasons payable in advance:—					
If under 15 ton register per month - - - - -	0	10	0		25
If 15 tons register or above per month - - - - -	1	0	0		
The above composition dues shall not apply to steam trawlers or steam liners of a gross tonnage of more than 30 tons and they shall not apply to boats or vessels of any description not engaged in fishing.					30
For every small boat for pleasure purposes using the harbour per week or part of a week - - - - -	0	2	0		
For every boat loading or discharging herrings or white or other fish not paying the above composition dues:—					
If under 15 tons register - - - - -	0	2	0		35
If 15 tons register or above - - - - -	0	3	0		
For every boat engaged in the herring or white or other fishing windbound:—					
If under 15 tons register - - - - -	0	1	0		
If 15 tons register and above - - - - -	0	2	0		40
For every steam trawler or steam liner of a gross tonnage of more than 30 tons windbound - - - - -	0	3	0		

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

	£	s.	d.	A.D. 1911.
				<u>Cullen</u>
	0	2	0	
5	0	4	0	

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

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

General Notes.

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

II.—RATES ON ANIMALS AND GOODS SHIPPED TRANSHIPPED OR UNSHIPED
AT THE HARBOUR.

Articles of Export or Import.		Weight or Measure.	Rates.
A.			
20	Aerated waters all kinds - - - -	per ton - - -	s. d. 1 8
	Ale porter and beer - - - -	per 50 gallons - -	1 0
	" " (bottled) - - - -	per cwt. - - -	0 2
	Alkali - - - -	per ton - - -	1 6
	Alum - - - -	per cwt. - - -	0 1 $\frac{3}{4}$
25	Ammonia water - - - -	per ton - - -	1 0
	Anchors - - - -	per ton - - -	5 0
	Animalised carbon - - - -	per ton - - -	1 0
	Ashes - - - -	per ton - - -	2 0
	Asphalte or bitumen - - - -	per ton - - -	1 3
B.			
30	Bacon or hams - - - -	per ton - - -	3 4
	Ballast - - - -	per ton - - -	1 0
	Barilla - - - -	per ton - - -	3 0
	Bark in bulk - - - -	per ton - - -	2 6
35	Barrels empty herring - - - -	each - - -	0 1
	Barytes - - - -	per ton - - -	1 6
	Baskets under twelve inches diameter - - - -	per dozen - - -	0 6
	" above " " - - - -	per dozen - - -	1 0
	Basket rods - - - -	per cwt. - - -	0 2
40	Beef or pork (fresh or salt) - - - -	per ton - - -	3 6
	Beer black or spruce - - - -	per 3 gallons - -	0 2
	Billiard table - - - -	per cwt. - - -	0 2
	Bicycles or tricycles - - - -	each - - -	0 3

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Articles of Export or Import.	Weight or Measure.	Rates.
Biscuits - - - - -	per ton - - - - -	s. d. 3 0
Blacking - - - - -	per cwt. - - - - -	0 6
Bleaching salts - - - - -	per cwt. - - - - -	0 2½
Blood of cattle - - - - -	per ton - - - - -	1 0
Blubber - - - - -	per 252 gallons - - - - -	3 0
Boats and cobbles :—		
Under 12 feet keel - - - - -	each - - - - -	1 6
12 feet to 14 feet keel - - - - -	each - - - - -	2 0
14 " 16 " - - - - -	each - - - - -	2 6
16 " 18 " - - - - -	each - - - - -	3 0
18 " 20 " - - - - -	each - - - - -	3 6
20 feet keel and above - - - - -	each - - - - -	5 0
Bones (crushed or uncrushed) - - - - -	per ton - - - - -	1 6
Books and stationery - - - - -	per cwt. - - - - -	0 4
Boots - - - - -	per ton - - - - -	3 0
Bottles - - - - -	per cwt. - - - - -	0 4
" (broken) - - - - -	per ton - - - - -	0 6
Boxes (empty) - - - - -	each - - - - -	0 1
Boxwood - - - - -	per cwt. - - - - -	0 1¾
Bran - - - - -	per ton - - - - -	1 0
Brass - - - - -	per ton - - - - -	2 0
Bricks - - - - -	per 1000 - - - - -	1 0
Brimstone - - - - -	per ton - - - - -	2 0
Bristles - - - - -	per cwt. - - - - -	0 9
Brooms (common) - - - - -	per dozen - - - - -	0 2
Bulrushes - - - - -	per cwt. - - - - -	0 8
Butter - - - - -	per cwt. - - - - -	0 3
C.		30
Calamine or zinc ore - - - - -	per ton - - - - -	1 0
Candles - - - - -	per ton - - - - -	3 6
Canvas - - - - -	per cwt. - - - - -	0 2
Carpets rugs and upholstery articles - - - - -	per ton - - - - -	2 6
Cane reeds - - - - -	per cwt. - - - - -	0 3
Carboys (empty) - - - - -	each - - - - -	0 1
Carriages with springs under 5 cwt. - - - - -	each - - - - -	2 6
" " 5 cwt. and under 7½ cwt. - - - - -	each - - - - -	5 0
" " 7½ cwt. and under 10 cwt. - - - - -	each - - - - -	7 6
" " 10 cwt. and above - - - - -	each - - - - -	10 0
Carrots - - - - -	per ton - - - - -	1 0
Carts and waggons without springs - - - - -	per ton - - - - -	2 6
Casks boxes sacks and kits empty except returned empties as provided for in the notes to this schedule - - - - -	each - - - - -	0 1
Cattle viz. :—		
Bulls cows and oxen - - - - -	each - - - - -	1 6
Calves - - - - -	each - - - - -	0 6
Horses - - - - -	each - - - - -	2 0
Ponies under 12 hands - - - - -	each - - - - -	1 0
Asses or mules - - - - -	each - - - - -	1 0
Pigs - - - - -	each - - - - -	0 6
Sheep and lambs and goats - - - - -	each - - - - -	0 3
Small cattle - - - - -	each - - - - -	0 8
Cattle foods and feeding stuffs not enumerated - - - - -	per ton - - - - -	3 0
Cement - - - - -	per ton - - - - -	1 6
		55

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Articles of Export or Import.		Weight or Measure.	Rates.	A.D. 1911.
				<i>Cullen.</i>
			<i>s. d.</i>	
	Chalk - - - - -	per ton - - -	1 6	
	Cheese - - - - -	per ton - - -	3 0	
5	Chimney tops - - - - -	each - - - - -	0 1	
	China - - - - -	per ton - - -	2 6	
	Chocolate - - - - -	per cwt. - - -	1 0	
	Chrome ore - - - - -	per ton - - -	1 0	
	Cider - - - - -	per 3 gallons - - -	0 0½	
10	Cinders and charcoal - - - - -	per ton - - -	0 9	
	Clay viz. :—china or stone - - - - -	per ton - - -	1 0	
	Clay pipes - - - - -	per ton - - -	1 0	
	Clocks - - - - -	each - - - - -	1 0	
	Clothing haberdashery silk mercery &c. not other- wise-enumerated - - - - -	per ton - - -	3 0	
15	Coals - - - - -	per ton - - -	1 0	
	Bunker coals - - - - -	per ton - - -	0 2	
	Cocoa - - - - -	per cwt. - - -	1 0	
	Cocoa nuts - - - - -	per 100 - - -	0 4	
20	Coffee - - - - -	per cwt. - - -	0 3	
	Coke - - - - -	per ton - - -	0 10	
	Confections of all kinds - - - - -	per cwt. - - -	0 2	
	Copper - - - - -	per ton - - -	5 0	
	" old - - - - -	per ton - - -	2 0	
25	" ore - - - - -	per ton - - -	1 0	
	Copperas - - - - -	per cwt. - - -	0 1¾	
	Coprolites - - - - -	per ton - - -	1 0	
	Colours - - - - -	per cwt. - - -	0 1¾	
	Cordage - - - - -	per ton - - -	5 0	
30	" old not in use - - - - -	per ton - - -	1 0	
	Cork wood and corks - - - - -	per ton - - -	6 6	
	Corn viz :—			
	Barley and bigg - - - - -			
35	Bere - - - - -			
	Beans - - - - -			
	Indian corn - - - - -			
	Malt - - - - -	per quarter - - -	0 3	
	Oats - - - - -			
	Pease - - - - -			
40	Rye - - - - -			
	Wheat - - - - -	per quarter - - -	0 4	
	Cotton wool &c. - - - - -	per ton - - -	5 0	
	Crystal - - - - -	per ton - - -	5 0	
	Cutch - - - - -	per ton - - -	3 4	
45	D.			
	Dogs - - - - -	each - - - - -	0 6	
	Draff and dreg - - - - -	per ton - - -	0 4	
	Drugs - - - - -	per cwt. - - -	0 4	
	Dung - - - - -	per ton - - -	0 4	
50	E.			
	Earthenware - - - - -	per ton - - -	2 6	
	Eggs - - - - -	per ton - - -	3 6	
	Emery and emery stones - - - - -	per cwt. - - -	0 3	
	Esparto grass - - - - -	per ton - - -	1 0	

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Articles of Export or Import.	Weight or Measure.	Rates.
F.		
Feathers - - - - -	per ton - - - - -	s. d. 10 0
Felt - - - - -	per ton - - - - -	2 6
Ferrets - - - - -	each - - - - -	0 1
Fish dried smoked or cured	} per ton - - - - -	6 8
„ pickled or salt		
„ fresh haddock cod ling and fish not enumerated		
„ large fresh cod ling and skate in the discretion of the harbour authority	per score - - - - -	0 6
(NOTE.—The harbour authority to have the option of charging on fish of all kinds 4d. per 1l. value in lieu of the rates above detailed.)		
Fish offal - - - - -	per ton - - - - -	0 6
Flax - - - - -	per ton - - - - -	4 2
Flour - - - - -	per ton - - - - -	2 8
Flower roots - - - - -	per cwt. - - - - -	0 2
Flint stones - - - - -	per ton - - - - -	0 6
Fruit viz. :—		
Apples pears and berries	per cwt. - - - - -	0 3
Plums cherries and grapes	per cwt. - - - - -	0 4
Melons - - - - -	per cwt. - - - - -	0 2
Peaches - - - - -	per 100 - - - - -	0 2
All not enumerated	per 10l value - - - - -	0 10
Furniture household - - - - -	per ton - - - - -	2 6
Furriers' waste - - - - -	per ton - - - - -	0 4
G.		
Game viz. :—		
Hares - - - - -	each - - - - -	0 2
Rabbits - - - - -	each - - - - -	0 1
All others - - - - -	each - - - - -	0 2
Gelatine of scrows - - - - -	per ton - - - - -	2 0
Ginger - - - - -	per cwt. - - - - -	0 3
„ preserved - - - - -	per cwt. - - - - -	0 6
Glass of all descriptions - - - - -	per cwt. - - - - -	0 2
Glue - - - - -	per cwt. - - - - -	0 4
Grates stoves &c. - - - - -	per ton - - - - -	3 6
Grease - - - - -	per ton - - - - -	2 6
Groceries all kinds not enumerated	per cwt. - - - - -	0 3
Gunpowder and other explosives - - - - -	per cwt. - - - - -	0 3
Guano - - - - -	per ton - - - - -	1 6
Gypsum ground - - - - -	per ton - - - - -	1 0
„ unground - - - - -	per ton - - - - -	0 6
H.		
Hair all kinds { baken - - - - -	per cwt. - - - - -	0 4½
{ plasterers' - - - - -	per ton - - - - -	2 0
Hardware - - - - -	per cwt. - - - - -	0 2
Hats - - - - -	per dozen - - - - -	0 5
Hay - - - - -	per ton - - - - -	2 6
Heading - - - - -	per 1000 - - - - -	0 2
Hemp - - - - -	per ton - - - - -	3 6

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Articles of Export or Import.				Weight or Measure.	Rates.	A.D. 1911. Cullen.
						<i>s. d.</i>
	Herrings imported	-	-	-	per 37 $\frac{1}{2}$ gallons	0 4
	" exported	-	-	-	per 26 $\frac{2}{3}$ gallons	0 3
5	Hides raw	-	-	-	per cwt.	0 4
	Honey	-	-	-	per cwt.	0 3
	Hoops of wood	-	-	-	per 1000	0 10
	Hops	-	-	-	per cwt.	0 6
	Horns slugs and tips	-	-	-	per 1000	1 8
10	Husbandry implements viz. :—					
	Ploughs	-	-	-	each	0 9
	Harrows	-	-	-	per pair	0 9
	Wheelbarrows	-	-	-	each	0 4
	Other implements	-	-	-	per ton	2 6
15						
						I.
	Ice	-	-	-	per ton	1 0
	Iron viz. :—					
	Bar plate bolt and rod	-	-	-	per ton	2 0
	Forged	-	-	-	per ton	3 4
20	Hoops	-	-	-	per ton	3 9
	Made work	-	-	-	per ton	5 0
	Old	-	-	-	per ton	1 3
	Old and broken goods	-	-	-	per ton	0 6
	Pots	-	-	-	each	0 1
25	Cast-iron goods	-	-	-	per ton	2 6
	Wire	-	-	-	per cwt.	0 4
	Ore	-	-	-	per ton	0 2
	Pig	-	-	-	per ton	1 0
						J.
30	Junk or old ropes	-	-	-	per ton	1 0
	Jute	-	-	-	per ton	1 0
						K.
	Kelp	-	-	-	per ton	1 0
	Kiln pavement	-	-	-	per 30 feet	0 4
35						L.
	Lard	-	-	-	per ton	2 0
	Lead	-	-	-	per ton	3 0
	" black	-	-	-	per ton	2 0
	" ore	-	-	-	per ton	2 0
40	" red and white	-	-	-	per ton	2 0
	" shot	-	-	-	per ton	3 0
	" sugar of	-	-	-	per cwt.	0 2
	Leather tanned and dressed	-	-	-	per cwt.	0 3
	Lemons	-	-	-	per cwt.	0 4
45	Lime	-	-	-	per ton	0 10
	Linen yarn	-	-	-	per ton	2 6
	Linseed	-	-	-	per ton	1 0
	Loam	-	-	-	per ton	0 4
	Locust beans whole or ground	-	-	-	per ton	1 0

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Cullen.

Articles of Export or Import.	Weight or Measure.	Rates.
M.		
Machinery - - - - -	per cwt. - - -	s. d. 0 2
Madder ground - - - - -	per ton - - -	2 6
Madder root - - - - -	per ton - - -	2 6
Manganese - - - - -	per ton - - -	1 0
Mangold wurzel - - - - -	per ton - - -	0 6
Manures manufactured and not otherwise enumerated - - - - -	per ton - - -	1 6
Matches - - - - -	per ton - - -	2 0
Mats and basses - - - - -	per dozen - - -	0 1
Meal viz. :—		
Bere meal - - - - -	} per ton - - -	1 6
Maize meal - - - - -		
Oatmeal - - - - -		
Peasemeal - - - - -		
Mill waste - - - - -	per ton - - -	2 0
Molasses - - - - -	per ton - - -	2 0
Moss litter - - - - -	per ton - - -	1 0
Mussels - - - - -	per ton - - -	0 6
Musical instruments not enumerated - - - - -	per ton - - -	2 6
N.		
Nails iron or copper - - - - -	per ton - - -	1 0
Nuts all kinds (except cocoa) - - - - -	per cwt. - - -	0 3
Nutmeg - - - - -	per ton - - -	2 3
O.		
Oakum - - - - -	per ton - - -	3 0
Ochre - - - - -	per cwt. - - -	0 1½
Oil all kinds - - - - -	per ton - - -	3 0
Oilcake - - - - -	per ton - - -	3 0
Onions - - - - -	per cwt. - - -	0 3
Oranges - - - - -	per cwt. - - -	0 4
Oysters - - - - -	per cwt. - - -	0 3
P.		
Peats - - - - -	per ton - - -	0 6
Paper - - - - -	per cwt. - - -	0 2
Pewter - - - - -	per ton - - -	2 0
" old - - - - -	per ton - - -	1 8
Pianoforte - - - - -	per 10l. value - - -	1 0
Pictures under two feet square - - - - -	each - - -	0 6
" two feet and under four feet - - - - -	each - - -	1 0
" four feet and upwards - - - - -	each - - -	2 0
Pigs' head - - - - -	per cwt. - - -	0 0¾
Pipes drain under three inches diameter - - - - -	per 1,000 - - -	0 6
" above " " - - - - -	per 1,000 - - -	0 9
" collars - - - - -	per 1,000 - - -	0 3
" spigot and faucet clay glazed - - - - -	per ton - - -	1 0
(NOTE.—Drain tiles and mugs one-third less.)		
Pipes tobacco - - - - -	per cwt. - - -	0 4
Pitch - - - - -	per cwt. - - -	0 2
Plaster of Paris - - - - -	per ton - - -	2 8

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Articles of Export or Import.		Weight or Measure.	Rates.	A.D. 1911.
				<i>Cullen.</i>
			<i>s. d.</i>	
	Plants nursery and garden all kinds	- - per cwt.	- - 0 4	
	Potatoes	- - per ton	- - 1 4	
5	Poultry all kinds	- - each	- - 0 1	
	Provisions preserved all kinds	- - per cwt.	- - 0 2	
	Pumice stones	- - per cwt.	- - 0 3	
	Pyrites	- - per ton	- - 0 6	
	„ burned or spent	- - per ton	- - 0 3	
10	R.			
	Rags	- - per ton	- - 2 0	
	Rails composite steel or iron	- - per ton	- - 1 0	
	Rice	- - per cwt.	- - 0 2	
	Rosin	- - per ton	- - 2 6	
15	S.			
	Saddlery all kinds	- - per cwt.	- - 0 3	
	Sails	- - per cwt.	- - 0 6	
	Salt in bulk	- - per ton	- - 1 0	
	„ rock	- - per ton	- - 0 9	
20	„ saltpetre and Glauber salt	- - per ton	- - 3 4	
	„ in barrel including dues of barrel	- - per ton	- - 1 4	
	Salmon	- - per cwt.	- - 0 6	
	Seed viz. :—			
	Rape and flax	- - per cwt.	- - 0 3	
25	Clover	- - per cwt.	- - 0 3	
	Garden seeds	- - per cwt.	- - 0 3	
	Hemp and canary	- - per cwt.	- - 0 3	
	Rye grass	- - per ton	- - 3 4	
	Shoes of all kinds	- - per ton	- - 3 0	
30	Sheep skins with wool	- - per cwt.	- - 0 3	
	„ pelts	- - per cwt.	- - 0 2	
	Slates large	- - per 1,000	- - 1 4	
	„ sizeable	- - per 1,000	- - 0 10	
	„ small	- - per 1,000	- - 0 6	
35	Snuff	- - per cwt.	- - 0 6	
	Soap	- - per ton	- - 2 0	
	Soda	- - per ton	- - 1 6	
	Spades or shovels	- - per dozen	- - 0 1	
	Spirits of all kinds	- - per 50 gallons	- - 1 0	
40	Starch	- - per cwt.	- - 0 3	
	Steel	- - per ton	- - 3 0	
	Straw	- - per ton	- - 1 0	
	Stones viz. :—			
	Freestone building	- - per ton	- - 0 5	
45	Polished granite	- - per ton	- - 2 6	
	Causeway granite or whinstone	- - per ton	- - 0 3	
	Kerb pavement and building	- - per ton	- - 0 5	
	Rubble and chips	- - per ton	- - 0 2	
	Rigging stones	- - per 100 feet	- - 1 6	
50	Flagstones	- - per ton	- - 0 9	
	Gravestones	- - each	- - 3 0	
	Marble	- - per ton	- - 3 0	

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Cullen.

Articles of Export or Import.	Weight or Measure.	Rates.
Stones— <i>continued.</i>		
Scythe stones - - - - -	per cwt. - - - - -	s. d. 0 2
Grindstones - - - - -	each - - - - -	0 4
Millstones - - - - -	each - - - - -	3 0
All other descriptions except flint - - - - -	per ton - - - - -	1 0
Stucco - - - - -	per ton - - - - -	1 8
Sugar raw - - - - -	per ton - - - - -	2 8
„ refined - - - - -	per ton - - - - -	3 4
Stoneware all kinds - - - - -	per cwt. - - - - -	0 2
		5
		10
T.		
Tallow - - - - -	per ton - - - - -	3 0
Tanners's waste - - - - -	per ton - - - - -	1 1
Tar coal - - - - -	per 39 gallons - - - - -	0 4
„ Archangel - - - - -	per 26½ gallons - - - - -	0 4
Tares - - - - -	per ton - - - - -	1 6
Tea - - - - -	per cwt. - - - - -	0 6
Terra alba or sulphite of lime - - - - -	per ton - - - - -	1 0
Tiles roofing - - - - -	per 1,000 - - - - -	1 0
Tin of all kinds - - - - -	per ton - - - - -	2 0
„ plates - - - - -	per ton - - - - -	2 0
Tobacco in leaf - - - - -	per cwt. - - - - -	0 2½
„ manufactured - - - - -	per 100 lbs. - - - - -	0 4½
„ stalks - - - - -	per cwt. - - - - -	0 3
Tongues smoked - - - - -	per dozen - - - - -	0 1½
„ pickled - - - - -	per cwt. - - - - -	0 4
Toys - - - - -	per cwt. - - - - -	0 3
Turnery - - - - -	per 10l. value - - - - -	0 10
Turnips - - - - -	per ton - - - - -	0 6
Turpentine - - - - -	per cwt. - - - - -	0 2
Twine - - - - -	per cwt. - - - - -	0 3
Tow all kinds - - - - -	per ton - - - - -	3 0
		20
		25
		30
U.		
Umber - - - - -	per ton - - - - -	1 0
		35
V.		
Vases or sculptured marble - - - - -	per cwt. - - - - -	0 3
Vinegar - - - - -	per 56 gallons - - - - -	1 0
Vitriol and acids - - - - -	per cwt. - - - - -	1 0
Varnish - - - - -	per cwt. - - - - -	0 2
Veneers all kinds - - - - -	per cwt. - - - - -	0 4
Vegetables - - - - -	per ton - - - - -	0 6
		40
W.		
Wax paraffin - - - - -	per ton - - - - -	2 0
Whalebone or whalefins - - - - -	per ton - - - - -	3 4
Wheels coach carriage or cart - - - - -	per pair - - - - -	0 9
Whitening - - - - -	per ton - - - - -	0 10
Willow reeds - - - - -	per cwt. - - - - -	0 2
Wine - - - - -	per gallon - - - - -	0 0¼
„ bottled - - - - -	per cwt. - - - - -	0 6
Wire rope - - - - -	per ton - - - - -	1 6
		45
		50

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Articles of Export or Import.		Weight or measure.	Rates.	A.D. 1911.
				<i>Cullen.</i>
				<i>s. d.</i>
Wood viz. :—				
5	Fir larch beech oak ash elm and all other hard woods rough or round or in plank or sided -	per 50 cubic feet -	1 0	
	Masts and spars - - - - -	per 50 cubic feet -	1 0	
	Fir deals planks and boards or battens -	per 50 cubic feet -	1 0	
	Railway sleepers - - - - -	per 50 cubic feet -	1 0	
10	Lathwood sawn - - - - -	per 1,000 superficial feet - - - - -	1 0	
	Cartwheel spokes and felloes - - - - -	per 40 pieces - - - - -	0 3	
	Wedges - - - - -	per 1,000 pieces - - - - -	1 0	
	Pitprops not exceeding 6 inches in average diameter - - - - -	per 50 cubic feet - - - - -	0 9	
15	Wainscot - - - - -	per 50 cubic feet - - - - -	1 3	
	Deal ends 3 inches thick and under 4 feet in length and firewood - - - - -	per 50 cubic feet - - - - -	0 6	
	Rickers under 30 feet in length and under 4 inches diameter - - - - -	per dozen - - - - -	0 3	
20	Oars - - - - -	per dozen - - - - -	0 4	
	Handspokes - - - - -	per dozen - - - - -	0 4	
	Treenails - - - - -	per 1,000 - - - - -	1 6	
Wood by weight :—				
25	Bar wood box wood Brazil wood cam wood ebony fustic lignum vitæ logwood Nicaragua wood red wood sassafras &c. Mahogany - - - - -	per ton - - - - - per 40 cubit feet or ton - - - - -	2 0 2 0	
Wood staves and billets :—				
30	Herring barrel billets - - - - -	per 50 cubit feet - - - - -	1 8	
	Herring barrel staves - - - - -	per 1,000 superficial feet - - - - -	1 2	
	Wood of all other kinds not enumerated - - - - -	per £ value - - - - -	0 4	
35	Wood pulp - - - - -	per ton - - - - -	1 6	
	Wool - - - - -	per ton - - - - -	5 0	
Y.				
Yarn, viz. :—				
	Lint and cotton - - - - -	per ton - - - - -	4 6	
40	Hemp - - - - -	per ton - - - - -	3 6	
	Worsted - - - - -	per ton - - - - -	4 6	
	Yeast - - - - -	per ton - - - - -	2 0	
Z.				
	Zinc - - - - -	per ton - - - - -	2 0	

All goods or articles not enumerated in the above table of rates
45 2d. per cwt.

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

A.D. 1911.

Exemptions &c. from Rates.

Cullen.

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

2. All goods landed from any vessel and re-shipped in the same 5
or another vessel in the original packages and without being transferred from the lander or if the said goods have been put into other packages through the original packages having been destroyed or damaged shall only pay rates on landing and may be re-shipped in 10
the same or another vessel upon her departure outwards without paying rates again.

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

4. Goods of all descriptions rated by weight shall be charged 15
according to gross weight fractional parts of any weight measure number or value shall be charged proportionately and the minimum charged for a single package shall be one penny.

III.—RATES ON PASSENGERS AND PASSENGERS' LUGGAGE LANDED
OR EMBARKED WITHIN THE HARBOUR.

	£	s.	d.	
For every person above 12 years of age landing from or embarking in any vessel - - - - -	0	0	2	20
For every person under 12 years of age with parent guardian master or servant - - - - -	0	0	1	25
Children in arms free.				
Servants going for or with luggage free.				
For each article of passengers' luggage not carried by themselves - - - - -	0	0	1	
For every master or member of the crew of any vessel boat or wherry using the harbour for the purpose of going to or returning from his vessel boat or wherry for each time	0	0	1	30
Or an annual sum payable in advance not exceeding	0	10	0	
Provided always that the master and every member of the crew of any vessel boat or wherry which comes within the harbour and in respect of which rates have been paid under this Order shall be entitled to use the harbour for the purpose of landing from or embarking to his vessel boat or wherry free of charge.				35

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(No. 3).

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

A.D. 1911.

*Cullen.*1. *Sheds.*

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

2. *Cranes.*

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

3. *Weighing Machines.*

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

4. *Warps or Planks.*

	Harbour warps all vessels per register ton	-	0	0¼
	Harbour planks long per pair	-	3	0
	Harbour planks short per pair	-	1	0
30	The long planks to be paid for by vessel and short planks by merchant.			

5. *Water Money.*

	For each 25 gallons or part of 25 gallons of pure and whole- some water supplied to any vessel or boat	-	0	1½
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35 6. *Harbour Lights.*

	For every fishing boat under 30 tons, payable in advance, per season	-	2	6
	For every fishing boat of 30 tons or above, payable in advance, per season	-	5	0

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(No. 3).

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Cullen.

	<i>s.</i>	<i>d.</i>
For all other boats, each - - - - -	0	6
For every ship entering the harbour per register ton - - -	0	0 $\frac{1}{4}$
But rates for lights shall only be demanded and received when they have been provided and so long as a light or lights are duly exhibited during the proper hours.		5

7. *Ballast.*

For all ballast supplied by the Harbour Authority to vessels or discharged from vessels within the harbour per ton - - -	1	0
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**Pier and Harbour
Provisional Order
(No. 3).**

**A
B I L L**

INTITLED

An Act to confirm a Provisional Order
made by the Board of Trade under
the General Pier and Harbour Act
1861 relating to Cullen.

(*Brought from the Commons 3rd July, 1911.*)

Ordered to be printed 3rd July 1911.

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(116)

[1 & 2 GEO. 5.] *Pier and Harbour Provisional Order*
(No. 4).

1

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Ullapool. A.D. 1911.

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.

5 And whereas it is expedient that the Provisional Order 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:

10 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:—

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

2. This Act may be cited as the Pier and Harbour Order Confirmation (No. 4) Act 1911. Short title.

A.D. 1911.

THE SCHEDULE.

ULLAPOOL PIER.

Ullapool. Provisional Order for the Construction Maintenance and Regulation of Piers and Works at Ullapool in the Parish of Lochbroom in the County of Ross and Cromarty and for other purposes.

Preliminary.

- | | | |
|-----------------|---|----|
| Short title. | 1. This Order may be cited as the Ullapool Pier Order 1911. | |
| Commencement. | 2. This Order shall come into operation upon the day when the Act confirming this Order is passed and that day is in this Order referred to as "the commencement of this Order." | 10 |
| Interpretation. | 3.—(1) In this Order the following words and expressions shall unless the context otherwise requires have the following meanings (that is to say) :— | |
| | "The proprietor" means Duncan Matheson of Achany and the Lews heir of entail in possession of the lands and estate of Ullapool in the county of Ross and Cromarty and his successors in title for the time being to the estate of Ullapool; | 15 |
| | "The existing works" means the existing pier quay breakwater bridge jetty and slipway and lands buildings works and conveniences connected therewith situate at Ullapool in the parish of Lochbroom in the county of Ross and Cromarty; | 20 |
| | "The new works" means the works authorised by this Order; | |
| | "The works" means and includes the existing works and the new works; | 25 |
| | "The undertaking" means and includes the works and the conveniences connected therewith and the right to levy tolls rates and other charges and all other rights conferred upon the Trustees incorporated by this Order; | |
| | "The office" means the office for the time being of the Trustees aforesaid; | 30 |
| | "Electors" means persons qualified within the terms of subsection (3) of the section of this Order the marginal note whereof is "Election of future trustees"; | |
| | "The Harbours Act 1847" means the Harbours Docks and Piers Clauses Act 1847. | 35 |

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(No. 4).

3

(2) In this Order the following expressions used in the Harbours Act 1847 shall have the following respective meanings (that is to say) :— A.D. 1911.
Ullapool.

5 The expressions “packet boat” and “Post Office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “Post Office bag of letters” means a mail bag as defined by the same Act. Provided that nothing in the Harbours Act 1847 or 10 in this Order shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire.

Undertakers.

4. The Ullapool Pier Trustees as incorporated by this Order shall 15 be the undertakers for carrying this Order into execution and are in this Order referred to as “the Trustees.” *Undertakers.*

Incorporation and Constitution of Trustees.

5. For the purpose of carrying this Order into execution there shall be a body of Trustees not exceeding nine in number to be con- 20 stituted as by this Order provided and those Trustees are hereby incorporated by the name of “The Ullapool Pier Trustees” and by that name shall be a body corporate with perpetual succession and a common seal and have power to sue and be sued and to purchase take on feu or lease hold and dispose of lands and other property 25 for the purposes and subject to the provisions and restrictions of this Order. *Pier Trustees incorporated.*

6. The Commissioners Clauses Act 1847 is incorporated with this Order except so much thereof as relates to the election and rotation of the Commissioners where the Commissioners are to be elected by 30 the ratepayers or 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 Commissioners Clauses Act 1847.*

7.—(1) The following nine persons shall be the first Trustees :— *First Trustees named.*

35 The proprietor ;
Kenneth Cameron Ullapool factor or agent of the estate of Ullapool ;
Hay Mackenzie agent for the National Bank of Scotland Limited Ullapool ;
40 George Morrison hotel-keeper Caledonian Hotel Ullapool ;
John MacLean merchant Shore Street Ullapool ;
Murdo Macrae fisherman Shore Street Ullapool ;
Murdo MacLeod fisherman Shore Street Ullapool ;

A.D. 1911.

Ullapool.

Donald Gordon fisherman Shore Street Ullapool ;
John Munro fisherman Shore Street Ullapool ;

of whom the proprietor and the said factor or agent for the time being of the said estate of Ullapool shall be and are herein-after referred to as "the ex-officio Trustees." 5

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

Election of
future Trus-
tees.

8.—(1) As on and from the first Tuesday in December one thousand nine hundred and thirteen there shall be two ex-officio Trustees and seven elected Trustees. 10

(2) The ex-officio Trustees shall be the ex-officio Trustees.

(3) The following persons are hereby constituted an elective body for the purposes of this Order and for those purposes shall elect seven Trustees (herein-after called "Elective Trustees") in manner herein-after provided viz. :— 15

All persons whose names appear in the valuation roll of the county of Ross and Cromarty for the year then current in respect of property situate within the lands and estate of Ullapool in the parish of Lochbroom in the county of Ross and Cromarty. 20

Provision
for future
Trustees.

(4) The first election of Elective Trustees shall take place on the third Tuesday of November one thousand nine hundred and thirteen and all future elections shall take place on the third Tuesday of November in every third year thereafter and the Trustees so elected at the first election shall come into office on the first Tuesday of December immediately succeeding their election and shall go out of office on the first Tuesday of December in the year one thousand nine hundred and sixteen when the Trustees elected in their room shall come into office and so on in every third year thereafter. 25 30

Mode of
electing
Trustees.

9.—(1) The electors shall meet at the hour and place appointed by the Trustees on the third Tuesday in November one thousand nine hundred and thirteen and on the third Tuesday in November in every third year thereafter and shall elect in manner herein-after provided seven Elective Trustees. 35

(2) At every election the clerk to the Trustees not being a candidate for election shall be the chairman of the meeting and failing him some person to be appointed by the Trustees.

(3) The Trustees shall cause the day hour and place of such election to be made public by notice to be affixed to the door of the office and on such other conspicuous places as may be directed by the 40

[1 & 2 GEO. 5.] *Pier and Harbour Provisional Order*
(No. 4).

5

Trustees and also to be advertised once at least in at least one newspaper published or circulated in the district. The notice shall be published not less than fourteen clear days before the day of such election.

A.D. 1911.

Ullapool.

5 (4) Any two of the electors may nominate any person as a candidate by sending to the clerk of the Trustees a nomination paper. The nomination paper shall be dated and subscribed by the two electors and shall contain the christian names surnames places of abode and designations of the subscribers and of the candidate nominated. No
10 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 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
15 of election be withdrawn by the delivery of a notice of withdrawal signed by him and addressed to the clerk of the Trustees.

(5) In the event of seven persons only being nominated as hereinbefore specified for election as Elective Trustees the chairman of the meeting shall without further procedure declare such persons to be
20 duly elected and such declaration shall be in writing signed by such chairman and shall be conclusive evidence of the due election of such persons.

(6) The expenses connected with each election (but not including the expenses of any candidate) shall be paid by the Trustees out of
25 the funds belonging to them as such Trustees.

(7) At every contested election a poll shall be taken and each of the electors shall be entitled to seven 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.

30 (8) The seven candidates having the greatest number of votes at any contested election shall be elected and in every case of an equality of votes 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.

(9) Any question or dispute regarding the election of a candidate
35 shall be summarily determined by the sheriff on the application of any of the electors and the decision of the sheriff shall be final and unless and until the sheriff shall otherwise determine the persons declared by the chairman of the meeting to be elected shall be elected Trustees and the acts and proceedings of such Trustees shall be valid accordingly.

40 (10) Notice of the election of a person to be a Trustee shall be sent to him in writing by the clerk to the Trustees together with a notice to attend the first meeting of the Trustees. Such notice shall state the time and place at which such meeting is to be held.

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

- A.D. 1911. (12) The chairman of the meeting shall report in writing to the Trustees and to the sheriff clerk at Dingwall the names of the persons elected as Trustees.
- Ullapool.*
- Re-election quorum and resignation. 10.—(1) A retiring Trustee may be re-elected.
- (2) The quorum for a meeting of Trustees shall be three. 5
- (3) A Trustee may resign office at any time by giving notice in writing of his resignation to the Trustees or their clerk and such resignation shall take effect on the expiry of one week after such notice is received by the Trustees or their clerk.
- Occasional vacancies among Trustees. 11.—(1) In the case of a vacancy in the office of an Elective Trustee by reason of failure to make a valid election or of any Trustee refusing to accept office or dying or resigning or becoming incapable or incompetent to act or ceasing to be a Trustee from any other cause than going out of 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 such vacancy and the Trustee so elected shall continue in office for the same period as the person whose vacancy he fills would in ordinary course have continued in office and shall go out of office at the same time. 10 15
- (2) In the case of an equality of votes at any such election the chairman for the time being of such meeting shall have a second or casting vote. 20
- 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 six they shall act only for the purpose of causing vacancies in their body to be filled up. 25
- (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. 30
- 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 on the third Wednesday after the commencement of this Order at twelve o'clock noon at the office or other convenient place within the village of Ullapool. 35
- (4) The annual meeting of the Trustees shall be held at such time and place 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 was omitted therefrom. 40
- (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

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(No. 4).

chairman or any two of the Trustees shall cause a special meeting to be called within forty-eight hours and to be held within seven days after the receipt of such requisition. A.D. 1911.
Ullapool.

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

5

Limits.

14.—(1) The limits within which the Trustees shall have authority and within which the powers of the harbour-master may be exercised shall comprise the works and an area below low-water mark lying within 150 yards or thereabouts measured seawards from any part of the works and those limits are in this Order termed “the limits of this Order.” Limits.

(2) A map or plan showing those limits having been signed in triplicate by an assistant secretary to the Board of Trade one copy thereof shall within two months after the commencement of this Order be deposited at the office of the Board of Trade another copy thereof shall be deposited with the sheriff clerk for the county of Ross and Cromarty and another copy thereof shall be deposited at the office.

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

(4) The limits within which the power to levy rates may be exercised (herein-after called “the rating limits”) shall comprise the works.

Acquisition of Lands.

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

16. The Trustees may by agreement purchase feu at fair rates of feu-duty acquire and hold or may accept a transfer of the existing works belonging to the proprietor together with all rights powers privileges and authorities in relation thereto vested in or exerciseable or enjoyed by the proprietor and as from the date of the completion of the transfer of the existing works and the rights powers privileges and authorities in relation thereto the same shall be held and used by the Trustees for the purposes and according to the provisions of this Order The Trustees may by agreement at any time purchase the feu-duty at which the existing works may be feued to them. Power to Trustees to acquire existing works.

17. For the purposes of the works the Trustees may from time to time by agreement enter on take and use all or such parts of the Power to take lands by agreement.

A.D. 1911. lands shown on the plans deposited for the purposes of this Order or
Ullapool. any servitude or right over or affecting those lands as the Trustees
may think requisite for the purposes of the works.

Lands for
extraordi-
nary pur-
poses.

18. The Trustees may (in addition to the lands authorised to be
acquired or taken by them under this Order) by agreement purchase 5
feu lease acquire and hold for the purpose of beaching boats or for
extraordinary purposes connected with the undertaking any lands not
exceeding in the whole two acres 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 powers 10
conferred by this section.

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

19. 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 15
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 that behalf shall
extend and apply to such grants and to such servitudes rights and 20
privileges as aforesaid respectively.

New Works and Powers.

Power to
construct
new works.

20. Subject to the provisions of this Order and subject also to
such alterations (if any) in the plans and sections deposited with
reference to this Order as the Board of Trade may require before 25
completion of the new works the Trustees 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
plans and sections make and maintain the new works herein-after
described. 30

21. The new works are :—

Description
of new works.

Work No. 1—A pier of open timber construction (being a
widening and extension in a westerly direction of the existing
pier and breakwater at Ullapool) commencing at the west side
of and attached to the said existing pier and breakwater and 35
terminating at a point 102 feet or thereabouts measured in a
south-westerly direction from the west side of the said existing
pier.

Work No. 2—A pier of open timber construction (being an
extension in an easterly direction of the said existing pier) 40
commencing at the east side of and attached to the said
existing pier and breakwater and terminating at a point

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45 feet or thereabouts measured in a south-easterly direction from the east side of the said existing pier. A.D. 1911.
Ullapool.

5 Work No. 3—A widening and reconstruction with steel beams and concrete superstructure and roadway of the existing bridge between the said existing breakwater and the existing jetty at Ullapool so as to increase the width of the said existing bridge to a total width of 25 feet or thereabouts with a span of 28 feet or thereabouts.

10 Work No. 4—The construction of concrete landing steps on the north side of the eastern half of the said existing breakwater leading therefrom down to a level of 2 feet above the low-water mark of ordinary spring tides.

15 Work No. 5—An extension widening and reconstruction (solid construction throughout) of the existing slipway (known as the "Little Quay") situate on the east side of Ullapool Bay by extending the same for a distance of 30 feet or thereabouts seawards in a south-easterly direction and increasing the width thereof to a total width (including the extension) of 9 feet or thereabouts.

20 22. In constructing the new works the Trustees 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 plans and may with the like consent deviate vertically to any extent. Power to deviate.

25 23.—(1) Subject to the provisions of this Order the Trustees may maintain and from time to time with the consent of the Board of Trade construct alter improve enlarge and extend the works and may in connexion with the same construct maintain alter improve enlarge and renew embankments excavations landing-places piers quays jetties slips wharves beaches for hauling boats buoys moorings lights beacons
30 roads sewers drains watercourses gas and water pipes electric mains lighting apparatus and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may also from time to time lay down and maintain rails tramways sidings and turn-tables on and along the works and land connected therewith
35 and may take down or remove portions of the existing works and may provide motive power for tramways.

(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
40 Trade to be fit for that use.

24. Any electric lighting or other apparatus and any motive power for tramways constructed and provided under this Order shall be so constructed used and worked as to prevent any interference with
For protection of telegraphic lines of Postmaster General.

10 *Pier and Harbour Provisional Order* [1 & 2 GEO. 5.]
(No. 4).

A.D. 1911. telegraphic communication by means of any telegraphic line belonging
Ullapool. to or used by the Postmaster-General.

Consent of Board of Trade to new works. 25. No part of the new works below high-water mark shall be commenced without the consent in writing of the Board of Trade and those works shall be executed only in accordance with the terms of such consent. 5

Power to construct warehouses &c. 26. The Trustees may subject to the provisions of this Order purchase feu or lease construct and maintain any houses warehouses offices sheds weighing machines cranes and other works buildings and conveniences which may be found necessary or desirable in connexion with the works for the accommodation of vessels using the works and traffic landed at or embarked from the same and the convenient working thereof. 10

Power to dredge. 27.—(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 approach to the works for vessels using the same. 15

(2) All sand mud and materials dredged up or removed under the powers of this section shall be the property of the Trustees and they may sell or otherwise dispose of or remove or deposit the same as they think fit Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained. 20

(3) All moneys arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue received from rates under this Order is to be applied. 25

Power to purchase or hire dredgers &c. 28. The Trustees may for the purposes of this Order provide purchase lease or hire such steam or other dredgers engines tugs lighters or other vessels diving bells tools plant or other materials as they may think fit and may demand and receive such reasonable sums for the use of the same as they may think fit or may sell or dispose of the same and the money realised by any sale thereof shall be applied towards carrying into effect any of the purposes of this Order to which capital is properly applicable. 30 35

Power to provide ferry boats. 29. The Trustees may provide maintain and employ ferry boats for the conveyance of passengers goods and animals from or to vessels to or from the works when owing to stress of weather or any other cause vessels are prevented from mooring alongside the works. 40

Penalty for obstructing new works. 30. Any person who wilfully obstructs any person acting under the authority of the Trustees in setting out the lines of the new works

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or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the new works shall for every such offence be liable to a penalty not exceeding five pounds. A.D. 1911.
Ullapool.

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

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

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

Rates.

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

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

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Ullapool.
No rates to be charged for passengers or their luggage.

34. No rates shall be demanded or received in respect of passengers or passengers' luggage landed on or embarked from the works and such luggage shall not be reckoned as goods shipped or unshipped at the works within the meaning of the schedule to this Order.

Existing rates to cease when new rates leviable.

35. When and so soon as the Trustees are entitled to demand and take the rates specified in the schedule to this Order or any part thereof all other rates tolls dues or duties shall cease to be demanded in respect of the existing works or conveniences connected therewith but without prejudice to the right of the proprietor of the existing works to recover any money actually or legally due at the time of the cesser and all exemptions from payment of rates tolls or dues shall cease to be operative.

Power to vary exemptions and compound for rates.

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

Rates for warehouses &c.

37. The Trustees 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 Trustees or in respect of any services rendered by them in connexion with the works.

Charges for use of tugs.

38. The rates and charges payable for or in respect of the use of steam or other tugs provided maintained or let by the Trustees shall be paid by the owner master consignee or other person having charge of the vessel obtaining the assistance of the tug to the Trustees or their lessee and those rates and charges 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 command of the tug.

Supply of and rate for water.

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

Ballast for vessels.

40. The Trustees may supply and remove ballast for the accommodation of vessels within the limits of this Order or permit the master

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or owner of any vessel within the limits of this Order 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
5 proper not exceeding the rates specified in the schedule to this Order.

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Ullapool.

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

Master of fishing vessel to report take of fish.

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

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

Harbour-master may prevent sailing of vessels.

43.—(1) The Trustees may notwithstanding anything in this Order contained levy demand recover and receive the rates for white fish
25 and for fresh herrings direct from the sea and transhipped or unshipped within the rating limits either from the fish salesmen or auctioneers who dispose of such fish or from the person purchasing or receiving delivery of the same (otherwise than as carriers) from any vessel.

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

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

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

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

Exemptions and savings for Government departments.

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A.D. 1911. 45. Fishing vessels belonging to countries with which for the time
Ullapool. being treaties exist exempting from dues and port charges those vessels
Certain fish- when forced by stress of weather to seek shelter in the ports or on the
ing vessels under stress of weather
exempt from rates. 5
to make use of the works and not breaking bulk while making use thereof be exempt from rates leviable under this Order.

Exemption of lifeboat crew. 46. 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 10
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 premises and works belonging
to the Trustees.

Board of Trade may reduce rates. 47.—(1) The rates to be levied by the Trustees shall be adjusted 15
by them in such a manner that as far as possible the income derived
from the rates leviable by the Trustees shall be sufficient and not more
than sufficient for the purposes of this Order.

(2) If at any time it appears to the Board of Trade from the
annual account to be sent to them under this Order that the clear 20
annual income derived from the rates leviable 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 may if in their discretion they think fit reduce 25
the rates leviable under this Order to such amounts as will be sufficient
to provide the amount aforesaid and may again at any time raise the
rates to any amount not exceeding the rates specified in the schedule
to this Order.

Power to Lease.

Power to lease under- taking or rates. 48.—(1) The Trustees may with the previous consent in writing of 30
and upon such terms conditions and restrictions and for such period as
may be sanctioned by the Board of Trade lease to any company
corporation or person (a) the entire undertaking of the Trustees or (b)
the rates and other charges authorised to be taken by this Order.

(2) As from the date of any lease made under this section 35
the lessee during the continuance of and to the extent provided in his
lease shall have and may exercise all or any of the powers conferred
upon the Trustees by this Order which the Trustees have or might
exercise under this Order and shall be subject to all the liabilities and
obligations to which the Trustees are subject and shall perform all 40
the duties of the Trustees under this Order.

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(3) No lease made under this section shall be assignable without the previous consent in writing of the Board of Trade. A.D. 1911.

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(4) The Trustees shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Board of Trade and shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this subsection.

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

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

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

Finance.

50. The Trustees may borrow on mortgage or otherwise at interest not exceeding five per centum per annum such money as may be required for the purposes of this Order not exceeding in the whole the sum of seven 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 deem expedient not exceeding in the whole taken together with any sums borrowed and remaining unpaid the sum of seven thousand pounds on a cash account to be opened and kept in the name of the Trustees according to the usage of bankers in Scotland but so that the whole sums 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 seven thousand pounds exclusive of interest and the Trustees may subject to the provisions of this Order convey and assign the rates dues and charges authorised by this Order in security for the repayment of the sum or sums so borrowed or of the sums advanced on such cash account with interest thereon respectively and may grant mortgages or bonds and assignations in security in the forms contained in the Commissioners Clauses Act 1847 or otherwise Power to
borrow.

A.D. 1911. and any money borrowed under the provisions of this Order which shall be discharged otherwise than by means of the sinking fund may be re-borrowed from time to time if required for the purposes of this Order.

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Protection
of lenders.

51. 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) a certificate signed by the clerk to the Trustees and counter-signed by at least two of the Trustees that the Trustees are not exceeding the power of borrowing conferred on them by this Order; and

(B) an inspection of the register of mortgages by section 76 of the Commissioners Clauses Act 1847 required to be kept by the Trustees.

Application
of money
borrowed.

52. The 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.

Appointment
of judicial
factor.

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

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

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

Contingency
fund.

54. The Trustees may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any time the sum of two thousand pounds to meet any extraordinary claim or demand or any unforeseen accident or extraordinary damage which may happen or be caused to the works or buildings or conveniences connected therewith appropriate and set apart subject to the provisions of this Order as to the application of revenue any amount which they think fit in any year out of the revenue received under this Order and shall deposit any such amount in some joint-stock bank to be increased by accumulation in the way of compound interest or otherwise invested in trust securities until required for any of the aforesaid purposes.

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

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Annual statement need not be printed.

56. The revenue received from rates or otherwise under this Order shall be applicable for the purposes and in the order following and not otherwise :—

Application of revenue.

- 10 (1) In payment of the costs of and connected with the preparation and making of this Order and transferring to and vesting in the Trustees the existing works :
- (2) In payment of the expenses of and connected with the management and maintenance of the undertaking :
- 15 (3) In payment of any feu-duties and rents payable in respect of the lands and property belonging or leased to the Trustees and of the expenses properly chargeable to revenue of the maintenance repair and management of the undertaking :
- (4) In payment year by year of the interest accruing on money borrowed under this Order and in payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments :
- 20 (5) In forming a sinking fund in accordance with this Order for payment of principal moneys borrowed under this Order :
- (6) In making such payments (if any) as the Trustees think fit into a contingency fund established under this Order.
- 25

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

57. 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) (3) and (4) of the last 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.

Sinking fund.

58.—(1) The Board of Trade shall unless they see special reason to the contrary appoint a person to be permanent auditor to examine and audit the accounts of the 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.

Appointment of an auditor.

- A.D. 1911. (2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon shall unless they see special reason to the contrary appoint another person as auditor.
- Ullapool.* (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. 5
- (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 neglect or refuse so to comply. 10

Annual account to be sent to Board of Trade.

59.—(1) The Trustees shall within one month after sending to the Sheriff-Clerk the copy of the annual account in abstract send a copy of the same to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any such account. 15

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

(3) The Trustees shall as from the expiration of that month be liable to a penalty not exceeding twenty pounds for every week or part of a week during which they refuse or neglect to comply with this section. 20

Byelaws.

Byelaws. 60.—(1) The byelaws which may from time to time be made by the Trustees in exercise of the power in that behalf conferred on them by section 83 of the Harbours Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws. 25

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes. 30

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

Life-saving Apparatus.

Provision for life-saving apparatus. 61.—(1) Sections 16 to 19 inclusive of the Harbours Act 1847 shall not be incorporated with this Order. 35

(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 works and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus. 40

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(3) If the Trustees 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.

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

Life-saving apparatus may be attached to works.

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

Lifebuoys to be kept.

15

Lights.

64.—(1) Before commencing the new works the Trustees 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 new 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 new works.

Lights during construction of new works.

(2) 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 or comply with any directions so given.

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

Lights after completion of new works.

(2) 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 or comply with any such directions.

66.—(1) In case of injury to or destruction or decay of the works or any part thereof the Trustees shall lay down such buoys exhibit such lights or take such other means for preventing (as far as may

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

- A.D. 1911. *Ullapool.* be) danger to navigation as may 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 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 or comply with any such directions. 5
- Miscellaneous.*
- Meters and weighers.** 67. The Trustees shall have the appointment of meters and weighers within the limits of this Order.
- Partial incorporation of Harbours and Passing Tolls Act. 24 & 25 Vict. c. 4. Trustees to be a local authority.** 68. Part V. of the Harbours and Passing Tolls &c Act 1861 shall be incorporated with this Order. 10
69. The Trustees shall within the limits of this Order be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.
- Application of Harbours &c. Clauses Act 1847.** 70. For all the purposes of the Harbours Act 1847 this Order shall be deemed to be the special Act. 15
- Recovery of penalties.** 71. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Act 1847.
- Crownrights.** 72. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the 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 heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give). 20 25 30
- Works to be in parish of Lochbroom.** 73. The works shall be deemed to be for all purposes within the parish of Lochbroom in the county of Ross and Cromarty.
- Costs of Order.** 74. All the costs charges and expenses of and incident to the preparing and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the Trustees out of funds at their disposal as such Trustees and may be paid out of money borrowed under this Order. 35

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The SCHEDULE to which the foregoing Order refers.

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Ullapool.

I.—RATES ON VESSELS FISHING BOATS &C. USING THE WORKS.

A.—*Vessels.*

		<i>s. d.</i>
5	For every vessel under 15 tons - - per registered ton	0 3
	For every vessel of 15 tons and under 50 tons per registered ton	0 4
	For every vessel of 50 tons and under 100 tons per registered ton	0 6
	For every vessel of 100 tons and upwards per registered ton	0 8

- Proviso 1.*—In the case of any vessel calling at Ullapool and also
 10 calling or attempting to call during the same trip at other piers or ports
 being not less than five inclusive of Ullapool the tonnage rates shall
 not be charged on the registered tonnage of the vessel but shall be
 ascertained and calculated in respect of such vessel on each call on the
 basis of the tonnage of cargo shipped or unshipped at the works which-
 15 ever of those cargoes shall be the greater provided that this quantity
 shall in no case be treated as less than one ton. In calculating for
 this purpose the tonnage of cargo shipped or unshipped three horses
 or bulls or cows or five ponies or ten calves or stirks or fifteen sheep
 or lambs or pigs shall be computed as equal to one ton of goods and
 20 so in proportion for any less or broken number.

- Proviso 2.*—In the case of other vessels belonging to owners engaged
 in a regular trade to Ullapool and making not less than forty calls
 between the first day of January and the thirty-first day of December
 in any one year at the works there shall be charged per registered ton
 25 in respect of each such vessel or of any vessel the property of or
 chartered by the same owner substituted for such vessel on any trip
 not more than one-half of the actual tonnage rates for the time being
 in force Provided always that up to forty calls the rates shall be paid
 in full and on the completion of forty calls one moiety of such rates
 30 already paid shall be repaid to the owners.

Proviso 3.—Ships' boats and boats entirely open with fresh fish
 (other than herrings for curing) which carry no other cargo shall be
 exempt from rates.

B.—*Fishing Boats.*

35	For every sailing fishing boat including those fitted with auxiliary motor power - - - - each time	<i>s. d.</i> 0 3
	Or in full of rates per annum payable in advance - - -	10 0

- Fishing boats propelled by steam or other mechanical power except
 40 auxiliary motor power to be rated as vessels.

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C.—Boats with passengers.

Ullapool.

	<i>s.</i>	<i>d.</i>
For every boat whether propelled by sails steam or otherwise using the works for the landing or embarking of passengers	0	2
Or in full of rates per annum payable in advance	5	0
		5

Note to B. and C. — All ships' boats and boats with fresh fish other than herrings for curing, which carry no other cargo and all open boats other than the boats above specified shall be exempt from rates.

II.—RATES ON GOODS SHIPPED OR UNSHIPED AT THE WORKS. 10

	<i>s.</i>	<i>d.</i>
Ale and porter - - - - - per 54 gallons	0	5
„ bottled - - - - - per 2½ cwt.	0	3
Bark - - - - - per ton	1	0
Beef or pork - - - - - per cwt.	0	1
Bicycles and tricycles - - - - - each	0	2
Blubber - - - - - per 252 gallons	1	0
Bone dust - - - - - per ton	0	8
Bones - - - - - per ton	0	6
Bottles - - - - - per gross	0	2
Bricks - - - - - per 1,000	0	8
Carriages :—		
Four-wheeled carriages - - - - - each	1	0
Gigs carts and other two-wheeled carriages - - - - - each	0	6
Motor cars - - - - - each	3	0
Motor cycles - - - - - each	0	4
Casks empty not being returned packages :—		
Hogsheads tierces puncheons and other large casks	each	0 3
Barrels and other small casks - - - - - each	0	1
Cattle :—		30
Bulls - - - - - each	0	3
Cows and oxen - - - - - each	0	2
Calves - - - - - each	0	1
Horses - - - - - each	0	2
Pigs - - - - - each	0	1
Sheep - - - - - per score	0	6
Lambs - - - - - per score	0	3
Chalk - - - - - per ton	0	8
Chimney cans - - - - - per 100	1	4
Clay fire manufactured - - - - - per ton	0	6
Clay common - - - - - per ton	0	2
Cloth haberdashery &c. - - - - - per 2½ cwt.	0	2
Coals - - - - - per ton	0	3
Copper - - - - - per ton	1	4
Corks - - - - - per 2½ cwt.	0	2
		45

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		<i>s.</i>	<i>d.</i>	A.D. 1911.
Corn viz. :—				
	Wheat and malt - - - -	per quarter	0 3	Ullapool.
	Barley beans peas tares oats rye buckwheat and Indian corn - - - -	per quarter	0 2	
5	Crystal - - - -	per 2½ cwt.	0 2	
	Dissolved bones and other artificial manures -	per ton	0 8	
Dogs :—				
	Farmers' and shepherds' sheep dogs accompanying passengers	each	Free.	
10	Terriers accompanying passengers - -	each	0 1	
	Sheep dogs and terriers not accompanying passengers	each	0 2	
	All other dogs - - - -	each	0 2	
	Drugs - - - -	per 2½ cwt.	0 3	
	Earthenware - - - -	per 5 cwt.	0 8	
15	Eggs - - - -	per 2½ cwt.	0 2	
Fish :—				
	Dried and salted - - - -	per ton	1 4	
	Haddocks cod salmon and all fresh fish not enumerated	per 2½ cwt.	0 2	
	Herrings fresh - - - -	per 37½ gallons	0 1	
20	„ cured - - - -	per 26⅔ gallons	0 3	
	Flax - - - -	per ton	1 4	
	Flour - - - -	per 5 bushels	0 2	
	„ - - - -	per 280 lbs.	0 2	
	Glass - - - -	per 2½ cwt.	0 3	
25	Groceries viz. :—			
	Almonds figs cinnamon currants pepper pimento plums prunes raisins and the like - -	per 2½ cwt.	0 3	
	Gunpowder - - - -	per 100 lbs.	0 3	
	Handspokes - - - -	per 120	0 10	
30	Hardware - - - -	per 2½ cwt.	0 3	
	Hares and rabbits - - - -	per dozen	0 2	
	Any less quantity - - - -	-	0 1	
	Hay or straw - - - -	per ton	0 8	
	Hemp - - - -	per ton	1 4	
35	Hides :—			
	Ox cow or horse salted or dried - -	per ton	1 4	
	Calf skins - - - -	per 120	0 10	
	Sheep skins - - - -	per 120	0 10	
	Lamb skins - - - -	per 120	0 5	
40	Hoops of wood - - - -	per 1500	1 0	
	Household furniture other than furniture in course of removal on change of residence - - - -	per 2½ cwt.	0 1	
	Household furniture in course of removal on change of residence - - - -	per 25 cwt.	0 6	

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A.D. 1911.							<i>s. d.</i>	
<i>Ullapool.</i>	Husbandry utensils	-	-	-	-	-	per ton	1 4
	"	"	-	-	-	-	per 2½ cwt.	0 2
	Iron :—							
	Bar bolt and rod	-	-	-	-	-	per ton	1 4 5
	Pig or old	-	-	-	-	-	per ton	0 8
	Kelp	-	-	-	-	-	per ton	0 8
	Lead all kinds	-	-	-	-	-	per ton	1 4
	Leather tanned and dressed	-	-	-	-	-	per ton	1 4
	Lime	-	-	-	-	-	per ton	0 3 10
	Limestone	-	-	-	-	-	per ton	0 3
	Loam or moulding sand	-	-	-	-	-	per ton	0 3
	Machinery	-	-	-	-	-	per ton	1 4
		-	-	-	-	-	per 2½ cwt.	0 3
	Manure farmyard or street	-	-	-	-	-	per ton	0 2 15
	" guano	-	-	-	-	-	per ton	0 8
	Meal	-	-	-	-	-	per 280 lbs.	0 2
	Milk	-	-	-	-	-	per can or cask not exceeding 30 gallons	0 1
	"	-	-	-	-	-	per can or cask exceeding 30 gallons	0 1
	Motor spirits	-	-	-	-	-	per case of 8 gallons	0 1 20
	Musical instruments	-	-	-	-	-	per 2½ cwt.	0 3
	Oars	-	-	-	-	-	per 120	2 6
	Oils	-	-	-	-	-	per 42 gallons	0 3
	" less quantities	-	-	-	-	-	per 10 gallons	0 1
	Ores :—							25
	Copper iron lead and other ores	-	-	-	-	-	per ton	0 8
	Peats	-	-	-	-	-	per ton	0 3
	Pitch	-	-	-	-	-	per 280 lbs.	0 4
	Porter—see Ale.							
	Poultry including pigeons game &c.	-	-	-	-	-	per dozen	0 1 30
	Rags linen	-	-	-	-	-	per ton	1 4
	Other rags old ropes and the like	-	-	-	-	-	per ton	0 10
	Rape cakes	-	-	-	-	-	per ton	0 8
	Salt	-	-	-	-	-	per ton	0 10
	In quantities of more than 5 tons	-	-	-	-	-	per ton	0 6 35
	Seeds :—							
	Flax and rape	-	-	-	-	-	per 63 gallons	0 6
	Flax	-	-	-	-	-	per 280 lbs.	0 4
	Flax in bulk	-	-	-	-	-	per quarter	0 2
	Clover	-	-	-	-	-	per ton	1 4 40
	Garden	-	-	-	-	-	per ton	1 4
	Hemp and canary	-	-	-	-	-	per ton	1 4
	Rye grass	-	-	-	-	-	per 8 bushels	0 2
	Skins seal	-	-	-	-	-	per 120	0 8

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		s.	d.	A.D. 1911.
Slates :—				
	Under size - - - - -	per 1000	0 6	* <i>Ullapool.</i>
	Sizeable - - - - -	per 1000	0 10	
	Over size - - - - -	per 1000	1 4	
5	Spirits Foreign and British - - - - -	per 54 gallons	0 8	
	Spokes of wheels not exceeding 2 feet in length - - - - -	per 120	0 4	
	Exceeding 2 feet in length - - - - -	per 120	0 6	
	Steel - - - - -	per ton	1 4	
Stones :—				
10	Rubble - - - - -	per 16 cubic feet	0 2	
	Hewn Ashlar freestone - - - - -	per 16 cubic feet	0 4	
	Rough Ashlar freestone - - - - -	per 16 cubic feet	0 3	
	Pavement not exceeding 3 inches thick - - - - -	per 70 feet	0 4	
	Pavement above 3 inches thick - - - - -	per 16 cubic feet	0 4	
15	Scythe stones - - - - -	per score	0 1	
	Mill stones - - - - -	each	0 8	
	Sugar - - - - -	per ton	1 4	
	Tallow - - - - -	per ton	1 4	
	Tar - - - - -	per 42 gallons	0 2	
20	Tea - - - - -	per 22 lbs.	0 2	
	Tiles roofing - - - - -	per 1000	0 10	
	Tiles or pipes for draining - - - - -	per ton	1 4	
	Tin of all kinds - - - - -	per ton	1 4	
	Tobacco - - - - -	per ton	2 6	
25	Treenails under 2 feet in length - - - - -	per 1000	0 6	
	„ exceeding 2 feet in length - - - - -	per 1000	1 0	
	Turpentine - - - - -	per 42 gallons	0 5	
Vegetables :—				
	Potatoes - - - - -	per ton	0 8	
30	Turnips - - - - -	per ton	0 6	
	All other vegetables - - - - -	per 10 cwt.	0 2	
	Vinegar - - - - -	per 42 gallons	0 4	
	Vitriol - - - - -	per 10 gallons	0 2	
	Whalebone - - - - -	per ton	2 6	
35	Wine - - - - -	per 54 gallons	0 8	
	Wine bottled - - - - -	per 2½ cwt.	0 4	
Wood :—				
	Rough - - - - -	per ton	1 0	
	Dressed (including doors windows &c.) - - - - -	per ton	2 0	
40	Wool - - - - -	per cwt.	0 2	
	Yarn - - - - -	per ton	1 4	
	Zinc - - - - -	per ton	1 4	
All other goods not particularly enumerated in the above table			per ton	1 4

26 *Pier and Harbour Provisional Order* [1 & 2 GEO. 5.]
(No. 4).

A.D. 1911. *Ullapool*. Note 1.—In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rates shall be charged and the minimum charge for a single package shall be one penny. 5

Note 2.—Empty boxes casks and packages returned to the original shipper after importation or exportation with goods are exempted from rates.

Note 3.—All goods landed from any vessel and reshipped in the same or another vessel in the original packages (or in new packages if the original packages have been damaged) and without being transferred from the importer shall only pay rates on landing and may be reshipped in the same or another vessel within eight days after the date of landing without paying rates in respect of such reshipment. 10

III.—RATES FOR THE USE OF CRANES WEIGHING MACHINES
WAREHOUSES SHEDS &C. 15

1.—*Cranes.*

	s.	d.	
All goods or packages not exceeding one ton - - -	0	3	
Exceeding one ton and not exceeding two tons - - -	0	4	20
Exceeding two tons and not exceeding three tons - - -	0	6	
Exceeding three tons and not exceeding four tons - - -	0	8	
Exceeding four tons and not exceeding five tons - - -	0	10	
Exceeding five tons and not exceeding six tons - - -	1	0	
Exceeding six tons and not exceeding seven tons - - -	1	2	25
Exceeding seven tons and not exceeding eight tons - - -	1	4	
Exceeding eight tons and not exceeding nine tons - - -	1	8	
Exceeding nine tons and not exceeding ten tons - - -	2	0	
Exceeding ten tons - - - - -	3	0	

2.—*Weighing Machines.* 30

For goods weighed one penny for each ton or part of a ton.

3.—*Warehouses Sheds &c.*

For each ton of goods which shall remain in any warehouse or shed or on any part of the works for a longer time than forty-eight 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 forty-eight hours. 35

IV.—CATTLE YARDS.

	s.	d.	
For cattle - - - - - each per day	0	1½	
For horses - - - - - each per day	0	1	40
For pigs - - - - - each per day	0	0½	
For sheep - - - - - each per day	0	0½	

[1 & 2 GEO. 5.] *Pier and Harbour Provisional Order* 27
(No. 4).

V.—MOORING ANCHORS LIGHTS AND BALLAST CHARGES.

A.D. 1911.

	s.	d.
For every vessel made fast to mooring anchor - - -	1	0
All vessels above 20 tons register using the works per vessel		
5 for light dues - - - - -	1	0
For ballast supplied to any vessel per ton - - -	2	0
For ballast put out of any vessel per ton - - -	1	0

Ullapool.

Note 1.—Light dues shall not be exigible on or in respect of vessels under 20 tons.

10 Note 2.—Dues for lights shall only be demanded and received during so long as a light or lights are duly exhibited.

VI.—RATES FOR SUPPLYING WATER.

	s.	d.
For every 25 gallons or part of 25 gallons of pure and whole-		
15 some drinking water supplied to any vessel - - -	0	1½

Pier and Harbour Provisional Order (No. 4).

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 relating to Ullapool.

(Brought from the Commons 27th November 1911.)

Ordered to be printed 27th November 1911

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE,
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EAST HARLING STREET, E.C.

PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

[*Price 3d.*]]

(292)

A

B I L L

INTITULED

An Act to authorise the Enfranchisement of the Sites of A.D. 1911.
Places of Worship held under Lease.

BE it 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:—

- 5 **1.**—(1) Where premises are held under a lease to which this Act applies upon trust to be used for the purposes of a place of worship or for purposes connected therewith, whether in conjunction with other purposes or not, the trustees, notwithstanding any agreement to the contrary, shall be entitled as incident to their leasehold interest to enlarge that interest into a fee simple, and for that purpose to acquire the freehold and all intermediate reversions:
- Right of trustees holding leasehold interest in place of worship to acquire freehold.

Provided that—

- 15 (a) if the premises exceed two acres in extent the trustees shall not be entitled to exercise such right in respect of more than two acres thereof;
- 20 (b) this Act shall not apply where the premises are used or are proposed to be used for the purposes of a place of worship in contravention of any covenant contained in the lease.

- (2) The leases to which this Act applies are leases (including underleases and agreements for leases or underleases), whether granted or made before or after the *passing of this Act*, for lives or a life or for the unexpired residue of any term originally created for a period of not less than twenty-one years, whether determinable on a life or lives or not.

A.D. 1911.
 Procedure
 for acquisition
 of reversionary
 interests.

2. For the purpose of acquiring such reversionary interests as aforesaid the Lands Clauses Acts shall apply as if the trustees had been authorised to acquire the premises by a special Act incorporating the Lands Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, 5 subject, however, to the modifications set out in the schedule to this Act, and to the following modifications:—

(a) All questions of disputed compensation shall be settled by a single arbitrator to be appointed, in default of agreement, by the county court, whose remuneration 10 shall be fixed by the county court, and who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this Act, apply accordingly: 15

(b) The consideration payable in respect of any intermediate reversion may, at the option of the person entitled to the reversion, be an annual rentcharge for a term corresponding to the unexpired residue of the term of the reversion: 20

(c) In determining the amount of any compensation the value of any buildings erected by the trustees, or improvements made by them, shall be excluded:

(d) No allowance shall be made on account of the acquisition being compulsory. 25

Effect of enfranchisement on covenants.
 [See 44 & 45 Vict. c. 41. s. 65 (4).]

3. The estate in fee simple acquired by the trustees shall be subject to the same trusts and be subject to all the same covenants and provisions relating to user and enjoyment and to all the same obligations of every kind other than the payment of rent as those to which the leasehold interest would have been subject 30 if it had not been so enlarged:

Provided that any covenant to insure against fire, whether in any particular office or not, and to reinstate and apply the insurance money in reinstating the premises in case of damage by fire, and any other covenant to do any act which may or will 35 be beneficial to the demised premises alone, shall continue in force only where the consideration is payable in the form of a rentcharge, and so long as that rentcharge is payable.

Definitions.

4. In this Act, unless the context otherwise requires—

The expression “place of worship” means any church, 40 chapel, or meeting-house used for religious worship, and

[1 & 2 GEO. 5.] *Places of Worship (Enfranchisement)*. 3

includes a burial ground, Sunday school or minister's house attached to or used in connection with a place of worship: A.D. 1911.

5 The expression "freehold reversion" means the estate of fee simple in the premises subject to the lease held by the trustees and any lease superior thereto; and, where the premises subject to the lease consist of land of copyhold or customary tenure, includes the interest of the tenant by copy of court roll or the customary
10 tenant subject to the lease held by the trustees and to any lease superior thereto as well as the interest of the lord of the manor:

15 The expression "intermediate reversion" means any leasehold interest in the land (whether under a lease or underlease or under an agreement for a lease or underlease) superior to the lease held by the trustees:

The expression "the county court" means the county court for the district in which the place of worship is situate:

20 The expression "trustees" means the persons in whom the leasehold premises are for the time being vested for such purposes as aforesaid under any trust whether express or implied and includes their predecessors in title.

25 **5.**—(1) This Act may be cited as the Places of Worship (Enfranchisement) Act, 1911. Short title and extent.

(2) This Act shall not extend to Scotland or Ireland.

A.D. 1911.

SCHEDULE.**MODIFICATIONS OF THE LANDS CLAUSES ACTS AND SECTIONS 77
TO 85 OF THE RAILWAY CLAUSES CONSOLIDATION ACT, 1845.**

(1) The use of the premises as a place of worship and for purposes connected therewith shall be deemed to be the undertaking or the 5 railway and the trustees shall be deemed to be the promoters of the undertaking or the railway company.

(2) Section one hundred and twenty-three of the Lands Clauses (Consolidation) Act, 1845, limiting the time for compulsory purchase shall not apply. 10

(3) If the trustees desire to sell the premises or any part thereof, sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, shall apply as if the premises or part thereof were superfluous lands within the meaning of those sections. 15

(4) The arbitrator shall, so far as practicable, in assessing compensation, act on his own knowledge and experience, but, subject as aforesaid, at any arbitration held under this Act the arbitrator shall hear, by themselves or their agents, the parties, and shall hear witnesses, but shall not, except in such cases as the arbitrator may otherwise 20 direct, hear counsel or more than one expert witness on either side.

(5) The Lord Chancellor may make rules fixing a scale of costs to be applicable on an arbitration under this Act, and an arbitrator under this Act may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow 25 as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been caused or incurred unnecessarily, and, if he thinks the circumstances such as to justify him in so doing, to order that each of the parties shall bear their own costs. 30

(6) There may be contained in the award of the arbitrator a finding that the claimant, after having been requested in writing by the trustees so to do, has failed to deliver to the trustees a statement in writing of the amount claimed, giving sufficient particulars and in sufficient time to enable the trustees to make a proper offer, and 35 where such a finding is contained in the award, the provisions of the Lands Clauses Acts as to costs of arbitrations shall apply as if the

[1 & 2 GEO. 5.] *Places of Worship (Enfranchisement).* 5

trustees had offered the same sum or a greater sum than that found A.D. 1911.
to be due by the award :

Provided that this provision shall not apply unless the written
request for particulars contained a notice of the effect of this
5 provision.

(7) Land includes easements in or relating to land.

**Places of Worship
(Enfranchisement).**

[H.L.]

A

B I L L

INTITULIED

An Act to authorise the Enfranchise-
ment of the Sites of Places of
Worship held under Lease.

Earl Beauchamp.

Ordered to be printed 17th July 1911.

LONDON:

PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE,
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EAST HARDING STREET, E.C.4,
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[Price 1d.]

(137.)

**Places of Worship (Enfranchisement)
Bill. [H.L.]**

A M E N D M E N T
T O B E M O V E D I N C O M M I T T E E
B Y
T H E L O R D N E W T O N.

Clause 2, page 2, line 25, after (" compulsory ") insert the following new paragraph—

- (e) In ascertaining the value of the premises for the term of the lease the sum to be paid for the rent during such term shall be based upon the full annual value of the site, notwithstanding that the rent reserved under the lease may be less than such full annual value.

(137 a.)

**Places of Worship
(Enfranchisement) Bill.**

[H.L.]

AMENDMENT

TO BE MOVED IN COMMITTEE

BY

THE LORD NEWTON.

26th July 1911.

LONDON:
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[Price *3d.*]

(137 a.)

**Places of Worship (Enfranchisement)
Bill. [H.L.]**

A M E N D M E N T S

T O B E M O V E D I N C O M M I T T E E .

B Y T H E E A R L O F C A M P E R D O W N .

Clause 1, page 1, line 8, after (“not”) insert (“and such premises are being used in accordance with the terms of the trust”)

line 9, after (“contrary”) insert (“other than a covenant or agreement against the enlargement of the leasehold interest into a freehold contained in a lease granted or made before the passing of this Act”)

line 20, after (“lease”) insert (“under which the premises are held or in any lease superior thereto”)

Clause 2, page 2, line 18, leave out (“the”) and insert (“such”).

Clause 3, page 2, line 31, after (“enlarged”) insert (“and shall be enforceable against the trustees and their successors in title by the persons who, but for enlargement of the leasehold interest under this Act, would for the time being, be entitled to enforce such covenants, provisions, or obligations”)

Clause 4, page 3, line 2, leave out (“or”) and insert (“and”) and after (“with”) insert (“and held upon the same trusts as”)

Schedule, page 4, line 11, after (“thereof”) insert (“or if they let or habitually use or permit to be used the premises or any part thereof for any purpose other than that of a place of worship or purposes connected therewith”)

B Y T H E L O R D D U N M O R E (*E. Dunmore*).

Clause 4, page 2, line 41, after (“meeting-house”) insert (“habitually”) and after (“for”) insert (“public”)

Schedule, page 4, line 15, after (“sections”) insert (“and as if in section one hundred and twenty-eight of that Act, the words (137 b.)

“ ‘ unless such lands be situate within a town or be lands built
“ ‘ upon or used for building purposes ’ were omitted and the words
“ ‘ who was entitled to the freehold reversion in the lands at the
“ ‘ time the interest of the trustees in the lands was enlarged into
“ ‘ a fee simple ’ were substituted for the words ‘ then entitled to
“ ‘ the lands (if any) from which the same were originally
“ ‘ severed ’ ”)

BY THE DUKE OF NORTHUMBERLAND.

Clause 1, page 1, line 22, leave out (“ whether ”)
line 23, leave out (“ before or ”)

BY THE LORD NEWTON.

[*To be substituted for the Amendment previously circulated.*]

Clause 1, page 1, line 7, leave out (“ whether in conjunction
“ with other purposes or not ”)

Clause 2, page 2, line 25, after (“ compulsory ”) insert the
following new paragraph—

(e) In ascertaining the value of the premises for the term of
the lease the sum to be paid for the rent during such
term shall be based upon the full annual value of the
site, notwithstanding that the rent reserved under the
lease may be less than such full annual value.

**Places of Worship
(Enfranchisement) Bill.**
[H.L.]

AMENDMENTS

TO BE MOVED IN COMMITTEE

BY

THE EARL OF CAMPERDOWN,
THE LORD DUNMORE (*E. Dunmore*),
THE DUKE OF NORTHUMBERLAND,

AND

THE LORD NEWTON.

*[To be substituted for the
Amendment previously circulated.]*

29th July 1911.

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E. TONSONBY, LTD., 116, Grafton Street, Dublin.

[Price 3d.]

(137 b.)

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to authorise the Enfranchisement of the Sites of A.D. 1911.
Places of Worship held under Lease.

BE it 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:—

- 5 **1.**—(1) Where premises are held under a lease to which this Act applies upon trust to be used for the purposes of a place of worship or for purposes connected therewith, whether in conjunction with other purposes or not, and such premises are being used in accordance with the terms of the trust, the
- 10 trustees, notwithstanding any agreement to the contrary, other than a covenant or agreement against the enlargement of the leasehold interest into a freehold contained in a lease granted or made before the passing of this Act, shall be entitled as incident to their leasehold interest to enlarge that interest into
- 15 a fee simple, and for that purpose to acquire the freehold and all intermediate reversions:

Right of trustees holding leasehold interest in place of worship to acquire freehold.

Provided that—

- (a) if the premises exceed two acres in extent the trustees shall not be entitled to exercise such right in
- 20 respect of more than two acres thereof;
- (b) this Act shall not apply where the premises are used or are proposed to be used for the purposes of a place of worship in contravention of any covenant contained in the lease under which the
- 25 premises are held or in any lease superior thereto.

(2) The leases to which this Act applies are leases (including underleases and agreements for leases or underleases), whether granted or made before or after the passing of this Act, for

A.D. 1911. lives or a life or for the unexpired residue of any term originally created for a period of not less than twenty-one years, whether determinable on a life or lives or not.

Procedure for acquisition of reversionary interests. 8 & 9 Vict. c. 20.

2. For the purpose of acquiring such reversionary interests as aforesaid the Lands Clauses Acts shall apply as if the trustees had been authorised to acquire the premises by a special Act incorporating the Lands Clauses Acts and sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845, subject, however, to the modifications set out in the schedule to this Act, and to the following modifications:—

(a) All questions of disputed compensation shall be settled by a single arbitrator to be appointed, in default of agreement, by the county court, whose remuneration shall be fixed by the county court, and who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this Act, apply accordingly:

(b) The consideration payable in respect of any intermediate reversion may, at the option of the person entitled to such reversion, be an annual rentcharge for a term corresponding to the unexpired residue of the term of the reversion:

(c) In determining the amount of any compensation the value of any buildings erected by the trustees, or improvements made by them, shall be excluded:

(d) No allowance shall be made on account of the acquisition being compulsory.

Effect of enfranchisement on covenants. [See 44 & 45 Vict. c. 41. s. 65 (4).]

3. The estate in fee simple acquired by the trustees shall be subject to the same trusts and be subject to all the same covenants and provisions relating to user and enjoyment and to all the same obligations of every kind other than the payment of rent as those to which the leasehold interest would have been subject if it had not been so enlarged, and all such covenants, provisions, and obligations shall be enforced against the trustees and their successors in title by the persons who, but for the enlargement of the leasehold interest under this Act, would for the time being be entitled to enforce such covenants, provisions, or obligations:

Provided that any covenant to insure against fire, whether in any particular office or not, and to reinstate and apply the

[1 & 2 GEO. 5.] *Places of Worship (Enfranchisement)*. 3

insurance money in reinstating the premises in case of damage by fire, and any other covenant to do any act which may or will be beneficial to the demised premises alone, shall continue in force only where the consideration is payable in the form of a rentcharge, and so long as that rentcharge is payable.

4. In this Act, unless the context otherwise requires— Definitions.

The expression "place of worship" means any church, chapel, or meeting-house used for public religious worship, and includes a burial ground, Sunday school, or minister's house attached to or used in connection with and held upon the same trusts as a place of worship:

The expression "freehold reversion" means the estate of fee simple in the premises subject to the lease held by the trustees and any lease superior thereto; and, where the premises subject to the lease consist of land of copyhold or customary tenure, includes the interest of the tenant by copy of court roll or the customary tenant subject to the lease held by the trustees and to any lease superior thereto as well as the interest of the lord of the manor:

The expression "intermediate reversion" means any leasehold interest in the land (whether under a lease or underlease or under an agreement for a lease or underlease) superior to the lease held by the trustees:

The expression "the county court" means the county court for the district in which the place of worship is situate:

The expression "trustees" means the persons in whom the leasehold premises are for the time being vested for such purposes as aforesaid under any trust whether express or implied and includes their predecessors in title.

5.—(1) This Act may be cited as the Places of Worship (Enfranchisement) Act, 1911. Short title and extent.

(2) This Act shall not extend to Scotland or Ireland.

A.D. 1911.

SCHEDULE.

MODIFICATIONS OF THE LANDS CLAUSES ACTS AND SECTIONS 77
TO 85 OF THE RAILWAY CLAUSES CONSOLIDATION ACT, 1845.

(1) The use of the premises as a place of worship and for purposes connected therewith shall be deemed to be the undertaking or the railway and the trustees shall be deemed to be the promoters of the undertaking or the railway company. 5

8 & 9 Vict.
c. 18.

(2) Section one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845, limiting the time for compulsory purchase shall not apply. 10

(3) If the trustees desire to sell the premises or any part thereof, or if they let or habitually use or permit to be used the premises or any part thereof for any purpose other than that of a place of worship or purposes connected therewith, sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, shall apply as if the premises or part thereof were superfluous lands within the meaning of those sections, and as if in section one hundred and twenty-eight of that Act the words " unless such lands be situate within a town or be lands built upon or used for building purposes " were omitted. 15 20

(4) The arbitrator shall, so far as practicable, in assessing compensation, act on his own knowledge and experience, but, subject as aforesaid, at any arbitration held under this Act the arbitrator shall hear, by themselves or their agents, the parties, and shall hear witnesses, but shall not, except in such cases as the arbitrator may otherwise direct, hear counsel or more than one expert witness on either side. 25

(5) The Lord Chancellor may make rules fixing a scale of costs to be applicable on an arbitration under this Act, and an arbitrator under this Act may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been caused or incurred unnecessarily, and, if he thinks the circumstances such as to justify him in so doing, to order that each of the parties shall bear their own costs. 30 35

(6) There may be contained in the award of the arbitrator a finding that the claimant, after having been requested in writing by

[1 & 2 GEO. 5.] *Places of Worship (Enfranchisement).*

5

the trustees so to do, has failed to deliver to the trustees a statement in writing of the amount claimed, giving sufficient particulars and in sufficient time to enable the trustees to make a proper offer, and, where such a finding is contained in the award, the provisions of the
5 Lands Clauses Acts as to costs of arbitrations shall apply as if the trustees had offered the same sum or a greater sum than that found to be due by the award:

A.D. 1911.

Provided that this provision shall not apply unless the written request for particulars contained a notice of the effect of this
10 provision.

(7) Land includes easements in or relating to land.

**Places of Worship
(Enfranchisement).**

[H.L.]

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITLED

An Act to authorise the Enfranchisement of the Sites of Places of Worship held under Lease.

Karl Beauchamp.

Ordered to be printed 2nd August 1911.

LONDON:

PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE,
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PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

[*Price 1d.*]

(159.)

**Places of Worship (Enfranchisement)
Bill. [H.L.]**

A M E N D M E N T
TO BE MOVED ON REPORT
BY
THE LORD NEWTON.

Clause 2, page 2, line 28, after ("compulsory") insert the following new paragraph—

- (e) In ascertaining the value of the premises the sum to be paid shall be based upon the full annual value of the site, notwithstanding that the rent reserved under the lease may be less than such full annual value.

(159 a.)

**Places of Worship
(Enfranchisement) Bill.**
[H.L.]

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE LORD NEWTON.

2nd August 1911.

L O N D O N :

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[*Price 3d.*]]

(159 a.)

**Places of Worship (Enfranchisement)
Bill. [H.L.]**

A M E N D M E N T S
TO BE MOVED ON REPORT
BY
THE DUKE OF NORTHUMBERLAND.

Clause 1, page 1, line 27, leave out ("whether")
line 28, leave out ("before or")

(159 *b.*)

**Places of Worship
(Enfranchisement) Bill.**
[H.L.]

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE DUKE OF NORTHUMBERLAND.

5th August 1911.

L O N D O N :

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EAST HARDING STREET, E.C.
PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

[Price 3d.]

(159 b.)

**Places of Worship (Enfranchisement)
Bill. [H.L.]**

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE LORD DUNMORE (*E. Dunmore*).

In the Schedule, page 4, line 20, after (“omitted”) insert
“and as if the words ‘who was entitled to the freehold reversion
“ ‘in the lands at the time the interest of the trustees in the lands
“ ‘was enlarged into a fee simple or the successor in title (if any)
“ ‘of such person, and’ were substituted for the words ‘then
“ ‘entitled to the lands (if any) from which the same were
“ ‘originally severed; or’”)

(159 c.)

**Places of Worship
(Enfranchisement) Bill.**

[H.L.]

A M E N D M E N T

TO BE MOVED ON REPORT

BY

THE LORD DUNMORE (*E. Dunmore*).

8th August 1911.

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(159 c.)

**Places of Worship (Enfranchisement)
Bill. [H.L.]**

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE EARL OF CAMPERDOWN.

Clause 1, page 1, line 7, leave out (" or ") and insert (" and ")
line 23, after (" worship ") insert (" or for
" purposes connected therewith ")

Clause 2, page 2, line 13, after (" the ") insert (" Judge of
" the ") and leave out (" whose ") and insert (" The "), and after
(" remuneration ") insert (" of such Arbitrator ")

line 14, after (" the ") insert (" Judge of
" the ") and leave out (" who ") and insert (" he ")

(159 *d*)

**Places of Worship
(Enfranchisement) Bill.**
[H.L.]

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE EARL OF CAMPERDOWN.

9th August 1911.

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(159 d)

**Places of Worship (Enfranchisement)
Bill. [H.L.]**

A M E N D M E N T S

TO BE MOVED ON REPORT

BY

THE EARL BEAUCHAMP.

Clause 1, page 1, line 13, leave out (“ be entitled ”) and insert (“ have the right ”)

line 25, after (“ thereto ”) insert (“ or where
“ the trusts upon which the premises are held include the use of
“ the premises for the purposes of any trade or business or for any
“ purposes of a political character ”)

page 2, lines 1 and 2, leave out (“ the unexpired
“ residue of any term originally created for a period ”) and insert
“ a term of years where the term as originally created was a term ”)

Clause 2, page 2, line 28, after (“ compulsory ”) insert the following new paragraph—

(*e*) In determining the amount of compensation in any case where the rent reserved under the lease is less than the full annual value of the land, the compensation, so far as it is payable in respect of the interest of the lessor expectant on the expiration of the term of the lease, shall not be ascertained on the basis of the rent so reserved but subject always to the foregoing provisions of this section, on the estimated full value of the land at the expiration of the term of the lease.

Clause 4, page 3, line 9, after (“ school ”) insert (“ caretaker’s
“ house ”)

line 30, leave out (“ such purposes as afore-
“ said ”) and insert (“ the purposes of a place of worship ”)

(159 *e*)

**Places of Worship
(Enfranchisement) Bill.**
[H.L.]

A M E N D M E N T S

TO BE MOVED ON THIRD READING

BY

THE EARL OF CAMPERDOWN

AND

THE EARL BEAUCHAMP.

16th August 1911.

LONDON:

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[Price 3d.]

(178 a)

[1 & 2 GEO. 5.] *Places of Worship (Enfranchisement)*. [H.L.] 1

A

B I L L

[AS AMENDED ON REPORT]

INTITLED

An Act to authorise the Enfranchisement of the Sites of A.D. 1911.
Places of Worship held under Lease.

BE it 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:—

- 5 **1.**—(1) Where premises are held under a lease to which this Act applies upon trust to be used for the purposes of a place of worship, whether in conjunction with other purposes or not, and such premises are being used in accordance with the terms of the trust, the trustees, notwithstanding any agreement to the
10 contrary, other than a covenant or agreement against the enlargement of the leasehold interest into a freehold contained in a lease granted or made before the passing of this Act, shall have the right as incident to their leasehold interest to enlarge that interest into a fee simple, and for that purpose
15 to acquire the freehold and all intermediate reversions:
- Right of trustees holding leasehold interest in place of worship to acquire freehold.

Provided that—

- (a) if the premises exceed two acres in extent the trustees shall not be entitled to exercise such right in respect of more than two acres thereof;
- 20 (b) this Act shall not apply where the premises are used or are proposed to be used for the purposes of a place of worship in contravention of any covenant contained in the lease under which the premises are held or in any lease superior thereto or where the trusts upon which the premises are
25 held include the use of the premises for the purposes of any trade or business or for any purposes of a political character.

(178) A

A.D. 1911. (2) The leases to which this Act applies are leases (including underleases and agreements for leases or underleases), whether granted or made before or after the passing of this Act, for lives or a life or for a term of years where the term as originally created was a term of not less than twenty-one years, whether 5 determinable on a life or lives or not.

Procedure for acquisition of reversionary interests. 8 & 9 Vict. c. 20.

2. For the purpose of acquiring such reversionary interests as aforesaid the Lands Clauses Acts shall apply as if the trustees had been authorised to acquire the premises by a special Act incorporating the Lands Clauses Acts and sections seventy-seven 10 to eighty-five of the Railways Clauses Consolidation Act, 1845, subject, however, to the modifications set out in the schedule to this Act, and to the following modifications:—

- (a) All questions of disputed compensation shall be settled by a single arbitrator to be appointed, in default of 15 agreement, by the Judge of the county court; the remuneration of such Arbitrator shall be fixed by the Judge of the county court, and the Arbitrator shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those 20 Acts with respect to arbitration shall, subject to the provisions of this Act, apply accordingly:
- (b) The consideration payable in respect of any intermediate reversion may, at the option of the person entitled to such reversion, be an annual rentcharge for a term 25 corresponding to the unexpired residue of the term of the reversion:
- (c) In determining the amount of any compensation the value of any buildings erected by the trustees, or improvements made by them, shall be excluded: 30
- (d) No allowance shall be made on account of the acquisition being compulsory:
- (e) In determining the amount of compensation in any case where the rent reserved under the lease is less than the full annual value of the land, the compensation, so far 35 as it is payable in respect of the interest of the lessor expectant on the expiration of the term of the lease, shall not be ascertained on the basis of the rent so reserved but subject always to the foregoing provisions of this section, on the estimated full value of the land 40 at the expiration of the term of the lease.

[1 & 2 GEO. 5.] *Places of Worship (Enfranchisement).* 3

3. The estate in fee simple acquired by the trustees shall be subject to the same trusts and be subject to all the same covenants and provisions relating to user and enjoyment and to all the same obligations of every kind other than the payment of rent as those to which the leasehold interest would have been subject if it had not been so enlarged, and all such covenants, provisions, and obligations shall be enforceable against the trustees and their successors in title by the persons who, but for the enlargement of the leasehold interest under this Act, would for the time being be entitled to enforce such covenants, provisions, or obligations :

A.D. 1911.

Effect of enfranchisement on covenants. [See 44 & 45 Vict. c. 41. s. 65 (4).]

Provided that any covenant to insure against fire, whether in any particular office or not, and to reinstate and apply the insurance money in reinstating the premises in case of damage by fire, and any other covenant to do any act which may or will be beneficial to the demised premises alone, shall continue in force only where the consideration is payable in the form of a rentcharge, and so long as that rentcharge is payable.

4. In this Act, unless the context otherwise requires— Definitions.

20 The expression "place of worship" means any church, chapel, or meeting-house used for public religious worship, and includes a burial ground, Sunday school, caretaker's house or minister's house attached to or used in connexion with and held upon the same trusts as a place of worship :

25 The expression "freehold reversion" means the estate of fee simple in the premises subject to the lease held by the trustees and any lease superior thereto ; and, where the premises subject to the lease consist of land of copyhold or customary tenure, includes the interest of the tenant by copy of court roll or the customary tenant subject to the lease held by the trustees and to any lease superior thereto as well as the interest of the lord of the manor :

30 The expression "intermediate reversion" means any leasehold interest in the land (whether under a lease or underlease or under an agreement for a lease or underlease) superior to the lease held by the trustees :

35 The expression "the county court" means the county court for the district in which the place of worship is situate :

(189)

A 2

4 *Places of Worship (Enfranchisement).* [1 & 2 GEO. 5.]

A.D. 1911.

The expression "trustees" means the persons in whom the leasehold premises are for the time being vested for the purposes of a place of worship under any trust whether express or implied and includes their predecessors in title.

5

Short title and extent.

5.—(1) This Act may be cited as the Places of Worship (Enfranchisement) Act, 1911.

(2) This Act shall not extend to Scotland or Ireland.

SCHEDULE.

MODIFICATIONS OF THE LANDS CLAUSES ACTS AND SECTIONS 77 TO 85 OF THE RAILWAY CLAUSES CONSOLIDATION ACT, 1845. 10

(1) The use of the premises as a place of worship and for purposes connected therewith shall be deemed to be the undertaking or the railway and the trustees shall be deemed to be the promoters of the undertaking or the railway company. 15

8 & 9 Vict. c. 18.

(2) Section one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845, limiting the time for compulsory purchase shall not apply.

(3) If the trustees desire to sell the premises or any part thereof, or if they let or habitually use or permit to be used the premises or any part thereof for any purpose other than that of a place of worship or purposes connected therewith, sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, shall apply as if the premises or part thereof were superfluous lands within the meaning of those sections, and as if section one hundred and twenty-eight of that Act read as follows:— 20 25

"Before the promoters of the undertaking dispose of any such superfluous lands they shall . . . first offer to sell the same to the person *who was entitled to the freehold reversion in the lands at the time when the interest of the trustees in the lands was enlarged into a fee simple or the successor in title (if any) of that person; and if that person or his successor in title, as the case may be, refuse to purchase the same, or cannot after diligent* 30

inquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where
 5 more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit." A.D. 1911.

(4) The arbitrator shall, so far as practicable, in assessing compensation, act on his own knowledge and experience, but, subject as
 10 aforesaid, at any arbitration held under this Act the arbitrator shall hear, by themselves or their agents, the parties, and shall hear witnesses, but shall not, except in such cases as the arbitrator may otherwise direct, hear counsel or more than one expert witness on either side.

(5) The Lord Chancellor may make rules fixing a scale of costs to be applicable on an arbitration under this Act, and an arbitrator under this Act may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers
 15 to have been called unnecessarily, and any other costs which he considers to have been caused or incurred unnecessarily, and, if he thinks the circumstances such as to justify him in so doing, to order that each of the parties shall bear their own costs.

(6) There may be contained in the award of the arbitrator a
 25 finding that the claimant, after having been requested in writing by the trustees so to do, has failed to deliver to the trustees a statement in writing of the amount claimed, giving sufficient particulars and in sufficient time to enable the trustees to make a proper offer, and, where such a finding is contained in the award, the provisions of the
 30 Lands Clauses Acts as to costs of arbitrations shall apply as if the trustees had offered the same sum or a greater sum than that found to be due by the award:

Provided that this provision shall not apply unless the written request for particulars contained a notice of the effect of this
 35 provision.

(7) Land includes easements in or relating to land.

**Places of Worship
(Enfranchisement).**

[H.L.]

A

B I L L

[AS AMENDED ON THIRD READING.]

INTITLED

An Act to authorise the Enfranchisement of the Sites of Places of Worship held under Lease.

Earl Beauchamp.

Ordered to be printed 17th August 1911.

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(189)

[1 & 2 GEO. 5.] *Port of London (First Election of Members) Provisional Order.* 1

A

B I L L

INTITULED

An Act to confirm a Provisional Order made by the Board of Trade under the Port of London Act 1908 relating to the definition of dues for the purposes of the first election of members of the Port of London Authority under that Act. A.D. 1911.

WHEREAS the Board of Trade have made a Provisional Order under the Port of London Act 1908 relating to the definition of dues for the purposes of the first election of members of the Port of London Authority under that Act:

5 And whereas it is requisite that the said Order should be confirmed by Parliament:

And whereas it is expedient that the expression "the preceding financial year" where used in the Port of London Act 1908 in relation to the formation of the register of voters shall be defined in respect of the first election as herein-after provided:

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

1. The Provisional Order as set out in the schedule to this Act shall be and the same is 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 Order in schedule.

2. The expression "the preceding financial year" where used in the Port of London Act 1908 in relation to the Period for formation of register.

(135)

*Port of London (First Election of [1 & 2 GEO. 5.]
Members) Provisional Order.*

A.D. 1911. — formation of the register of voters shall be deemed for the purposes of the first election to mean the period of twelve months ending on the thirty-first day of October one thousand nine hundred and twelve.

Short title. **3.** This Act may be cited as the Port of London (First 5 Election of Members) Provisional Order Act 1911.

[1 & 2 GEO. 5.] *Port of London (First Election of Members) Provisional Order.* 3

SCHEDULE.

A.D. 1911

PORT OF LONDON (FIRST ELECTION OF MEMBERS).

Provisional Order pursuant to paragraph (18) of Part IV. of the First Schedule to the Port of London Act 1908 relating to the definition of dues for the purposes of the first election of members of the Port of London Authority under that Act.

1. This Order may be cited as the Port of London (First Election of Members) Order 1911. Short title.
2. For the purposes of the first election of members of the Port of London Authority under the Port of London Act 1908 the expression "dues" in that Act shall mean dues of the classes and in respect of the services following that is to say:— Definition of dues.
- 15 River tonnage dues on vessels.
- 15 Dock tonnage dues on vessels.
- Rent for fixed berths for vessels.
- Discharging and extra charges on vessels.
- Tolls on goods conveyed in craft using the river between Strand-on-the-Green and Teddington or the Surrey Canal.
- 20 Dock charges on goods (not including charges for warehousing).
- Port rates on goods.
- Charges for accommodations in the river.
3. All the costs charges and expenses of and incident to the preparing obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Port of London Authority. Costs of Order.
- 25

Port of London (First Election of Members) Provisional Order.

A

B I L L

INTITULIED

An Act to confirm a Provisional Order made by the Board of Trade under the Port of London Act 1908 relating to the definition of dues for the purposes of the first election of members of the Port of London Authority under that Act.

(Brought from the Commons 17th July 1911.)

Ordered to be printed 17th July 1911.

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[Price $\frac{3}{4}$ d.]

(135)

A

B I L L

INTITULED

An Act to enable Orders to be made under the Diseases of Animals Acts for protecting Live Poultry from unnecessary suffering, and for other purposes connected therewith. A.D. 1911.

BE it 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:—

5 **1.**—(1) The Diseases of Animals Act, 1894, as amended by any subsequent enactment, shall have effect as if, among the purposes for which Orders may be made under section twenty-two of that Act, there were included the following purposes:—

(a) for protecting live poultry from unnecessary suffering while being conveyed by land or water and in connexion with their exposure for sale and their disposal after sale :

Power to make orders for protecting poultry from unnecessary suffering, &c.

10 (b) for requiring the cleansing or disinfection of receptacles or vehicles used for the conveyance of live poultry,

15 and for the purposes of an Order made under this Act the Diseases of Animals Act, 1894, shall be construed as if the expression "animals" included live poultry.

(2) An inspector for the purpose of enforcing an Order under this Act may examine any live poultry under any circumstances to which the Order relates and any receptacle or vehicle used for their conveyance; and may enter any vessel or premises in which he has reasonable grounds for supposing that there are live poultry in course of conveyance or packed for conveyance.

(47.)

A.D. 1911. (3) The expression "poultry" includes domestic fowls,
--- turkeys, geese, ducks, guinea-fowls, and pigeons.

Short title. **2.** This Act may be cited as the Poultry Act, 1911, and the
Diseases of Animals Acts, 1894 to 1909, and this Act may be
cited together as the Diseases of Animals Acts, 1894 to 1911. 5

Poultry. [M.L.]

A

B I L L

INTITLED

An Act to enable Orders to be made under the Diseases of Animals Acts for protecting Live Poultry from unnecessary suffering, and for other purposes connected therewith.

The Earl Carrington.

Ordered to be printed 5th April 1911.

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[Price $\frac{3}{4}$ d.]

(47.)

Professional Accountants Bill. [H.L.]

MEMORANDUM.

The object of this Bill is to organise the profession of accountant on the same lines as the professions of solicitor, surgeon, or physician, veterinary surgeon, and dentist, by forming registers of professional accountants and prohibiting any unregistered person from taking or using any name, title, &c., stating or implying that he is a professional accountant, and from holding himself out to the public as ready to undertake for pay the business of a professional accountant.

All present and future members of the Institute of Chartered Accountants in England and Wales, which was incorporated by Royal Charter in 1880, the Society of Incorporated Accountants and Auditors, which was incorporated under section 23 of the Companies Act, 1867, in the year 1885, the Society of Accountants in Edinburgh, which was incorporated by Royal Charter in 1854, the Institute of Accountants and Actuaries in Glasgow, which was incorporated by Royal Charter in 1855, the Society of Accountants in Aberdeen, which was incorporated by Royal Charter in 1867, and the Institute of Chartered Accountants in Ireland, which was incorporated by Royal Charter in 1888, and the members of certain Colonial institutes or societies who give notice of their intention to practise in any part of the United Kingdom, and all persons who, though not members of any of the said institutes or societies, were in practice in any part of the United Kingdom at the passing of the Act will be entitled to be registered. Persons not being entitled as aforesaid but who were articled before the passing of the Act and who pass the prescribed examinations under the Act will also be entitled to be registered.

There will be three professional accountants register committees, one for England and Wales, one for Scotland, and one for Ireland, each with power to make rules respecting registration, and generally for the execution of the provisions of the Act and with disciplinary powers for the protection of the public.

In case any register committee be at any time dissatisfied with the standard of proficiency required at the examination for

admission to membership of any of the said English, Scottish, or Irish institutes or societies, such register committee may make representations to the Privy Council to that effect, and the Privy Council will have power to require that such standard shall be changed.

In case of refusal of any register committee to register an applicant, and in case of the removal of a name from the register, there will be an appeal to the High Court in England or Ireland, or the Court of Session in Scotland, as the case may be.

Professional Accountants Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Definitions.

REGISTRATION.

3. Constitution of Professional Accountants Register Committee for England and Wales.
4. Constitution of Professional Accountants Register Committee for Scotland.
5. Constitution of Professional Accountants Register Committee for Ireland.
6. Registers of persons practising as professional accountants.
7. Persons entitled to be registered as professional accountants in England and Wales.
8. Persons entitled to be registered as professional accountants in Scotland.
9. Persons entitled to be registered as professional accountants in Ireland.
10. Registrars and custody of registers.
11. Duties and powers of committees.
12. Qualifying examinations.
13. Power to refuse registration in certain cases.
14. Correction of registers.
15. Resolution for removal of name from a register.
16. Restoration of name to a register.
17. Appeal from decision of a committee.
18. Publication and sale of lists of persons on registers.
19. Evidence of registration.
20. Notice of death of professional accountant.
21. Admission of women to membership of the English institute and English society.

(30.)

A

OFFENCES AND LEGAL PROCEEDINGS.

Clause.

22. Prohibition of unregistered persons using title of professional accountants, &c.
23. Prohibition of persons falsely describing themselves as members of institutes or societies.
24. As to titles, &c., of registered accountants.
25. Saving for use of existing titles, &c.
26. Penalty for obtaining registration by false representation.
27. Penalty for wilful falsification of registers.
28. Prosecution of offences and recovery of fines.
29. Restriction on prosecution.

MISCELLANEOUS.

30. Application of fees and audit of accounts.
 31. Service of notices by post.
-

[1 GEO. 5.] *Professional Accountants.* [H.L.]

1

A

B I L L

INTITULED

An Act to provide for the Registration of Professional Accountants in Great Britain and Ireland; and for other relative purposes. A.D. 1911.

BE it 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:—

5 **1.** This Act may be cited as the Professional Accountants Act, 1911. Short title.

2. In this Act—

Definitions.

10 “The English institute” means the Institute of Chartered Accountants in England and Wales, incorporated and regulated by a charter granted by Her late Majesty Queen Victoria in the year 1880;

15 “The English society” means the Society of Incorporated Accountants and Auditors, incorporated in the year 1885 under section twenty-three of the Companies Act, 1867;

20 “The Scottish societies” means the Society of Accountants in Edinburgh, incorporated by a charter granted by Her late Majesty Queen Victoria in the year 1854, the Institute of Accountants and Actuaries in Glasgow, incorporated by a charter granted by Her late Majesty Queen Victoria in the year 1855, and the Society of Accountants in Aberdeen, incorporated by a charter granted by Her late Majesty Queen Victoria in the year 1867;

(30.)

A 2

A.D. 1911.

- “The Irish institute” means the Institute of Chartered Accountants in Ireland, incorporated and regulated by a charter granted by Her late Majesty Queen Victoria in the year 1888;
- “The English committee” means the Professional Accountants Register Committee for England and Wales constituted under this Act; 5
- “The Scottish committee” means the Professional Accountants Register Committee for Scotland constituted under this Act; 10
- “The Irish committee” means the Professional Accountants Register Committee for Ireland constituted under this Act;
- “The English register” means the Register of Professional Accountants in England and Wales directed to be kept under this Act; 15
- “The Scottish register” means the Register of Professional Accountants in Scotland directed to be kept under this Act;
- “The Irish register” means the Register of Professional Accountants in Ireland directed to be kept under this Act; 20
- “The English registrar” means the person for the time being appointed to be or to perform the duties of registrar under this Act in respect of the registration of professional accountants in England and Wales; 25
- “The Scottish registrar” means the person for the time being appointed to be or to perform the duties of registrar under this Act in respect of the registration of professional accountants in Scotland; 30
- “The Irish registrar” means the person for the time being appointed to be or to perform the duties of registrar under this Act in respect of the registration of professional accountants in Ireland;
- “Professional accountant” means any person whose business or occupation is the performance of the functions of a professional or public accountant. 35

In the application of this Act to Scotland "Rules of court" shall mean Acts of Sederunt of the Court of Session; "under articles" shall mean under indenture of apprenticeship. A.D. 1911.

REGISTRATION.

5 **3.**—(1) As soon as may be after the passing of this Act the council of the English institute shall appoint nine members of that institute, the council of the English society shall appoint six members of that society, and the councils of the Scottish societies shall appoint one person being a member of one of the
10 Scottish societies, all being professional accountants practising in England or Wales, and the persons so appointed shall by virtue of this Act constitute and become the Professional Accountants Register Committee for England and Wales.

Constitution
of Pro-
fessional
Accountants
Register
Committee
for England
and Wales.

(2) Three members appointed by the council of the English
15 institute and two members appointed by the council of the English society shall retire annually, and the member appointed by the councils of the Scottish societies shall retire at the expiry of three years from the date of his appointment. The members so retiring shall be eligible for re-election by the respective
20 councils. The members to retire in the years one thousand nine hundred and twelve and one thousand nine hundred and thirteen shall be determined by agreement, or, in default of agreement, by lot, and in subsequent years the members to retire shall be those who have been longest in office.

(3) The council of the English institute or of the English
25 society and the councils of the Scottish societies may from time to time remove any member of the English committee appointed by such councils respectively, and may appoint in the stead of any member so removed any other member of the institute or
30 societies respectively being a professional accountant practising in England and Wales.

(4) Vacancies among the members of the English committee shall be filled by the council or councils by whom the vacating members or member were or was appointed, but a person
35 appointed to fill a casual vacancy shall continue in office so long only as the person in whose room he is appointed would have held office.

(5) Any member of the English committee whose name shall at any time cease to be on the English register shall ipso facto
40 cease to be a member of the English committee.

A.D. 1911. (6) The English committee may sue and be sued in the name of the English registrar.

(7) The quorum for a meeting of the English committee shall, unless and until otherwise provided by a rule made by the English committee, be nine. 5

Constitution
of Profes-
sional Ac-
countants
Register
Committee
for Scotland.

4.—(1) As soon as may be after the passing of this Act the council of the Society of Accountants in Edinburgh shall appoint five members of that society, the council of the Institute of Accountants and Actuaries in Glasgow shall appoint five members of that institute, the council of the Society of Accountants in Aberdeen shall appoint two members of that society, the council of the English society shall appoint two members of that society, and the council of the English institute shall appoint one member of that institute, all being professional accountants practising in Scotland, and the persons so appointed shall by virtue of this Act constitute and become the Professional Accountants Register Committee for Scotland. 10 15

(2) Three members appointed by the respective councils of the Scottish societies shall retire annually, one member appointed by the council of the English society and the member appointed by the council of the English institute shall retire at the expiry of three years from the date of their appointment. The members so retiring shall be eligible for re-election by the respective councils. The members to retire in the years one thousand nine hundred and twelve and one thousand nine hundred and thirteen shall be determined by agreement, or, in default of agreement, by lot, and in subsequent years the members to retire shall be those who have been longest in office. 25

(3) The councils of the Scottish societies or of the English society or of the English institute may from time to time remove any member of the Scottish committee appointed by such council (as the case may be), and may appoint another person as aforesaid in the stead of any member so removed being a professional accountant practising in Scotland. 30

(4) Vacancies among the members of the Scottish committee shall be filled by the council or councils by whom the vacating members or member were or was appointed, but a person appointed to fill a casual vacancy shall continue in office so long only as the person in whose room he is appointed would have held office. 35 40

(5) Any member of the Scottish committee whose name shall at any time cease to be on the Scottish register shall ipso facto cease to be a member of the Scottish committee. A.D. 1911.

(6) The Scottish committee may sue and be sued in the name of the Scottish registrar.

(7) The quorum for a meeting of the Scottish committee shall, unless and until otherwise provided by a rule made by the Scottish committee, be seven.

5.—(1) As soon as may be after the passing of this Act the council of the Irish institute shall appoint eight persons being members of the Irish institute, and the council of the English society shall appoint four persons being members of the English society, all being professional accountants practising in Ireland, and the persons so appointed shall by virtue of this Act constitute and become the Professional Accountants Register Committee for Ireland. Constitution of Professional Accountants Register Committee for Ireland.

(2) Two members appointed by the council of the Irish institute and one member appointed by the council of the English society shall retire annually, but shall be eligible for re-election by the respective councils. The members to retire in the years one thousand nine hundred and twelve, one thousand nine hundred and thirteen, and one thousand nine hundred and fourteen shall be determined by agreement, or, in default of agreement, by lot, and in subsequent years the members to retire shall be those who have been longest in office.

(3) The council of the Irish institute or of the English society may from time to time remove any member of the Irish committee appointed by such council (as the case may be) and may appoint another person as aforesaid in the stead of any member so removed being a professional accountant practising in Ireland.

(4) Vacancies among the members of the Irish committee shall be filled by the council or councils by whom the vacating members or member were or was appointed, but a person appointed to fill a casual vacancy shall continue in office so long only as the person in whose room he is appointed would have held office.

(5) Any member of the Irish committee whose name shall at any time cease to be on the Irish register shall ipso facto cease to be a member of the Irish committee.

A.D. 1911. (6) The Irish committee may sue and be sued in the name of the Irish registrar.

(7) The quorum for a meeting of the Irish committee shall, unless and until otherwise provided by a rule made by the Irish committee, be six. 5

Registers of persons practising as professional accountants.

6. Registers of the names of persons practising as professional accountants in England and Wales, Scotland, and Ireland, respectively, shall be kept, subject to the provisions of this Act, by the English registrar, the Scottish registrar, and the Irish registrar respectively, in books to be styled respectively the Register of Professional Accountants in England and Wales, the Register of Professional Accountants in Scotland, and the Register of Professional Accountants in Ireland. 10

Persons entitled to be registered as professional accountants in England and Wales.

7.—(1) The following persons shall (subject to the provisions of this Act herein-after contained) be entitled to be registered as professional accountants in England and Wales under this Act:— 15

(a) Any person who is now or shall hereafter become a member of the English institute or of the English society or of any of the Scottish societies or of the Irish institute, and who shall give notice in writing to the English committee of his intention to practise as a professional accountant in England and Wales: 20

(b) Any person who (although not a member of any of the institutes or societies mentioned in sub-clause (a) hereof) shall within six months from the passing of this Act give notice in writing to the English committee, and within twelve months from the passing of this Act prove to the satisfaction of the English committee that he was in practice as a professional accountant in England or in Wales at the passing of this Act, subject nevertheless to the provisions of the section of this Act whereof the marginal note is "Power to refuse registration in certain cases": 25 30

(c) Any person who is now or shall hereafter become a member of any institute or society of professional accountants incorporated or duly constituted under the laws of any British colony or dependency (including India), or of any territory administered under royal charter or under the laws for the time being in force in any part of the United States of America, 35 40

membership of which the English committee, the Scottish committee, and the Irish committee may by resolution passed by each of such committees decide to be a proper qualification, and who shall give notice in writing to the English committee of his intention to practise as a professional accountant in England and Wales. Provided that any such resolution shall remain in force until revoked by each of such committees.

A.D. 1911.

(2) Any person (not being a person entitled to be registered under the preceding provisions of this section) shall be entitled (subject nevertheless to the provisions of the section of this Act whereof the marginal note is "Power to refuse registration in certain cases") to be registered as a professional accountant in England and Wales under this Act on producing or transmitting to the English registrar a certificate of the English committee that he has passed such examinations as the English committee shall from time to time prescribe, and on proof to the satisfaction of the English committee that he has served under articles to a professional accountant practising in England or in Wales and registered, or who, subject to giving notice, would have been entitled to be registered as a professional accountant in England and Wales under this Act (not being a member of the English institute or of the English society) for not less than five years, or, in the case of a graduate of any university in the United Kingdom, for not less than three years, and that he has attained the age of twenty-one years; such service as aforesaid having been commenced before the passing of this Act.

8.—(1) The following persons shall (subject to the provisions of this Act herein-after contained) be entitled to be registered as professional accountants in Scotland under this Act:—

Persons entitled to be registered as professional accountants in Scotland.

(a) Any person who is now or shall hereafter become a member of any of the Scottish societies or of the English institute or of the English society or of the Irish institute, and who shall give notice in writing to the Scottish committee of his intention to practise as a professional accountant in Scotland.

(b) Any person who (although not a member of any of the societies or institutes mentioned in sub-clause (a) hereof) shall within six months from the passing of this Act give notice in writing to the Scottish com-

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A.D. 1911.
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mittee, and within twelve months from the passing of this Act prove to the satisfaction of the Scottish committee that he was in practice as a professional accountant in Scotland at the passing of this Act, subject nevertheless to the provisions of the section 5 of this Act whereof the marginal note is "Power to refuse registration in certain cases."

(c) Any person who is now or shall hereafter become a member of any institute or society of professional accountants incorporated or duly constituted under 10 the laws of any British colony or dependency (including India) or of any territory administered under royal charter or under the laws for the time being in force in any part of the United States of America, membership of which the English committee, the 15 Scottish committee, and the Irish committee may by resolution passed by each of such committees decide to be a proper qualification, and who shall give notice in writing to the Scottish committee of his intention to practise as a professional accountant in Scotland. 20 Provided that any such resolution shall remain in force until revoked by each of such committees.

(2) Any person (not being a person entitled to be registered under the preceding provisions of this section) shall be entitled (subject nevertheless to the provisions of the section of this Act 25 whereof the marginal note is "Power to refuse registration in certain cases") to be registered as a professional accountant in Scotland under this Act on producing or transmitting to the Scottish registrar a certificate of the Scottish committee that he has passed such examinations as the Scottish committee shall 30 from time to time prescribe, and on proof to the satisfaction of the Scottish committee that he has served under articles to a professional accountant practising in Scotland and registered, or who, subject to giving notice, would have been entitled to be registered as a professional accountant in Scotland under this 35 Act (not being a member of any of the Scottish societies or of the English society) for not less than five years, or, in the case of a graduate of any university in the United Kingdom, for not less than three years, and that he has attained the age of twenty-one years; such service as aforesaid having been commenced 40 before the passing of this Act.

9.—(1) The following persons shall (subject to the provisions of this Act herein-after contained) be entitled to be registered as professional accountants in Ireland under this Act:—

A.D. 1911.
Persons
entitled to be
registered as
professional
accountants
in Ireland.

- 5 (a) Any person who is now or shall hereafter become a member of the Irish institute or of the English institute or of the English society or of any of the Scottish societies, and who shall give notice in writing to the Irish committee of his intention to practise as a professional accountant in Ireland.
- 10 (b) Any person who (although not a member of any of the institutes or societies mentioned in sub-clause (a) hereof) shall within six months from the passing of this Act give notice in writing to the Irish committee, and within twelve months from the passing of this Act prove to the satisfaction of the Irish committee that he was in practice as a professional accountant in Ireland at the passing of this Act, subject nevertheless to the provisions of the section of this Act whereof the marginal note is "Power to refuse registration in certain cases."
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- (c) Any person who is now or shall hereafter become a member of any institute or society of professional accountants incorporated or duly constituted under the laws of any British colony or dependency (including India) or of any territory administered under royal charter or under the laws for the time being in force in any part of the United States of America, membership of which the English committee, the Scottish committee, and the Irish committee may by resolution passed by each of such committees decide to be a proper qualification, and who shall give notice in writing to the Irish committee of his intention to practise as a professional accountant in Ireland. Provided that any such resolution shall remain in force until revoked by each of such committees.
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(2) Any person (not being a person entitled to be registered under the preceding provisions of this section) shall be entitled (subject nevertheless to the provisions of the section of this Act whereof the marginal note is "Power to refuse registration in certain cases") to be registered as a professional accountant in

A.D. 1911. Ireland under this Act on producing or transmitting to the Irish registrar a certificate of the Irish committee that he has passed such examinations as the Irish committee shall from time to time prescribe, and on proof to the satisfaction of the Irish committee that he has served under articles to a professional accountant practising in Ireland and registered, or who, subject to giving notice, would have been entitled to be registered as a professional accountant in Ireland under this Act (not being a member of the Irish institute or of the English society) for not less than five years, or, in the case of a graduate of any university in the United Kingdom, for not less than three years, and that he has attained the age of twenty-one years; such service as aforesaid having been commenced before the passing of this Act.

Registrars and custody of registers. **10.**—(1) The secretary of the English institute for the time being shall be the English registrar, and the English register shall be kept at the office of that institute. 15

(2) The Scottish registrar shall be appointed by the councils of the Scottish societies, and the Scottish register shall be kept at the office of the Society of Accountants in Edinburgh. 20

(3) The secretary of the Irish institute for the time being shall be the Irish registrar, and the Irish register shall be kept at the office of that institute.

Duties and powers of committees. **11.** The English committee, the Scottish committee, and the Irish committee shall respectively have power— 25

(1) To frame rules—

With respect to registration of the addresses of persons registered under this Act and to notification to the English registrar, the Scottish registrar, or the Irish registrar (as the case may be) of any change of address; 30

With respect to the inspection of the English register, the Scottish register, or the Irish register (as the case may be);

With respect to the holding of examinations for the purposes of subsection (2) of the section of this Act of which the marginal notes are respectively “Persons entitled to be registered as professional accountants in England and Wales,” “Persons entitled to be registered as professional accountants 40

“ in Scotland,” and “ Persons entitled to be registered as professional accountants in Ireland,” and with respect to the subjects for and the times and places of and the mode of conducting such examinations, and with respect to the appointment and removal of examiners, and with respect to the remuneration, by fees or otherwise, of the examiners so appointed; A.D. 1911.

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With respect to the certificates (if any) to be given to persons of their having passed any examination held under this Act;

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With respect to the quorum and procedure of such committees respectively, and with respect to any other matter or thing as to which such committees respectively think it expedient to make rules for the purposes of this Act:

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(2) To provide for the duties and remuneration of the English registrar, the Scottish registrar, or the Irish registrar (as the case may be):

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(3) To determine questions relating to the qualifications for registration under this Act of persons not being members of the English institute or of the English society, or of any of the Scottish societies, or of the Irish institute:

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(4) To prescribe charges and recover fees with respect to examinations and registration under this Act, such fees and charges to be approved by the Board of Trade;

and generally to do any act or thing which may be necessary and expedient for the due and proper execution of the provisions of this Act.

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12.—(1) If the English committee, the Scottish committee, or the Irish committee at any time resolve that in the opinion of such committee the standard of proficiency required at the examination from applicants for admission to membership of the English institute, the English society, the Society of Accountants in Edinburgh, the Institute of Accountants and Actuaries in Glasgow, the Society of Accountants in Aberdeen, or the Irish institute is not sufficient to guarantee the possession by any such applicant of the knowledge and skill requisite for the efficient practice by him of the business of a professional accountant, the

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Qualifying
examina-
tions.

A.D. 1911. committee by whom any such resolution has been passed shall forward a copy thereof, together with a representation thereon, to the institute or society to whose examination the resolution relates, and also to the Privy Council,

(2) The Privy Council, if they think fit, after considering such resolution and representation, and also any objections thereto made by the institute or society to whose examination the resolution relates, may notify their opinion to such institute or society, and if such institute or society fail to comply with any directions of the Privy Council relating to such notification, no applicant admitted to the membership of such institute or society after the date of any such resolution shall be entitled to be registered under this Act as a professional accountant unless and until the directions of the Privy Council shall have been complied with to the satisfaction of the Privy Council, and such applicant shall have passed a qualifying examination of a standard in accordance with such directions.

Power to
refuse regis-
tration in
certain cases.

13. A committee constituted under this Act may refuse to register under this Act—

- (1) Any person who has been excluded from membership of any institute or society in this Act mentioned or referred to:
- (2) Any person who has been suspended from membership of any institute or society in this Act mentioned or referred to, so long as the suspension continues:
- (3) Any person who is proved to the satisfaction of any such committee—

(a) To have been convicted of any crime in or beyond the United Kingdom, or to have been declared by any court of competent jurisdiction or beyond the United Kingdom to have committed any fraud or to have been declared an outlaw;

(b) To have been guilty of any act or default discreditable to a professional accountant;

(c) To have been adjudged bankrupt, or individually or as a partner to have made an assignment for the benefit of creditors, or to have made any arrangement for payment of a composition to creditors;

- (d) To be following any business or occupation other than that of a professional accountant or some business which, in the opinion of any such committee, is incident thereto or consistent therewith: Provided that where, at the date of the passing of this Act, the practice of a professional accountant is being carried on in combination with some other business, then the provisions of this subsection relative to the following or entering into any other business or occupation shall not apply to a person registered under this Act who continues to carry on that same combined business, or, after the date of the passing of this Act, becomes engaged in such combined business, either by himself or with a partner; but nothing in this proviso shall entitle such partner (unless otherwise entitled) to carry on the combined business after such person as aforesaid shall have died or ceased to practise as a professional accountant. A.D. 1911.
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- 20 **14.**—(1) A registrar appointed under this Act shall from time to time insert in his register any alteration which may come to his knowledge in the name or address or description of any person registered. Correction of registers.
- 25 (2) A registrar appointed under this Act shall remove from his register the name of every deceased person.
- (3) A registrar appointed under this Act may remove from his register the name of a person who has ceased to practise, but not (save as herein-after provided) without the consent of that person.
- 30 (4) Where a registrar appointed under this Act has reason to think that any person registered has ceased to practise, such registrar may send by post to such person a notice inquiring whether or not he has ceased to practise or has changed his address, and if such registrar does not, within three months
- 35 after sending the notice, receive any answer thereto from such person, such registrar may, within fourteen days after the expiration of the three months, send him by post in a registered letter another notice referring to the first notice, and stating that no answer thereto has been received, and if such registrar
- 40 does not, within one month after sending the second notice, receive any answer thereto, such person shall, for the purposes

A.D. 1911. of this section, be deemed to have ceased to practise, and his name may, with the approval of the English committee, the Scottish committee, or the Irish committee (as the case may be) be removed accordingly.

(5) In the execution of his duties under this section a registrar appointed under this Act shall act on such evidence as in each case appears to him sufficient.

Resolution
for removal
of name from
a register.

15. A committee constituted under this Act may resolve to remove from a register kept under this Act the name of any person which has been erroneously or fraudulently entered, and the name of any person who shall have been excluded or suspended from membership of any institute or society in this Act mentioned or referred to, and the name of any other person (not being a member of the English institute, the English society, the Scottish societies, or the Irish institute) who has been guilty of any offence or misconduct or has committed any act or default which would have justified such committee in refusing to register him under this Act, and the name of any person who has failed to pay within six months after a written demand in that behalf from a registrar appointed under this Act any fee due from him under the provisions of this Act, and any such registrar shall act in accordance with such resolution.

Restoration
of name to a
register.

16.—(1) Where the name of a person has been removed from a register kept under this Act it shall not be again entered in such register except by the direction of the English committee, the Scottish committee, or the Irish committee (as the case may be), or by order of the High Court in England or Ireland, or the Court of Session in Scotland (as the case may be), and except in the case of suspension for which provision is herein-after made.

(2) A committee constituted under this Act may, in any case in which they think fit, direct a registrar appointed under this Act to restore to his register any name removed therefrom, either without fee or on payment of such fee (not exceeding the fee prescribed for admission to such register) as such committee may from time to time fix, and such registrar shall restore the name accordingly; but no such direction shall be given in the case of a member of any institute or society in this Act mentioned or referred to, unless such member shall

have been re-admitted to membership of the institute or society A.D. 1911.
to which he previously belonged.

(3) In the case of a person who has been suspended from membership of any institute or society in this Act mentioned 5 or referred to, a registrar appointed under this Act may, at the expiration of the period of suspension, restore the name to his register without a resolution of the English committee, the Scottish committee, or the Irish committee (as the case may be): Provided that if it be proved to the satisfaction of any 10 such committee that the person suspended has, during the period of his suspension, committed any act or default which would have rendered him liable to exclusion or suspension if he had been a member, such committee may refuse to restore the name either for a limited period or otherwise.

(4) The name of any person removed from a register kept under this Act at the request or with the consent of such person may (unless it might, if not so removed, have been removed by direction of a committee constituted under this Act) be restored to such register by the English registrar, the Scottish 20 registrar, or the Irish registrar (as the case may be), with the approval of the English committee, the Scottish committee, or the Irish committee (as the case may be), on the application of such person and on payment of such fee (not exceeding the fee prescribed for admission to such register) as any such 25 committee shall from time to time fix.

17. Where a committee constituted under this Act refuse to register the name of a person applying for registration under this Act, or resolve to remove the name of any person from a register kept under this Act, or refuse to restore the name of 30 any person to any such register, they shall, if required by the person affected, within six months after notice to him of the decision of such committee, report their resolution and the grounds thereof to the High Court in England or Ireland or the Court of Session in Scotland (as the case may be).

Appeal from
decision of a
committee.

35 Thereupon the court may make an order, allowing or disallowing the resolution either absolutely or subject to such conditions (if any) as to time or otherwise as the court may think fit, and the resolution shall have effect so far only as it is allowed by the court.

40 Rules of court may be made for the purposes of this Act.

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- A.D. 1911. **18.**—(1) The committees constituted under this Act shall respectively cause lists of all persons on the respective registers to be from time to time, and at least once a year, printed under their respective direction, and published and sold.
- Publication and sale of lists of persons on registers. (2) The lists shall contain such particulars and be arranged 5 in such form as such committees may respectively direct.
- Evidence of registration. **19.** A copy of a register for the time being, purporting to be printed and published in pursuance of this Act, shall be evidence in all cases (until the contrary be made to appear) that the persons therein named are on such register, and the absence of the name 10 of any person from such copy shall be evidence (until the contrary be made to appear) that such person is not on such register: Provided that, in the case of any person whose name does not appear in such copy, a certified copy under the hand of the English registrar, the Scottish registrar, or the Irish registrar (as 15 the case may be) of the entry of the name of such person in his register shall be evidence that such person is on such register.
- Notice of death of professional accountant. **20.** Every registrar of deaths in the United Kingdom, on receiving notice of the death of any person on a register kept under this Act, shall forthwith transmit by post to the English 20 registrar, the Scottish registrar, or the Irish registrar (as the case may be), a certificate under his hand of such death, with particulars of the time and place of death, and on the receipt of such certificate such registrar shall remove the name of such person from his register, and shall transmit to the said registrar 25 of deaths a fee of one shilling.
- Admission of women to membership of the English institute and English society. **21.**—(1) Subject to the provisions of the charter and byelaws of the English institute, every woman who obtains a certificate of her having passed the final examination provided for by the charter shall be entitled to be admitted an associate of the English 30 institute; and, subject as aforesaid, every woman who, being an associate of the English institute, has for five years next before the time of her applying to be admitted a fellow, been continuously in practice as a professional accountant shall be entitled to be admitted a fellow of the English institute. 35
- (2) Subject to the memorandum and articles of association and to the byelaws of the English society, every woman who obtains a certificate of her having passed such an examination or examinations as the council of the English society may from time to time by byelaw or otherwise determine, shall be eligible 40 for admission as an associate of the English society; and, subject

as aforesaid, every woman who being an associate of the English society has been continuously in practice as a professional accountant for not less than three years immediately prior to her application, shall be eligible for admission as a fellow of the English society.

A.D. 1911.

OFFENCES AND LEGAL PROCEEDINGS.

22. From and after the passing of this Act it shall not be lawful for any person whose name is not on a register kept under this Act—

Prohibition of unregistered persons using title of professional accountants, &c.

- 10 (a) To take or use any title, description, or addition, by letters or otherwise, stating or implying that he is a professional accountant, or that he is in practice as a professional accountant; or
- 15 (b) To hold himself out to the public as ready to undertake for pay the business of a professional accountant, or to exercise any function prescribed by law as having to be exercised by a professional accountant.

Any person acting in contravention of this section shall be liable to a fine not exceeding twenty pounds, and to a further fine not exceeding one pound for every day on which the offence is repeated after conviction: Provided that a person who was practising as an accountant in England and Wales, Scotland, or Ireland (as the case may be) before the passing of this Act, and who has continued in practice, shall not be liable until the expiration of twelve months from the passing of this Act to any fine under this section except for taking or using a title, description, or addition, by letters or otherwise, stating or implying that he is registered under this Act:

Provided further that notwithstanding anything in this Act contained—

- 35 (1) Any professional accountant whose name is duly registered in the English register but not in the Scottish register or the Irish register shall be entitled to exercise his profession in Scotland or Ireland without being registered in the Scottish register or the Irish register, provided he have no permanent office or place of business in Scotland or Ireland, as the case may be, and do not otherwise hold himself out in Scotland or Ireland, as the case may be, as ready to undertake business in Scotland or Ireland, as the case may be.

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A.D. 1911.

- (2) Any professional accountant whose name is duly registered in the Scottish register but not in the English register or the Irish register shall be entitled to exercise his profession in England or Wales or Ireland without being registered in the English register or the Irish register, provided he have no permanent office or place of business in England or Wales or Ireland, as the case may be, and do not otherwise hold himself out in England or Wales or Ireland, as the case may be, as ready to undertake business in England or Wales or Ireland, as the case may be. 5
- (3) Any professional accountant whose name is duly registered in the Irish register but not in the English register or the Scottish register, shall be entitled to exercise his profession in England or Wales or Scotland without being registered in the English register or the Scottish register, provided he have no permanent office or place of business in England or Wales or Scotland, as the case may be, and do not otherwise hold himself out in England or Wales or Scotland, as the case may be, as ready to undertake business in England or Wales or Scotland, as the case may be. 15 20

Prohibition of persons falsely describing themselves as members of institutes or societies.

23. From and after the passing of this Act it shall not be lawful for any person not being a member of the English institute, or of the English society, or of any of the Scottish societies, or of the Irish institute, to take or use any title, description, or initials, by letter or otherwise, stating or implying that he is a member of any such institute or society, or in any way whatsoever to hold himself out as being a member of any such institute or society; and it shall not be lawful for any person not being a member of the English institute, or of any of the Scottish societies or of the Irish institute, to use the description of chartered accountant, nor for any person who is not a member of the English society to use the description of incorporated accountant. 25 30 35

Any person acting in contravention of this section shall be liable to a fine not exceeding twenty pounds, and to a further fine of not exceeding one pound for every day on which the offence is repeated after conviction.

As to titles, &c., of registered accountants.

24. It shall not be lawful for any person registered as a professional accountant under this Act to take or use any title, description, or initials, by letters or otherwise, indicating that he 40

is a professional accountant (other than the title, or description, of professional accountant), unless such title, description, or initials shall be approved by resolution of a committee constituted under this Act. A.D. 1911.

5 Any person acting in contravention of this section shall be liable to a fine not exceeding ten pounds, and to a further fine not exceeding one pound for every day on which the offence is repeated after conviction.

10 **25.** Any member of the English institute, or of the English society, or of any of the Scottish societies, or of the Irish institute, may continue to use any title, description, or addition by letters or otherwise in general use by members of any such institute or society at the time of the passing of this Act, without incurring any liability to a fine under this Act, provided any such member
15 not being registered under this Act does not hold himself out to the public as ready to undertake for pay the business of a professional accountant, or exercise any functions prescribed by law as having to be exercised by a professional accountant. Saving for use of existing titles, &c.

20 **26.** Any person who wilfully procures or attempts to procure himself to be placed on a register kept under this Act by making or producing, or causing to be made or produced, any false or fraudulent declaration, certificate, or representation, either in writing or otherwise, and any person aiding and assisting him therein, shall be deemed guilty of a misdemeanour, and shall on
25 conviction thereof be liable to a fine not exceeding fifty pounds, or to be imprisoned with or without hard labour for any term not exceeding twelve months. Penalty for obtaining registration by false representation.

30 **27.** If a registrar appointed under this Act wilfully makes or causes to be made any falsification in any matter relating to his register he shall be deemed guilty of a misdemeanour, and shall be liable to a fine not exceeding fifty pounds, or to be imprisoned with or without hard labour for any term not exceeding twelve months. Penalty for wilful falsification of registers.

35 **28.** All offences under this Act may be prosecuted and all fines may be recovered in a summary manner under the Summary Jurisdiction Acts. Prosecution of offences and recovery of fines.

40 **29.** A prosecution under this Act may be instituted by a committee constituted under this Act, but shall not be instituted by a private person without the written consent of any such committee. Restriction on prosecution.

A.D. 1911.

MISCELLANEOUS.

Application
of fees and
audit of
accounts.

30.—(1) All fees paid under or by virtue of this Act shall be paid to the English committee, the Scottish committee, or the Irish committee (as the case may be), or to the English registrar, the Scottish registrar, or the Irish registrar (as the case may be), 5 on behalf of any such committee, and such committee shall apply the same in payment of all expenses incurred by them in or about examinations and registration, and otherwise in or about the execution of the provisions of this Act, and any such committee may invest any moneys from time to time in their hands, and 10 (if thought fit) may appoint trustees for that purpose, and may invest or apply the resulting income in manner aforesaid.

(2) The committees constituted under this Act shall respectively keep accounts of all their income and expenditure under this Act. 15

(3) The accounts of the English committee shall be audited annually by two professional accountants, one of whom shall be nominated by the president of the English institute and the other by the president of the English society.

(4) The accounts of the Scottish committee shall be audited 20 annually by a professional accountant appointed by the Scottish societies.

(5) The accounts of the Irish committee shall be audited annually by a professional accountant appointed by the Irish institute. 25

(6) A committee constituted under this Act shall, on the request of any person named in the register under the control of such committee, supply him with a copy of the published accounts of such committee without payment.

Service of
notices by
post.

31.—(1) Any notice or document required by or for the 30 purposes of this Act to be sent may be sent by post, and, when sent to any person registered under this Act, shall be deemed to be properly addressed if addressed to him at his registered address, and shall be deemed to be properly served if so addressed and put into the post. 35

(2) Any notice relating to the removal by a committee constituted under this Act from a register kept under this Act of the name of any person, or to the refusal by any such committee to register any person, shall be sent by post as a registered letter. 40

**Professional
Accountants. [H.L.]**

A

B I L L

INTITLED

An Act to provide for the Registration
of Professional Accountants in Great
Britain and Ireland ; and for other
relative purposes.

The Earl of Chichester.

Ordered to be printed 8th March 1911.

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(30.)

Protection of Animals Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Offences of cruelty.
2. Additional powers of court in certain cases.
3. Compensation for damage done by cruelty to an animal.
4. Knackers.
5. Animals in pounds.
6. Poisoned grain and flesh, &c.
7. Use of dogs for purposes of draught.
8. Extension of powers of Board of Agriculture and Fisheries with respect to the making of orders.
9. Inspection of traps.
10. Injured animals.
11. Powers of constables.
12. Employers and owners to produce drivers or animals if so required.
13. Appeals.
14. Definitions.
15. Extent of Act.
16. Application to Ireland.
17. Repeals.
18. Commencement, saving for pending proceedings, and short title.

SCHEDULES.

A

B I L L

[AS AMENDED ON THIRD READING]

INTITULED

An Act to consolidate, amend, and extend certain enactments relating to Animals and to Knackers; and to make further provision with respect thereto. A.D. 1911.

BE it 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:—

- 5 **1.**—(1) If any person— Offences of
cruelty.
- 10 (*a*) shall cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate, or terrify any animal, or shall cause or procure, or, being the owner, permit any animal to be so used, or shall by wantonly or unreasonably doing or omitting to do any act, or causing or procuring the commission or omission of any act, cause any unnecessary suffering, or, being the owner, permit any unnecessary suffering to be so caused to any animal; or
- 15 (*b*) shall convey or carry, or cause or procure, or, being the owner, permit to be conveyed or carried, any animal in such manner or position as to cause that animal any unnecessary suffering; or
- 20 (*c*) shall cause, procure, or assist at the fighting or baiting of any animal; or shall keep, use, manage, or act or assist in the management of, any premises or place for the purpose, or partly for the purpose, of fighting or baiting any animal, or shall permit any premises or place to be so kept, managed, or

A.D. 1911.

used, or shall receive, or cause or procure any person to receive, money for the admission of any person to such premises or place; or

(d) Shall wilfully, without any reasonable cause or excuse, administer, or cause or procure, or being the owner 5 permit, such administration of, any poisonous or injurious drug or substance to any animal, or shall wilfully, without any reasonable cause or excuse, cause any such substance to be taken by any animal; or 10

(e) Shall subject, or cause or procure, or being the owner permit, to be subjected, any animal to any operation which is performed without due care and humanity;

such person shall be guilty of an offence of cruelty within the meaning of this Act, and shall be liable upon summary conviction 15 to a fine not exceeding twenty-five pounds, or alternatively, or in addition thereto, to be imprisoned, with or without hard labour, for any term not exceeding six months.

(2) For the purposes of this section an owner shall be deemed to have permitted cruelty within the meaning of this Act if he 20 shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom:

Provided that where an owner is convicted of permitting cruelty within the meaning of this Act by reason only of his having failed to exercise such care and supervision, he shall 25 not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall render illegal any act lawfully done under the Cruelty to Animals Act, 1876, or shall apply—

(a) to the commission or omission of any act in the course of 30 the destruction, or the preparation for destruction, of any animal as food for mankind, unless such destruction or such preparation was accompanied by the infliction of unnecessary suffering; or

(b) to the coursing or hunting of any captive animal, unless 35 such animal is liberated in an injured, mutilated, or exhausted condition; but a captive animal shall not for the purposes of this section be deemed to be coursed or hunted before it is liberated for the purpose of being coursed or hunted, or after it has been 40 re-captured, or if it is under control.

2. Where the owner of an animal is convicted of an offence of cruelty within the meaning of this Act, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed, and to
 5 assign the animal to any suitable person for that purpose; and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal, or cause or procure such animal to be destroyed, in his presence without unnecessary suffering. Any reasonable expenses incurred in destroying the animal may
 10 be ordered by the court to be paid by the owner, and thereupon shall be recoverable summarily as a civil debt:

A.D. 1911.
 Additional powers of court in certain cases.

Provided that unless the owner assent, no order shall be made under this section except upon the evidence of a duly registered veterinary surgeon.

15 3. If any person shall by cruelty within the meaning of this Act to any animal do, or cause to be done, any damage or injury to the animal or any person or property, he shall upon conviction for the cruelty under this Act, be liable upon the application of the person aggrieved to be ordered to pay as compensation to
 20 the person who shall sustain damage or injury as aforesaid, such sum not exceeding ten pounds, as the court before whom he is convicted may consider reasonable:

Compensation for damage done by cruelty to an animal.

Provided that this section shall not—

- 25 (a) prevent the taking of any other legal proceedings in respect of any such damage or injury, so that a person be not twice proceeded against in respect of the same claim; nor
- (b) affect the liability of any person to be proceeded against and punished under this Act for an offence
 30 of cruelty within the meaning of this Act.

4.—(1) Every person who shall carry on, or assist in carrying
 on, the trade or business of a knacker shall observe and conform to the regulations set out in the First Schedule to this Act, and if any person carrying on, or assisting in the carrying on, of the
 35 said trade or business contravenes or fails to comply with, or causes or procures or permits any contravention or non-compliance with, any such regulation he shall be liable upon summary conviction to a fine not exceeding ten pounds.

Knackers.

(2) Any constable shall have a right to enter any knacker's
 40 yard at any hour by day, or at any hour when business is or apparently is in progress or is usually carried on therein, for the

A.D. 1911.
Knackers.

5.—(1) Every person who shall carry on, or assist in carrying on, the trade or business of a knacker shall observe and conform to the regulations set out in the First Schedule to this Act, and if any person carrying on, or assisting in the carrying on, of the said trade or business contravenes or fails to comply with, or 5 causes or procures or permits any contravention or non-compliance with, any such regulation he shall be liable upon summary conviction to a fine not exceeding ten pounds.

(2) Any constable shall have a right to enter any knacker's yard at any hour by day, or at any hour when business is or 10 apparently is in progress or is usually carried on therein, for the purpose of examining whether there is or has been any contravention of or non-compliance with the provisions of this Act, and if any person refuses to permit any constable to enter any premises which he is entitled to enter under this section, or 15 obstructs or impedes him in the execution of his duty under this section, he shall, upon summary conviction, be liable to a fine not exceeding five pounds.

(3) For the purposes of section one, which relates to offences of cruelty, of this Act, a knacker shall be deemed to be the 20 owner of any animal delivered to him.

(4) For the purposes of this Act an animal shall be deemed to have been delivered to a knacker if it has been delivered either to the knacker himself, or to any person on his behalf, 25 or at the knacker's yard.

Persons
licensed to
slaughter
horses not to be
horse dealers
at same time.

6. It shall not be lawful for any person who shall be licensed to slaughter horses, during the time while such licence shall be in force, to exercise or use the trade or business of a dealer in horses.

Animals in
pounds.

7.—(1) Any person who impounds or confines, or causes 30 to be impounded or confined, any animal in any pound shall, while the animal is so impounded or confined, supply it with a sufficient quantity of wholesome and suitable food and water, and if he fails to do so he shall be liable upon summary conviction to a fine not exceeding five pounds. 35

(2) If any animal is impounded or confined in any pound and is without sufficient suitable food or water for six successive hours, or longer, any person may enter the pound for the purpose of supplying the animal therewith.

(3) The reasonable cost of the food and water supplied to any animal impounded or confined in any pound shall be recoverable summarily from the owner of the animal as a civil debt. A.D. 1911.

5 **8.** If any person—

(a) shall sell, or offer or expose for sale, or give away, or cause or procure any person to sell or offer or expose for sale or give away, or knowingly be a party to the sale or offering or exposing for sale or giving away of any grain or seed which has been rendered poisonous except for bonâ fide use in agriculture; or

Poisoned
grain and
flesh, &c.

10
15 (b) shall knowingly put or place, or cause or procure any person to put or place, or knowingly be a party to the putting or placing, in or upon any land or building any poison, or any fluid or edible matter (not being sown seed or grain) which has been rendered poisonous,

such person shall upon summary conviction be liable to a fine not exceeding ten pounds:

25 Provided that in any proceedings under paragraph (b) of this section it shall be a defence that the poison was placed by the accused for the purpose of destroying rats, mice, or other small vermin, and that he took all reasonable precautions to prevent access thereto of dogs, cats, fowls, or other domestic animals.

30 **9.** If any person shall use, or cause or procure, or being the owner permit, to be used, any dog for the purpose of drawing or helping to draw any cart, carriage, truck, or barrow, on any public highway, he shall be liable upon summary conviction in respect of the first offence to a fine not exceeding two pounds, and in respect of the second or any subsequent offence to a fine not exceeding five pounds.

Use of dogs
for purposes
of draught.

35 **10.** Any person who sets, or causes or procures to be set, any spring trap for the purpose of catching any hare or rabbit, or which is so placed as to be likely to catch any hare or rabbit, shall inspect, or cause some competent person to inspect, the trap at reasonable intervals of time and at least once every day between sunrise and sunset, and, if any person shall fail to
40 comply with the provisions of this section, he shall be liable, upon summary conviction, to a fine not exceeding five pounds.

Inspection of
traps.

11.—(1) If a police constable finds any animal so diseased or so severely injured or in such a physical condition that, in

Injured
animals.

A.D. 1911. his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon a duly registered veterinary surgeon, if any such veterinary surgeon resides within 5 a reasonable distance, and if it appears by the certificate of such veterinary surgeon that the animal is mortally injured, or so severely injured, or so diseased, or in such physical condition, that it is cruel to keep it alive, it shall be lawful for the police constable, without the consent of the owner, to slaughter 10 the animal, or cause or procure it to be slaughtered, with such instruments or appliances, and with such precautions, and in such manner, as to inflict as little suffering as practicable, and, if the slaughter takes place on any public highway, to remove the carcase or cause or procure it to be removed therefrom. 15

(2) If any veterinary surgeon summoned under this section certifies that the injured animal can without cruelty be removed, it shall be the duty of the person in charge of the animal to cause it forthwith to be removed with as little suffering as possible, and, if that person fail so to do, the police constable may without 20 the consent of that person cause the animal forthwith to be so removed.

(3) Any expense which may be reasonably incurred by any constable in carrying out the provisions of this section (including the expenses of any veterinary surgeon summoned by the constable, 25 and whether the animal is slaughtered under this section or not) may be recovered from the owner summarily as a civil debt, and, subject thereto, any such expense shall be defrayed out of the fund from which the expenses of the police are payable in the area in which the animal is found. 30

(4) For the purposes of this section the expression "animal" means any horse, mule, ass, bull, sheep, goat, or pig.

Powers of
constables.

12.—(1) A police constable may apprehend without warrant any person who he has reason to believe is guilty of an offence under this Act which is punishable by imprisonment without 35 the option of a fine, whether upon his own view thereof or upon the complaint and information of any other person who shall declare his name and place of abode to such constable.

(2) Where a person having charge of a vehicle or animal is apprehended by a police constable for an offence under this 40 Act, it shall be lawful for that or any other constable to take

charge of such vehicle or animal, and to deposit the same in some place of safe custody until the termination of the proceedings or until the court shall direct such vehicle or animal to be delivered to the person charged or the owner, and the reasonable costs of such detention, including the reasonable costs of veterinary treatment where such treatment is required, shall, in the event of a conviction in respect of the said animal, be recoverable from the owner summarily as a civil debt, or, where the owner himself is convicted, shall be part of the costs of the case.

10 **13.**—(1) Where proceedings are instituted under this Act against the driver or conductor of any vehicle, it shall be lawful for the court to issue a summons directed to the employer of the driver or conductor, as the case may be, requiring him, if it is in his power so to do, to produce the driver or
15 conductor at the hearing of the case.

Employers and owners to produce drivers or animals if so required.

(2) Where proceedings are instituted under this Act, it shall be lawful for the court to issue a summons directed to the owner of the animal requiring him to produce either at, or at any time before, the hearing of the case, as may be stated in
20 the summons, the animal for the inspection of the court, if such production is possible without cruelty.

(3) Where a summons is issued under either of the foregoing subsections of this section, and the owner or employer, as the case may be, fails to comply therewith without satisfactory
25 excuse, he shall be liable upon summary conviction to a fine not exceeding five pounds for the first occasion, and not exceeding ten pounds for the second or any subsequent occasion, on which he so fails, and may be required to pay the costs of any adjournment rendered necessary by his failure.

30 **14.**—(1) An appeal shall lie from any conviction or order (other than an order for the destruction of an animal) by a court of summary jurisdiction under this Act to quarter sessions.

Appeals.

(2) Where there is an appeal by the owner of an animal from any conviction or order by a court of summary jurisdiction
35 under this Act, the court may direct that the recognisance required to be entered into under subsection (3) of section thirty-one, which relates to procedure on appeal to general or quarter sessions, of the Summary Jurisdiction Act, 1879, shall include an undertaking not to sell or part with the animal until
40 the appeal is determined or abandoned, and to produce it before or at or after the hearing of the appeal if ordered by the court

42 & 43 Vict. c. 49.

A.D. 1911. of quarter sessions to do so, in accordance with the order, and
 — if such production is possible without cruelty.

Definitions.

15. In this Act, except the context otherwise requires, or it is otherwise expressly provided—

- (a) the expression “animal” means any domestic or captive 5
 animal;
- (b) the expression “domestic animal” means any horse, ass, mule, bull, sheep, pig, goat, dog, cat, or fowl, or any other animal of whatsoever kind or species, and whether a quadruped or not which is tame or which 10
 has been or is being sufficiently tamed to serve some purpose for the use of man;
- (c) the expression “captive animal” means any animal (not being a domestic animal) of whatsoever kind or species, and whether a quadruped or not, including 15
 any bird, fish, or reptile, which is in captivity, or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement; 20
- (d) the expression “horse” includes any mare, gelding, pony, foal, colt, filly, or stallion; and the expression “bull” includes any cow, bullock, heifer, calf, steer, or ox, and the expression “sheep” includes any lamb, ewe, or ram; and the expression “pig” includes any 25
 boar, hog, or sow; and the expression “goat” includes a kid; and the expression “dog” includes any bitch, sapling, or puppy; and the expression “cat” includes a kitten; and the expression “fowl” includes any cock, hen, chicken, capon, turkey, goose, gander, 30
 duck, drake, guinea-fowl, peacock, peahen, swan, or pigeon;
- (e) The expression “knacker” means a person whose trade or business it is to kill any cattle not killed for the purpose of the flesh being used as butcher’s meat, 35
 and the expression “knacker’s yard” means any building or place used for the purpose, or partly for the purpose, of such trade or business, and the expression “cattle” includes any horse, ass, mule, bull, sheep, goat, or pig; 40

(*f*) The expression "pound," used in relation to the impounding or confining of animals, includes any receptacle of a like nature. A.D. 1911.

16. This Act shall not apply to Scotland.

Extent of Act.

5 **17.** This Act in its application to Ireland shall be subject to the following modifications, namely:— Application to Ireland.

10 (1) (*a*) Section twenty-three of the Summary Jurisdiction (Ireland) Act, 1851 (which gives a right of appeal), shall apply as respects any conviction or order under this Act (other than an order for the destruction of an animal), notwithstanding that the fine imposed does not exceed twenty shillings or that the term of imprisonment imposed does not exceed one month; 14 & 15 Vict. c. 92.

15 (1) (*b*) A reference to section twenty-four of the Petty Sessions (Ireland) Act, 1851, shall be substituted for the reference to subsection (3) of section thirty-one of the Summary Jurisdiction Act, 1879. 14 & 15 Vict. c. 93.

20 (2) Nothing in section six of this Act shall prevent owners or occupiers of land in Ireland from laying or causing to be laid any poison or poisonous matter as therein described, after a notice has been posted in a conspicuous place, and notice in writing has been given to the nearest constabulary station.

25 **18.** Except so far as applying to Scotland the enactments mentioned in the Second Schedule to this Act are repealed to the extent mentioned in the third column of that schedule. Repeals.

19.—(1) This Act shall come into operation on the first day of January nineteen hundred and twelve. Commencement, saving for pending proceedings, and short title.

30 (2) This Act shall not apply where proceedings have been instituted before the commencement of this Act.

(3) This Act may be cited as the Protection of Animals Act, 1911.

A.D. 1911.

SCHEDULES.

Section 4.

FIRST SCHEDULE.

1. The name of the knacker, together with the word "knacker," shall be painted or affixed in a conspicuous manner over the door or gate of the knacker's yard. 5
 2. The hair shall be cut from the neck of any horse, ass, or mule directly the animal has been delivered to the knacker.
 3. All animals shall be slaughtered, with as little suffering as possible, within two days from the time they have been delivered to the knacker. Any animal which is in pain shall be so slaughtered 10 without delay.
 4. All animals shall be properly fed and watered after they have been delivered to the knacker.
 5. No animal shall be used or employed for any work after it has been delivered to the knacker. 15
 6. The knacker shall enter in a book kept for the purpose such a full and correct description of the colour, marks, and gender of every animal delivered to him as may clearly distinguish and identify the same, and the name and address of the owner thereof, and the book shall be produced by him before any justice of the peace upon the requirement of such justice, and the knacker shall allow such book to be inspected and extracts to be made therefrom at all reasonable times by any police constable or by any other person authorised by a justice of the peace. 20
 7. No person who is under the age of sixteen years shall be admitted 25 to, or permitted to remain in, the knacker's yard during the process of slaughtering or of cutting up the carcase of any animal.
 8. No animal shall be killed in the sight of any other animal awaiting slaughter.
 9. The knacker shall not sell or part with alive, or cause or procure 30 or permit any person to sell or part with alive, any animal which has been delivered to him.
-

SECOND SCHEDULE.

A.D. 1911.

Section 17.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 26 Geo. 3. c. 71.	The Knackers Act, 1786 - -	Section four.
7 & 8 Vict. c. 87.	The Knackers Act, 1844 - -	Section three.
10 12 & 13 Vict. c. 92.	The Cruelty to Animals Act, 1849.	The whole Act, so far as not already repealed.
17 & 18 Vict. c. 60.	The Cruelty to Animals Act, 1854.	The whole Act.
26 & 27 Vict. c. 113.	The Poisoned Grain Prohibition Act, 1863.	The whole Act.
15 27 & 28 Vict. c. 115.	The Poisoned Flesh Prohibition Act, 1864.	The whole Act.
39 & 40 Vict. c. 13.	The Drugging of Animals Act, 1876.	The whole Act.
20 63 & 64 Vict. c. 33.	The Wild Animals in Captivity Protection Act, 1900.	The whole Act.
7 Edw. 7. c. 5.	The Injured Animals Act, 1907 -	The whole Act.

Protection of Animals.

A

B I L L

[AS AMENDED ON THIRD READING]

INTITLED

An Act to consolidate, amend, and extend certain enactments relating to Animals and to Knackers; and to make further provision with respect thereto.

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(170)

A

B I L L

INTITULED

An Act to further amend the Public Health Acts
relating to Ireland.

A.D. 1911

BE it 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:—

- 5 **1.**—(1) Any urban district council in Ireland may, in addition to any existing powers, make byelaws providing for the inspection of all meat intended to be sold within the urban district for human consumption, and prohibiting the sale of meat within the urban district for human consumption except after inspection in accordance with the byelaws. Power to urban councils to make byelaws as to sale of meat in urban districts.
- 10 (2) The provisions of sections two hundred and nineteen to two hundred and twenty-three of the Public Health (Ireland) Act, 1878, relative to byelaws shall apply to every byelaw made under this Act as they apply to byelaws made under that Act.
- 15 **2.** This Act shall be read and construed with the Public Health (Ireland) Acts, 1878 to 1907, and may be cited as the Public Health (Ireland) Act, 1911.

**Public Health
(Ireland).**

A

B I L L

INTITLED

An Act to further amend the Public
Health Acts relating to Ireland.

(Brought from the Commons 3rd July 1911.)

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(119)

[1 & 2 GEO. 5.] *Public Health (Scotland) Act (1897)* 1
Amendment.

A

B I L L

INTITULED

An Act to extend the powers of the Public Health (Scotland) Act, 1897. A.D. 1911.

BE it 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:—

5 **1.**—(1) The powers conferred by the Public Health (Scotland) Act, 1897, upon a local authority under that Act, enabling such local authority to carry sewers within their district, may be exercised by any body of trustees or commissioners authorised to supply water by any local Act, within the limits of water
 10 supply under such Act, in the same way and subject to the like restrictions in relation to water mains as they may be exercised in relation to sewers under the said first-mentioned Act by the local authority within the district of such authority.

Powers of Public Health Act to extend to the laying of water mains by statutory water trustees, &c.

(2) Nothing herein contained shall be construed as exempting
 15 such trustees or commissioners from the provisions of the Water Works Clauses Act, 1847, with respect to the breaking up of streets for the purpose of laying pipes, excepting the provisions of section twenty-nine of that Act, and subject to this exception the said provisions are hereby incorporated with this Act.

20 (3) In this section the expression "local Act" includes a Provisional Order and the Act confirming such Order.

2. This Act may be cited as the Public Health (Scotland) Act (1897) Amendment Act, 1911, and shall be read as one with the Public Health (Scotland) Act, 1897, and shall extend to
 25 Scotland only.

Short title.

**Public Health
(Scotland) Act (1897)
Amendment.**

A

B I L L

INTITULED

An Act to extend the powers of the
Public Health (Scotland) Act, 1897.

(Brought from the Commons 3rd July 1911.)

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(123)

Public Houses Improvement Bill. [H.L.]

MEMORANDUM.

The object of this Bill is to improve the public house. At the present time the public house is, in many cases, merely a place to drink in.

The Bill does not propose to take away any of the powers for the police supervision of public houses.

A

B I L L

INTITULED

An Act to facilitate the Provision of Accommodation A.D. 1911.
for supplying Food and other Improvements in con-
nection with Premises licensed for the Sale of
Intoxicating Liquors by retail.

BE it 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:—

- 5 **1.** In exercising powers with respect to granting permission Provision
for improve-
ment, &c.
for structural alterations upon or extensions to licensed premises
as defined by section one hundred and ten of the Licensing
(Consolidation) Act, 1910, the licensing justices shall not do so
in such manner as to restrict—
- 10 (a) the provision of accommodation for the supply of food
or light refreshments ;
- (b) the making of such premises, or any part thereof, more
open, airy, commodious, or comfortable ;
- 15 (c) the improvement or enlargement of the sanitary accom-
modation ;
- (d) the substitution of the provision of chairs and tables,
either wholly or partly, in lieu of existing bar
accommodation ;
- 20 (e) the provision of games, other than unlawful games, news-
papers, music, or gardens, or any other means of
reasonable recreation :

Provided always that no alteration in the premises or fittings,
the chief effect of which would be, in the opinion of the licensing
justices, merely to increase the consumption of intoxicating

A.D. 1911. liquors, shall be deemed to come within the provisions of this section: Provided also that in case of refusal to sanction alterations an appeal shall lie to quarter sessions.

Children on
licensed
premises.

2. Where licensed premises are not merely places for the consumption of intoxicating liquors, but contain adequate provision for the supply of food and light refreshments, and are airy, commodious, and comfortable, the licensing justices shall, on the application of the holder of the licence, certify to that effect, and any premises so certified shall be exempt from the provisions of section one hundred and twenty of the Children's Act, 1908. 5 10

Application
to Scotland.

3. In the application of this Act to Scotland the words "licensing justices" shall be read as "licensing court," and appeals shall be to the Court of Appeal.

Short title.

4. This Act may be cited as the Public Houses Improvement Act, 1911. 15

Public Houses Improvement. [H.L.]

A

B I L L

INTRODUCED

An Act to facilitate the Provision
of Accommodation for supplying
Food and other Improvements in
connection with Premises licensed
for the Sale of Intoxicating Liquors
by retail.

The Lord Lamington.

Ordered to be printed 14th February 1911.

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PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

[Price 1d.]

(13.)

A

B I L L

INTITULED

An Act to amend the Public Libraries (Ireland) Acts, 1855 to 1902, as respects the provision of Art Galleries in County Boroughs and for other purposes incidental thereto. A.D. 1911.

BE it 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 :—

5 **1.**—(1) Where an art gallery is established in any county borough under the Public Libraries (Ireland) Acts, 1855 to 1902, whether before or after the passing of this Act, the rate which may be levied in that borough for the purposes of those Acts may exceed the limit of one penny in the pound imposed by section eight of the Public Libraries Act (Ireland), 1855, to the extent of not more than one halfpenny in the pound. Amendment of 18 & 19 Vict. c. 40. s. 8.

(2) Nothing in this section affects the provisions of any local Act extending the limit imposed by the said section eight.

15 **2.**—(1) If the works of art contained in the institution known as "The Municipal Gallery of Modern Art" in the county borough of Dublin are at any time after the passing of this Act vested in or lent to the council of that borough for the use of any art gallery established by that council under the Public Libraries (Ireland) Acts, 1855 to 1902, the council may, if they think fit, with the sanction of the Local Government Board, pay and discharge any expenses or liabilities of any kind incurred by any person, whether before or after the passing of this Act, for or in connexion with the maintenance of Payment of expenses in connexion with the maintenance of the municipal gallery of modern art in the county borough of Dublin.

A.D. 1911. that institution or the preservation of the works of art therein
 up to the time when those works are so vested in or lent to
 the council.

(2) Any expenses incurred by the council in the execution
 of this section shall be deemed to be expenses incurred for the 5
 purposes of the Public Libraries (Ireland) Acts, 1855 to 1902,
 as amended by this Act, and shall be defrayed in like manner
 as those expenses accordingly.

Short title,
 construction,
 and citation.

3.—(1) This Act may be cited as the Public Libraries (Art
 Galleries in County Boroughs) (Ireland) Act, 1911, and shall be 10
 construed as one with the Public Libraries (Ireland) Acts, 1855
 to 1902; and those Acts and this Act may be cited collectively
 as the Public Libraries (Ireland) Acts, 1855 to 1911.

(2) In this Act the expression “Public Libraries (Ireland)
 Acts, 1855 to 1902,” means the Public Libraries (Ireland) Acts, 15
 1855 to 1894, and the Public Libraries (Ireland) Act, 1902.

Public Roads (Ireland) Bill.

A M E N D M E N T S

TO BE MOVED IN COMMITTEE

BY

THE LORD ASHBY ST. LEDGERS.

15th August 1911.

1

LONDON:

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[Price ½d.]

(151 a)

Public Roads (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Power of authority to recover expenses of extraordinary traffic.
 2. Weight of locomotives and construction of wheels.
 3. Penalty for breach of foregoing provisions.
 4. Regulations for locomotives on highways.
 5. Steam locomotives to be constructed so as to consume their smoke.
 6. Power of county authority to license locomotives.
 7. Recovery of penalties.
 8. Interpretation and saving.
 9. Extent and short title.
-

[1 & 2 GEO. 5.] *Public Roads (Ireland).* |

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law in Ireland with respect to A.D. 1911.
the use of Locomotives on Public Roads, and with
respect to extraordinary Traffic.

BE it 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:—

- 5 **1.**—(1) Where by a certificate of their surveyor it appears
to the county council or urban district council which is liable or
has undertaken to repair any public road, whether a main road
or not, that, having regard to the average expense of repairing
that road, extraordinary expenses have become necessary for the
10 purpose of repairing the road by reason of the damage caused
by excessive weight passing along the same, or extraordinary
traffic thereon, the council may recover from any person by or
in consequence of whose order such weight or traffic has been
conducted the amount of such expenses as may be proved to
15 the satisfaction of the court having cognizance of the case to
have become necessary by reason of the damage arising from
such weight or traffic as aforesaid:

Power of
authority to
recover ex-
penses of ex-
traordinary
traffic.

20 Provided that any person against whom expenses are or may
be recoverable under this section may enter into an agreement
with such council as is mentioned in this section for the payment
to them of a composition in respect of such weight or traffic, and
thereupon the persons so paying the same shall not be subject to
any proceedings under this section.

25 (2) Subject to the provisions of this section in relation to
road contractors and to regulations to be made by the Local
Government Board, any expenses recovered under this section

A.D. 1911. by the council of any county, not being a county borough, in respect of damage done to a road, shall be applied in aid of the expenses of repairing that road, and any composition received under this section by the council of any county, not being a county borough, in respect of any weight or traffic shall be 5 applied in aid of the expenses of repairing the road or roads affected by the weight or traffic; and every sum so recovered or received shall be credited to such account or accounts and in such manner as may be prescribed in those regulations.

(3) Where any damage in respect of which expenses are 10 recovered or a composition is received by a county council or urban district council under this section is done to a road during the continuance of a contract to keep the same in repair, if the contractor, under and in accordance with the terms of the contract, repairs the damage to the satisfaction of the county surveyor or 15 town surveyor as the case may be, the council, in the absence of any stipulation in the contract to the contrary, shall pay to the contractor, in addition to any sums payable to him under the contract, such sum as the surveyor may certify to have been duly expended by the contractor in repairing that damage, 20 not exceeding in any event the amount actually recovered or received by the council and applicable to the repair of that damage; and if in consequence of the neglect or failure of the contractor to repair that damage under and in accordance with the terms of the contract, the council, or the surveyor on their 25 behalf, cause the same to be repaired, then in calculating the amount that may be deducted from the sum payable to the contractor under the contract, or may be recovered from him or his sureties, credit shall be allowed for the amount actually recovered or received by the council under this section and 30 applicable to the repair of that damage.

(4) Expenses under this section may be recovered if not exceeding two hundred and fifty pounds in the county court, and if exceeding that sum in the High Court.

(5) Proceedings in the county court under this section may 35 be taken in the county court within the jurisdiction of which the damage is done, or within the jurisdiction of which the defendants, or any of them, reside or carry on business, and, subject to rules of court, an appeal shall lie from any order of the county court under this section as in the case of an 40 ordinary civil bill; and the provisions of the County Courts

(Ireland) Acts, 1851 to 1889, relative to appeals shall apply A.D. 1911.
accordingly.

(6) Rules of court may regulate the practice and procedure
in the county court and on appeals under this section, including
5 costs and the service of civil bill processes in any part of
Ireland.

(7) Proceedings for the recovery of any expenses under this
section shall be commenced within twelve months of the time at
which the damage was done or, where the damage is in conse-
10 quence of any particular building contract, or work extending
over a long period, shall be commenced not later than six months
after the completion of the contract or work.

2. It shall not be lawful to use on any public road a
locomotive, locomotive waggon, or waggon hauled by a loco-
15 motive constructed otherwise than in accordance with the
following provisions (that is to say):— Weight of
locomotives
and construc-
tion of
wheels.

(1) A locomotive not drawing any waggon, and not exceeding
in weight three tons, shall have the tires of the wheels
thereof not less than three inches in width, with an
20 additional inch for every ton or fraction of a ton above
the first three tons; and

(2) A locomotive drawing any waggon shall have the tires
of the driving wheels thereof not less than two inches
in width for every ton in weight of the locomotive,
25 unless the diameter of such wheels shall exceed five
feet, when the width of the tires may be reduced in
the same proportion as the diameter of the wheels is
increased, but in such case the width of such tires
shall not be less than fourteen inches; and

(3) A locomotive shall not exceed nine feet in width or
30 fourteen tons in weight, except as herein-after pro-
vided; and

(4) The driving wheels of a locomotive shall be cylindrical
and smooth-soled, or shod with diagonal crossbars of
35 not less than three inches in width nor more than
three-quarters of an inch in thickness, extending
the full breadth of the tire, and the space inter-
vening between each such crossbar shall not exceed
three inches: Provided that the requirements of this
40 subsection may be from time to time varied by order
of the Local Government Board.

A.D. 1911,
Penalty for
breach of
foregoing
provisions.

3.—(1) The owner of any locomotive used contrary to the provisions of the last preceding section shall for every such offence be liable to a fine not exceeding five pounds: Provided that any county council or urban district council may, on the application of the owner of any locomotive exceeding nine feet in width or five fourteen tons in weight, authorise such locomotive to be used on any public road or part of a public road which the council are liable or have undertaken to repair under such conditions (if any) as to them may appear desirable:

Provided also that the owner of the locomotive used contrary to the provisions of subsection (2) of the last preceding section shall not be deemed guilty of an offence under that section if he proves to the satisfaction of the court having cognizance of the case that such locomotive was constructed before the passing of this Act, and that the tires of the wheels thereof are not less than nine inches in width. 15

(2) Section three of the Locomotive Act, 1861, and section five of the Locomotives Act, 1865, are hereby repealed.

Regulations
for loco-
motives on
highways.

4.—(1) When a locomotive is passing on any public road—

(a) two persons shall be employed in driving or attending to the locomotive; and 25

(b) one of such persons shall, when required, give assistance to any person with a horse or horses or carriages or other vehicles drawn by a horse or horses meeting or overtaking the locomotive; and 25

(c) when the locomotive is drawing more than three waggons another person shall be employed for the purpose of attending to the waggons, and such third person shall be seated at or remain near the rear of the last waggon so as to observe and be able to give assistance to any person with any carriage or vehicle of whatever kind or with a horse or horses or other animals overtaking such last waggon, and shall give such assistance when required. 35

(2) So long as the fires of a locomotive are alight or the locomotive contains in itself sufficient motive power to move it, one person shall remain in attendance whilst it is on any public road although it is stationary.

(2) So long as the fires of a locomotive are alight or the locomotive contains in itself sufficient motive power to move it, one person shall remain in attendance whilst it is on any public road although it is stationary. A.D. 1911.

5 (3) The lights required to be carried on a locomotive, whether stationary or passing on any public road, shall be carried between the hours of one hour after sunset and one hour before sunrise during the six months beginning the first day of April in any year, and between sunset and sunrise during the 10 six months beginning the first day of October in any year, and there shall be carried in addition during those hours an efficient red light on the rear of the locomotive, or, if it is drawing waggons on the rear of the last waggon, fixed in such a manner as to be conspicuous.

15 (4) Every light carried on a locomotive, or on a waggon drawn by a locomotive, shall be fitted with such shutters or other contrivances as will enable the light to be temporarily screened in an effective manner.

(5) If any of the provisions of this section are not complied 20 with in the case of any locomotive, the owner of the locomotive shall be liable for each offence to a fine not exceeding ten pounds.

(6) The paragraphs numbered "firstly" and "secondly," 25 hereby repealed.

5.—(1) Every locomotive used on any public road shall be constructed on the principle of consuming its own smoke and fitted with apparatus to prevent the escape of sparks and with catchers under the fire boxes to prevent the dropping of live 30 embers and cinders on the road; and any person using any locomotive not so constructed, or not consuming, so far as practicable, its own smoke, shall be liable to a fine not exceeding five pounds for every day during which such locomotive is used on any such public road.

Steam locomotives to be constructed so as to consume their smoke.

35 (2) Section eight of the Locomotive Act, 1861, is hereby repealed.

6.—(1) A county council may, from time to time, make, alter, and repeal byelaws for granting annual licences to locomotives used within their county, and the fee (not exceeding ten pounds) 40 to be paid in respect of each licence; and the owner of any

Power of county authority to license locomotives.

A.D. 1911. locomotive for which a licence is required under any byelaw so made who uses or permits the same to be used in contravention of any such byelaw shall be liable to a fine not exceeding forty shillings for every day on which the same is so used.

All fees received under this section shall be applied in aid 5 of the expenses of repairing the public roads in the county in such manner as may be prescribed.

(2) The provisions of the Public Health (Ireland) Act, 1878, relative to byelaws, shall, with the necessary modifications, apply 10 in the case of every byelaw made under this section.

(3) This section shall not apply to any agricultural locomotive.

Recovery of penalties.

7.—(1) Offences under this Act, or under any byelaw made in pursuance of this Act, may be prosecuted, and fines recoverable under this Act, or under any byelaw made in pursuance of this 15 Act, may be recovered in the manner provided by the Summary Jurisdiction Acts.

(2) Where an offence under this Act, or under any byelaw made in pursuance of this Act, for which the owner of a locomotive or waggon is liable to a penalty, has in fact been 20 committed by some servant, workman, or other person, that servant, workman, or other person shall be liable to the same penalty as if he were the owner.

(3) Where the owner is charged with any such offence he shall be entitled, upon information duly laid by him, to have 25 any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the owner had used due diligence to enforce the execution of the Act, and that the 30 other person had committed the offence in question without the owner's knowledge, consent, or connivance, that other person shall be summarily convicted of the offence, and the owner shall be exempt from any fine.

Interpretation and saving.

8.—(1) In this Act, unless the context otherwise requires— 35

The expression "Local Government Board" means the Local Government Board for Ireland, and the expression "prescribed" means prescribed by that Board;

The expression "road" includes "bridge";

[1 & 2 GEO. 5.] *Public Roads (Ireland).*

7

The expression "county" includes a county borough, and the expression "county council" includes the council of a county borough; A.D. 1911.

5 The expression "locomotive" means a locomotive propelled by steam or other than animal power, but does not include any light locomotive or motor car within the meaning of the Motor Car Acts, 1896 and 1903.

The expression "agricultural locomotive" includes—

10 (a) Any locomotive used solely for threshing, ploughing, or any other agricultural purpose; and

(b) Any locomotive, the property of one or more owners or occupiers of agricultural land, employed solely for the purpose of their farms and not let out on hire;

15 The expression "waggon" includes any truck, cart, carriage, or other vehicle.

(2) Nothing in this Act shall affect or derogate from the provisions of any local Act dealing with the licensing of locomotives, (whatever the payments in respect of the licences may be,) or otherwise relating to locomotives in any county borough or other area.

(3) Nothing in this Act shall authorise any person to use a locomotive which is so constructed or used as to be a public nuisance at common law, or shall affect the right of any person to recover damages in respect of any injury sustained in consequence of the use of a locomotive.

9. This Act shall apply to Ireland only and may be cited as the Public Roads (Ireland) Act, 1911. Extent and short title.

Public Roads (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULIED

An Act to amend the Law in Ireland with respect to the use of Locomotives on Public Roads, and with respect to extraordinary Traffic.

(Brought from the Commons 27th July 1911.)

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(224)

Public Works Loans Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Grants for public works.
2. Certain debts not to be reckoned as assets of local loans fund.
3. Remission of arrears of principal and interest in respect of Eyemouth Harbour loan.
4. Amendment of s. 11 of 38 & 39 Vict. c. 89 as to term for repayment of loans.
5. Short title.

SCHEDULE.

A

B I L L

INTITULED

An Act to grant Money for the purpose of certain Local A.D. 1911.
Loans out of the Local Loans Fund, and for other
purposes relating to Local Loans.

BE it 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:—

- 5 **1.**—(1) For the purpose of local loans, there may be issued by Grants for
the National Debt Commissioners the following sums, namely:— public
works.
- (a) For the purpose of loans by the Public Works Loan
Commissioners, any sum or sums not exceeding in the
whole the sum of five million pounds:
- 10 (b) For the purpose of loans by the Commissioners of Public
Works in Ireland, any sum or sums not exceeding in
the whole the sum of five hundred thousand pounds.
- (2) The sums so issued shall be issued during a period ending
on the day on which a further Act granting money for the pur-
15 poses of those loans comes into operation and in accordance
with the provisions of the National Debt and Local Loans Act, 50 & 51 Vict.
1887. c. 16.
- 2.** Whereas it is expedient that the principal of the several Certain
local loans specified in the schedule to this Act should, to debts not to
20 the extent specified in the last column of that Schedule, not be be reckoned
reckoned as assets of the local loans fund established under the as assets of
National Debt and Local Loans Act, 1887; therefore, the prin- local loans
cipal of the said loans shall to that extent be written off from fund.
the assets of the local loans fund, and the provisions of section
25 fifteen of the said Act shall, so far as applicable, apply thereto.

A.D. 1911.
Remission
of arrears of
principal
and interest
in respect of
Eyemouth
Harbour
loan.

3. Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland :

1 Edw. 7.
c. 35.

And whereas under an arrangement confirmed by section three of the Public Works Loans Act, 1901, the liability of the Eyemouth Harbour Trustees in respect of the said loan has been extinguished without prejudice to the liability of the Fishery Board for Scotland to repay that loan, and, in consequence thereof, the said collateral security is the sole security for the repayment of the said loan :

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March eighteen hundred and ninety-two, whereby a portion of the "surplus herring brand fees," as defined in clause three of the said memorandum, was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the "surplus herring brand fees" of any one year should only be applicable to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal :

And whereas the said portion of the "surplus herring brand fees" so pledged as aforesaid, was in the year ending the thirty-first day of March, nineteen hundred and eleven, insufficient to discharge in full the instalment of principal with interest which fell due under the security for the said loan in that year, and the principal sum of two hundred pounds, with interest amounting to two hundred and eight pounds four shillings and sixpence, now remains unpaid and under the terms of the said memorandum of agreement is irrecoverable :

Therefore the said principal sum of two hundred pounds shall be extinguished, and the said arrears of interest amounting to two hundred and eight pounds four shillings and sixpence shall be remitted.

[1 & 2 GEO. 5.]

Public Works Loans.

3

4. In section eleven of the Public Works Loans Act, 1875, as amended by section five of the Public Works Loans Act, 1898, fifty years shall be substituted for thirty years as the maximum period for the repayment of a loan in a case where no period
 5 for repayment is specified by the special Act relating to the loan.

A.D. 1911.

—
 Amendment
 of s. 11 of
 38 & 39 Vict.
 c. 89 as to
 term for re-
 payment of
 loans.

61 & 62 Vict.
 c. 54.

5. This Act may be cited as the Public Works Loans Act, 1911.

Short title.

A.D. 1911,
Section 3,

SCHEDULE.

PART I.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS.

Loan under the Harbours and Passing Tolls, &c. Act, 1861
(24 & 25 Vict. c. 47).

5

Name of Borrower.	Amount of Loan.	Amount to be written off.
Eyemouth Harbour Trustees - - - -	£ 10,000	£ s. d. 200 0 0

PART II.

10

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

(1) *Loans under the Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866 (29 & 30 Vict. c. 44).*

Name of Borrower.	Amount of Loan.	Amount to be written off.
George Glorney - - - - -	£ s. d. 475 0 0	£ s. d. 225 12 6
George Glorney - - - - -	{ 430 0 0 } { 620 0 0 }	490 6 11

15

(2) *Loan under Landlord and Tenant (Ireland) Act, 1870.*
(33 & 34 Vict. c. 46).

20

Name of Borrower.	Amount of Loan.	Amount to be written off.
Bridget Liston, Lower Grange, Knockaderry, co. Limerick.	£ s. d. 800 0 0	£ s. d. 139 1 0

25

[1 & 2 GEO. 5.]

Public Works Loans.

5

(3) *Loans under the Land Law (Ireland) Act, 1881*
(44 & 45 Vict. c. 49. s. 31).

A.D. 1911.

Name of Borrower.		Amount of Loan.	Amount to be written off.
		£ s. d.	£ s. d.
5	Thomas Liddane, Rchy, Cross, co. Clare - -	120 0 0	99 16 2
	Michael McMahon, Ballynacragga, Newmarket-on-Fergus, co. Clare.	50 0 0	42 0 5
	Michael Mullins, Knochadrehid, O'Brien's Bridge, co. Clare.	80 0 0	23 5 5
10	Michael Conway, Tooreen, Ballynamona, Mallow, co. Cork.	100 0 0	63 11 1
	Daniel Crowley, Caher, Ballineen, co. Cork	50 0 0	25 17 1
	Denis Reynolds, Cormongan, Drumshambo, co. Leitrim.	50 0 0	30 9 3
15	Martin Slattery, Ballinvilla, Irishtown, Ballin-dine, Claremorris, co. Mayo.	40 0 0	18 15 9
	James Kenneally and John Kenneally, Ballyboy, Clogheen, co. Tipperary.	100 0 0	54 13 4

Public Works Loans.

A

B I L L

INTITLED

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans.

(Brought from the Commons 17th August 1911.)

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(184)

**Purchase of Land (England and Wales)
Bill. [H.L.]**

MEMORANDUM.

OBJECTS OF THE BILL.

PART I.

To restore and extend the system of cultivating ownership in England and Wales by providing facilities for the sale of land to occupying tenants.

PART II.

To restore and extend the system of peasant proprietary in England and Wales.

1000

1000

1000

1000

1000

**Purchase of Land (England and Wales)
Bill. [H.L.]**

ARRANGEMENT OF CLAUSES.

PART I.

ACQUISITION OF LAND BY TENANTS.

Clause.

1. Application for sale of land to tenant.
2. Conditions of sale of land for purposes of the Act.
3. Application to Board for sale of holding.
4. Charges not deemed incumbrances.
5. Costs of sale.
6. Distribution of purchase money.
7. Advances to tenants for purchase of holdings.
8. Limit of advance to any one purchaser.
9. Repayment of advances.
10. Redemption of purchase annuities.
11. Prohibition of subdivision and subletting.
12. Mortgage of or charge on holding.

PART II.

PURCHASE OF LANDS FOR "SMALLER HOLDINGS."

13. Provision of "smaller holdings."
14. Definition of "smaller holdings."
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INTITULED

An Act to provide facilities for the Sale of Land to occupying Tenants; and to extend the System of Peasant Proprietary in England and Wales. A.D. 1911.

BE it 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:—

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PART I.

ACQUISITION OF LAND BY TENANTS.

1. Subject to the restrictions herein-after mentioned, the landlord and tenant of any holding in England or Wales may agree for the sale of the holding to the tenant at such price as may be fixed between them, and upon such agreement being made, they may jointly or either of them may separately, with the assent of the other, apply to the Board of Agriculture (herein-after called "the Board") for the sale to the tenant of his holding.

Application
for sale of
land to
tenant.

15 2.—(1) No sale shall be made under this Part of this Act unless the landlord is the absolute owner of the land which forms the holding of the tenant, or such tenant for life or other limited owner as is in this section mentioned.

Conditions
of sale of
land for pur-
poses of the
Act.

(2) "Absolute owner" shall, in the case of freehold land, mean the owner in fee simple or person capable of appointing or disposing of the fee, whether subject or not to incumbrances, and in the case of leasehold land shall mean the owner or person capable of disposing of the whole interest in the lease under which the land is held, whether subject or not to incumbrances, and in the case of copyhold land shall mean

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A.D. 1911. the tenant in fee simple on the court rolls or person capable of appointing or disposing of the fee, whether subject or not to incumbrances.

(3) No holding of leasehold tenure shall be sold under this Part of this Act unless the lease under which the landlord is possessed of the land which forms the holding is a lease for years renewable for ever, or a lease for a term of years of which not less than sixty are unexpired at the time of the sale being made, and no sale shall be made under this Part of this Act by a landlord being the owner of a leasehold under a lease containing a prohibition against alienation, unless such prohibition has determined or is waived.

(4) "Tenant for life" shall mean a person having the powers of a tenant for life within the meaning of the Settled Land Act, 1882, with respect to the land which forms the holding of the tenant, and whether such land be subject or not to incumbrances.

(5) "Other limited owner" shall mean any trustees for sale or trustees with a power of sale; body corporate, trustees for charities, commissioners or trustees for collegiate or other public purposes having an estate in fee simple or possessed of such leasehold as is in this section mentioned, whether subject or not to incumbrances, who shall have obtained such consent (if any) as would be required in the case of a sale independently of this Act other than the consent of any incumbrancer.

(6) The expression "incumbrance" in this Act includes a mortgage in fee, or for a less estate, and a trust for securing money, and a lien, and a charge of a portion, annuity, or other capital sum.

Application to Board for sale of holding.

3. Every application to the Board shall be accompanied by a deposit of such sum (if any) to be deposited by the landlord by way of security for costs as the Board may require. Upon the foregoing conditions being complied with, the Board shall make such inquiries as to the circumstances of the holding in respect of which the application is made, and as to the parties interested therein, either as incumbrancers, owners, or otherwise, and as to the sufficiency of the price and the capacity of the landlord to sell the same, as the Board may think fit; and if the Board approve of the application, it shall direct such sale to be carried into effect, provided always that the application shall not be approved of by the Board unless and until the consent to the sale of every incumbrancer shall have been obtained.

[1 GEO. 5.] *Purchase of Land (England and Wales).* 3

4. The following charges and interests shall not be deemed A.D. 1911.
incumbrances within the meaning of this Part of this Act (that
is to say) :— Charges not
deemed in-
cumbrances.

- (1) Quitrents and rentcharges in lieu of tithes :
 - 5 (2) Rights of common, rights of way, watercourses, rights of
water, and other easements :
 - (3) Heriots, manorial rights of all descriptions, and franchises :
 - (4) Charges for drainage or other charges created under Act
of Parliament, and to be specified in the conveyance.
- 10 And every holding sold under this Part of this Act shall, unless
the contrary is expressed, be deemed to be subject to such of
the above charges and interests as may be for the time being
subsisting thereon.

5. There shall be charged in respect of any sale made or Costs of sale.
15 entered into in pursuance of this Act such fixed or percentage
fee on the price paid as the Board with the approval of the
Treasury may prescribe.

6. The Board shall cause the purchase money to be dis- Distribution
tributed among the persons entitled to, or having charges upon, of purchase
20 or otherwise interested in any holding sold in pursuance of this money.
Act in accordance with their rights and priorities; and the claims
of all such persons, whether as incumbrancers or otherwise, shall
attach to the purchase money of such land in like manner as
immediately before the sale they attached to the land, and shall
25 cease to be of any validity as against the land, and subject as
in this Act mentioned shall be discharged or redeemed out of
the purchase money.

7. The Board, out of moneys in their hands, may, if satisfied Advances to
with the security, advance to any tenant for the purpose of tenants for
30 purchasing his holding in pursuance of this Part of this Act, purchase of
the whole or any less part of the price of such holding, and holdings.
upon such advance being made the Board shall by order declare
the holding to be charged, and the holding shall thereupon become
charged, with the payment to the Board in respect of and in lieu
35 of such advance with the moneys made payable by section nine
hereof.

8. An advance made by the Board to a purchaser of a holding, Limit of
or of any parcel of land in respect of any one purchase by him advance to
under this Part of the Act from the landlord shall not exceed any one
purchaser.

A.D. 1911. — seven thousand pounds, unless the Board, by reason of special circumstances, deem it expedient to make an advance not exceeding nine thousand pounds, in which case they may make such advance with the approval of the Treasury.

Repayment
of advances.

9.—(1) Every advance made under this Act shall be repaid 5
by means of a purchase annuity calculated at the rate of three
pounds five shillings for every hundred pounds thereof, and so
in proportion for any less sum.

(2) The purchase annuity shall be paid until the whole of
the advance is ascertained, in manner prescribed by the Treasury, 10
to have been repaid.

(3) The Board shall be entitled to exercise the powers
conferred by section forty-four of the Conveyancing and Law of
Property Act, 1881, for the purpose of recovering and compel-
ling payment of the annual sums payable in respect of purchase 15
annuities under this Act, the provisions of which section shall
be deemed to be incorporated herewith.

(4) The Board may, if they think fit, agree to postpone for
a term not exceeding five years the time for payment of all or
any part of any such annual sums as aforesaid in consideration 20
of any expenditure by the purchaser which, in the opinion of
the Board, increases the value of the holding, or for any other
reason which, in the opinion of the Board, shall make it expedient
or reasonable that they should do so.

Redemption
of purchase
annuities.

10. Every purchase annuity under this Act or any part 25
thereof at any time outstanding may be redeemed by the person
liable to pay the same by payment to the Board of a sum which,
in the opinion of the Treasury, shall be sufficient to redeem such
outstanding purchase annuity.

Prohibition
of subdivi-
sion and sub-
letting.

11. No holding for the purchase of which the Board shall 30
have made any advance under this Part of the Act (whether
before or after the repayment of the advance) shall be subdivided
or let without the consent of the Board, and if any such holding
shall be so subdivided or let the Board may, after giving the
owner an opportunity of remedying the breach of this provision 35
if it is capable of remedy, cause the holding to be sold.

Mortgage of
or charge on
holding.

12. The proprietor of any holding acquired under this Act
shall not without the consent of the Board mortgage or charge
the holding or any part thereof for any sum exceeding five

[1 GEO. 5.] *Purchase of Land (England and Wales).* 5

times the rateable value of the holding or part thereof, and every instrument of mortgage or charge on a holding for any larger sum shall be null and void as to the excess. A.D. 1911.

PART II.

5 PURCHASE OF LANDS FOR "SMALLER HOLDINGS."

13.—(1) The Board may, subject to the provisions of this Act, purchase from any absolute or limited owner as defined by section two hereof any land which they may deem suitable for the purpose of providing holdings for persons who desire to buy and who will themselves cultivate the holdings. Provision of "smaller holdings."

(2) In respect of any such purchase the provisions of sections two, three, four, and six hereof shall apply with the necessary modifications.

14. Every holding so provided shall be not less than three acres and not more than one hundred acres in extent, and such holdings by way of distinction from holdings under Part I. hereof are herein-after referred to as "smaller holdings." Definition of "smaller holdings."

15. The Board may, if they think fit, before sale, adapt for "smaller holdings" any land acquired under this Part of this Act by dividing and fencing it, making occupation roads, reclaiming it, and executing any other works deemed necessary, and which can in the opinion of the Board be more economically and efficiently executed for such land as a whole. Adaptation of land for "smaller holdings."

16. The Board shall apportion the total cost of the acquisition of the land and of any adaptation thereof among the several holdings in such manner as seems just, and shall offer the "smaller holdings" for sale in accordance with rules under this Act. Apportionment of cost of adaptation.

17. In sales by the Board to purchasers in pursuance of this Part of the Act, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price payable by the purchasers. Expenses of purchase, sale, and conveyance.

18.—(1) A "smaller holding" may be sold subject to such rights of way or other rights for the benefit of other "smaller holdings" as the Board may consider necessary or expedient. Rights of way and other rights.

A.D. 1911. (2) Where any right of grazing, sheepwalk, or other similar right is attached to land acquired by the Board for the purpose of "smaller holdings," the Board may attach any share of such rights to any "smaller holding" in such manner and subject to such regulations as they think expedient. 5

Advisory committee. **19.** The committee appointed by any county council, or any council of a non-county borough, under section five, subsection one, of the Small Holdings Act, 1892, shall be an advisory committee to the Board, and shall give such information and assistance in respect to putting this Part of the Act into operation as the Board may require. 10

Advances for purchase of "smaller holdings" and repayment of the same. **20.** The Board, out of moneys in their hands, may, if satisfied with the security, advance to any person purchasing a "smaller holding" in pursuance of this Part of the Act the whole or any less part of the price of such holding. 15

Power to erect buildings or adapt existing buildings. **21.** The Board may, if they think fit as part of the agreement for the sale of a "smaller holding," adapt the land for a "smaller holding" by erecting thereon a dwelling-house and such other buildings or make such adaptations of existing buildings as in their opinion are desirable for the due occupation of the holding. 20

Advances for purposes of foregoing section. **22.** The Board out of money in their hands may, if satisfied with the security, advance to any person purchasing a "smaller holding" in pursuance of this Part of the Act the whole or any less part of the cost of any adaptation under section twenty-one hereof, provided that the requisite plans and specifications are previously submitted to and approved by the Board. 25

Regulations for such advances. **23.** In respect of any advances under sections twenty or twenty-two hereof, sections nine and ten hereof shall be deemed to apply with the necessary modifications. 30

Subdivision and subletting. **24.** No "smaller holding," for the purchase of which the Board shall have made any advance under this Part of the Act (whether before or after the repayment of the advance), shall be subdivided or let without consent of the Board; and if any such "smaller holding" shall be so subdivided or let the Board may, after having given the owner an opportunity of remedying the breach of this provision if it be capable of remedy, cause the holding to be sold. 35

PART III.

A.D. 1911.

GENERAL.

25. There shall be issued to the Board for the purposes of this Act, at such times and in such sums and in such manner
 5 as the Treasury shall prescribe, any sums of money not exceeding in the whole the following, namely:—For the purposes of Part I. of this Act ten million pounds, and for the purposes of Part II. hereof two million pounds, and the Treasury may from time to time issue to the Board the said sums out of the Consolidated
 10 Fund or the growing produce thereof.
26. All repayments to the Board in respect of advances made by them under this Act shall from time to time be paid
 back to the Consolidated Fund in such manner as the Treasury may direct.
- 15 27. When in the opinion of the Board the application for advances will exhaust the amount provided by this Act, it shall be their duty to give public notice of the same and of their intention to receive no further application until there be
 undisposed residue or till further provision be made by Parliament.
- 20 28. This Act may be cited for all purposes as the Purchase of Land (England and Wales) Act, 1911.
29. This Act shall not apply to Scotland or Ireland.

Moneys at the disposal of the Board for purposes of the Act.

Repayments by the Board.

Notice to be given of exhaustion of purchase funds.

Short title.

Extent of Act.

**Purchase of Land
(England and Wales).**

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INTITLED

An Act to provide facilities for the
Sale of Land to occupying Tenants;
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The Earl of Malmesbury.

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