



CHAPTER cviii.

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

A.D. 1926.

[15th December 1926.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 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 :—

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

Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Stornoway Harbour Order Confirmation Act, 1926.

Short title.

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SCHEDULE.

STORNOWAY HARBOUR ORDER.

Provisional Order for the incorporation of the Stornoway Pier and Harbour Commission and for the improvement maintenance and management of the pier and harbour of Stornoway in the Island of Lewis and County of Ross and Cromarty and for other purposes.

WHEREAS by the Stornoway Harbour Order 1865 confirmed by the Pier and Harbour Orders Confirmation Act 1865 (No. 3) the Stornoway Pier and Harbour Commission were incorporated as a body corporate with perpetual succession and a common seal for the purposes but subject to the restrictions of a feu-charter dated the ninth day of August eighteen hundred and sixty-four and recorded in the particular register of sasines for Inverness &c. the first day of October eighteen hundred and sixty-four scheduled to the said Stornoway Harbour Order 1865 and certain powers and jurisdiction were conferred upon the said body corporate :

And whereas by the Stornoway Harbour Order 1881 confirmed by the Pier and Harbour Orders Confirmation Act 1881 the said Order of 1865 was amended and certain portions thereof were repealed and certain further powers and duties were conferred and imposed upon the said Commission :

And whereas by the Stornoway Harbour Order 1892 confirmed by the Pier and Harbour Orders Confirmation (No. 3) Act 1892 the constitution of the said Commission was altered and further powers for constructing works acquiring property and rating were conferred :

And whereas the said Commission have erected the works authorised and have maintained and administered the pier and harbour with all rights powers privileges and accessories pertaining thereto :

And whereas certain additional properties described in the Second Schedule to this Order and lying outwith

the limits of the harbour and undertaking as defined in the Stornoway Harbour Orders 1865 1881 and 1892 have been acquired by the said Commission by gift from the Right Honourable William Hesketh First Viscount Leverhulme : A.D. 1926.

And whereas it is expedient that the constitution of the said Commission should be further altered that certain new works improvements and deepening of the said harbour should now be undertaken and that the limits of the harbour undertaking and of the powers and jurisdiction of the Commission should be more fully defined and that the title of the Commission to the said additional properties should be confirmed and its powers thereanent defined :

And whereas for the said purposes it is expedient that the Stornoway Harbour Orders 1865 1881 and 1892 and the Acts of Parliament confirming the same so far as referring to the said Orders should be repealed and the provisions therein contained so far as presently and in future applicable should be consolidated with the other powers privileges jurisdiction and rights now to be defined and that the said Commission as altered should be reincorporated :

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Order and the lands required or which may be acquired for the purposes or under the powers of this Order and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the sheriff-clerk and such plans and sections are respectively referred to in this Order as the deposited plans and sections :

And whereas the purposes aforesaid cannot be effected without an Order 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 as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

1. This Order may be cited as the Stornoway Short title Harbour Order 1926.

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—
Date of
commence-
ment of
Order.

Incorpora-
tion of Acts.

2. This Order shall come into force and have effect as from the date of the passing of the Act confirming it which date is hereinafter referred to as the commencement of this Order.

3.—(1) The following enactments so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order are hereby incorporated with and form part of this Order namely :—

The Lands Clauses Acts except so much thereof as relates to the purchase and taking of lands otherwise than by agreement;

The Commissioners Clauses Act 1847 (except sections 16 to 35 both inclusive and sections 40 42 43 46 and 54);

The Harbours Docks and Piers Clauses Act 1847 except sections 12 13 and 16 to 19 (unless the Commissioners shall be required by the Board of Trade to provide and maintain a tide and weather gauge) and except sections 25 and 26 :

For the purposes of such incorporation the expression "special Act" in the said Acts respectively shall be construed to mean this Order and the expression "undertakers" shall mean the Commissioners.

(2) The following expressions wherever used in the Harbours Docks and Piers Clauses Act 1847 shall in reference to this Order have the following respective meanings (that is to say) :—

The expression "harbour dock or pier" means and includes the harbour as hereinafter defined and all future additions thereto and extensions thereof;

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 said Act of 1908 :

Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this

Order shall extend to exempt from rates or duties regulation or control any such vessel as aforesaid if such vessel also conveys passengers or goods for hire. A.D. 1926.

4. In this Order unless there is something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings And— Interpretation.

“The Commissioners” means the members of the Stornoway Pier and Harbour Commission appointed as provided by this Order and from time to time acting;

“The existing Commissioners” means the Commissioners acting under the Orders of 1865 1881 and 1892;

“The sheriff” means the sheriff of Ross Cromarty and Sutherland and includes his substitutes;

“The sheriff-clerk” means the sheriff-clerk of the county of Ross and Cromarty;

“The town council” means the provost magistrates and councillors of the burgh of Stornoway;

“The Orders of 1865 1881 and 1892” mean the Stornoway Harbour Order 1865 the Stornoway Harbour Order 1881 and the Stornoway Harbour Order 1892;

“The deposited plans” and “the deposited sections” mean respectively the plans and sections deposited in relation to the application for this Order with the sheriff-clerk;

“The harbour” means the harbour of Stornoway;

“Vessel” includes any ship lighter keel barge boat wherry raft and craft of every class and description however propelled and seaplanes hydroplanes and similar craft;

“Goods” includes all animals wares merchandise commodities and articles of every description;

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“ Gifted properties ” means the properties acquired by the existing Commissioners by gift from the Right Honourable William Hesketh First Viscount Leverhulme and described in the Second Schedule to this Order.

Repeal.

5. The following Orders are hereby repealed (1) the Stornoway Harbour Order 1865 (2) the Stornoway Harbour Order 1881 and (3) the Stornoway Harbour Order 1892 as also the Confirmation Acts aforesaid in so far as these Acts confirm the said Orders or any of them but no farther.

Confirma-
tion of
Charter of
1864.

6. The feu-charter granted by Sir James Matheson of Achany and The Lews Baronet Member of Parliament for the combined counties of Ross and Cromarty in favour of himself and others as Commissioners as therein mentioned dated ninth August and recorded in the particular register of sasines for Inverness &c. first October both in the year eighteen hundred and sixty-four which feu-charter is set forth in the First Schedule to this Order shall remain in force and continue to have full effect except in so far as the same is altered or modified in or is at variance with the provisions of this Order which provisions shall in all cases of variance be regulative.

Under-
takers.

7. The undertakers for the carrying of this Order into execution are the existing Commissioners until the date of the appointment of the last of the Commissioners to be appointed under and in virtue of the provisions thereanent in this Order contained and thereafter the Commissioners so appointed.

Existing Com-
missioners to
hold office till
new Commis-
sioners
elected.

8. The existing Commissioners shall continue to hold office and to exercise all the powers and duties of Commissioners under and in virtue of the provisions of this Order until the Commissioners to be appointed under and in virtue of the provisions of this Order shall have been appointed.

Incorpora-
tion of Com-
missioners.

9. The Commissioners shall be and are for the purposes of this Order incorporated by the name of the Stornoway Pier and Harbour Commission and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold lease sell or dispose of lands and other property.

10. The number of Commissioners to be appointed under and in virtue of this Order and the manner of their appointment shall be as follows:—

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Constitu-
tion of Com-
mission.

- (1) The number of Commissioners shall be ten :
- (2) The said Commission shall in all time to come consist and be composed of the following members videlicet:—

(First) The superior of the burgh of Stornoway or in case of the superiority of the said burgh being at any time vested in a body of trustees then one of their number to be appointed by them or the chamberlain of the superior or superiors duly nominated by him or them in writing;

(Second) Three Commissioners to be annually chosen at some time during the month of April by the town council the three members to be chosen being always so long as there are members of the town council who hold the qualification next mentioned feuars within the said burgh and each of them owners of property therein of ten pounds or upwards of annual value (as evidenced by the valuation roll) and resident in or near Stornoway or householders within the burgh occupying houses of the annual rent or value of fifteen pounds evidenced as aforesaid and in case there shall not at any time when the said choice falls to be made exist such members of the town council or so many of such members as shall suffice for the said choice as aforesaid then the said three Commissioners or such lesser number as shall suffice for the said choice shall be elected by the persons within the burgh of Stornoway entitled to vote in the election of members of Parliament (as evidenced by the register of parliamentary electors for the time) such three Commissioners so elected being always feuars and each of them owners of property within the burgh of Stornoway of the annual value of ten pounds or upwards (to be evidenced as aforesaid) and resident in or near Stornoway and this at a meeting

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of the parliamentary electors within the burgh of Stornoway to be called by the chairman for the time being of the Commissioners or in his absence by any three Commissioners by a printed or written notice to be posted in at least six public places in the burgh of Stornoway fourteen days previous to the day of election or on such notice as may be prescribed by any rules to be framed by the Commissioners for regulating the calling of such meetings with the view to the election of members full power to make such rules being hereby specially conferred on the Commissioners;

(Third) Two Commissioners to be annually nominated on or before the first Monday of the month of May by the superior or superiors of Stornoway for the time from among the resident feuars within the burgh each being an owner of property therein of the annual value of ten pounds or upwards or householders occupying houses within the burgh of the annual value or rent of fifteen pounds to be evidenced as aforesaid;

(Fourth) One Commissioner to be annually nominated by the sheriff for the time from among the feuars owners of property within the said burgh of the annual value of ten pounds or upwards (to be evidenced as aforesaid) or from among persons within the said burgh qualified to vote for members of Parliament (to be evidenced as aforesaid) or from among the householders of the said burgh occupying houses of the value of fifteen pounds or upwards (to be evidenced as aforesaid).

The first appointment of Commissioners falling to be made after the commencement of this Order shall be made before the expiry of two months from the commencement of this Order and for this purpose the provisions of the second third and fourth heads of this subsection in respect of the annual choice of three Commissioners by the town

council or the election thereof by voters within the burgh of Stornoway and in respect of the annual nomination of two Commissioners by the superior or superiors shall be modified accordingly;

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(Fifth) Three Commissioners to be elected in manner following :—

(a) Within two months from the commencement of this Order a meeting of persons paying harbour dues or rates to the amount hereinafter mentioned shall be held in Stornoway for the first election of the said Commissioners at a place and time to be advertised by the clerk to the existing Commissioners fourteen days at least before the day of meeting by handbills posted in Stornoway;

(b) Thereafter annual meetings of the said persons for the election of the said Commissioners shall be held in Stornoway during the month of April at a place and on a day appointed by the Commissioners the place and time of meeting being advertised by the clerk to the Commissioners fourteen days at least before the day of meeting;

(c) All persons of lawful age and not subject to any legal incapacity who shall be certified as after mentioned to have paid to the Commissioners during the financial year ended on the eleventh day of November immediately preceding the sum of two pounds or upwards for harbour dues or rates shall have a voice and vote at any such meeting and such persons being so assembled shall elect a preses and clerk. The collector of harbour dues and rates or his clerk shall be in attendance with a register which he shall annually prepare of persons qualified to vote as aforesaid and the entry of the name of any person attending such meeting in the register as a person qualified to vote shall be sufficient and conclusive certification of his right to do so. Provided always

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that any person whose name may be omitted by inadvertence from the said register shall on production to the preses and clerk after their election of authentic receipts showing that harbour dues or rates to the amount aforesaid have been paid during the said period have a voice and vote at the said meeting Mercantile and other companies or firms and trustees tutors and curators may by mandate appoint one of their officers partners or number to vote on their behalf;

(d) Every person qualified as aforesaid shall be entitled to one vote and no more for each of the seats on the Commission and in case of an equality of votes the preses shall be entitled to a casting vote as well as a deliberative vote and a certificate of the election signed by the preses shall be transmitted forthwith to the clerk to the existing Commissioners or the Commissioners (as the case may be) and shall be conclusive evidence of the persons thereby appearing to have been elected having been elected;

(e) The Commissioners elected as aforesaid shall hold office until the first Monday in May of the year following the election and shall then cease to hold office in favour of the persons elected in the month of April preceding but all such Commissioners shall be eligible for re-election in successive years;

(f) The following persons and no others shall be qualified for election as Commissioners aforesaid under the (Fifth) paragraph of this subsection viz. Feuars or householders within the burgh of Stornoway each of them owners or occupiers of property therein of the annual value of fifteen pounds or upwards (as evidenced by the valuation roll) and resident within the burgh of Stornoway :

(3) The Commissioners shall elect their own chairman annually and shall have power in his absence to appoint a temporary chairman for any meeting and the chairman so elected or appointed shall have a casting vote as well as a deliberative vote : A.D. 1926.

(4) Proceedings of the Commissioners shall not be invalidated by reason of any vacancy in their body or of the non-appointment of or of any defect in the qualification or appointment of a Commissioner.

TRANSFER ACQUISITION OF HARBOUR ESTATES LANDS
BUILDINGS &C.

11. On and after the date of the appointment of the last of the Commissioners to be appointed under and in virtue of the provisions thereanent in this Order contained all the estate and interests of the existing Commissioners in the pier and harbour of Stornoway and in the quays piers works roads and conveniences connected therewith and all plant cranes mooring-posts and weighing-machines within the existing harbour or appertaining thereto and including the existing harbour office and the whole rights title and interests of the existing Commissioners therein and the gifted properties held by the existing Commissioners together with the existing Commissioners' whole rights title and interests therein shall be and the same are hereby transferred to and vested in the Commissioners and their right and title to the said gifted properties shall be and is hereby confirmed and may be lawfully held used and enforced by them for the purposes and according to the provisions of this Order and from and after the date of transfer aforesaid the existing Commissioners shall cease to have any further responsibility for or in connection with the existing pier and harbour or the said properties. Transfer acquisition &c.

12. For the purposes of this Order the Commissioners may from time to time by agreement enter on take and use all or any part of the lands shown upon the deposited plans as intended to be taken for the purpose of the works authorised by this Order. Power to take lands by agreement.

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Power to
take patent
slip.

Lands for
extra-
ordinary
purposes.

Power to
grant servi-
tudes &c.
by agree-
ment.

Power to
dispose of
or demolish
properties.

Power to
lease.

13. The Commissioners shall have power by purchase or otherwise to take over and to hold or own the patent slip lying to the east of the No. 3 pier.

14. The Commissioners may (in addition to all other powers) by agreement acquire and hold for extraordinary purposes any lands not exceeding in the whole twenty acres but nothing in this Order contained shall exempt the Commissioners from any proceedings for nuisances caused or permitted by them on lands acquired by them under the powers conferred by this section.

15. Persons empowered by the Lands Clauses Acts to sell or convey or release lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Commissioners any servitude right or privilege (not being a servitude of water) 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 and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges respectively.

16. The Commissioners shall have power to sell the whole or any part of the gifted properties to borrow any sum or sums on the security of the same and to grant bonds or other securities heritable or moveable therefor with interest and under the usual penalties and to bind themselves in repayment but only out of the proceeds of the said properties with power of sale and all other usual and necessary clauses to repair or rebuild the same to dispoise the same by way of security or to demolish the same for any improvement scheme and that without any consideration but in the event of a sale or disposal otherwise any moneys or surplus moneys arising from such shall be entered in the accounts as capital of the undertaking Any moneys borrowed in terms of this section shall only be applied for the purposes of the said properties or for the purposes of this Order to which capital is properly applicable.

17.—(1) The Commissioners 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 Minister of Transport lease to any company

corporation or person (a) the entire undertaking of the Commissioners or any part thereof including the gifted properties or (b) the rates and other charges authorised to be taken by this Order. A.D. 1926.

(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 Commissioners by this Order which the Commissioners have or might exercise under this Order and shall be subject to all the liabilities and obligations to which the Commissioners are subject and shall perform all the duties of the Commissioners under this Order.

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

(4) The Commissioners shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Ministry of Transport and shall as from the expiration of that month be liable to a penalty not exceeding five 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 Commissioners 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 lessee as the Commissioners and all moneys received by the Commissioners under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Order.

LIMITS.

18.—(1) The limits of the harbour shall for the purposes of this Order comprise extend to and include Limits of harbour.

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the bay of Stornoway and shall be deemed to extend along the shore thereof from Holm Point on the east to Arnish Point on the west and seawards to an imaginary straight line drawn from Holm Point on the east side to Arnish Point on the west side of the said bay of Stornoway and all accesses buildings works lands and conveniences and property rights powers and privileges at present appertaining thereto and the piers works quays wharves warehouses and lands connected therewith and all lands above high-water mark acquired or held by the existing Commissioners and also all approaches roads works accommodation and conveniences connected therewith and all additions to and improvements in the harbour from time to time lawfully made by the Commissioners.

(2) A map or plan showing the limits of the harbour having been signed in quadruplicate by Messrs. Henderson and Nicol C.E. Aberdeen and one copy thereof having been deposited at the office of the Ministry of Transport another copy thereof shall be deposited at the office of the Mercantile Marine Department of the Board of Trade another copy thereof shall be deposited at the office of the sheriff-clerk and another copy thereof shall be deposited at the office of the clerk to the Commissioners.

Limits of
this Order.

19. The limits of this Order shall extend to the limits of the harbour as hereinbefore defined and to the gifted properties but the powers to exact rates in virtue of this Order shall extend only to the limits of the harbour as hereinbefore defined.

WORKS AND POWERS.

Power to
construct
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 require before the completion of the works in order to prevent injury to navigation the Commissioners may on the lands and in the lines and situation and according to the levels shown on the said plans and sections so far as the same are shown thereon make and maintain the works authorised by this Order

and maintain the works existing at the commencement of this Order. A.D. 1926.

21. The works authorised by this Order are the following :— Description of works.

(1) A solid breastwork (Work No. 1) commencing at a point on the face of Cromwell Street Quay 80 feet or thereabouts north of the junction of North Beach Quay and Cromwell Street Quay extending in a southerly direction along the face of Cromwell Street Quay to the junction of North Beach Quay and Cromwell Street Quay for a distance of 80 feet or thereabouts thence in a westerly direction along the face of North Beach Quay for a distance of 200 feet or thereabouts and terminating at a point on the face of North Beach Quay 280 feet or thereabouts from the point of commencement :

(2) A wharf of open structure (Work No. 2) commencing at a point 6 feet or thereabouts due west of the northern extremity of Esplanade Quay and extending in a southerly direction parallel to the face of Esplanade Quay and terminating at a point 420 feet or thereabouts from the point of commencement :

(3) The deepening (Work No. 3) of a portion of the Inner Harbour and a portion of the entrance to the Inner Harbour to a depth of 8 feet or thereabouts below the level of low water of ordinary spring tides commencing at a point on the sea bed of the Inner Harbour 90 feet or thereabouts south-west of the northern extremity of Cromwell Street Quay and extending in a southerly westerly and southerly direction and terminating at a point on the sea bed in the entrance to the Inner Harbour 170 feet or thereabouts due west from Esplanade Quay 1565 feet or thereabouts from the point of commencement.

22. In constructing the works by this Order authorised the Commissioners may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown Power to deviate.

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Subsidiary works.

23. The Commissioners may in connection with the works authorised by this Order construct and provide all proper embankments jetties landing-stages roads approaches mooring buoys beacon lights lamps gates sewers drains pipes and other similar works and conveniences.

Complementary powers &c.

24.—(1) Subject to the provisions of this Order the Commissioners may maintain restore reconstruct alter improve enlarge and extend the harbour and may in connection with the harbour construct maintain alter improve and enlarge embankments landing places piers quays jetties weirs bridges slips wharves beaches for hauling boats buoys moorings cranes lights beacons roads sewers drains watercourses gas and water pipes electric light and power and other works and conveniences which may be found necessary for the accommodation of vessels and traffic and may construct and carry out such works as may be necessary for reclaiming or filling in any portion of the foreshore within the limits of this Order and may also from time to time lay down and maintain rails tramways sidings and turntables on and along the piers quays and other harbour works of the Commissioners and lands connected therewith and may provide motive power for tramways and may acquire or construct and maintain all warehouses offices sheds weighing-machines cranes and other plant or buildings which may be necessary or convenient in connection with their duties or works.

(2) No line of rails or tramway constructed under the powers of this Order shall be used for the public conveyance of passengers unless and until it has been inspected and certified by the Ministry of Transport to be fit for that use.

(3) Any electric light and power or other apparatus constructed and maintained under this Order shall be so constructed maintained and used as to prevent any

interference with telegraphic communication by means of any telegraphic lines belonging to or used by the Postmaster-General. A.D. 1926.

(4) Nothing in this Order shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity Supply Acts 1882 to 1922 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.

25.—(1) The Commissioners 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 harbour or to any part thereof for vessels using the same. Power to dredge.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid shall be the property of the Commissioners 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.

(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 harbour revenue under this Order is to be applied.

(4) Nothing herein contained shall be deemed to authorise in relation to any foreshore or bed of the sea vested in the Crown within the limits of this Order the removal or sale of any sand mud or other material by the Commissioners or their licensees otherwise than to the extent hereinbefore mentioned:

Provided that the powers of the Commissioners under this section shall be exercisable subject to the provisions of the section of this Act of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation that any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Commissioners to the Commissioners of Crown

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Power to construct warehouses stores &c.

26. The Commissioners may construct and maintain and may furnish manage and equip warehouses sheds stores fishing platforms auctioneers' stances pavilions waiting refreshment reading and other rooms automatic machines bicycle stands bandstands shops waterclosets urinals lavatories baths and sanitary and other conveniences and they may also construct and maintain and make such reasonable charges as they think fit for the use of and admission to floating swimming baths.

Powers to cease in certain events.

27.—(1) If within two years from the commencement of this Order the works referred to in the section of this Order whereof the marginal note is "Description of works" are not substantially commenced the power given by this Order for executing these works or otherwise in relation thereto shall cease unless the time for commencement be extended by special direction of the Ministry of Transport which extension the said Ministry is hereby authorised to grant.

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

(3) In either of the above cases a certificate from the Ministry of Transport 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.

Period for completion of works.

28. If the works referred to in the section of this Order whereof the marginal note is "Description of

works" are not completed within ten years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Commissioners for making and completing the same respectively or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed.

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

Penalty for obstructing works.

30.—(1) Subject to the provisions of this Order any work authorised by this Order shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries or assistant secretaries of the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun.

Works below high-water mark to be subject to approval of Board of Trade.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Commissioners and the amount of such cost shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

31.—(1) The Commissioners shall at or near such part of the works by this Order authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation

Lights on works during construction.

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A.D. 1926. as the Board of Trade shall from time to time require or approve.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent
lights on
works.

32.—(1) After the completion of the works by this Order authorised the Commissioners shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Survey of
works by
Board of
Trade.

33. If at any time the Board of Trade deems it expedient for the purposes of this Order to order a survey and examination of any work constructed by the Commissioners under the powers of this Order which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Commissioners shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Abatement
of work
abandoned
or decayed.

34.—(1) Where any work constructed by the Commissioners under the powers of this Order and situate wholly or partially on under or over the shore or bed of the sea or any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing

either require the Commissioners at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper. A.D. 1926.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Commissioners they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Commissioners and the amount of such expense shall be a debt due from the Commissioners to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

35.—(1) In case of injury to or destruction or decay of the works by this Order authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Commissioners shall lay down such buoys exhibit such lights or take other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken. Provision against danger to navigation.

(2) If the Commissioners fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

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JURISDICTION.

Authority
and juris-
diction of
Commis-
sioners and
harbour
master.

36. The limits within which the Commissioners shall have authority and exercise jurisdiction over vessels shipping goods shipped or to be shipped traffic control and over all things and persons within the limits of the powers in this Order confirmed or conferred and within which the powers of the harbour-master shall be exercised shall comprise the pier and harbour the new works and all properties owned possessed or leased by the Commissioners in connection with the harbour undertaking but excluding from the powers of the harbour-master the gifted properties.

SUPPLEMENTAL PROVISIONS AS TO MANAGEMENT
BYELAWS &C.

Meters and
weighers.

37. The Commissioners or their harbour-master shall have the appointment of meters and weighers within the limits of the harbour and the limits of jurisdiction hereinbefore defined.

Byelaws.

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

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

RATES.

Power to
levy rates.

39. The Commissioners may subject and according to the provisions of this Order demand receive and recover for the use of the piers and harbour and conveniences connected therewith and in respect of the services persons and things described in the Third Schedule annexed to this Order any sums not exceeding the several rates specified in that schedule.

Rates for
ballast.

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

41. The Commissioners may demand and recover such reasonable rates or other consideration as they may fix for the use of any warehouses sheds buildings weighing-machines cranes works fences and conveniences belonging to or provided by them or in respect of any service rendered by them for which rates are not specially fixed in the Third Schedule to this Order.

A.D. 1926.

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Rates for
warehouses.

42. The Commissioners 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 and that anything done under this section shall not prejudice the other provisions of this Order.

Power to
vary or
compromise.

43.—(1) If at any time it is represented in writing to the Minister of Transport (in this section referred to as "the Minister")—

Revision of
dues or
rates.

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister is a proper person for the purpose or

(b) by the Harbour Commissioners

that under the circumstances then existing all or any of the dues or rates authorised in pursuance of this Order should be revised the Minister may if he thinks fit make an order revising all or any of such dues or rates as aforesaid and may fix the date as from which such order shall take effect and thenceforth such order shall be observed until the same expires or is revoked or modified by a further order of the Minister made in pursuance of this section. Provided that before making an order under this section the Minister shall cause an inquiry to be held with reference thereto in pursuance of the Board of Trade Arbitrations &c. Act 1874 as applied by this section.

(2) No application may be made under this section for a general revision of the dues or rates for the time being authorised under this Order within twelve months after the date of an order made by the Minister for a general revision thereof and no application may be made for a revision of any particular dues or rates within twelve months after the date of an order made by the

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A.D. 1926. Minister for a general revision or of any previous application for a revision of the particular dues or rates in question.

(3) The provisions of Part I. of the Board of Trade Arbitrations &c. Act 1874 shall apply for the purposes of this section—

(a) as if the Minister were referred to therein in lieu of the Board of Trade;

(b) as if the person or persons duly authorised to hold any inquiry thereunder were a person to be appointed for the purpose by an order of the Minister after consultation with a Secretary of State under section 2 of the said Act of 1874 provided that any inquiry shall be held in such place in Scotland as the Minister may determine to be most convenient; and

(c) as if in section 4 of the said Act of 1874 the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the president or of one of the secretaries of the Board."

(4) An application made to the Minister under this section shall be accompanied by such information and particulars as the Minister may consider relevant certified in such manner as he may require and the Minister and the person holding an inquiry for the purposes of this section may call for such documents and accounts as he may consider relevant and may hear such witnesses as he shall think fit and shall have power to take evidence on oath and for that purpose may administer oaths.

Master of fishing vessel to report take of fish.

44.—(1) The master owner or agent of every vessel which has taken a cargo of fish shall on the arrival of the vessel within the limits of 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 every person obtaining delivery thereof and the owner master or agent shall be responsible for the payment of the dues.

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

45. The harbour-master may prevent the removal or sailing from the limits of the harbour of any vessel 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 with a take or cargo of fish until the master owner or agent of the vessel has given in his account of the take or cargo of fish required by this Order.

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Harbour
master may
prevent
sailing.

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

Certain fish-
ing vessels
under stress
exempt
from rates.

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

Exemption
of lifeboat
crews.

FINANCE.

48. The Commissioners may borrow at interest such money as may be required for the purposes of this Order not exceeding in the whole the sum of seventy thousand pounds on the security of the rates authorised by this Order or of the lands buildings and other heritable properties comprised within the limits of this Order or any of them or they may accept and take from any bank or banking company credit for any amount not exceeding on the whole the sum of seventy thousand pounds on a cash account to be opened and kept in the name of the Commissioners according to the usage of bankers in Scotland but so that the whole sum owed by the Commissioners on such cash account

Power to
borrow.

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and for other money borrowed for the time being and unpaid shall not exceed on the whole the sum of seventy thousand pounds exclusive of interest and the Commissioners may grant bonds and assignations of the said subjects in security of the repayment of the sum or sums so borrowed or of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon respectively and such bonds and assignations and transfers thereof may be in the form contained in Schedules B. and C. annexed to the Burgh Harbours (Scotland) Act 1853 which powers of borrowing are in supplement of and not in derogation to the powers given to the Commissioners contained in the section of this Order whereof the marginal note is "Power to dispose of or demolish properties.

Period for
repayment
of borrowed
moneys.

49. The Commissioners shall pay off the whole of the moneys borrowed under this Order within forty years after the dates when those moneys are respectively borrowed (which period is in this Order referred to as "the prescribed period").

Re-borrow-
ing.

50. All money borrowed by the Commissioners under this Order and repaid otherwise than by instalments or by means of a sinking fund or out of the price of lands sold may be from time to time re-borrowed by the Commissioners but so that the original loan shall be repaid within the prescribed period.

Substitution
in debts of
new Com-
missioners.

51. As from the date of the transfer of the harbour properties &c. as defined in the section of this Order whereof the marginal note is "Transfer acquisition &c." the Commissioners shall be substituted in room and place of the existing Commissioners as debtors and shall assume full liability as such Commissioners for (1) the sum of six thousand five hundred pounds being the balance due under a mortgage granted by the existing Commissioners in favour of the Public Works Loan Commissioners dated thirty-first July eighteen hundred and ninety-three (2) the sum of four hundred pounds sixteen shillings and ninepence due to the National Bank of Scotland Limited in respect of an overdraft of that amount and (3) all other sums of money or obligations at present due and prestable from the existing Commissioners.

52. The Commissioners shall pay off all moneys borrowed by them (other than money borrowed for current expenses) under this Order either by means of a sinking fund formed under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

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Mode of re-
payment of
borrowed
money.

53. Except as provided in the section of this Order whereof the marginal note is "Power to dispose of or demolish properties" all money borrowed under this Order shall be applied only for the purposes of this Order to which capital is properly applicable and not otherwise.

Application
of borrowed
money.

54.—(1) The bondholders of the Commissioners may enforce payment of arrears of interest or principal or principal and interest due on their bonds by the appointment of a judicial factor reserving to the bondholders referred to in the section of this Order whereof the marginal note is "Power to dispose of or demolish properties" their whole powers and remedies under their respective securities.

Enforce-
ment of
bonds.

(2) In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the bondholders by whom the application for a judicial factor is made shall not be less than one-tenth part of the whole amount outstanding at the time of the application for the said appointment.

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

55.—(1) If the Commissioners determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed and maintained either—

Sinking
fund.

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed

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A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three and a half per centum per annum or such other rate as a Secretary of State may from time to time allow will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Commissioners the Commissioners being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Commissioners towards the equal annual payments to the fund.

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

(5) (a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Commissioners.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Commissioners in addition to the payments provided for by this Order.

(7) If it appears to the Secretary of State or to the Commissioners at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Commissioners to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Commissioners desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Commissioners be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Commissioners may with the consent of the Secretary of State reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Commissioners be sufficient to repay the loan in respect of which it is formed within the prescribed

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A.D. 1926. — period the Commissioners may with the consent of the Secretary of State discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Commissioners may determine.

Annual
return to
Secretary of
State with
respect to
sinking
fund.

56. The treasurer of the Commissioners shall within six months after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for a sinking fund under this Order transmit to the Secretary of State a return in such form as may be prescribed by the Secretary of State and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such treasurer so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary of State as a debt to the Crown is recoverable. If it appear to the Secretary of State by any such return or otherwise that the Commissioners have failed to pay any instalment or to set apart any sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or to have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary of State may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree by either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Formation
of contin-
gency fund.

57. The Commissioners may if they think fit for the purpose of forming and maintaining a contingency fund not exceeding at any time the sum of ten 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 appropriate and set apart subject to the provisions of this Order as to 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 or shall invest the same in securities upon which trust moneys may be invested (other than securities of the harbour undertaking) until required for any of the purposes aforesaid. A.D. 1926.

58. The revenue received from rates or otherwise under this Order shall be applied for the purposes and in the order following and not otherwise :— Application of revenue.

- (1) In paying the costs of and connected with the preparation and making of this Order :
- (2) In paying any feu-duties or rates payable in respect of any land or property if any belonging to or leased by the Commissioners in connection with the harbour and in paying the expenses properly chargeable to revenue of the maintenance repair management and regulation of the harbour and of the gifted properties and of carrying into effect any powers given by this Order including the cost of borrowing money under this Order :
- (3) In paying year by year the interest on money borrowed under this Order :
- (4) In payment of the instalments as they become due in discharge of any money so borrowed and repayable by instalments and in forming a sinking fund in accordance with this Order for payment of principal moneys borrowed under this Order :
- (5) In making such payments (if any) as the Commissioners think fit into a contingency fund established under the provisions of this Order.

The surplus (if any) after providing for the purposes aforesaid shall be applied by the Commissioners in the improvement of the harbour undertaking.

59.—(1) The Commissioners shall within two months after the date to which their annual accounts are made up send a copy of the same to the Ministry of Transport. Accounts.

A.D. 1926.

(2) The Commissioners shall as from the expiration of that period 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 accounts shall be made up to the end of the eleventh day of November in each year.

LIFE-SAVING APPARATUS.

Life-saving apparatus may be attached to harbour.

60. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the harbour spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the harbour works.

Lifebuoys to be kept.

61. The Commissioners shall at all times keep at reasonable distances along the piers and quays of the harbour and in accordance with any requirements which may be made by the Board of Trade a sufficient number of lifebuoys and lines in good order and fit and ready for use. If the Commissioners fail to comply with the foregoing provision they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

MISCELLANEOUS.

Removal of stranded or sunk vessels.

62.—(1) Whenever any vessel is stranded or sunk in the harbour or in or near any approach thereto from the sea or is laid by in the harbour or neglected as unfit for sea service the Commissioners may cause that vessel to be raised or removed or to be blown up or otherwise destroyed so as to clear the harbour and its approaches therefrom.

(2) The Commissioners may cause any such vessel and the furniture tackle and apparel thereof or any part thereof respectively which shall be raised or saved and also all or any part of the cargo goods chattels or effects which may be raised or saved from any such vessel to be sold in such manner as they think fit (subject

to such notice being given of the intended sale as is prescribed by the first proviso to section 530 of the Merchant Shipping Act 1894) and out of the proceeds of sale may reimburse themselves for the expenses incurred by them under this section and also for any expenses incurred by them in marking watching lighting or otherwise controlling the vessel and shall hold the surplus (if any) of the proceeds of sale in trust for the persons entitled thereto :

Provided that the Commissioners shall before selling any such cargo goods chattels or effects as aforesaid pay all duties or levies which may be payable to His Majesty in respect of the cargo goods chattels or effects to be sold and they may retain the amount of the duties or levies so paid out of the proceeds arising from the sale of such cargo goods chattels or effects.

(3) If the proceeds of sale are insufficient to reimburse the Commissioners for the aforesaid expenses the Commissioners may recover the deficiency or in case of an appeal under subsection (4) of this section such sum as is awarded by the arbiter to be payable in respect of the deficiency from the person who at the time of the sinking or stranding of the vessel was the registered owner thereof or from the executors or administrators of such owner as a debt either summarily as a civil debt or in any court of competent jurisdiction.

(4) If on demand being made under this provision for payment of any deficiency the person on whom the demand is made is dissatisfied with the amount demanded he may within fourteen days after the receipt of the demand appeal to the Board of Trade who shall appoint an arbiter to determine and award whether any and what sum is payable in respect of the deficiency and the award of the arbiter appointed by the Board of Trade that no sum is payable or as to the sum payable as the case may be shall be conclusive and binding on both parties. The costs of the appeal and the award shall be in the absolute discretion of the arbiter and he shall award and order how those costs are to be borne and paid and any costs so awarded and ordered to be paid by either party may be recovered by the other party in the same manner as the sum payable in respect of the deficiency is recoverable under subsection (3) of this section.

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(5) The powers given to the Commissioners under subsection (1) of this section shall not be exercised if the registered owner of the vessel stranded or sunk shall within twenty-four hours after the vessel shall have been stranded or sunk take such steps as may in the opinion of the harbour-master be necessary for the raising or removal thereof and shall thenceforth continuously and diligently and to the satisfaction of the harbour-master prosecute and do all such works and things as may in the opinion of the harbour-master be necessary and proper for the raising and removal of the vessel as speedily as possible.

Saving for receiver of wreck.

63. Nothing in this Order shall have effect so as to prejudice any powers or duties of the Receiver of Wreck under Part IX. of the Merchant Shipping Act 1894.

Recovery of penalties.

64. 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 to be a special Act.

For the benefit of Government departments.

65. 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 mentioned in these sections.

Jurisdiction of magistrates.

66. The jurisdiction of the magistrates of the burgh of Stornoway within the said burgh shall extend to and include the limits of the harbour.

Crown rights.

67. Except as hereinafter expressly provided 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 Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown

Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose. A.D. 1926.
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68. Notwithstanding the provisions contained in the section of this Order of which the marginal note is "Crown rights" or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Commissioners authorised to be taken or constructed by this Order but in the event of any such right being at any time intended to be exercised sections 70 to 78 (both inclusive) of the Railways Clauses Consolidation (Scotland) Act 1845 as amended by the Mines (Working Facilities and Support) Act 1923 and the First Second and Third Schedules to such last-mentioned Act shall apply as if the same were in relation to such minerals incorporated in this Order and as if the Commission were a railway company and the said lands and works were the railway and works of such railway company and as if the Commissioners of Crown Lands were the mineowners or royalty owners as the case may be so that any compensation payable by the Commissioners to or for the benefit of His Majesty as the mineowner or royalty owner or payable to the Commissioners by His Majesty as such owner shall be payable to or by the Commissioners of Crown Lands as the case may be. Crown minerals.

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

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

KNOW ALL MEN by these presents that I Sir James Matheson of Achany and the Lews Baronet Member of Parliament for the combined counties of Ross and Cromarty heritable proprietor of

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A.D. 1926. the barony of the Lews including the burgh of barony of Stornoway and of the shores of the bay of Stornoway :

Considering that whereas there is a pier or quay at Stornoway called the Old Pier or Big Quay belonging to me which was in or about the year eighteen hundred and seventeen rebuilt by subscription and that the feuars of Stornoway are desirous to have an influential voice in the management of the said Old Pier or Big Quay and in the application of the dues collected thereat :

And whereas I am willing not only to meet their wishes in these respects by having the property and management of the said Old Pier or Big Quay effectually vested in a commission to be to a large extent chosen by the municipal authorities of the burgh of Stornoway or the feuars or parliamentary electors within the said burgh in the way and manner after mentioned which has been approved by a committee of the said feuars but also and to the satisfaction and with the approval of the said committee further with the view of and for the purpose of conferring on the said commission the means of improving and extending the harbour accommodation generally to vest in the said commission in addition to the said Old Pier or Big Quay a portion of ground and shore at the east side of the said Old Pier or Big Quay and contiguous thereto and also a large portion of ground and shore contiguous to the south side of the said Old Pier or Big Quay and extending southward therefrom to and including the Old Castle Steamers quay booking office and storehouse :

Therefore and in consideration of the feu duties for the ground and of the annual sum hereinafter termed an additional feu duty as restricted interest on a sum of eight hundred and fifty pounds sterling or thereby expended by me on the steamers quay and others hereinafter conveyed and which last mentioned annual sum of additional feu duty is to be redeemable as after declared at sixteen and two thirds of a year's purchase—

WIT YE ME to have sold alienated and in feu farm dispomed as I by these presents sell alienate and in feu farm dispone from me my heirs and successors to and in favour (First) of myself and of Donald Munro my chamberlain (as chamberlain but while and so long as he holds that office only and who shall only be competent to act as a commissioner in my absence) (Second) to and in favour of Kenneth Smith feuar and merchant Norman McIver feuar and shipowner and John Morrison feuar and merchant all residing in Stornoway three commissioners elected by the commissioners in Stornoway acting under the General Police and Improvement (Scotland) Act eighteen hundred and sixty-two (Third) to and in favour of Donald Mackenzie and Daniel McAlister both feuars and shipowners in Stornoway two commissioners nominated and appointed by me and (Fourth) to

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and in favour of Kenneth Mackenzie householder and bank agent residing in Stornoway the commissioner appointed by the sheriff of the county under the power to that effect conferred by me (with concurrence of the said committee) upon him being the seven persons who are to constitute for the current year the commission for managing the piers quays and harbour of Stornoway as after mentioned and to be hereafter called "The Stornoway Pier and Harbour Commission" and to my successors superiors of the said burgh for the time and to the chamberlain or factor of the superior for the time (but only to act in absence of the superior) and to the successors of the said several other persons before named to be appointed or to become members of said commission hereafter and to the said Stornoway Pier and Harbour Commission itself with perpetual succession so soon as the said commission shall be incorporated:

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First All and whole the vacant or lately vacant space or piece of shore ground at Stornoway lying to the east of the said pier or Big Quay and between the same and the pier to the east of said ground and opposite to the northern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie and northwards as far as in a line with the northern boundary or face of the said Old Pier or Big Quay so that the pier or quay to be formed or lately formed by filling up said vacant or lately vacant space or piece of shore ground will adjoin or does now adjoin the said pier and will be or now is in a line with said northern boundary or face of said Old Pier or Big Quay and which vacant or lately vacant space or piece of shore ground is bounded as follows viz. On the west by the said Old Pier or Big Quay along which it extends ninety-seven feet measuring from the north-east corner of said Old Pier or Big Quay southwards to a point in North Beach Street fifty-one feet distant in a straight line drawn in a westerly direction from the east front of the house belonging to me next adjoining the said Old Pier or Big Quay and presently occupied as a hotel and stores and forty-three feet six inches distant in a straight line drawn southwards from the north boundary of the said feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie on the south by a straight line extending eastwards from the point last-mentioned fifty feet six inches to a point forty feet six inches distant from the northern boundary of the said feu on the south side of North Beach Street on the east to the extent of seventy-three feet by the said pier opposite to the eastern portion of the said feu on the south side of North Beach Street and to the extent of twenty-seven feet farther north by the shore ground belonging to me but upon which there is to be or has been built a prolongation of said pier last mentioned so that the said vacant or lately vacant space or piece of ground hereby disposed will ultimately be or now is

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wholly bounded on the east by the pier last mentioned as the same is to be or now is extended and on the north by the shore ground belonging to me.

Second All and whole the pier and quay at Stornoway called the Old Pier or Big Quay lying immediately to the west of the vacant or lately vacant space or piece of shore ground last above described and above disposed and north of the house and stores belonging to me next adjoining the said Old Pier or Big Quay measuring on the east eighty-six feet along the said vacant or lately vacant space or piece of shore ground on the south fifty-one feet from the said vacant or lately vacant space or piece of shore ground to the north-east corner of the said house and stores belonging to me next adjoining the said Old Pier or Big Quay and eighty-eight feet along the north wall of the fore-said house and stores and from the north-west corner of said house and stores eighty-five feet westwards or seawards and on the west and north by the sea.

Third All and whole the ground and shore at Stornoway to the south of the said Old Pier or Big Quay and extending therefrom southwards and lying to the west of a double straight line delineated in red ink and extending from the point marked A upon a plan of the said subjects appended and signed by me as relative hereto and extending to the point marked B on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard and forty feet distant from the south-west corner of said subjects thence in a straight line in a south-easterly direction to a point marked C on said plan forty feet distant from the point marked B and thence in a direction a little more easterly to a point marked D on said plan forty-one feet distant from the point marked C where the present building used as a steamer's store and booking office adjoin the landing slip thence in a straight line nearly south to a point one hundred and eighty-eight feet distant from the point D marked E on said plan and from the said point E the shore and ground hereby conveyed is bounded on the south by a straight line to the point eighty feet distant marked F on said plan and on the west from the said point F by a straight line in a line with the west face of the present steamer's quay and one hundred and forty-five feet distant therefrom to a point marked G on said plan with the foreshore or solum seawards or to the west of the present steamer's quay and line marked B C and A and which ground includes the Old Castle Steamers quay and storehouse and booking office.

All the said three subjects lying within the town burgh and parish of Stornoway barony of the Lews and county of Ross declaring that the said three subjects above disposed are so disposed and that the foresaid descriptions thereof respectively are to be read and construed with reference to the delineation

thereof shown by the double line in red ink on the plan of that part of Stornoway before mentioned hereto subjoined and signed by me as relative hereto and no otherwise with all right possessed by me to embank and appropriate the same for harbour purposes and to levy and exact harbour dues and rates at the said piers and quays and at all other piers and quays formed or to be formed and to become vested in the said Stornoway Pier and Harbour Commission in virtue of these presents or of the powers to acquire further therein contained with all my right title and interest thereto and therein present and future direct and contingent excepting and reserving always for the purpose of being used for proper access and roadways or streets to be kept up and maintained and managed as such in the same way as other roads and streets within burgh the spaces specially described in the fourth condition of these presents hereinafter written and further reserving to me and to Thomas Reid feuar in Stornoway and to our respective successors after written special right of access as in said condition expressed as also excepting always from the said subjects all mines of gold and silver in terms of the exception in my crown grant of the barony of the Lews and hereby expressly declaring that the several subjects above described are disposed for the purposes and with the powers and under and subject to the whole conditions provisions declarations and obligations hereinafter written all and every one whereof my disponees before named forming the present Stornoway Pier and Harbour Commission by acceptance hereof for themselves and their successors forming the Stornoway Pier and Harbour Commission for the time and the Stornoway Pier and Harbour Commission itself in all time to come shall by acceptance hereof be expressly held as a Commission to have adopted and become bound as a Commission to fulfil in every particular and which purposes conditions powers provisions declarations and obligations are as follows:—

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First The said subjects shall be held by my said disponees as the persons constituting for the current year a commission or board to be called "The Stornoway Pier and Harbour Commission" as after provided and by their successors appointed as after mentioned forming the Stornoway Pier and Harbour Commission for the time for the purposes of managing the said piers quays and harbour now existing and all extensions or enlargements that may be made by them on the subjects hereby conveyed or any other piers and quays that they may acquire in virtue of the powers hereinafter conferred and for the purposes of improving and extending the accommodation for trading shipping and fisheries and with power to levy such dues thereat as they may legally be entitled or may be authorised to exact and

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with power to appoint committees of their own number and to appoint clerks collectors harbour masters pier keepers and all other officers necessary for the proper management of the said piers quays and harbour and to make and enforce all such rules and regulations for the management of said piers quays and harbour and the use thereof as they may be legally entitled or may be authorised to make and enforce and with full power if they so think fit to take all steps under the existing or any future General Pier and Harbour Acts for enabling them to take advantage thereof in all respects and with power if they find it necessary to apply for a special Act of Parliament for the better management and improvement of the said piers quays and harbour Provided always that in the latter event the said Act shall be applied for with my consent or with the consent of the superior for the time and that such special Act shall be carried through by my agent or the agent of the superior for the time all parties interested getting an opportunity of being heard for their interests in the usual manner and generally with power to do all and whatsoever I could have legally done had I not granted these presents except in so far as their powers are qualified or limited by the terms hereof :

Second The parties before named other than myself and my chamberlain shall hold office until the first Tuesday of the month of May eighteen hundred and sixty-five that is they shall cease to hold office at the end of the first Monday of May and their successors appointed in their place shall enter on office upon the first Tuesday of May eighteen hundred and sixty-five and in like manner the Commissioners named and appointed in their place shall hold office for one year from the said first Tuesday of the month of May in the year of their appointment to the end of the first Monday in the same month in the following year and so forth in all time to come that is the said six Commissioners to be appointed annually shall hold office for one year and no longer it being nevertheless hereby declared that any or all of such Commissioners may be annually re-elected or re-appointed as often as the parties entitled to elect them may think fit :

Third The said Commission shall in all time to come consist and be composed of seven acting members videlicet :—

(First) Of the superior of the burgh of Stornoway and his chamberlain for the time the one in the absence of the other declaring that the superior for

the time and his chamberlain shall be permanent Commissioners but the one only to be capable of acting in the absence of the other and the superior of Stornoway or his chamberlain for the time shall when present be chairman of the Commission with an original or individual and also in case of an equality of votes with a casting vote; A.D. 1926.

(Second) Of three Commissioners to be annually chosen at some time during the month of April by the Commissioners in Stornoway acting under the General Police and Improvement (Scotland) Act eighteen hundred and sixty-two or other general or local Act under which municipal elections shall from time to time fall to be made and shall be made from among the said Municipal Commissioners themselves the three members to be chosen being always feuars within said burgh and each of them owners of property therein of ten pounds or upwards of annual value (as evidenced by the valuation roll of the county or for the district of the Lews for the time) and resident in or near Stornoway and in case there shall not at any time exist such statutory Commissioners for municipal purposes then the said three members of the Stornoway Pier and Harbour Commission shall be chosen by the persons within the burgh of Stornoway entitled to vote in the election of members of Parliament (as evidenced by the roll of parliamentary electors for the time) such three Commissioners so elected being always feuars and each of them owners of property within the burgh of Stornoway of the annual value of ten pounds or upwards (to be evidenced as aforesaid) and resident in or near Stornoway and this at a meeting of the parliamentary electors within the burgh of Stornoway to be called by the chairman of the Stornoway Pier and Harbour Commission or in his absence by any three members of said Commission by a printed or written notice to be posted in at least six public places in the town of Stornoway fourteen days previous to the day of election or on such notice as may be prescribed by any byelaws or rules to be framed by the Stornoway Pier and Harbour Commission for regulating the calling of such meetings with the view to the election of members full power to make such byelaws and regulations being hereby specially conferred on the said Commission;

(Third) Of two Commissioners to be annually nominated on or before the first Monday of the

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month of May by me or the superior of Stornoway for the time from among the resident feuars within the burgh each being an owner of property therein of the annual value of ten pounds or upwards (to be evidenced as aforesaid) or qualified to vote in the election for members of Parliament (to be evidenced as aforesaid);

(Fourth) Of one Commissioner to be annually nominated by the sheriff of the county for the time from among the feuars owners of property within the said burgh of the annual value of ten pounds or upwards (to be evidenced as aforesaid) or from among persons within the said burgh qualified to vote for members of Parliament (to be evidenced as aforesaid) or from among the householders of the said burgh occupying houses of the value of ten pounds or upwards (to be evidenced as aforesaid).

Fourth The said Stornoway Pier and Harbour Commission shall be bound in case the site of the Old Castle included in the subjects third above disposed shall be built over but if I or my foresaids so require only to denote the central part of said Old Castle as now existing by preserving a proper and marked portion of the same or in my option by a proper pillar or designating mark being placed so as to denote the site of such central part and subject to the approval of me and my successors the said site may be further denoted by a flagstaff or signal post placed on the portion preserved or on the pillar or designating mark substituted therefor and the said Stornoway Pier and Harbour Commission shall be bound to leave at all times between the portion of the Old Pier or Big Quay above disposed to be occupied for proper pier or quay purposes or for curing ground and the houses or buildings belonging to me ex adverso a sufficient space of not less than twenty-five feet for the free and convenient access of the public and others requiring and using such access and when the proposed extension of pier or quay and new steamers quay is formed there shall be at all times left by the said Stornoway Pier and Harbour Commission between the portion of such extended pier or quay to be used for proper pier or quay purposes or for curing purposes or curing ground and the houses and yards presently belonging to me and the said Thomas Reid ex adverso of said extended pier or quay a free space next adjacent to the said houses on the west of not less than twenty-five feet in breadth measuring from the north-west corner of the house and stores belonging to me next adjoining the aforesaid Old Pier or Big Quay to the south-west corner of the property belonging to the said Thomas Reid and from this last-mentioned south-west corner of Thomas Reid's

property a free space of not less than twenty-five feet to the west of the same straight line prolonged southwards to the point marked B on said plan in a line with the front or south wall of the property belonging to me called Tolmies store and yard and forty feet distant from the south-west corner of said property all for the purpose of affording free and convenient access and roadway or street for the use of the public and others to and from the piers and quays erected and to be erected as aforesaid declaring that the right to use the said spaces for roadways or streets is hereby reserved as fully and completely as if the solum thereof had not with reference to the better carrying out of the objects of these presents been conveyed by me to the said Harbour Commission and that the said spaces are not to be held either as regards surface or solum any part of the subjects for which feu duty is payable by the said Harbour and Pier Commission reserving always to me and the said Thomas Reid and our respective successors and our and their tenants occupying the aforesaid houses and yards ex adverso of the said extended pier or quay a free space and convenient access to and from the said houses and yards and the sea front of said extended pier or quay but without prejudice to the said Stornoway Pier and Harbour Commission to exact and levy from me and the said Thomas Reid and our respective successors and our and their tenants in the said houses and yards using the said pier erected or to be erected on the said vacant or lately vacant space to the east of the Old Pier or Big Quay the said Old Pier or Big Quay and the Steamers Quay and also the piers or quays to be formed ex adverso on the west of their said properties in Esplanade Row when but not until such last-mentioned piers or quays are formed such dues for the use thereof as they may legally exact and levy from others using the same.

Fifth It is hereby provided and declared that the said Stornoway Pier and Harbour Commission shall not and by acceptance of these presents they bind and oblige themselves that they shall not erect or form upon the piers or quays hereby disposed or on the piers or quays to be formed on the portions of ground and shores hereby disposed or on the piers or quays to be afterwards acquired or to be formed on ground to be afterwards acquired by the said Commission any sheds storehouses or other erections whatever whether of a temporary or permanent nature and whether of stone or of brick iron or wood or other material nor to project any stages gangways or platforms from said piers or quays into the sea in any direction except with the express consent in writing of me or the superior for the time and subject to such conditions as to removal or otherwise as I or the superior for the time may see fit to impose in the event of our giving such consents as conditions thereof And it is hereby further provided and the said Stornoway Pier and Harbour Commission by acceptance hereof expressly consent and agree

A.D. 1926: that in case the said Commission shall in breach of their aforesaid undertaking make erections of any sort on the piers or quays hereby disposed or those to be formed by them on the ground or shore hereby ceded or piers or quays to be afterwards acquired or to be formed on ground to be afterwards acquired or shall project stages gangways or platforms therefrom into the sea without the written consent of me or of the superior for the time or in case of any failure on their part to observe or fulfil any conditions subject to which consent to make erections may have been given by me or the superior for the time then and in any of these cases it shall be lawful to me or the superior for the time at our own hands and without any proceeding at law or judicial warrant to remove all such erections whether the same be of a permanent or temporary character and whether of wood or any more enduring material and all stages gangways or platforms projected from the said piers or quays into the sea and the said Stornoway Pier and Harbour Commission by acceptance hereof oblige themselves to pay to me or to the superior for the time the costs incurred by us in obtaining the removal of all erections made by them without written consent or maintained contrary to the conditions on which such consent may have been given including the cost of any judicial proceedings that may be resorted to by me or the superior for the time in order to obtain such removal should we see fit ob majorem cautelam to adopt such.

Sixth When the proposed extension and improvement at the Steamers Pier and Old Castle are effected the said Stornoway Pier and Harbour Commission shall as soon thereafter as they conveniently can remove the present storehouse at the Steamers Quay and shall thereupon be bound to erect a new storehouse in a position suited to the altered circumstances of the quay and the position character and elevation of such new store or warehouse to be erected as aforesaid shall always be subject to my approval or to the approval of the superior for the time And there shall be reserved and set apart for the free use of myself and the superior for the time in the storehouse or warehouse to be erected instead of the existing storehouse at the Steamers Quay an apartment of not less than twenty feet in length and twelve feet in breadth of which I and the superior for the time shall have exclusive possession and be entitled to keep at all times locked and in the meantime I retain right to take the free use of the existing storehouse in so far as necessary for my proper accommodation.

Seventh Providing and declaring as it is hereby provided and declared that these presents are granted with and under the burden of the current agreement between the Messrs. Hutcheson & Co. Glasgow and me (which the Stornoway Pier and Harbour Commission shall be bound to recognise and give

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effect to) by which they are secured the use as for one year from the term of Whitsunday eighteen hundred and sixty-three of the said store at the Steamers Quay and a preferable right to the use and accommodation of that quay for their steam-boats and the loading and unloading with all proper use of the adjuncts and free access thereto as also the said Stornoway Pier and Harbour Commission become bound by acceptance thereof that aye and until proper and better accommodation for steam boat traffic is substituted for the present and capable of being used in place thereof the Messrs. Hutcheson shall have a preferable right to be afforded the accommodation they presently enjoy upon fair and reasonable terms and in case of difference of opinion the payments to be made by them for such interim accommodation being to be determined by me.

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Eighth In the event of failure in any year of me or of the superior for the time or of the municipal commissioners or parliamentary electors or of the sheriff to nominate Commissioners or a Commissioner or in the event of any member of the said Stornoway Pier and Harbour Commission dying resigning or becoming disqualified or incapable of acting or refusing to act the other members of the said Commission shall have power to name one or more Commissioners to fill such vacancies for the year and three members of the said Commission shall be a quorum and the acts of such quorum shall always be valid and effectual.

Ninth The Stornoway Pier and Harbour Commission shall meet annually on the first Tuesday of May and shall have power to adjourn their meetings from time to time as they may think fit due notice of such adjournments being always given by the clerk to all members not present at the meetings at which the adjournments are made and the superior or chamberlain as chairman shall be entitled to call a meeting of the Commissioners whenever they may deem it necessary and shall at all times be bound on a requisition to that effect signed by two members of the Commission to convene meetings of the Commission and in case of the refusal of the chairman to call a meeting when so required or in case of the absence from the island of the superior and chamberlain a meeting may be called by any three members of the Commission on a notice of fourteen days such notice always setting forth the object of and business requiring to be transacted at such meeting.

Tenth At the first meeting or at any subsequent meeting or meetings as may be found convenient the said Commission shall frame rules and regulations for the conduct of the business of the Commission and general management of the piers quays harbours works and harbour vested in them in so far consistent with the several pier and harbour statutes and in case of any difference of opinion in regard thereto the same shall be referred

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A.D. 1926. to two law agents in Edinburgh the one to be named by the superior and the other to be named by members differing in the opinion from him.

Eleventh The said Stornoway Pier and Harbour Commission shall keep a full and distinct register of their proceedings and distinct accounts of all revenue received by them for and in respect of the use of the piers quays harbours warehouses and grounds hereby transferred to them or which may be hereafter acquired by them and for and in respect of any erections to be hereafter made by them on the ground and shore above conveyed and of any erections and any ground hereafter acquired by them as in extension of pier and harbour accommodation and to that end and without prejudice to the general power before given to them and obligation by these presents placed on them to appoint all officers necessary for properly carrying out the objects of the Commission the said Stornoway Pier and Harbour Commission shall be bound at their first meeting or if then not convenient at a meeting to be held not later than three months thereafter to appoint a competent person to be clerk and the same or other competent person may be treasurer and collector to the Commission with suitable remuneration and it is hereby (without prejudice to the power of the said Commission to confer on the said officials other duties and more exactly to define their duties) declared that it shall be the duty of the clerk to attend all meetings of Commission and of committees of Commission and to take and frame proper minutes of the proceedings at such meetings and if required to frame reports of committees and when the same have been confirmed to engross them in a register to be kept of the minutes and proceedings of the Commission as also to record in the said register all other writings necessary or calculated fully and distinctly to show and preserve evidence of the whole actings and transactions of the Commission and it shall be the duty of the clerk to conduct the correspondence of the Commission and duly to file and preserve all letters received on the business of the Commission and duly to record in letter books to be kept for that purpose all letters written by him on the business of the Commission alike those written under the direct authority of the Commissioners as letters written by him in the ordinary conduct of its business and which letter books shall for ease of reference be duly indexed by the clerk and it shall be the duty of the treasurer to keep an exact account of all sums in the shape of revenue received by him on behalf of the Commission and to pay the whole thereof from time to time into a bank account to be kept in the name of the Commission to be termed "revenue account" and to be operated upon by cheques signed by the chairman and treasurer under authority therefor to be given by the Commission and an exact account of all payments made by him on behalf of the Commission and as out of the revenue bank account and which payments shall not

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be made by him out of revenue directly received but from money to be from time to time specially drawn from the said bank account by the Commission and placed in his hands for the purpose of such payments and the treasurer shall in like manner keep an account of all moneys received by him as from loans or otherwise towards the extension and improvement of the pier quay and harbour accommodation which shall be paid wholly into a separate bank account to be kept in name of the Commission to be termed "improvement account" and to be operated upon as in the case of the other account and he shall keep a distinct account of all payments made by him out of said moneys to be drawn and placed in his hands for that purpose and the treasurer shall at the first meeting of Commission that may be held not sooner than one month after the term of Martinmas yearly make and exhibit to the Commission a distinct account of revenue or income and expenditure thereout for the year terminating at such term and showing the sources from which the various items of revenue are derived and the several objects to which the expenditure thereout has been applied and the excess of the one over the other and in like manner he shall at the same time make out and exhibit along with the said account of revenue another account of loans (if any such have been received) showing the amounts and from whence derived and the several objects for which any payments thereout have been made and which several accounts the Commission shall themselves or by others examine and on being satisfied that the same are in all respects correctly stated and duly vouched they shall docket the same as accurate and approved and they shall be engrossed by the clerk in the register of proceedings before directed to be kept by the clerk to the Commission as aforesaid declaring however hereby that although separate bank accounts as for revenue and as for loans for improvements are to be kept yet it is not therefore meant that the said Commission shall not have full power to apply money derived from revenue to the improvement and extension of the pier quay and harbour accommodation but the said Commission shall on the contrary have full power to draw out of the revenue account and pay into the improvement account to be employed towards improvements and extension of the pier quay and harbour accommodation such sums as from time to time the said Commission may think right and to apply the same accordingly.

Twelfth The Stornoway Pier and Harbour Commission shall in so far as not already done immediately fill up and form into a pier or quay according to a plan to be approved by them or by the provisional committee after mentioned the vacant or lately vacant space or piece of shore ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie being the piece of shore ground first

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A.D. 1926. — above conveyed the cost of such operations being in so far as not falling to be borne by others defrayed out of the fund after mentioned.

Thirteenth The Stornoway Pier and Harbour Commission shall with as little delay as may be take the necessary steps under the several pier and harbour statutes or otherwise in their discretion for incorporating the said Commission and for obtaining power to enable them to levy such dues and rates as may be necessary for executing such works as may be deemed expedient and generally to obtain themselves as an incorporated body vested with such powers as may be proper to enable them to improve and extend the pier quay and harbour accommodation at Stornoway by obtaining the consent of the Board of Trade or other competent authority to extend the same seaward over the shore between the Old Pier or Big Quay and the Old Castle including therein the present pier called the Steamers Pier with the view and for the purpose and to the effect of providing enlarged space for the accommodation of shipping traders fish curers and fishermen and also proper and permanent pier quay and harbour accommodation for steam vessels and also for raising funds for the purposes agreed on by means of loans from the Public Works Commissioners or otherwise hereby declaring that I or the superior for the time shall be bound upon the said Commission becoming incorporated to grant all or any deeds deemed necessary for fully and completely vesting the Commission as a corporation in the subjects hereby disposed but in conformity always with these presents and my rights under the same.

Fourteenth Providing and declaring as it is hereby expressly provided and declared that in case the said Stornoway Pier and Harbour Commission shall not have raised or at least secured the obtaining of the funds (not less than two thousand five hundred pounds sterling) necessary to enable them to provide better accommodation within the space of three years from their first meeting then and in that case the subjects first and third above conveyed shall (in my option to be declared in a writing to be addressed to the said Commission and delivered at the usual place of meeting of the said Commission to the said Commission or to their clerk) revert to me and my heirs and successors and shall from the expiry of that period cease to belong to the Stornoway Pier and Harbour Commission and this present deed in so far as regards the subjects first and third above conveyed and all relative conditions shall become void and the said Stornoway Pier and Harbour Commission shall be bound to grant to me a reconveyance of the said subjects and a discharge of all claims any way competent to them in relation thereto under these presents and I shall be entitled failing their so doing to pursue declarators of extinction of rights denuding &c. or other apt action before the court of session in which it shall be sufficient

to call the persons appointed members of said Stornoway Pier and Harbour Commission last before the date of raising said action for establishing my right to the said subjects and denuding the said Commission thereof with conclusions for having the said subjects disburdened of all claim at the instance of the said Stornoway Pier and Harbour Commission and for the recording of the decree to be pronounced in the register of sasines as for my reinvestiture in the said subjects and for publication in case I or the superior for the time may prefer that course to compelling the said Commission by action to reconvey and such decree when recorded in the register of sasines shall have all the effect of a recorded conveyance of the subjects first and third above disposed and form a complete reinvestiture of the superior therein and a full discharge thereof from all and every claim at the instance of the said Commissioners who shall from the date of any reconveyance by them or decree obtained by the superior under this provision be freed and relieved of the feu duties of fifteen shillings and ten pounds and additional feu duty of thirty pounds hereby stipulated to be paid for the said subjects first and third above disposed respectively excepting always any arrears for former years and the proportions for the period between the date of reconveyance or the decree and the term of Whitsunday preceding all which shall remain entire to the superior and capable of exaction by him from the said Commission.

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Fifteenth The amount of rents and dues formerly collected at and for the Old Pier or Big Quay presently deposited in the National Bank of Scotland at Stornoway and amounting as at twenty-third February eighteen hundred and sixty-three to the sum of two hundred and fifty-nine pounds nine shillings and fivepence besides interest at the rates allowed by the bank from the first day of November eighteen hundred and sixty-two with the bank interest that shall have since accrued thereon shall be transferred to the name of the Stornoway Pier and Harbour Commission and shall be at their disposal for the objects of the Commission and the bank account therefor shall be operated on by cheques signed by the superior or chamberlain as chairman of the Commission and by the person appointed and acting as clerk or treasurer of said Commission under and in terms of authority by the said Commission from time to time given to sign such cheques and the sum now in bank as aforesaid shall be primarily applied to defraying the costs on both sides of taking out of court an action of declarator at my instance presently pending in the court of session against the said Kenneth Smith and certain other parties at Stornoway and extracting the decree therein and the costs on both sides of these presents and of recording the same and thereby or otherwise duly vesting my disponees in the said subjects and in the second place in defraying the cost of filling up the vacant or lately vacant space or piece of shore-ground between the Old Pier or Big Quay and

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the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie under the obligation to do so above placed on my disponees.

Sixteenth To facilitate the raising of the funds that may be necessary for the improvement and extension of the piers quays and harbour I hereby agree that if requisite I will postpone the sum of thirty pounds of additional feu duty in respect of the subjects third above disposed being the proportion of additional feu duty fixed upon as a yearly return as in place of restricted interest on the outlay made by me on the subject third above disposed to the payment of the annual sum which it may become necessary for the Commission to pay in respect of the money to be borrowed by them for such improvement and extension it being however hereby stipulated that in case the revenue of the piers quays and harbour shall be insufficient to meet the cost of management the ground feu duties of fifteen shillings three pounds and ten pounds the annual payment to the Public Works Loan Commissioners or other parties advancing money for the improvement or extension of the piers quays and harbour on the security thereof and the said sum of thirty pounds of additional feu duty then the last-mentioned sum of thirty pounds of additional feu duty shall only be postponed until funds become available for its payment when it shall be paid with interest.

Seventeenth In respect that it was not found convenient to form the said Stornoway Pier and Harbour Commission by the execution of these presents at an earlier period And whereas the said Kenneth Smith Norman MacIver John Morrison and the said Donald Munro my chamberlain have been acting as a provisional committee with the view of filling up the vacant or lately vacant space or piece of shore ground between the Old Pier or Big Quay and the pier opposite to the eastern portion of the feu on the south side of North Beach Street that belonged to the late Daniel Lewis Mackenzie regulating the portions of the same and of the said Old Pier or Big Quay to be let for herring curing purposes appointing a harbour master and otherwise performing certain of the duties hereby devolved upon the Stornoway Pier and Harbour Commission the said Commission shall adopt recognise and give effect in all respects to the actings of the said provisional committee and shall relieve the said committee of all outlays made and obligations undertaken by them in their actings as a provisional committee on their duly accounting for all sums received by them for and in respect of the said Old Pier or Big Quay or other of the subjects above disposed and dues leviabie thereat.

Eighteenth The whole foregoing purposes powers conditions provisions declarations and obligations with this eighteenth provision itself and the tenendas and reddendo clauses after

written with the clause allowing partial redemption of the said additional feu duty of thirty pounds in place of restricted interest on outlay (unless such redemption has been made or until it be fully made) shall be made real burdens on the subjects above conveyed respectively by the recording of these presents or of a notarial instrument containing the said purposes powers conditions provisions declarations obligations and clauses in the general or particular register of sasines within three months from the date hereof and the said purposes powers conditions provisions declarations obligations and clauses shall be repeated or competently referred to in all future deeds transmitting or vesting the said subjects all under the pain of nullity in case of the non due recording of these presents or of a notarial instrument in the requisite form and containing as aforesaid or of the omission from future deeds of transmission or investiture of the said purposes powers conditions provisions declarations obligations and clauses or competent and equivalent references thereto but declaring as it is hereby specially provided and declared that any alteration on or addition to the conditions and provisions herein contained which may be made by the Board of Trade or other competent authority under the application to be made for power and authority to such Commission or that may be made by Parliament shall be held to be part and parcel of these presents and shall control and limit or extend as the case may be the terms and conditions hereof and the rights hereby granted or intended to be granted in the same way as if such alterations and additions had been herein engrossed without prejudice to and always reserving entire my rights as superior and payments due to me under these presents as such superior.

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With entry to the said subjects as at the term of Whitsunday 1864 To be holden the said several subjects above disposed by the said present members of the Stornoway Pier and Harbour Commission above named and their successors forming the said Commission for the time and by the said Stornoway Pier and Harbour Commission itself of and under me and my successors as superiors of the same in feu farm fee and heritage for ever.

Giving therefor yearly the said Stornoway Pier and Harbour Commission to me and my aforesaid as follows videlicet For the subjects first above disposed the sum of fifteen shillings sterling of feu duty for the subjects second above disposed the sum of three pounds sterling of feu duty and for the subjects third above disposed the sum of ten pounds sterling of feu duty as for the ground thereof and the farther sum of thirty pounds sterling of additional feu duty as in the place of restricted interest on the sum of eight hundred and fifty pounds sterling or thereby expended by me upon the said subject third above disposed (redeemable the said additional feu duty of thirty pounds as after mentioned) beginning the first payment of said feu duties of

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of six pounds or one fifth of said feu duty of thirty pounds sterling. A.D. 1926.

And I assign the writs but to the effect only of maintaining and defending the above-named members of the Stornoway Pier and Harbour Commission and their successors forming the said Stornoway Pier and Harbour Commission and the said Stornoway Pier and Harbour Commission itself in the right of the lands and others hereby disposed and for that purpose I oblige myself and my foresaids to make the same forthcoming to the said Stornoway Pier and Harbour Commission at their expense on all necessary occasions on a receipt and obligation to re-deliver the same within a reasonable time and under a suitable penalty and I assign the rents dues and rates proper to the subjects hereby disposed and I oblige myself to free and relieve the said Stornoway Pier and Harbour Commission of all feu duties casualties and public burdens due at and previous to entry and I grant warrandice of the said subjects and of the rents and dues leviabie therefrom but as regards the shore to the extent only to which in law I have right to use the same under my grant thereof from the Crown or otherwise and as regards the rents and dues to the extent only to which I have right to exact and levy the same and I consent to registration hereof for preservation and also to registration in the general or particular register of sasines as for investiture and publication.

In witness whereof I have subscribed these presents written on this and the twenty-nine preceding pages of stamped vellum by Thomas Gilbert clerk to Messrs. Cheyne and Stuart writers to the Signet Edinburgh (the word "Scotland" having been previously interlined to read as the sixth word of the nineteenth line of page second the words "to a point" to read as the tenth eleventh and twelfth words of the twenty-third line of page fifth the words "the revenue of" to read as the fifth sixth and seventh words of the thirty-second line of page twenty-fourth and the word "duly" as the seventh word of the thirtieth line of page twenty-fifth and the word "same" having on the fourteenth line of page twenty-first been previously partly written on an erasure also the word "time" having been previously interlined to read as the seventh word of the fourth line of page twenty-fourth and the word "harbour" on the thirty-first line of page first having been previously deleted) at Lews Castle Stornoway the ninth day of August eighteen hundred and sixty-four years before these witnesses William Edward Martin my butler and Thomas Mackay my piper both residing at Lews Castle.

(Signed) JAMES MATHESON.

(Signed) W. E. MARTIN Witness.

(Signed) T. MCKAY Witness.

Registered in the particular register of sasines for Inverness &c. the first day of October eighteen hundred and sixty-four.

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THE SECOND SCHEDULE.

LIST OF PROPERTIES in or near the town of Stornoway in the parish of Stornoway and county of Ross and Cromarty gifted by Viscount Leverhulme to the Stornoway Pier and Harbour Commission.

1. The subjects with the buildings thereon now known as 33 to 37 South Beach Street Stornoway comprising (First) That area or piece of ground extending to 897 square yards or thereby bounded on the south-west by South Beach Street and on the south by James Street together with the buildings thereon being the subjects described in the first place (first) in the feu charter by the Lewis and Harris Welfare and Development Company Limited with consent of the said Viscount Leverhulme in favour of the Stornoway Pier and Harbour Commission dated the twenty-fourth day of January and recorded in the division of the general register of sasines applicable to the county of Ross and Cromarty on the ninth day of May both in the year nineteen hundred and twenty-four and (second) That area or piece of ground extending to 780 $\frac{1}{2}$ square yards or thereby bounded on the south by James Street and on the west by the area or piece of ground first above described together with the buildings thereon being the subjects described in the first place (Second) in the said feu charter.

2. That area or piece of ground containing 792 square yards or thereby in the town of Stornoway together with the buildings thereon now known as 3 Newton Street bounded on the south by Newton Street and on the north by Kipper Road together with the buildings thereon being the subjects described in the second place in the said feu charter.

3. That area or piece of ground in the town of Stornoway containing 569 $\frac{1}{2}$ square yards bounded on the south-west by Inaclete South Beach Street along which it extends 40 feet together with the buildings thereon now known as 20 Newton Street situated at Inaclete of Stornoway being the subjects described in the third place in the said feu charter.

4. That area or piece of ground at Newton in the town of Stornoway containing 2,523 square yards 5 square feet or thereby with the buildings thereon now known as 43 Newton Street bounded on the north by Seaview Terrace and on the west by the foreshore being the subjects described in the fourth place in the said feu charter.

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5. That area or piece of ground containing 127 square yards or thereby situated at Imarsligach in the town of Stornoway together with the buildings thereon now known as 41 South Beach Street being the subjects described in the fifth place in the said feu charter.

6. That area or piece of ground in the town of Stornoway together with the buildings thereon now known as 40 South Beach Street bounded on the south by the road leading along Imarsligach and extending along the same 31 feet being the subjects described in the sixth place in the said feu charter.

7. That piece of land in the town of Stornoway containing 482 square yards or thereby together with the buildings thereon now known as 7 South Beach Street 4 Castle Street and 19 Point Street being the subjects described in the seventh place in the said feu charter.

8. That area or piece of ground in the town of Stornoway containing 632·90 square yards or thereby together with the buildings thereon known as 4 South Beach Street 1 3 and 5 Quay Lane and 5 to 11 Point Street being the subjects described in the eighth place in the said feu charter.

9. That area or piece of ground in the town of Stornoway containing 836·33 square yards together with the buildings thereon known as Esplanade Road 3 and 5 Point Street 2 to 8 Quay Lane and 1 to 3 South Beach Street being the subjects described in the ninth place in the said feu charter.

10. The subjects known as 2 to 5 North Beach Street 10 to 16 Quay Street 2 to 4 Point Street and Esplanade Road Stornoway comprising (first) that lot or piece of land in the town of Stornoway containing 985 square ells or thereby bounded by Point Street on the south together with the buildings thereon being the subjects described in the tenth place (first) in the said feu charter and (second) that lot or piece of land in the town of Stornoway on the point of Stornoway commonly called Custom House or Point Lot bounded in front by the lane called the Custom House Lane together with the buildings thereon and the stone stair on the north boundary containing 5 square yards 7 feet 5 inches or thereby being the subjects described in the tenth place (second) in the said feu charter.

11. (First) That lot or piece of ground in the town of Stornoway comprising 860 square ells or thereby together with the buildings thereon now known as 13 14 15 and 16 North Beach Street and 24 and 26 Point Street bounded on the front by the North Beach extending to 31 ells being the subjects described in the eleventh place (first) in the said feu charter and (second) that lot or piece of land in the town of Stornoway together with the buildings thereon now known as 12 North Beach Street

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13 to 19 Castle Street and 12 to 16 Point Street bounded in front by the North Beach extending to $15\frac{1}{2}$ ells being the subjects described in the eleventh place (second) in the said feu charter but excepting from said subjects the piece of ground and others disposed by Alexander Clark with consent of Miss Margaret Macpherson to the Stornoway Pier and Harbour Commission conform to disposition dated twenty-eighth day of February and the fifteenth day of May and recorded in the division of the general register of sasines applicable to the county of Ross and Cromarty the twenty-eighth day of September all in the year eighteen hundred and ninety-one.

12. That area or piece of ground containing 594 square yards or thereby situated in Inaclete of Stornoway together with the buildings thereon now known as 19 Newton Street bounded on the south by Inaclete Street (now called Newton Street) along which it extends 41 feet being the subjects described in the twelfth place in the said feu charter.

13. That area or piece of ground extending to 2,141.32 square yards or thereby in the burgh of Stornoway together with the buildings thereon bounded on the south-west by the South Beach Quay along which it extends 103 feet 4 inches or thereby all as delineated and coloured red on the sketch or plan annexed and signed as relative to disposition by Samuel Albany Newall in favour of the Lewis and Harris Welfare and Development Company Limited dated the twenty-ninth day of August and recorded in the division of the general register of sasines applicable to the county of Ross and Cromarty on the fourteenth day of September both in the year nineteen hundred and twenty-three Together with the permanent servitude right of foot passage therein specified being the subjects particularly described in the disposition by Lewis and Harris Welfare and Development Company Limited with consent of Viscount Leverhulme in favour of the Stornoway Pier and Harbour Commission dated the fourth day of February and recorded in the division of the general register of sasines applicable to the county of Ross and Cromarty on the ninth day of May both in the year nineteen hundred and twenty-four.

14. (First) That area or piece of ground at the seashore on that part of the Island of Lewis near Stornoway called Inaclete Point extending to 1 acre 2 roods and 10 poles or thereby Imperial measure bounded on the south by the sea along which it extends 206 feet 4 inches or thereby together with the whole buildings and erections thereon and (second) that area or piece of ground at the seashore on that part of the Island of Lewis near Stornoway called Inaclete Point extending to 7 acres 1,938 square yards or thereby with the buildings thereon bounded on the north by Seaview Terrace along which it extends 566 feet 9 inches or thereby as the said last mentioned area or piece of ground is

delineated and coloured red on the plan annexed and docqueted and signed as relative to the disposition immediately after-mentioned the subjects first and second herein described being the subjects particularly described in the first and second places in the disposition by Lewis and Harris Welfare and Development Company Limited with consent of Viscount Leverhulme in favour of the Stornoway Pier and Harbour Commission dated the seventh day of March and recorded in the division of the general register of sasines applicable to the county of Ross and Cromarty on the ninth day of May both in the year nineteen hundred and twenty-four. A.D. 1926.

15. That piece of land in the town of Stornoway bounded on the south by the south beach of Stornoway along which it extends 47 feet 9 inches with the buildings thereon being the subjects described in the disposition by Mrs. Donaldina Murray or Macleod and another as trustees of the late Murdo Macleod with consent of Viscount Leverhulme in favour of the Stornoway Pier and Harbour Commission dated the twenty-sixth and twenty-eighth days of November and recorded in the division of the general register of sasines applicable to the county of Ross and Cromarty on the third day of December all in the year nineteen hundred and twenty-three.

THE THIRD SCHEDULE.

I.—RATES ON VESSELS (OTHER THAN VESSELS ENGAGED IN HERRING OR WHITE FISHING) ENTERING OR USING THE HARBOUR TO LOAD OR UNLOAD.

	£	s.	d.
For every vessel loading cargo for foreign port per registered ton - - - - -	0	0	8
For every vessel discharging cargo from foreign port per registered ton - - - - -	0	0	8
For every vessel loading cargo for any port within Great Britain Ireland Isle of Man and Channel Islands per registered ton - - - - -	0	0	4
For every vessel discharging cargo from any port within Great Britain Ireland Isle of Man and Channel Islands per registered ton - - - - -	0	0	4
For every vessel laid up for wintering per month per registered ton (and in proportion for a shorter or longer period) - - - - -	0	0	2

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	£	s.	d.
For every loaded vessel which shall use any quay or landing place without discharging or loading per registered ton per fortnight (and in the same proportion per ton for every fortnight or part of a fortnight after the first fortnight) - - - - -	0	0	2
For every vessel light or in ballast and departing in ballast using any of the quays or landing places per registered ton - - - - -	0	0	2
For every boat or undecked or unregistered vessel using any quay or landing place loading cargo - - - - -	0	2	0
For every boat or undecked or unregistered vessel using any quay or landing place discharging cargo - - - - -	0	2	0
For every vessel including yachts or pleasure vessels coaling per registered ton - - - - -	0	0	4
For every vessel discharging cargo or loading cargo for any part of Lewis per registered ton - - - - -	0	0	2
For every vessel which may be moored within a line from the Old Castle to Ard Point or Aird-a-Chelirich for repairs—			
For six days or any shorter period per registered ton	0	0	2
For any longer period than six days per registered ton - - - - -	0	0	4

II.—RATES FOR VESSELS ENGAGED IN HERRING OR WHITE FISHING.

For every vessel or boat engaged in herring fishing at the Lews in any of the following fishing seasons as a composition in full rates for such vessel or boat for the period of any such fishing season payable in advance viz. :—

From 1st May to 31st July - - - - -	2	0	0
From 1st August to 31st December - - - - -	2	0	0
From 1st January to 30th April - - - - -	2	0	0
For every vessel or boat engaged in herring fishing as aforesaid for which the said composition shall not have been paid in any fishing season to be defined as above mentioned on each occasion of such vessel or boat entering the harbour in such season - - - - -	0	5	0
For every herring fishing vessel or boat not engaged in herring fishing as aforesaid entering the harbour and discharging herrings on each occasion of such vessel so entering the harbour - - - - -	0	5	0

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For every vessel or boat engaged in the white fishery and entering the harbour on each occasion of so entering—

If not exceeding the burden of thirty tons 0 2 6

If exceeding the burden of thirty tons per registered ton 0 0 2

For every herring vessel or boat wintering or laying up alongside a quay per month 0 5 0

III.—RATES ON ANIMALS AND GOODS SHIPPED OR UNSHIPED WITHIN THE LIMITS OF THE HARBOUR.

Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Acids in carboys	per ton	0	3	9
Aerated and mineral waters in bottle	per gross	0	1	6
Alkali	per ton	0	3	9
Alkali black	per ton	0	2	3
Alum	per ton	0	2	3
Ammonia water	per ton	0	1	6
Animals live viz. :				
Asses and mules	each	0	0	6
Bulls cows and oxen	each	0	1	0
Calves	each	0	0	2
Dogs and foxes	each	0	1	0
Ferrets and rabbits	each	0	0	2
Horses	each	0	2	0
Poultry	each	0	0	2
Sheep lambs swine pigs and goats	each	0	0	2
Animal carbon charcoal	per ton	0	1	6
Apples and pears	per ton	0	5	0
Ashes pot or pearl	per ton	0	3	0
Ashes weed	per ton	0	1	6
Asphalte or bitumen	per ton	0	1	6
Bacon	per ton	0	3	9
Ballast	per ton	0	0	1½
Barilla	per ton	0	2	3
Bark	per ton	0	2	6
Barley dust	per ton	0	1	6
Barrels empty herring	each	0	0	0¾
Barytes	per ton	0	2	3
Beef fresh or salted	per ton	0	3	9
Beer	per 56 gallons	0	1	6
Beer bottled	per ton	0	3	9
Beer spruce or black	per 3 gallons	0	0	0¾
Bicycles	each	0	0	6

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Biscuits - - - - -	per ton	0	3	9
Bleaching salts and powder - - - - -	per ton	0	2	3
Blood of cattle - - - - -	per ton	0	1	6
Blubber - - - - -	per 252 gal- lons	0	9	9
Boats viz. :				
12 to 14 feet keel - - - - -	each	0	3	9
14 to 16 " - - - - -	each	0	4	6
16 to 18 " - - - - -	each	0	5	3
18 to 20 " - - - - -	each	0	6	0
20 and above - - - - -	each	0	7	6
Cobles viz. :				
12 to 14 feet long - - - - -	each	0	3	0
14 to 16 " - - - - -	each	0	3	9
16 to 18 " - - - - -	each	0	4	6
18 to 20 " - - - - -	each	0	5	3
Bones of cattle bone ash and bone meal - - - - -	per ton	0	2	3
Bones of cattle ground exported - - - - -	per ton or per 48 bushels	0	0	9
Books - - - - -	per ton	0	5	3
Bottles - - - - -	per ton	0	3	9
Bottles cullet - - - - -	per ton	0	0	9
Boxes empty salmon - - - - -	each	0	0	1½
Bran pollard and sharps - - - - -	per ton	0	1	6
Brass - - - - -	per ton	0	3	0
Bricks common fire-clay and bath - - - - -	per ton	0	0	6
Brimstone - - - - -	per ton	0	2	6
Butter - - - - -	per ton	0	3	9
Carbide of calcium - - - - -	per ton	0	1	6
Calamine or zinc ore - - - - -	per ton	0	1	6
Candles - - - - -	per ton	0	3	0
Carpets rugs and upholstery articles - - - - -	per ton	0	3	9
Carriages with springs including motor cars viz. :				
Under 5 cwt. - - - - -	each	0	3	9
5 cwt. and under 7½ cwt. - - - - -	each	0	7	6
7½ cwt. and under 10 cwt. - - - - -	each	0	10	0
10 cwt. and above - - - - -	each	0	15	0
Carrots - - - - -	per ton	0	1	6
Carts and waggons with or without springs - - - - -	per ton	0	3	9
Casks boxes and kits empty - - - - -	per ton	0	3	9
Cement - - - - -	per ton	0	1	10
Chalk - - - - -	per ton	0	0	9
Charcoal and charcoal blacking - - - - -	per ton	0	3	0
Cheese - - - - -	per ton	0	5	0
Chimney tops or cans (clay) 2¾ feet high - - - - -	each	0	0	0¼
China - - - - -	per ton	0	5	0

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Chrome ore - - - - -	per ton	0	1	6
Cinders - - - - -	per ton	0	1	1½
Clay viz. :				
China or stone - - - - -	per ton	0	1	1½
Fire and loam - - - - -	per ton	0	0	9
Pipe - - - - -	per ton	0	1	6
Clocks - - - - -	per ton	0	3	9
Clothiery - - - - -	per ton	0	3	9
Clover seeds - - - - -	per ton	0	1	6
Coal dust - - - - -	per ton	0	0	4½
Coals - - - - -	per ton	0	0	4½
Coffee - - - - -	per ton	0	3	9
Coir yarn - - - - -	per ton	0	2	6
Coke - - - - -	per ton	0	0	4½
Confections - - - - -	per ton	0	3	9
Copper viz. :				
Bars rod sheets and nails - - - - -	per ton	0	3	9
Utensils for distilleries and other pur- poses - - - - -	per ton	0	3	9
Old - - - - -	per ton	0	3	9
Ore - - - - -	per ton	0	1	6
Copperas - - - - -	per ton	0	2	6
Coprolites - - - - -	per ton	0	1	1½
Cordage - - - - -	per ton	0	3	9
Corks and corkwood - - - - -	per ton	0	5	0
Corn viz. :				
Barley - - - - -	per ton	0	2	6
Barley hulled - - - - -	per ton	0	2	6
Bear - - - - -	per ton	0	2	6
Beans - - - - -	per ton	0	2	6
Maize - - - - -	per ton	0	2	6
Malt - - - - -	per ton	0	2	6
Oats - - - - -	per ton	0	2	6
Peas - - - - -	per ton	0	2	6
Rye - - - - -	per ton	0	2	6
Tares - - - - -	per ton	0	1	6
Wheat - - - - -	per ton	0	2	6
Cotton seed - - - - -	per ton	0	1	6
Cotton wool - - - - -	per ton	0	3	6
Cotton wool manufactured - - - - -	per ton	0	3	9
Cracklings - - - - -	per ton	0	5	0
Crystal - - - - -	per ton	0	3	9
Cutch - - - - -	per ton	0	2	6
Drain pipes under 3 inches diameter - - - - -	per 1000	0	0	9
Drain pipes of other sizes - - - - -	per ton	0	1	6
Drain pipe collars - - - - -	per 1000	0	0	4½
Drugs - - - - -	per ton	0	3	9

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Dung - - - - -	per ton	0	0	7½
Dyes - - - - -	per ton	0	2	6
Earthenware - - - - -	per ton	0	3	9
Earthenware pipes glazed - - - - -	per ton	0	1	6
Eggs - - - - -	per ton	0	3	9
Esparto grass - - - - -	per ton	0	1	6
Feathers - - - - -	per ton	0	3	9
Felt - - - - -	per ton	0	2	6
Fire-clay retorts flue covers quarls vent linings and manufactures of fire clay not otherwise enumerated - - - - -	per ton	0	1	0
Fish viz. :				
Cod dried - - - - -	per ton	0	1	6
Cod pickled - - - - -	per ton	0	2	6
Haddocks dried or smoked - - - - -	per ton	0	2	6
Herrings exported - - - - -	per 26⅔ gal- lons	0	0	3
Herrings fresh landed - - - - -	per cran	0	0	3
Herrings cured red smoked or kippered Herrings caught as bait and landed at the harbour to be exempt from dues except during the regular herring fishery season - - - - -	per ton	0	2	6
Mussels - - - - -	per ton	0	1	6
Saithe - - - - -	per ton	0	0	9
Salmon iced or pickled - - - - -	per ton	0	3	9
Whelks - - - - -	per ton	0	2	6
White fish dried - - - - -	per ton	0	1	6
White fish salted - - - - -	per ton	0	2	6
Fresh—not otherwise enumerated - - - - -	per £1 value	0	0	3
Shell—not otherwise enumerated - - - - -	per ton	0	1	3
Fish garbage - - - - -	per ton	0	0	10
Flax - - - - -	per ton	0	1	6
Flax codilla - - - - -	per ton	0	2	3
Flax codilla manufactured - - - - -	per ton	0	3	9
Flint for potters - - - - -	per ton	0	0	9
Flour - - - - -	per ton	0	1	6
Fruits dried - - - - -	per ton	0	3	9
Fruit not otherwise enumerated - - - - -	per ton	0	3	9
Furniture - - - - -	per ton	0	3	9
Gambia - - - - -	per ton	0	2	6
Game - - - - -	per brace	0	0	11½
Gelatine of scrows - - - - -	per ton	0	3	0
Ginger - - - - -	per ton	0	3	4½
Glass window and plate - - - - -	per ton	0	3	9

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Grease - - - - -	per ton	0	3	0
Guano - - - - -	per ton	0	0	9
Gunpowder dynamite and other explosives	per ton	0	9	0
Gypsum ground - - - - -	per ton	0	1	6
Gypsum unground - - - - -	per ton	0	0	9
Haberdashery- - - - -	per ton	0	3	9
Hair dry wet and plaster- - - - -	per ton	0	3	9
Hams - - - - -	per ton	0	3	9
Hardware - - - - -	per ton	0	2	6
Hats - - - - -	per ton	0	3	9
Hay - - - - -	per ton	0	0	9
Heading - - - - -	per 1000	0	0	3
Hemp - - - - -	per ton	0	2	6
Hides and skin raw and undressed - - - - -	per ton	0	2	6
Hoofs - - - - -	per ton	0	3	0
Hoops wooden - - - - -	per 1000	0	0	7½
Hops - - - - -	per ton	0	3	9
Horns imported - - - - -	per ton	0	3	9
Horns exported - - - - -	per ton	0	1	6
Horn tips sloughs shavings and waste - - - - -	per ton	0	1	6
Husbandry implements viz. :				
Harrows - - - - -	per pair	0	0	4½
Ploughs - - - - -	each	0	0	9
Wheelbarrows - - - - -	each	0	0	6
Other implements - - - - -	per ton	0	3	9
Ice - - - - -	per ton	0	1	6
Iron viz. :				
Bar bolt angle rod plate sheet hoop nails and wire - - - - -	per ton	0	1	2
Forged ironwork and machinery - - - - -	per ton	0	1	6
Grates stoves and tinned work pots and other hollow cast-iron work - - - - -	per ton	0	3	9
Old - - - - -	per ton	0	0	9
Ore - - - - -	per ton	0	0	3
Pig - - - - -	per ton	0	0	9
Rust - - - - -	per ton	0	1	6
Steam boilers whole or in pieces - - - - -	per ton	0	3	0
All other castings - - - - -	per ton	0	3	0
Juice Spanish and Italian - - - - -	per ton	0	3	4
Jute - - - - -	per ton	0	2	6
Kelp - - - - -	per ton	0	1	6
Lard - - - - -	per ton	0	3	9
Launches steam or motor up to 18 feet - - - - -	each	0	3	0
Launches steam or motor over 18 feet - - - - -	each	0	5	0

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Lead and lead ore - - - - -	per ton	0	2	6
Leather - - - - -	per ton	0	3	9
Lemons - - - - -	per ton	0	3	0
Lime - - - - -	per two bushels	0	0	1
Lime sulphate of - - - - -	per ton	0	1	6
Linen yarn - - - - -	per ton	0	3	9
Linseed - - - - -	per ton	0	1	6
Locust beans whole or ground - - - - -	per ton	0	1	6
Lucifer matches - - - - -	per ton	0	3	9
Madder ground - - - - -	per ton	0	3	9
Madder root - - - - -	per ton	0	3	9
Margarine - - - - -	per ton	0	2	6
Manganese - - - - -	per ton	0	2	3
Mangold wurzel - - - - -	per ton	0	0	9
Manures manufactured (import) - - - - -	per ton	0	0	9
Do. do. (export) - - - - -	per ton	0	0	9
Mats cargo and dunnage - - - - -	per 100	0	1	1½
Meal viz. oatmeal peasemeal and maizemeal	per ton	0	1	6
Medicines - - - - -	per ton	0	3	9
Milk - - - - -	per tin of 10 gallons	0	0	2
Mill waste - - - - -	per ton	0	1	6
Molasses and treacle - - - - -	per ton	0	1	3
Musical instruments - - - - -	per ton	0	5	0
Nutmegs - - - - -	per ton	0	3	9
Nuts - - - - -	per ton	0	3	9
Oakum - - - - -	per ton	0	1	3
Ochre - - - - -	per ton	0	1	6
Oil medicinal - - - - -	per ton	0	3	9
Oil—whale and seal - - - - -	per 252 gal- lons	0	11	3
Pitch - - - - -	per ton	0	1	3
Paraffin and herring oil - - - - -	per 252 gal- lons	0	1	6
Oil not otherwise enumerated - - - - -	per ton	0	2	6
Oilcake - - - - -	per ton	0	1	3
Onions - - - - -	per ton	0	2	6
Oranges - - - - -	per ton	0	3	9
Pails and buckets wood or iron - - - - -	per dozen	0	0	2
Paints - - - - -	per ton	0	2	6
Paper - - - - -	per ton	0	3	9
Paper shavings - - - - -	per ton	0	1	6
Passenger's luggage not exceeding 5 cwts. - - - - -	- - - - -	Free		
Passenger's luggage exceeding 5 cwts. - - - - -	per ton	0	5	0

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Paste or mill boards	per ton	0	3	9
Pearl-harding	per ton	0	2	3
Peats	per ton	0	0	2
Pepper	per ton	0	3	4
Pewter	per ton	0	3	0
Pimento	per ton	0	3	4
Phosphates unmanufactured	per ton	0	1	6
Pipes tobacco	per ton	0	3	9
Pitch	per ton	0	1	3
Plants and trees and shrubs	per ton	0	3	9
Plaster of Paris	per ton	0	1	6
Pork fresh or salted	per ton	0	3	9
Porter	per 50 gallons	0	1	6
Porter in bottles	per ton	0	3	9
Potatoes	per ton	0	1	3
Preserved fish	per ton	0	2	6
Preserved provisions	per ton	0	3	9
Pyrites	per ton	0	0	9
Pyrites burnt or spent	per ton	0	0	4½
Rags	per ton	0	1	3
Rails composite or steel or iron	per ton	0	2	6
Rapeseed and rubenseed	per ton	0	1	6
Rice	per ton	0	1	6
Rosin	per ton	0	1	3
Ryegrass seeds	per ton	0	1	6
Ropes old	per ton	0	1	6
Ropes wire	per ton	0	3	9
Saddlery articles	per ton	0	3	9
Sago	per ton	0	1	3
Sailcloth	per ton	0	3	9
Saltpetre refined	per ton	0	3	0
Salt rock or white	per ton	0	0	4½
And for each barrel containing salt in addition	-	0	0	0¾
Salts glauber and Epsom	per ton	0	3	0
Salts muriates nitrates sulphates saltpetre and other salts not otherwise enu- merated	per ton	0	2	3
Sand	per ton	0	0	1½
Sawdust and wood chips	per ton	0	1	6
Scrows of hides viz. :—				
Dry	per ton	0	3	0
Wet	per ton	0	1	6
Scythes	per ton	0	3	9
Seeds not otherwise enumerated	per ton	0	3	0
Shakes of casks pipe or puncheon	each	0	0	3

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Sheffield and Birmingham wares	per ton	0	2	6
Shumach	per ton	0	3	9
Seal skins	per score	0	0	6
Sheep dip	per ton	0	3	9
Sids or oak husks	per ton	0	0	9
Silk mercery	per ton	0	3	9
Slates	per 1000	0	0	9
Slate slabs	per ton	0	2	6
Smalts and ultramarine (chemical dyes)	per ton	0	3	9
Snuff	per ton	0	15	0
Soap	per ton	0	1	3
Soda and soda ash	per ton	0	1	3
Soot	per ton	0	0	9
Spades and shovels	per dozen	0	0	2
Spirits	per 56 gallons	0	4	6
Spirits motor	per case of 8 gallons	0	0	2
Starch	per ton	0	1	3
Stationery	per ton	0	5	3
Steel	per ton	0	2	6
Stones viz. :				
Flagstones	per ton	0	0	4½
Freestone building	per ton	0	0	4½
Granite carriageway	per ton	0	0	3
Granite polished	per ton	0	2	3
Kerb pavement and building	per ton	0	0	1½
Marble stones	per ton	0	2	6
Millstones grindstones and scythe stones	per ton	0	2	3
Ridge stones	per 100 lineal feet	0	2	3
Road metal	per ton	0	0	1½
Rubble and chips	per ton	0	0	1½
Not otherwise enumerated.	per ton	0	1	6
Stoneware	per ton	0	3	9
Straw	per ton	0	0	9
Stucco	per ton	0	1	6
Sugar	per ton	0	1	3
Tallow	per ton	0	0	9
Tanners' waste	per ton	0	0	9
Tar	per barrel of 31½ gallons	0	0	3
Tea	per chest of 90 lb.	0	0	6
Terra alba	per ton	0	1	6
Thread pack and twine	per ton	0	3	9
Tiles	per 1000	0	0	9
Tin	per ton	0	3	9
Tinplates	per ton	0	3	9

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d
Tobacco - - - - -	per ton	0	15	0
Tow - - - - -	per ton	0	0	7½
Toys - - - - -	per ton	0	3	9
Turnips - - - - -	per ton	0	0	9
Tweeds - - - - -	per ton	0	2	6
Umber - - - - -	per ton	0	1	6
Varnish - - - - -	per ton	0	3	9
Venison - - - - -	per carcase	0	3	0
Vinegar - - - - -	per ton	0	2	6
Vitriol - - - - -	per ton	0	3	9
Wax paraffin - - - - -	per ton	0	0	9
Whalebone or whalefins (import)	per ton	3	0	0
Whalebone or whalefins (export)	per ton	0	3	9
Wheels carriage or cart - - - - -	per pair	0	0	9
Whitening - - - - -	per ton	0	0	7½
Wine in casks or in bottles - - - - -	per ton	0	15	0
Wood viz. :				
Cartwheel spokes and felloes - - - - -	per 40 pieces	0	0	4½
Deal ends 3 inches thick and under 4 feet in length and firewood - - - - -	per 50 cubic feet	0	0	4½
Fir larch beech oak ash elm and all other hard woods rough or round or in plank or sided - - - - -	per 50 cubic feet	0	0	9
Fir deals planks and boards or battens	per 50 cubic feet	0	0	9
Handspokes - - - - -	per dozen	0	0	3
Herring and kipper boxwood - - - - -	per ton	0	1	3
Lathwood sawn - - - - -	per 1000 su- perficial feet	0	0	9
Lathwood in billets - - - - -	per 50 cubic feet	0	0	9
Masts and spars - - - - -	per 50 cubic feet	0	0	9
Oars - - - - -	per dozen	0	0	3
Pitprops not exceeding 6 inches in average diameter - - - - -	per 50 cubic feet	0	0	9
Railway sleepers - - - - -	per 50 cubic feet	0	0	9
Rickers under 30 feet in length and under 4 inches diameter - - - - -	per dozen	0	0	1½
Treenails - - - - -	per 1000 li- neal feet	0	0	4½

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Description of Goods.	Weight or Measure.	Rates.		
		£	s.	d.
Wood &c.— <i>cont.</i>				
Wainscot - - - - -	per 50 cubic feet	0	1	9½
Wedges - - - - -	per 1000 pieces	0	1	6
Wood by weight viz. :				
Barwood boxwood Brazilwood cam-wood ebony fustic lignum vitæ log-wood Nicaraguawood redwood Sassafras &c. - - - - -	per ton	0	3	0
Mahogany - - - - -	per 40 feet or ton	0	3	0
Wood staves viz. :				
American pipe - - - - -	per 1000	0	11	3
Do. single hogshead	per 1200	0	4	6
Do. single barrel - - - - -	per 1200	0	2	3
Do. hogshead billets - - - - -	per 1200	0	7	6
Do. barrel billets - - - - -	per 1200	0	6	0
Baltic and Hamburgh pipe - - - - -	per 1200	1	2	6
Baltic and Hamburgh hogshead - - - - -	per 1200	0	15	0
Baltic and Hamburgh best barrel - - - - -	per 1200	0	7	6
Baltic and Hamburgh inferior quality - - - - -	per 1200	0	1	3
British barrel - - - - -	per 1200	0	2	3
British barrel of fir - - - - -	per 1000 lineal feet	0	0	10½
Herring barrel staves - - - - -	per 1000	0	0	6
Herring barrel billets - - - - -	per 50 cubic feet	0	0	9
Wood manufactured viz. :				
Doors windows and other framed goods for building purposes - - - - -	per 50 cubic feet	0	2	6
Wood pulp sawdust or shavings - - - - -	per ton	0	1	6
Wool sheep's unmanufactured - - - - -	per ton	0	2	6
Wool sheep's manufactured - - - - -	per ton	0	3	9
Wool sheep's yarn - - - - -	per ton	0	3	9
Yeast - - - - -	per ton	0	3	0
Zinc - - - - -	per ton	0	3	9
For all articles not specified in this part of the Schedule sums may be charged equal to the rates payable in respect of goods specified therein which are nearly as may be of like nature package and quantity but otherwise at - - - - -	per ton	0	3	9

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In charging the rates on goods the gross weight or measurement shall be taken (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). A.D. 1926.

All goods landed from any vessel for purposes of lightening or repair and re-shipped in the same or another vessel in the original packages and without being transferred from the lander shall only be charged rates on landing.

Exemptions from above mentioned rates.

1. All vessels mooring or using the anchorage ground within the limits of the harbour for refuge or waiting a wind and all yachts and pleasure vessels except when at wharves or quays and all open boats other than the boats above specified.

2. Goods articles effects materials matters and things landed or loaded at the shores of any part of the west side of the Bay of Stornoway between the River Creed and the Water of Bayhead.

3. All returned empty boxes barrels sacks and packages.

4. The furniture and luggage of fishermen coming to or returning from the herring fishery at the commencement or end of the fishing season.

5. Dogs used by servants in charge of live stock.

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

1. *Sheds.*

For each ton or 40 cubic feet of goods which shall remain in any shed or on the pier for a period not exceeding three days the sum of fourpence half penny and the sum of twopence per ton for each day during which such goods shall remain after three days.

2. *Cranes.*

				<i>s.</i>	<i>d.</i>
All goods or packages not exceeding 1 ton	-	-	-	0	4½
Exceeding 1 ton and not exceeding 2 tons	-	-	-	0	6
„ 2 tons	„	3 tons	-	0	9
„ 3 tons	„	4 tons	-	1	0
„ 4 tons	„	5 tons	-	1	3
„ 5 tons	„	6 tons	-	1	6
„ 6 tons	„	7 tons	-	1	9

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				<i>s.</i>	<i>d.</i>
Exceeding 7 tons and not exceeding 8 tons	-	-	-	2	0
„ 8 tons	„	9 tons	-	2	6
„ 9 tons	„	10 tons	-	3	0
„ 10 tons	-	-	-	4	0

3. *Weighing Machines.*

For goods weighed one penny half penny for each ton or part of a ton.

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