



CHAPTER cliv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Wick and Pulteney Harbours. [11th August 1903.] A.D. 1903.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63 Vict.
c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

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

2. This Act may be cited as the Wick and Pulteney Harbours Order Confirmation Act 1903. Short title.

A.D. 1903.

S C H E D U L E.

WICK AND PULTENEY HARBOURS.

Provisional Order to authorise the Wick and Pulteney Harbours Trustees to construct additional works to amend the Wick and Pulteney Harbours Acts 1879 to 1899 to confer borrowing powers and for other purposes.

WHEREAS by the Pulteney Harbour Act 1879 (herein-after called "the Act of 1879") the harbour of Pulteneytown as therein defined (herein-after called "the harbour") was subject to the existing liabilities and encumbrances affecting the same transferred to and vested in certain Trustees appointed to be elected in manner therein provided and thereby incorporated under the name and style of the Pulteney Harbour Trustees (herein-after called "the Trustees") and powers were conferred upon the Trustees to maintain and improve the harbour to levy and demand certain rates and duties and to borrow money on the security thereof and of the other revenues of the Trustees :

And whereas by the Pier and Harbour Orders Confirmation (No. 1) Act 1883 a Provisional Order made by the Board of Trade (herein-after called "the Order of 1883") was confirmed under which the name and style of the Trustees was changed to "The Wick and Pulteney Harbours Trustees" and further powers were conferred upon the Trustees for the construction of certain works for the improvement of the harbour and for raising money for the execution of such works and for certain other purposes :

And whereas by the Wick and Pulteney Harbours Act 1899 certain amendments were made on the Act of 1879 and the Order of 1883 with respect to the qualification registration and election of the Trustees and further powers were conferred upon the Trustees to construct a tidal basin for fishing boats and other works and to borrow money for the purposes of the said works :

And whereas since the passing of the Act of 1899 the introduction of steam vessels in the prosecution of the herring fishing on the north-east coast of Scotland of greater size than the ordinary sailing fishing craft has rendered the accommodation afforded at the harbour totally inadequate for the existing requirements and the works authorised by the Act of 1899 would if

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executed prove insufficient to meet the traffic of the harbour and to afford a safe shelter to the fleet of fishing vessels now frequenting the harbour : A.D. 1903.

And whereas it is expedient that new and additional accommodation and shelter for the fishing fleet on the north and north-east coast of Scotland should be provided at the harbour and that the Trustees should be authorised to construct the works herein-after mentioned :

And whereas in consequence of the altered conditions of the fishing industry and especially of the introduction of steam propulsion in fishing vessels the works authorised by the Act of 1899 have not been proceeded with by the Trustees except to a small extent and the borrowing powers conferred on them by that Act have not been exercised :

And whereas it is expedient to amend the provisions of the said recited Acts and Order with respect to the qualification disqualification and registration of electors for the election of elected Trustees in the classes of shipowners of the burgh and ratepayers of the harbour and to provide for the qualification of females to vote in the election of elected Trustees :

And whereas it is expedient that after a certain portion of the works authorised by this Order sufficient to give substantial refuge to the fishing fleet is constructed the Trustees should have powers to revise and increase the rates and duties leviable at the harbour under the Act of 1899 :

And whereas it is expedient to authorise the Trustees to apply their funds to and to borrow money for the purposes of this Order and that the powers herein-after contained with respect thereto should be conferred on the Trustees :

And whereas it is expedient that the town council of the royal burgh of Wick being a rating authority within the meaning of section 7 of the Public Works Loans Act 1882 should be authorised to guarantee as and by way of collateral security as herein-after provided such sum or sums for such period and on such conditions as are herein-after prescribed towards the payment of the annual interest and principal and instalments of principal of the moneys to be borrowed for the purposes of this Order or under the powers of this Order :

And whereas it is reasonable and proper that in the event of the town council of the royal burgh of Wick advancing or paying any moneys in respect of such guarantee under the powers conferred by this Order the assessments on the harbour and

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A.D. 1903. — property of the Trustees within the harbour area for all municipal purposes leviable by the said town council should be imposed on the full annual value of the harbour as entered in the valuation roll of the said burgh for the time being when and so long as any moneys so paid or advanced as aforesaid shall remain unpaid by the Trustees :

And whereas it is expedient to confer on the Trustees the other powers in this Order mentioned :

And whereas plans and sections showing the lines situations and levels of the works authorised by this Order and the lands and property that may be acquired therefor and also a book of reference containing the names of the owners and lessees or the reputed owners or reputed lessees and of the occupiers of such lands and property were duly deposited with the principal sheriff clerk of the county of Caithness at his office in Wick and with the clerk of the parish council of the parish of Wick at his office in Wick and with the town clerk of the royal burgh of Wick at his office there which plans sections and book of reference are herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

Short title 1. This Order may be cited for all purposes as the Wick and Pulteney Harbours Order 1903 and the Pulteney Harbour Act 1879 the Wick and Pulteney Harbours Order 1883 the Wick and Pulteney Harbours Act 1899 the Wick Burgh Extension Order 1902 and this Order may be cited as the Wick and Pulteney Harbours Acts 1879 to 1903.

Interpreta- 2. In this Order the several words and expressions to which tion. meanings are assigned by the recited Acts and the Acts wholly or partially incorporated therewith or with this Order have the same respective meanings unless varied by this Order or 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 Act of 1879” means the Pulteney Harbour Act 1879 :

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“The Order of 1883” means the Wick and Pulteney Harbours Order 1883: A.D. 1903.

“The Act of 1899” means the Wick and Pulteney Harbours Act 1899:

“The Order of 1902” means the Wick Burgh Extension Order 1902:

“The recited Acts” mean the Act of 1879 the Order of 1883 the Act of 1899 and the Order of 1902:

“The harbour” means the harbour of Pulteneytown otherwise Pulteney Harbour as defined by the recited Acts and shall include the works authorised by this Order:

“The Trustees” mean the Wick and Pulteney Harbours Trustees incorporated under the recited Acts as amended by this Order:

“The burgh of Wick” means and comprehends the burgh of Wick as extended by the Order of 1902.

3. The following Acts (so far as the same are not inconsistent with or varied by this Order) are hereby incorporated with this Order:— Incorporation of Acts.

The Lands Clauses Acts:

The Commissioners Clauses Act 1847 with the exceptions and variations specified in the Act of 1879:

The Harbours Docks and Piers Clauses Act 1847 with the exceptions and variations specified in the Act of 1879.

4. Section 20 (Qualification of electors) of the Act of 1879 as amended by section 36 (Harbour provisions) of the Order of 1902 in so far as it relates to the qualification of electors in the class of “ratepayers of the harbour” is hereby repealed and in lieu thereof it is hereby provided that the persons qualified to be electors and to be elected in that class of electors shall be every person not being a minor and residing or having a place of business within the burgh of Wick who shall have paid as principal (either directly or indirectly) or as agent for any person residing beyond the boundaries of the said burgh or partly as principal (either directly or indirectly) 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 under Schedules (A) (B) (C) (D) (E) and (F) annexed to the Act of 1899 and Schedule (F) annexed to the Act of 1879 or any one or more of the said schedules or any rates rents or charges of the amount of five pounds or upwards paid to the Trustees under any byelaws regulations or Qualification of ratepayers.

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A.D. 1903. — agreement made or entered into and continuing in force in virtue of the recited Acts and this Order for the use of warehouses sheds accommodation ground stores graving docks boat docks gridirons or slips belonging to the Trustees.

Qualification
of members
of companies
as ratepayers,

5. Section 28 (Qualification of members of companies) of the Act of 1879 is hereby repealed and in lieu thereof it is hereby provided that where any rates rents or charges mentioned in the immediately preceding section of this Order shall have been paid by any company or firm consisting of two or more partners and having a place of business within the burgh of Wick or by any body corporate established under and subject to the laws of Scotland and having a place of business within said burgh such company firm or body corporate or the manager or other principal officer of such company firm or body corporate shall within the first week of November immediately preceding the election intimate in writing to the clerk of the Trustees the name or names of any one or more not exceeding five in number of the partners of such company or firm or shareholders of such body corporate who shall be either resident or have places of business within the said burgh and each such partner or shareholder so named shall be qualified to be an elector and to be elected one of the elected trustees in the class of ratepayers of the harbour under the recited Acts and this Order Provided that the amount of rates rents or charges as aforesaid paid by such company firm or body corporate be sufficient to afford the qualification of five pounds to each of the partners or shareholders so named.

Qualifica-
tion of ship
owners.

6. Section 4 (Qualification of shipowners) of the Act of 1899 as amended by section 36 of the Order of 1902 is hereby repealed and in lieu thereof and of the provisions of section 20 (Qualification of electors) of the Act of 1879 in so far as it relates to the qualification of electors in the class of "shipowners of the burgh" it is hereby provided that the persons qualified to be electors and to be elected in that class of electors shall be every person residing or having a place of business within the burgh of Wick whose name shall on the first day of November immediately preceding the election appear in the books of the custom house for the port of Wick or in the register of shipping under the Merchant Shipping Act 1894 for the said port as owner or part owner to the extent of at least twenty tons of the gross registered tonnage of or in (1) any vessel or vessels belonging to the said port or (2) any sea fishing boat or boats belonging to the said port engaged in fishing and

registered at the said custom house under the Sea Fisheries Acts 1868 and 1883 and Acts amending the same. Provided always that any such fishing boat owner or owners claiming electoral rights under this section shall satisfy the Trustees as to his or their right of ownership in such fishing boat and shall also satisfy them by the production of a certificate by a qualified surveyor or other competent person or otherwise as the Trustees may determine that the fishing boat in respect of which electoral rights are claimed is of twenty tons gross register as aforesaid or upwards and has been engaged in fishing at any time during the year previous to the first day of November preceding the date of the election. A.D. 1903.

7. Sections 5 and 6 of the Act of 1899 are hereby repealed and in lieu thereof it is hereby provided that—

(1) Where the names of two or more persons appear in the books of the custom house for the port of Wick or in the register of shipping aforesaid as joint owners of or in any vessel or vessels or sea fishing boat or boats each of such persons residing in or having a place of business within the burgh of Wick whose share in such joint ownership shall amount to twenty tons of gross registered tonnage as aforesaid or more shall be qualified to be one of the electors as a shipowner of the burgh under the recited Acts and this Order. Provided that where the amount of tonnage owned by any such joint owners does not appear in the books of the custom house or register of shipping aforesaid they shall within the first week of November in each year intimate to the clerk of the Trustees the amount of registered tonnage as aforesaid owned by each of them in such joint ownership and the name and residence and place of business of each of them and failing such intimation such joint owners shall not be entitled to have their names placed upon the register of electors; and

Qualification
of joint
owners of
vessels and
of members
of companies
as ship
owners.

(2) Where a company consisting of two or more partners and having a place of business within the burgh of Wick or a body corporate established under and subject to the laws of Scotland and having a place of business within said burgh appears in the list of shipowners supplied in terms of section 22 of the Act of 1879 as amended by this Order as the owner or part owner of or in any vessel or vessels or fishing boat or fishing boats registered as aforesaid such company or body corporate or the manager or other principal

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officer of such company or body corporate shall intimate in writing to the clerk of the Trustees the name or names of any one or more not exceeding five in number of the partners of such company or shareholders or directors of such body corporate who shall be either resident or have a place of business within the said burgh and each such partner shareholder or director so named shall be qualified to be an elector and to be elected one of the elected Trustees in the class of shipowners of the burgh under the recited Acts and this Order. Provided that where the amount of the gross registered tonnage in any such vessel or vessels or fishing boat or fishing boats owned by such company or body corporate is (A) twenty tons but under forty tons only one such person so named shall be qualified to be an elector in such class (B) forty tons but under sixty tons two such persons so named only shall be qualified as electors in such class (C) sixty tons but does not exceed one hundred tons three such persons only shall be qualified as electors in said class (D) in excess of one hundred tons but does not exceed two hundred tons four such persons only shall be qualified electors in said class (E) in excess of two hundred tons five such persons only shall be qualified electors in said class.

Amended
list of ship-
owners from
registrar.

8. The list of shipowners to be supplied by the registrar of shipping as provided for under section 22 of the Act of 1879 shall specify in addition to the particulars required under that section the gross registered tonnage of all vessels registered at the port of Wick under the Merchant Shipping Act 1894 and the Acts amending the same and the owners' names and designations and the gross registered tonnage of all sea fishing boats registered at the said port under the Sea Fisheries Act 1868 and the Acts amending the same.

Female
electors.

9. The word "person" as used in the recited Acts or this Order shall be held for all purposes connected with and having reference to the right to vote in the election of elected Trustees to include any female not in minority but no female shall be eligible for election as a Trustee.

Right to vote
determined
by register.

10. No person shall be entitled to vote at any election of Trustees under the recited Acts or this Order unless his name is on the register of electors and subject to the provisions of the said Acts and this Order every person whose name is on such register shall be entitled to vote.

11. Without prejudice to the provisions of section 35 of the Act of 1879 the following provisions shall apply with respect to the disqualification for the office of elected Trustees:—

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 Disqualifi-
 cation of
 Trustees.

(1) If any person shall have been adjudged bankrupt within the meaning of section 5 of the Bankruptcy Frauds and Disabilities (Scotland) Act 1884 (including the case of a person whose estate has been sequestrated or in respect of whom a decree of cessio bonorum has been pronounced by a competent court in Scotland) such person shall ipso facto be disqualified from being elected to or holding or exercising the office of an elected Trustee under the recited Acts and this Order. The said disqualification shall be removed and cease in the events mentioned in section 5 subsection (3) of that Act:

(2) If any elected Trustee is disqualified in terms of the preceding subsection of this section his office shall thereupon become vacant and the Trustees shall elect a person duly qualified in his stead in terms of the provisions of the recited Acts and this Order.

12. The Trustees may construct and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works herein-after described or some part or parts thereof together with all necessary and proper embankments excavations piers quays breakwaters jetties wharves mooring buoys and mooring posts cranes shears and other machinery sheds roads approaches bridges rails sidings tramways slips landing places beacons lights and gas and water pipes and other works and conveniences and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the said purposes.

Power to
 construct
 works.

13. The works herein-before referred to and authorised by this Order are—

Description
 of works.

- (1) A pier or breakwater on the south shore of the bay of Wick commencing at the north-eastern extremity of the existing south pier of the harbour and extending in a north-easterly direction for a distance of two hundred feet or thereby from said point of commencement and there terminating which work will be solid throughout:
- (2) A breakwater or groyne on the north shore of the bay of Wick commencing at the south-western extremity of the existing east Pier at Port Dunbar and extending for one

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hundred and fifty feet or thereby in a south-westerly direction and thence in a south or south-easterly direction for a distance of seven hundred and twenty-five feet or thereby and there terminating in the bed of the sea at a point one hundred and eighty feet or thereby north of the point of termination of Work Number (1) which work will be solid throughout :

- (3) A quay wall commencing at the north-east end of the harbour bridge over the river of Wick and proceeding thence in a north-easterly direction for a distance of two hundred and seventy-five feet or thereby thence in an easterly direction for a distance of one thousand two hundred and thirty feet or thereby and terminating there by a junction with Work Number (4) which work will be solid throughout :
- (4) A quay commencing at the termination of Work Number (3) and proceeding in a south-westerly direction for a distance of four hundred feet or thereby and there terminating which work will be solid throughout :
- (5) A retaining wall commencing at the north end of Work Number (4) and proceeding in an easterly direction for a distance of three hundred and thirty feet or thereby and there terminating by its junction with Work Number (2) which work will be solid throughout :
- (6) A retaining wall commencing at the west end of the existing east pier at Port Dunbar and proceeding in an easterly direction for a distance of six hundred and seventy feet or thereby thence in a north-easterly direction for a distance of one hundred and five feet or thereby and there terminating which work will be solid throughout :
- (7) The reclamation raising and making up of the ground or foreshore enclosed by Works Numbers (3) (5) and (6) :
- (8) A river wall along the southern bank of the river of Wick commencing at the north-east corner of the south abutment of the harbour bridge over the river of Wick and proceeding thence in an easterly direction for a distance of three hundred and ninety feet or thereby thence in a south-easterly direction for a distance of one hundred and forty feet or thereby and there terminating which work will be solid throughout :
- (9) A pier commencing at the termination of the river wall (Work Number (8)) and proceeding in a south-easterly direction for a distance of two hundred and thirty-five feet

or thereby thence in a south-westerly direction for a distance of one hundred and fifteen feet or thereby and there terminating which work will be solid throughout: A.D. 1903.

- (10) A quay wall commencing at a point on the north side of the north pier of the harbour one thousand four hundred and seventy feet or thereby from the outer or seaward extremity thereof and proceeding thence in a north-easterly direction for a distance of one hundred and sixty feet or thereby and terminating there by a junction with Work Number (9) which work will be solid throughout:
- (11) The reclamation raising and making up of the ground or foreshore enclosed by Works Numbers (8) and (10) and the existing north pier wall:
- (12) A quay wall commencing at a point on the north side of the north pier one thousand four hundred and seventy feet or thereby from the outer or seaward extremity of the said north pier and proceeding thence in a south-easterly direction for a distance of one thousand four hundred and seventy-five feet or thereby and terminating there by a junction with the head of the north pier which work will be solid throughout:
- (13) A spur wall commencing at a point two hundred and thirty-five feet or thereby from the commencement of Work Number (12) and proceeding in a north-easterly direction for a distance of twenty-five feet or thereby and there terminating which work will be solid throughout:
- (14) A pier commencing at a point eight hundred feet or thereby from the commencement of Work Number (12) and proceeding thence in a north-easterly direction for a distance of two hundred and sixty feet or thereby and there terminating which work will be solid throughout:
- (15) A boat-repairing dock or basin situated to the north of the north pier and enclosed by Works Numbers (9) (10) (12) and (13):
- (16) A tidal basin situated in the estuary of the river of Wick bounded on the south by Work Number (12) on the east by Work Number (14) and on the west by Works Numbers (13) and (9):
- (17) The refacing or reconstruction with a wall partly of concrete and partly of masonry of the existing south quay of the outer basin of the harbour:

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(18) The deepening and improving of the channel and estuary of the river of Wick and of the bay of Wick westward of a line extending from the termination of Works Numbers (1) and (2) to a line extending between the commencement of Work Number (9) and the commencement of Work Number (8).

All which intended works will be situated within the royal burgh and parish of Wick and county of Caithness and on the foreshore and in the sea adjacent thereto.

Limits of deviation.

14. Subject to the provisions of this Order the Trustees may in the execution of the works hereby authorised deviate laterally from the lines of such works within the lines of lateral deviation marked on the deposited plans and vertically from the levels shown on the deposited sections to any extent not exceeding ten feet provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Trustees may shut up any part of harbour during execution of works.

15. The Trustees may during the execution of the works by this Order authorised shut up wholly or partially any part of the harbour which they may consider necessary or expedient.

Works below high-water mark not to be commenced without consent of Board of Trade.

16. The Trustees shall not under the powers of this Order construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Trustees shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Order the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Trustees and the amount of such costs and charges shall be a debt due from the Trustees to the Crown and shall be recoverable as a Crown debt or summarily.

Any land reclaimed by works not

17. If in the course or by means of the execution of any of the works by this Order authorised any part of the shores or bed of the

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said river of Wick or of the sea beyond the mouth thereof belonging to His Majesty shall be innoed gained or reclaimed from the water the said Trustees shall not have or exercise any right upon the same or in respect thereof and shall not enter upon take use or interfere with the land so innoed gained or reclaimed for any purpose whatsoever without the consent in writing of the Board of Trade on behalf of His Majesty but such innoeing gaining or reclamation shall enure absolutely for the benefit of the King's Majesty His heirs and successors.

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to be taken
without
consent of
Board of
Trade.

18. The Trustees in carrying out the purposes of this Order within the limits aforesaid may make any alteration on the works shown on the deposited plans and sections within the harbour and they may construct other subsidiary works which to them may from time to time appear expedient Provided always that they shall before adopting and carrying into execution any such alterations submit plans and sections thereof to the Board of Trade and no such alterations or works shall be adopted or executed by the Trustees unless approved of by the Board of Trade in writing.

Alteration
of plans.

19. The limits of the harbour as defined by the recited Acts shall be and are hereby extended so as to include the works authorised by this Order and the lands acquired under the powers of this Order and such works and lands shall be comprised in the undertaking of the Trustees and shall for all purposes form part of the harbour.

Works to
form part
of harbour
undertaking.

20. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the passing of the Act confirming this Order.

Limiting
time for
compulsory
purchase of
lands.

21.—(1) Any matter which under the Lands Clauses Acts may be determined by the verdict of a jury by arbitration or by two justices shall for the purposes of this Order be referred to and determined by a single arbiter appointed by the parties or if the parties do not concur in the appointment of a single arbiter then by an arbiter to be appointed by the sheriff of the county of Caithness on application to him for that purpose by any of the parties interested and the provisions of this Order shall apply with reference to the determination of any such matter in lieu of those of the Lands Clauses Acts relating thereto Provided that in determining the amount of compensation the arbiter shall have regard to the extent to which the remaining or contiguous lands and heritages belonging to the same proprietor may be benefited by the proposed works authorised by this Order.

Mode of
settling pur-
chase money
and compen-
sation for
taking land.

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A.D. 1903. (2) The Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section.

Restriction
on taking
houses of
labouring
class.

22. The Trustees shall not under the powers of this Order purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Trustees acquire or appropriate any house or houses under the powers by this Order granted in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

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

Period for
completion
of works.

23. If the works by this Order authorised are not completed within twelve years from the passing of the Act confirming this Order then on the expiration of that period the powers by this Order granted to the Trustees for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Application
of provisions
of Act of
1899.

24. The provisions of the following sections of the Act of 1899 shall apply to the works by this Order authorised (that is to say) :—

- Section 22 Penalty for obstructing works.
- Section 26 Accesses to and from shore &c.
- Section 29 Temporary lights on works during construction.
- Section 30 Trustees to exhibit lights.
- Section 31 Abatement of work abandoned or decayed.
- Section 32 Provision against damage to navigation.
- Section 33 Survey of works by Board of Trade.

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25. The following sections of the Act of 1899 are hereby repealed to the extent herein mentioned (that is to say) :—

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 Repeal.

Section 17 (Power to construct works).

Section 18 (Description of works) So far as regards the construction of Works (1) to (7) inclusive.

Section 36 (Power to take lands by agreement) The whole section.

Section 37 (Power to borrow further moneys) The whole section.

Section 38 (Application of borrowed money) The whole section.

26. The Trustees may either in whole or in part lease or let for any period not exceeding twenty years for the purpose of fish-curing storage accommodation erection of buildings shipbuilding or otherwise as the Trustees may determine and upon such terms pecuniary or otherwise and for such period or periods as the Trustees may determine any embankments to be constructed by them or any lands to be acquired by them under the authority of this Order.

Power to lease or let embankments &c.

27. For the purposes of this Order the Trustees may by agreement purchase feu or lease and hold and use any land and foreshore not exceeding ten acres but nothing in this Order shall exonerate the Trustees from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land acquired by them under the powers of this section.

Power to take land by agreement.

28. If any person opens or shuts or attempts to open or shut any swing bridge dock gate caisson sluice or flow without the consent of the harbour master he shall be liable for each offence to a penalty not exceeding fifty pounds sterling without prejudice to any liability of such person for damages.

Penalty for opening dock gates &c. without permission.

29. If the master or pilot or other person in charge of any vessel entering or leaving or intending to enter or leave any part of the harbour shall give false information of her draught of water to the harbour master he shall be liable for each offence to a penalty not exceeding fifty pounds sterling besides being liable for any damages and expenses that may arise in consequence of such false information.

Penalty on giving false draught of water.

30. On completion of Works Numbers (1) and (2) as specified in section 13 of this Order the following provisions shall apply and

Regulation of powers to increase or

A.D. 1903. shall have effect with respect to the rates authorised to be levied by
the Trustees by the Act of 1899.
diminish
rates.

The Trustees may from time to time by resolution of a majority of their number present at a special meeting to be called for the purpose by notice in writing of the date of meeting and business thereof sent by post or personally delivered to each of the Trustees at least ten days before the date of meeting exercise the following powers (that is to say):—

- (1) They may increase all or any of such rates as they may deem reasonable and expedient Provided that such increase shall not at any time exceed one-third part of the amount of such rates :
- (2) They may in like manner reduce such rates as so increased :
- (3) They may advance or revive such rates again in like manner provided that such rates as so advanced or revived shall not exceed the rates authorised by the Act of 1899 with one-third part more in addition thereto :

Provided that any reduction of rates shall be made only with the consent of the persons entitled to the money secured by any and every mortgage for the time being existing thereon and provided also that due notice shall be given twice at least in every newspaper published in Wick and in such other newspapers as the Trustees may direct of any resolution of the Trustees to make any such increase or reduction or advance or revival of rates and that such increase or reduction or advance or revival shall not take effect until after the expiration of not less than sixty days from the first publication of such notice.

Rates for dry
dock slips
&c.

31. 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 boat repairing dock graving dock dry dock gridiron or inclined plane or slip provided by or belonging to the Trustees for the purposes of the recited Acts and this Order such rates as the Trustees shall from time to time fix subject to the approval of the Board of Trade which rates may be recovered by the Trustees in the same manner as rates in respect of vessels or of goods are by the recited Acts and this Order recoverable.

Power to
borrow fur-
ther money.

32. The Trustees may in addition to any money already borrowed by them for the purposes of the harbour from time to time borrow on the security of the rates and dues authorised by the recited Acts and this Order and the other revenues of the

[3 EDW. 7.] *Wick and Pulteney Harbours Order* [Ch. cliv.]
Confirmation Act, 1903.

Trustees and the lands works and property vested in them any sum or sums of money not exceeding one hundred and fifty thousand pounds sterling and in the event of any part of such sum being repaid by the Trustees otherwise than by means of a sinking fund or by annual repayments or annuities they may again borrow the amounts so paid off and so from time to time And the Trustees may grant bonds or mortgages for the sums so borrowed to the person or persons advancing or lending the money containing an assignation of the said rates dues revenues lands works and property as a security for the repayment of the money so to be borrowed with the interest thereof and all the provisions as to the security re-borrowing borrowing on cash account and interest warrants and sinking fund contained in the recited Acts with reference to the sums therein authorised to be borrowed shall subject to the provisions of the recited Acts and this Order apply to the additional sums to be borrowed under this Order Provided always that the provisions of the recited Acts and this Order as to the sinking fund shall not apply to any moneys borrowed or to be borrowed by the Trustees on terms of repayment thereof by way of annuity or instalments but any money so borrowed shall be repaid within fifty years from the date of borrowing the same.

A.D. 1903.

33. The money borrowed under the authority of this Order shall be applied to the purposes to which capital is properly applicable.

Application of borrowed money.

34. All bonds mortgages and assignments affecting the rates dues revenues lands works and property of the Trustees subsisting at the passing of the Act confirming this Order shall during the continuance thereof have priority over any bonds mortgages or assignments in security to be granted as aforesaid for money borrowed by virtue of this Order.

Existing bonds &c. to have priority.

35. The provisions of section 35 of the Order of 1902 shall apply to any moneys which may be borrowed by the Trustees under the authority of and for the purposes of this Order and the Corporation of the burgh of Wick (as defined in the Order of 1902) shall have and possess the same rights powers and privileges in respect to any moneys to be borrowed by the Trustees under this Order as are conferred on the said Corporation by the said section with regard to moneys which might have been borrowed by the Trustees under the Act of 1899.

Collateral security for borrowed moneys.

36. The provisions of sections 42 (Protection of lenders from inquiry) and 43 (For appointment of a judicial factor) of the Act

Application of provisions of Act of 1899

[Ch. cliv.] *Wick and Pulteney Harbours Order* [3 EDW. 7.]
Confirmation Act, 1903.

A.D. 1903.

with regard
to borrowed
money.

Assessment
of harbour
for municip-
al purposes
on full rental
in certain
events.

of 1899 shall apply to any moneys which may be borrowed by the Trustees for the purposes of this Order.

37. Without prejudice to the provisions of section 36 subsection (1) of the Order of 1902 it is hereby provided that when and so long as the Corporation of the burgh of Wick shall advance or pay any money in respect of any guarantee or other pecuniary obligation granted by them in virtue of the powers conferred by this Order for securing any loan or advance made to the Trustees for the purposes of the works authorised by this Order the assessments on the harbour and property of the Trustees within the harbour area for all municipal and other purposes leviable by or payable to the said Corporation under any Act of Parliament shall be imposed upon the full annual value thereof as entered in the valuation roll of the burgh of Wick for the time being Provided always that upon the Corporation being reimbursed by the Trustees the amount of moneys advanced or paid by the Corporation as aforesaid in respect of the said guarantee or other pecuniary obligation foresaid and interest accrued thereon the provisions of this section shall cease to operate but shall again come into force if and when the Corporation of the burgh of Wick shall again advance or pay any money as aforesaid.

Super-
annuation
allowances.

38. The Trustees may reward any officer or other person employed by them for meritorious services and may also make provision for any officer or other person employed by them who may at any time be disabled in or after long service be unfitted for the execution of his duty.

Charges for
services not
otherwise
provided for.

39. The Trustees may make reasonable charges for all work done services rendered or facilities afforded for the dispatch of business not otherwise expressly provided by the recited Acts and this Order.

Application
of recited
Acts.

40. All the provisions contained in the recited Acts or any of them in so far as not repealed or altered by this Order (including the forms of bonds or mortgages transfers declarations interest warrants and discharges) shall be and the same are hereby in so far as applicable extended and applied to the purposes of this Order.

Saving rights
of Crown.

41. Nothing herein contained 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 land heritages subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His

Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty. A.D. 1903.

42. All costs charges and expenses of and incident to the preparing and confirmation of this Order or otherwise in relation thereto shall be paid by the Trustees and if paid out of borrowed money shall be repaid within five years from the date of borrowing the same. Costs of Order.

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