

BONAR BRIDGE PIER AND HARBOUR.

ORDER

For the construction, maintenance, and regulation
of a Pier or Quay near Bonar Bridge, and
Training Wall opposite Kincardine Bay in
the Parish of Kincardine and County of Ross.

1. Sir Charles William Augustus Ross, of Balnagown, Baronet, Under-
and the succeeding heirs of entail in the lands and barony of Balnagown, takers.
in the county of Ross, shall, subject to the provisions of this Order,
be the undertakers for carrying this Order into execution.

2. The limits within which the undertakers shall have authority, Limits of
and which shall be deemed the limits to which this Order extends, Order.
shall comprise the pier or quay and whole works by this Order
authorised, with all the works, roads, accesses, and conveniences con-
nected therewith, and also the navigable channel of the Estuary or
Firth of Dornoch or Kyle of Sutherland, from the northern end of
the pier or quay hereby authorised, as far seaward as the seaward or
eastern termination of the training wall also hereby authorised to be
constructed.

3. Subject to the provisions of this Order, and subject also to Power to
such alterations, if any, in the plan and sections deposited with construct
reference to this order, as the Board of Trade require from time to works.
time before the completion of the works, in order to prevent

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Bonar Bridge Pier and Harbour.

injury to navigation, the undertakers may, on the lands belonging to them, and in the lines and situation, and according to the levels shown on the deposited plans and sections, so far as the same are shown thereon, and within the limits of deviation shown on those plans, 5 and within a vertical limit of three feet, make and maintain the pier or quay and strengthen and improve and maintain the existing training wall or bulwark, and construct and maintain the new training wall and other works authorised by this Order: Provided always that to obviate inconvenience in the carrying into 10 effect of this order, John Forsyth, Esquire, factor and commissioner for the said Sir Charles William Augustus Ross, while he shall be such factor and commissioner, or other factor and commissioner on the estate of Balnagown, may carry into effect the provisions of this Order on behalf of the said Sir Charles William Augustus Ross and 15 his heirs aforesaid, with his or their sanction, and make and enter into all necessary contracts, leases, and other writings, and do all necessary acts and deeds on their behalf.

4. The works authorised by this Order are:

Description
of works.

20 1. The erection of a pier or quay on the west side of the Estuary or Firth of Dornoch or Kyle of Sutherland commencing at a point 76 yards or thereby to the south of the south side of the western end of the bridge at Bonar, called Bonar Bridge, and extending 33 yards or thereby in a southerly direction along the west side of the estuary, and terminating at a point 109 25 yards or thereby from the said bridge.

2. The strengthening and improving the training wall or bulwark on the western side of the low-water channel of the said estuary, commencing at a point 138 yards or thereby 30 below the said bridge at Bonar, and extending in a southerly direction for a distance of 527 yards or thereby, and there terminating.

3. The construction of a training wall near the low-water line on the western side of the low-water channel of the estuary, commencing at the sea-ward end of the last-mentioned training wall, and extending in a south-easterly direction for 35 a distance of 383 yards or thereby, following the course of the main low-water channel and there terminating.

5. Subject to the provisions of this Order, the undertakers may from time to time maintain, alter, and improve the harbour as Power to maintain

before defined, roads, approaches, and works and conveniences, connected therewith; and may alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the harbour and entrances, channels and waterways of the same; Provided that no works authorised by this section, below high-water mark, shall be commenced without the assent of the Board of Trade having been first obtained.

6. Every person who wilfully obstructs any person acting under authority of the undertakers 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 the said works, or defaces or destroys the said works or any part thereof, shall for every such offence be liable to a penalty not exceeding Five pounds.

Penalty for obstructing works.

7. When a certificate has been obtained from the Board of Trade that all consents and approvals on the part of the Board of Trade required under this Order, or otherwise necessary to the due construction of the works authorised by this Order, have been given, the undertakers may, within the limits of this Order, and subject and according to the provisions of this Order, demand and receive in respect of vessels, boats, animals, fish, and goods described in the Schedule to this Order, any sums not exceeding the several rates specified in the same schedule; Provided always that no rates, tolls, or dues shall be demanded or received from any vessel or boat landing or embarking passengers or goods upon, or otherwise using the shore or beach unless such vessel or boat shall also use some part of the works, or take advantage of the improvement of the navigation arising from the strengthening and construction of the training walls authorised by this Order, by passing by, along, or in front of such training walls, or some portion of the same.

Power to levy rates.

8. The undertakers may demand and receive such rates or other consideration as they think reasonable for the use of any warehouses, sheds, buildings, weighing machines, cranes, works, and conveniences belonging to the undertakers for the use of which rates are not specially fixed in the Schedule to this Order.

Rates for warehouses.

9. If at any time and from time to time the clear annual income derived under this Order on the average of the then three last preceding years, after payment of all expenses and outgoings other than

Board of Trade may reduce rates.

payments of interest or principal in respect of money borrowed, shall exceed interest at the rate of Ten pounds per centum per annum on the entire sum from time to time appearing to the Board of Trade to have been expended by the undertakers in executing works authorised
5 by this Order, the Board of Trade may, if in their discretion they think fit, on application in writing from six or more owners of vessels paying rates, and after hearing the undertakers, reduce the rates leviable under this Order to such amount as will be sufficient to provide the aforesaid interest, at the rate of Ten pounds per centum
10 per annum, with power to the Board of Trade at any time, and from time to time, to raise the rates again to any sums not exceeding the sums respectively specified in the Schedule to this Order.

10. The undertakers, within one month after sending to the sheriff-clerk the copy of their annual account in abstract, shall send a
15 copy of the same to the Board of Trade, and if the undertakers refuse or neglect to comply with this provision, they shall for every such refusal or neglect be liable to a penalty not exceeding Twenty pounds; and section 16 of "The General Pier and Harbour Act, 1861, Amendment Act," shall apply to and include any and every such account.

Annual account to be sent to the Board of Trade.

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

Certain fishing vessels under stress of weather exempt from rates.

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

Power to lease rates.

13. Officers of Customs being in the execution of their duty shall at all times have free ingress to, passage and egress along, and from the harbour, pier, or quay, and works by land, and with their vessels and otherwise, without payment of any rates.

Exemption of officers of Customs.

14. The undertakers may make bye-laws for the regulation and control of vessels and boats within the harbour, pier, or quay, and works authorised by this Order, and for the regulation and control of the fishermen and others and goods and traffic on the harbour, pier, or quay, and works authorised by this Order; but such bye-laws shall not come into operation until the same shall have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes.

Power to
make
bye-laws.

15. The rates received under this Order shall be applied to the purposes, and in the order following and not otherwise; that is to say:—

Application
of rates
received.

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

(2) In paying the expenses of the maintenance, and regulation of the works authorised by this Order, with all accesses, roads, and conveniences connected therewith, and the improvement, maintenance, and regulation of the harbour, or in payment of the interest of any money borrowed under this Order for these purposes, and in or towards repayment of the principal of such money.

(3) Any surplus shall be applicable to and for the proper use of the undertakers.

16. The undertakers, or the said John Forsyth as factor and commissioner as aforesaid on their behalf, or his successors, may from time to time 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 Three thousand pounds, on the security authorised by this Order; or they or he may accept and take from any bank or banking company credit to such amount as they or he deem expedient, not exceeding in the whole the said sum of Three thousand pounds, on a cash account to be opened and kept in the name of the undertakers, or of the said John Forsyth or his successors, factors and commissioners aforesaid, according to the usage of bankers in Scotland; and they may assign the rates and dues hereby authorised, and if and so far as necessary the rents and proceeds of the en-ailed lands and barony of Balnagown, in security of the repayment of the sum or sums so borrowed, or of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon respectively, by dispositions

Power to
borrow.

and assignations, which dispositions and assignations and all transfers thereof shall be recorded in the Division of the General Register of Sasines at Edinburgh applicable to the county of Ross, and have preference according to the priority of their registration therein, 5 except in so far as a pari passu preference may by the dispositions and assignations have been established among all or some of them as being assignations of parts of one capital sum which the undertakers or the said John Forsyth or his successors may by a resolution of a specified date have determined to borrow in parts ; Provided always 10 that the said John Forsyth or his successors, by borrowing money in his or their character of factor or commissioner, shall not incur any personal responsibility in regard to the same.

17. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by this Order.

Money to be applied to purposes of Order.

15 18. If within two months after the interest on any mortgages granted under this Order has become due, or after the period prescribed for the payment of the principal sums in such mortgages has expired, such interest or principal (as the case may be) shall not be paid, the holders of such mortgages may, without prejudice to any 20 rights, remedies, or security otherwise competent to, or held by them, require the appointment of a judicial factor, by an application to be made as hereinafter provided.

Arrears of interest &c. may be enforced by the appointment of a judicial factor.

19. Every application for a judicial factor under the provisions of this Order shall be made to the Sheriff of Ross-shire, or his 25 substitute. On any such application the said Sheriff or his said substitute may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the rates, with so much as may be necessary of the rents hereby authorised, until all the arrears of interest or of principal, as the case may be, then due 30 on the outstanding mortgages, together with all costs, including the charges of receiving the said rates, or rents, be fully paid. Upon such appointment being made all such rates, or rents, as aforesaid shall be paid to and received by the person so appointed, and the money so received by or to the use of the mortgagees, and so soon 35 as the full amount of any interest or principal in arrear and costs has been so received, the power of such judicial factor shall cease: Provided always that such judicial factor shall distribute among all the mortgagees to whom interest or principal shall be in arrear the rates,

Appointment of a judicial factor.

rents, or other moneys which shall come into his hands, having respect in such distribution to the priorities, if any, of such mortgagees.

20. The amount to authorise the application for the appointment of a judicial factor shall not be less than Five hundred pounds in one or more mortgages.

Amount to authorise application for judicial factor.

21. Sections 14, 15, 16, 17, 18, and 19 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not be incorporated with this Order.

Sections of Harbours Clauses Act excepted.

22. The undertakers shall have the appointment of meters and weighers within the limits of the pier or quay and works.

Meters and weighers.

23. The undertakers shall, at the outer extremity of the pier, or quay and works, exhibit from sunset to sunrise such light or lights, if any, as shall from time to time be directed by the Commissioners of Northern Lighthouses,

Lights to be exhibited.

24. In the following cases, that is to say:—

(1) If within two years from the date of the passing of the Act confirming this Order the works authorised by this Order shall not be substantially commenced, or

Powers to cease in certain events.

(2) If such works, after having been commenced, shall be virtually suspended for twelve consecutive calendar months,

the powers by this Order given for executing such works or otherwise in relation thereto shall cease to be exercised, except as to so much of such works as shall then be completed, unless the time for completion shall be extended by the special direction of the Board of Trade.

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 calendar months, shall, for the purposes of this Order, be conclusive evidence of the fact stated in such certificate.

25. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by "The Crown Lands Act, 1866," nor shall any works under this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the assent of the Board of Trade having been first obtained.

Saving
rights under
"Crown
Lands Act,
1866."

26. All costs, charges, and expenses of and incident to the preparation and obtaining of this Order and otherwise incurred in reference thereto shall be paid by the undertakers.

Costs of
Order.

27. This Order may be cited as "The Bonar Bridge Pier and Harbour Order, 1877."

Short title.

SCHEDULE TO WHICH THE FOREGOING ORDER REFERS.

I. RATES ON VESSELS USING THE PIER OR QUAY AND WORKS, OR ENTERING WITHIN OR LEAVING THE LIMITS OF THIS ORDER

	s.	d.
For every vessel under the burden of fifteen tons		
per ton burden	0	1½
Or in lieu thereof a yearly composition of		
per ton burden	3	0
For every vessel of the burden of fifteen tons and under		
thirty tons per ton	0	2
Or in lieu thereof a yearly composition of		
per registered ton	4	0
For every vessel of the burden of thirty tons and under one		
hundred tons per ton	0	3
Or in lieu thereof a yearly composition of		
per registered ton	4	0
For every vessel of the burden of one hundred tons and under		
one hundred and fifty tons per ton	0	4
For every vessel of the burden of one hundred and fifty tons		
and upwards per ton	0	6
All ships' boats and boats with fresh fish, carrying no other		
cargo nor any passenger, shall be exempt from rates.		
All boats entirely open, landing or taking on board cargo, if		
under three tons burden, each time they use the pier or		
quay or works, or enter within or leave the limits of the		
Order	0	3
Or in lieu thereof a yearly composition of	3	0
All open or half-deck boats above three tons, each time they		
use the pier or quay or works, or enter within or leave		
the limits of the Order per ton	0	1½
Or in lieu thereof a yearly composition of per ton burden	2	0

II. RATES ON ANIMALS, FISH, AND GOODS SHIPPED, UNSHIPED,
OR TRANSHIPPED, AT THE PIER OR QUAY, OR WITHIN
THE LIMITS OF THIS ORDER.

		s.	d.
Ale or beer	per hogshead	0	4
Ale or beer, bottled	per barrel bulk	0	2
Bacon	per ton	1	4
Bark	per ton	1	0
Barrels, empty, not being return packages	each	0	0½
Beef or pork	per ton	1	4
Beef or pork	per barrel	0	2
Biscuit	per ton	1	0
Blocks	under ten inches, per dozen	0	3
Blocks	ten inches and above, per dozen	0	6
Blubber	per tun of 252 gallons	1	0
Boats	each	1	0
Bone dust	per ton	0	8
Bones	per ton	0	6
Bottles	per gross	0	2
Bricks	of all sorts, per 1,000	1	0
Brooms	per dozen	0	1
Butter	per barrel	0	3
Carriages, four wheels	each	1	0
Carriages, two wheels	each	0	10
Carts	each	0	6
Casks, empty, not being return packages	per puncheon	0	3
Other casks in proportion.			
Cattle, viz. :—			
Bulls	each	1	0
Calves	each	0	4
Cows and Oxen	each	0	8
Horses	each	1	0
Pigs	each	0	4
Sheep	each	0	4
Lambs	each	0	2
Chalk	per ton	0	8
Cinders	per ton	1	0
Clay, fire, manufactured	per ton	0	6
Clay, common	per ton	0	2

		s.	d.
Cloth, haberdashery and millinery	per barrel bulk	0	2
Clover seeds	per ton	2	0
Coals	per ton	0	10
Copper	per ton	1	4
Corks	per barrel bulk	0	2
Corn, viz. :—			
Wheat and malt	per quarter	0	3
Barley, bere, beans, peas, tares, oats, rye, buck-wheat, and Indian corn	per quarter	0	2
Crystal	per barrel bulk	0	2
Dissolved bones and other artificial manures	per ton	0	8
Dogs	each	0	2
Drugs	per barrel bulk	0	3
Earthenware	per barrel bulk	0	2
Eggs	per barrel bulk	0	2
Feathers	per cwt.	0	2
Fish, dried or salted	per ton	1	4
Fish, in pickle and undried	per ton	0	8
Fish, fresh brought for sale	for every shilling in value	0	0½
Flax and tow	per ton	1	4
Flour	per sack	0	2
Flour	per barrel	0	1½
Geese, alive	each	0	0½
Glass	per barrel bulk	0	3
Grass seeds	per quarter	0	2
Groceries, viz. :—			
Almonds, figs, cinnamon, currants, pepper, pimento, plums, prunes, raisins, and the like	per barrel bulk	0	3
Guano and other manures	per ton	0	8
Gunpowder	per barrel	0	3
Hardware	per barrel bulk	0	3
Hares and rabbits	per dozen	0	2
" " any less quantity		0	1
Harrows	per pair	0	2
Hay	per ton	1	0
Hemp	per ton	1	4
Herrings, fresh	per cran	0	1
Herrings, cured	per barrel	0	3
Hides :—			
Ox, cow, or horse, salted or dried	per dozen	0	6
Sheep, lamb or calves' skins	per dozen	0	3
Hooks, reaping	per dozen	0	2

		s.	d.
Hoops of wood	per bundle	0	0½
Household furniture, new	per barrel bulk	0	2
Household furniture, belonging to parties changing their residence only	per 10 barrels bulk	0	6
Husbandry utensils, not enumerated	per ton	1	4
Husbandry utensils, not enumerated	per barrel bulk	0	2
Iron—bolt, bar, rod or hoop	per ton	1	0
Iron, manufactured	per ton	1	4
Iron, old or pig	per ton	0	8
Kelp	per ton	0	8
Lead, all kinds	per ton	1	4
Leather	per ton	1	4
Lime	per chaldron of 16 bolls	1	4
Limestone	per ton	0	3
Lobsters	per dozen	0	1
Machinery	per ton	1	4
Machinery	per barrel bulk	0	3
Manures	per ton	0	8
Meal	per bag of 280 lbs.	0	2
Musical instruments	per barrel bulk	0	3
Oakum	per ton	1	0
Oilcake	per ton	0	8
Oil	per tun of 252 gallons	1	0
Oil	per barrel	0	3
Ores:			
Copper, iron, lead and other ores	per ton	0	8
Paints	per ton	0	8
Peats	per ton	0	3
Pitch	per barrel	0	3
Ploughs	each	0	2
Porter	per hogshead	0	4
Porter, bottled	per barrel bulk	0	2
Potatoes	per barrel of 187 lbs.	0	1
Potatoes	per ton	1	0
Pot Barley	per sack of 280 lbs.	0	2
Pots, pans, and kettles	per ton	1	4
Poultry, including pigeons, game, &c.	per dozen	0	3
" " "	any less quantity	0	1
Rags	per ton	1	4
Rape cake	per ton	0	8
Ropes and cordage	per ton	1	8
" " " old	per ton	1	0

		s.	d.
Salt	per ton	0	10
Scythes	per dozen	0	3
Seeds, flax and rape	per barrel	0	3
Seeds, flax and rape in bulk	per quarter	0	2
Seeds, garden	per ton	1	4
Shell-fish	per bushel	0	1
Slates, under size	per 1,000	0	6
Slates, sizeable	per 1,000	0	10
Slates, oversize	per 1,000	1	4
Snuff	per cwt.	0	4
Soap	per ton	1	8
Spades and shovels	per dozen	0	3
Spirits	per hogshead of 56 gallons	1	0
Spokes and felloes	per 100	0	6
Stones, viz. :—			
Rubble	per ton of 16 cubic feet	0	2
Hewn ashlar freestone	per ton of 16 cubic feet	0	4
Rough ashlar freestone	per ton of 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
Scythe stones	per score	0	1
Mill stones	each	0	8
Steel	per ton	1	4
Stucco	per ton	0	6
Sugar	per hogshead	0	6
Sugar	per ton	1	4
Tar	per barrel	0	2
Tea	per chest	0	4
Tiles, roofing	per 1,000	1	0
Tiles or pipes for draining	per 1,000	1	0
Tin of all kinds	per ton	1	3
Tobacco	per cwt.	0	4
Treenails, under 2 feet in length	per 1,000	0	6
Treenails, exceeding 2 feet in length	per 1,000	1	0
Turnips	per ton	0	6
Turpentine	per barrel	0	3
Turpentine	per hogshead	0	8
Vegetables	per cartload	0	2
Vinegar	per hogshead	0	6
Vitriol	per carboy	0	2
Whalebone	per ton	2	6
Wheels	per pair	0	4

		s.	d.
Whitening	per ton	0	6
Wine	per hogshead	1	0
Wine, bottled	per barrel bulk	0	4
Wood of all kinds, for every pound sterling value (including invoice, freight, and duty when landed)		0	4
Or, in the option of the undertakers the rates following—			
Fir, pine, and other descriptions not enumerated	per load of 50 feet	0	10
Firewood	per fathom	0	6
Handspokes	per 120	0	10
Lath and lathwood	per fathom of 216 cubic feet	2	6
Lignum vitæ, fustic, logwood, mahogany, and rosewood	per ton	1	4
Oak or wainscot	per load of 50 feet	1	0
Oars	per 120	2	6
Pipe staves, and others in proportion, per standard 100		1	0
Spars, 2½ inches diameter and under	per 120	1	4
Spars, under 22 feet in length, above 2½ and under 4 inches in diameter	per 120	2	6
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter	per 120	6	6
Spars, of all lengths above 4 and under 6 inches in diameter	per 120	12	0
Spokes of wheels not exceeding 2 feet in length	per 120	0	4
Spokes of wheels exceeding 2 feet in length	per 120	0	6
Wedges	per 1,000	1	0
Wool	per cwt.	0	2
Yarn	per ton	1	4
Zinc	per ton	1	4

ALL GOODS NOT PARTICULARLY ENUMERATED IN THE ABOVE TABLE.

Light Goods	per barrel bulk	0	2
Heavy Goods	per ton	1	4

In charging the rates on goods, the gross weight or measurement of all goods to be taken; and for any less weights, measures, or quantities than those above specified, a proportion of the respective rates shall be charged.

Five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk; but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

NOTICE.

PROVISIONAL ORDER RELATING TO BONAR BRIDGE
PIER AND HARBOUR.

The attention of persons interested in and desirous of objecting to this Provisional Order is directed to the following Extract from the Board of Trade Regulations:—

" 11. Any objection to the Provisional Order which it is intended
" to urge on the Board of Trade must be sent in to that office before
" the 15th of January. A copy of such objections must also be sent
" at the same time to the Promoters; and in forwarding the objections
" to the Board of Trade the objectors or their agents should state that
" this has been done.

" 12. The Board of Trade will entertain and consider objections
" founded on alleged injury to public interests or alleged violation of
" admitted principles, e.g. 'That the proposed work will injure a
" 'public harbour,' or, 'that tolls are to be imposed on ships which
" 'will derive no benefit from them;' and they will not proceed with
" any Provisional Order to which valid objections of this description
" are shown to exist. Objections arising out of competition or out of
" opposition between local interests they will only attempt to settle
" provided the parties are willing to abide by their decision. When
" the parties cannot come to terms, the Board will not order a local
" inquiry or attempt to anticipate the decision of Parliamentary
" Committees.

" 13. All memorials, objections, and other documents sent to or
" deposited with the Board of Trade must be on common foolscap
" paper, and written (or printed) on one side only.

" 14. The Bill for confirming Provisional Orders will be brought
" in as early in the Session as possible. All preliminary questions
" must, however, be definitely determined before the 1st of March."