



CHAPTER xc.

In Act to confirm certain Provisional Orders made by the Board of Trade, under the General Pier and Harbour Act 1861 relating to Truro and Salen (Mull). [21st July 1903.]

**WHEREAS** a Provisional Order made by the Board of Trade under the General Pier and Harbour Act 1861 is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the said Act and set out in the schedule to this Act be confirmed by Act of Parliament: Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

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

2. The Undertakers mentioned in the said Orders shall not under the powers of this Act or of the said Orders purchase or acquire in any borough or other urban district or in any parish or part of a parish not being within an urban district or in any district in Scotland within the meaning of the Public Health (Scotland) Act 1897 as the case may be ten or more houses which on the fifteenth day of December last, were occupied either wholly or partially by persons belonging to the labouring class as tenants or

[Price 1s. 9d.]

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1

Special Provisions as to housing of labouring class. 60 & 61 Vict. c. 38.

THE SCHEDULE OF ORDERS

- 1. THURRO.—Construction of works &c.
- 2. SALERN (MUL).—Construction of pier &c.

3. This Act may be cited as the Pier and Harbour Order Confirmation (No. 6) Act 1903.

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

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

Lodgers or except with the consent of the Local Government Board or in Scotland or the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

[Ch. IX.] Pier and Harbour Orders Confirmation [S. 1.] (No. 6) Act, 1903.

[Ch. IX.] Pier and Harbour Orders Confirmation (No. 6) Act, 1903.

Short title.

A.D. 1903.

SCHEDULE I.

A. D. 1903.

TRURO HARBOUR.

*Provisional Order for the construction of further Works in Truro Harbour and for conferring further powers upon the Mayor Aldermen and Citizens of the City of Truro in the County of Cornwall in relation to that Harbour.*

*Preliminary.*

1.—(1) This Order may be cited as the Truro Harbour Order 1903 and shall be construed as one with the Truro Harbour Order 1883 (in this Order called "the Order of 1883") as amended by this Order and that Order so amended and this Order may together be cited as the Truro Harbour Orders 1883 and 1903.

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

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

"The Corporation" means the mayor aldermen and citizens of the city of Truro acting by the council of that city;

"The harbour" means as well the works authorised by this Order as the area comprised and included in the limits defined by section 2 of the Order of 1883.

*Undertakers.*

2. The Corporation shall be the Undertakers for carrying this Order into execution.

*Limits Works and Management.*

3. The limits within which the Corporation shall have authority and Limit within which the powers of the harbour-master may be exercised and which shall be deemed to be the limits to which the Order of 1883 and this Order extend shall include the works authorised by this Order as well as the area comprised in the limits defined by section 2 of the Order of 1883.

4. Subject to the provisions of this Order and subject also to such alterations (if any) in the plan and section deposited with reference to this Order as the Board of Trade require before the completion of the works the Corporation may on the lands and in the lines and situations and according to the levels and within the limits of deviation shown on the deposited plan and section (so far as the same are shown thereon) make and maintain the works authorised by this Order with all necessary works access and conveniences.

*where is  
the  
plan?*

Power to con-  
struct works.

*Mr. [Signature]*

*3*

A.D. 1903.

5. The works authorised by this Order comprise—

The deepening and improvement of the harbour the improvement of the quays the laying down buoys and moorings and the erecting or placing of other appliances or conveniences for the use of vessels frequenting the harbour:

The improvement of the navigable channel from Truro Quay to Sunny Corner Quay by widening and straightening the channel and deepening the harbour by dredging:

The construction of new quay walls for a length of three hundred and twenty yards commencing at a point in the south bank of the River Kenwyn and one hundred and five yards or thereabouts east of Lemon Bridge and continuing to a point on the west bank of Truro River one hundred and ten yards south of the point of Truro Quay from the last-named point for a distance of one hundred and ninety-eight yards the west bank of the widened channel to be protected by a stone pitched slope terminating at the south end of what is known as the reclaimed mudland about seventy yards north of the ship-way at Gattas Wharf:

The said quay walls and stone pitched slope will be solid.

The said works will be wholly situate in the parishes of St. Clement and Kenwyn in the city of Truro in the county of Cornwall.

6. The following provisions for the protection of the Great Western Railway Company (in this section called "the Great Western Company") shall unless otherwise agreed between the Corporation and the Great Western Company have effect (that is to say):—

In constructing the new works by this Order authorised or any portion of them the Corporation shall excavate and thereafter keep dredged the bed or foreshore of the river in front of and adjoining the Newham Station Quay leased to the Great Western Company for the whole length thereof as shown on the cross section signed by James Charles Inglis on behalf of the Great Western Company and Messrs Ham Lea on behalf of the Corporation such excavation and dredging to be carried to a depth of not less than twelve feet and not more than thirteen feet below the coping on the said quay.

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

8. If any person willfully obstructs any person acting under the authority of the Corporation 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 or delays or destroys those works or any part thereof that person shall for each offence be liable to a penalty not exceeding five pounds.

8—(1) If within two years after the commencement of this Order the works authorised by this Order are not substantially commenced the powers

Power to  
obstruct  
works.

Penalty for  
obstructing  
works.

Power to  
deviate.

For protection  
of Great West  
ern Railway  
Company.

Description of  
works.

by this Order given for executing those works or otherwise in relation thereto shall cease unless the time for commencement is extended by the special direction of the Board of Trade.

(2) If the works authorised by this Order after having been substantially commenced are virtually suspended for twelve consecutive months the powers given by this Order for executing those works or otherwise in relation thereto shall cease except as to so much of those works as is then completed and 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 fact stated in that certificate.

10.—(1) Subject to the provisions of this Order the Corporation may from time to time construct, maintain, alter and improve the harbour and for the purposes and in connection with the harbour may acquire, construct, provide and maintain any jetties, wharves, slips, landing stages, sewers, drains, watercourses, roads, approaches, buoys, moorings and other works and conveniences and may provide lay down and construct gas or electric lighting mains and other apparatus, rails, tramways, turntables and sidings on or along the quays and other works within or connected with the harbour.

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

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

11. The Corporation may also acquire, construct and maintain or take on lease all quays, wharves, sheds, houses, warehouses, offices, weighing-machines, cranes and other works, buildings and conveniences which may be found necessary or expedient for the purposes of or in connection with the harbour. Provided that nothing in this section shall empower the Corporation to construct or provide or maintain such warehouses or buildings upon the mud-lands referred to in the agreement dated the ninth day of December one thousand nine hundred and two and made between the Corporation of the first part, Arthur Tremayne of the second part and the Truro Gas Company and third part, except with the consent of the said parties of the said second

12.—(1) In addition to the works authorised by section 5 of this Order the Corporation may deepen, scour and excavate any portion of the foreshore and bed of the sea within the harbour to the extent necessary to

Power to acquire and construct quays and warehouses &c.

Improvement and maintenance of harbour and works.

Truro. A.P. 1903.

Marks in left margin.

A. 11, 1913. secure a good and sufficient waterway and approaches to the quays and other works and conveniences.

(2) All rock sand mud and materials dredged up under the powers contained in this Order shall be the property of the Corporation who may from time to time sell or otherwise dispose of the same or remove or deposit the same within the harbour. Provided that no rock 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 obtained.

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

13. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 the Corporation may from time to time lease or grant the exclusive use or occupation of any warehouses buildings wharves yards cranes machines or other conveniences provided by them for the purposes of their harbour undertaking (other than those erected on the mudlands referred to in the last preceding section unless the said Arthur Tremayne and the Truro Gas Company as the case may be consent thereto) to any person for such period (not exceeding seven years) and at such rents and on such terms and conditions as they think fit.

14. Works below high water shall not be commenced without the consent in writing of the Board of Trade having first obtained and shall be executed only in accordance with such consent.

*Finance.*

15.—(1) The Corporation may borrow on mortgage at interest not exceeding five per centum per annum on the security of the rates authorised by this Order such sums of money as may be required for the purposes of this Order not exceeding in the whole the sum of six thousand pounds including the sum of one thousand pounds expended by the Corporation out of the revenues of the harbour in connection with works carried out in the harbour under the Order of 1883.

(2) The Corporation may secure by mortgage under that section the payment with interest of any money due or to become due to any contractor for the execution of works authorised by this Order and any money so secured shall be considered to be money borrowed under this Order.

(3) Sections 236 237 238 and 239 of the Public Health Act 1875 shall apply to all mortgages made under this Order but in those sections as so

applied the word "rates" shall mean the rates authorised by this Order.

(4) 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 or non-application

of the money lent.

16.—(1) Any sum borrowed by the Corporation under this Order shall be repaid within forty years from the date on which the sum is borrowed.

Repayment of money borrowed.

Power to borrow.

Consent of Board of Trade to works below high water.

Power to lease warehouses &c.

Truro.

*Consent*

A. D. 1903. *True.*

(2) The Corporation shall pay off all moneys borrowed by them under this Order either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund.

(3) If any money borrowed under this Order is to be repaid by means of a sinking fund the Corporation shall in every year set apart for a sinking fund and accumulate in the way of compound interest (by investing the same in securities in which trustees are by law for the time being authorised to invest other than securities of the Corporation and securities transferable by delivery) such a sum as will with accumulations in the way of compound interest be sufficient to pay off the whole of the principal money borrowed within the period for which it is borrowed and the Corporation may apply any portion of the sinking fund in or towards paying off the money for the repayment of which it was created.

17. (1) The Town Clerk shall within two months after the expiration of each year during which any sum is required to be paid as an instalment or set apart for a sinking fund under this Order transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by that Board showing the amount which has been paid as an instalment or invested for the purpose of any such sinking fund during that year and the description of the securities upon which the amount has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereon have been applied during that year and the total amount remaining invested at the end of that year.

(2) The Town Clerk in the event of any 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 Local Government Board and shall be recoverable by that Board in a summary manner.

(3) If it appears to the Local Government Board by the return under this section or otherwise that the Corporation have failed to pay any instalment or to set apart in accordance with the provisions of this Order any sum required by this Order for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereon to any purposes other than those authorised by this Order the Local Government Board 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 such order shall be enforceable by writ or mandamus to be obtained by the Board of Trade out of the High Court.

18. (1) If the Corporation pay off any part of any money borrowed by them under this Order otherwise than by means of instalments or a sinking fund they may re-borrow that money.

(2) All moneys so re-borrowed shall be repaid within the period fixed for the repayment of the money in lieu of which the re-borrowing has been made and any amounts re-borrowed shall be deemed to form the same loan as the moneys in lieu of which the re-borrowing has been made and the obligations of the Corporation with respect to the repayment of that money shall not be in any way affected by the re-borrowing.

A.D. 1903.

*Trero.*  
Power to make  
bylaws.

19.—(1) The Corporation may without prejudice to the power to make bylaws under section 83 of the Harbours Docks and Piers Clauses Act 1847 make bylaws to take effect within the harbour for the regulation and control of vessels and boats and for the regulation and control of persons embarking disembarking requesting or resorting to or employed in the harbour and for the licensing of pleasure boats and boats plying for hire and the persons in charge thereof and for regulating and fixing the fares to be charged by those licensed persons.

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

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

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

(5) ~~The Corporation shall not under this Order make or enforce bylaws for any purpose for which they have power under the Public Health Acts to make bylaws.~~

*Lights.*

20.—(1) Before commencing the works authorised by this Order 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 direction given upon that application or afterwards 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 those matters during the construction of the works.

(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 any such direction.

As to lights  
after comple-  
tion of works.

21.—(1) After completion or permanent discontinuance or abandonment of the works authorised by this Order or the Order of 1883 the Corporation shall exhibit at the outer extremity of the works or the completed portions thereof or in such other places as may be required for all or any part of the time from sunset to sunrise and according to the requirements of the traffic and the season of the year such lights (if any) and take such other steps for the prevention of danger to navigation as may from time to time be directed by the Corporation of Trinity House Deptford Strand and shall apply to the said Corporation of Trinity House for such directions.

(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 directions.

Provision  
against danger  
to navigation.

22.—(1) In case of injury to or destruction or decay of the works authorised by this Order or the Order of 1883 or any part thereof the



A.D. 1903.

*Truro.*

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 Strand and shall apply to the said Corporation of Trinity House for such directions.

(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 directions.

*Rates.*

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

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

25. 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 brought ashore from any vessel in distress shall at all times have free ingress passage and egress to in over and from the harbour without payment.

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

(2) If the Corporation refuse or neglect to comply with this provision they shall for every such refusal and neglect be liable to a penalty not exceeding twenty pounds.

A. D. 1908.

27.—(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 to be kept under this Order 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 Corporation out of the rates or other income received by them under this Order.  
(2) The Board of Trade may at any time revoke the appointment of any person as auditor and thereupon unless they see special reason to the contrary shall appoint another person as auditor.

(3) The Corporation 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 relating to the undertaking by this Order authorised and afford him all reasonable facilities for conducting the examination and audit.

(4) If the Corporation 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.

28. The Corporation shall apply the rates and charges received under this Order for the purposes and in the order following and not otherwise (that is to say):—

- (1) In paying the expenses of the maintenance and repair of the harbour and all works buildings and conveniences connected therewith and the management and regulation of the same and in defraying the other expenses of the Corporation properly incurred in relation to the undertaking authorised by this Order;
- (2) In paying so much of the costs charges and expenses of and incidental to obtaining this Order as shall not be otherwise discharged;
- (3) In paying year by year the interest on money borrowed under this Order;
- (4) In paying year by year the instalments as they become due in discharge of any money borrowed and repayable by instalments;
- (5) In creating the sinking fund;
- (6) Any balance that remains after answering the purposes aforesaid shall subject to the provisions of this Order as to revision of rates be applied in the general improvement of the harbour and the works buildings and conveniences connected therewith.

*Life-saving Apparatus.*

29. Sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Order but 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 in or near the harbour and build on such site a house and other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus and shall be liable to a penalty not

Portions of Har-  
bours Clauses  
Act excepted.

Application of  
Revenue.

*Treas.*  
Accounts and  
audit.

A.D. 1903. exceeding ten pounds for every month during which they omit to provide such accommodation after being required so to do by the Board of Trade.

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

31 The Corporation shall at all times keep at convenient places in or about the harbour 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.

Miscellaneous.

32 The following sections of the Order of 1883 shall extend to the harbour in like manner as if they were re-enacted in this Order (that is to say) :-

- Section 2 Limits of Order.
- Section 7 Corporation may provide and license steam tugs.
- Section 8 Corporation may provide steam engines dredgers &c.
- Section 9 Charges for steam tugs.
- Section 10 Rates to be revised.
- Section 12 Certain fishing vessels under stress of weather exempt from rates.
- Section 17 Application of money borrowed.
- Section 18 Priorities in application of money borrowed.
- Section 21 Meters and weights.
- Section 25 Saving rights of the Duchy of Cornwall.

33. Sections 3 4 5 6 11 13 14 15 16 19 20 22 23 and 24 of the Repeal Order of 1883 and the Schedule to that Order are hereby repealed.

34. Nothing in this Order contained shall prejudice any rights which have been hitherto exercisable by the Right Honourable Evelyn Baward Thomas Viscount Falkmouth C.B. in respect of the foreshore belonging to him adjoining Malpas Road within the limits aforesaid.

35.-(1) Nothing in this Order contained shall prejudice any rights which have been hitherto exercisable by the Right Honourable George Crespigny Brabazon Baron Vivian or his predecessors in respect of the foreshore adjoining the manor of Newham and claimed by him as belonging to him and no works shall be executed which would interfere in any way with the right of the owner of the Newham Estate to construct additional wharves with a certain plan of wharves proposed to be constructed on the banks of the Truro River which plan was prepared under the direction of the Lords Commissioners for executing the office of Lord High Admiral and deposited at the office of the town clerk of the city of Truro.

For protection of Lord Vivian.

Saving rights of Lord Falkmouth.

Applying certain provisions of Order of 1883.

Truro.

A. D. 1908.

(2) Notwithstanding anything to the contrary in this Order contained none of the works buildings or conveniences by this Order authorised to be executed or constructed shall be executed or constructed on any land or foreshore belonging to the said George Crespiigny Brabazon Baron Vivian or his heirs in title except with his or their previous consent in writing.

Tyrro.

36. Notwithstanding anything in this Order to the contrary Walter Kruse or other the owner for the time being of the estate known as Park in the parish of St. Clement shall be permitted to land free of all dues at his own quay any materials or things for use upon the said estate.

For protection of Walter Kruse.

37. For the protection of all the owners of private quays the Corporation shall be bound to underpin and make secure the foundations of any such quay wall if any dredging blasting or scouring is performed whereby the said wall is rendered insecure.

For protection of owners of private quays.

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

Saving rights of Crown.

39. Sections 28 and 99 of the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Order shall apply to and for the benefit of any Government department in the same manner as they apply to and for the benefit of the Government departments specially named in those sections. 40. All penalties under this Order shall be recovered and applied as penalties are recoverable and applicable under the Harbours Docks and Piers Clauses Act 1847 and for all the purposes of that Act this Order shall be deemed the special Act.

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

41. All the costs charges and expenses of or incidental to the obtaining of this Order or otherwise incurred in relation thereto as taxed by the proper officer shall be paid by the Corporation.

Costs of Order.

42. The harbours and works authorised by this Order shall for all purposes be deemed and taken to be within the city of Tyrro in the county of Cornwall.

Harbour to be deemed within city of Tyrro.

The SCHEDULE to which the foregoing Order refers. A.D. 1903.

I.—RATES ON VESSELS AND BOATS USING THE HARBOUR FOR SHIPPING OR UNLOADING OF TRANSPORTING GOODS.

On each coasting vessel per ton register ... .. 0 2  
 If such vessel remains in the harbour for more than two months continuously then for every month or part of a month after the first two months per ton register ... .. 0 1  
 On each vessel from or to foreign parts per ton register ... .. 0 3

II.—RATES ON OTHER VESSELS.

On each wind-bound vessel remaining more than forty-eight hours and not breaking bulk per ton register ... .. 0 0 4  
 On each vessel entering the harbour for orders or for refuge and remaining more than seven days and not breaking bulk per ton register ... .. 0 0 4

III.—RATES ON LIMES BRICKS, CEMENT, LIME, LIMESTONE, STONE, MARBLES AND MINERALS SHIPPED, UNSHIPPED OR TRANSPORTED WITHIN THE HARBOUR FOR ANY PORT OUTSIDE THE HARBOUR OR CARRIED IN VESSELS OR BOATS OR BY RAIL ABOVE VICTORIA POINT.

For every 50 cubic feet of timber ... .. 0 1 1/2  
 For bricks cement limestone salt and manures (other than and except guano sulphate of ammonia and nitrate of soda) per ton ... .. 0 1 1/2  
 For all merchandise and minerals not already paying dues including guano sulphate of ammonia and nitrate of soda per ton ... .. 0 3

In charging dues the gross measurement or weight shall be taken and for any less measurement or weight than above mentioned a proportionate amount shall be charged.

After a vessel carrying merchandise has been in the harbour five times in one year the person owning or chartering such vessel shall not be liable for any further rates per ton register in respect of such vessel for the remainder of the year however often such vessel may carry merchandise into the harbour during that period and the person owning a vessel carrying merchandise into the harbour shall compound by paying to the Corporation on the first day of January in every year for all rates per ton register in respect of such vessel for the then current year but this provision shall in no way affect the liability of such vessel to dues in respect of the merchandise carried by any such vessel.