

**CHAPTER cxciv.**

An Act to constitute a body of Harbour Trustees for the management, maintenance, and regulation of the Port and Harbour of Lerwick; to authorise the construction of a new Pier and other works at Lerwick for the improvement of the said Harbour; and for other purposes.

A.D. 1877.

[2d August 1877.]

WHEREAS the town of Lerwick was by virtue of the Act 35th George III., cap. 122, created a burgh of barony under a royal charter of erection which was sealed the 22nd day of January, and written to the seal and registered the 10th day of February 1818; and in virtue of the said Royal Charter and of "The General Police and Improvement (Scotland) Act, 1862," which has been adopted for the said burgh, and of "The General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Lerwick) Act, 1876," amending such last-mentioned charter and Act, the municipal government of the said burgh is provided for:

Royal Charter
of 1818.

And whereas of recent years the trade and commerce of the burgh and of the port and harbour of Lerwick have greatly increased, but no adequate provision exists under the recited charter and Acts, or otherwise, for the maintenance and management of the said port and harbour of Lerwick, and the shipping resorting thereto; and it would be of public and local advantage if a body of public harbour trustees were constituted for such purposes, and that the said port and harbour, with the quays, piers, and other works connected therewith, were transferred to and vested in the said trustees for the purposes of this Act, and the said trustees empowered to construct an additional pier and quays, esplanades, and other works for the improvement of the said port and harbour, and convenience of the shipping resorting thereto:

And whereas plans and sections showing the lines, situation, and levels of the said intended new pier, esplanades, and other works

A.D. 1877. — and the lands and property proposed to be taken for the purposes of this Act, and a book of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of such lands and property respectively, have been deposited with the Sheriff Clerk of the county of Zetland at his office, County Buildings, Lerwick (which plans, sections, and book of reference are herein-after referred to as the deposited plans, sections, and book of reference) :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen'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 ; (that is to say,)

I.—*Preliminary.*

Short title. 1. This Act may be cited as "The Lerwick Harbour Improvements Act, 1877."

Provisions of certain general Acts incorporated. 2. The following Acts are (except where expressly varied by and in so far as not inconsistent with this Act) incorporated with and form part of this Act ; that is to say,

8 & 9 Vict. c. 19. "The Lands Clauses Consolidation (Scotland) Act, 1845," and
23 & 24 Vict. c. 106. "The Lands Clauses Consolidation Acts Amendment Act, 1860 :"

10 & 11 Vict. c. 16. "The Commissioners Clauses Act, 1847," with the exception of the clauses thereof,—

With respect to the qualification of commissioners ;

With respect to the election and rotation of the commissioners where the commissioners are to be elected by the ratepayers, or other like class of electors ;

With respect to the meetings and other proceedings of the commissioners, and their liabilities ; and

With respect to the mortgages to be executed by the commissioners, and also with the exception of clauses 66, 92, 93, 94, and 95 ;

and the word "commissioners" in the said Act shall mean the trustees under this Act ;

10 & 11 Vict. c. 27. "The Harbours, Docks, and Piers Clauses Act, 1847," with the exception of the clauses—

With respect to lifeboats ;

With respect to keeping a tide and weather gauge ;

With respect to buoys, lighthouses, and beacons, unless the Board of Trade require the same to be kept or provided ;

And sections 13, 18, and 19 of "The Railways Clauses Act, 1863," and in construing those sections the words "the company" shall mean the trustees, and "works" and "railway" shall mean the piers, quays, and works authorised by this Act. A.D. 1877.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; "the trustees" means the trustees for the time acting in the execution of this Act; "harbour" means and includes the port and harbour of Lerwick within the limits herein-after defined, together with all piers, quays, jetties, buildings, and works connected therewith, now existing or to be constructed under the powers conferred by this Act; "the burgh" means the burgh of barony of Lerwick as constituted under the recited Royal Charter and Acts; and "the corporation" means the town council or commissioners of police of the burgh; "private pier" means and includes all docks, piers, quays, wharves, loadberries, bulwarks, embankments, stairs, stores, sheds, and all buildings and sheds connected therewith, situated within the limits of the harbour, but beyond the limits for rating purposes as herein-after defined, and constructed without the authority of Parliament, and not transferred to and vested in the trustees. Interpreta-
tion of Act.

II.—*Appointment of Trustees and commencement of Act.*

4. This Act, subject to the provisions thereof, shall be carried into execution by a body of trustees to be qualified, appointed, and elected as herein-after provided, and every trustee under this Act shall be resident within the county of Zetland, and shall possess the following qualification: Trustees to
carry Act
into execu-
tion.

He shall be a shipowner qualified, registered, and elected as herein-after provided; or Qualification
of trustees.

He shall be a ratepayer paying harbour rates, and be qualified, registered, and elected as herein-after provided; or

He shall be a commissioner of supply of the county of Zetland; or

He shall be a member of the corporation.

5. The trustees shall be a body corporate, with perpetual succession and a common seal, under the name or style of "The Trustees of the Port and Harbour of Lerwick," and by that name may sue and be sued, and they may purchase, lease, hold, and dispose of lands and other property, and shall be conservators of the harbour, subject to the provisions of this Act. Incorporation
of
trustees.

A.D. 1877.

Trustees to
be elected by
shipowners.

6. The persons to be elected trustees by the shipowners of Lerwick shall be shipowners qualified and registered as herein-after provided, and shall be elected by shipowners qualified and registered as herein-after provided.

Qualification
of ship-
owners.

7. Every person residing or having his place of business within the burgh whose name shall, on the 30th day of August 1877, with respect to the first election of trustees by the shipowners, and on the 30th day of August annually thereafter, with respect to subsequent elections of trustees by the shipowners, appear on the books of the Custom House at Lerwick as owner or part owner to the extent of at least twenty tons of or in any vessel or vessels registered at the port of Lerwick shall be qualified as a shipowner to vote at the elections of trustees by the shipowners, and shall be entitled to be registered as herein-after provided.

Election of
trustees by
harbour rate-
payers.

8. From and after the period when the rates and duties authorised by this Act shall first become exigible, three persons shall become eligible for election as and shall be elected to be trustees by the ratepayers of the harbour of Lerwick (herein-after called "the ratepayers") qualified and registered as herein-after provided; and the first election of trustees by the ratepayers shall take place between the first and tenth day of November after the rates hereby authorised first become exigible, and the subsequent elections of such trustees shall take place between the first and tenth day of November annually thereafter; and after the trustees to be elected by the ratepayers become eligible for election and are first elected as aforesaid, the corporation, commissioners of supply, and shipowners respectively shall at the then next ensuing election, and all subsequent elections of trustees by these bodies respectively, elect from their own number only three persons to be trustees along with the three trustees to be elected by the ratepayers under this Act, so that the whole number of the trustees shall not exceed twelve.

Qualification
of harbour
ratepayers.

9. With respect to the elections of trustees by the ratepayers, every person residing or having his place of business within the burgh who during the year ending the 1st day of September ensuing the time at which the rates authorised by this Act shall first become exigible as aforesaid, or who during any subsequent year ending on the first day of September annually thereafter, shall have paid any rates exigible under this Act in respect of goods amounting to ten shillings and upwards shall be qualified as a ratepayer, and to vote at the first and subsequent elections of trustees by the ratepayers, and be entitled to be registered as herein-after mentioned.

10. When rates shall be paid by any firm consisting of two or more partners having a place of business within the burgh, such firm may intimate in writing to the trustees the name or names of any one or more of the partners on whose behalf such payment shall be made, and such payment shall be deemed to have been made by the partner or partners so named, and each such partner shall be qualified as a ratepayer and trustee in the same manner and to the like effect as if such payment had been made by him as an individual, provided the amount of rates paid by such firm is sufficient to afford the qualification of ten shillings to the partner, or each of the partners so named.

A.D. 1877.

Partners of
a firm quali-
fied as rate-
payers.

11. On or before the first day of September 1877, the corporation, and, on or before the first day of September annually thereafter, the trustees shall cause to be made up from the books of the Custom House at Lerwick, of which books inspection shall be furnished for this purpose during the hours of business, a list of the ship-owners entitled under the provisions of this Act to elect and be elected trustees, and on or before the first day of September ensuing the time at which the rates authorised by this Act shall first become exigible as aforesaid, and on or before the first day of September annually thereafter, the trustees shall also cause to be made up from the books to be kept by them a list of the ratepayers entitled under the provisions of this Act to elect and be elected trustees.

Lists of ship-
owners and
ratepayers
to be made.

12. On on or before the tenth day of September 1877, the clerk to the corporation, and, on or before the tenth day of September annually thereafter, the clerk to the trustees shall certify the said lists and cause the same to be published by inserting them in a newspaper circulating in the burgh, and by affixing such lists in some conspicuous place or places accessible to the public within the offices of the corporation or trustees, and any person who shall consider himself qualified as a shipowner or ratepayer, whose name is not inserted in such lists, or either of them, in any year, may, on or before the twentieth day of September in such year, apply to the sheriff or his substitute at Lerwick, who shall hear parties *vivâ voce*, and without written pleadings, and thereupon, if he think fit, cause the name of such shipowner or ratepayer to be added to the list in which his name should have been inserted, and the judgment of the sheriff or his substitute, disposing of such application, shall be final; and the said lists, with any additions so made, shall be the registers of the shipowners and the ratepayers respectively for the year to which they are applicable.

Lists to be
certified and
published.

A.D. 1877.

As to elec-
tion of trus-
tees by ship-
owners and
ratepayers.

13. With respect to the election of trustees by the shipowners and the ratepayers respectively, the following regulations shall be observed and have effect :

- (1.) With respect to the first election, the chief magistrate of the burgh, and with respect to subsequent elections, the chairman of the trustees, or failing such chief magistrate or chairman, as the case may be, some person appointed by writing under the hand of such chief magistrate or chairman, shall be returning officer :
- (2.) On every occasion of the nomination of trustees the returning officer shall convene a meeting of the shipowners or ratepayers, as the case may be, for the purpose of such nomination, and shall give notice of such meeting, and of the time and place at which it is to be held, by advertisement in a newspaper circulating in the burgh at least ten days before such meeting :
- (3.) The returning officer shall preside at and regulate the proceedings of such meetings :
- (4.) At any such meeting any person qualified and registered as provided by this Act may, if he consent thereto, be nominated as a trustee by any qualified voter, and be seconded by any other qualified voter :
- (5.) If more candidates be proposed than the number to be elected, a poll may be demanded, and shall be taken in manner by this Act provided ; but if only the number, or less than the number, of candidates to be elected be proposed, or if no poll be demanded, a declaration by the returning officer that the candidates to the number to be elected have been elected trustees shall be sufficient evidence of their election.

Regulations
for taking
the poll.

14. With respect to taking the poll at the election of trustees by the shipowners and the ratepayers respectively, the following regulations shall be observed and have effect :

- (1.) When a poll is demanded the returning officer shall direct the poll to be taken at such place within the burgh, and on such day, being not later than three clear days after the day of nomination, as he may appoint :
- (2.) The returning officer shall appoint such number of polling clerks as he may deem sufficient, and shall cause proper polling books to be provided :
- (3.) Votes shall be given personally, and each voter shall only be entitled to give one vote for each trustee to be elected :

- (4.) The polling shall commence at ten o'clock in the forenoon and close at four o'clock in the afternoon of the day appointed: A.D. 1877.
- (5.) The returning officer shall cause to be entered in the polling books the name and address of every voter and the person or persons for whom he votes:
- (6.) At the close of the poll the returning officer shall sum up the votes, and the persons elected trustees shall be those having the greatest number of votes, and the returning officer shall, as soon as conveniently may be, publish the names of the persons who shall have been elected trustees by advertisement in a newspaper circulating in the burgh, and also make a return in writing to the clerk of the names of the persons so elected trustees.

15. Subject to the provisions of this Act, the corporation, commissioners of supply, and shipowners shall between the first and tenth day of November 1877, and between the first and tenth day of November annually thereafter, each hold a meeting, and at such meeting the said corporation, commissioners of supply, and shipowners respectively shall elect from their own number four persons, or three persons, as the case may be, to be trustees for carrying this Act into execution. Election of trustees by corporation, commissioners of supply, and shipowners.

16. The trustees shall be held to come into office on the fifteenth day of November next ensuing their election, and shall continue in office for one year only, but shall be eligible for re-election. Trustees to be elected annually.

17. In case there shall be a vacancy in the number of the trustees by reason of the corporation, commissioners of supply, the shipowners, or the ratepayers failing to elect trustees at the time appointed for such election as aforesaid, or in case any trustee shall die, or resign, or become disqualified, or cease from any cause to be a trustee; before the expiration of his term of office, the remaining trustees may, if they think fit, elect another trustee or other trustees to fill up any such vacancy or vacancies; and every trustee so elected shall continue in office so long only as the person in whose place he is elected would have been entitled to continue in office. Vacancies how to be supplied.

18. No act or proceeding of the trustees, or of any committee of their number, shall be invalid or illegal in consequence only of there being any vacancy in the number of trustees at the time of such act or proceeding, or of the non-election of any trustee or trustees by the electing bodies as aforesaid. Acts of trustees not invalidated by vacancies or non-election.

- A.D. 1877. **19.** All acts and proceeding of the trustees, or of any committee of their number, or of any person acting as a trustee, notwithstanding it be afterwards discovered that there was some defect in the appointment of such trustee or persons acting as trustees, or that they or any of them had become disqualified, shall be as valid as if every such person had been duly appointed and was qualified to be a trustee.
- Informality in election not to invalidate proceedings.
- Commencement of Act. **20.** The provisions of this Act, with respect to the nomination and election of the trustees by the corporation, commissioners of supply, and the shipowners, shall commence and take effect from and after the passing of this Act ; and the whole other provisions of this Act, except where otherwise expressly provided, shall commence and take effect at and from the first meeting of the trustees.
- Firstmeeting of trustees. **21.** The trustees shall hold their first meeting at Lerwick, within the meeting room of the corporation, on the third Tuesday in November 1877 at one o'clock in the afternoon, and may then, and from time to time thereafter, adjourn to meet at such times and places as they may think proper.
- Chairman. **22.** At the said first meeting of the trustees, as well as at the first meeting after every subsequent election of trustees, they shall choose one of their number to be chairman and another to be deputy chairman during their term of office ; and in the event of the chairman and deputy chairman so chosen being both absent from any meeting, one of the other trustees shall be chosen to be chairman of the meeting, and at all meetings the presiding chairman shall, in case of equality of votes, have a deliberative as well as a casting vote.
- Quorum. At all meetings of the trustees four shall be a quorum.
- Committees. **23.** The trustees may at any meeting from time to time appoint committees of their number for carrying into effect the objects of their appointment, and may delegate such powers to any such committee as to the trustees may seem proper, and the trustees shall fix the quorum of any such committee, and name the convener, and may continue, alter, or discontinue such committee.
- Meetings of Committees. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the objects of their appointment, and at all meetings of the committee the convener, or in his absence, one of the members present to be appointed by the meeting, shall preside ; and all questions shall be determined by the majority of the votes of the

members present, and in case of an equality of votes the chairman shall have a deliberative as well as a casting vote. A.D. 1877.

24. The trustees shall hold an annual general meeting at Lerwick on the third Tuesday of November in every year. Annual general meeting of trustees.

25. The clerk to the trustees, upon receiving a written requisition stating the object of such meeting and signed by three or more trustees, shall call a special meeting of the trustees, of which meeting and the object thereof he shall give notice by posting or delivering to each trustee at his place of residence or business, or leaving for him there, a printed or written notice at least three days before the time of meeting: Provided that the trustees may in meeting resolve that the time shall be more or less than three days as may seem to them suitable. Special meetings.

No business shall be discussed or transacted at any special meeting except the business specified in the notice calling the same.

III.—*Vesting of existing Harbour Works in Trustees. New Works, &c.*

26. From and after the commencement of this Act, and except as regards and subject to the estate, right, and interest of Her Majesty in and to the wharf, pier, works, lands, and heritages in this section mentioned, the Victoria wharf or pier, and the whole harbour works within the harbour belonging or which may belong to the corporation for behoof of the public, and the whole undertaking, lands, tenements, works, property, and effects, heritable and movable, and real and personal, and rights, interests, and privileges heretofore possessed, used, or enjoyed by the corporation therein, subject to the existing debts, liabilities, incumbrances, contracts, and engagements affecting the same, shall be and the same are hereby transferred to and vested in the trustees, and may be lawfully held, used, and enforced by the trustees for the purposes of this Act; and the trustees on the one hand and the corporation on the other are hereby empowered to make and enter into all necessary contracts, agreements, and arrangements for effectually vesting in the trustees the said wharf or pier, and other works and undertaking as aforesaid. Vesting of existing pier and harbour works in trustees.

27. Subject to the provisions of this Act, the trustees may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works herein-after described, and all proper approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited Construction of new works.

A.D. 1877. — book of reference as may be required for that purpose and for the other purposes of this Act, and the said works and such parts of the said lands as may be taken or acquired under the powers of this Act shall form part of the harbour, and the provisions of this Act shall be applicable thereto.

Description
of works.

The works herein-before referred to and authorised by this Act are,—

First. A pier commencing at a point in the sea 80 feet or thereabouts east of the east end of the said Victoria wharf or pier of Lerwick, and extending eastwards, and terminating at a point 200 feet or thereby eastward of its said point of commencement;

Second. A bridge commencing at the east end of the said Victoria wharf or pier, and extending eastwards 80 feet or thereby, and terminating at the above described point of commencement of the proposed pier;

Third. An esplanade protected from the sea on its east side by a bulwark, and by the wharf herein-after described as the sixth work, commencing at the north side of the said Victoria wharf or pier at about 90 feet or thereby from its eastern extremity, and proceeding in a northerly direction for 1,290 feet or thereby, and terminating by a junction with the public road where it passes the south boundary of the ground occupied by the Lerwick Gasworks;

Fourth. A branch road commencing at the north end of Charlotte Place, Lerwick, and proceeding in a north-easterly direction for 310 feet or thereby, and terminating by a junction with the above described esplanade at a point 430 feet or thereby from its termination;

Fifth. An esplanade protected from the sea on its north-east side by a bulwark, and by the wharves herein-after described as the seventh and eighth works, commencing at the south side of the said Victoria wharf or pier at a point about 90 feet or thereby from its eastern extremity, and proceeding in a south-easterly direction 350 feet or thereby, and terminating at Hay's Pier, Lerwick;

Sixth. A wharf commencing at the north side of the said Victoria Wharf or pier at a point 70 feet or thereby west from its eastern extremity, and extending in a northerly direction along the east side of the esplanade above described as the third work, and terminating at a point 300 feet or thereby northwards from its said point of commencement;

Seventh. A wharf commencing at the south side of the said Victoria wharf or pier at a point 70 feet or thereby west from its eastern extremity, and extending in a south-easterly direction along the north-east side of the esplanade above described as the fifth work, and terminating at a point 100 feet or thereby south-east from its said point of commencement;

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Eighth. A wharf commencing at the north-east corner or extremity of Hay's Pier, Lerwick, and proceeding in a north-westerly direction along the north-east side of the esplanade above described as the fifth work, and terminating at a point 50 feet or thereby north-west from its said point of commencement;

together with all necessary bulwarks, embankments, walls, quays, piers, jetties, wharves, roads, sheds, approaches, stairs, cranes, mooring buoys, lights, and other works at and connected therewith: Provided that the trustees shall not have power to acquire compulsorily any dwelling-houses, shops, cellars, or loadberries unless to the extent required, and for the purpose of enabling them to construct the proposed works and join the same to existing buildings or property; and provided further that the trustees shall not complete the works firstly, secondly, thirdly, fourthly, and sixthly herein-before described before they complete the works fifthly, seventhly, and eighthly herein-before described; but nothing herein contained shall be construed to prevent the trustees from constructing the whole of the said works simultaneously.

28. In constructing the works by this Act authorised, the trustees may deviate laterally from the lines of such works delineated on the deposited plans to any extent not exceeding the limits of deviation marked on the deposited plans, and may deviate vertically from the levels of the said works as defined on the deposited sections to any extent not exceeding five feet: Provided that the trustees shall before adopting any such deviation submit the plans and sections of such deviation to the Board of Trade; and no such deviation shall be adopted or executed by the trustees unless approved by the Board of Trade, signified in writing under the hand of the secretary, or otherwise, as they may think proper.

Limits of deviation.

29. The works by this Act authorised in connexion with Hay's Pier shall be executed in such manner as not to injure the property adjoining thereto on the south thereof.

As to works adjoining Hay's Pier.

30. The powers of the trustees for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

A.D. 1877.

Lands for
extraordi-
nary pur-
poses.

31. In addition to the lands delineated upon the deposited plans and described in the deposited book of reference, the trustees may by agreement purchase or otherwise acquire any lands not exceeding in the whole five acres, or any rights therein, for the purposes of the works by this Act authorised, and for the other purposes mentioned in the Acts herewith incorporated.

Certain pro-
visions of
Railways
Clauses
Consolida-
tion (Scot-
land) Act,
1845, incor-
porated.

32. The clauses in "The Railways Clauses Consolidation (Scotland) Act, 1845," with respect to the temporary occupation of lands near the railway during the construction thereof for the purposes of obtaining materials therefrom for the construction or repair of the works, or for forming temporary roads to or from the same, are incorporated with this Act, and such clauses shall apply to the trustees and the works by this Act authorised, and only to lands not being more than one hundred yards distant from such works, and shall be construed as if the word "harbour" had been inserted therein instead of the word "railway," and the words "boundaries of the works" instead of the words "centre of the railway."

8 & 9 Vict.
c. 41. s. 18.
with respect
to taking
materials,
incorporated.

33. Clause 18 of the Act of the eighth and ninth years of the reign of Her present Majesty, chapter 41, intituled "An Act for amending the laws concerning highways, bridges, and ferries in Scotland," is incorporated with and shall form part of this Act, and shall apply to the works hereby authorised, and the trustees, their officers, servants, and workmen, or other persons acting for them, shall have the like powers for taking materials for the purposes of the said works and of this Act as are thereby conferred on the trustees or persons mentioned in the said Act: Provided that the trustees shall not pay anything for building stone taken from the seashore or from any open uncultivated or waste land adjoining thereto.

Works to be
lighted.

34. The trustees shall, on such parts of the works hereby authorised, exhibit and keep burning, at their own expense, every night from sunset to sunrise such lights (if any) as the Board of Trade or the Commissioners of Northern Lighthouses from time to time require or approve.

IV.—*Limits of Harbour and defining Undertaking of Trustees, &c.*

Limits of
harbour for
conservancy
purposes.

35. Subject to the provisions of this Act, the jurisdiction of the trustees over the sea and the limits of the harbour, with respect to conservancy purposes, shall include the area comprised within the following boundary; that is to say, a boundary commencing at high-water mark on the south-east corner or extremity of Hay's Pier, in the burgh of Lerwick, which point is fifty feet

or thereby east of the south-east corner of the Old Tolbooth; thence proceeding southward along the high-water mark line, passing Loeg Widows' Asylum, and passing along the east shore of the South Ness to the southern extremity at high-water mark of Nab Point, in the Mainland of Zetland; thence proceeding in a straight line in a south-easterly direction across Bressay Sound or Lerwick Harbour, or the sea and foreshores of the same, to the north-west extremity at high-water mark of the Head of Ham, in the Island of Bressay; thence northward along the high-water mark line on the west coast of the Island of Bressay as far as the east side of the entrance of Lerness Voe; thence in a straight line across the said entrance to the southern extremity at high-water mark of the point forming the west side of Lerness Voe in the said Island of Bressay; thence following the high-water mark line northward, passing Gardie and Cruster to the south-west extremity at high-water mark of the Point of Hogan, in the said Island of Bressay; thence proceeding in a straight line in a westerly direction across the Sound of Bressay or Lerwick, or the sea and the foreshores of the same, to the easternmost extremity at high-water mark of the Point of Scotland, in the Mainland of Zetland; thence southward along the high-water mark line on the east side of the Mainland of Zetland, passing Gremista and Holmsgarth to the entry to Skibbiedock, proceeding across both the entries to Skibbiedock to the high-water mark line at the south side of the south entrance of Skibbiedock; thence proceeding along the high-water mark line southward and eastward, passing Leask's piers and docks, and the docks and piers at Freefield, near the Northness, belonging or reputed to belong to George Husband Baird Hay, and passing the Northness to the south-east extremity of the Gasworks Pier; thence along the south side of the said pier, and in a straight line in continuation thereof to the centre of the public road; thence southwards along the public road on the east side of Fort Charlotte, along Charlotte Place and Commercial Street, in the burgh of Lerwick, to the junction of Hay's Pier; thence along Hay's Pier to its south-east corner or extremity where it terminates at its said point of commencement; which area will be situate within the burgh and parish of Lerwick and parish of Bressay, and in Bressay Sound or harbour, or the sea, all in the county of Zetland: Provided that the vesting in the trustees of the jurisdiction over and conservancy of the harbour in manner and to the extent above defined shall not alter, prejudice, affect, or interfere with any right in respect of any private pier.

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Saving rights
of owners,
&c. of pri-
vate piers.

36. Nothing contained in this Act shall authorise the trustees to exercise the jurisdictions or powers conferred on them by this Act over or to levy rates on or in respect of any vessels coming to or entering within any private pier, but every such private pier shall remain unaffected by this Act, and the owners, lessees, and occupiers thereof shall have and exercise all the powers, rights, and privileges heretofore belonging to or exercised by them as freely and fully as if this Act had not been passed.

Defining un-
dertaking of
trustees.

37. Subject to the provisions of this Act, the undertaking of the trustees shall consist of the improving, deepening, and cleansing of the harbour or of such portions thereof as the trustees may in their discretion think fit, and in the improvement, maintenance, and repair of the existing pier and other harbour works at Lerwick, and the construction, maintenance, and repair of the proposed new works hereby authorised, and of all necessary bulwarks, embankments, walls, quays, piers, jetties, wharves, roads, sheds, approaches, stairs, cranes, moorings, buoys, lights, and other works and conveniences at and connected with such works and with the harbour.

As to ap-
pointment
of pilots.

38. The trustees may from time to time license and appoint a sufficient number of duly qualified persons, as the trustees may think fit, to be pilots in and for the harbour, as herein-before defined, for conservancy purposes, and may fix reasonable rates of pilotage to be paid for or to such pilots, not exceeding the rates in Schedule (A.) hereunto annexed, and the trustees may remove, suspend, or displace such pilots at pleasure, and if any person shall act as a pilot within the harbour without being licensed and appointed as aforesaid, every such person shall be liable to a penalty not exceeding five pounds: Provided that nothing herein contained shall be held to imply that the master or owner of any vessel shall be under obligation to employ a pilot.

When un-
licensed
persons may
act as pilots.

39. Any person may lawfully, and without being subject to any penalty in virtue of this Act, assume or continue in the charge or conduct of any vessel inward bound as a pilot, when and so long as no person authorised by the trustees to act as a pilot shall have offered to take the charge of such vessel as pilot, or shall have made a signal for that purpose, or when and so long as such vessel shall be in distress, or under circumstances which shall have rendered it necessary for the master or person in charge of such vessel to avail himself of the best assistance which at the time could be procured.

40. The trustees may from time to time appoint, license, and remove at pleasure, a sufficient number of persons to be meters and weighers within the harbour.

A.D. 1877.
—
As to meters
and weighers.

V.—*Rates.*

41. The limits of the harbour with respect to rates shall comprise an area included within the boundary formed in manner following; that is to say, by an imaginary straight line on the northward extending seawards 60 yards from the north-eastern extremity of the Gas Pier at Lerwick, and in a line with the north side of the said pier, and another imaginary straight line on the southward, commencing at the south-eastern extremity of Hay's Pier, and extending seawards 100 yards, and in a line with the south side of Hay's Pier, and bounded seawards by an imaginary straight line extending from the extreme points seawards of the north and south boundary lines above described, including the sea and the whole shore of the burgh embraced within the said north and south boundary lines as above described, and including also the Victoria wharf or pier, and whole harbour works at Lerwick, vested or to be vested in or constructed by the trustees under the authority of this Act.

Limits of
the harbour
for rating
purposes.

42. From and after the commencement of this Act, and subject to the provisions thereof, the trustees may demand and take for every vessel (other than boats entirely open) entering or using the existing piers and works vested in the trustees, within the limits of the harbour as defined for rating purposes by this Act, any sum not exceeding the several rates specified in the Schedule (B.) hereunto annexed; and from and after the date or dates on which the sheriff shall grant a certificate or certificates under section 26 of the Harbours, Docks, and Piers Clauses Act, 1847, in regard to the works authorised by this Act, the trustees may demand and take for every vessel entering and using the harbour, within the limits as above defined for rating purposes, any sum not exceeding the several rates specified in the said Schedule (B.); and every such rate shall be payable by the master or owner or owners of such vessel: Provided that if any vessel using the harbour, whether such vessel shall previously have paid or been liable to rates payable under this Act or not, shall remain at the harbour for a longer space of time than eight days, to be computed from the time of such vessel's first occupying a berth at or in the harbour, the trustees may demand for any such vessel a further rate of one penny per ton for every week, and so on in proportion for any less period than a week during

As to ton-
nage rates.

A.D. 1877. — which such vessel shall remain at the harbour beyond the said period of eight days, in addition to the tonnage rates payable under this Act, but such additional rates shall not be payable for any vessel which shall have been prevented from leaving the harbour by an embargo or by stress of weather.

Power to
compound
rates.

43. In addition to the powers conferred by section 30 of the Harbours, Docks, and Piers Clauses Act, 1847, the trustees may from time to time, in such manner as they may think expedient, compound the rates or any of them respectively in respect of all vessels trading solely between the harbour and any other port or ports or places in the Shetland Islands: Provided that the rates be at all times charged equally to all persons in respect of vessels performing a voyage between the harbour and the same port or ports or places, and in respect of the same description of goods.

As to rates
on goods.

44. From and after the commencement of this Act, and subject to the provisions thereof, the trustees may demand and take for goods, including live stock, shipped, landed, or delivered, or transhipped from one vessel to another, within the limits of the harbour as above defined for rating purposes, any sum not exceeding one half of the several rates and duties specified in the Schedule (C.) hereunto annexed; and from and after the date or dates on which the sheriff shall grant a certificate or certificates under section 26 of the Harbours, Docks, and Piers Clauses Act, 1847, in regard to the works authorised by this Act, the trustees may demand and take for goods, including live stock, shipped, landed, or delivered, or transhipped from one vessel to another, within the limits of the harbour as above defined for rating purposes, any sum not exceeding the full amount of the said several rates and duties: Provided that it shall not be lawful for the trustees to levy rates or duties more than once in respect of goods or live stock in transitu, and all such rates and duties shall be payable by the owners or person in possession or in charge of such goods or live stock.

As to rates
for cranes,
&c.

45. From and after the commencement of this Act, and subject to the provisions thereof, the trustees may demand and take from the owner or person in charge of all goods shipped or unshipped, landed or delivered within the harbour, and from the master and owner of any vessel coming within the limits of the harbour for the use of cranes, weighing machines, warehouses, wharves, cattle yards, mooring anchors, and lights, and for ballast supplied to and landed from any such vessel, rates and duties not exceeding the several rates set forth in the Schedule (D.) hereunto annexed.

46. The trustees shall not demand or take any rates on vessels which merely pass through the harbour without using the same, nor on goods which are merely carried through the harbour or along the wharves or esplanades belonging to the trustees, and which are not shipped, landed, or delivered, or transhipped within the limits of the harbour as herein-before defined for rating purposes.

A.D. 1877.

—
Rates not to be charged on vessels and goods merely passing through the harbour.

VI.—*Borrowing Powers.*

47. The trustees may borrow on the security of the rates by this Act authorised to be levied, and of their revenue and undertaking, any sum not exceeding twenty thousand pounds, and may make and grant bonds and assignations in security and other securities for repayment of the money so borrowed and of the interest due thereon.

Power to borrow money.

48. In case any part of the said sum of twenty thousand pounds shall at any time be paid off and discharged, otherwise than by the sinking fund herein-after provided, the trustees may from time to time re-borrow, on the security of the said rates, revenue, and undertaking as aforesaid, any sum in lieu of and not exceeding the sums which may have been so paid off and discharged.

Power to re-borrow.

49. Nothing in this Act shall operate to empower the trustees to borrow any loan from the Public Works Loan Commissioners: Provided that if the Public Works Loan Commissioners advance any loan to the trustees under the Harbours and Passing Tolls, &c. Act, 1861, and the Acts amending the same,—

Provision as to loan by Public Works Loan Commissioners.

(1.) That loan and the security therefor shall not have priority over any loan previously borrowed under this Act, or the security therefor, except so far as the creditors consent to such priority under the Public Works Loan Act, 1875, or otherwise, but shall have priority over any loan subsequently borrowed in pursuance of this Act, and the security therefor; and

(2.) The amount which the trustees are authorised by this Act to borrow shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls, &c. Act, 1861, and the Acts amending the same.

50. Every bond and assignation in security, or other security to be granted by the trustees, shall be by deed duly stamped, in which the consideration shall be truly stated, and shall, besides being under the common seal of the trustees, be signed by at least two of the trustees and by the clerk. Every such deed may be

Form of securities.

A.D. 1877. — in the form of the Schedule (E.) to this Act annexed, or to the like effect.

Bonds may be accompanied by interest warrants.

51. The trustees may issue along with any bond and assignation in security or other securities to be granted by them interest warrants in the form of Schedule (F.) to this Act annexed, or to the like effect signed by the clerk for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such security is intended to subsist, and the delivery to the trustees or their clerk, or to any person on their behalf, of any such interest warrant, duly stamped as a receipt, shall be a valid and sufficient discharge to the trustees for the interest in respect of which the same was issued.

Power to borrow on cash credit.

52. The trustees may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the trustees, according to the usage of bankers in Scotland, to the extent of the sums which the trustees are by this Act authorised to borrow, or any part thereof: Provided that the whole principal sums due and owing by the trustees on such cash account, and for money borrowed by them on bond as aforesaid, shall not when taken together exceed the amount which the trustees are authorised to borrow under this Act; and all drafts or orders on the cash account shall be signed by any two of the trustees, and countersigned by the clerk: Provided further, that no trustee shall by his subscription of any draft or order, or of any security as aforesaid, be held to have rendered himself personally liable for the payment of any money so borrowed or drawn, or any interest thereon.

Trustees not to be personally liable.

Discharge of securities.

53. Any person entitled to any bond and assignation in security, or other security granted by the trustees under the authority of this Act, may discharge the same, and his right and interest therein, in favour of the trustees, and every such discharge may be in the form in the Schedule (G.) hereto annexed, or to the like effect.

Trustees may fund debt and issue certificates of funded debt.

54. The trustees may from time to time, in lieu of borrowing or continuing on bond and assignation in security or cash credit the sums which they are authorised to borrow under the authority of this Act, resolve to fund the whole of such sums or such parts thereof as they shall from time to time think fit; and on any such resolution being passed the amount stated therein shall be denominated "The Lerwick Harbour Funded Debt," and the trustees may issue to any person, company, trustee, or corporation paying to them any portion of the said sums a certificate of such person, company, trustee, or corporation being the holder of funded debt

A.D. 1877.
—

to the amount so paid, and every such certificate may be according to the form of the Schedule (H.) to this Act annexed, or to the like effect, and shall be subscribed by two of the trustees and the clerk: Provided that after the creation and issue of any portion of such funded debt, it shall not be lawful for the trustees to issue bonds and assignations in security for, or again to borrow the amount so created and issued, and the powers of borrowing by the trustees shall, to the extent of the funded debt so from time to time created and issued, be extinguished, and the sums due and owing at any time on the security of the harbour rates and revenue and undertaking, including the funded debt, shall not exceed the sums by this Act authorised to be borrowed.

55. The trustees shall from time to time cause the names of the several persons who may be interested in such funded debt as aforesaid, with the amounts of the interest possessed by them therein respectively, to be entered in a book to be kept for that purpose, and to be called "The Register of Holders of Lerwick Harbour Funded Debt," and such book shall be accessible at all reasonable times to the several holders of such debt, or of bonds and assignations in security, or other securities granted by the trustees.

Register of
holders of
funded debt.

56. The interests of the several holders of such funded debt, or any part thereof, may be transferred or transmitted in the same manner, and subject to the same regulations and provisions, mutatis mutandis, according to which any bond and assignation in security or other security granted by the trustees may be transferred or transmitted under the provisions of this Act and "The Commissioners Clauses Act, 1847," and the trustees shall cause an entry to be made in a book to be kept by the clerk to the trustees for that purpose of every such transfer or transmission, and for every such entry the clerk may demand any sum not exceeding two shillings and sixpence.

Transfer of
funded debt.

57. The several holders of such funded debt shall receive an annuity thereon at any rate not exceeding five pounds per centum per annum, which shall be fixed by the trustees in any resolution to be passed by them as aforesaid, and specified in the certificate issued to such holders, which annuity shall be payable half-yearly on the fifteenth day of May and the eleventh day of November in every year; and the holders of such funded debt shall not be entitled to the repayment of the capital thereof, but the same shall be redeemable by the trustees, in whole or in part, by means of the sinking fund herein-after provided, and not otherwise, on payment to the holders of such funded debt of the principal sum due to them,

As to pay-
ment of an-
nuities.

A.D. 1877. — and of any arrears of annuity which at the time may be due thereon, six months notice of their intention so to redeem being given by the trustees to the holders of such part of the said funded debt as may be intended to be so redeemed, and such holders respectively shall be bound to accept of such redemption money when tendered by the trustees.

Security of
holders of
funded debt.

58. The several holders of such funded debt shall be creditors of the trustees for the payment of the said annuity, and shall be deemed to hold by virtue of this Act a bond and assignation of the rates by this Act authorised to be levied and of the revenues of the undertaking of the trustees in security of such payment; and the holders of such funded debt shall rank *pari passu* with the holders of the sums of money which the trustees may have on loan or be entitled to borrow and the interest thereon.

As to ap-
pointment of
judicial
factor.

59. In the event of interest of any amount on bonds and assignations or annuities or of any principal moneys to the amount of three thousand pounds in the aggregate not being paid within one month after such payment shall have become due and demand thereof made in writing, the bondholders or funded debt holders to whom such interest or annuities or principal moneys are so payable may, in order to render their security effectual, apply for the appointment of a judicial factor. The application for such appointment shall be made by summary petition to the sheriff, who shall, if he think fit, appoint some person as judicial factor to the effect and with the powers herein-after mentioned, unless previously to such application being advised the amount of such interest or annuities or principal money, as the case may be, with interest and expenses, shall have been paid to the petitioners, or unless the sheriff shall be satisfied that consignation thereof should under the circumstances be accepted in lieu of payment, and such consignation be made accordingly; and the judgment of the sheriff making such appointment shall not be subject to review or appeal.

Powers and
duties of
judicial
factor.

60. The judicial factor so appointed on finding security in common form shall have all the powers conferred by this Act on the trustees for and in relation to the levying and recovering the several rates, duties, and charges by this Act authorised, and managing and maintaining the undertaking, and the trustees shall deliver to him all books and documents necessary for that purpose, and after defraying the expense of such application and of management and maintenance, the said judicial factor shall from time to time apply and pay over the balance of the sums recovered by him to the several persons entitled to payment out of the rates and revenues,

A.D. 1877.

and unless previously recalled in the application or with the concurrence of at least three fourths in value of the applicants for the appointment of a judicial factor, such judicial factor shall continue not only until all arrears of interest or annuities or principal money due at the date of the appointment of such judicial factor, and all interest due on any of the said sums, and any interest or annuities which shall have become due during his continuance of office, with interest and expenses, including the expenses of the application for such appointment, and of carrying the purposes thereof into execution, shall have been paid, but also until any half year's annuity or interest which, although not due, may become current during his continuance in office, and a sufficient sum to meet expenses shall have been paid or consigned in one of the chartered banks of Scotland, and upon payment or consignment as aforesaid of such annuities, interest, and expenses it shall be lawful for the trustees to apply to the sheriff for the recall of the appointment of the judicial factor, and the sheriff may recall such appointment accordingly.

61. The trustees shall every year after the expiration of seven years from the commencement of this Act set apart out of the surplus revenue of the trust, as a sinking fund, the following sums; that is to say, during each of ten years from the said last-mentioned date a sum of one pound ten shillings for every hundred pounds of money borrowed, and after the expiration of such ten years a sum of not less than two pounds yearly for every one hundred pounds of the money borrowed, and such sinking fund shall be from time to time applicable to the redemption of the bonds and assignations in security granted by the trustees, and of the annuities payable to the holders of the funded debt, on such terms and conditions as may be agreed upon, and to no other purposes whatsoever: Provided that no part of such sinking fund shall be applied in redemption of the said annuities until the whole bonds and assignations granted by the trustees shall have been redeemed: Provided further that the principal sum borrowed shall be repaid within a period not exceeding fifty years.

Sinking
fund.

62. The trustees shall invest the sums by this Act directed to be set apart as a sinking fund in the public or Government funds of Great Britain and Ireland, or on heritable security, or on deposit with any bank in Scotland incorporated by Act of Parliament or Royal Charter, until such sinking fund shall be applied in manner provided by this Act: Provided that, whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding,

Investment
of sinking
fund.

A.D. 1877. the trustees may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

Annual re-
turn to Board
of Trade
with respect
to sinking
fund.

63. The clerk to the trustees shall, within two months after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Board of Trade a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portions of the moneys invested for the sinking fund 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 wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Board of Trade, by such return or otherwise, that the trustees have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund to any purposes other than those authorised by this Act, the Board of Trade 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 of either Division of the Inner House of the Court of Session in Scotland in a summary application presented for that purpose.

VII.—*Accounts.*

Accounts to
be kept and
balanced.

64. The trustees shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid by them for the purposes of this Act, which accounts shall be balanced as at the thirty-first day of December in each year.

Appointment
of auditor.

65. The trustees shall within three weeks from the time of the second annual general meeting, and shall once in every three years within three weeks after their then last annual general meeting, apply to the sheriff to appoint, and the sheriff shall, on such application, appoint an auditor (being a person well skilled in accounts, and not being one of the trustees or holding office under them) to audit and docquet the accounts of the trustees, and for this purpose the trustees shall give him access to their accounts

and books, and the vouchers thereof, and afford him every facility in examining the same; and the auditor shall examine the accounts and books and vouchers of the trustees, and report to the trustees thereon on or before the 31st day of January in each year. A.D. 1877.

66. An abstract of the accounts of the trustees, certified as correct by two of the trustees and the clerk, and by the said auditor, shall, within one month after the auditor has so reported to the trustees, be published in a newspaper circulating in Lerwick. Abstract of accounts to be published annually.

VIII.—*General Provisions.*

67. The trustees on the one hand, and the corporation on the other, may and they are hereby empowered from time to time to enter into all agreements or arrangements which may be found necessary or convenient with respect to the following matters and things; that is to say, the paving, lighting, cleansing, and watching, or other police purposes of the existing harbour works, and the new works to be constructed under the authority of this Act. Trustees and corporation of Lerwick may enter into arrangements as to police purposes.

68. The rates, duties, and revenues received by the trustees under the authority of this Act shall be applied— Application of revenues.

First. In paying the expenses of applying for and obtaining this Act, and incidental thereto, as herein-after provided;

Second. In payment of the interest on moneys borrowed under the provisions of this Act;

Third. In providing the sum by this Act appointed to be set apart as a sinking fund; and

Lastly. In carrying into effect the other objects and purposes of this Act.

69. The money borrowed by the trustees under this Act shall, subject to the provisions thereof, be applied as follows: Application of borrowed money.

(1.) In paying the expenses preliminary to and of applying for and obtaining and passing this Act, and incidental thereto; and

(2.) In paying such sums as may be payable in respect of the purchase or acquisition by the trustees of the Victoria wharf or pier, and the harbour works and lands authorised to be purchased or acquired, and in the construction of the works hereby authorised, and generally for purposes to which capital is properly applicable.

70. Nothing contained in this Act shall authorise the trustees to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of her Crown, and under the Saving rights of the Crown.

A.D. 1877. — management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); neither shall anything in the said Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights
of the Crown
in the fore-
shore.

71. Nothing contained in this Act shall authorise the trustees to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

72. With respect to the Post Office telegraph system the following provisions shall take effect :

Restriction
on works
affecting
Post Office
telegraph
system.

(A.) The trustees shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the trustees have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the trustees, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him : Provided always, that this section shall not be deemed to prevent the trustees executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the trustees shall forthwith give notice to the Postmaster General of any such interference and the reason for the same :

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable

Power to
Postmaster
General to
annex con-
ditions.,]

terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the trustees shall observe and perform the same : A.D. 1877.

- (c.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the lands and works of the trustees for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon : Power of entry for Postmaster General.
- (d.) The trustees shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the trustees by any work or thing executed or done by them interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General ; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the trustees shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues ; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the trustees to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the trustees : Compensation by trustees to Postmaster General, and penalty.
- (e.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act and to the end of the then next session of Parliament. Provisions to remain in force for one year and to the end of the then next session of Parliament.

73. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the trustees out of any moneys which shall come into their hands under this Act. Expenses Act.

A.D. 1877.

SCHEDULES.SCHEDULE (A.)

PILOTAGE CHARGES.

	£	s.	d.
For every vessel above 20 tons entering and leaving the harbour, in charge of a licensed pilot, per ton register	-	-	0 0 4
For each tide's work within the harbour	-	-	0 7 6
For laying out kedge or warp to assist vessels	-	-	0 5 0
Extra pilot charges against vessels requiring pilot's assistance outside the harbour limits—			
For one tide on board	-	-	0 10 0
For any period from 12 to 24 hours	-	-	0 15 0
If detained on board from 24 to 36 hours	-	-	1 0 0
If detained on board two days, or any longer period not exceeding one week, not more than	-	-	1 10 0
If obliged to bear up for shelter to any of the adjacent harbours, and detained for a longer period, not more than	-	-	2 0 0
In the event of any vessel carrying a pilot outside the limits, and landing him on any part of the coast, the vessel to pay his travelling expenses; and if the commander of the vessel retain the pilot on board when he could have been landed at Lerwick with safety, the vessel to pay as above for the time the pilot was on board, over and above his travelling expenses.			

SCHEDULE (B.)

TONNAGE RATES.

	s.	d.
For every vessel under fifteen tons, per ton	-	0 4
For every vessel of fifteen tons and under fifty tons, per registered ton	-	0 6
For every vessel of fifty tons and under one hundred and fifty tons, per registered ton	-	0 8
For every vessel of one hundred and fifty tons and upwards, per regis- tered ton	-	0 10
But if the vessels of the owner or owners of any steam or other vessels engaged in a regular trade to or from the harbour shall collectively make in any one year, from January to December inclusive, forty or more voyages to the harbour, no rates shall be leviable on any additional voyages made by such vessels within such year.		
All ships boats and boats with fresh fish, except herrings for curing, carrying no other cargo nor any passenger shall be exempt from rates.		
All boats entirely open landing or taking on board goods or live stock or dried or salted fish, each	-	0 6

SCHEDULE (C.)

RATES ON GOODS.

	s.	d.
Ale or beer, per hogshead - - - - -	0	6
Ale or beer, bottled, per barrel bulk - - - - -	0	3
Bacon, per ton - - - - -	1	4
Bark, per ton - - - - -	1	0
Beef or pork, per ton - - - - -	1	4
Ships biscuits, per ton - - - - -	1	0
Blocks under 10 inches, per dozen - - - - -	0	3
Blocks 10 inches and above, per dozen - - - - -	0	6
Blubber, per ton - - - - -	1	0
Boats, each - - - - -	1	0
Bone dust, per ton - - - - -	1	4
Bones, per ton - - - - -	0	6
Bottles, per gross - - - - -	0	2
Bricks of all sorts, per 1,000 - - - - -	1	0
Brooms, per dozen - - - - -	0	1
Butter, per ton - - - - -	1	4
Carriages, four wheels, each - - - - -	2	6
Carriages, two wheels, each - - - - -	1	6
Carts, each - - - - -	1	0
Casks, empty, not being returned packages, per puncheon - - - - -	0	3
Other casks in proportion.		
Cattle :		
Bulls, each - - - - -	1	0
Calves, each - - - - -	0	2
Cows and oxen, each, of the native Shetland breed - - - - -	0	4
Do. do. any larger breed - - - - -	0	9
Horses, each, 14 hands and upwards - - - - -	2	0
Do. under 14 hands - - - - -	1	0
Native ponies, each - - - - -	0	6
Pigs, each - - - - -	0	4
Sheep, each - - - - -	0	1½
Lambs, each - - - - -	0	1½
Cement, per ton - - - - -	1	0
Chalk, per ton - - - - -	0	8
Cinders, per ton - - - - -	1	0
Clay, fire, manufactured, per ton - - - - -	0	6
Clay, common, per ton - - - - -	0	2
Cloth, haberdashery, &c., per barrel bulk - - - - -	0	2
Coals, per ton - - - - -	0	6
Copper, per ton - - - - -	1	4
Corks, per ton - - - - -	2	6

A.D. 1877.

	<i>s.</i>	<i>d.</i>
Corn, videlicet :		
Wheat and malt, per quarter	0	3
Barley, bear, beans, peas, tares, oats, rye, buckwheat, and Indian corn, per quarter	0	2
Crystal, per barrel bulk	0	3
Dissolved bones and other artificial manures, per ton	1	4
Dogs (sporting only), each	0	6
Other dogs	0	3
Drugs, per barrel bulk	0	3
Earthenware, per barrel bulk	0	2
Eggs, per barrel bulk	0	2
Empty herring barrels, each	0	0½
Feathers, per barrel bulk	0	2
Fish, dried or salted, per ton	0	10
Fish in pickle and undried, per ton	0	6
Fish, fresh, per ton	1	8
Flax and tow, per ton	1	4
Flour, per ton	1	4
Fruit and vegetables, per barrel bulk	0	4
Geese, alive, each	0	0½
Glass (window and plate), per ton	2	0
Grass seeds, per quarter	0	2
Grocery goods, not mentioned specially, per barrel bulk	0	3
Guano and other manures, per ton	1	4
Gunpowder, per barrel	1	0
Ditto Government stores, per ton	1	8
Hardware, per ton	1	4
Hares and rabbits, per barrel bulk	0	3
Any less quantity	0	1
Harrows, per pair	0	4
Hay, per ton	1	0
Hemp, per ton	1	4
Herrings, fresh, per cran	0	1
Herrings, cured, per barrel	0	2
Hides—		
Ox, cow, or horse, salted or dried, per ton	1	8
Sheep, lamb, and calves skins, per ton	1	8
Hooks, reaping, per dozen	0	2
Hoops, of wood, per bundle	0	0½
Household furniture, new, per barrel bulk	0	2
Household furniture belonging to parties changing their residences only, per 10 barrels bulk	0	6
Husbandry utensils not enumerated, per ton	1	4
Iron, bolt, bar, rod, or hoop, per ton	1	0
Iron, manufactured, per ton	1	4
Iron, old or pig, per ton	0	8
Kelp, per ton	0	8

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Lead of all kinds, per ton - - - - -	-	1 4	—
Leather, per ton - - - - -	-	1 8	
Lime, per ton - - - - -	-	0 6	
Limestone, per ton - - - - -	-	0 3	
Lobsters and crabs, per barrel bulk - - - - -	-	0 3	
Machinery, per ton - - - - -	-	1 4	
Machinery, finished and in cases, per ton - - - - -	-	1 8	
Meal, per ton - - - - -	-	1 4	
Musical instruments, per barrel bulk - - - - -	-	0 3	
Oakum, per ton - - - - -	-	1 0	
Oilcake, per ton - - - - -	-	1 4	
Oils, per ton - - - - -	-	1 8	
Ores :—			
Copper, iron, lead, and other ores, per ton - - - - -	-	0 8	
Paints, per ton - - - - -	-	1 4	
Peats, per ton - - - - -	-	0 3	
Pitch, per barrel - - - - -	-	0 2	
Ploughs, each - - - - -	-	0 6	
Porter, per hogshead - - - - -	-	0 6	
Potatoes, per ton - - - - -	-	1 4	
Pots, pans, and kettles, and hollow ware, per ton - - - - -	-	2 0	
Rags and old rope, per ton - - - - -	-	1 4	
Rape cake, per ton - - - - -	-	0 8	
Ropes and cordage, per ton - - - - -	-	1 4	
Salt, per ton - - - - -	-	0 10	
Salt for curing, not under 10 tons, per ton - - - - -	-	0 4	
Scythes, per dozen - - - - -	-	0 3	
Seeds, clover and turnip, per ton - - - - -	-	2 0	
Seeds, all other kinds, per ton - - - - -	-	1 4	
Shell fish, not specially mentioned, per ton - - - - -	-	0 10	
Slates, under size, per 1,000 - - - - -	-	0 6	
Slates, sizeable, per 1,000 - - - - -	-	0 10	
Slates, over size, per 1,000 - - - - -	-	1 4	
Soap, per ton - - - - -	-	0 10	
Spades and shovels, per dozen - - - - -	-	0 3	
Spirits, Foreign and British, per barrel bulk, in casks and cases - - - - -	-	0 3	
Spokes and felloes, per 100 - - - - -	-	0 6	
Stones :			
Rubble, per ton - - - - -	-	0 2	
Hewn ashlar freestone, per ton - - - - -	-	0 4	
Rough ashlar freestone, per ton - - - - -	-	0 3	
Pavement, per ton - - - - -	-	0 4	
Mill stones, each - - - - -	-	2 0	
Steel, per ton - - - - -	-	1 4	
Stucco, per ton - - - - -	-	0 10	
Sugar, per ton - - - - -	-	1 4	
Tar, per barrel - - - - -	-	0 2	

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	s.	d.
Tea, per chest - - - - -	0	3
Tiles, roofing, per 1,000 - - - - -	1	0
Tiles or pipes for draining, per 1,000 - - - - -	1	0
Tin of all kinds, per ton - - - - -	1	4
Treenails, under 2 feet in length, per 1,000 - - - - -	0	6
Treenails, exceeding 2 feet in length, per 1,000 - - - - -	1	0
Turnips, per ton - - - - -	1	0
Turpentine, per ton - - - - -	1	8
Vitriol, per carboy - - - - -	0	6
Whalebone, per ton - - - - -	2	6
Whitening, per ton - - - - -	0	6
Wine, in casks or cases, per barrel bulk - - - - -	0	3
Wood, the rates following:—		
Fir pine, per load of 50 feet, as follows:—		
Hewn logs - - - - -	0	3
Battens - - - - -	0	6
Boards and planks - - - - -	1	0
Oak or wainscot, per load of 50 feet - - - - -	1	0
Firewood, per fathom - - - - -	0	6
Lath and lathwood, per fathom of 216 cubic feet - - - - -	2	6
Handspokes, per 120 - - - - -	0	10
Oars, per 120 - - - - -	2	6
Spars, under 22 feet in length, above 2½ and under 4 inches diameter, per 120 - - - - -	2	6
Spars, 2½ inches diameter and under, per 120 - - - - -	1	4
Spars, 22 feet in length and upwards, and not exceeding 4 inches in diameter, per 120 - - - - -	6	6
Spars, of all lengths, above 4 and under 6 inches in diameter, per 120 - - - - -	12	0
Spokes of wheels, not exceeding 2 feet in length, per 120 - - - - -	0	4
Spokes of wheels, exceeding 2 feet in length, per 120 - - - - -	0	6
Wedges, per 1,000 - - - - -	1	0
Pipes, staves, and others in proportion, per standard 100 - - - - -	1	0
Lignum vitæ, fustic, logwood, mahogany, and rosewood, per ton - - - - -	1	4
All other kinds—		
Rough, per ton - - - - -	0	10
Dressed - - - - -	1	4
Wool, per cwt. - - - - -	0	2
Zinc, per ton - - - - -	1	4

All other goods not particularly enumerated in the above table:

Light goods, per barrel bulk - - - - -	0	2
Heavy goods, per ton - - - - -	1	4

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

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

The trustees shall be entitled in their option to charge rates on goods either per barrel bulk or on dead weight.

SCHEDULE (D.)

RATES for the use of Cranes, Weighing Machines, Warehouses, Wharves, Cattle Yards, Mooring Anchors, Lights, and Ballast.

I.—Craneage.

			s.	d.
All goods or packages not exceeding one ton	-	-	0	3
Exceeding one ton and not exceeding two tons	-	-	0	4
„ two tons and not exceeding three tons	-	-	0	6
„ three tons and not exceeding four tons	-	-	0	8
„ four tons and not exceeding five tons	-	-	0	10
„ five tons and not exceeding six tons	-	-	1	0
„ six tons and not exceeding seven tons	-	-	1	2
„ seven tons and not exceeding eight tons	-	-	1	4
„ eight tons and not exceeding nine tons	-	-	1	8
„ nine tons and not exceeding ten tons	-	-	2	0
„ ten tons and upwards	-	-	3	0
Or hire per hour as may be agreed on.				

II.—Weighing Machines.

For goods weighed for each ton or part of a ton	-	-	0	2
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III.—Warehouses and Wharves.

For every ton of goods which shall remain in any warehouse or shed, or on any wharf, not more than two days	-	-	0	4
And for every part of a day after such two days	-	-	0	1½
Or hire for warehouses, &c. as may be agreed on.				

IV.—Cattle Yards.

For cattle, each	-	-	-	-	-	per day	0	1½
For horses, each	-	-	-	-	-	„	0	1
For pigs, each	-	-	-	-	-	„	0	0½
For sheep, each	-	-	-	-	-	„	0	0½

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V.—*Mooring Anchors, Lights, and Ballast Charges.*

	s.	d.
For every vessel made fast to mooring anchors - - - - -	1	0
All vessels above twenty tons register entering or using the harbour, per ship or vessel for light dues - - - - -	1	0
For ballast supplied to any vessel, per ton - - - - -	2	0
For ballast put out of any ship or vessel, per ton - - - - -	1	0

But light dues shall not be exigible on or in respect of vessels under 40 tons.

SCHEDULE (E.)

Form of Bond and Assignation in security.

LERWICK HARBOUR.

BOND No.

By virtue of "The Lerwick Harbour Improvements Act, 1877," the trustees of the port and harbour of Lerwick, in consideration of the sum of paid to them by *A.B.* [*name and designation of the lender*], do hereby bind themselves to pay to the said *A.B.*, his executors, administrators, or assignees, the said principal sum of _____ at _____ [in case any other place of payment than the office at Lerwick of the National Bank of Scotland be intended] on the _____ day of _____ eighteen hundred and _____, with a fifth part more of liquidate penalty in case of failure, with interest on the said principal sum at the rate of _____ per centum per annum, payable half-yearly, on the _____ day of _____ and the _____ day of _____, or in the option of the said *A.B.* or his foresaids, the said principal sum shall thereafter in virtue hereof remain as a loan to the said trustees until the expiry of a further term of years to be afterwards agreed on; and in security of the payment of the said principal sum, liquidate penalty, and interest aforesaid, the said trustees do hereby grant and assign to the said *A.B.* and his foresaids the undertaking and rates by the said Act authorised to be levied and the other revenues of the harbour.

In witness whereof these presents, written (so far as not printed) by _____ are sealed with the common seal of the said trustees, and _____ two subscribed by us _____ the _____ day of _____ of the said trustees, at _____, before these witnesses (*names and designations*).

A.D. 1877.
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SCHEDULE (H.)
—

Form of Certificate of Funded Debt.

LERWICK HARBOUR.

No.

This is to certify that *A.B.* [*name and designation*] is the holder of
pounds of "The Funded Debt of the Port and Harbour of
Lerwick," created by and under the provisions of "The Lerwick Harbour
Improvements Act, 1877," and is entitled to receive an annuity on the said
sum at the rate of per centum per annum.

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