



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xciii.

An Act to enable the *British Fisheries Society* to enlarge, improve, and maintain *Pulteney Harbour* in the County of *Caithness*; and for other Purposes. [27th July 1857.]

WHEREAS an 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* 26 G. 3. c. 106. 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 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*; 54 G. 3. c. 191. and another 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* 7 & 8 Vict. c. lii.

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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 Society were by the first-recited Act authorized to raise a Capital Joint Stock not exceeding One hundred and fifty thousand Pounds, of which Thirty-five thousand Pounds has been subscribed and paid up, and, under the Powers thereby granted, the Society have constructed a Harbour called *Pulteney Town Harbour* in the County of *Caithness*, which has proved of great local and public Advantage: And whereas by the third-recited Act the Society were authorized to enlarge and improve the said Harbour of *Pulteney Town*, and to borrow the Sum of Ten thousand Pounds, but in consequence of the Changes which have 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 authorized would have proved insufficient, and the same were not proceeded with, and no Part of the said Sum of Ten thousand Pounds has been raised: And whereas it is 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, and that a sufficient Breakwater and Piers and other Works should be constructed: And whereas the Society, keeping in view the public Objects for which they were incorporated, have, instead of dividing among their Shareholders the annual Revenue arising from the said Harbour and from their other Property, allowed the same to accumulate, with certain Sums received by the Society as the Price of Fishing Stations and other Property sold by them, and the Funds so accumulated now amount to upwards of Twenty-five thousand Pounds, which Sum the Society are now willing to expend in the Extension and Improvement of the said Harbour: And whereas it is expedient that the recited Acts should in whole or in part be repealed, and that additional Powers for the Purposes aforesaid should be granted to the Society, and that further Provision should be made for the Management and Maintenance of the said Harbour; but these Purposes 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:

Short Title. I. This Act may be cited for all Purposes as "The *Pulteney Harbour Act, 1857.*"

II. The

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II. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them ; (that is to say,) Interpreta-
tion of
Terms.

The Expression "the Society" shall mean the "*British Fisheries Society*" incorporated by this Act :

The Expression "*British Society*" shall mean the *British Society* for extending the Fisheries and improving the Sea Coasts of this Kingdom, as incorporated previous to the passing of this Act :

The Word "Harbour" shall mean the Harbour of *Pulteney Town* within the Limits described in the Thirty-ninth Section of this Act, and shall include the whole Piers, Quays, Breakwaters, Curing Stations, Warehouses, and other Works and Buildings constructed or to be constructed, and to be used in connexion therewith, belonging to the Society.

III. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," 8 & 9 Vict.
cc. 17. & 19.
and
10 & 11 Vict.
c. 27. in-
corporated.
"The Lands Clauses Consolidation (*Scotland*) Act, 1845," with the Exception of the Clauses thereof with respect to the Purchase and taking of Lands otherwise than by Agreement, and "The Harbours, Docks, and Piers Clauses Act, 1847," are hereby incorporated with this Act, and made applicable to the Undertaking of the Society ; and the Word "Undertaking" in the said Acts and this Act shall mean and include the Harbour and the whole Works connected therewith by this Act vested in or authorized to be constructed by the Society ; and the Word "Company" in the said Acts shall mean the Society incorporated by this Act : Provided, that the Society shall not be bound to provide a Tide or Weather Gauge and Barometer until required to do so by Writing under the Hand of the Secretary of the Admiralty ; and provided further, that the Clauses in "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the Appointment of Harbour-masters, Dock-masters, and Pier-masters, and their Duties, shall be applicable to Two hundred Yards Seaward from any Entrance to the Harbour.

IV. From and after the passing of this Act the first and second recited Acts shall be and are hereby repealed. Two first-
recited Acts
repealed.

V. From and after the passing of this Act, so much of the third-recited Act as relates to or affects the Harbour of *Pulteney Town*, and the Constitution or Regulation of the said *British Society*, within the Limits of the said Harbour as defined by this Act, shall be and the same is hereby repealed ; and no Part or Provision of the said third-recited Act shall apply to or in any Manner affect the Harbour, or the Quays, Piers, or other Works connected therewith : Provided, that in all other respects, and as to all other Matters therein provided for, the said Act shall continue in full Force and Effect ; and provided further, that notwithstanding such Repeal, all the Powers of levying 7 & 8 Vict.
c. lii. in part
repealed.
and

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and recovering Rates and Duties at the Fishing Stations which formerly belonged or which now belong to the Society, and which Powers at the Time of the passing of this Act are possessed either by the Society or by the Purchasers of such Fishing Stations, shall remain in full Force and Effect.

Incorporation of Society.

VI. The several Persons who at the Time of the passing of this Act are Proprietors of or entitled to Shares in the Capital of the said *British Society* under the recited Acts shall be united into a Company for extending the Fisheries and improving the Sea Coasts of the Highlands and Islands of *Scotland*, and for that Purpose such Company shall be and are hereby incorporated by the Name of "The *British Fisheries Society*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, hold, and dispose of Lands and other Property, to build Towns, Villages, and Fishing Stations in the Highlands and Islands of *Scotland*, and to erect or extend and improve Harbours, Piers, and Quays for the Protection and Accommodation of Trading and Fishing Vessels, and otherwise to execute this Act, subject to the Provisions and Restrictions contained in this Act and the Acts incorporated herewith.

Vesting the Property in the Society.

VII. The Harbour and the whole Lands, Houses, Buildings, and other Heritages, and all Rates, Rents, Goods, Debts, Moneys, and other Property and Effects whatsoever, heritable and moveable, real and personal, belonging or owing to or held by the *British Society*, subject to the existing Debts, Liabilities, Engagements, Contracts, Obligations, and Incumbrances affecting the same, are hereby vested in and may be lawfully held, maintained, used, exercised, enforced, recovered, and enjoyed by the Society.

Agreements and Deeds to remain in force, and Society liable for Debts.

VIII. All Conveyances, Purchases, Sales, Feu Charters, Leases, Mortgages, Bonds, Assignations, Contracts, Agreements, Securities, and other Deeds, Instruments, and Writings, made, executed, or entered into between any Person and the *British Society*, or by, to, in favour of, or for the *British Society*, shall be and continue as good, valid, and effectual to all Intents and Purposes as if the recited Acts had not been wholly or in part repealed; and the Society shall be liable for all Debts, Obligations, and Engagements of the *British Society* due and owing at the Time of the passing of this Act.

Contracts and Agreements may be enforced by and against the Society.

IX. The Society may enforce in their own Name against any Person, and any Person may enforce against the Society, to the same Extent and Effect as might have been enforced by or against the *British Society* if this Act had not been passed,

All Acts of Parliament other than those hereby in whole or in part repealed, and Provisions of Acts of Parliament conferring any

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any Right or Privilege on the *British* Society, or on such Person or his Predecessors ;

All Contracts or Agreements for the Sale or Purchase of Land, and other Contracts or Agreements whatsoever entered into or adopted by the *British* Society and such Person or his Predecessors ;

All Grants, Conveyances, Feu Charters, or Contracts, Leases, Discharges, or other Deeds or Writings, granted to the *British* Society by such Person or his Predecessors, or to such Person or his Predecessors by the *British* Society, or to which any of the said Parties have acquired Right ;

All Claims for Compensation or Damages, or for Penalties, Moneys, Costs, or Expenses, payable or recoverable by or from the *British* Society under or reserved by the recited Acts or any of them, or in consequence of any Act, Deed, Matter, or Thing done or omitted to be done by such Person or his Predecessors, or by the *British* Society ;

All Rights, Privileges, Liberties, Exemptions, Decrees, or Causes of Action possessed or enjoyed or claimed by the *British* Society, or by any Person or his Predecessors, under the recited Acts or either of them, or in consequence of any Act, Deed, Matter, or Thing done or omitted to be done by such Person or his Predecessors, or by the *British* Society.

X. All Actions, Suits, and Proceedings at Law or in Equity, and all Arbitrations to which the *British* Society at the Time of the passing of this Act have been or are Parties, are hereby specially saved and reserved entire, and shall not be prejudiced or affected by anything in this Act contained, and may be proceeded in by or against the Society ; and all Offences against the Provisions of the recited Acts, or any of them, committed before the passing of this Act, may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for and recovered by or against the Society, in the same Manner in all respects as if this Act had not been passed.

Actions not to abate.

XI. Notwithstanding the Repeal in whole or in part of the recited Acts, and except only as is by this Act otherwise expressly provided, everything done or suffered under the recited Acts shall be as valid as if the same were not in whole or in part repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the recited Acts were not repealed in whole or in part as aforesaid, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered ; and with respect to all such Rights, Liabilities, Claims, or Demands which affect or should or might affect the *British* Society, the Society shall represent the *British*

Proceedings under recited Acts saved.

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Society, and may enforce and shall be liable in respect of such Rights, Liabilities, Claims, or Demands, in the same Manner and to the same Extent as the *British* Society could enforce or be liable to in respect of such Rights, Liabilities, Claims, or Demands: Provided, that the Generality of this Enactment shall not be restricted by any of the other Clauses or Provisions of this Act.

Arrears of Rates to be paid to the Society.

XII. All Rates and Duties leviabie under or by virtue of the recited Acts or any of them, and which at the Time of the passing of this Act shall be due and payable, or if this Act had not passed would have accrued due and been payable, to the *British* Society, shall continue in force and be due and payable to the Society, and may be sued for, collected, and recovered by such Means and under such Restrictions and Regulations as any Rates or Duties may be sued for, collected, or recovered under or in pursuance of this Act.

Certificates and Transfers to remain in force.

XIII. All Certificates, Sales, Transfers, and Dispositions before the passing of this Act made or executed of or in respect of any Share in the Capital of the *British* Society under or in pursuance of the recited Acts shall remain in full Force and Effect, and shall be and continue available in all respects whatsoever.

Books and Plans to be Evidence.

XIV. All Books, Plans, and other Documents by any Act relating to the *British* Society authorized or directed to be kept, and thereby made Evidence, shall be admitted as Evidence in all Courts and Proceedings whatsoever.

Present Officers continued.

XV. The Officers and Servants of the *British* Society at the Time of the passing of this Act shall be Officers and Servants of the Society until removed, and shall be subject to the Provisions of this Act and the Acts incorporated herewith as regards both their past and future Actings and Intromissions; and all Bonds and Securities granted to the *British* Society for the Performance of the Duties of such Officers and Servants, and accounting for their Intromissions, shall remain valid and effectual, and may be enforced by the Society in the same Manner and to the same Extent and Effect as such Bonds and Securities might have been enforced by the *British* Society.

Capital.

XVI. The Capital of the Society shall consist of the Sum of Thirty-five thousand Pounds raised under the first-recited Act, and the Sum of One hundred and fifteen thousand Pounds authorized to be raised by this Act, making together the Sum of One hundred and fifty thousand Pounds authorized to be raised by the first-recited Act.

XVII. Every

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XVII. Every Person who was entitled to Shares in the paid-up Capital of the *British Society* at the Time of the passing of this Act shall be entitled to the same Amount of Shares in the Capital of the Society hereby incorporated.

As to Shares created under former Acts.

XVIII. The Certificates of Shares granted by the *British Society* shall be deemed to be Certificates granted by the Society of the Shares held under this Act.

Former Certificates to be sufficient.

XIX. The Shares in the Capital of the Society which are hereby substituted in lieu of the Shares of the *British Society* held under the recited Acts shall be vested in and be held and enjoyed by the several Persons entitled to the same upon such and the same Trusts (if any), and for such and the same Interests, and under and subject to such and the same Dispositions, Charges, Liens, and Incumbrances (if any), as such last-mentioned Shares were or might have been held if this Act had not been passed.

Shares to be held under same Trusts.

XX. For defraying the Expense of executing the Works authorized by this Act, and carrying into execution the other Objects and Purposes of the Society, it shall be lawful for the Society, in addition to the said Sum of Thirty-five thousand Pounds, to raise from Time to Time, by the Creation and Issue of new Shares in their Undertaking, such Sums as they shall think fit, not exceeding in the whole the said Sum of One hundred and fifteen thousand Pounds.

Society empowered to raise a further Sum of Money.

XXI. The Number of Shares into which the Capital by this Act authorized to be raised shall be divided shall be Two thousand three hundred, and the Amount of each Share shall be Fifty Pounds.

Division of new Capital into Shares.

XXII. The Capital to be raised by such new Shares shall be Part of the general Capital of the Society, and such new Shares shall confer and impose on the Holders thereof all the Rights and Privileges, Liabilities and Obligations, which the existing Shares in the Society confer and impose on the Holders thereof.

Additional Capital to be Part of general Capital.

XXIII. Such new Shares shall be disposed of by Auction to such Person or Persons as may be willing to purchase the same at not less than Par, and if such Shares cannot be sold at that Price, then in such Manner and on such Terms and Conditions as shall be determined by the Special General Meeting called for the Purpose, which shall resolve to create and issue the same.

Society to direct how new Shares are to be disposed of.

XXIV. The Amount of each Call which the Society' may make upon each Shareholder shall not exceed One Tenth Part of the Amount of such new Shares held by him, and successive Calls shall not

Amount and Intervals of Calls.

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not be made at a less Interval than Two Months; and the aggregate Amount of Calls made in any One Year shall not exceed One Half of the Amount of such new Shares.

Funds to be applied in defraying Expense of Works.

XXV. The Society shall apply the Sum of Twenty-five thousand Pounds at the least of the accumulated Funds belonging to them as herein-before recited towards defraying the Expense of the Works authorized by this Act.

Power to borrow on Mortgage.

XXVI. And whereas the Society is in the Possession of certain Property in and about *Pulteney Town* of the estimated Value of Twenty thousand Pounds and upwards: It shall be lawful for the Society, when and so soon as the said Sum of Twenty-five thousand Pounds has been expended by them towards defraying the Expense of the Works authorized by this Act, from Time to Time to borrow on Mortgage of their said Property and Undertaking, or on some Part thereof, or on Bond, any Sum not exceeding Twenty thousand Pounds.

Evidence of Authority for borrowing.

XXVII. On Production to the Sheriff of such Vouchers as he shall think sufficient of the Expenditure of the said Sum of Twenty-five thousand Pounds on the said Works, the Sheriff shall grant his Certificate to that Effect, which shall be sufficient Evidence of the said Sum having been duly expended in Terms of this Act.

Society may borrow on Cash Account.

XXVIII. It shall be lawful for the Society to accept and take from any Bank or Banking Company in *Scotland* Credit on a Cash Account, to be opened and kept with such Bank or Banking Company in the Name of the Society, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the Society are herein-before authorized to borrow, or any Part thereof, and to mortgage their Undertaking, and to assign the several Rates and Duties leviable under the Authority of this Act in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon: Provided, that the whole Principal Sums due and owing by the Society at any One Time under the Powers by this Act granted shall never, when taken together, exceed the said Sum of Twenty thousand Pounds.

How Mortgages, &c. are to be subscribed.

XXIX. All Mortgages or Assignations in Security, and all Mortgages or Bonds for such Cash Accounts, shall be signed by a Quorum of the Directors, and Drafts or Orders on such Cash Accounts shall be signed by any Two or more of the Directors who shall be authorized so to do at any of the Meetings of the Directors, and by the Secretary of the Society.

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XXX. It shall be lawful for the Mortgagees or Assignees in Security of the Society, on giving Six Months previous Notice, to enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages or Assignations in Security by the Appointment of a Judicial Factor, in the event of the Principal Moneys and Interest due on such Mortgages or Assignations in Security not being duly paid; and the Amount owing to the Mortgagees or Assignees in Security by whom Application for such Judicial Factor shall be made shall not be less than Three thousand Pounds in the whole.

Arrears may be enforced by Appointment of Judicial Factor.

XXXI. The whole Sums raised under the Authority of this Act by the Creation of Shares or by borrowing shall be applied to the Purposes by this Act authorized, and to no other Purpose whatever.

Application of Moneys.

XXXII. The First General Meeting of the Society shall be held within Three Months next after the passing of this Act, and an Ordinary General Meeting of the Society shall be held on the Third *Monday of March* in every Year thereafter; and all Meetings of the Society, whether ordinary or extraordinary, shall be held in the Cities of *London* or *Westminster*.

First and subsequent General Meetings.

XXXIII. The Quorum for every Meeting of the Society shall be Five Shareholders holding in the aggregate not less than One thousand Pounds in the Capital of the Society.

Quorum of Meeting.

XXXIV. Extraordinary Meetings of the Society may be called on the Requisition of any Ten Shareholders holding in the aggregate not less than Two thousand Pounds of the Capital of the Society, or on the Requisition of any Three Directors.

Extraordinary Meetings.

XXXV. The Number of the Directors of the Society shall be Seven, including the Governor and Deputy Governor; and the Qualification of every Director shall be his holding in his own Right not less than Five Shares of the Capital of the Society.

Number and Qualification of Directors.

XXXVI. The several Persons who were Governor, Deputy Governor, and Directors of the *British* Society at the Time of the passing of this Act shall be the First Governor, Deputy Governor, and Directors of the Society under this Act, and shall continue in Office until the First General Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue the said Directors or any Number of them in Office till the Third *Monday of March* in the Year One thousand eight hundred and fifty-eight, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors going out of Office being always re-eligible.

First Election of Directors.

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Future Directors.

XXXVII. At the Ordinary General Meeting to be held on the Third *Monday of March* in the Year One thousand eight hundred and fifty-eight, and at the Ordinary General Meeting to be held on the Third *Monday of March* in every Year thereafter, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845;" and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others shall have been elected in their Stead in the Manner provided by "The Companies Clauses Consolidation (*Scotland*) Act, 1845;" and the Directors shall, pursuant to the Provisions of the said Act, choose a Chairman and Deputy Chairman, who shall be designated respectively the "Governor" and "Deputy Governor" of the Society.

Quorum of Directors.

XXXVIII. The Quorum of a Meeting of Directors shall be Three.

Limits of Harbour.

XXXIX. The Limits of the Harbour shall be the Property of the Society to the South of the River of *Wick*, from the South End of the Old Bridge of *Wick* to *Old Wick* Castle on the South Side of the Bay of *Wick*; and the Harbour shall extend to and include the whole Area of the existing Works of the Society on such Property, and of the Undertaking authorized by this Act.

Power to cleanse and improve Harbour.

XL. It shall be lawful for the Society from Time to Time to cause the Harbour to be cleansed, deepened, altered, and improved in such Manner and to such Extent as they shall deem expedient, and to make and maintain additional Piers, Quays, Warehouses, Sheds, and other Buildings and Conveniences connected therewith which may be necessary for carrying on the Fisheries, and for the Reception and Accommodation of Vessels resorting to the Harbour, and of Passengers and Goods shipped or landed therein, and to make, widen, and maintain all necessary Roads and Accesses to the Harbour and Works.

Works to be made according to a deposited Plan.

XLI. And whereas a Plan and Sections showing the Lines, Situation, and Levels of the intended Works at the Harbour, and a Book of Reference to the said Plan, have been deposited for public Inspection in the Office at *Wick* of the Principal Sheriff Clerk of the County of *Caithness*: It shall be lawful for the Society, subject to the Provisions of this Act and the Acts incorporated herewith, to acquire or purchase and use such of the Lands marked and delineated on the said Plan and described in the said Book of Reference as may be necessary for the Purposes of this Act, and to make, construct,
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and maintain the Breakwater, Piers, Quays, Road, and other Works on the South of the River and Bay of *Wick*, shown and described on the said Plan and Sections, all in the Lines and according to the Levels defined on the said Plan and Sections.

XLII. It shall be lawful for the Society to make lateral Deviations from the Lines of the Works authorized by this Act to the Extent of an Area embraced by a Line drawn from a Point Six hundred Feet or thereabouts from the Extremity of the North Pier of the existing Harbour in a South-easterly Direction for the Distance of Two thousand six hundred and fifty Feet or thereabouts, and from thence in a South-westerly Direction for a Distance of One thousand five hundred Feet or thereabouts to a Point on the South Shore One hundred and fifty Feet or thereabouts from the South-east of the Limit of Deviation as shown on the said Plan, and to deviate from the Levels of the said Works, as defined on the said Sections, to any Extent not exceeding Five Feet.

Power to deviate.

XLIII. Previously to commencing any new Works or any Alteration or Extension of existing Works in the Harbour, the Society shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of such Works for the Approval of the Lords of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Works shall be constructed only in accordance with such Approval; and when any such Works shall have been commenced or constructed, it shall not be lawful for the Society at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Works shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the Lords of the Admiralty to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Society, and the Amount thereof shall be a Debt due from the Society to the Crown, and be recoverable accordingly, with Costs of Suit.

New Works, &c. not to be made till Plan submitted to Admiralty.

XLIV. If at any Time or Times it shall be deemed expedient by the Lords of the Admiralty to order a local Survey and Examination of any Works of the Society in, over, or affecting any tidal or navigable Water, or of the intended Site thereof, the Society shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Society, and if not paid upon Demand may be recovered as a Debt due to the Crown, with Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Society.

Admiralty may order local Survey at Expense of Society.

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Works affecting tidal Waters abandoned may be removed by Admiralty at Expense of Society.

XLV. If any Works constructed or to be constructed by the Society in, under, over, through, or across any tidal Water, or if any Portion of any Work affecting or which may affect any such Water or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lords of the Admiralty to abate and remove the same, or such Part or Parts thereof as they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Society, and the Amount thereof shall be a Debt due from the Society to the Crown, and be recoverable accordingly, with Costs of Suit.

Any Lands reclaimed by the Works not to be taken without Consent of Commissioners of Woods, &c.

XLVI. If in the course or by means of the Execution of any of the said Works any Part of the Shores or Bed of the Harbour, or of the Sea beyond the Mouth thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the Water, the Society shall not have or exercise any Right upon the same or in respect thereof, but such inning, gaining, or Reclamation shall enure absolutely for the Benefit of Her Majesty the Queen, Her Heirs and Successors, and it shall not at any Time afterwards be lawful for the Society to take, enter upon, or interfere with the Lands so inned, gained, or reclaimed for any Purpose without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

Rates on Vessels as in Sched. (A).

XLVII. It shall be lawful for the Society, from and after the passing of this Act, to demand and take for every Vessel using or entering the existing Harbour any Sum for each Ton Measurement of such Vessel not exceeding the Rates specified in the First Column of Schedule (A.) hereunto annexed; and as soon as the Society shall have expended the Sum of Twelve thousand Pounds under this Act upon the intended Works at the Harbour, as the same shall be certified by the Engineer of the said Works, and established by the Contractor's Receipts and a Certificate of the Sheriff herein-after provided for, it shall be lawful for the Society to demand and take for every such Vessel entering or using the Harbour any Sum for each Ton Measurement of such Vessel not exceeding the Rates specified in the Second Column of the said Schedule (A.); and every such Rate shall be payable by the Master or Owner or Owners of such Vessel.

Rates on Goods as in Sched. (B).

XLVIII. It shall be lawful for the Society, from and after the passing of this Act, to demand and take for all Goods shipped or unshipped, landed or delivered, or transferred from one Vessel to another within the Limits of the Harbour, any Sum not exceeding the several Rates and Duties specified in the First Column of

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Schedule (B.) hereunto annexed; and as soon as the Society shall have expended the said Sum of Twelve thousand Pounds, certified as aforesaid, upon the intended Works at the Harbour, it shall be lawful for the Society to demand and take for all such Goods any Sum not exceeding the several Rates and Duties specified in the Second Column of the said Schedule (B.); and as soon as the Society shall have expended the further Sum of Thirteen thousand Pounds upon the intended Works at the Harbour, to be certified in like Manner, it shall be lawful for the Society to demand and take for all such Goods any Sum not exceeding the Rates and Duties specified and set forth in the Third Column of the said Schedule (B.); and all such several Rates and Duties shall be payable by the Owner or Party in possession or charge of such Goods; provided that the Goods so transhipped shall not be charged in any Case double Rates under this Section.

XLIX. A Certificate under the Hand of the Sheriff of the County of *Caithness* shall be conclusive Evidence that the several Sums of Twelve thousand Pounds and Thirteen thousand Pounds have been expended on the Works by this Act authorized, and the Sheriff shall grant such Certificate on the Evidence of the Expenditure aforesaid being laid before him.

Certificate of Sheriff to be Evidence of Payment.

L. It shall be lawful for the Society, from and after the passing of this Act, to demand and take from the Owner or Person in charge of all Goods shipped or unshipped, landed, or delivered within the Harbour, for the Use of Cranes, Weighing Machines, Hawsers, Lighters, and Steam Tugs, any Rates and Duties not exceeding the several and respective Rates and Duties set forth in the Schedule (C.) hereunto annexed.

Rates for Cranes, Weighing Machines, Sheds, &c.

LI. It shall be lawful for the Society to purchase or employ Steam Tugs or other Craft and Lighters for facilitating and securing the safe Shipment and Landing of Goods at the Harbour, and to apply the Funds of the Society for such Purposes to an Extent not exceeding in the whole the Sum of One thousand five hundred Pounds for the Purchase or for aiding in the Purchase of such Steam Tugs or Craft and Lighters, or to pay or aid in paying for the Charter of such Steam Tugs or other Craft and Lighters to any Amount not exceeding Three hundred Pounds *per Annum*.

Power to Society to employ Steam Tugs.

LII. It shall be lawful for the Society and they are hereby authorized to license, appoint, and regulate such Number of Persons duly qualified as they shall think fit to act as Pilots for the Harbour, and to fix reasonable Rates of Pilotage to be paid to such Pilots, not exceeding the Rates specified in the Schedule (D.) hereunto annexed,

Power to license Pilots.

[*Local.*]

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and

The Pulteney Harbour Act, 1857.

and to appoint and displace such Pilots at pleasure; but no Person shall be appointed to act as such Pilot unless he shall have been at least Five Years regularly engaged as a Fisherman or Sailor at or frequenting the Harbour, or any other Harbour on the East Coast of *Scotland*, North of *Aberdeen*; and if any Person shall act as a Pilot within the Limits of the Harbour without being licensed and appointed as aforesaid, every Person so offending shall forfeit for each Offence a Penalty not exceeding Twenty Pounds: Provided, that the Master of every Vessel above Forty Tons entering or leaving the Harbour shall employ One or more of the Persons to be licensed as aforesaid to act as Pilot for and in respect of such Vessel: Provided also, that nothing herein contained shall affect or interfere with the Provisions of any General Act now in force or to be hereafter passed for regulating Pilots or Pilotage.

Society not to take certain Rates until 25,000*l.* has been expended.

LIII. Until the said Sums of Twelve thousand Pounds and Thirteen thousand Pounds have been expended under the Authority of this Act upon the intended Works as herein mentioned, it shall not be lawful for the Society to demand or take any of the Rates specified in the said Schedules (A.) and (D.) in respect of any Vessel proceeding to or from any Pier, Port, or Place in the Bay or River of *Wick*, opposite the Harbour, unless such Vessel shall use the Harbour for the Purpose of Shelter or otherwise.

No Pilot to take out any Vessel till Rates are paid.

LIV. No Pilot shall be at liberty to pilot or conduct any Vessel from the Harbour or the Precincts thereof until the Harbour-master or other Officer appointed by the Society shall have declared himself satisfied that the Rates and Duties payable in respect of such Vessel have been duly paid to the Collector appointed to receive the same; and every Pilot so offending shall forfeit a Sum not exceeding Two Pounds, besides the Expense of suing for and recovering the same.

Power to compound Rates.

LV. The Society may agree with any Person or Company for the Payment of such fixed Sum as they may think fit as an annual Composition for the Rates payable by such Person or Company during the Year for which such Composition may be made in respect of Vessels regularly trading to and from the Harbour, or in respect of Vessels and Boats employed in the Herring Fishery, or in respect of Goods shipped or unshipped or landed and delivered within the Harbour: Provided always, that such Compositions shall be made equally with all Persons and Companies in similar Circumstances desiring the same: Provided also, that in every Case where the said Rates shall be so compounded for, it shall be a Condition in such Agreements that the Composition agreed upon shall be paid in advance.

LVI. Any

The Pulteney Harbour Act, 1857.

LVI. Any Complaint and Proceedings before the Sheriff or Justice or Justices before whom any Person shall be complained of or proceeded against for any Offence under the Provisions of this Act or the Acts incorporated herewith, and the Sentence or Conviction thereon, may be in the Form of the Schedule (E.) hereunto annexed, or as near thereto as may be; and, except that such Complaint and the Sentence to be pronounced in relation thereto shall be in Writing, no other Writing or written Record of Evidence or Procedure shall be necessary, unless the Sheriff or Justices, at the Hearing of the Complaint, shall cause or allow the Procedure or Evidence to be taken down in Writing, or shall themselves take Notes of the same.

Form of Proceedings against Offenders.

LVII. From and after the passing of this Act the Society shall, subject to the Provisions of the Acts incorporated herewith, have the sole Power and Authority in all Matters relating to the watching, lighting, and cleansing of the Harbour, and Works, Buildings, and Curing Stations connected therewith and belonging to the Society, and supplying the same with Water; and it shall not be lawful for the Commissioners appointed or to be appointed under the third-recited Act to exercise any Power, Jurisdiction, or Control in such Matters, or to levy any Rate or Assessment for any Purpose whatsoever on or in respect of the Harbour and Works and Buildings connected therewith.

Jurisdiction of Society within the Harbour.

LVIII. The Society may furnish a Supply of Water to Vessels entering or using the Harbour, and for all Purposes connected with the Harbour and Shipping, at such Rates and upon such Terms and Conditions as shall be agreed upon between the Society and the Person desiring such Supply; and the Society may, if they think fit, contract and agree with any Company or Persons for obtaining and bringing to the Harbour the Supply of Water necessary for the Purposes aforesaid.

Society may supply Water.

LIX. Nothing in this Act contained shall extend to authorize the Society to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or One of them are and is hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

LX. Nothing in this Act contained shall be held to limit or abridge or in any way affect the Powers, Privileges, and Jurisdictions of

Saving Jurisdiction of Admiralty.

The Pulteney Harbour Act, 1857.

of the Lords of the Admiralty, which are hereby saved and reserved entire.

Expenses of
Act.

LXI. The Costs and Expenses of passing this Act, and preparatory and incidental thereto, shall be paid by the Society.

The Pulteney Harbour Act, 1857.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

Tonnage Duties.

	First Column.	Second Column.
	s. d.	s. d.
For all Vessels under the Burden of 15 Tons, and not registered, per Ton	0 6	0 6
For all registered Vessels under the Burden of 15 Tons, per Ton Register	0 1	0 2
For all Vessels of the Burden of 15 Tons and under 45 Tons, per Ton Register	0 2	0 3
For all Vessels of the Burden of 45 Tons and under 100 Tons, per Ton Register	0 4	0 4
For all Vessels of the Burden of 100 Tons and upwards, per Ton Register	0 5	0 6
For Vessels in Ballast, per Ton Register	0 2	0 2

Steam Vessels carrying Goods and Passengers to pay the same Rates as Sailing Vessels.

For each Boat laid up in the Harbour or on any Part of the Quays for a longer Period than One Month between the First October and First July there shall be levied the Sum of 5s. The said Sum to be paid to the Collector previously to the Boat being so drawn or laid up.

For Vessels of 15 Tons Register and upwards, drawn or laid up in the Harbour or on any Part of the Quays for a longer Period than One Month, to pay 2d. per Ton.

SCHEDULE (B.)

Rates on Goods.

	First Column.	Second Column.	Third Column.
	s. d.	s. d.	s. d.
Animals not hereafter enumerated (each)	—	—	0 2
Ass or Mule, each	—	—	1 0
Aqua, in Casks, Barrel Bulk of 27 Gallons	—	—	0 3
Bark, in Bulk, per Ton	1 0	1 4	2 0
Cutch, per Ton	—	—	2 6
[Local.]			15 L

The Pulteney Harbour Act, 1857.

	First Column.	Second Column.	Third Column.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Beasts, Wild, each	—	—	1 0
Beef and Pork, per Cwt.	—	—	0 2
Billet Wood, per 50 Cubic Feet	—	—	1 0
Bones and Bone Dust, per Ton	0 4	1 4	1 6
Bran, per Quarter	—	—	0 3
Bricks, per 1000	0 9	0 9	1 0
Brimstone, per Ton	—	—	1 0
Boats, each	—	—	2 0
Burn Wood, per Ton	—	—	0 8
Butter, per Cwt.	—	—	0 2
Calves, each	0 6	0 6	0 6
Carboys, each	—	—	0 3
Carriage, with 4 Wheels	1 0	1 4	5 0
with 2 Wheels	0 6	0 8	2 6
Cattle—namely, Bulls, Cows, and Oxen, each	1 0	1 0	1 0
Chairs, each	—	—	0 1
Chalk, per Ton	0 4	0 4	0 6
Cheese, per Cwt.	—	—	0 1
Chimney Cans, each	—	—	0 2
Clocks, each	—	—	0 6
Coals, per Ton	0 4	0 6	0 6
Copper, per Ton	0 4	1 4	2 0
Cordage, per Ton	1 0	1 4	2 0
Cork, per Ton	—	—	2 6
Dogs, each	0 4	0 4	1 0
Fish, salted or dry, per Barrel Bulk	—	—	0 2
Fowls and Ducks (live), per Dozen	0 2	0 2	0 2
Geese and Turkeys (live), each	0 1	0 1	0 1
Grates (Iron, &c.), each	—	—	0 2
Grease, per Ton	0 4	1 4	1 6
Guano, per Ton	0 4	1 4	1 6
Harrows, per Pair	—	—	0 4
Hay, per Load	—	—	0 6
Hemp, per Ton	1 0	1 4	2 6
Herrings, per Barrel	0 1	0 1½	0 2½
Hides, raw, per Cwt.	—	—	0 2
Hoops, per Bundle	—	—	0 0½
Horses, each	1 0	1 0	1 6
Ice, per Ton	—	—	0 6
Iron, per Ton	0 4	1 0	1 4
Kelp, per Ton	0 4	1 0	1 4
Lambs, under 6 Months, each	0 1	0 1	0 1
Lathwood, per Fathom	—	—	1 6
Lead of all Kinds, per Ton	0 4	1 4	2 0
Leather, per Cwt.	—	—	0 2
Lime, per Ton	0 4	0 8	1 0
Machinery, per Cwt.	—	—	0 1
Manures not enumerated, per Ton	—	—	0 4
Malt, per Quarter	0 1½	0 2	0 3
Mats, Baltic, per 100	—	—	1 0
Meal and Flour, per Sack of 280 lbs.	0 2	0 2	0 3
Oakum, per Ton	1 0	1 4	2 0
Oars, per Dozen	—	—	0 3
Oil Cake, per Ton	0 4	1 4	1 6

The Pulteney Harbour Act, 1857.

	First Column.	Second Column.	Third Column.
	s. d.	s. d.	s. d.
Passengers entering or leaving Harbour, Baggage of each, per Barrel Bulk	—	—	0 2
Peats, per Ton	0 4	0 4	0 6
Pigs, each	0 2	0 2	0 3
Pitch, per Barrel	—	—	0 3
Plough or Grubber, each	—	—	0 6
Potatoes, per Ton	0 4	0 4	1 4
Ropes and Rags (old), per Ton	1 0	1 4	2 0
Sand for Foundries, per Ton	—	—	0 4
Salt, per Ton	0 4	0 6	0 6
Seeds, Rye Grass, per 8 Bushels	—	—	0 3
Sheep of all Ages, each	0 2	0 2	0 2
Slates, per 1000	0 9	0 9	0 9
Spades and Shovels, per Dozen	—	—	0 4
Staves, per 1000	—	—	1 6
Stones, Free, per Ton	—	—	0 6
Millstones, each	1 0	1 0	1 0
Paving, per Ton	0 4	0 6	0 6
Straw, per Load	—	—	0 2
Stucco, per Ton	0 4	1 4	1 4
Sugar, in Bags, per Cwt.	—	—	0 2
Tallow, per Ton	0 4	1 4	1 6
Tar, per Barrel	—	—	0 3
Tiles, Drain, per 1000	0 8	0 8	0 8
Roofing, per 1000	—	—	1 0
Timber (unwrought) of all Kinds, per Load of 50 Cubic Feet	1 0	1 0	1 6
Turnips, per Ton	—	—	0 4
Wheat, Barley, Beans, Oats, Peas, and all Descriptions of Grain, per Quarter	0 1½	0 2	0 3
Wheels, Coach or Cart, per Pair	—	—	0 6
Whiting, per Ton	—	—	0 6
Wool, per Cwt.	—	—	0 2

All enumerated Articles, the Rates on which are left blank in the First and Second Columns of this Schedule, and all unenumerated Articles, to pay, on landing or shipping,—

 If by Measurement, per Barrel Bulk

 If by Weight, before the Third Column of this Schedule shall come into operation, per Ton

 If by Weight, after the Third Column of this Schedule shall come into operation, per Ton

All Articles which can be measured to pay by Barrel Bulk, and all others 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 Dues as if landed.

Hoops, Staves, Headings, Burn Wood, empty Casks, and Billet Wood, cut into Lengths not exceeding Three Feet, and bonâ fide intended to be cut up for Staves, to be exempted from Rates until the Third Column of this Schedule shall come into operation.

Exemptions

*The Pulteney Harbour Act, 1857.**Exemptions from the above Duties.*

- 1st.—All returned empty Boxes, Barrels, Sacks, and Packages.
 2nd.—Passengers Luggage, not exceeding Two Barrels Bulk. All above to pay the ordinary Dues.
 3rd.—The Furniture and Luggage of Fishermen coming to or returning from the Herring Fishery at the Commencement or End of the Fishing Season.
- The Barrel Bulk is understood in the foregoing Schedule to contain Five Cubic Feet.

SCHEDULE (C.)

Rates chargeable for the Use of Cranes, Weighing Machines, Hawsers, Lighters, and Steam Tugs.

	£	s.	d.
1. Cranes.—For One Hour or any shorter Time	0	1	6
For every additional Hour	0	1	0
The Time to be calculated from the outgiving of the Handles until they are returned.			
2. Weighing Machine.—For One Ton or Part of a Ton	0	0	2
3. Hawsers, 6 Inches	£2	0	0
5 ditto	0	10	0
4 ditto	0	5	0
3 ditto	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
Steam Tugs.—To be charged according to Agreement with Parties employing them.			

SCHEDULE (D.)

Pilot Dues.

	£	s.	d.
For every Vessel above 20 Tons entering and leaving the Harbour, per Ton Register	0	0	4
For each Tide's Work within the Harbour	0	7	6
For laying out Kedge or Warp to assist Vessels	0	5	0

Extra Pilot Charges against Vessels requiring Pilot's Assistance outside the Harbour Limits.

For One Tide on board	0	5	0
For any Period from 12 to 24 Hours	0	10	0
If detained on board 36 Hours	1	0	0

The Pulteney Harbour Act, 1857.

	£	s.	d.
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 Wind-bound Harbours, not more than - - -	2	0	0
In the event of any Vessel carrying away a Pilot outside the Limits, and landing him on any Part of the Coast, Ship to pay his travelling Expenses; and if the Commander of any Vessel chooses to retain the Pilot on board when he could have been landed at Wick with Safety, Ship to pay as above 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, not liable in additional Pilot Dues.

SCHEDULE (E.)

Form of Complaint.

Unto the Honourable the Sheriff of [*or Her Majesty's Justices of the Peace for*] the County of Caithness.

The Complaint and Information of *A.B.*

Humbly showeth,

That *C.D.* has been guilty of a Contravention of "The Pulteney Harbour Act, 1857," and of "The Harbours, Docks, and Piers Clauses Act, 1847," incorporated therewith, or one or other of the said Acts, in so far as [*here describe the Offence generally, and state the Time and Place when and where the same was committed*], whereby the said *C.D.* has incurred the Forfeiture [*or Penalty*] of provided by the Section of the said "Pulteney Harbour Act" [*or of the said "Harbours, Docks, and Piers Clauses Act"*].

May it therefore please your to grant Warrant to summon the said *C.D.* to appear before to answer to this Complaint, and to be dealt with in Terms of the said Acts, or one or other of them.

According to Justice, &c.

(Signed by Complainer or Informer.)

Form of Warrant.

[Place and Date.]

HAVING considered the foregoing Complaint, grants Warrant to summon the said *C.D.* complained of to appear before [*Magistrate and Place and Time*], and that by serving the said *C.D.* with a Copy

[Local.]

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of

The Pulteney Harbour Act, 1857.

of the foregoing Complaint and of this Deliverance, and also grants Warrant for citing Witnesses, at the Instance of both Parties, to attend at the same Place and Time.

(*Sheriff or Justice of Peace.*)

Form of Sentence.

[*Place and Date.*]

THE [*Magistrate*], in respect of the Evidence adduced [*or of the Judicial Confession of the said C.D., as the Case may be*], convicts the said *C.D.* of the Offence charged, and therefore decerns and adjudges him to forfeit and pay to the Complainer the Sum of _____ of Penalty, with the Sum of _____ of Expenses, One Half of the said Penalty to be retained by the Complainer, and the other Half thereof (*or, as the Case may be,*) to be paid and accounted for by him to the Kirk Session, or Collector of the Funds for the Poor of the Parish of Wick, and, failing Payment by the said *C.D.* forthwith,* grants Warrant for Recovery of the said Penalty and Expenses by Pounding of his Goods and Effects, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Pounding, appoints a Return or Execution of such Pounding and Sale to be reported within Eight Days from this Date, and in the meantime grants Warrant for detaining the said *C.D.* in the Prison of _____ until such Return be reported.

*[*If it shall appear at the Trial that no sufficient Pounding can be made within the Jurisdiction of the Magistrate, say here, "and in respect it appears that no sufficient Pounding and Sale can be had whereon to levy the said Penalty and Expenses, grants Warrant to imprison the said C.D. in the Prison of _____ for the Space of _____ from this Date, unless the said Penalty and Expenses be sooner paid, and decerns."*]

Warrant of Imprisonment, to be granted in case of a Return being made that no sufficient Goods and Effects could be found.

[*Place and Date.*]

THE [*Magistrate*], in respect of the Return made that no sufficient Effects can be found whereon to levy the said Penalty and Expenses, grants Warrant to imprison the said *C.D.* in the Prison of _____ for the Space of _____ from this Date, unless the said Penalty and Expenses be sooner paid, and decerns.

Warrant

The Pulteney Harbour Act, 1857.

Warrant of Liberation.

[*Place and Date.*]

THE [*Magistrate*], in respect of the Return of a sufficient Pounding and Sale of the Effects of the said *C.D.* [*or in respect of Payment having been made of the said Penalty and Expenses, as the Case may be,*] grants Warrant to the Keeper of the Prison of _____ for the immediate Liberation of the said *C.D.*, and decerns.

LONDON :

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