



CHAPTER cxlix.

An Act for amending the Acts relating to the British Fisheries Society; for vesting in Trustees Pulteney Harbour, and improving and maintaining the same; and for other purposes. A.D. 1879.
[21st July 1879.]

WHEREAS an Act (herein-after called the first recited Act) was passed in the twenty-sixth year of the reign of His Majesty King George the Third, intituled “An Act for incorporating certain persons therein named by the name and style of the British Society for extending the fisheries and improving the sea coasts of this kingdom, and to enable them when incorporated to subscribe a joint stock, and therewith to purchase lands and build thereon free towns, villages, and fishing stations in the Highlands and Islands in that part of Great Britain called Scotland, and for other purposes;” and another Act (herein-after called the second recited Act) was passed in the fifty-fourth year of the reign of His said Majesty, intituled “An Act to enable the Governor, Deputy Governor, and Directors of the Society called the British Society for extending the fisheries and improving the sea coasts of the kingdom, to levy certain rates and duties on vessels frequenting their harbours;” and another Act (herein-after called the third recited Act) was passed in the seventh and eighth years of the reign of Her present Majesty, intituled “An Act to explain and amend the Acts incorporating the British Society for extending the fisheries and improving the sea coasts of the kingdom, for enlarging and improving the harbour of Pulteney Town, in the county of Caithness, and for lighting, cleansing, and improving the said town and better supplying the same with water:”

And whereas the said society were by the first recited Act authorised to raise a capital joint stock not exceeding one hundred and fifty thousand pounds, of which thirty-five thousand pounds

A.D. 1879. — was subscribed and paid up, and under the powers thereby granted the said society constructed a harbour, called Pulteney Town Harbour, in the county of Caithness; and by the third recited Act the said society were authorised to enlarge and improve the said harbour, and to borrow the sum of ten thousand pounds; but in consequence of the changes which had taken place in the coasting and fishing trade of the country, involving the employment of a larger class of vessels and boats, and of other causes, it was found that the works then authorised would prove insufficient, and the same were not proceeded with, and no part of such ten thousand pounds has been raised:

20 & 21 Vict.
c. xciii. And whereas by another Act (herein-after called the fourth recited Act) passed in the twentieth, and twenty-first years of the reign of Her present Majesty, intituled, "An Act to enable the "British Fisheries Society to enlarge, improve, and maintain "Pulteney Harbour, in the county of Caithness, and for other purposes," the first and second recited Acts were repealed, and so much of the third recited Act as relates to or affects the said harbour and the constitution or regulation of the said society within the limits thereof, as defined by the fourth recited Act, was also repealed; and the said society were reincorporated under the name and style of "The British Fisheries Society" (herein-after called the society), and were authorised to enlarge and improve the said harbour, to raise funds for that purpose, and to levy certain rates; but the works thereby authorised were not proceeded with:

25 & 26 Vict.
c. clxxx. And whereas another Act (herein-after called the fifth recited Act) was passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, intituled "An Act to authorise the "British Fisheries Society to construct piers or breakwaters and "other works in connexion with Pulteney Harbour, and to amend "the Act relating thereto," whereby, after reciting as or to the effect herein-before recited, and that it was necessary for the accommodation of the increasing traffic of the said harbour, and for the protection of vessels and fishing boats resorting thereto, and for the greater security of life and property, that the said harbour should be extended and improved by means of works of greater magnitude than those authorised by the fourth recited Act; and further reciting that the society had at their command funds amounting to upwards of forty thousand pounds, and keeping in view the public objects for which they were originally incorporated, that they were willing to apply such funds in or towards defraying the expense of the said works, certain parts therein specified of the fourth recited Act were repealed, and the society were directed, from and out of the accumulated funds belonging to them, to apply the

sum of forty thousand pounds towards defraying the expense of the works authorised by the fifth recited Act, and were authorised to borrow the sum of sixty thousand pounds for the same purpose, and to levy rates :

And whereas the society, acting under the authority of the recited Acts, have for the improvement of the said harbour borrowed from the Public Works Loan Commissioners the sum of sixty-two thousand pounds on the credit of the rates authorised by the fifth recited Act, and have expended the same and also the said sum of forty thousand pounds in carrying such improvement into effect :

And whereas the present harbour debt consists of fifty-nine thousand two hundred and sixty-one pounds fifteen shillings and eightpence, part of the said sum of sixty-two thousand pounds, and of the said sum of forty thousand pounds; and the society are willing to abandon their claim to the repayment of any part of such last-mentioned sum :

And whereas the purposes for which the society were established have been, so far as regards the said harbour, fulfilled, and it would be for the interests of the community of Wick and Pulteney Town and for the public advantage that the said harbour should be placed under local direction, and with that view that the said harbour and the management thereof should be transferred from the society to trustees to be appointed and elected as by this Act provided :

And whereas it is expedient that the fourth and fifth recited Acts should in whole or in part be repealed, and that further provision should be made for the management and maintenance of the said harbour :

And whereas the purposes of this Act 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 :

I.

REPEAL OF LOCAL ACTS AND INCORPORATION OF GENERAL ACTS.

1. This Act may be cited for all purposes as the Pulteney Harbour Act, 1879. Short title.

2. From and after first day of November one thousand eight hundred and seventy-nine (which date is herein-after referred to as the commencement of this Act) so much of the fourth recited Act Repealing in part 20 & 21 Vict. c. xciii., and

A.D. 1879. as relates to or affects the harbour and the constitution or regulation of the society within the limits of the harbour as by this Act defined and, subject to the provisions of this Act, the fifth recited Act shall be and the same are hereby repealed: Provided that, notwithstanding such repeal, all the powers of levying and recovering rates and duties at the fishing stations which formerly belonged or which now belong to the society, other than Pulteney Town, and which powers at the commencement of this Act are possessed either by the society or by the purchasers of such fishing stations, shall remain in full force and effect.

Incorporating in part 10 & 11 Vict. c. 16.

3. The Commissioners Clauses Act, 1847, is (except where expressly varied by this Act) incorporated with and forms part of this Act, with the exception of the clauses 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, with respect to the mortgages to be executed by the commissioners, and with respect to the accounts to be kept by the commissioners; and the word "commissioners" in the said Act as incorporated with this Act means the Trustees under this Act.

Incorporating in part 10 & 11 Vict. c. 27.

4. The Harbours, Docks, and Piers Clauses Act, 1847, is (except where expressly varied by this Act) incorporated with and forms part of this Act, with the exception of the clauses with respect to the following matters; (that is to say,) with respect to lifeboats, with respect to keeping a tide and weather gauge (unless the Trustees shall be required by the Board of Trade to provide and maintain a lifeboat and tide or weather gauge), with respect to buoys, lighthouses, and beacons, and with respect to the police of the harbour, and also with the exception of sections 22, 25, and 26; and the expressions "the harbour, dock, or pier" and "the undertakers" in the said Act as incorporated with this Act mean respectively the harbour and the Trustees as hereinafter defined.

Interpretation of terms.

5. 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 as before provided, and unless there be something in the subject or context repugnant to such construction; and the following words and expressions have the several meanings hereby assigned to them:

"The Trustees" means the Trustees incorporated by this Act:

"The society" means the British Fisheries Society incorporated by the fourth recited Act:

"The directors" means the directors for the time being of the society:

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“The harbour” means the harbour of Pulteney Town, otherwise Pulteney Harbour, as herein-after defined :

“The burgh” means the royal burgh of Wick :

“The parliamentary burgh” means the burgh of Wick as described and defined in the Schedule (M.) to the Act 2 and 3 William IV., cap. 65, intituled “An Act to amend the representation of the people in Scotland :”

“The council” means the provost, magistrates, and town council of the burgh for the time being :

“The treasurer” and “the clerk” respectively mean the treasurer and the clerk for the time being of the Trustees :

“The sheriff” means the sheriff of the county of Caithness, and includes his substitutes :

“The valuation roll” means the valuation roll made up under the Act 17 and 18 Victoria, chapter ninety-one, intituled “An Act for the valuation of lands and heritages in Scotland,” and any Acts amending that Act ; and “lands and heritages” has the same meaning as in the said Acts or any of them.

II.

TRANSFER OF HARBOUR TO TRUSTEES AND CONTINUANCE OF EXISTING RIGHTS.

6. From and after the commencement of this Act the harbour, and all plant and other property and effects whatsoever, heritable and moveable, real and personal, which shall immediately previous to the commencement of this Act belong to or be vested in or held by the society within the harbour as appertaining thereto, and all rates, duties, dues, charges, and rents which may be then owing to the society in respect of the harbour, shall be and the same are, subject to the existing debts, liabilities, engagements, contracts, obligations, statutory provisions, and encumbrances affecting the harbour, hereby transferred to and vested in the Trustees for the purposes of this Act to the same extent and for the same estate and interest in all respects as the same were previously to the commencement of this Act held by or vested in the society : Provided that such transfer shall not be deemed to include any existing right of relief from public and parochial burdens competent to the society against their superior, the proprietor of the lands and barony of Hempriggs, in respect of the harbour or of any other lands, works, or property of the society.

Property of the harbour vested in Trustees.

7. Within three months from the commencement of this Act the Trustees shall produce to the Commissioners of Inland Revenue a deed of conveyance executed by the society and duly stamped ; and if the said deed of conveyance shall not within the said period of

Payment of stamp duty on transfer of harbour.

A.D. 1879. — three months be produced to the said commissioners duly stamped as aforesaid, a penalty of ten pounds shall be recoverable from the Trustees, with full costs of suit and all costs and charges attending the same.

Debt of
40,000*l.*
extin-
guished.

8. The said debt to the society of forty thousand pounds, part of the harbour debt, together with all interest thereon, is hereby extinguished.

Agreements
may be
enforced by
and against
Trustees.

9. The Trustees, with reference to the harbour and other property hereby transferred to or vested in them, may enforce against any person, company, or corporation, and any person, company, or corporation may enforce against the Trustees to the same extent and effect as might have been enforced by or against the society if this Act had not been passed—

All Acts of Parliament and provisions of Acts, other than those by this Act in whole or in part repealed, conferring any right on the society or on such person, company, or corporation, or their predecessors ;

All claims for compensation or damages, or for debts, penalties, costs, or expenses payable or recoverable by or from the society, or in consequence of any act, deed, matter, or thing done or omitted to be done by such person, company, or corporation, or their predecessors, or by the society ;

All contracts or agreements entered into or adopted by the society and such person, company, or corporation, or their predecessors ; and

All bonds, bills, promissory notes, securities, grants, charters, dispositions, conveyances, instruments, feu charters, leases, discharges, deeds, obligations, and writings granted to the society by such person, company, or corporation, or their predecessors, or granted by the society to such person, company, or corporation, or their predecessors, or to which any of the said parties have acquired right ;

and all such contracts, agreements, bonds, bills, promissory notes, securities, grants, charters, dispositions, conveyances, instruments, feu charters, leases, discharges, deeds, obligations, and writings shall remain valid and effectual as if this Act had not been passed.

Rates, &c.
payable
under recited
Acts to be
recovered by
Trustees.

10. All rates, duties, dues, charges, and moneys which before the commencement of this Act shall, with reference to the harbour, have become due or payable to the society or to persons licensed or appointed by them, and which shall be then unpaid, and all fines, penalties, and costs which shall have been incurred under the fourth and fifth recited Acts previous to the commencement of this Act, and which shall be then unpaid, may be levied, collected, sued for,

and recovered by the Trustees, or by persons licensed or appointed by them, in the same way and by the same means as any rates, duties, moneys, fines, penalties, and costs may be levied, collected, sued for and recovered under the authority of this Act. A.D. 1879.

11. Nothing contained in this Act shall abate or affect any action, suit, or other proceeding at law or in equity with reference to the harbour commenced or instituted previous to the commencement of this Act by or against the society, but such action, suit, or other proceeding shall be carried on and prosecuted by or against the Trustees and against the property hereby vested in them, in the like manner and with the like effect as such action, suit, or proceeding might have been continued or carried on if this Act had not been passed, or as if the same had been commenced after the commencement of this Act by or against the Trustees. Actions not to abate.

12. Nothing contained in this Act shall revive in favour of or against the Trustees any claim or cause of action which at the commencement of this Act had lapsed or been discharged, or confer any new cause of action, right, privilege, or exemption which did not exist previous to the commencement of this Act in favour of or against the society. Claims not to be revived.

13. Notwithstanding the repeal in part of the fourth recited Act and the repeal of the fifth recited Act, and except only as is by this Act otherwise expressly provided, everything before the commencement of this Act done or suffered under or confirmed by such Acts shall be as valid as if those Acts were not repealed, and the repeal thereof and this Act respectively shall be subject and without prejudice to everything so done or suffered, and to all rights and liabilities, save and except the liability for the non-removal or for the consequences of the non-removal of any of the works constructed under or by virtue of the powers of the fifth recited Act, and to all debts, claims, and demands, both present and future, which, if the fourth and fifth recited Acts were not repealed and this Act were not passed, would be incident to or consequent on any and every thing so done, suffered, or confirmed; and with respect to all rights, liabilities, claims, and demands which affect or should or might affect the society with reference to the harbour, the Trustees shall represent the society, and may enforce and shall, except as otherwise expressly provided by this Act, be liable in respect of such rights, liabilities, claims, and demands in the same manner and to the same extent as the society could have enforced or would have been liable to in respect thereof. Proceedings under recited Acts saved.

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Books, &c.
to be
evidence.

14. The books, documents, vouchers, and minutes of proceedings of the society connected with the harbour shall be deemed the books, documents, vouchers, and minutes of the Trustees, and shall receive effect and be admitted as evidence in all courts of law and equity and elsewhere in the same way and to the same extent and effect as if this Act had not been passed.

Byelaws,
&c. to con-
tinue in
force until
altered.

15. All byelaws, rules, and regulations made by the society in virtue of the fourth and fifth recited Acts, or either of them, and in force immediately previous to the commencement of this Act, shall, until altered by the Trustees, continue in full force and effect, and may be enforced, and all penalties incurred under the same may be sued for and recovered, in the same manner and to the same effect as any penalties may be sued for and recovered under any byelaws made, or made and confirmed, under the authority of this Act.

Officers to
be continued.

16. The officers and servants appointed under the recited Acts or any of them, or employed in the execution thereof, shall hold and enjoy their respective offices and employments, together with the salaries and emoluments thereto attached, for a period of one year from the first election of the elected Trustees, and shall be subject to the provisions of this Act in the same manner as if they had been appointed under this Act; and all bonds or securities granted for their conduct and intromissions shall be and remain valid, and may be enforced by the Trustees to the same extent and effect as such bonds or securities might have been enforced by the society if this Act had not been passed.

III.

CONSTITUTION, QUALIFICATION, AND ELECTION OF TRUSTEES.

Trustees and
their incor-
poration.

17. The Trustees to carry this Act into execution shall be the proprietor for the time being of the lands and barony of Hempriggs; the factor for such proprietor for the time being, such factor being resident within three miles of or having a place of business within the burgh, but subject to the provision that such factor shall not vote at any meeting at which his principal is present and votes; the provost of the burgh for the time being; one person to be nominated from time to time by the society, or in the event of the society disposing of their estate of Pulteney Town, then by the proprietor of such estate for the time being, or in the event of there being more than one proprietor, then by the majority in number and value of such proprietors; and sixteen persons from time to time to be appointed and elected in manner after mentioned, and who are

herein-after called "the elected Trustees," namely, two persons to be annually elected by the Commissioners of Supply for the county of Caithness from their own number, two persons to be annually elected by the council from their own number, such persons not including the provost of the burgh for the time being, three persons to be annually elected by the Commissioners of Pulteney Town, as constituted by the third recited Act, from their own body, three persons to be elected by the proprietors of lands and heritages within the parliamentary burgh, three persons to be elected by the shipowners of the parliamentary burgh, and three persons to be elected by the ratepayers of the harbour under this Act; and the Trustees shall be a body corporate under the name and style of "The Pulteney Harbour Trustees," with perpetual succession and a common seal, and shall have power to sue and be sued, and to purchase, take, hold, feu, lease, and dispose of lands and other property for the purposes of this Act, and shall have all the other powers and privileges of a body corporate; and all deeds and instruments to be made and granted by the Trustees shall be valid and effectual if subscribed by any two of their number and sealed with their common seal: Provided that in the event of the boundaries of the burgh being extended to the boundaries of the parliamentary burgh, under the provisions of the General Police and Improvement (Scotland) Act, 1862, or otherwise, (in which event the Commissioners of Pulteney Town will be disabled from electing Trustees,) then and in that case, instead of two persons to be annually elected by the council and three persons to be annually elected by the Commissioners of Pulteney Town, there shall be five persons annually elected by the council of the burgh as so extended from their own number, such persons not including the provost of the burgh for the time being; but the persons elected by the council and the said commissioners respectively who may be in office as Trustees at the time of such extension taking place shall continue in office until the time of the next annual election by the council of the burgh as so extended.

A.D. 1879.

25 & 26 Vict.
c. 101.

18. The power and duty of carrying into effect the provisions of this Act shall, until the first election of the elected Trustees is completed, be vested in and performed by the society, who until such election shall be considered as the Trustees, with all the duties, powers, rights, and privileges conferred on the Trustees by this Act.

Society to
act until
completion
of first
election of
Trustees.

19. The elected Trustees shall be elected and retire from office at the times following:

(1.) The first election of the elected Trustees, except the Trustees elected by the Commissioners of Supply for the county of

First and
succeeding
elections of
elected
Trustees.

A.D. 1879.

Caithness, shall take place on the second Tuesday of January one thousand eight hundred and eighty, when sixteen persons shall be elected as such :

- (2.) Of the elected Trustees so elected the persons to be elected by the Commissioners of Supply for the county of Caithness shall be of their own number, and shall be elected at any general or adjourned meeting of such Commissioners to be held in the months of September or October in each year, commencing with the year one thousand eight hundred and seventy-nine, and the Commissioners so elected shall come into office on the second Tuesday in January following such election, and shall remain in office until the second Tuesday of January in each succeeding year :
- (3.) Of the elected Trustees so elected the persons to be elected by the council shall be of their own number, not including the provost of the burgh for the time being, and they shall remain in office until the annual election in the following year :
- (4.) Of the elected Trustees so elected the persons to be elected by the Commissioners constituted under the third recited Act shall be of their own number, and they shall remain in office until the annual election in the following year :
- (5.) Of the three persons to be elected by the proprietors of lands and heritages within the parliamentary burgh the one who shall have received the smallest number of votes shall go out of office on the second Tuesday of January one thousand eight hundred and eighty-one, the one who shall have received the next smallest number on the second Tuesday of January one thousand eight hundred and eighty-two, and the remaining person on the second Tuesday of January one thousand eight hundred and eighty-three, and in case of equality in the number of votes the Trustees shall determine by lot which of those persons shall go out of office :
- (6.) Of the three persons to be elected by the shipowners of the parliamentary burgh the one who shall have received the smallest number of votes shall go out of office on the second Tuesday of January one thousand eight hundred and eighty-one, the one who shall have received the next smallest number on the second Tuesday of January one thousand eight hundred and eighty-two, and the remaining person on the second Tuesday of January one thousand eight hundred and eighty-three, and in case

of equality in the number of votes the Trustees shall determine by lot which of those persons shall go out of office : A.D. 1879.

(7.) Of the three persons to be elected by the ratepayers of the harbour the one who shall have received the smallest number of votes shall in like manner go out of office on the second Tuesday of January one thousand eight hundred and eighty-one, the one who shall have received the next smallest number on the second Tuesday of January one thousand eight hundred and eighty-two, and the remaining person on the second Tuesday of January one thousand eight hundred and eighty-three, and in case of equality in the number of votes the Trustees shall determine by lot which of those persons shall go out of office :

(8.) On the second Tuesday of January one thousand eight hundred and eighty-one, and on the second Tuesday in January in each succeeding year, the electors shall elect persons to supply the respective places of the elected Trustees then going out of office in manner herein-before provided :

Provided that any elected Trustee going out of office may, unless disqualified, be re-elected.

20. The persons (other than the commissioners of supply, the council, and the commissioners under the third recited Act) qualified to be electors, and to be elected, shall be as follows : Qualification of electors.

PROPRIETORS OF LANDS AND HERITAGES.

Every person residing or having a place of business within the parliamentary burgh whose name shall appear in the valuation roll thereof as proprietor in his own right of lands and heritages to the extent of at least ten pounds of annual value for the space of more than twelve calendar months immediately preceding the first day of November one thousand eight hundred and seventy-nine with respect to the first election of Trustees by the said proprietors, and immediately preceding the first day of November in each year thereafter with respect to subsequent elections of Trustees by the said proprietors.

SHIPOWNERS OF THE BURGH.

Every person residing or having his place of business within the parliamentary burgh whose name shall, on the first day of November immediately preceding the election, appear in the books

A.D. 1879. of the Custom House in the burgh as owner or part owner to the extent of at least fifty tons of or in any vessel or vessels belonging to the harbour.

RATEPAYERS OF THE HARBOUR.

Every person residing or having his place of business within the parliamentary burgh who shall have paid as principal or as agent for any person residing beyond the parliamentary burgh, or partly as principal and partly as such agent, during the year ending the thirty-first day of October immediately preceding the election, five pounds or upwards of rates leviable, in the case of the election to take place on the second Tuesday of January one thousand eight hundred and eighty, under Schedules (A.), (B.), (C.), and (D.) to the fifth recited Act annexed, or any one or more of them, and in the case of all subsequent elections under the Schedules (A.), (B.), (C.), (D.), (E.), and (F.) to this Act annexed, or any one or more of them.

Trustees to make up a register of electors.

21. On or before the tenth day of December one thousand eight hundred and seventy-nine, and on or before the tenth day of December in each succeeding year, the Trustees shall cause a list specifying the names and designations of the electors to be made up and affixed in some place accessible to the public within the office of the Trustees, or in some conspicuous place on the outside thereof, which list shall distinguish by asterisks or other marks set opposite to their names their respective qualifications, whether in respect of the ownership of shipping or of the payment of rates, and any person claiming to be an elector whose name shall have been omitted from the said list, or who shall not be distinguished therein as qualified in respect either of the ownership of shipping or of the payment of rates, may at any time before the seventeenth day of the same month of December apply to the Trustees, who shall thereupon, if they find such person entitled to be an elector, or entitled to be distinguished in such list as qualified in either of such respects, cause the name of such person to be added to the list, or to be distinguished therein in manner before described; and such list, with the additions, if any, so made, shall have the names therein respectively numbered, and shall be certified by the clerk, and shall be deemed to be the register of the electors under this Act: Provided that, as regards the list to be made up in the year one thousand eight hundred and seventy-nine, no person claiming to be an elector as qualified in respect of the payment of rates shall be entitled to make such application unless he shall have sent in his claim to the Trustees in manner herein-after provided.

22. For the purpose of making up the register of electors qualified in respect of the ownership of shipping, the clerk shall on or before the tenth day of November one thousand eight hundred and seventy-nine, and on or before the tenth day of November in each succeeding year, apply to the Registrar of Shipping at the Custom House in the parliamentary burgh for a list of shipowners registered on the first day of November immediately preceding the election, with the respective names and registered tonnage of the vessels in respect of which they are registered, and the number of shares in each of such vessels held by them; and such Registrar shall, within fourteen days after receiving such application as aforesaid, supply such list on payment of any reasonable expense which may be incurred in making up the same.

A.D. 1879.

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List of ship-owners to be prepared.

23. For the purposes of making up the register of the electors in the year one thousand eight hundred and seventy-nine, as regards the persons qualified to be electors as herein-before prescribed in respect of the payment of rates, the Trustees shall, by advertisement in at least one newspaper published at Wick in the first week of November one thousand eight hundred and seventy-nine, require all persons claiming to be qualified as electors in respect of such payment to send in their claims to the Trustees in writing on or before the twenty-seventh day of the same month of November, and to specify in such claims the amount of the rates paid by them respectively during the year ending the thirty-first day of October immediately preceding, and the dates of the payment thereof, and the Trustees shall thereupon consider such claims, and shall enter in the list of the electors to be made up and affixed within or upon the office of the Trustees as aforesaid the names and designations of such of the claimants as appear to them to be qualified as electors according to the qualification herein-before prescribed in respect of the payment of rates.

Electors qualified as ratepayers to give in claims.

24. For the purpose of making up the register of the electors in the year one thousand eight hundred and eighty, and in each succeeding year, as regards the persons qualified to be electors as herein-before prescribed in respect of the payment of rates, the Trustees shall cause to be entered in a book or books kept by them the names and designations of all such persons and the total amounts of such rates paid by such persons respectively for the year ending the thirty-first day of October immediately preceding the election, which book or books shall be open to inspection at all times during the hours of business.

Trustees to keep books showing names of ratepayers.

25. To enable the Trustees to prepare and keep such book or books, the owner, agent, or person in charge of every vessel arriving

Copies of ships manifests and

A.D. 1879. at or departing from the harbour shall furnish to the treasurer a copy of the ship's manifest and such other documents as will show the names, descriptions, residences, and places of business of all persons who have paid or who are liable in the payment of rates in respect of such vessels or of the goods therein under the Schedules (A.), (B.), (C.), (D.), (E.), and (F.) to this Act annexed, and the amount of rates payable by such persons respectively; and every owner, agent, or person in charge of any such vessel who shall refuse on reasonable notice to furnish such ship's manifest or other document shall for every such offence be liable to a penalty not exceeding ten pounds, to be recovered in the same manner as other penalties to be imposed under the provisions of this Act: Provided that nothing contained in this section shall in reference to this Act affect, qualify, or restrict sections 37, 38, and 39 of the Harbours, Docks, and Piers Clauses Act, 1847.

Qualification
of elected
Trustees.

26. Every person who shall at the time of the first or of any succeeding election be entered on the register of the electors, and who shall be distinguished therein by an asterisk or other mark set opposite to his name in manner before prescribed, as qualified to be an elector in respect either of the ownership of shipping or of the payment of rates, shall be qualified to be elected one of the elected Trustees at the election for which the register in which he is so distinguished is made up, or at the filling up thereafter of any vacancy previous to the annual election next following.

Qualification
of joint
owners of
vessels.

27. When two or more persons appear in the books of the Custom House aforesaid as joint owners of or in any vessel or vessels aforesaid, each of such persons residing in or having his place of business within the parliamentary burgh, whose share in such joint ownership shall amount to forty tons or more, shall be qualified to be one of the electors under this Act: Provided that where the amount of tonnage owned by any of such joint owners does not appear in the said books they shall, within the first week of November in each year, intimate to the clerk the amount of tonnage owned by each of them in such joint ownership, and the name and residence and place of business of each of them.

Qualification
of members
of com-
panies.

28. Where rates shall be paid by any Company consisting of two or more partners having a place of business within the parliamentary burgh, such Company may within the first week of November immediately preceding the election intimate in writing to the Trustees the name or names of any one or more, not exceeding three in number, of the partners on whose behalf such payment shall be deemed to have been made, and such payment shall, for the purposes of the election, be deemed to have been made by the

partner or partners so named if resident within the parliamentary burgh, and each such partner so named shall be qualified to be an elector and to be elected one of the elected Trustees in respect thereof in the same manner as if such payment had been made by him as an individual, provided the amount of rates paid by such Company be sufficient to afford the qualification of five pounds to each of the partners so named.

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29. The following rules shall be observed with respect to the election of each class of the elected Trustees (being persons elected by shipowners and ratepayers as herein-before provided) to take place in the month of January one thousand eight hundred and eighty, and in the month of January in succeeding years:

Mode of
conducting
election of
elected
Trustees.

- (1.) Eight days at least previous to each election the Trustees shall cause to be prepared and delivered to every elector applying for it a printed copy of the register of the electors made up in manner herein-before prescribed:
- (2.) The Trustees shall fix the place of the election, which shall be within the parliamentary burgh:
- (3.) The returning officer or returning officers shall be elected by the Trustees:
- (4.) The Trustees shall cause the day and place of the election to be advertised in at least one newspaper published in the burgh not less than six days previous to the election:
- (5.) Any person qualified as an elector may nominate for election as a Trustee any other person qualified to be elected, and such nomination may be seconded by any other qualified elector: Provided that such elector so nominating shall at once satisfy the returning officer that the person so nominated will accept office if elected, otherwise the nomination shall be invalid:
- (6.) If no more candidates are nominated than the number to be elected in the class, the candidates nominated in such class shall be deemed elected, and the returning officer shall sign a declaration of such election, which shall be conclusive evidence thereof; and shall, as soon as practicable, publish the names of the persons elected in at least one newspaper published in the burgh, but if more candidates are nominated than the number to be elected, the returning officer shall order a poll:
- (7.) When a poll is required the returning officer shall direct the same to be taken at such place within the burgh, and on such day, not more than two clear days from the day of nomination, as he may determine, and the election shall be by open poll, and votes shall be given personally:

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- (8.) The returning officer or returning officers shall preside at the polling place, or at their respective divisions thereof, and the votes shall be given in his or their presence, as the case may be :
- (9.) The Trustees shall appoint such number of poll clerks as they deem sufficient, and cause proper polling books to be provided :
- (10.) Each poll clerk shall have with him at the polling place a copy of the register of the electors certified by the clerk, and the votes shall be taken according to such register :
- (11.) The poll shall be open at ten o'clock in the forenoon of the day of election, and close at four o'clock in the afternoon of the same day :
- (12.) The poll may be closed at any time before four o'clock, if one hour has elapsed during which no vote has been tendered :
- (13.) The returning officer or returning officers shall cause to be entered in the polling books the name and number of every voter as appearing in the register of electors, and the name and designation of the person or persons for whom he votes :
- (14.) No returning officer or poll clerk shall vote at any election at which he officiates :
- (15.) At the close of the poll the returning officer or returning officers shall sum up in the polling books the votes taken by him or by them respectively, as the case may be, and shall thereafter sign the polling books, and shall forthwith transmit them to the clerk :
- (16.) The persons who, being not more than the number of elected Trustees to be elected at any election, shall be found to have the greater number of valid votes at such election as appearing from the summation of the returning officer or returning officers in the polling books, which shall be conclusive evidence of the number of votes, shall, if duly qualified according to the provisions of this Act, be deemed to be elected Trustees :
- (17.) In case of an equality in the number of votes, the Trustees at their first meeting to be held after such election shall, if necessary, to prevent an excess in the number of elected Trustees, determine by lot which of the persons having such equality of votes shall be the Trustee or Trustees.

Penalty on persons falsely assuming to act on behalf of voters.

30. If any person shall falsely assume to act in the name or on the behalf of any person entitled to vote at an election of Trustees, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

31. In case of the failure at any time of the electors to make a valid election in terms of this Act of persons duly qualified to be elected Trustees, the Trustees shall, within six weeks after such failure shall have been ascertained, cause an election of such persons to be made according to the rules herein-before appointed to be observed with respect to the annual elections of the elected Trustees; and the persons to be so elected shall, in respect of continuance in office, be on the same footing as if their election had taken place on the second Tuesday of January immediately preceding the date thereof.

A.D. 1879.
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Provision
in case of
failure to
elect Trustees.

32. Any elected Trustee may resign office at any time upon giving to the Trustees not less than three weeks written notice of such his intention.

Elected
Trustees may
resign office.

33. If any one of the elected Trustees refuse to accept office, or die, or resign, or become disqualified or incompetent to act, or cease to be a Trustee from any other cause than that of going out of office by rotation or in regular course as aforesaid, every such vacancy shall be filled up in manner following; (that is to say,) the Trustees shall elect in his stead a person duly qualified in the same class, and in every case the Trustee so substituted shall continue in office for the same period as the person in whose place he is elected would an ordinary course have continued, when he shall go out of office, but shall be eligible for re-election.

Occasional
vacancies,
how to be
filled up.

34. The expense of making up the several lists and the registers of the electors herein-before directed to be made up for the purposes of elections, and the expense of advertising elections and printing lists and registers, and all other expenses attending elections, shall be defrayed out of the moneys to be raised under this Act.

Expenses of
elections,
how to be
defrayed.

35. Every person who, after becoming or being elected one of the Trustees, shall accept or hold any office or place of profit under the Trustees, or participate in the profits of any work done by order of the Trustees, or be concerned or participate in the profits of any contracts entered into with the Trustees, shall thenceforth cease to be a Trustee, and his office shall thereupon become vacant: Provided always, that no Trustee shall vacate his office by reason of being a shareholder or member of any joint stock company with which the Trustees may enter into any contract, or by reason of his being interested in any loan of money to the Trustees, and no such contract or loan shall be void or voidable by either of such reasons; provided also, that no Trustee shall be entitled to vote on any question relating to the execution of this Act, or the affairs of the Trustees wherein such company of which he is a shareholder or member is interested, or on any question connected therewith, or on any

Disqualifi-
cation of
Trustees.

A.D. 1879. — question relating to any such loan, or on any question in which he is personally concerned, and if he shall so vote his vote shall not be counted, and he shall be liable to a penalty not exceeding twenty pounds.

Trustees not incapable.

36. No Trustee shall, by reason of his holding such office, be disqualified from acting as a magistrate, sheriff, justice of the peace, or a magistrate or judge of any police court, with reference to the levying of any penalty under this Act, or in any matter relating to the execution of this Act.

Penalty on Trustees not being qualified acting.

37. Any person who, being incapacitated or not duly qualified to act, or after having become disqualified, shall act as one of the Trustees shall for every such offence be liable to a penalty not exceeding fifty pounds, and such penalty may be recovered by any person, with full costs of suit, in any competent court; nevertheless all acts done by any person being incapacitated or not duly qualified as one of the Trustees previously to the infliction of the penalty shall be as valid as if such person had been duly qualified.

IV.

MEETINGS AND OTHER PROCEEDINGS AND ACCOUNTS OF TRUSTEES.

First meeting of Trustees.

38. The Trustees shall hold their first general meeting on the first day of November one thousand eight hundred and seventy-nine and proceed to put this Act into execution.

Monthly and annual meetings.

39. Meetings of the Trustees shall, after such first general meeting, be held monthly, or oftener as the Trustees shall see fit, on such day and at such hour as they shall from time to time appoint, and they shall hold an annual general meeting upon the Friday immediately preceding the second Tuesday of January one thousand eight hundred and eighty, and upon the Friday immediately preceding the second Tuesday of January in each year thereafter.

Special meetings.

40. The Trustees may hold special meetings, and any three or more of the Trustees may require a special meeting to be held, and may call or direct the clerk to call such meeting; but no such meeting shall be held unless twenty-four hours previous notice thereof be given, and such notice shall specify the objects for which such meeting is called.

Notices of meetings.

41. All notices of any meeting of the Trustees shall be in writing or in print, or partly in writing and partly in print, and shall be delivered at or transmitted through the post office addressed to the usual place of abode or place of business of each of the Trustees, and every notice shall specify the time and place of the meeting.

42. At all meetings of the Trustees five shall be a quorum, and all powers vested in the Trustees may be exercised by such quorum; but no business shall be transacted at any meeting of the Trustees unless a quorum be present.

A.D. 1879.

Quorum of Trustees.

43. The meetings of the Trustees shall be held within the Town House of the burgh or other convenient place within the burgh to be fixed by the provost of the burgh for the time being.

Places of meetings.

44. At the first meeting of the Trustees they shall, by the majority of the votes of the Trustees present, elect one of their body to be their chairman for the ensuing year, and at the first meeting of the Trustees in every year thereafter the Trustees shall in like manner elect a chairman for the year then ensuing; and in case the chairman die or resign, or cease to be a Trustee, or otherwise become disqualified to act as such, the Trustees present at the meeting next after the occurrence of such vacancy shall choose some other of their body to fill such vacancy, and the chairman so elected shall continue in office so long only as the person in whose place he was elected would have been entitled to continue chairman; and if at any meeting of the Trustees the chairman be not present, one of the Trustees present shall be elected chairman of such meeting by the majority of the votes of the Trustees present at such meeting.

Election of chairman of meetings.

45. At all meetings of the Trustees the questions there considered shall be decided by the votes of the majority present, and in case of an equality of votes the chairman for the time being shall, in addition to his own vote, have a second or casting vote: Provided that if at any such meeting there be an equality of votes in the election of the chairman, it shall be decided by lot which of the Trustees having an equal number of votes shall be the chairman.

Manner of voting.

46. The Trustees (whether more or less than a quorum) present at any meeting of the Trustees, or the clerk if no Trustee be present, may adjourn such meeting to another day at the same or any other convenient place within the parliamentary burgh.

Adjournment of meetings.

47. No order or resolution of the Trustees at any meeting shall be altered or revoked unless at some meeting called for that special purpose, and notice of the intention to propose such alteration or revocation shall be given on the card or circular calling such meeting.

Orders or resolutions not to be altered without notice.

48. The Trustees may at any meeting from time to time appoint committees for carrying into effect any of the purposes or provisions of this Act, and the Trustees may appoint the chairman of any such committee and may fix the quorum thereof, being not less than half

Power to appoint committees.

A.D. 1879. — of the whole number, and may continue, alter, or discontinue such committee, and the trustees may delegate to any such committee and such committee may exercise and perform such of the powers and duties competent to or incumbent on the Trustees in virtue of this Act, except borrowing money, as the Trustees think fit.

Meetings of committees.

49. 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 purposes of their appointment; and at all meetings of the committee the chairman appointed by the Trustees, and in his absence, or if no chairman has been appointed, one of the members present to be appointed by the meeting shall preside; and if there be an equality of votes in the election of the chairman, the meeting shall decide by lot which of the members having an equal number of votes shall be chairman and preside; and all questions shall be determined by a majority of the votes of the members present, and in case of equality of votes the chairman shall have a casting vote in addition to his vote as member of the committee.

Quorum of committees.

50. No business shall be transacted at any meeting of any committee appointed by the Trustees unless the quorum of members fixed by the Trustees, or, if no quorum be fixed, one half of the members be present.

Proceedings of Trustees not to be invalidated by vacancies.

51. No proceeding of the Trustees, or of any committee, shall be invalidated or be illegal by reason of any deficiency at the time of such proceeding in the number of the Trustees, occasioned by any failure to elect the elected Trustees or any of their number, or by reason of the fact of a vacancy from any other cause in the number of trustees or members of committee at the time of such proceeding.

Informalities in appointment of Trustees not to invalidate proceedings.

52. All proceedings of the Trustees, or of any committee of the Trustees, or of any person acting as one of the Trustees, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Trustees, or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed, and was qualified to be one of the Trustees, as the case may be.

Proceedings to be recorded and, when signed, to be received as evidence.

53. The Trustees shall cause records to be kept by the clerk, under their superintendence, of all the proceedings of the Trustees and of every committee appointed by them, with the names of the Trustees, as the case may be, who shall attend each meeting, and the record of every such proceeding shall be signed by the chairman of the meeting at which the proceeding took place; and the record or minute of such meeting so signed, or an extract thereof certified by the clerk, shall be received as evidence in all courts and before all judges, justices, and others, without proof of such meeting having

been duly convened or held, or of the persons attending such meeting having been or being Trustees or members of committees respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved, and such records shall at all reasonable times be open to the inspection of any of the Trustees and of any creditor on the security of the rates or property of the Trustees.

A.D. 1879.

54. Every person who shall at any time obstruct the Trustees or any person employed by them in the performance of any work or thing which they are respectively empowered or required to do by this Act or by any byelaw in force or to be made in virtue of the recited Acts or this Act, or any of them, shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstructing Trustees.

55. The Trustees may at any time suspend any officer in their employment, and may appoint another person temporarily to fill his office or temporarily to fill any office under them which may be vacant from any cause.

Officers may be suspended, and temporary appointments made.

56. The Trustees shall annually appoint an auditor (not being one of the Trustees or holding office under them) to audit and docquet the accounts of the Trustees, and they may suitably remunerate such auditor.

Auditor to be appointed.

57. The Trustees shall within four weeks after the first day of November in each year produce and lay before such auditor their accounts, with the statement and account appointed by section ninety of the Commissioners Clauses Act, 1847, to be produced at the annual general meeting of the Trustees, accompanied with proper vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto; and such auditor shall, within four weeks after receiving the same, examine such accounts, statement, and account and vouchers, and may either make a special report on such accounts or simply confirm the same, and such report or confirmation shall be printed along with such statement and account, and be produced therewith at the annual general meeting of the Trustees; and such accounts, if confirmed by the auditor and allowed by the Trustees and certified accordingly by a certificate annexed to such statement and account or a printed copy thereof under the hand of the chairman of the meeting at which such accounts are so allowed, shall be final in regard to all persons whomsoever.

Accounts to be audited.

A.D. 1879.

V.

LIMITS OF HARBOUR, MAINTENANCE, AND IMPROVEMENT OF
HARBOUR LIGHTHOUSES AND PLANT.

Limits of
harbour.

58. The harbour shall include the Bay of Wick or such part thereof as lies within a straight line drawn from the high-water mark of spring tides at the furthest projecting south-eastern part of the land at the north head of the Bay of Wick till it intersects the high-water mark of spring tides at the most projecting north-eastern part of the land at the south head of the Bay of Wick, which boundary line passes seawards of the "Look-out House" on the south head at a distance of three hundred and fifty yards or thereby as measured at right angles to such line, and shall extend westward up the River of Wick as far as the Bridge of Wick, and shall include all to the north of a line drawn from the Bridge of Wick thirty feet back from the river wall, parallel with the river wall to the west corner of Martha Terrace, thence along the curb-stone of the pavement in front of the houses in the said Terrace to the east corner thereof, thence along the curb-stone of Harbour Quay to Harbour Place, thence along the wall of Harbour Place to the north end of the retaining wall at Harbour Brae, along the said wall to the foot of the Cliff, and from thence along the base of the Cliff (excluding George McAdie's feu) to the end of the roadway at the south end of the South Quay, and from thence along the landward side of the roadway to the south end of the breakwater, thence along high-water mark to the South Head of the Bay of Wick, (which line is delineated on a map or plan signed in duplicate by the Right Honourable the Earl of Redesdale, Chairman of Committees of the House of Lords, and deposited in the Office of the Clerk of the Parliaments and with the sheriff clerk of the county of Caithness at his office in Wick,) together with the whole piers, quays, breakwaters, curing-stations, warehouses, and other works, lands, and buildings belonging to the society within the said limits, and the works for the time being of the society and of the Trustees already constructed or to be constructed within such limits under the authority of the recited Acts, or any of them, or this Act.

Powers of
harbour
master.

59. The powers of the harbour master may be exercised within the harbour.

Works
authorised
by fifth
recited Act
to be carried
out.

60. Notwithstanding the repeal by this Act of the fifth recited Act, the Trustees may, should they see fit, make and maintain, according to the terms and provisions of that Act, so much of the works thereby authorised as are unexecuted at the commencement of this Act.

61. Subject to the provisions of this Act, the Trustees may from time to time, on lands belonging to the Trustees or to be acquired by them by agreement, but not so as to interfere with the rights, privileges, property, or advantages hereby reserved to Garden Duff Dunbar, or his successors, in the lands and barony of Hempriggs, his feuars and tenants, maintain and improve the harbour, and from time to time construct and maintain graving docks, inclined planes, slips, locks, gates, bridges, quays, piers, jetties, wharves, sewers, drains, roads, approaches, streets, and other works, machinery, and conveniences, and lay down and construct rails, tramways, sidings, and turntables on and along the quays, piers, and other works of the harbour, and alter or remove existing piers, quays, jetties, and wharves in the harbour, or any of them, and alter, dredge, scour, deepen, widen, enlarge, improve, and maintain the entrances, channels, and waterways of the harbour, and alter, divert, or shut up roads or streets, so far as may be necessary for the purposes of the harbour and works in and connected therewith, but so as not to interfere with the roads or streets in front of Martha Terrace, Harbour Quay, Harbour Place, and Harbour Brae, or any of them, or the accesses leading thereto, which the Trustees shall maintain in perpetuity.

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Powers to
maintain
and improve
harbour and
works.

62. The Trustees may quarry and take stones from the quarries within the property of the society extending from opposite the South Head of the Bay of Wick to opposite the breakwater for the purpose of making, repairing, and maintaining the harbour, and all works in connexion therewith, and for making, repairing, and maintaining all roads and quays within the limits of the harbour, but for no other purpose; subject always to the payment of such surface damage to the society and their tenants and successors as may be fixed by arbiters mutually chosen, and subject also to such regulations and restrictions as shall from time to time be made by the society or their successors to prevent injury to the said quarries from or by the mode of working the same, and also subject to such reasonable charges or burdens as the society or their successors may deem it necessary from time to time to lay upon the same in order to maintain the roads communicating therewith.

Power to
quarry
stones for
harbour
purposes.

63. The trustees may by agreement purchase, or feu, or lease any lands not exceeding in the whole ten acres, or any right therein which shall be deemed proper or expedient for purposes connected with the harbour.

Purchase of
lands by
agreement.

64. Subject to the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, the Merchant Shipping Act, 1854, and the Merchant Shipping Act Amendment Act, 1862, and the Acts for

Light-
houses,
flags, and
beacons to

A.D. 1879. the time being amending the same respectively, the Trustees shall
 be main- keep up and maintain in proper order and repair the lighthouses,
 tained. leading lights, and other lights, beacons, flags, and signals established
 17 & 18 Vict. or maintained in virtue of the recited Acts, or establish and
 c. 120. maintain others in lieu and place thereof or in addition thereto,
 25 & 26 Vict. and may appoint keepers of such lighthouses, leading lights, and
 c. 63. other lights, beacons, flags, and signals, as they may think fit.

Power to provide dredgers and other plant. **65.** The Trustees may for the purposes of this Act from time to time purchase, lease, provide, or hire such steam or other dredgers, steam or other engines, steam or other vessels, diving bells, ballast lighters, rubbish lighters, fire engines, tools, plant, or other materials as they think fit, and may from time to time, as they think fit, sell and dispose of or let such dredgers, engines, vessels, diving bells, lighters, tools, plant, and materials aforesaid.

Lights on works. **66.** The Trustees shall, during the whole time of the constructing, altering, or extending of any work on, in, over, through, or across tidal lands or a tidal water, exhibit and keep burning, at their own expense, every night from sunset to sunrise, such lights (if any) on or near the work as the Board of Trade from time to time requires or approves, and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also, on or near the work when completed, always maintain, exhibit, and keep burning, at their own expense, every night from sunset to sunrise, such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves. If the Trustees fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Trustees to exhibit lights required by Commissioners of Northern Lighthouses. **67.** The Trustees shall, at the outer extremity of the works hereby authorised, exhibit and keep burning, from sunset to sunrise, such lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct.

VI.

RATES.

Rates on vessels. **68.** From and after the commencement of this Act, the Trustees, or such person or persons as they shall appoint, may levy, demand, and take for every vessel coming into or going out of or using the harbour, or any part thereof, any sums not exceeding the rates specified in the first column of Schedule (A.) to this Act annexed ; and as soon as the works authorised by the fifth recited Act shall have been completed, the Trustees may levy, demand, and take for every such vessel any sums not exceeding the rates specified in the second

column of the said Schedule (A.), and such rates shall be payable on such vessel entering or before leaving the harbour. A.D. 1879.

69. From and after the commencement of this Act the Trustees may levy, demand, and take for all goods shipped or unshipped, loaded into or unloaded out of any vessel in any part of the harbour, or transferred from one vessel to another within the limits of the harbour, any sums not exceeding the rates specified in the first column of Schedule (B.) to this Act annexed; and as soon as the works authorised by the fifth recited Act shall have been completed, the Trustees may levy, demand, and take for all such goods any sums not exceeding the rates specified in the second column of the said Schedule (B.); and as to all such goods as are not specified in the said schedule the Trustees may demand a rate equal to the rate for the time payable in respect of goods of a similar nature, package, and quality; and such rates, if such goods are to be shipped, shall be payable before the shipment, or, if such goods are to be unshipped, shall be payable before the same are unshipped. Rates on goods.

70. From and after the commencement of this Act the Trustees may levy, demand, and take for every vessel coming into the harbour, or any part thereof, any sums not exceeding the rates specified in Schedule (C.) to this Act annexed, for maintaining the establishment of the lighthouses, leading lights and other lights, beacons, flags, and signals required by this Act or by the Commissioners of Northern Lighthouses, to be maintained by the Trustees, and such rates shall be payable on such vessel entering the harbour. Rates for lighthouses, lights, and signals.

71. From and after the commencement of this Act the Trustees may levy, demand, and take for every vessel coming into the harbour, or any part thereof, any sums not exceeding the rates specified in Schedule (D.) to this Act annexed, for lifeboats provided by the Trustees and their lifeboat establishment, and such rates shall be payable on such vessel entering the harbour. Rates for lifeboats.

72. The several rates herein-before authorised to be levied for vessels coming into or going out of the harbour, or any part thereof, shall be paid by the owners, agents, masters, managers, or other persons having charge of such vessels respectively, except in respect of the tonnage duty and other rates for boats engaged in the herring fishery during the regular season thereof, to be defined annually by the Trustees, which shall be payable by the consignee of the fish or other person or persons by or for whom the boat or boats may be engaged, who shall report to the treasurer, when required, the number of boats for which he is so liable to pay, and shall retain the rate or rates from the owner of the boats; and the rates herein-before authorised to be levied for goods shipped or unshipped or transferred Rates, by whom to be paid.

A.D. 1879. from one vessel to another in any part of the harbour shall be paid by the owners, consignees, or agents of the owners or consignees of such goods respectively, who shall be each and all liable in the payment of the said rates.

Owners, &c.,
to give
account.

73. The owners, consignees, agents, managers, or persons in charge of all goods (fresh herrings and all other fresh fish included) imported into or landed in the harbour shall be bound, when required, to give to the collector of rates a true account under their hands of the quantity or value thereof as the case may be, and to verify the same by the production of their books and all other documents necessary to vouch such account; and every person who shall give or subscribe a false account shall for every such offence be liable to a penalty not exceeding ten pounds.

Fractional
part of a
penny
reckoned one
penny.

74. In levying and collecting the amount of any rate payable under the authority of this Act any fractional part of a penny shall be reckoned one penny.

Rates for
cranes, &c.

75. The Trustees may levy, demand, and take for the use of their cranes, weighing machines, hawsers, lighters, and steam tugs, and from the owner or person having the charge of any goods, articles, or things shipped or unshipped, loaded or unloaded, weighed or measured by means of such cranes or weighing machines, or from the owner, agent, master, manager, or other person in charge of the vessel using such cranes or weighing machines, or such hawsers, lighters, or steam tugs, any sums not exceeding the rates specified in Schedule (E.) to this Act annexed, and such rates may be recovered by the Trustees in the same way as other rates in respect of vessels or of goods are by this Act recoverable.

Rates for
graving
docks and
slips.

76. The Trustees may levy, demand, and take from the owner, agent, master, manager, or other person in charge of any vessel taken into, or upon, or using any graving dock, or inclined plane, or slip provided by or belonging to the Trustees for the purposes of this Act, and also, subject to the provisions of this Act, from every person using any lines of rails, sidings, or turntables provided by or belonging to them for such purposes, such rates as the Trustees shall from time to time fix, and which rates may be recovered by the Trustees in the same way as other rates in respect of vessels or of goods are by this Act recoverable.

Master of
vessel to
report
arrival.

77. Within twelve hours after the arrival within the limits of the harbour of any vessel liable to rates, the master of such vessel shall report such arrival to the treasurer or the collector of rates, and if he fail to make such report within the time aforesaid, and after he has been required to do so by the treasurer or collector, he shall be liable to a penalty not exceeding ten pounds.

78. The master of every vessel shall, on his arrival in the harbour and before unloading any part of his cargo, and immediately after being loaded, be obliged, if required, to give in to the collector of rates or to such person as the Trustees shall appoint, an exact and full account of his cargo by producing his bills of lading, or his manifest or intake account, or a true copy thereof, and such other documents as the collector shall deem necessary and demand for ascertaining the true contents thereof; and every person failing so to do, or not delivering a just and true account of his cargo both outwards and inwards as aforesaid, shall for every such offence forfeit and pay any sum not exceeding ten pounds over and above the whole rates and duties payable in respect of such loading and unloading.

A.D. 1879.

Master of vessel to give an account of cargo.

79. The master or owner or person in charge of every boat engaged in the white fishery, and of every boat delivering herrings, (except boats engaged at the herring fishing for the regular herring fishing season,) shall, on arrival in the harbour, forthwith report the same to the harbour master or collector of rates, and shall furnish to the collector a true and accurate statement of his take of fish and the names of the persons obtaining delivery of the same and liable for the dues thereon, and he shall not leave the harbour without paying to the collector his dues, and if he fail to do so he shall be liable to a penalty not exceeding ten pounds.

Masters of fishing boats to report arrival and give account of take of fish.

80. The harbour master may prevent the removal or sailing out of the harbour of any vessel in respect of which any rates or dues shall have been payable, until evidence shall have been produced to him of the payment of such rates to the treasurer or the collector of rates, and until the master of any such vessel shall have given in an account of his cargo as required by this Act.

Harbour master may prevent sailing of vessels.

81. The Trustees may, by their own officers or servants, or such persons as they may choose to employ, and without judicial procedure or authority, take possession of any boat for which any rate or penalty shall have been incurred under this Act, and which shall for the time being remain unpaid, and that wherever such boat may be found within the harbour, and may remove such boat to any part of the harbour, and retain the same until the rate or penalty so incurred, and all expenses attending the seizure, removal, and retention of such boat shall have been paid, including in such expenses the wages of the officers, servants, or other persons who may have been employed in connexion therewith for the time of such employment: Provided that nothing herein contained shall prejudice the right of the Trustees to sue for and recover any such rate or penalty by legal process in common form.

Recovery of rates on fishing boats.

A.D. 1879.

Application
of rates.

82. The rates to be levied and received under the authority of this Act shall be applied by the Trustees in manner following; (that is to say,)

- (1.) In paying the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto :
- (2.) In paying, subject to the provisions of this Act, the cost of the maintenance, repairs, management, and regulation of the harbour ; but such cost shall not exceed one thousand six hundred pounds per annum without the consent of the holders of securities for money borrowed under the fifth recited Act :
- (3.) In paying year by year to the Public Works Loan Commissioners the instalments of principal and interest due to them in respect of the loan remaining unpaid at the commencement of this Act :
- (4.) In paying year by year the interest accruing on moneys borrowed by the Trustees under the powers of this Act :
- (5.) In payment of principal money borrowed, having regard to the priority of security fixed by this Act, or in creating a sinking fund for that purpose, in the proportions respectively required by this Act :
- (6.) In the further general improvement of the harbour, and in carrying into effect the purposes of this Act.

VII.

BALLAST.

Trustees
may dispose
of materials
dredged, &c.

83. The Trustees may use or sell or dispose of, in such manner as they think proper, the rock, stones, gravel, sand, clay, soil, and other materials dug or dredged by them within the harbour.

Power to
acquire lands
for ballast
purposes.

84. The Trustees may from time to time by agreement purchase, feu, or take on lease, for the deposit or obtaining of ballast, any lands not exceeding five acres, and any servitudes, rights, and interests in, over, or affecting the same.

Trustees to
supply and
remove
ballast.

85. The Trustees shall have and exercise exclusive control over the supplying of ballast to and removal of ballast from all vessels within the harbour, and they may levy, demand, and take such reasonable rates therefor as from time to time they shall deem expedient.

Penalty for
receiving
ballast not
supplied by
Trustees.

86. Every master of any vessel within the harbour who shall receive into such vessel any ballast which shall not be supplied by the Trustees, or which shall have been brought from any place without the permission and direction of the Trustees or the harbour

master, shall for every such offence be liable to a penalty not exceeding five pounds. A.D. 1879.

87. No ballast or rubbish shall be thrown out of any vessel upon the quays of the harbour, except by permission of the Trustees; and every master or other person who shall throw out any ballast or rubbish from any vessel on such quays without such permission, and every master, owner, agent, or manager of any vessel who shall fail immediately to remove from such quays any ballast or rubbish thrown out of such vessel to such place as the Trustees may direct, shall be liable to a penalty not exceeding five pounds for every such offence.

No ballast or rubbish to be thrown on quays without permission.

88. The rates for the supply and removal of ballast, payable by virtue of this Act to the Trustees as herein-before provided, shall be paid by the owner, master, agent, manager, or other person in charge of every vessel which is supplied with or discharges any ballast within the harbour in respect of the vessel to or out of which such ballast is supplied or discharged, and shall be recoverable by the Trustees in the same way as other rates in respect of vessels are by this Act recoverable.

Ballast rates, by whom payable.

89. Every person, not being the Trustees or employed by them for the purpose, who shall sell or dispose of any ballast from any vessel within the harbour shall be liable to a penalty not exceeding five pounds for every such offence: Provided that the master of any vessel may, with the permission of the Trustees, receive ballast into such vessel out of any other vessel, and in such case the owner, master, agent, manager, or other person in charge of the vessel discharging the ballast shall be at the expense of heaving the same, and the owner, master, agent, manager, or other person in charge of the vessel receiving such ballast shall pay to the Trustees in respect thereof such reasonable rates as they shall from time to time fix.

Penalty on others than Trustees selling ballast.

90. If the master or crew of any vessel neglect (so as to occasion any unnecessary or unreasonable delay) to take in or cast out the ballast or rubbish of or for such vessel from or to any cart, waggon, truck, or other apparatus or ballast lighter employed to receive or supply ballast or rubbish from or to such vessel, the master of such vessel shall for every such offence forfeit any sum not exceeding five shillings for every hour during which such cart, waggon, truck, or other apparatus or ballast lighter is by or in consequence of such neglect so delayed.

Penalty for delaying ballast-lighters, carts, &c.

91. If any person shall dig or take away any ballast, shingle, stones, or other things from within the harbour, without leave of the Trustees in writing for that purpose first had and obtained, he

Penalty for taking ballast out of harbour.

A.D. 1879. shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for casting ballast or rubbish without a port sail.

92. If any person cast or unload into or out of any vessel in the harbour, or if any person having the command of any vessel in the harbour knowingly permit to be cast or unloaded into or out of the same any ballast or rubbish, and such respective person have not a wooden stage or port sail sufficiently large and properly fastened during the whole time of such casting or unloading from the vessel into or out of which such ballast or rubbish is to be cast or unloaded to the upper edge or highest part of the wharf or quay, or to the other vessel into, from, or upon which such ballast or rubbish is to be cast or unloaded, and so as to prevent any such ballast or rubbish from falling into the harbour, every such person so offending shall for every such offence forfeit any sum not exceeding forty shillings for the first offence, and not exceeding ten pounds for every subsequent like offence.

VIII.

STEAM TUGS.

Trustees may provide and license steam tugs.

93. For the use and accommodation of vessels frequenting the harbour the Trustees may from time to time build, purchase, contract for or hire, and may maintain, use, and let steam tugs or other power, and may also from time to time license such number of steam tugs or other power belonging to any person, and for such period and on such terms and conditions as they may think fit.

Trustees to fix rates for steam tugs.

94. The Trustees may from time to time fix reasonable rates or charges for or in respect of the use of the steam tugs, or other power maintained, used, and let or licensed by them, and such rates or charges shall be paid by the owner, master, agent, manager, or other person having charge of the vessel obtaining the assistance of such steam tugs or other power, to the Trustees or to their lessee, or to the person with whom they may contract, or to the owner of such steam tugs or other power if licensed by them, as the case may be; and such rates and charges shall be due and payable whether such steam tugs or other power shall be actually employed or not, provided the assistance thereof shall have been required, and shall in consequence of such requisition have been tendered by the master or other person having the command of such steam tugs or other power.

Penalty for using or employing steam tugs without the license of Trustees.

95. Every person who, without the license of the Trustees first applied for and obtained, shall use or employ any steam tug or other power for towing vessels within the harbour, except such as shall be provided or employed by the Trustees or by their lessee, contractor, or other person having their authority, and except also any steam

tug or other power which is being employed in towing a vessel from any other port or harbour to the harbour or from the harbour to any other port or harbour, shall for every such offence be liable to a penalty not exceeding five pounds. A.D. 1879.

IX.

PILOTAGE.

96. The Trustees from time to time may license and appoint such persons as they may think necessary as captain pilots and pilots of and for the harbour, and withdraw or suspend any such license or appointment at their pleasure, and may fix the rates, prices, or other remuneration to be demanded and received by all pilots licensed by them, such rates, prices, and remuneration not exceeding those specified in Schedule (F.) to this Act annexed, and may alter the mode of remunerating such pilots; and the Trustees shall be a pilotage authority and local authority within the meaning of the Merchant Shipping Act, 1854, and the Acts amending the same, and shall have all powers conferred by those Acts on pilotage authorities and on local authorities. Trustees may license pilots.

97. Subject to the provisions of the Merchant Shipping Act, 1854, and the Acts amending the same, all licenses to captain pilots and pilots granted by the society shall continue in force until the annual expiration thereof, or until the same are recalled, or until the suspension or dismissal of such captain pilot or pilots. Existing licenses of pilots to continue in force.

98. Every pilot license shall be given under the hand of the clerk, and shall continue in force for such period as the Trustees shall fix, but not exceeding twelve months after granting the same. Licenses, how to be issued.

99. Every person, upon his admission as a pilot, shall be subject to the provisions in this Act contained, and to such byelaws, rules, and regulations as shall be in force for the time for the government and direction of the pilots of the harbour. Pilots to be subject to provisions of Act, &c.

100. Every person acting as master, or having charge of any vessel of thirty tons register and upwards, either going out of or coming into the harbour, (but not including steam tugs provided for the use and accommodation of vessels frequenting the harbour, as by this Act provided,) shall be bound and obliged before leaving or entering the harbour to take on board a pilot, licensed as aforesaid, and not being one of the crew of the vessel, for the purpose of piloting such vessel out of or into the harbour; and in the event of such master or other person refusing or neglecting so to do he shall be liable to a penalty not exceeding five pounds. Masters of vessels bound to take pilots.

101. In case the master of any vessel inward-bound shall refuse to take on board and employ the first pilot, licensed or acting Masters of vessels inward.

A.D. 1879.

bound refusing to take pilots to pay full pilotage.

under the authority of this Act, who shall offer his service outside the harbour, or as soon as such pilot can safely come alongside such vessel, such master shall, in addition to the penalty provided for in the immediately preceding section, pay or cause to be paid to the pilot who first or who only shall offer his service as aforesaid, and shall be so refused, the full pilotage dues, according to the rates payable for the time to pilots at the harbour, as if such pilot had been received and employed in conducting or piloting such vessel into the harbour, and in default of payment such pilotage dues may be recovered in the same manner as any pilotage dues may by law be recovered.

Pilots not to take out vessels until rates are paid.

102. No pilot licensed or acting under the authority of this Act shall pilot or convey any ship or vessel out of the harbour until the captain pilot shall have been satisfied that the rates directed by this Act to be paid in respect of such vessel have been duly paid to the treasurer or the collector of rates.

Masters or mates of steam vessels may qualify as pilots.

103. The master or mate of any steam vessel trading weekly to or from the harbour or the Bay of Wick, or calling thereat weekly, may, upon giving due notice thereof and consenting to pay the usual expenses, apply to the Trustees to be examined as to his capacity to pilot the vessel of which he is master or mate, or any one or more vessels belonging to the same owner; and every such master or mate making such application shall thereupon be examined, and if found competent a pilotage certificate shall be granted to him, containing his name, a specification of the vessel or vessels in respect of which he has been examined, and a description of the limits within which he is to pilot the same within or near the harbour; and such certificate shall authorise the person therein named to pilot the vessel or vessels therein specified, of which he may be master or mate or acting as such, but no other, within the harbour and near thereto, without incurring any penalties for the non-employment of a qualified pilot.

Trustees not to be liable for damage by pilots.

104. The Trustees shall not be liable or answerable to any person whomsoever for any accident, loss, or damage occasioned by the fault or incapacity of any pilot licensed or appointed by them, or happening in any way in consequence of the employment of any such pilot.

X.

METERS AND WEIGHERS.

Power to appoint meters and weighers.

105. The Trustees may appoint and license a sufficient number of persons to be meters and weighers within the harbour.

Rates for weighing

106. The rates or other remuneration to be paid for the weighing and measuring of goods at the harbour shall, in the option of the

Trustees, be paid either directly to the meters and weighers themselves, or to the treasurer or collector of rates, for the purpose of forming a fund out of which the Trustees shall pay to the meters and weighers weekly or other wages for their services of such amount as the Trustees shall from time to time fix and determine, as also the other necessary and proper charges and expenses connected with the meting and weighing department.

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and measuring goods.

XI.

SUPPLY OF WATER AND GAS.

107. The Trustees may contract with any body of commissioners, corporation, company, or person for a supply of water to vessels within the harbour, and for the extinction of fires in such vessels, and also for a supply of gas for the use of the harbour and the streets, buildings, and property within the limits thereof.

Trustees may contract for supply of water and gas.

108. The Trustees may levy, demand, and take from the owner, master, agent, manager, or other person in charge of any vessel receiving such supply of water, excluding boats engaged in the herring fishing during the season, one farthing per ton register, and for boats engaged in the herring fishing two shillings and sixpence per boat for each season.

Rate for water supplied to vessels.

XII.

HARBOUR POLICE.

109. The Trustees may appoint during pleasure a superintendent of police for the harbour, and such number of officers and constables under him as they may from time to time think necessary, and may pay to the persons so appointed such salaries, wages, or allowances as the Trustees think fit: Provided that, instead of making such appointments, the Trustees may agree with the Commissioners of Police of the burgh, or the Commissioners of Pulteney Town, or the Commissioners of Supply for the county of Caithness, with respect to the protection of the harbour and the goods and vessels thereat, or the lighting or cleansing of the harbour by the police force, or other officers under the charge of any of such commissioners as herein-after authorised.

Harbour police to be established.

110. Such superintendent, officers, and constables to be appointed by the Trustees shall discharge the following duties; (that is to say,)

Duties of the police.

They shall guard, patrol, and watch the piers, quays, and other works of the harbour, and the roads and accesses thereof, and the goods thereon or therein, and the vessels of all descriptions within the harbour, and the goods with which such vessels may be loaded:

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They shall enforce and obey the byelaws of police of the Trustees :

They shall apprehend and bring before any of the magistrates of the burgh, or justices of peace of the county of Caithness, all persons committing or charged with committing a breach of this Act, or of any of such byelaws or other byelaws made in pursuance of this Act, or committing or charged with committing any criminal, riotous, or disorderly act within the harbour, to be dealt with, tried, and punished agreeably to the forms established and in use for the time in the police court of the burgh, or under the powers and authorities vested for the time in the magistrates or justices or otherwise in terms of law :

They shall at all times afford to the Trustees their best aid and assistance in the preservation of peace and good order, and the suppression of nuisances within the harbour, and the removal of obstructions from the piers, quays, jetties, and other works, and the beaches, roads, and accesses of the harbour :

They shall see to the proper lighting and cleansing of the harbour and the works thereof by the officers or servants appointed for that purpose by the Trustees.

Powers and privileges of police.

111. Such superintendent, officers, and constables shall have all the powers and privileges appertaining for the time being to any constable by the law of Scotland.

Trustees may agree with Commissioners of Police and others for watching the harbour.

112. The Trustees on the one part, and the Commissioners of Police of the burgh, the Commissioners of Pulteney Town, and the Commissioners of Supply for the county of Caithness, or any of such last-mentioned bodies of Commissioners (herein-after called the second parties), on the other part, may from time to time agree that all or any of the duties herein-before appointed to be performed by such superintendent, officers, and constables shall be performed by the superintendent of police and officers and constables appointed by the second parties, or any of them, under any Act in force for the time ; and during the existence of any such agreement such last-mentioned superintendent of police and officers and constables shall for the purposes of this Act use and exercise the same powers, rights, and privileges within the harbour as might have been used or exercised by them if they had been appointed by the Trustees.

Trustees and Commissioners of Police

113. The Trustees and the second parties, or any of them, may from time to time in any such agreement fix the number and description of the officers and constables to be employed in the

execution of this Act, and the sum of money or charges to be paid in consideration of their services by the Trustees.

and others
may fix
number of
officers, &c.

XIII.

BYELAWS.

114. In addition to the powers of making byelaws contained in the Harbours, Docks, and Piers Clauses Act, 1847, the Trustees may, subject to the provisions of this Act, from time to time make such byelaws as they shall think fit for all or any of the following purposes ; (that is to say,)

Additional
byelaws.

For preventing and removing obstructions or impediments within the harbour and at or in or on the basins, piers, quays, and other works and roads and accesses of the harbour :

For berthing or removing vessels lying in any part of the harbour, regulating the wages, conduct, and behaviour of boatmen, lumpers, jobbers, stevedores, and others resorting to the harbour, basins, piers, quays, or other works, and for prohibiting persons from acting as such within the harbour without previously obtaining a license to that effect from the Trustees :

For regulating the management, superintendence, and police of the harbour and of the works constructed and to be constructed for the improvement thereof, and of the harbour lighthouses, leading lights and other lights, and the palls and landfasts placed on the quays :

For regulating the use of the rails, sidings, and turntables in and along the quays, piers, and other works of the Trustees, and the moving of carriages, waggon, and trucks along the same :

For regulating the conduct of the owners, masters, and crews of vessels propelled by steam with regard to the rate of speed at which they may proceed within the harbour, the mode of navigating such vessels, the keeping the advertised times of sailing, and the taking on board and landing or putting out passengers :

For regulating the towing of vessels at or in the harbour, the size and number of vessels towed at one time in one train, the order and manner in which the towage shall be given, and the duties and conduct of all persons employed on the steam tugs or other power used at the harbour for towing vessels, with regard to the rate of speed at which they may proceed within the harbour, or with regard to any other matter or thing :

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For regulating the terms and conditions of granting licenses for such steam tugs or other power :

For regulating the conduct of boatmen and others in landing passengers from and putting them on board of all vessels, including vessels propelled by steam, and the sufficiency of the boats employed for that purpose :

For regulating the conveyance to and the laying down at or on the piers or quays of the harbour of all goods intended for shipment :

For regulating the conveyance, landing, laying down, discharge, and removal of timber, logs, floats, or rafts of timber and other goods within the harbour :

For regulating the ballasting of vessels within the harbour and the order and manner in which they shall be supplied with ballast, and the discharging, removal, or disposal of ballast :

For regulating the duties and conduct of the crew and the persons employed about the lifeboats or the lifeboat establishment :

And the byelaws to be so made by the Trustees shall, unless relating solely to the Trustees, or their officers or servants, be confirmed, and shall be published in the manner prescribed by the Harbours, Docks, and Piers Clauses Act, 1847, and shall be observed under penalties not exceeding the sum of five pounds for each offence, besides such damages as the case may infer.

Byelaws with respect to pilots to be valid without confirmation by sheriff.

115. Notwithstanding the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to the byelaws to be made by the undertakers, all byelaws made by the Trustees as a pilotage authority with the consent of Her Majesty in Council, in virtue of the Merchant Shipping Act, 1854, or Acts amending the same, shall be valid, without confirmation by the sheriff.

XIV.

PROSECUTION OF OFFENCES AND RECOVERY AND APPLICATION OF PENALTIES.

Punishment of crimes within harbour beyond police limits.

116. All persons committing or accused of having committed any crime or riotous or disorderly act within any part of the harbour, although such part may not be within the police limits of the burgh, may be dealt with, tried, and punished in the same manner as if such crime or riotous or disorderly act had been committed or had been charged to be committed within such police limits.

Prosecution of offences

117. All offences committed in contravention of and all penalties, fines, forfeitures, damages, expenses, and costs imposed by virtue

of this Act, or any byelaws made in pursuance of this Act, may be prosecuted or recovered and enforced, at the instance of the Trustees or the clerk or the treasurer, or the procurator fiscal of the burgh, in the police court of the burgh, established or held under the authority of any Act in force for the time being regulating the police court of the burgh, agreeably to the forms in use for the time being in such police court, or any other forms competent by the law of Scotland; and for that purpose, and for the dealing with, trial, and punishment of all persons committing or charged with committing any crime or riotous or disorderly act within any part of the harbour beyond the police limits of the burgh, the whole police jurisdiction, powers, and authorities conferred on the magistrates of police and constables of the burgh by any Act for the time regulating such police court, shall be held to be jurisdiction, powers, and authorities conferred on them within the harbour under this Act; and all the provisions, jurisdiction, and powers for the trial and punishment of crimes and disorderly or riotous acts committed within the police limits of the burgh, and of offences in contravention of any such Act regulating the police court, and the recovery of penalties thereby imposed, and the whole mode of procedure for such purposes therein provided, may be exercised and followed by the magistrates and officers of such police court, and by the superintendent, officers, and constables employed or acting at the harbour in virtue of this Act, as fully as if such provisions were embodied in this Act.

A.D. 1879.

and recovery
of penalties.

118. Any officer acting under the authority of this Act, and all persons called by him to his assistance, may seize and detain any person who shall be found committing any offence against the provisions of this Act or any byelaw in force or to be made in pursuance of this Act, and whose name and residence shall be unknown to such officer, and convey him with all convenient despatch before the sheriff or a justice, or a magistrate, or magistrate or judge of police of the burgh, without any warrant or other authority than this Act, and such sheriff, justice, magistrate, or magistrate or judge of police shall proceed with all convenient despatch in the matter of the complaint against such offender.

Transient
offenders.

119. All penalties, fines, forfeitures, and damages imposed by this Act or by any byelaw in force or to be made in pursuance of this Act shall, when levied, (notwithstanding anything to the contrary in any Act regulating the said police court contained,) be paid to the treasurer for the purposes of this Act.

Application
of penalties.

A.D. 1879.

XV.

BORROWING POWERS.

Trustees
may borrow
money and
grant bonds.

120. The Trustees may from time to time borrow at interest on the credit of the rates by this Act granted, and the other revenues of the Trustees, any sums of money which shall not exceed the sum of forty thousand pounds, and in the event of any part of such sum of forty thousand pounds being repaid by the Trustees, except by means of the sinking fund herein-after provided, they may again borrow the same, and so from time to time; and the Trustees may grant to the persons advancing or lending the money so to be borrowed bonds therefor, containing an assignation of the said rates and revenues, or any part thereof, to such persons as a security for the payment of the money so to be borrowed, with the interest thereof.

Form of
bonds.

121. Every bond and assignation in security of the rates and revenues to be granted by the Trustees shall be by deed duly stamped, in which the consideration shall be truly stated, and all such bonds and assignations in security may be partly written and partly printed or engraved, and shall be subscribed by any two of the Trustees and by the treasurer, and be sealed with the seal of the Trustees; and such bonds and assignations in security may be according to the form in Schedule (G.) to this Act annexed or to the like effect.

Trustees
and treasurer
not to be
personally
liable.

122. The Trustees and the treasurer shall not be personally liable by reason of having signed such bonds and assignations in security for the repayment of the money borrowed or interest thereon.

Register of
bonds to be
kept, and to
be open to
inspection.

123. A register of such bonds and assignations in security shall be kept by the treasurer, and within twenty-one days after the date of any such bond and assignation in security an entry or memorial of the number, date, and amount thereof, and of the names of the parties thereto, with their proper designations, shall be made in such register, and every such register may be perused at all reasonable times by any person interested in any such bond and assignation in security without fee or reward.

Transfer of
bonds.

124. Any person entitled to any bond and assignation in security granted by the Trustees may transfer his right and interest therein to any other person by deed, duly stamped, wherein the consideration shall be truly stated, and such transfer may be according to the form in Schedule (H.) to this Act annexed or to the like effect.

125. Within twenty-one days after the date of every such transfer it shall be produced to the treasurer, who shall thereupon cause an entry or memorial thereof to be made in the same manner as in the case of the original bond and assignation in security, and for such entry the treasurer may demand a sum not exceeding five shillings, and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original bond and assignation in security in all respects, and no person having made such transfer shall have power to make void, release, or discharge the bond and assignation in security so transferred, or any money thereby secured, and such transferee may in like manner transfer the same toties quoties.

A.D. 1879.

Register of transfers to be kept.

126. If the sum contained in any bond and assignation in security to be granted as aforesaid for money borrowed by the Trustees become transmitted in consequence of the death, bankruptcy, or insolvency of any creditor, or in consequence of the marriage of a female creditor, or by any other means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration which may be partly written and partly printed in the form or as near as may be in the form of Schedule (I.) to this Act annexed, and every such declaration shall state the manner in which and the party to whom such bond and assignation in security shall have been so transmitted, and shall be made and signed by some credible person before a sheriff or justice of the peace, and shall be left with the treasurer, who shall thereupon enter the name of the person entitled to such bond and assignation in security, under such transmission, in the register of transfers, and for every such entry the treasurer may demand any sum not exceeding two shillings and sixpence, and until such transmission has been so authenticated and left with the treasurer no person claiming by virtue of any such transmission shall be entitled to receive any portion of the sum contained in any such bond and assignation in security.

Transmission of bonds, &c., otherwise than by transfer.

127. If such transmission be by the marriage of a female creditor such declaration shall contain a copy of the register of such marriage or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of such bond and assignation in security, and if such transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration, or an official copy thereof, if granted in England, or a testament-testamentar, or testament-dative, if expedite in Scotland, or an official extract thereof, shall, together with such declaration, be produced to the treasurer, and upon such production, in either of the cases aforesaid,

Transmission by marriage and testamentary instruments.

A.D. 1879. the treasurer shall make an entry of such declaration in the said register of transfers.

Interest to
be paid
half-yearly.

128. The interest of the money borrowed by the Trustees shall be paid at the times or periods appointed in any bond and assignation in security granted by them, and if no term or period be appointed shall be paid half-yearly to the several persons entitled thereto.

Interest
warrants
may be
issued.

129. The Trustees may issue interest warrants in the form of Schedule (K.) to this Act annexed, or to the like effect, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums contained in any bond and assignation in security during the period for which such bond and assignation in security is intended to subsist; and the delivery to the Trustees or the treasurer, or to any other person on their behalf, of any such interest warrant duly stamped shall be a valid and sufficient discharge to the Trustees for the interest in respect of which the same was issued.

Repayment
of money
borrowed.

130. The Trustees may, if they think proper, fix a period for the repayment of the principal money to be borrowed by them, with the interest thereof, and in such case the Trustees shall cause such period to be inserted in the bond and assignation in security to be granted by them as aforesaid, and upon the expiration of such period the principal sum, together with all interest thereon, shall on demand be paid to the person entitled to receive the same, and if no other place of payment be inserted in such bond and assignation in security such principal sum and interest shall be payable at the office of the treasurer.

As to
repayment
of money
borrowed
when no
time fixed
in bond.

131. If no time be fixed in the bond and assignation in security to be granted by the Trustees for the repayment of the money so borrowed, the person entitled to receive such money may, at the expiration or at any time, being the fifteenth day of May or the eleventh day of November, after the expiration of twelve months from the date of such bond and assignation in security, and upon giving three months previous notice to the treasurer, demand payment of the principal sum thereby secured, with all interest due thereon; and in the like case the Trustees may at any time pay off the money borrowed on giving the like notice; and every such notice shall be in writing or in print, or partly in both, and if given by a creditor shall be delivered to the treasurer or left at his office, and if given by the Trustees shall be either delivered personally to such creditor or left at or sent through the post office addressed to his residence or place of business, or if such creditor be unknown to the Trustees or cannot be found after diligent inquiry, such notice

shall be given by advertisement inserted once in the Edinburgh Gazette and once in a newspaper published in Wick. A.D. 1879.

132. If the Trustees shall have given notice as aforesaid of their intention to pay off any such bond and assignation in security at a time when the same may be lawfully paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless on demand of payment made pursuant to such notice or at any time thereafter the Trustees shall fail to pay the principal sum and interest due on such bond and assignation in security at the expiration of such notice. Interest to cease at expiration of notice to pay bond.

133. Any person entitled to any bond and assignation in security to be granted under the authority of this Act may discharge the same, and the sum of money and interest therein contained, and his right and interest therein, in favour of the Trustees, by a receipt which may be written thereon, and which may be according to the form contained in Schedule (L.) to this Act annexed, or to the like effect, and every such receipt when signed by the grantor thereof shall be a valid and effectual discharge to all intents and purposes. Discharge of bonds.

134. The Trustees shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any bond and assignation in security, or the money principal or interest thereby secured may be subject; and the receipt of the person in whose name any such bond and assignation in security stands in the books of the Trustees shall be a sufficient discharge to the Trustees for any money payable in respect thereof, notwithstanding any trust to which the same or the money thereby secured may then be subject, and the Trustees shall not be bound to see to the application of the money paid upon such receipt. Trustees not bound to see to execution of trusts.

135. The Trustees may from time to time 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 sum which the Trustees are by this Act authorised to borrow, or any part thereof, and they may from time to time, by any bond and assignation in security signed and sealed in manner before provided, assign the said rates, revenues, lands, works, and property in security for the money to be advanced on such cash account, with interest for the same: Provided that the whole sum due and owing by the Trustees on such cash account, and for any other money borrowed under the authority of this Act, shall never, when taken together, exceed the said sum of forty thousand pounds. Money may be borrowed on cash account.

136. All securities for money borrowed under the authority of the recited Acts, and which shall be in force at the time of the com- Existing securities to have priority.

A.D. 1879. mencement of this Act, shall during the continuance thereof have priority over any securities to be granted as aforesaid for money borrowed by virtue of this Act.

Rights of
creditors
under this
Act.

137. The respective creditors in or holders of bonds and assignations in security to be granted for money to be borrowed under the authority of this Act shall be entitled one with another to their respective proportions of the rates and other revenues of the Trustees according to the respective principal sums contained in and due under such bonds and assignations in security, and to be repaid such principal sums and the interest thereon, without any preference one above another by reason of the priority of advancing such moneys or of the dates of any such bonds and assignations in security.

Bonds to be
personal
estate.

138. All bonds and assignations in security to be granted by the Trustees, and all money to be advanced and lent on the security of the rates and revenues of the Trustees, shall be moveable or personal estate and transmissible as such, and shall not be of the nature of heritable or real estate.

Application
of money
borrowed.

139. All moneys which shall be borrowed by the Trustees in virtue of this Act shall be applied in and for the purposes by this Act authorised to which capital is applicable.

Provision
as to loans
by Public
Works Loan
Commis-
sioners.

24 & 25 Vict.
c. 47.

38 & 39 Vict.
c. 89.

140. 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,—

(1.) That loan and the security therefor shall not have priority over any loan previously borrowed by the Trustees, or the security therefor, except so far as the creditors consent to such priority under the Public Works Loans 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 to borrow shall be diminished by the amount of any loan to be borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls, &c. Act, 1861, and the Acts amending the same.

XVI.

SINKING FUND.

Trustees
to set apart
a sinking

141. From and after the commencement of this Act the Trustees shall commence and thenceforth continue to set apart and appropriate

annually from the rates and revenues of the harbour a sum equal to one pound per centum on the aggregate amount of the principal moneys which shall have been borrowed by them as a sinking fund for the repayment of those principal moneys, which sinking fund shall be from time to time invested in the name of the Trustees in any securities in which by law trust moneys may from time to time be invested, and shall be accumulated in the way of compound interest; and the Trustees may from time to time apply the sums so set apart in repayment of the principal moneys so borrowed: Provided always, that whenever any of such principal moneys have been so paid off the Trustees shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the sum herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off; provided further, 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, 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 such sinking fund of the yearly sums herein-before required to be paid thereto.

A.D. 1879.

—
fund for
repayment
of moneys
borrowed.

142. The clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund 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 portion of the moneys invested for the sinking fund has 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 the 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

Annual
return to
Board of
Trade with
respect to
sinking fund.

A.D. 1879. Scotland pronounced in a summary application presented for that purpose.

XVII.

MISCELLANEOUS.

Provision
as to Mer-
chant Ship-
ping Acts.
18 & 19 Vict.
c. 91.

143. Nothing contained in this Act shall be deemed to exempt the harbour or the Trustees from the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1855, or of any general Act relating to merchant shipping, harbours, or docks, or dues on shipping or on goods carried in ships, now in force or which shall be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates authorised by this Act.

Saving
rights of
council.

144. Nothing contained in this Act shall prejudice or affect any agreement between the society and the council subsisting at the commencement of this Act, and such agreement shall be and remain in full force and as valid and effectual in all respects as if this Act had not been passed; but, without prejudice to the society's existing liability in connexion therewith, the Trustees shall be bound to relieve the society from the annual payment now made to the burgh in lieu of shore dues; and, except as otherwise herein expressly provided, nothing herein contained shall extend or be construed to extend to take away, abridge, or diminish any rights, privileges, jurisdictions, or powers which now belong to and are enjoyed by the council extending down to low water mark.

Saving
rights of
G. D. Dun-
bar, Esq.

145. All the rights, privileges, property, and advantages of Garden Duff Dunbar, or his successors, in the lands and barony of Hempriggs, and of his present and all future feuars and tenants on the north side of the Bay of Wick, shall be and the same are hereby preserved entire; and, notwithstanding anything in this Act contained, it is hereby specially provided and declared that no rates shall be levied under this Act on vessels or goods entering or leaving or shipped or unshipped at the harbours or landing places on the north side of the said bay, on the property of the said Garden Duff Dunbar, and not being within the works already erected by the society or to be erected under this Act.

Saving
rights of
the Crown.
29 & 30 Vict.
c. 62.

146. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections 20, 21, and 22 of the Crown Lands Act, 1866, or shall divest, alter, or affect any other estate, right, or interest

belonging to the Queen's most Excellent Majesty, her heirs or successors. A.D. 1879.

147. 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 of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, the management of which is vested in the Board of Trade, 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 contained in this Act 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.

148. Nothing herein contained shall affect the securities of the Public Works Loan Commissioners or their rights and priorities in respect thereof, and whilst and so long as any moneys remain due to the said Commissioners under the said securities the rates levied at the harbour at the time of the commencement of this Act shall continue to be leviable, and shall not be altered except with the consent of the said Commissioners first had and obtained. Saving
rights of
Public
Works Loan
Commis-
sioners.

149. 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 the rates authorised to be levied or the money authorised to be borrowed by this Act. Expenses of
Act.

A.D. 1879.

SCHEDULE (A.)

TONNAGE RATES.

	First Column.	Second Column.
Every unregistered vessel under fifteen tons burthen, and not employed in the loading and unloading of goods to and from such steamers anchoring in the Bay of Wick as are exempt from the payment of tolls, to pay for each time of entering the harbour,	<i>s. d.</i>	<i>s. d.</i>
per ton	0 6	0 6
Every vessel so employed as aforesaid, for each trip to any such steamer, such trip to include the passage to and from the steamer,		
per ton burthen	0 3	0 3
But if any unregistered vessel under fifteen tons burthen compounds for the herring fishing season, a composition shall be taken of - - - - -	20 0	20 0
For every registered vessel under the burthen of fifteen tons,		
per ton register	0 2	0 3
For every vessel of the burthen of fifteen tons and under forty-five tons - - - - -		
per ton register	0 3	0 4
For every vessel of the burthen of forty-five tons and under one hundred tons - - - - -		
per ton register	0 5	0 6
For every vessel of the burthen of one hundred tons and upwards,		
per ton register	0 6	0 7

For vessels windbound or in ballast, per ton register, half rates.

Steam vessels carrying goods or passengers to pay the same rates as sailing vessels.

But if the steam vessels of the same owner or owners engaged in a regular trade with the Harbour or Bay of Wick shall collectively make, between the 1st day of January and the 31st day of December in any one year, fifty or more voyages to or from such harbour or bay without being moored alongside the works of the said harbour, each of such steam vessels in respect of such year shall (except in so far as they may be so moored) be exempt from tonnage rates, on a claim being made to that effect: Provided, however, that no such claim shall be competent unless, on or before the 1st day of March in each such year, notice in writing shall have been given to the Trustees, by or on behalf of such owner or owners, of his or their intention to claim such exemption; and provided further that the boats or vessels employed in the loading and unloading of goods to and from such steam vessels anchoring in the Bay of Wick as may be so exempt shall be liable to and shall have paid tonnage rates.

On each vessel laid up in the harbour, or on any part of the quays between the 1st of October and 1st of July, there shall be levied the sum of five shillings, the said sum to be paid to the collector previously to the vessel being so laid up.

On every vessel of fifteen tons register and upwards lying in the harbour longer than fourteen days between the 1st of July and 1st October there shall be levied the sum of twopence per ton register for every additional period of ten days.

NOTE.—The words “registered” and “unregistered” as used in this schedule apply to registration under the Merchant Shipping Acts and not to registration under the Sea Fisheries Act, 1868, or Acts amending the same.

SCHEDULE (B.)

A.D. 1879.

RATES ON GOODS.

Description of Goods.	Quantity.	Rates.	
		1st Column.	2nd Column.
Ale or beer	30 gallons	s. d. 0 2	s. d. 0 4
„ in bottles	Ton	2 6	3 6
Animals not hereafter enumerated	Each	0 2	0 6
Apples, pears, and onions	Ton	2 6	3 0
Asphalte or bitumen	Ton	0 6	1 0
Aqua in casks	30 gallons	0 6	1 0
Ashes, pot or other kinds	Ton	1 6	2 0
Ass or mule	Each	1 0	1 0
Bacon	Ton	2 0	3 0
Bark in bulk	Ton	2 0	2 6
Bark (cutch)	Ton	2 6	5 0
Barrels (herring) empty	Each	0 1	0 1
Barley (hulled)	Ton	2 0	2 6
Beef and pork—fresh and salted	Ton	3 4	5 0
Biscuits (ship)	Ton	2 6	4 0
Baskets (herring)	Dozen	0 2	0 4
Billets	50 cubic feet	1 0	1 6
Bones and bone dust	Ton	1 6	2 0
„ dissolved	Ton	1 0	1 6
Bottles (empty)	Ton	3 4	4 6
Bran	Ton	2 6	3 0
Bricks	1,000	1 0	2 0
Brimstone	Ton	1 0	2 0
Boats	Each	2 0	2 0
Brooms	100	2 1	3 0
Burnwood	Ton	0 8	0 8
Butter	Ton	10 0	10 0
Calves	Each	0 6	0 6
Candles	Ton	2 0	3 0
Carboys	Ton	3 0	3 6
Carriage (4 wheels)	Each	5 0	5 0
„ (2 wheels)	Each	2 6	2 6
Cattle, namely, bulls	Each	2 0	3 0
„ cows and oxen 5 ft. girth and upwards	Each	1 6	2 6
„ „ under 5 feet girth	Each	1 0	1 6
China ware	Ton	2 6	4 6
Cork	Ton	2 6	5 0
Codfish (pickled)	Ton	1 8	2 6
Carts (farm)	Each	1 6	2 0
Canvas	Ton	2 6	3 6
Cement	Ton	1 0	1 0
„ in casks	Ton	1 0	1 6
Chalk	Ton	0 6	1 0
Cheese	Ton	6 8	6 8
Charcoal	Ton	1 0	1 6
Chimney cans	Each	0 2	0 4
Clay (pipe)	Ton	1 0	1 6
Clocks	Each	0 6	1 0

A. D. 1879.

Description of Goods.	Quantity.	Rates.	
		1st Column.	2nd Column.
		s. d.	s. d.
Clothiery, haberdashery, silk mercery, and all articles for clothiers and haberdashers	Ton	2 6	3 0
Coals	Ton	0 6	1 0
Clover seeds	Ton	2 0	2 6
Confections	Ton	2 6	3 0
Copper	Ton	2 0	5 0
Cordage	Ton	2 0	5 0
Currants	Ton	2 3	3 0
Dogs	Each	1 0	1 0
Drain pipes	Ton	1 0	1 6
Drain pipes for sewerage	Ton	1 0	1 6
Earthenware	Ton	2 6	3 6
Eggs	Ton	3 6	4 0
Fish (dry)	Ton	1 3	2 0
Felt	Ton	2 0	3 0
Fish (salted)	Ton	1 6	3 0
„ haddocks, dried or smoked	Ton	3 0	3 6
„ fresh, landed between 20th Sept. and 13th July inclusive	Ton	1 8	2 6
Fireclay retorts, flue covers, and vent linings	Ton	1 0	1 6
Flax	Ton	2 6	4 0
„ codilla	Ton	2 6	4 0
Flour (per sack of 280 lbs.)	280 lbs.	0 6	1 0
Furniture	Ton	7 0	9 6
Fowls and ducks (live)	Dozen	0 2	0 4
Geese and turkeys (live)	Each	0 1	0 2
Glass (window and plate)	Ton	2 0	2 6
Grates (iron)	Ton	2 6	3 6
Grease and smearing materials	Ton	5 0	6 6
Guano	Ton	1 6	2 6
Hams (smoked or dried)	Ton	2 0	3 0
Harrows	Pair	0 4	0 6
Hay and straw	Ton	0 6	1 0
Hemp	Ton	2 6	5 0
Herrings	Ton	1 5½	2 0
„ red	Ton	3 4	4 0
Hides (raw)	Ton	6 8	6 8
Sheepskins and pelts	Ton	2 0	3 0
Hoops (whole barrel)	1,200	0 5	0 6
Hoops, half barrel	1,200	0 3½	0 4
„ pink	1,200	0 2½	0 3
„ half pink	1,200	0 2½	0 3
Horses	Each	2 6	3 0
Hardware not enumerated	Ton	2 6	3 6
Ice	Ton	0 6	1 0
Iron bars and bolts	Ton	1 4	2 6
„ plate, sheet, hoop, nails, and wire	Ton	1 6	2 6
„ steam boiler, castings, and all machinery	Ton	2 0	3 0
„ grates, stoves, pots, and all hollow cast work	Ton	2 6	3 6
Scythe sneds	Ton	2 6	3 6
Junk or old ropes	Ton	2 0	5 0
Kelp	Ton	1 4	2 0
Lambs under six months	Each	0 1	0 2
Lard	Ton	2 0	3 0

A.D. 1879.

Description of Goods.	Quantity.	Rates.	
		1st Column.	2nd Column.
		<i>s. d.</i>	<i>s. d.</i>
Lead of all kinds - - - - -	Ton - - -	2 0	5 0
Lead, red, white and black (paint) - - -	Ton - - -	2 0	3 0
Leather - - - - -	Ton - - -	3 4	4 6
Lime - - - - -	Ton - - -	0 7	1 0
Linen yarn in bulk or loose - - - - -	Ton - - -	2 6	3 0
Linseed - - - - -	Ton - - -	1 0	1 6
Liquids in casks not otherwise enumerated -	Ton - - -	2 0	3 0
Locust beans - - - - -	Ton - - -	1 0	2 6
Machinery - - - - -	Ton - - -	10 0	10 0
Manures, superphosphates, all kinds - -	Ton - - -	1 0	1 6
„ not enumerated - - - - -	Ton - - -	0 6	1 0
Malt - - - - -	8 bushels -	0 6	0 8
Maize - - - - -	8 bushels -	0 3	0 6
Mats (Baltic) - - - - -	100 - - -	1 0	2 0
Meal, per sack of 280 lbs. - - - - -	280 lbs. -	0 6	1 0
Millwaste - - - - -	Ton - - -	1 0	1 6
Molasses - - - - -	Ton - - -	3 4	3 4
Nets - - - - -	Each - - -	0 1	0 2
Nuts - - - - -	Ton - - -	2 0	2 6
Oakum - - - - -	Ton - - -	2 0	2 6
Ochre - - - - -	Ton - - -	1 6	2 0
Oars and oar spars - - - - -	100 - - -	2 1	3 0
Oils of all kinds - - - - -	Ton - - -	2 0	2 6
Oilcake, and all feeding stuffs - - - -	Ton - - -	1 6	2 6
Oranges - - - - -	Ton - - -	2 6	3 0
Passengers entering or leaving harbour ; baggage of each - - - - -	5 cubic feet -	0 2	0 3
Paper of all kinds - - - - -	Ton - - -	2 6	3 6
Peats - - - - -	Ton - - -	0 6	0 6
Pigs - - - - -	Each - - -	0 6	0 6
Pitch - - - - -	Ton - - -	2 0	2 6
Pipes (tobacco) - - - - -	Ton - - -	5 0	6 0
Plants - - - - -	Ton - - -	4 0	5 0
Plough or grubber - - - - -	Each - - -	0 6	1 0
Potatoes - - - - -	Ton - - -	1 0	1 6
Pig iron - - - - -	Ton - - -	0 6	0 8
Preserved provisions - - - - -	Ton - - -	2 0	3 0
Peas (split and boilers) - - - - -	Ton - - -	1 0	1 6
Ropes and rags (old) - - - - -	Ton - - -	2 0	5 0
Rye grass seeds - - - - -	8 bushels -	0 3	0 3
Rice - - - - -	Ton - - -	1 6	2 0
Sand for foundries - - - - -	Ton - - -	0 4	0 6
Spokes and filloes - - - - -	Ton - - -	1 6	2 0
Salt - - - - -	Ton - - -	0 6	1 0
Sheep of all ages - - - - -	Each - - -	0 3	0 3
Slates, Easdale and Ballahulish - - - -	1,200 - - -	0 9	1 6
Slates, under size - - - - -	1,200 - - -	0 6	1 0
„ Duchesses, from England or Wales -	1,200 - - -	1 0	1 6
„ Countesses „ „ - - - - -	1,200 - - -	1 0	1 6
Soap - - - - -	Ton - - -	1 6	2 6
Soda - - - - -	Ton - - -	1 6	2 6
Soda water in bottles - - - - -	Ton - - -	2 0	2 6
Spades and shovels - - - - -	Dozen - - -	0 4	0 8
Staves - - - - -	1,000 - - -	1 0	1 6

A.D. 1879.

Description of Goods.	Quantity.	Rates.	
		1st Column.	2nd Column.
		<i>s. d.</i>	<i>s. d.</i>
Stones—freestone - - - - -	Ton - - -	0 6	1 0
„ paving - - - - -	Ton - - -	0 6	1 0
„ millstones - - - - -	Each - - -	1 0	3 0
„ gravestones - - - - -	Each - - -	5 0	5 0
Straw - - - - -	Ton - - -	0 6	1 0
Stucco - - - - -	Ton - - -	1 8	2 0
Sugar - - - - -	Ton - - -	5 0	5 0
Seeds, all sorts and all articles for seedsmen, not otherwise enumerated - - - - -	Ton - - -	2 0	3 6
Tar - - - - -	30 gallons - - -	0 3	0 6
Tallow - - - - -	Ton - - -	3 0	4 0
Tea - - - - -	Ton - - -	9 6	9 6
Tares - - - - -	Ton - - -	1 0	1 6
Tow - - - - -	Ton - - -	2 0	3 6
Tiles - - - - -	1,000 - - -	1 0	1 6
Tin plates - - - - -	Ton - - -	2 0	2 6
Turnips - - - - -	Ton - - -	0 4	0 6
Timber, unwrought of all kinds - - - - -	50 cubic feet - - -	1 6	2 0
Twine - - - - -	Ton - - -	6 8	6 8
Wheat, barley, beans, oats, peas, and rye - - - - -	8 bushels - - -	0 3	0 6
Wheels (coach or cart) - - - - -	Pair - - -	0 6	1 0
Wheelbarrows - - - - -	Each - - -	0 4	0 6
Whalebone - - - - -	Ton - - -	1 0	2 0
Whiting - - - - -	Ton - - -	0 6	1 0
Wine - - - - -	27 gallons - - -	0 6	1 0
Wool - - - - -	Ton - - -	3 4	4 0
Yeast - - - - -	Ton - - -	2 0	3 0
Zinc - - - - -	Ton - - -	2 0	3 0
All unenumerated articles to pay on landing or shipping, if by weight - - - - -	Ton - - -	1 6	2 0
If by measurement - - - - -	5 cubic feet - - -	0 2	0 4

All articles which can be measured to pay by measurement, and all other articles by weight.

Goods transferred from one vessel to another within the limits of the harbour without being landed on the quays to pay the same rates as if landed.

Passengers entering or leaving harbour, each 6*d.*

EXEMPTIONS FROM THE ABOVE DUTIES.

1st. All returned empty boxes, barrels, sacks, and packages.

2nd. Passengers luggage not exceeding ten cubic feet. All above to pay the ordinary rates.

3rd. The furniture and luggage of fishermen coming or returning from the herring fishing at the commencement or end of the fishing season.

4th. Dogs used by servants in charge of live stock.

SCHEDULE (C.)

A.D. 1879.

RATES FOR LIGHTHOUSES, LIGHTS, AND SIGNALS.

For every vessel - - - - per register ton One farthing.

SCHEDULE (D.)

RATES FOR LIFEBOATS AND THE LIFEBOAT ESTABLISHMENT.

For every vessel from any port or place in Great Britain or
Ireland - - - - - One shilling.
For every vessel from any other port or place - - - - Two shillings.
For every boat engaged in the prosecution of herring fishing
for the season - - - - - One shilling.

SCHEDULE (E.)

RATES FOR THE USE OF CRANES, WEIGHING MACHINES, HAWSERS, AND
LIGHTERS.

					s.	d.
1. Cranes	-	-	-	for one hour, or any shorter time	1	6
"	-	-	-	for every additional hour	1	0
The time to be calculated from the outgoing of the handles until they are returned.						
2. Weighing machines	-	-	-	for each ton or part of a ton	0	2
				Outside of Harbour.	Inside of Harbour.	
				£ s. d.	£	s. d.
3. Hawasers, 6 inches.	-	-	-	2 0 0	1	0 0
" 5 inches	-	-	-	0 10 0	0	10 0
" 4 inches	-	-	-	0 5 0	0	5 0
" 3 inches	-	-	-	0 5 0	0	5 0
4. Lighters	For a load or part of a load, including the wages of one man to take charge of the lighter -				0	8 0

SCHEDULE (F.)

PILOTAGE RATES.

For every vessel above 20 tons entering and leaving the harbour,	£	s.	d.
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

A.D. 1879. CHARGES AGAINST VESSELS REQUIRING PILOT'S ASSISTANCE OUTSIDE THE
HARBOUR LIMITS.

	£	s.	d.
For one tide on board - - - - -	0	5	0
For any period from 12 to 24 hours - - - - -	0	10	0
If detained on board 36 hours - - - - -	1	0	0
If two days or a week on board - - - - - not more than	1	10	0
If obliged to bear up for shelter to any of the adjacent harbours 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 master of such vessel shall pay his travelling expenses; and if the master of any vessel chooses to retain the pilot on board when he could have been landed at Wick with safety, such master shall pay the rates above specified for the time the pilot was on board along with his travelling expenses.

Exemptions.

Vessels which have sailed from the harbour and put back by stress of weather or from any other cause without having accomplished their voyage shall not be liable to additional rates on such return.

SCHEDULE (G.)

FORM OF BOND AND ASSIGNATION IN SECURITY.

Number . By virtue of the Pulteney Harbour Act, 1879, we, the Pulteney Harbour Trustees, in consideration of the sum of [*state the sum in words*], instantly advanced and paid to us for the purposes of the said Act by [*A.B.*], do hereby bind us to pay to the said [*A.B.*], his executors or assignees, the said sum of [*state the principal sum and the term of payment*], and also the interest thereof at the rate of [*state the rate of interest*] per centum per annum from the date hereof till payment, payable half-yearly on the [*state the terms of payment*]; and in the event of the said principal sum remaining with consent of us and the said [*A.B.*] or his foresaids unpaid at the said [*state the term of payment*] the same shall thereafter be payable at the like time and subject to the like provisions contained in the said Act as if it had been advanced without any time being fixed herein for the repayment thereof; and we do hereby assign to the said [*A.B.*] and his foresaids the lands, works, and property, (other than the area of the harbour covered with water at spring tides and the quays thereof, and the accesses thereto,) and rates and revenues vested in us or arising in virtue of the said Act in security to the said [*A.B.*] and his foresaids of the said principal sum and interest thereof and until payment thereof; and we consent to the registration hereof for preservation and execution. In witness whereof we [*C.D.*] and [*E.F.*], two of the said Trustees, and [*G.H.*] treasurer of the said Trustees, have by their authority subscribed these presents, and the seal of the Trustees is hereto affixed at, &c. [*Insert testing clause in the form required by the law of Scotland.*]

SCHEDULE (H.)

A.D. 1879.

FORM OF TRANSFER.

I [*A.B. (name and description of grantor)*], in consideration of the sum of
 paid to me by [*C.D. (name and designation of transferee)*],
 do hereby transfer to the said [*C.D.*], his executors or assignees, a bond and
 assignation in security, number _____, dated the _____,
 granted by the Pulteney Harbour Trustees to [*A.B.*] for the sum of
 _____, and the interest due thereon since _____, and
 all my right and interest therein. And I consent to the registration hereof for
 preservation and execution. In witness whereof [*insert testing clause in usual*
form].

SCHEDULE (I.)

FORM OF DECLARATION.

I [*A.B. (name and designation)*] do hereby solemnly and sincerely declare
 that the bond and assignation in security, number _____, dated
 _____, granted by the Pulteney Harbour Trustees in
 favour of [*C.D. (name and designation of grantee)*] [*and if there have been any*
previous transferences here add, "and which was afterwards transferred by the
said [C.D. to E.F. (name and designation)] by transfer dated the
day of _____ (or as the case may be), is now vested in and held
by [J.K. (name and designation)]." And I further declare that the said
 bond and assignation in security has become vested in the said [*J.K.*] in manner
 following [*here state the mode in which the bond and assignation in security has*
been transmitted from the person whose name last appears in the books of the
Trustees as creditor]. And I make this solemn declaration conscientiously
 believing the same to be true, and by virtue of the provisions of an Act passed
 in the sixth year of the reign of His late Majesty King William the Fourth,
 intituled, "An Act to repeal an Act of the present session of Parliament
 " intituled, 'An Act for the more effectual abolition of oaths and affirmations
 " 'taken and made in various departments of the State, and to substitute
 " 'declarations in lieu thereof, and for the more entire suppression of voluntary
 " 'and extrajudicial oaths and affidavits,' and to make other provisions for the
 " abolition of unnecessary oaths."

Declared at _____ this _____ day of _____
 one thousand eight hundred and _____, before me,
 [*L.M.*] sheriff [*sheriff-substitute, or justice of the peace,* } *A.B.*
as the case may be,] of the county of _____

A.D. 1879.

SCHEDULE (K.)

FORM OF INTEREST WARRANT.

PULTENEY HARBOUR.

INTEREST WARRANT No.

Bond and Assign-
nation in Se-
curity
No.
for £

Wick, _____ 18

For _____ pounds _____ shillings and
pence, being half year's interest on the said bond and assignation in
security payable to _____ on the
day of _____, 18 .

£ " " }
Entered _____

Treasurer of the Pulteney Harbour Trustees.

This Warrant will be paid on presentation at the _____ Bank,
Wick, subject to a deduction in respect of income tax.

If this warrant is not presented at the bank within thirty days after date
of payment, it can be paid only at the office of the harbour treasurer.

SCHEDULE (L.)

FORM OF RECEIPT.

Received from the Pulteney Harbour Trustees the within sum of [*state the
principal sum*].

Dated at _____ the _____ day of _____ 18

[*Signature of Grantor.*]