



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. 1.

An Act for making and maintaining a Harbour
at *Scrabster Roads*, in the Bay of *Thurso* and
County of *Caithness*, and Road thereto.

[21st June 1841.]

WHEREAS the Formation and Maintenance of a Harbour
at or near *Holburnhead* or *Scrabster Roads* in the Bay of
Thurso in the County of *Caithness*, with the necessary
Piers, Wharfs, Quays, and other Works, and Roads and Accesses
thereto, would not only be of great local Utility and Advantage, but
would be highly beneficial to the Public: 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 Parlia-
ment assembled, and by the Authority of the same, That the Sheriff
of the County of *Caithness* or his Substitute for the Time being, the
Chief Magistrate of the Town of *Thurso* for the Time being, the
Owner for the Time being of the Estate of *Scrabster* in the said
County of *Caithness*, *Sir George Sinclair* of *Ulbster*, and after his
Death the Owner for the Time being of the Lands of *Thurso East*
in the said County, *William Innes* of *Sandside*, Esquire, and after
his Death the Owner for the Time being of the Lands of *Sandside*
in the said County, *James Sinclair* of *Forss*, Esquire, and after his
Death the Owner for the Time being of the Lands of *Holburnhead* in

Appoint-
ment of
Trustees.

[Local.]

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the said County, Sir *Patrick Murray Trieland of Fingask*, Baronet, and after his Death the Owner for the Time being of the Estate of *Pennyland* in the Parish of *Thurso* in the said County, provided always such Owner of the said Lands and Estates shall be Males and of lawful Age, and also *George Traill of Ratter*, Esquire, Captain *Donald Macdonald* of the Royal Engineers, Captain *David Henderson of Brabsterdorrán*, Mr. *John Patterson*, residing at *Borlum*, Mr. *William Bremner*, Merchant in *Thurso*, Mr. *Hugh Davidson*, Tacksman of *Thurso East*, Mr. *John Sinclair Gunn*, Tacksman of *Dall*, Mr. *George Dunet*, Merchant in *Thurso*, and Mr. *William Smith*, Bank Agent in *Thurso*, and their Successors in Office, and also every Person who shall contribute and lend to and be a Creditor of the said Undertaking of the Sum of One hundred Pounds or upwards, shall be united as one Body Politic and Corporate, by the Style and Name of "The Trustees of the Harbour of *Scrabster*," for the Purpose of making, erecting, and maintaining the said Harbour, with proper Works and Conveniences connected therewith, according to the Provisions of this Act, and by that Name shall be a Body Corporate with perpetual Succession, and shall have a Common Seal, and shall have Power to purchase and hold Lands, within the Restrictions herein-after contained, for the Purpose of the said Undertaking, and in and by that Style and Name shall sue and be sued in any Actions or other Proceedings at Law.

Vacancies
how to be
supplied.

II. And be it enacted, That in case the Place of any of the Trustees appointed by this Act (other than the Sheriff of the County of *Caithness* or his Substitute, the Chief Magistrate of *Thurso*, or the Owners of the Lands and Estates of *Scrabster*, *Thurso East*, *Sandside*, *Holburnhead*, or *Pennyland* respectively,) shall become vacant by Death, Refusal to act, Resignation, or otherwise, then and in such Cases it shall be lawful for the Creditors of the said Harbour, qualified as herein-after mentioned, to nominate a fit and proper Person to supply such Vacancy, and the Person so nominated shall have and enjoy the same Powers and Privileges of a Trustee as the Person in whose Stead he is nominated; but notwithstanding that any such Vacancy shall remain unsupplied the other Trustees shall have full Power to do and perform all Matters necessary for the Execution of this Act.

Creditors
of 10*l.* and
upwards
entitled to
vote in the
Election of
Trustees.

III. And be it enacted, That any Person who shall lend Money to the Trustees hereby appointed for the Use of the said Harbour, or shall acquire and have Right to any Security granted under the Authority of this Act for Money so advanced, shall be entitled to vote in the Election of Trustees to supply Vacancies under this Act, provided he shall be a Creditor for the Sum of Ten Pounds and upwards; that is to say, a Creditor in the Sum of Ten Pounds and under Fifty Pounds shall have One Vote, a Creditor in the Sum of Fifty Pounds and under One hundred Pounds shall have Two Votes, a Creditor in the Sum of One hundred Pounds and under Two hundred Pounds shall have Three Votes, a Creditor in the Sum of Two hundred Pounds and under Three hundred Pounds shall have Four Votes, and a Creditor in the Sum of Three hundred Pounds and upwards shall have Five Votes.

IV. And

IV. And be it enacted, That within Thirty Days after any Vacancy shall occur in the Office of Trustee the Clerk of the said Trustees shall, by Advertisement in some Newspaper published in the County of *Caithness*, and failing any Newspaper being published in the said County of *Caithness* then in any Newspaper or any advertising Paper published in *Edinburgh*, give Notice of such Vacancy, and summon a Meeting of the Creditors of the said Harbour, qualified as above mentioned, to be held at *Thurso*, not sooner than Two Weeks and not later than Four Weeks after the Publication of such Advertisement, for the Purpose of electing another Trustee in the Room of the Trustee creating such Vacancy, and at such Meeting another Trustee shall be elected by a Majority of the Votes of the Creditors duly qualified who shall be present at such Meeting, or of the Proxies of such Creditors duly qualified who shall not attend personally.

Creditors to be summoned to Meetings for electing Trustees.

V. And be it enacted, That the said Trustees shall meet in the Court House or any other suitable Place in the Town of *Thurso* within Two Months after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to the Execution of this Act, with Power to adjourn from Time to Time; and the said Trustees shall also hold an Annual General Meeting on the last *Wednesday* of *May* in the Year One thousand eight hundred and forty-two, and on the last *Wednesday* of *May* in every Year thereafter, with Power to adjourn from Time to Time; and in all Cases Five of the said Trustees shall be a Quorum, and at their Meetings the Trustees present at such Meetings shall elect their Preses for the Time; and all Questions shall be decided by a Majority of the Trustees present at the respective Meetings; the Preses, in case of an Equality of Votes, having a casting Vote besides his Vote as a Member of the Meeting.

First and other Meetings of Trustees.

VI. And be it enacted, That it shall be in the Power of any Three or more of the Trustees acting for the Time to require the Clerk to the Trustees to call a Meeting at any Time, and the said Clerk shall be obliged thereupon to give Notice in Writing of the Time and Place of such Meeting to every one of the Trustees, at least Ten Days previous to such Meeting; and a Certificate under the Hand of the said Clerk that such Notice has been given, by Letters duly addressed to the Trustees at their usual Places of Residence, and put into the Post Office at *Thurso*, shall be sufficient Proof of such Notice having been given at such Meeting as is required by this Act.

Clerk to call Meetings at the Request of any Three of the Trustees.

VII. And be it enacted, That no Trustee shall hold any Office of Emolument under this Act, either as a Principal or Deputy, nor be directly or indirectly concerned in any Contract under this Act, nor be Surety for any Contractor under this Act; and if any Trustee shall be convicted of contravening this Enactment he shall forfeit and pay the Sum of One hundred Pounds, to be paid to the Treasurer under this Act, and applied for the Purposes thereof, and be incapable of ever afterwards holding the Office of Trustee under this Act.

Trustees not to hold Offices of Emolument, nor be concerned in Contracts.

VIII. And be it enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to appoint a Committee

Trustees may appoint Committees

of their
Number.

Committee or Committees of their Number, consisting of not less than Three, with Power to execute any of the Purposes of this Act which it may be deemed expedient to commit to their Charge.

Adjourn-
ment of
Meetings.

IX. And be it enacted, That the said Trustees shall have Power and they are hereby authorized to adjourn their Meetings from Time to Time and Place to Place as they may think proper; and in case a less Number than a Quorum shall attend any Meeting, such Number, though not entitled to act in other Matters, shall have the Power of Adjournment.

Trustees not
to vote in
Cases where
personally
interested.

X. And be it enacted, That no Trustee under this Act shall vote or otherwise act as a Trustee in any Case wherein he shall have a personal pecuniary Interest, directly or indirectly, under a Penalty of Twenty Pounds.

Trustees to
appoint
Officers.

XI. And be it enacted, That it shall and may be lawful to and for the said Trustees to nominate or appoint a Treasurer, Collector, Clerk, Berthing Master, Superintendent of Works, and such other Officers and Servants as they shall judge necessary, to be employed under them for carrying this Act into execution, and from Time to Time to remove such Treasurers, Collectors, Clerks, Berthing Master, Superintendents, Officers, and Servants, or any of them, and to appoint others in their Stead, and to settle such reasonable Salaries on them as to the said Trustees shall appear to be just and proper; and such Treasurers, Collectors, and Receivers of any Money acting under the Authority of this Act shall keep fair and regular Books and Accounts of all the Monies so received by them, (which Books and Accounts shall be open and patent to the said Trustees, and to any Creditor on the Rates and Duties hereby granted, and to any Person having the written Authority of any Two of the Trustees, at all seasonable Times when they shall desire to inspect the same,) and shall pay and dispose of the Money collected in such Manner as shall be directed by the said Trustees according to the Provisions of this Act; and the Treasurers, Collectors, or Persons to be appointed to receive or have the Charge or Custody of any Money to be levied or raised under the Authority of this Act shall give good and sufficient Security to the Satisfaction of the said Trustees for accounting for and paying the Monies which shall be by them respectively collected or received; and the Accounts of the Intromissions of the Trustees under this Act shall be balanced on or before the First Day of *May* in each Year.

Books and
Accounts to
be kept.

Accounts to
be audited
annually.

XII. And be it enacted, That the said Trustees shall, within Eight Days after the First Day of *May* in each and every Year, make out or cause to be made out and rendered to the Auditor to be appointed as after mentioned a clear and distinct Account of their Intromissions and Transactions under the Authority of this Act for the preceding Year, which Accounts such Auditor shall and he is hereby authorized and empowered to examine, with the Documents or Vouchers instructing the same (which Documents and Vouchers, and all Books and Papers in the Custody or under the Control of the said Trustees relative to the Business of the said Harbour, the
said

said Trustees shall, upon the Request of the Auditor to that Effect, produce to the said Auditor, and permit and suffer him to examine); and the said Auditor shall audit and docket the said Account, and report the same, with any Remarks he may have to make thereon, to the next Annual General Meeting of the said Trustees, to be held on the last *Wednesday* of *May* thereafter.

XIII. And be it enacted, That the said Trustees shall cause to be prepared an annual Account in Abstract of the total Receipts and Expenditure of all Funds levied under this Act for the past Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account, duly audited and certified by the Auditor to be appointed by the said Trustees; and that a Copy of such annual Account be transmitted, free of Charge, to the Sheriff Clerk of the said County of *Caithness* on or before the Thirty-first Day of *January* in each Year, under a Penalty of Twenty Pounds, to be levied by summary Process; and the said Account shall be open at all seasonable Hours to the Inspection of the Public, upon Payment of a Fee of Two Shillings and Sixpence for each Inspection.

Trustees to make out annually an Account of their Receipts and Expenditure, and transmit a Copy thereof to the Sheriff Clerk of the County.

XIV. And be it enacted, That the said Trustees shall and they are hereby authorized and required, some Time during the Month of *April* in the Year One thousand eight hundred and forty-two, and some Time during the Month of *April* in each and every Year thereafter, to appoint a fit and proper Person, well skilled in Accounts, to audit and docket the Accounts of the said Trustees as before mentioned; and the said Trustees shall pay to the Person so appointed such a Sum for his Trouble in making such Audit as they shall fix and determine, not exceeding the Sum of Twenty Pounds for each Audit.

An Auditor to be appointed.

XV. And be it enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or other Person in the Service or Employ of any such Clerk or his Partner, the Treasurer for the Purposes of this Act; or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action in the Sheriff Court of *Caithness*, the Court of Session in *Scotland*, or in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit,

Offices of Clerk and Treasurer to be separate.

[Local.]

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or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to
account.

XVI. And be it enacted, That the Clerks, Treasurers, Collectors, Receivers, and other Officers to be appointed under this Act shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees shall direct, deliver to the said Trustees, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by them received by virtue of and for the Purposes of this Act, and how much thereof had been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due to the said Trustees or to such Person as they shall appoint to receive the same; and if any such Clerk, Treasurer, Collector, Receiver, or other Officer shall neglect or refuse to make and render any such Account, or to produce or deliver up the Vouchers relating to the same in his Possession or Power, or to make Payment as aforesaid, or shall neglect or refuse to deliver up to the said Trustees, or to such Person as they shall appoint, within Ten Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Clerk, Treasurer, Collector, Receiver, or other Officer, all Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in any of the Cases aforesaid the said Trustees may and they are hereby authorized and empowered to cause an Action to be brought against the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Trustees, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace in and for the said County of *Caithness*, or in or for any other Place wherein such Officer so neglecting or refusing shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand for the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter in a summary Way; and if upon Complaint of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered to administer), or by Confession of the Party offending, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Clerk, Treasurer, Collector, Receiver, or Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand, to cause such Money to be levied by Pounding and Sale of the Goods and Effects of such Clerk, Treasurer, Collector, Receiver, or Officer; and if no Goods or Effects of such Clerk, Treasurer, Collector, Receiver, or Officer can be found sufficient to answer and satisfy the said Monies, and the Charges of pounding and
selling

selling the same, or if it shall appear to such Justice that such Clerk, Treasurer, Collector, Receiver, or Officer shall have neglected or refused to render or give such Account, or to produce the Vouchers relating thereto in his Possession or Power, or that any Books, Accounts, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Clerk, Treasurer, Receiver, or Officer, and he have neglected or refused to deliver or give Satisfaction respecting the same, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol of *Wick* or of the Town of *Thurso*, if there shall be a Common Gaol there, or of any other Place where such Offender shall be or reside, there to remain without Bail until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Trustees are hereby empowered to make and receive, and until he shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof, to the said Trustees as aforesaid: Provided always, that no Person shall be committed for Want of sufficient Pounding for any longer Space of Time than Six Months.

XVII. And be it enacted, That for the Purposes and subject to the Provisions and Restrictions of this Act, the said Trustees, their Agents and Workmen, and all other Persons by them authorized, are hereby empowered to enter into and upon the Lands and Heritages of any Person or Corporation whatsoever whose Names are set forth in the Book of Reference herein-after mentioned, and to survey and take Levels of the same, or any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are empowered to take or use by or are required for the Purposes of this Act, and in or upon such Lands and any Lands adjoining thereto to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein, or otherwise in the Execution of any of the Powers of this Act, and which may be proper and necessary for making, extending, maintaining, altering, repairing, or using the said Harbour, and the Roads and Accesses communicating therewith, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act, and also from Time to Time to improve, alter, repair, and maintain the said Harbour, and the Roads and Accesses communicating therewith, and to do and execute all other Matters and Things necessary or convenient for making, maintaining, altering, or repairing and using the said Harbour, Roads, and Accesses, they the said Trustees, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Trustees making full Satisfaction, in manner herein-after mentioned, to all Persons and Corporations interested in any Lands which shall be taken, used, or injured, for all Damages to be by them sustained in or by reason of the Execution of all or any of the Powers hereby granted; and

Power to
enter Lands.

and this Act shall be sufficient to indemnify the said Trustees and all other Persons for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

Penalty on
Persons re-
moving
Poles or
Buoys.

XVIII. And be it enacted, That if any Person shall pull up or remove any Poles or Stakes or Buoys that may have been driven into the Ground or placed in the Sea, or shall deface or destroy any Marks which may have been made for the Purpose of setting out the Situation of the said Harbour or Access or Accesses thereto, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power to
treat for the
Purchase of
Lands, &c.

XIX. And be it enacted, That it shall be lawful for the said Trustees to treat and agree, and to employ any Person or Persons to treat and agree, for the Purchase of any Lands required by them for the Purposes of this Act, and for the Purchase or Discharge of any subsisting Life-rent Rights, or other Rights, Servitudes, and Leases affecting the same, and Estates and Interests therein, and Burdens or Incumbrances constituted thereon, or such of them or such Part thereof as the said Trustees shall think proper, or for the Acquisition of such Lands in Feu Farm on the Payment of a perpetual Feu Duty or Ground Rent in respect of the same, and also to submit and refer to Arbitration the Amount to be paid therefor, and in general all Questions arising in the Execution of this Act, as they may think advisable.

Provision for
Deficiencies
of Land Tax.

XX. And in case by reason of the Exercise of the Powers by this Act granted Deficiencies should arise in the Assessments for Land Tax in the Parish through or in which the several Works hereby authorized may pass or be situate, be it therefore enacted, That the said Trustees shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Trustees shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of such Parish as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Persons
under legal
Disability
empowered
to sell and
convey
Lands.

XXI. And be it enacted, That it shall be lawful for all Corporations, Heirs of Entail, Life-renters, Husbands, Tutors and Curators or other Guardians, Judicial Factors, Trustees for charitable or other Purposes, Executors and Administrators, and all other Persons whomsoever, interested in or entitled to any Lands required for the Purposes

poses of this Act, or which may be damaged by the Operations thereof, not only for and on behalf of themselves, their Heirs and Successors in the said Property, but also for and on behalf of those for whom they act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, Married Women, or other Persons; and it shall also be lawful for all Married Women who shall have Right to or be possessed of or interested in such Lands, either absolutely or by virtue of any Right of Terce or other Right, and for all and every Person whomsoever who shall have Right to or be interested in any such Lands, to contract for, sell, feu, or convey to the Trustees all or any Part thereof; and all such Contracts, Sales, Feus, Charters, and Conveyances shall be valid and effectual, notwithstanding the limited or defeasible Nature of the Right and Title, or the Inability or Incapacity of the Parties so contracting, selling, feuing, or conveying, any Law or Custom, or Prohibition in the Titles of such Property, to the contrary notwithstanding; and all such Corporations and Persons aforesaid so contracting, selling, feuing, or conveying are hereby indemnified for what they shall so do in pursuance of this Act: Provided always, that nothing in this Act contained shall authorize the Proprietors of any entailed Lands to sell or convey the same in Feu Farm to the said Trustees, unless the Deed of Entail under which such Lands are held shall authorize such Mode of Sale.

XXII. And for settling all Differences which may arise between the said Trustees, and the several Owners, Lessees, and Occupiers of or Persons or Corporations interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it enacted, That if any Person or Corporation so entitled, interested, or herein capacitated to sell and convey any Lands, shall not agree with the said Trustees as to the Amount of the Purchase Money, Satisfaction, or Compensation due for the same, or if any such Party as aforesaid entitled to receive such Purchase Money, Satisfaction, or Compensation shall refuse to accept the Amount offered by the said Trustees, and shall give Notice of such Refusal in Writing to the said Trustees within One Month next after such Offer shall have been made, and shall in such written Notice request that the Matter in dispute may be submitted to the Determination of a Jury, or if any Party as aforesaid shall for the Space of One Month next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any such Person, or left at his last or usual Place of Abode, neglect or refuse to treat, or shall not agree with the said Trustees for the Sale and Conveyance or Release and Discharge of his said Estate or Interest, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement and Conveyance or Release and Discharge as shall be necessary or expedient for enabling the said Trustees to take such Lands, or to proceed in constructing the Works aforesaid, or if the said Trustees shall, for the Space of Twenty-one Days after Notice in Writing given to them by any Person or Corporation, being an Owner, Lessee, or Occupier, or being interested in any Lands taken, used, damaged, or injuriously affected by the Execution of the

In case the Parties refuse or are incapable to treat, the Value of the Land and of the Damages to be settled by a Jury.

Powers hereby granted, neglect or refuse to treat with such Parties, or shall not agree with them, or if in any other Case an Agreement or Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, cannot be made, then and in every such Case the said Trustees, or the said Owner, Lessee, or Occupier, or Person or Corporation interested in such Lands, shall be and they are hereby respectively empowered to make a summary Application in Writing to the Sheriff of the said County of *Caithness*, and shall crave that the Amount of the Purchase Money, Satisfaction, or Compensation may be assessed and ascertained by the Verdict of a Jury; and the said Sheriff is thereupon required to summon a Jury of Twenty duly qualified Persons in the Manner in which Juries are in use to be summoned for the Trial of Civil Causes in the Court of Session in *Scotland*, to meet at such Time and Place as such Sheriff shall think fit to appoint, not being less than Six Days after the Date of such Application, out of whom the said Sheriff shall in the usual Way impanel a Jury of Twelve Persons, all Parties concerned having their lawful Challenges or Exceptions against any of such Jurymen; and the said Sheriff is hereby empowered and required to preside in the said Court, and to summon and call before him or grant Commission for the Examination of every Person who shall be thought necessary by either Party to be examined as a Haver or Witness touching the Matter in question; and the said Sheriff may order and authorize the said Jury, or any Three or more of them, to view the Land, Place, or Premises in controversy, and the Jury shall inquire of, assess, and fix by the Verdict of a Majority of their Number the Sum of Money to be paid for the Purchase of the whole of any such Lands, or for any Interest therein, or for the Release and Discharge of any such Lands from any Burden or Incumbrance thereon, or for Compensation as aforesaid, under Deduction of the Value of any Interest therein which may have been purchased by the said Trustees from any other Person or Corporation, and also the Sums of Money to be paid by way of Satisfaction or Compensation, either for the Damages which shall before that Time have been done or sustained, or for the future temporary or perpetual or for any recurring Damages to be done or sustained, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Trustees, and which cannot or will not be further obviated, removed, or repaired by them, which Satisfaction or Compensation for Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands to be taken or used as aforesaid; and the said Sheriff shall accordingly give Judgment and Decree for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Pursuer, and shall have all such Rights and Privileges as Pursuers in Actions at Law are entitled to: Provided also, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the Party who shall apply to the Sheriff for the same to the Party with whom any such Dispute shall arise, either by delivering such Notice to such Party, or by leaving the same at
his

his Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation in the Case of a Corporation, a Certificate whereof shall, if called for, be produced under the Hands of a Person giving such Notice before the Jury is impannelled as aforesaid.

XXIII. And be it enacted, That all Juries summoned under the Powers of this Act for the Purpose of ascertaining and determining the Amount of Satisfaction or Compensation to be made for the taking, using, or prejudicially interfering with any Lands, or for any Injury which may arise thereto by reason of the Construction or Use of any of the said Works, shall (if required) apportion the Amount of such Compensation among the various Parties interested in such Lands according to their respective Interests therein, and the proportionate Amount of Loss or Damage which they may respectively sustain.

Compensation Money to be apportioned.

XXIV. And be it enacted, That the said Applications, Verdicts, Judgments, and Decrees, being first signed by the said Sheriff, shall be kept by the Sheriff Clerk of the said County, and shall be deemed Records to all Intents and Purposes; and the same, or Extracts thereof, or of any Part thereof, duly authenticated according to the Forms usual in *Scotland*, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the said Records, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

XXV. And be it enacted, That every Juryman and Witness summoned or cited to attend such Trial shall also be subject to the same Regulations, Pains, and Penalties as if such Juryman and Witness respectively had been summoned or cited to serve upon any Jury, or give Evidence in any Civil Cause in *Scotland*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oath, or, being Quakers, upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury or Sheriff, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall and may by Law be subject.

Jurors and Witnesses to be under the same Regulations as those in the Court of Session.

Punishment of Perjury.

XXVI. And be it enacted, That in every Case in which the Verdict of a Jury impannelled as aforesaid shall be given for the same or a greater Sum than shall have been previously offered by the said Trustees for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury, and the Expences of Witnesses, and of the Inquisition and Judgment thereon, and of the Bond to be given by the Party requiring such Jury to be summoned, shall be defrayed by the said Trustees; and such Costs, Charges, and Expences shall be taxed and decerned for by the said Sheriff; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Trustees, One Moiety of the said Costs, Charges, and Expences shall

Expences of Jury how to be paid.

shall be defrayed by the Party with whom the said Trustees shall have such Dispute, and the Remainder shall be defrayed by the said Trustees, and the Remainder of such Costs, Charges, and Expences, having been taxed and decerned for in manner herein-before mentioned, shall and may be deducted out of the Money decerned to be paid to such other Party as so much Money advanced to and for his Use; and the Payment or Tender of the Remainder of the Money so decerned for shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Trustees.

Particulars
of the Costs.

XXVII. And be it enacted, That the Costs of such Inquiry shall be settled by the Sheriff of the County of *Caithness*; and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim, and securing the Costs of such Inquiry; and with respect to any such Costs payable by the said Trustees, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to the said Sheriff, or to any Justice of the Peace of the said County, he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Differences
as to the
Amount of
Damage to
be settled
by the
Sheriff.

XXVIII. And be it enacted, That in case any Difference shall arise between the said Trustees, and any of the Owners, Lessees, or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Value of or the Amount of the Damage done by the said Trustees, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be settled between the said Parties, the same shall be ascertained and determined by the said Sheriff, who, upon Application made to him by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Trustees, provided such Compensation do not exceed the Sum of One hundred Pounds; and the said Sheriff is hereby authorized and required, on Nonpayment of the said Damages for the Space of Twenty Days after the same shall become due, to levy such Damages, and all Costs and Charges attending the same, by Distress and Sale of any Goods and Effects of the said Trustees, in the same Manner as in this Act is directed with
respect

respect to the Recovery of Satisfaction or Compensation for other Damages done by the said Trustees.

XXIX. And be it enacted, That the Purchase Money for any Lands purchased, taken, or used for the Purposes of this Act which shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person under any other Disability or Incapacity, or the Recompence to be paid for Damages caused thereby, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British* Linen Company, the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, to the Intent that the same shall be applied, under the Direction of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, in the Purchase of the Land Tax, or towards the Discharge of any Debt or other Incumbrance, or Part thereof, as the Court shall authorize to be paid, affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction of the said Court, in the Purchase of other Lands, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes as the Lands which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchases shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Party who would for the Time being be entitled to the Rents and Profits of the Lands so hereby directed to be purchased in case such Purchases or Settlements were made.

Application of Compensation Money when exceeding 200*l*.

XXX. And be it enacted, That if such Purchase Money or Recompence shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Party for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, or used, or his Guardian in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into any of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person making such Option, and approved of by the said Trustees of this Act, such Nomination and Approbation to be signified in Writing by the nominating and approving Parties, in order that such Principal Money, and the Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction of the said Court.

When less than 200*l*. and exceeding 20*l*.

XXXI. And be it enacted, That where such Purchase Money or Recompence shall be less than Twenty Pounds, then and in all such

When less than 20*l*.

[Local.]

10 R

Cases

Cases the same shall be paid to the Party for his own Use who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used for the Purposes of this Act, or in case of Infancy or Lunacy then to his Guardian, for the Use of such Infant or Lunatic.

In case of not making out Titles the Court shall order the Price or Compensation to be deposited.

XXXII. And be it enacted, That in case the Party to whom any Sum of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Lands required for the Purposes of this Act to the Satisfaction of the said Trustees, or in case the Party to whom any Sum of Money shall be so awarded as aforesaid cannot be found, or if the Party entitled to such Lands be not known or cannot be discovered, then and in every such Case it shall and may be lawful to and for the said Trustees to pay the Sum of Money so awarded as aforesaid into any of the said Banks to the Credit of the Parties interested in the said Lands (describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands, without any Description of them), subject to the Order, Control, and Disposition of the said Court of Session; which said Court, on the Application of any Persons entitled to or interested in the Lands taken by the said Trustees, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Matter as to the said Court shall seem just and reasonable; and the Cashiers of the said Banks who shall receive such Sum of Money are hereby required to give a Receipt for the same, specifying for what and for whose Use the same is received, to such Party as shall pay any such Sum of Money into any such Bank.

Any Question as to Title how to be settled.

XXXIII. And be it enacted, That where any Question shall arise touching the Title or Interest of any Party to or in any Money to be paid into any such Bank as aforesaid for the Purchase of any Lands, or of any Right or Interest therein, or to any Interest of such Money, the Party who shall have been in possession of the Lands at the Time of such Purchase, and all claiming under such Party or his Possession, shall be deemed and taken to have been lawfully entitled to such Lands according to such Possession till the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the Principal Sum, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful one, and that some other Party was lawfully entitled to such Lands, or to some Right or Interest therein.

Court may order Payment of the Expences of Purchases.

XXXIV. And be it enacted, That where, by reason of any Disability or Incapacity of the Party entitled to any Lands to be taken or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, or to be applied in the Purchase of other Lands, in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof, and

and of the Payment into any of the said Banks of the Purchase or Compensation Money, and of the Re-investment of the said Purchase or Compensation Money in Land, or other Disposition of the same, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Payment of the Principal of the same out of the said Banks, to be paid by the said Trustees, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

XXXV. And be it enacted, That unless the said Trustees shall within the Space of Five Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise, or so much thereof as shall be by them deemed necessary and proper for the Purposes of constructing the Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void, save and except with the Consent in Writing of the Owners, Lessees, and Occupiers thereof respectively.

If Land not contracted for within Five Years, Power to take Property without Consent to cease.

XXXVI. And be it enacted, That on or before the Expiration of Twenty-one Days next after Notice in Writing from the said Trustees or their Agent duly authorized of their Intention to take or use any Lands, or any Part thereof, for the Purposes of this Act, and of this Provision, shall have been given to any Person or Corporation having Right to, or being interested in, or authorized by this Act to accept and receive Satisfaction or Compensation for, the Value of the same, or any Estate, Share, or Interest therein, or Burden or Incumbrance constituted thereon, or for any Injury or Damage sustained on account of the Execution of this Act, such Person or Corporation shall deliver or cause to be delivered at the Office of the Clerk of the said Trustees a Statement in Writing of the Particulars of the Estate, Share, Interest, Burden, or Incumbrance which he or they claim to be entitled to or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him or them, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in satisfaction and compensation for the Value of such Estate, Share, Interest, Burden, or Incumbrance, and for such Injury or Damage respectively.

Parties to deliver a Statement of their Claims within Twenty-one Days after Notice.

XXXVII. And be it enacted, That all Persons and Corporations by this Act capacitated to sell, feu, and convey any Lands, or to release and discharge Lands from Feu Duties, Ground Annuals, Casualties of Superiority, or other real Burdens or Incumbrances secured thereon, or owning, occupying, or interested in any Lands through or upon which the Works hereby authorized are intended to be made, may agree to accept and receive, and may, subject to such Restrictions as in this Act are contained as to the Payment thereof, accept and receive, Satisfaction or Compensation for the Value of such Lands, or of their Interest therein, and also for and on account of any Loss or Damage which may be sustained by such Persons and Corporations

Satisfaction to be made for Lands taken for the Harbour.

Corporations by reason of the taking thereof, or of the Construction of the said Works, in such gross Sums, or, at the Option of such Persons or Corporations, but not of the said Trustees, in annual Payments, Feu Duties, or Ground Annuals, as shall be agreed upon between the said Persons or Corporations and the said Trustees.

Plan and Book of Reference to be open to Inspection;

and Copies thereof furnished if required.

Unintentional Errors in Plan or Book of Reference not to prevent Execution of Act.

Trustees empowered to deviate from Plan to an Extent not exceeding 100 Yards.

XXXVIII. And whereas a Plan and Sections, describing the Lines, Levels, and Situation of the said Harbour and Works, and of the Lands upon or through which the same are intended to be made, and a Book of Reference, containing the Names of the Owners, Lessees, and Occupiers of such Lands, have been deposited with the Sheriff Clerk of the County of *Caithness*; be it enacted, That the said Plan, Sections, and Book of Reference so deposited shall remain with and be kept by the said Sheriff Clerk; and all Persons interested may, at all seasonable Times, inspect such Plan, Sections, and Book of Reference, and may require to be furnished by the said Sheriff Clerk with Extracts therefrom or Copies thereof, and the said Sheriff Clerk shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts; and in respect thereof he shall be entitled to One Shilling for every Hour such Inspection shall continue beyond the First Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if the said Sheriff Clerk shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds; and it shall be lawful for the said Trustees to take and use, and to construct and complete the Works and Improvements hereby authorized to be made and constructed, in or upon the Lands delineated on the said Plan, although the Names of the Owners, Lessees, or Occupiers of such Lands respectively may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, if it shall appear to the Sheriff of the County of *Caithness* (in case of Dispute about the same), and be certified by Writing under his Hand, that such Omission, Misstatement, or erroneous Description appears to have proceeded from Mistake; and the Certificate of the said Sheriff shall be deposited with and remain in the Custody of the Sheriff Clerk of the said County.

XXXIX. And be it enacted, That the said Trustees, in constructing the said Works and Improvements, shall have full Power and Authority to deviate from the Situation thereof, as delineated on the Plan so deposited with the Sheriff Clerk of the County of *Caithness*, as hereinbefore is mentioned: Provided always, that no such Deviation, except into the Sea, shall extend to a greater Distance than One hundred Yards from the Situation of such Works so delineated upon the said Plan, nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, unless with the Consent of the Person whose Lands may be affected by such Deviation, or unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner hereinbefore provided for in Cases of unintentional Errors in the said Book of Reference.

XL. And

XL. And be it enacted, That the Boundaries and Extent of the said Harbour shall be deemed and are hereby declared to be from the outermost Pier Head on the North-east, and thence by a straight Line across the Bay of *Thurso*, to the Limits of the Crown Property of *Scrabster* at the Sea Side on the South-east, and the Space from High-water Mark comprehended within the said Boundaries shall be called *Scrabster* Harbour: Provided always, that in order to prevent the Evasion of the Rates and Duties hereby granted it shall be lawful to the said Trustees to levy the said Rates and Duties on all Vessels, Boats, or Lighters landing or shipping Goods or other Articles, and on all such Goods and other Articles shipped or landed any where between the North-east or outermost Quay or Pier of the Harbour and the Little Head of *Holburnhead*.

Boundaries
of the Har-
bour.

XLI. And be it enacted, That it shall be lawful for the said Trustees, or a Quorum of them, and they are hereby empowered, when they shall judge it necessary, to borrow and take up from Time to Time at Interest any Sum of Money, not exceeding the Sum of Fifteen thousand Pounds in the whole, on the Credit of the said Harbour, and the Rates and Duties and other Revenue and Property of the same, and to grant, assign, and set over the several Rates and Duties granted by this Act to any Persons whomsoever who shall be willing to advance and lend Money thereon, for securing Repayment of the same, with Interest respectively: Provided always, that it shall be in the Power of the said Trustees, as often as any Part of the Debt so contracted as aforesaid shall be repaid to the Creditors having Right thereto, and demanding the same, to borrow such Sum as may be necessary to replace the Sum so repaid, but so that the total Sum borrowed and owing shall not exceed in all the said Sum of Fifteen thousand Pounds; all which Assignments to the Persons lending Money as aforesaid shall be made and granted under the Hands of the said Trustees, or any Three or more of them, in the Form or to the Effect following; (that is to say,)

Power to
borrow
Money by
Assignment
not ex-
ceeding
15,000*l*.

‘ **BY** virtue of an Act of Parliament made [*here insert the Title of this Act*], We of the Trustees of the said Harbour, in consideration of the Sum of advanced and paid by *A. B.*, do hereby sell, assign, and make over to the said *A. B.*, his [*or her*] Heirs, Executors, and Assignees, the aforesaid Harbour and Works connected therewith, and all and sundry the Rates and Duties payable to us in virtue of the said Act of Parliament, and all our Right, Title, and Interest of, in, and to the same, to be held by the said *A. B.* and his foresaids until the said Sum of with the legal Interest thereof, shall be fully satisfied and paid. In witness whereof we have subscribed these Presents, written by at the Day of before these Witnesses

Form of
Assignment.

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Rates and Duties, and Property thereby assigned, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority in Date of any such Assignments, or on any other Account; and a Copy of every such

No Pre-
ference to
be allowed
by reason of
Priority of
Date.

[*Local.*]

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Assignment

Assignment shall within Twenty-one Days from the Date thereof be entered in a Book to be kept by the Clerk to the said Trustees, which Book shall and may be perused at all seasonable Times by any of the Trustees or Creditors of the said Harbour under this Act, and any other Persons interested therein, without Fee or Reward; and the Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer their Right or Interest therein to any Person or Persons by an Instrument in Writing duly stamped, under their Hands, in the Form or to the following Effect:

Form of
Transfer.

I of in consideration of the
Sum of paid by *C. D.* of do hereby
transfer the Assignment made by the Trustees of the Harbour of
Scrabster to me, bearing Date the Day of
and all Interest now due and to become due thereon, and all my
Right and Property therein, to the said *C. D.*
his Heirs, Executors, and Assignees. In witness whereof I have
subscribed these Presents the Day of before
these Witnesses

Entry of
Transfer.

And such Transfer may be endorsed upon the principal Assignment, or be written on a Paper apart, and the Person to whom such Transfer shall be made may make another such Transfer thereof by an Instrument in Writing as aforesaid, and so often as such Assignment is meant to be transferred; and every such Transfer shall within Twenty-one Days after the Date thereof be produced to the Clerk to the said Trustees, who shall enter the same, in like Manner as the original Assignment, in the Book to be kept by him for that Purpose; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee, his Heirs, Executors, and Assignees, to the full Benefit of the original Assignment, and it shall not from thenceforth be in the Power of any Person who shall have made any such Transfer to make void, release, or discharge the same, or any Money thereby due, or any Part thereof.

Repayment
of Money
borrowed.

XLII. And be it enacted, That if the said Trustees shall by virtue of this Act borrow any Sum or Sums of Money at a Rate of Interest less than Five Pounds *per Centum per Annum*, it shall be lawful for them to express in the Assignment hereby directed to be granted for the same the Rate agreed on, and also that the Lender or Lenders shall at any Time, upon giving Six Months previous Notice, be entitled to the Repayment of the Sum so lent, or failing such Repayment to Interest for the same at a higher Rate, not exceeding Five Pounds *per Centum per Annum*, from the Expiration of the said Six Months after Notice so given.

Trustees not
to be per-
sonally
liable.

XLIII. And be it enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money, or Interest thereof, by reason of having signed such Security, but such Securities shall be held as granted on the sole Credit and Security of the said Harbour and Rates and Duties, unless it be otherwise specially provided in such Securities, nor shall any Trustee be held personally liable upon any Pretext for the Payment

ment of any Sum which he shall not have bound himself to pay personally as an Individual, independently of his Office as a Trustee under this Act.

XLIV. And be it enacted, That in case any Person or Banking Company shall agree to allow the said Trustees a Credit to the Extent of the Sum which they are authorized to borrow as aforesaid, or any Part thereof, on a Cash Account, according to the Usage of Bankers in *Scotland*, it shall be lawful for the said Trustees to accept of such Credit, and act upon the same for such Sum or any Part thereof, and the said Trustees are hereby authorized and empowered to assign, by an Instrument in Writing duly stamped, the Rates and Duties or other Revenues of the said Harbour, and the said Harbour, in Security of such Cash Account, to such Person or Banking Company who shall agree to allow the same, but so that the whole Sum due and owing by the said Trustees upon such Cash Account, and for Money borrowed under this Act, shall never, when taken together, exceed the Sum of Fifteen thousand Pounds.

Cash Account may be opened.

XLV. And be it enacted, That if at the Time appointed by the said Trustees for the Payment of any Subscription or Part thereof by any of the Subscribers to the said Undertaking, such Subscribers or any of them fail to pay the same, the said Trustees may sue such Subscribers for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, from the Day in which such Payment shall have been demanded.

For compelling Payment of Subscriptions.

XLVI. And be it enacted, That so soon as the Works authorized by this Act are completed, a Sum of Money, not exceeding Ten Pounds *per Centum* of the Monies which shall then be due and owing of the Monies borrowed under the Powers given by this Act, if the said Trustees shall deem it expedient, shall, out of the Rates and Duties to be received by them the said Trustees, be set apart yearly by the said Trustees as a Sinking Fund, to be applied in the Repayment of the Sums of Money borrowed and due and owing by the said Trustees as aforesaid.

Sinking Fund to be established.

XLVII. And be it enacted, That so soon as the Piers and Wharfs of the said Harbour shall be in a fit State to receive Vessels thereat, it shall be lawful to and for the said Trustees, and to and for such Persons as they shall from Time to Time authorize and appoint, to demand, levy, receive, collect, and take, for the Purposes of this Act, of and from the Owners and Proprietors of all Goods, Wares, Merchandize, or Commodities whatever which shall be imported into or exported from the said Harbour of *Scrabster*, or within the Space between the North-east Quay or Pier of the Harbour and the Little Head of *Holburnhead*, in any Ship, Vessel, Bark, Boat, or Lighter, or carried along, across, or upon any Part of the Piers or Wharfs or other Works erected by the said Trustees, the Rates and Dues specified in the Schedule (A.) annexed to this Act, and of and from the Owner of every Ship, Vessel, Bark, Boat, or Lighter coming into or going out of the said Harbour, or any Part within the Limits thereof, or within

Power to demand Rates and Duties.

within the said Space between the said North-east Quay or Pier of the Harbour and the Little Head of *Holburnhead*, or loading or unloading at any Part within the Limits of the Harbour, or within the said Space between the said North-east Pier or Quay of the Harbour and the said Little Head of *Holburnhead*, or from the Agents or Managers of such Owners, the Rates and Duties specified in the Schedule (B.) annexed to this Act; but reserving always to Vessels merely using the Anchorage the Right of anchoring according to Use and Wont between the Little Head of *Holburnhead* and the said North-eastmost Quay or Pier of the Harbour, without being liable for any of the Tonnage Duties specified in the said Schedule (B.).

Trustees
may reduce
the Rates.

XLVIII. And be it enacted, That the said Trustees, in General Meetings assembled, may and they are hereby empowered to lessen, reduce, or discontinue the aforesaid Rates and Duties granted by this Act, or any Part thereof, as they shall judge reasonable and expedient, and as the State of the said Rates and Duties and other Revenues, and the Debts and Burdens on the same, will permit, and also to advance or revive the same again in such Manner as to them shall from Time to Time seem meet and expedient, but so as the Rates or Duties, when so advanced or revived again, do not exceed the Rates or Duties herein-before granted: Provided always, that such Rates and Duties shall be lessened, reduced, and advanced equally and in rateable Proportions.

Rates to be
charged
equally.

XLIX. Provided always, and be it enacted, That the several Rates authorized to be taken by this Act shall at all Times be charged equally to all Persons, and after the same Rate in respect of the same Description of Vessels and Goods.

Trustees
may com-
pound for
Rates.

L. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, as they shall see convenient, to compound, for any Time not exceeding One Year, to and with the Owner, Consignee, or Agent, or other Person having the Charge of any Steam or other Vessel plying to and from the said Harbour and any Port or Place in the United Kingdom of *Great Britain* and *Ireland*, which shall make One Trip *per Week*, for the Payment of such Sum of Money as they the said Trustees shall think proper, in lieu of the Tonnage, Anchorage, and Beaconage Dues and Plank Money which would be payable on such Vessels, provided such Composition Money be paid in advance, at such Periods as the said Trustees shall fix: Provided always, that all Compositions made by the Trustees under this Act shall at all Times be made equally and impartially towards all Persons and Companies, and not in favour of or against any particular Person or Company; and all Persons and Companies whomsoever shall be entitled to compound with the said Trustees on the same Terms as shall have been granted in any similar Compositions which the said Trustees may have at the Time agreed to with any other Person or Company.

Application
of Duties.

LI. And be it enacted, That the whole of the Rates and Duties and other Monies levied or received by the said Trustees under the Authority of this Act shall be applied by the said Trustees in
manner

manner following; *videlicet*, in the first place, towards Payment of the Expence of the Plans and the other Expences connected with the preparing, procuring, and passing of this Act; in the second place, the Expence of keeping and maintaining in good Order and sufficient Repair the said Harbour and Road of Access to be made thereto, and in paving, watching, and lighting the said Harbour; in the third place, towards Payment of the annual Interest of the Monies which may be borrowed and due and owing under the Authority of this Act for the Purposes thereof, on the Credit of the aforesaid Rates and Duties in manner herein provided; and, in the last place, towards the Formation of a Sinking Fund, when the same shall be established, for the gradual Extinction of the Money borrowed under this Act and the other Purposes of this Act, and to no other Purpose whatsoever.

LII. And whereas in the course of constructing and maintaining the said Harbour the said Trustees may have Occasion to make or erect One or more Slips or Railways for the repairing of Vessels, be it enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to let such Slips or Railways at such Rates or Dues, and to make such Rules and Regulations for the Government of Persons using such Slips or Railways, as to them the said Trustees shall from Time to Time seem fit and proper; and it shall and may be lawful for the said Trustees to lay down, complete, and maintain One or more Lines of Rails on or over the Works erected by them, and to charge and receive and recover from all such Persons as shall use the said Rails either such Rates or Duties as shall be agreed upon between them and the said Trustees for the Use of such Rails, or such Rates or Duties as shall from Time to Time be fixed and declared by the said Trustees as the Rates and Duties to be paid by the Persons using such Rails.

Trustees to make Rules as to the Use of Slips and Rails.

LIII. And be it enacted, That the said Trustees shall be and they are hereby authorized to procure a Supply themselves, or to treat and agree with any Persons, Corporation, or Company for the necessary Supply of soft fresh Water for the Use of Shipping resorting to the said Harbour, and to give Authority to such Persons, Corporation, or Company to lay Pipes within or upon the said Harbour, and to construct Wells or Fountains for supplying the Shipping frequenting the said Harbour, and to make Rules and Regulations for the Guidance of all Vessels requiring to use such Water, and to regulate and collect Water Dues from all such Vessels.

Trustees to procure a Supply of Water for Shipping.

LIV. And be it enacted, That the said Trustees shall be and they are hereby authorized, from Time to Time, as Occasion shall be, to make Bargains for Materials to be furnished for the Works, and, when it shall appear to be proper, to enter into Contracts in Writing with and give Directions to proper Artificers, Handicraftsmen, and other Workmen, for the Performance and due Execution of the Works which shall from Time to Time be directed by the said Trustees to be done and performed by virtue and in pursuance of this Act, every such Contract in Writing specifying the several Works to be done, the Prices to be paid for the same, and the Time when or within

Trustees may enter into Contracts for Works, &c.

[Local.]

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which

which the said Works are to be completed, and the Forfeitures or Penalties to be borne or suffered for the Nonperformance thereof; and in all Cases where any pecuniary Penalties shall be recovered of and from any Contractor the same shall be paid to the Treasurer of the said Trustees, and be applied to the Purposes of this Act, and to no other Use or Purpose whatever.

Trustees
may erect
Sheds, &c.

LV. And be it enacted, That the said Trustees shall be and they are hereby authorized and empowered to erect and construct upon the said Harbour such and so many Warehouses and Sheds, for the Reception, Deposition, and Protection of the Goods, Wares, or Merchandize loading or unloading thereat, and also such and so many Storehouses, Lofts for Sails and other Rigging, and other Erections for the Accommodation of the Trade, as may from Time to Time appear to them necessary and expedient, and to remove the same when deemed proper, and erect and construct others in their Stead.

Trustees
may license
Pilots.

LVI. And be it enacted, That it shall be in the Power of the said Trustees and they are hereby authorized to license, appoint, and regulate a sufficient Number of Persons who shall be certified to be fully qualified as Pilots for the said Harbour, and to fix the Rates of Pilotage to be paid to such Pilots, and to remove and displace them at Pleasure; and if any Person shall act as Pilot within the Limits of the said Harbour, without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty not exceeding Twenty Pounds Sterling: Provided always, that nothing herein contained shall affect or interfere with the Provisions of any general Act to be hereafter passed for regulating Pilots or Pilotage in *Scotland*.

Trustees
may appoint
Meters and
Weighers.

LVII. And be it enacted, That it shall be in the Power of the said Trustees and they are hereby authorized and empowered to appoint and regulate a sufficient Number of Persons to be Meters and Weighers of Grain, Lime, and Coals imported into the said Harbour, and to fix the Rates to be paid to the said Meters and Weighers, and to remove and displace them at Pleasure; and if any Person, not being a Meter or Weigher appointed by the Commissioners of Customs, shall act as a Meter or Weigher at the said Harbour, without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty not exceeding Twenty Pounds Sterling; and the Measurements of an unlicensed Meter or Weigher, not being a Meter or Weigher appointed by the Commissioners of Customs, shall be deemed illegal; but it shall not be imperative on Importers of Grain, Lime, or Coals to employ Meters or Weighers where the Grain, Lime, or Coals are to be delivered from the Vessels without being measured or weighed.

No Officer
to take any
Fee other
than what is
provided by
this Act.

LVIII. And be it enacted, That no Officer or other Person who shall be employed in the Execution of the Powers of this Act shall take or accept from any Person whomsoever any Fee or Perquisite, Gratuity or Reward, for or in respect of any Matter to be done by him in the Execution of this Act, save what is provided by this Act, and such as shall be ordered and directed by the said Trustees to be paid
to

to such Officer or other Person; and if any such Officer or other Person shall offend herein he shall be thereupon dismissed from such Employment or Office, and be for ever afterwards rendered incapable of holding or executing any Office or Employment under the said Trustees.

LIX. And be it enacted, That the said Trustees shall have Power and they are hereby authorized to appoint, during Pleasure, a Superintendent for the said Harbour, and from Time to Time to fix the Number of inferior Officers and Watchmen to be appointed by the said Superintendent, and to make such Rules and Regulations for the Conduct of the said Superintendent, Officers, and Watchmen, and the Police of the said Harbour, as they the said Trustees shall think expedient; and all such Salaries and Allowances as the said Trustees shall from Time to Time agree to pay or give to the said Superintendent, Officers, and Watchmen shall be paid out of the Monies to be received by the said Trustees by virtue of this Act: Provided always, that the Appointment of such Superintendent shall not take effect until the same shall have been approved and confirmed by the Sheriff of the said County of *Caithness*.

Power to appoint Superintendents and Officers for regulating the Police of the Harbour;

LX. And be it enacted, That it shall be the Duty of such Superintendent, and of such inferior Officers and Watchmen, to guard, patrol, and watch the said Harbour, and the Goods, Wares, and Merchandize therein, and the Vessels of all Descriptions lying at or in the said Harbour, and the Goods, Wares, and Merchandize with which such Vessels may be loaded, and to enforce the Rules and Regulations made or to be made by the said Trustees to be served by all Persons within the said Harbour, and to apprehend all Persons committing or charged with committing a Breach of any of the Rules or Regulations, or committing or charged with committing any criminal, riotous, or disorderly Act within the said Harbour; and it shall also be the Duty of the said Superintendent to afford at all Times to the said Trustees and the Officers appointed by them his best Aid and Assistance relative to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions from the said Harbour, to appoint the requisite Number of efficient and proper Persons to act as inferior Officers and Watchmen, and to dismiss them when he shall see Cause, and in general to aid and assist in the Prevention of Breaches of such Rules and Regulations, and bringing Offenders to Punishment, and to attend to the proper lighting, watching, and cleansing of the said Harbour: Provided always, that the said Trustees shall have Power and they are hereby authorized to dismiss or order to be dismissed any of the Officers or Watchmen appointed by the said Superintendent, at any Time when they shall find it necessary or proper to do so, and any Person so dismissed shall not be again employed in or about the said Harbour, unless with the written Approbation of the said Trustees.

Description of their Duties.

LXI. And be it enacted, That if any Person employed as one of such Officers or Watchmen shall retire from his Duty during the Time he ought to have been on Duty; or if any Person shall entertain or permit or suffer to be entertained in his or her House any such Persons en-

Penalty on Officers unduly retiring from Duty; and on such Persons en-

tertaining
them during
the Hours
of Duty.

such Person during his Hour of Duty, or shall furnish or supply any such Person employed as aforesaid, or any Person for his Use, with Spirituous Liquors, during his Hour of Duty, every such Person shall forfeit a Sum not exceeding Forty Shillings Sterling for each Offence.

Anchors,
Cables, &c.
found in the
Harbour to
be deposited
in the Place
appointed.

LXII. And be it enacted, That every Fisherman, Boatman, Pilot, or other Person who shall pick up or obtain Possession of any Anchor or Cable, or any Boat, Rope, or Tackling of any Vessel, or any Log or Logs of Timber, or any other Article or Thing whatever, opposite to and within the Limits of the said Harbour, shall within Twenty-four Hours thereafter give Notice thereof to the said Trustees, or any of their Officers or Servants, and shall deposit the same in such Place within such Time as they may direct; and any Fisherman, Boatman, Pilot, or other Person who shall fail to give such Notice and deposit such Articles as aforesaid shall be liable in a Penalty not exceeding Forty Shillings; and the said Trustees shall have Power to fix the Amount of Salvage to be paid to Fishermen, Boatmen, Pilots, or other Persons picking up any of such Articles or Things: Provided always, that nothing herein contained shall be construed to extend to prevent any Officer or Officers of Customs from taking possession of any such Goods which may be prohibited or liable to Duty of Customs in order to secure the same, nor be construed to extend to prevent the Receiver General of Droits of Admiralty from receiving such Goods, and disposing of them according to Law.

Bail may be
taken in
certain
Cases.

LXIII. And be it enacted, That upon the Apprehension of any Person charged with an Offence of aailable Nature, or with a Breach of the said Rules and Regulations, it shall be lawful to the Superintendent and he is hereby empowered to accept of sufficient Bail by Bond or Pledge, and to liberate the Person so apprehended upon Bail being found, it being expressly declared, that the Refusal of the Superintendent to accept of such Bail, and the detaining of the Person so apprehended until he or they can be brought before the said Sheriff of the County of *Caithness*, shall not subject such Superintendent to any Claim of Damage whatever.

Persons
taken into
Custody to
be taken
before the
Sheriff or
Justice of
Peace.

LXIV. And be it enacted, That all Persons taken into Custody, and who shall be detained in Custody, shall be in the course of the Day, or the first lawful Day after their Apprehension, taken before the Sheriff or a Justice of the Peace of the said County, to be dealt with according to such Order or Sentence as the said Sheriff or Justice may judge it expedient to make or pronounce in such Matter.

Persons
charged
with Of-
fences may
be detained
for Examina-
tion.

LXV. And be it enacted, That it shall be lawful for the Sheriff or any Justice of the Peace of the said County to order any Person charged with an Offence under this Act to be detained for affording Time to find Caution, or for further Examination, such Examination always taking place without any Delay, and never longer than Seven Days.

LXVI. And

LXVI. And be it enacted, That where any Person shall have been liberated on Bail, and shall fail to appear, it shall be competent for the Sheriff or Justice of Peace, where such Bail has been taken by Pledge, to declare the same to be forfeited; and in Cases where Bail shall have been given by Bond of Caution, and in Cases where the Offenders shall have found Caution for good Behaviour or keeping the Peace, and shall forfeit the Bond, it shall be competent for the Sheriff or Justice of Peace to order the Cautioner to be cited to make Payment of the Sum contained in the Bond within the Space of Twenty-four Hours; and in default of such Payment after the Lapse of the said Space of Time the Sum specified in such Bond shall thereupon be recoverable, at the Instance of the said Superintendent, by a Precept issued by the Sheriff or any Justice of the Peace, upon a Charge of Three Days; and upon Failure of Payment Warrant may be granted by the Sheriff or any Justice for entering the Ship, House, Shop, Warehouse, Manufactory, or other Place of the Defaulter, and seizing and carrying away, and afterwards selling, so much of the Defaulter's Goods and Effects as may appear sufficient for the Payment of the Sum forfeited, and the Expence of seizing and Sale, as shall be fixed and determined by the Sheriff or Justice; and upon Certification by the seizing Officer of there not being a Sufficiency of such Goods and Effects found attachable it shall and may be lawful to and for the Sheriff of the County of *Caithness* to interpose his Authority for doing the like within his Jurisdiction; and in case of a Sufficiency of such Goods and Effects attachable not being found within the Jurisdiction of the said Sheriff, it shall be lawful for the said Sheriff to grant a Warrant for imprisoning the Cautioner in the Tollbooth of *Wick* or of *Thurso*, if there shall be such Tollbooth, for a Space not exceeding Seven Days, and after such Imprisonment no further Procedure on the Bond shall be competent.

Provision in case Bail has been forfeited.

LXVII. And be it enacted, That a Book shall be kept by the said Superintendent, wherein all Pledges, and the Order regarding and the Manner of disposing of them, shall be entered; and that any Articles pledged shall be redeemable within such Time and on such Terms as the said Trustees shall fix, and if not redeemed at the Time and in the Manner prescribed, the same shall be sold or disposed of in such Manner as the said Trustees shall direct, and the Proceeds of such Sales shall be applied towards the Purposes of this Act.

Articles pledged as Bail.

LXVIII. And whereas it is expedient that in all Cases of Breach of the Rules and Regulations made or to be made by the said Trustees, and of other petty Offences, the Proceedings under the Authority of this Act shall be attended with as little Delay as possible; be it enacted, That the Sheriff or any Justice or Justices of the Peace shall and they are hereby required from Time to Time to adopt the Forms of Proceedings so as to despatch the Business which may come before them or any of them, under the Provisions of this Act, in the easiest and most expeditious Manner: Provided always, that a Record shall be kept of the Charge, and of the Judgment or Sentence pronounced; and in all Cases a Copy of the Charge, and Judgment or Sentence pronounced, certified by the Person pronouncing

Provision as to Proceedings for Breach of the Rules of Police.

nouncing the same, shall be a sufficient Warrant to all and every Person for carrying such Sentence into execution.

Magistrates and Sheriffs may concur in the Execution of Warrants.

LXIX. And be it enacted, That it shall be lawful for the Magistrates of Burghs, Sheriffs of Counties, and Justices of the Peace to grant their Concurrence to the Execution of the Warrants to be granted under the Authority of this Act for searching for or apprehending Offenders, for citing Witnesses, or for any other lawful Purpose; and on such Concurrence being granted it shall be lawful for the said Superintendent, and the said Officers and Watchmen, and all other Officers of the Law, to put such Warrant in execution within the Burgh, County, or Place subject to the Authority of such concurring Magistrate or Sheriff.

No Appeal except to Sheriff of Caithness.

LXX. And be it enacted, That no Appeal, except to the Sheriff of the County of *Caithness*, shall be competent from any Sentence to be pronounced in virtue of the Provisions of this Act by any One or more Justices; and such Appeal shall only be competent within Ten Days after such Sentence shall have been pronounced; and the Decision of the Sheriff in every Case, whether brought before him originally, or brought before him by Appeal, shall be final and conclusive, and not subject to Review or Question by Advocation, Suspension, or otherwise.

Limitation within which Offenders may be punished under this Act.

LXXI. And be it enacted, That no Complaint arising out of any Breach of the Rules and Regulations to be made by the said Trustees shall be received or entertained as a Matter provided for by this Act, unless the same be presented within Six Months after the Offence or Offences complained of shall have been committed, except in Cases where it can be shown that the Offender or Offenders sailed from the said Harbour within Twenty-four Hours after the Offence was committed or the Cause of Action occurred, and then such Complaint may be received and entertained at any Time within Twelve Months after the Offence has been committed.

Offenders may be proceeded against as if this Act had not been passed.

LXXII. And be it enacted, That if the Magistrates or Justices before whom any Complaint is made shall think the Case of any Offender brought before them under the Provisions of the Act deserving of and be liable in a higher Punishment or Fine than is authorized by this Act, such Offender may be proceeded against according to Law, and as if this Act had not been passed.

Magistrates not disqualified from acting as Justices.

LXXIII. And be it enacted, That no Magistrate for the Burgh of *Thurso*, or Justice, although a Trustee under this Act, shall be disqualified from acting as a Magistrate or Justice of the Peace, or exercising Jurisdiction in any thing arising out of this Act, by reason of his being such Trustee.

Power for Her Majesty and Lords of the Treasury to reduce Du-

LXXIV. And be it enacted, That it shall and may be lawful to and for Her Majesty, in and by an Order in Council, or to and for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times, when and so often as She or they shall deem fit so to do, in and by Her or their Order

Order in Writing, to reduce the Duties hereby made payable on all or on such or so many of the Foreign Ships or Vessels, and on all or on such and so many of the Goods and Merchandizes imported or exported in Foreign Bottoms, as She or they in their Judgment shall deem expedient, to the same and like Duties as are hereby and hereafter shall, in pursuance of the Powers herein contained, be made payable in respect of the *British* Ships or Vessels, or the Goods and Merchandizes imported or exported in or by them.

ties on Foreign Ships and Goods.

LXXV. And be it enacted, That the Masters and Owners of all Ships, Vessels, Barks, Boats, and Lighters trading to and from the said Harbour, and liable to the Payment of the Rates and Duties by this Act imposed, shall be and they are hereby required to produce to the said Trustees, or to the Collector or other Officer appointed by the said Trustees, the Registers of their respective Ships, Vessels, Barks, Boats, or Lighters, in order to ascertain the Tonnage thereof, or otherwise they shall permit and suffer the said Ships, Vessels, Barks, or Lighters to be measured by the said Trustees, or by such Person as they shall from Time to Time appoint for that Purpose, such Measurement to be made according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels; and the said Owners and Masters shall pay the Rates and Duties accordingly to such Register or Measurement, besides the Expence of the Measurement; and every Owner or Master aforesaid who shall refuse to produce the Register of his or their Ship, Vessel, Bark, Boat, or Lighter, or to allow the same to be measured as aforesaid, shall for every such Offence forfeit and pay to the said Trustees a Sum, at their Discretion, not exceeding Five Pounds.

Masters of Vessels to produce Registers, or allow their Vessels to be measured.

LXXVI. And be it enacted, That it shall and may be lawful to and for the said Trustees, and to and for such Person as shall be authorized by them for that Purpose, to go on board any Ship, Vessel, Bark, Boat, or Lighter, and to demand to see the Register thereof, and take the Dimension of such Ship, Vessel, Bark, Boat, or Lighter, and to demand, collect, and receive from the Owner, Master, or other Person having the Charge of such Ship, Vessel, Bark, Boat, or Lighter the Rates and Duties by this Act imposed and made payable; and in case of Delay or Refusal of Payment of such Rates and Duties, either on the Voyage inwards or outwards, to seize, take, and detain any of the Goods, Merchandize, Tackle, Furniture, or Apparel of or belonging to any such Ship, Vessel, Bark, Boat, or Lighter, and to keep and detain the same until the said Rates and Duties are paid; and in case of Neglect or Delay in such Payment for the Space of Three Days after such seizing, taking, and detaining as aforesaid, it shall and may be lawful to and for the said Trustees, and to and for such Persons authorized by them as aforesaid, to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell and dispose of the Goods or other Effects taken or appraised, and therewith to satisfy the Rates and Duties so neglected or delayed to be paid, together with the Charge of such seizing, taking, detaining, and selling, as the same shall be ascertained by the Sellers upon Oath, rendering to the Master or Owner of such Ship, Bark,

Power to demand Register and recover Rates.

Bark, Boat, Lighter, or other Vessel, or to the Owner of such Goods, the Overplus (if any be), on Demand.

Vessels not to be cleared till Duties are paid or the Amount consigned ;

and if the Sum demanded be higher than authorized by this Act, Damages may be recovered.

Penalty on evading Duties.

Exemptions from Duties.

LXXVII. And be it enacted, That it shall and may be lawful for the Collector or other proper Officer of Her Majesty's Customs and he is hereby authorized (with the Permission of the Commissioners of Customs) to refuse to receive any Entry, or give or make any Cocquet or other Discharge or Clearance, or take any Report inwards or outwards, for any Ship or other Vessel whatever subject and liable to the Payment of the Rates and Duties imposed by this Act, until the said Rates and Duties shall be paid to the Collector appointed to receive the same, and until a Receipt under the Hand of the said Collector of the said Rates and Duties shall be produced to the said Collector or other proper Officer of Her Majesty's Customs, or a Certificate under the Hand of the Clerk to the Trustees that the Sum demanded on that Account has been consigned and lodged in his Hands, with sufficient Security for the Payment of all Damages, Costs, and Expences which the Collector of the said Rates and Duties may sustain or incur by reason of the Delay or Refusal of Payment, according as the same shall be ascertained and determined by any One or more of the Justices of the Peace in and for the County of *Caithness* ; but provided always, that in case it should be found by such Justice or Justices, after hearing both Parties, that the Collector of the said Rates and Duties has made a higher Demand than is authorized by this Act, such Collector shall be liable and decreed to pay the Party complaining such a Sum in the Name of Damages, not exceeding Five Pounds, as shall be adjudged adequate by such Justice or Justices, who are hereby authorized and empowered to hear and decide upon all such Questions and Disputes as shall be brought before them relative to such Matters in a summary Manner.

LXXVIII. And be it enacted, That if any Master, or any Owner, Factor, or Consignee of any Ship, Vessel, Bark, Boat, or Lighter, or any Owner, Factor, or Consignee of any Goods, Wares, or Merchandize liable in Payment of any of the Rates or Duties by this Act imposed, shall at any Time wilfully elude or evade the Payment of the said Rates and Duties by any Means whatsoever, every such Master or other Person as aforesaid shall for every such Offence forfeit to the said Trustees a Sum not exceeding Five Pounds, over and above the Payment of the said Rates and Duties, which shall and may be recovered in the Manner provided by this Act.

LXXIX. And be it enacted, That no Rate or Duty shall be chargeable for or in respect of any of Her Majesty's Ships of War, or any Ship, Transport, or Packet, or other Craft in the Service of Her Majesty's Customs or Excise, or any Ship or Vessel employed in or upon Her Majesty's Service in the Conveyance of any Ordnance Stores, or Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, nor in respect of any Ships or Transport or Packet employed exclusively in Her Majesty's Service in carrying the Mails or Letters or Express under the Authority of Her Majesty's Postmaster General ; but if any Person or Persons shall claim

claim and take the Benefit of any of the Exemptions aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and above the Rates and Duties imposed by this Act.

LXXX. And be it enacted, That it shall and may be lawful to and for the said Trustees, and their Officers, Collectors, or other Persons to be appointed by them, in case of Neglect, Delay, or Refusal to pay the said Rates and Duties, instead of recovering the same by Seizure, Detention, or Pounding in manner aforesaid, or in case the whole thereof shall not be recovered, to proceed for the Recovery of the same, or so much thereof as shall not be so recovered, if exceeding in Amount the Sum of Twenty Pounds in the whole, by Action of Debt; and in Cases where the said Rates and Duties shall not amount in the whole to the Sum of Twenty Pounds, it shall be lawful for any One or more Justice or Justices of the Peace, or for the Sheriff of the said County of *Caithness*, to issue a Summons, at the Instance of the said Trustees, or of any Collector or Officer appointed by them, from Time to Time, to summon and call before him or them by Summons, at any Time and Place lawful and convenient, all or any Persons, being the Owners, Part Owners, Consignees, or Masters, or having the Rule or Command of any Ship or other Vessel, or any other Persons liable to pay any of the Rates or Duties by this Act imposed, and to examine and inquire of and concerning all and every or any Ships or other Vessels, Goods, Wares, and Merchandize, or other Matters or Things liable to the Payment of any of the Rates or Duties hereby imposed, and whether all or what Part or Parts of such Rates or Duties shall be legally exigible, and shall have been paid or not paid, and when and by whom, and to whom, and to determine the Amount thereof and other Matters in dispute between the Parties, and to issue a Decree or Warrant for Payment thereof, if the same shall not exceed in the whole the Sum of Twenty Pounds, and also to award such Costs to be paid by either Party to the other as such Justice or Justices or Sheriff shall see reasonable; all which Rates and Duties, for which a Decree or Warrant shall be given as aforesaid, and all Costs so awarded, shall and may be recovered by ordinary legal Diligence, or, in the Option of the Pursuers, by a Sale of the Ship or Vessel, or of the Tackle, Apparel, or Furniture thereto belonging, or any Part thereof, or of all or any Part of the Goods, Wares, or Merchandize, or others, in respect of which the said Rates and Duties shall be exigible, by Warrant or Decree of such Justice or Justices, or Sheriff, which Warrant every such Justice or the said Sheriff is hereby empowered to issue; and the Overplus of the Proceeds (if any) shall be returned, upon Demand, to the Proprietor of the Ship or Vessel, Goods or others, so sold.

Recovery of Rates by Action.

LXXXI. And be it enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Collector or other Officer appointed by the said Trustees employed in the due Execution of this Act, or shall assault any Officer, Collector, or other Agent of the said Trustees in the Execution of his Office, every such Person shall for every such Offence forfeit and pay any Sum not

Penalty for resisting Payment of Rates, &c.

[*Local.*]

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exceeding

exceeding Ten Pounds, to be fixed by a Warrant or Decree of any Justice of the Peace or the Sheriff of the County of *Caithness*.

Leases may
be granted
of the Rates.

LXXXII. And be it enacted, That it shall and may be lawful for the said Trustees to let on Lease all or any of the Rates and Duties by this Act authorized to be taken, for any Term of Years not exceeding Seven Years, and for Payment of any such Rent as they shall think proper; and in case of the said Rates and Duties being so let the Tenants shall have the same Powers and Privileges as to levying, recovering, and collecting the said Rates and Duties as are by this Act conferred upon the said Trustees.

List of Rates
to be pub-
licly ex-
hibited.

LXXXIII. And be it enacted, That the said Trustees shall from Time to Time cause to be painted and affixed and continued, and renewed as often as the same shall be obliterated and defaced, upon a conspicuous Place in or near the said Harbour, in large and legible Characters, a List of the several Rates and Duties for the Time being by this Act authorized to be taken; and it shall not be lawful to demand and take, or cause to be demanded and taken, any of the said Rates or Duties, but during such Time as the List shall remain fixed as aforesaid.

Rates not to
be again paid
on Vessels
putting back.

LXXXIV. And be it enacted, That no Ship, Vessel, Steam Ship or Steam Boat, or other Craft, for which the Tonnage Duty exigible by this Act shall have been once paid, shall be liable or be obliged to pay the same in case of such Ship, Vessel, or Craft being put back to the said Harbour during the Voyage for which the Tonnage Duty was paid.

Power to
erect Cranes
and Weigh-
ing Ma-
chines.

LXXXV. And be it enacted, That the said Trustees shall be and they are hereby authorized and empowered to erect such and so many Cranes and Weighing Machines within the said Harbour as may appear to be requisite for the loading, unloading, and weighing of such Goods, Wares, and Merchandize as may be imported at and exported from the said Harbour, and to provide all such Weights and Measures as may be necessary for weighing and measuring the said Goods, Wares, and Merchandize; and the said Trustees are hereby authorized and empowered to demand, levy, collect, receive, and take, for the Use of such Cranes and Weighing Machines, of and from all and every the Owners, Agents, or other Persons having the Charge of such Goods, Wares, and Merchandize, such reasonable Rates and Duties as they shall think proper; and if any Difference shall arise between any Collector of the said Rates and Duties, and the Master or any other Person having the Care or Charge of any Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft coming to or departing from the said Harbour, or the Owner, Factor, Consignor, or Consignee of any Goods, Wares, Merchandize, or other Things therein embarked or contained, concerning the Weight or Qualities of the Goods, Wares, Merchandize, or other Things loaded or embarked therein, it shall be lawful for any such Collector to stop and detain any such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, and to weigh or gauge, or cause to be weighed or gauged the same, and all such Goods, Wares, and Merchandize,

or

or other Matters or Things as shall be therein embarked or contained; and in case the same shall upon any such weighing or gauging appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, then it shall and may be lawful to and for the Trustees, or their Collectors, and they are hereby authorized and empowered, to charge for such Goods and Things according to the Weight thereof found upon such weighing, or declared by the Gauge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft; and the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing and gauging, all which Costs and Charges, upon Refusal of Payment, on Demand, shall and may be recovered and levied in the same Manner as the Rates and Duties imposed by this Act are hereby appointed to be recovered and levied; but if such Goods, Wares, and other Merchandize, or other Matters or Things, shall appear to be of the same or of a less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Trustees, and their Collector, as the Case may be, shall pay the Costs and Charges of such weighing and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention.

LXXXVI. And be it enacted, That if any Goods, Wares, Merchandize, or Commodities, or other Matters or Things whatsoever, shall remain upon any of the Piers or Quays of the said Harbour for a longer Period than Twenty-four Hours from the Time when such Goods, Wares, Merchandize, or Commodities, or other Matters or Things, shall have been placed thereupon, then and in every such Case it shall be lawful for the said Trustees, or for the Collector or other Person appointed by them, to levy a Sum not exceeding the Amount of the Rates and Duties by this Act imposed upon the said Commodities, and that over and above the said Rates and Duties; and it shall be lawful to exact the said additional Rates and Duties for each and every successive Period of Twenty-four Hours during which the said Goods, Wares, Merchandize, or Commodities, or other Matters or Things, shall remain on the said Piers or Quays.

Additional Rates for Articles remaining above a certain Time on the Quays.

LXXXVII. And be it enacted, That the said Trustees, or any Officer or Person employed by them in virtue of this Act, shall have Power, and they are hereby authorized, if they shall see Cause, to remove or cause to be removed all such Goods, Wares, Merchandize, Commodities, or other Matters or Things as shall be allowed to remain on the said Piers or Quays; and all Horses and Live Stock shall be immediately removed, and be carried to any Warehouse, Yard, or other Place of Safety, and there be detained and kept till Payment of the Charges incurred by such Removal, keeping, and Detention, together with the Rates and Duties herein-before authorized to be levied on the said Goods, Wares, Merchandize, Commodities, Horses, and Live Stock as aforesaid.

Power to remove Articles.

LXXXVIII. And

Power to
remove Ves-
sels from
one Berth to
another.

LXXXVIII. And be it enacted, That the said Trustees, or such Person as they shall authorize and appoint, shall and may and they are hereby authorized and empowered, when and so often as they shall judge necessary, to remove or cause to be removed any Vessel, Bark, Lighter, or Boat lying in any of the Entries or Channels of the said Harbour, or at any Quay, Pier, or Work to be built in pursuance of this Act, or in any other Part of the said Harbour, from her Berth or Lying Place at which such Vessel respectively may happen to be moored or lying at the Time to any other Berth or Lying Place in the said Harbour; and in case the Master or other Person having the Charge of such Ship, Vessel, Bark, Lighter, or Boat shall neglect or refuse to remove or cause to be removed, upon being required to do so by the said Trustees, or such Person as they shall authorize as aforesaid, as soon after such Requisition as the State of the Tide will permit, such Ship, Vessel, Bark, Boat, or Lighter from her said Berth or Mooring Place to such other Berth or Mooring Place as shall have been appointed as aforesaid, then and in that Case the said Trustees, or any Person authorized by them as aforesaid, shall be and are hereby empowered, immediately on such Refusal or Neglect, to remove or cause to be removed such Ship, Vessel, Bark, Lighter, or Boat from her then Berth or Mooring Place to such other Berth or Mooring Place as the said Trustees, or the Person or Persons authorized by them, shall judge proper; and the Master, Owner, or Consignee of such Ship, Vessel, Lighter, Bark, or Boat so removed shall be obliged to pay to the said Trustees all the Costs and Charges that shall have been reasonably incurred and expended in accomplishing such Removal; and every Master or other Person having or being in the Command or Charge of any such Vessel, or any other Person or Persons, who shall obstruct or hinder the Removal as aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling to the said Trustees or any Person appointed by them.

No Com-
bustibles to
be allowed
to remain on
the Quays
or on Decks
of Vessels.

LXXXIX. And be it enacted, That no Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other Combustibles shall be suffered to remain on the Quays or Piers to be constructed within the said Harbour, or upon the Deck of any Ship or Vessel lying therein, after being passed by the Officers of Customs; and in case such Goods and Articles of Trade cannot be removed from such Place or Places by Daylight, then and in every such Case the Owners of such Goods or Articles aforesaid shall be obliged, as they are hereby required, to set and maintain at their own Expence a sufficient Number of sober and careful Persons to guard and watch the same for so many Hours, according to the Season of the Year, as the said Trustees, or the Berthing Master or Berthing Masters, or other Person authorized by them as aforesaid, shall direct; and in case the Owners of such Goods or other Articles above mentioned, or the Masters of such Ships, Barks, or other Vessels, shall not obey the Directions so given, it shall be in the Power of the Trustees, or the Person authorized by them as aforesaid, to cause the same to be removed or watched at the Expence of such Owners or Masters; and every such Owner or Master shall for every such Default forfeit and pay

pay a Sum not exceeding Five Pounds, besides such Expence and any Damage occasioned by their not removing or watching the said Goods or Combustibles as aforesaid.

XC. And be it enacted, That no Gunpowder shall be suffered to be or remain on board any Ship or Vessel, except Ships or Vessels in the Service of Her Majesty's Government, for any longer Time than Six Hours after the Arrival of such Ship or Vessel in the said Harbour, nor after such Ship or Vessel shall have been moored, though within such Six Hours, upon pain that every Master and Owner of such Ship or Vessel shall forfeit for every such Offence the Sum of Five Pounds Sterling, besides the Damage occasioned by his Default; and in case any Ship or Vessel in which any Gunpowder shall happen to be shall arrive in the said Harbour on a *Sunday* or any Custom House Holiday, it shall be lawful for the Master or Commander of any such Ship or Vessel to land the same, without a Sufferance or Leave from the Officers of Her Majesty's Customs at the said Port for so doing, provided the same be done in the Presence of a Tide Surveyor or Coast Waiter.

Gunpowder not to remain in Vessels more than Six Hours.

XCI. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Person to throw or empty any Ballast, Dirt, Ashes, Rubbish, Shingle, Stones, or any other Thing into the said Harbour or Entrances thereto, or within Five hundred Yards of any of the Piers thereof, or to dig or take away any Ballast, Shingle, Stones, or other Thing from within the same, or within One hundred Yards of any of the Piers thereof, without Leave of the Trustees in Writing, under a Penalty not exceeding Ten Pounds Sterling for every such Offence, over and above the Expence of repairing the Damages; and if any Person shall cast out or deposit any Ballast out of any Ship or Vessel upon any of the Quays, Piers, or Works, or in any other Place in or about the said Harbour, such Person shall be obliged immediately to cause the same to be carried off, on pain of forfeiting for every such Offence a Sum not exceeding Five Pounds Sterling, over and above the Expence of removing the same.

Ballast, &c. not to be thrown into the Harbour.

XCII. And be it enacted, That if any Person shall wilfully and maliciously demolish, break down, or destroy any of the Jetties, Piers, Quays, or other Works in or belonging to the said Harbour, every such Person so offending shall forfeit and pay any Sum not exceeding Twenty Pounds, over and above making good the Damage thereby done.

Penalty on destroying Works.

XCIII. And be it enacted, That all Forfeitures and Penalties imposed by this Act shall and may, except in Cases herein otherwise specially directed, be sued for by the said Trustees, or any of them, or any Person aggrieved, and be adjudged and recovered by and under the Authority of the Sheriff or Justice of Peace Court of the said County; and it shall be lawful for such Court, on Complaint made by the said Trustees, or any of them, or Person aforesaid, of every Offence against this Act, to grant Warrant to summon the offending Party to appear before such Court, and upon Proof of such Offence, by voluntary Confession or by the Oath of One or more credible Witnesses,

Recovery of Penalties.

[Local.]

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nesses,

nesses, or other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or closed Record or Minutes of Evidence; and where such Court shall find the Complaint relevant and proven it shall find the Penalty due; and so soon as the Penalty has been found due and its Amount fixed, a Decerniture shall be given for the Amount, with the Expences of Suit, in favour of the said Trustees, or either of them, or Person to whom the same is or shall be payable: Provided always, that where there is no special Provision in this Act as to the Person to whom any such Penalty shall be due and payable, such Court shall have Power to find the Whole or any Part thereof due to the said Trustees or Persons suing for the same, or the Whole or any Part thereof due to any other Person aggrieved; and such Court shall at the same Time grant Warrant for the Recovery thereof, failing Payment within Eight Days from the Date of such Decree and Warrant, by Pounding and Sale of the Goods and Effects of the Offender, or by Imprisonment in the House of Correction, Bridewell, or Common Gaol wherein such Court is authorized by Law to incarcerate Offenders, for a Period at the Discretion of such Court, but not exceeding Three Months, it being hereby provided that a Record shall be kept of the Complaint, and of the Judgment and Warrant thereon.

Appeal.

XCIV. And be it enacted, That if any Person shall think himself aggrieved by any Decision, Warrant, or Order of any Justice or Justices of the Peace in the Execution of this Act, or by any Bye Law or Regulation made by the Trustees under this Act, or in pursuance thereof, it shall be competent for such Person to apply for Redress by way of Appeal to the Sheriff of the County of *Caithness*, provided that such Appeals or Applications for Redress shall be entered within Eight Days after the Decision of such Justice or Justices shall have been given, and Security for the Payment of the Costs and Issue of Suit being given by the Party appealing or applying for Redress; and the said Sheriff shall in all Cases proceed and determine summarily, and his Decision shall be final, and not subject to Review of any Superior Court by Suspension, Advocation, or Reduction.

For apprehending transient Offenders.

XCV. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Officers or Persons acting under the Authority of this Act, be it enacted, That it shall and may be lawful to and for the said Officers or Persons respectively to seize and detain any such unknown Persons guilty of any Offence against this Act, and to convey them before any One or more of the Justices of the Peace for the same County of *Caithness*, without any other Warrant than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offenders, in a summary Way.

Releases to Witnesses.

XCVI. And be it enacted, That in all legal Proceedings under this Act general or other Releases for the Purpose of qualifying any Person to give Evidence as a Witness may be granted by the Clerk or Treasurer of the said Trustees; and every such Release or Discharge

charge under the Hand of the Clerk or Treasurer shall be as effectual for the Purpose aforesaid as if made and signed by the whole Body of Trustees.

XCVII. And be it enacted, That in all Cases where any Person or Party has to serve any Notice upon the said Trustees, or any Citation or Summons or other legal Proceeding, the Service upon the Clerk, Treasurer, or other Officer of the said Trustees personally or at his Abode or Place of Business, or at the Office of the said Harbour, shall be deemed good and sufficient Service of the same on the said Trustees.

Notices on Trustees how to be served.

XCVIII. And be it enacted, That nothing in this Act contained shall authorize the said Trustees to make or maintain any Works below the ordinary High-water Mark at Spring Tides, without the previous Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

No Works below High-water Mark to be made without Consent of the Admiralty.

XCIX. And be it enacted, That it shall and may be lawful to and for the said Trustees at any Time or Times to make, ordain, and establish such Orders, Rules, and Bye Laws for the deepening, cleaning, and keeping in repair and managing the said Harbour, and for supplying Shipping with Ballast, and for accomplishing the other Purposes of this Act, and from Time to Time, as Occasion shall require, to repeal, amend, or alter such Rules, Orders, and Bye Laws in such Way as shall appear most proper, according to the Spirit of this Act, and to fix and declare reasonable pecuniary Penalties not exceeding Five Pounds Sterling for each Default in Observance or Breach of the said Regulations and Bye Laws, or any of them, to be recovered and applied in the same Way as Penalties imposed by this Act are ordered to be recovered and applied: Provided always, that such Rules, Regulations, and Bye Laws shall not be repugnant to the Laws in that Part of the United Kingdom of *Great Britain and Ireland* called *Scotland*, or to any thing in this Act contained; and such Orders and Bye Laws shall be printed and distributed, and Copies thereof painted on Boards affixed on Two or more of the most conspicuous Places at or near the said Harbour, and which Boards shall from Time to Time be renewed by the said Trustees when in any way defaced or destroyed, which Rules, Orders, and Bye Laws shall be subject to be appealed from by any Person thereby affected in manner herein-before mentioned; and provided always, that no such Orders, Rules, and Bye Laws shall be of any Force or Effect until the same shall have been submitted to and approved of by the Sheriff of the said County of *Caithness*; and provided further, that in all Cases the Justices or Court before whom any Complaint shall be brought shall have full Power to mitigate the Penalty imposed by any such Orders, Rules, and Bye Laws.

Power to make Bye Laws.

C. And be it enacted, That if any Person shall wilfully or maliciously deface, pull down, or destroy any Board whereon the said Orders or Bye Laws shall be painted, and which shall be affixed by the

Penalty on defacing Boards on which Bye the

Laws are painted.

the said Trustees as aforesaid, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons voting for Trustees without being qualified.

CI. And be it enacted, That if any Person, not being qualified in Terms of the Provisions of this Act to vote in the Election of any Trustee under this Act, shall nevertheless vote in such Election, such Person shall forfeit and pay the Sum of Five Pounds, *toties quoties*.

Interpretation Clause.

CII. And be it enacted, That where in this Act any Word shall be used importing the Singular Number only, such Word shall extend and be applied to several Persons or Things as well as one Person or Thing; and where any Word importing the Plural Number shall be used, the same shall extend and be applied to one Person or Thing as well as several Persons or Things; and where any Word shall be used importing the Masculine Gender only, such Word shall be understood to include Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include Tenements, Buildings, and all Heritages whatsoever; and where the Word "Sheriff" is used, the same shall be understood to include "Sheriff Substitute;" and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Month" is used, the same shall be understood to mean Calendar Month; and where the Word "Harbour" is used, the same shall be understood to mean the "Harbour of *Scrabster*," and shall include the whole Precincts thereof, and the Piers, Wharfs, and other Works which are hereby authorized to be made or maintained; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Expences of Act.

CIII. And be it enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid and discharged by and out of any Money to arise by virtue of this Act.

Public Act.

CIV. And be it enacted, That this Act, and all the Powers and Authorities of the same, shall commence and take effect after the passing thereof; and that it shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHEDULE (A.) to which the foregoing Act refers.

RATES AND DUTIES ON GOODS, &c. SHIPPED OR LANDED.

	s.	d.
For Wheat, Rye, Barley, Bear or Bigg, Malt, Oats, Peas, Beans, Tares, and Rye Grass Seeds, per Quarter	0	1
Oatmeal, per Boll	0	1
Bear or Barley Meal, per Boll	0	1
Pot or Pearl Barley, per Cwt.	0	2
Split Peas, per Cwt.	0	2
Rice, per Cwt.	0	3
Biscuit, per Cwt.	0	3
Flour, per Sack	0	4
And in proportion for any lesser Quantity.		
Salted Beef, Pork, or other Provisions, per Barrel	0	4
Ditto, per Half Barrel	0	2
Ale, Beer, or Porter, per Hogshead	0	6
Ditto, in smaller Casks, in proportion.		
Wine, per Pipe or Puncheon	2	0
Ditto, in smaller Casks, in proportion.		
Whiskey, per Gallon	0	0 $\frac{1}{2}$
Raw Sugar, per Hogshead	1	6
Ditto, in smaller Casks, in proportion.		
Loaf or Lump Sugar, in Cask or Package, per Cwt.	0	4
Tallow, per Cwt.	0	3
Every Bale or Truss of Goods, per Barrel Bulk	0	2
Wool Yarn or Cotton, per Cwt.	0	6
Smaller Quantities in proportion.		
Undressed Flax, per Cwt.	0	6
Dressed Flax, per Cwt.	0	9
Tow, per Cwt.	0	4
Unwrought Iron, per Cwt.	0	1
Wrought Iron, per Cwt.	0	2
Coach, Gig, or Cart Wheels, per Pair	0	6
Copper or Brass, wrought, per Cwt.	1	0
Ditto or Ditto, unwrought, per Cwt.	0	6
Pewter, per Cwt.	0	4
Lead, per Cwt.	0	2
Scotch Coals, per Ton	0	6
English Ditto, per Ton	0	6
Salt, per Ton	0	6
Dried Cod, Ling, or Hake, per Cwt.	0	1
Wet Cod, per Barrel	0	2
Ditto, per Half Barrel	0	1
Herrings cured, White or Red, per Barrel	0	1
Ditto, per Half Barrel	0	0 $\frac{1}{2}$
And in proportion for smaller Casks.		
Lime Shells, per Boll	0	1
Slacked Lime, per Boll	0	0 $\frac{1}{4}$
Salmon, per Barrel	0	3
Ditto, per Half Barrel	0	1 $\frac{1}{2}$
Ditto, per Kit	0	0 $\frac{1}{2}$
[Local.]		10 Z

	s.	d.
Battens, Eight Feet long, and not exceeding Twenty Feet in Length, per Dozen	0	3
Ditto, exceeding Twenty Feet long, per Dozen	0	4
Batten Ends, under Eight Feet long, per Dozen	0	1½
Deals, exceeding Twenty Feet long, per Dozen	0	6
Ditto, Eight Feet and not more than Twenty Feet in Length, per Dozen	0	4
Deal Ends, under Eight Feet long, per Dozen	0	2
Fir Timber, in Log or in Plank, per Load of Fifty Cubic Feet	1	0
Balks or Fir Quarters, Twenty-two Feet long or upwards, per Dozen	2	0
Ditto, Fifteen Feet long and under Twenty-two Feet, per Dozen	1	6
Ditto, under Fifteen Feet long, per Dozen	1	0
Oak, in Log or in Plank, per Load of Fifty Cubic Feet	1	6
And in proportion for any lesser Quantity than a Load.		
Hard Wood of any Kind, in Log or in Plank, per Load of Fifty Cubic Feet	1	6
And in proportion for any lesser Quantity than a Load.		
Handspikes, per Dozen	0	1
Oak Knees, per Dozen	0	1
Lathwood, per Fathom	1	0
Lathwood, split, per Bundle	0	0½
Masts, Six Inches in Diameter or under, each	0	6
Ditto, Six Inches in Diameter and under Twelve, each	1	0
Ditto, Twelve Inches in Diameter and upwards, each	1	6
Spars, under Twenty-two Feet long and under Four Inches Diameter, each	0	0¼
Ditto, Twenty-two Feet long or upwards and under Four Inches Diameter, each	0	0¼
Ditto, Four Inches in Diameter and upwards, each	0	0½
Oars, each	0	0½
Spokes for Wheels, per Hundred	0	2
Pipe Staves, per Dozen	0	2
And in proportion for any lesser Quantity.		
Hogshead Staves, per Dozen	0	1
Barrel Staves, per Dozen	0	0¼
Oak, Birch, or other Bark, per Ton	1	6
And in that Proportion for any lesser Quantity.		
Wood Hoops, per Bundle of One hundred and twenty Hoops	0	1
Mill Stones, each	2	0
Grind Stones, each	0	1
Bricks, per Hundred	0	1½
Tiles, per Hundred	0	2
Slates, per Thousand	1	0
Dressed Freestone, per One hundred Feet superficial	1	6
Rough Ditto, per Ton	0	6
Whin or Ruble Stone, per Ton	0	1
Flat Paving Stones or Flags, per Ton	0	6
Every Trunk, Chest, or Box, per Barrel Bulk	0	3
Every small Bundle or Parcel	0	1
Hops, per Pocket	1	0
And in proportion for any lesser Quantity.		
Butter, per Cwt.	0	3
Cheese, per Cwt.	0	2
Oil, per Barrel	0	4
And so in proportion for any larger or smaller Cask of Oil.		
Grease, Butter, or Smearing Materials, per Cwt.	0	2
Tar or Pitch, per Barrel	0	4

	s.	d.
Apples, Pears, or Onions, per Bushel	0	2
Oranges or Lemons, per Chest	0	6
Potatoes, per Boll	0	1
Dressed Hemp, per Cwt.	0	4
Undressed Hemp, per Cwt.	0	2
Ropes or Cordage, per Cwt.	0	6
Nets, per Barrel Bulk	0	2
Pot, Pearl, or Wood Ashes, per Cwt.	0	2
Soap, per Cwt.	0	2
Raw Hides, each	0	0 $\frac{1}{2}$
Tanned Leather, per Cwt.	1	0
Leather Scrows, per Cwt.	0	2
Crate of Glass, per Barrel Bulk	0	4
Crate of Earthenware, each	0	6
Half Crates of Earthenware, each	0	3
Ranges or Grates (large), each	0	6
Ditto (small), each	0	2
All Articles of Household Furniture, per Barrel Bulk	0	3
Any such Article less than a Barrel Bulk	0	2
Empty Bottles, per Gross	0	6
Wine in Bottles, per Dozen	0	2
Empty Hogsheads, each	0	1
Empty Barrels, each	0	0 $\frac{1}{2}$
And so in proportion for larger or smaller Casks.		
Each Four-wheeled Carriage	2	6
Each Two-wheeled Carriage	1	6
Each Cart	0	9

LIVE STOCK.

Each Bull	2	0
Each Cow, Heifer, or Ox	1	0
Each Calf	0	6
Each entire Horse	5	0
Each other Horse for Riding or Harness	2	6
Each Colt or Filly	1	6
Each Pony under Thirteen Hands	1	0
Each Sheep or Lamb	0	1
Each Swine or Pig	0	2
Each Goat	0	1
Each Dog for Sporting	0	3
Each other Dog	0	1
Each Turkey or Goose	0	0 $\frac{1}{2}$
Fowls or Ducks, per Dozen	0	3
Game in Boxes or Baskets, per Barrel Bulk	0	6
Smaller Packages in proportion.		
Eggs, per Hundred	0	1

For Lumber, and every other Article not before specified in this Table, at the Rate of Five per Cent. on the Freight, and in that Proportion.

SCHEDULE (B.) to which the foregoing Act refers.

TONNAGE DUTIES ON VESSELS, &c.

Class First.

For every Ship, Bark, Brig, Sloop, Lighter, Steam Vessel, Steam Boat, or other Vessel or Boat whatever, entering or arriving at or within the Bounds or Limits of the Harbour, for the Purpose of landing or taking on board any Goods, Passenger or Passengers, or touching at or taking Advantage or Benefit of any of the Piers or Quay of the Harbour, or coming within the Bounds thereof from any Port or Place in the United Kingdom of Great Britain and Ireland, or from the Islands of Guernsey, Jersey, Alderney, Sark, or the Isle of Man, the following Sums; viz.

- I. Each such Ship, Bark, Brig, Sloop, Lighter, Yacht, or other Vessel or Boat (not being a Steam Vessel or Steam Boat), if of the Measurement of Forty Tons or upwards, Four-pence Sterling for each and every Ton the same shall measure.
- II. Each such Ship, Bark, Brig, Sloop, Lighter, Yacht, or other Vessel or Boat (not being a Steam Vessel or Steam Boat), if of the Measurement of Twenty Tons but under Forty Tons, Three-pence Sterling for each Ton the same shall measure.
- III. Each such Ship, Bark, Brig, Sloop, Lighter, Yacht, or other Vessel or Boat (not being a Steam Vessel or Steam Boat), if of or above the Measurement of Five Tons but under Twenty Tons, Two-pence Sterling for each Ton the same shall measure.
- IV. Each Steam Vessel or Steam Boat, of whatever Measurement, Two-pence Sterling for each and every Ton the same shall measure. And
- V. Each Boat or Vessel of any Description under Five Tons, One Shilling Sterling.

For any Vessel that may remain in the Harbour for a longer Period at any One Time than Fourteen Days, unless being Windbound, there shall be levied additional Tonnage Duties, not exceeding the Rates before mentioned, for every additional Fourteen Days, or any lesser Number of additional Days such Vessel may so remain.

But with regard to open or undecked Boats engaged in the Herring Fishing, and while prosecuting the same, having Occasion to enter the Harbour or come within the Limits thereof to land their Fish or put the same on Ship-board, the Owners of such Boats, in place of paying Tonnage Dues at the respective Rates before mentioned every Time such Boats enter the Harbour or come within the Limits thereof, shall have the Option of compounding for the Tonnage Dues for the Season for such Boats while engaged in prosecuting the Herring Fishing, at the Rate of Eight Shillings for each such Boat.

Class Second.

For every Ship, Bark, Brig, Sloop, Lighter, Yacht, Steam Vessel, Steam Boat, or other Vessel or Boat whatsoever, entering or arriving at the said Harbour for the Purpose of landing or taking on board any Goods, Passenger or Passengers, or touching at or taking Advantage or Benefit of any of the Piers, Quays, or Wharfs of the Harbour, or coming within its Limits from any Country, Island, or Place whatsoever not before named in this Schedule, Six-pence Sterling for each and every Ton the same shall measure.



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. 1.

An Act for making and maintaining a Harbour at *Scrabster Roads*, in the Bay of *Thurso* and County of *Caithness*, and Road thereto.

[21st June 1841.]

WHEREAS the Formation and Maintenance of a Harbour at or near *Holburnhead* or *Scrabster Roads* in the Bay of *Thurso* in the County of *Caithness*, with the necessary Piers, Wharfs, Quays, and other Works, and Roads and Accesses thereto, would not only be of great local Utility and Advantage, but would be highly beneficial to the Public: 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, That the Sheriff of the County of *Caithness* or his Substitute for the Time being, the Chief Magistrate of the Town of *Thurso* for the Time being, the Owner for the Time being of the Estate of *Scrabster* in the said County of *Caithness*, Sir *George Sinclair* of *Ulbster*, and after his Death the Owner for the Time being of the Lands of *Thurso East* in the said County, *William Innes* of *Sandside*, Esquire, and after his Death the Owner for the Time being of the Lands of *Sandside* in the said County, *James Sinclair* of *Forss*, Esquire, and after his Death the Owner for the Time being of the Lands of *Holburnhead* in

Appoint-
ment of
Trustees.

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the said County, Sir *Patrick Murray Triepland* of *Fingask*, Baronet, and after his Death the Owner for the Time being of the Estate of *Pennyland* in the Parish of *Thurso* in the said County, provided always such Owner of the said Lands and Estates shall be Males and of lawful Age, and also *George Traill* of *Ratter*, Esquire, Captain *Donald Macdonald* of the Royal Engineers, Captain *David Henderson* of *Brabsterdorrán*, Mr. *John Patterson*, residing at *Borlum*, Mr. *William Bremner*, Merchant in *Thurso*, Mr. *Hugh Davidson*, Tacksman of *Thurso East*, Mr. *John Sinclair Gunn*, Tacksman of *Dall*, Mr. *George Dunet*, Merchant in *Thurso*, and Mr. *William Smith*, Bank Agent in *Thurso*, and their Successors in Office, and also every Person who shall contribute and lend to and be a Creditor of the said Undertaking of the Sum of One hundred Pounds or upwards, shall be united as one Body Politic and Corporate, by the Style and Name of "The Trustees of the Harbour of *Scrabster*," for the Purpose of making, erecting, and maintaining the said Harbour, with proper Works and Conveniences connected therewith, according to the Provisions of this Act, and by that Name shall be a Body Corporate with perpetual Succession, and shall have a Common Seal, and shall have Power to purchase and hold Lands, within the Restrictions herein-after contained, for the Purpose of the said Undertaking, and in and by that Style and Name shall sue and be sued in any Actions or other Proceedings at Law.

Vacancies
how to be
supplied.

II. And be it enacted, That in case the Place of any of the Trustees appointed by this Act (other than the Sheriff of the County of *Caithness* or his Substitute, the Chief Magistrate of *Thurso*, or the Owners of the Lands and Estates of *Scrabster*, *Thurso East*, *Sandside*, *Holburnhead*, or *Pennyland* respectively,) shall become vacant by Death, Refusal to act, Resignation, or otherwise, then and in such Cases it shall be lawful for the Creditors of the said Harbour, qualified as herein-after mentioned, to nominate a fit and proper Person to supply such Vacancy, and the Person so nominated shall have and enjoy the same Powers and Privileges of a Trustee as the Person in whose Stead he is nominated; but notwithstanding that any such Vacancy shall remain unsupplied the other Trustees shall have full Power to do and perform all Matters necessary for the Execution of this Act.

Creditors
of 10*l.* and
upwards
entitled to
vote in the
Election of
Trustees.

III. And be it enacted, That any Person who shall lend Money to the Trustees hereby appointed for the Use of the said Harbour, or shall acquire and have Right to any Security granted under the Authority of this Act for Money so advanced, shall be entitled to vote in the Election of Trustees to supply Vacancies under this Act, provided he shall be a Creditor for the Sum of Ten Pounds and upwards; that is to say, a Creditor in the Sum of Ten Pounds and under Fifty Pounds shall have One Vote, a Creditor in the Sum of Fifty Pounds and under One hundred Pounds shall have Two Votes, a Creditor in the Sum of One hundred Pounds and under Two hundred Pounds shall have Three Votes, a Creditor in the Sum of Two hundred Pounds and under Three hundred Pounds shall have Four Votes, and a Creditor in the Sum of Three hundred Pounds and upwards shall have Five Votes.

IV. And

IV. And be it enacted, That within Thirty Days after any Vacancy shall occur in the Office of Trustee the Clerk of the said Trustees shall, by Advertisement in some Newspaper published in the County of *Caithness*, and failing any Newspaper being published in the said County of *Caithness* then in any Newspaper or any advertising Paper published in *Edinburgh*, give Notice of such Vacancy, and summon a Meeting of the Creditors of the said Harbour, qualified as above mentioned, to be held at *Thurso*, not sooner than Two Weeks and not later than Four Weeks after the Publication of such Advertisement, for the Purpose of electing another Trustee in the Room of the Trustee creating such Vacancy, and at such Meeting another Trustee shall be elected by a Majority of the Votes of the Creditors duly qualified who shall be present at such Meeting, or of the Proxies of such Creditors duly qualified who shall not attend personally.

Creditors to be summoned to Meetings for electing Trustees.

V. And be it enacted, That the said Trustees shall meet in the Court House or any other suitable Place in the Town of *Thurso* within Two Months after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to the Execution of this Act, with Power to adjourn from Time to Time; and the said Trustees shall also hold an Annual General Meeting on the last *Wednesday* of *May* in the Year One thousand eight hundred and forty-two, and on the last *Wednesday* of *May* in every Year thereafter, with Power to adjourn from Time to Time; and in all Cases Five of the said Trustees shall be a Quorum, and at their Meetings the Trustees present at such Meetings shall elect their Preses for the Time; and all Questions shall be decided by a Majority of the Trustees present at the respective Meetings; the Preses, in case of an Equality of Votes, having a casting Vote besides his Vote as a Member of the Meeting.

First and other Meetings of Trustees.

VI. And be it enacted, That it shall be in the Power of any Three or more of the Trustees acting for the Time to require the Clerk to the Trustees to call a Meeting at any Time, and the said Clerk shall be obliged thereupon to give Notice in Writing of the Time and Place of such Meeting to every one of the Trustees, at least Ten Days previous to such Meeting; and a Certificate under the Hand of the said Clerk that such Notice has been given, by Letters duly addressed to the Trustees at their usual Places of Residence, and put into the Post Office at *Thurso*, shall be sufficient Proof of such Notice having been given at such Meeting as is required by this Act.

Clerk to call Meetings at the Request of any Three of the Trustees.

VII. And be it enacted, That no Trustee shall hold any Office of Emolument under this Act, either as a Principal or Deputy, nor be directly or indirectly concerned in any Contract under this Act, nor be Surety for any Contractor under this Act; and if any Trustee shall be convicted of contravening this Enactment he shall forfeit and pay the Sum of One hundred Pounds, to be paid to the Treasurer under this Act, and applied for the Purposes thereof, and be incapable of ever afterwards holding the Office of Trustee under this Act.

Trustees not to hold Offices of Emolument, nor be concerned in Contracts.

VIII. And be it enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to appoint a Committee

Trustees may appoint Committees

of their
Number.

Committee or Committees of their Number, consisting of not less than Three, with Power to execute any of the Purposes of this Act which it may be deemed expedient to commit to their Charge.

Adjourn-
ment of
Meetings.

IX. And be it enacted, That the said Trustees shall have Power and they are hereby authorized to adjourn their Meetings from Time to Time and Place to Place as they may think proper; and in case a less Number than a Quorum shall attend any Meeting, such Number, though not entitled to act in other Matters, shall have the Power of Adjournment.

Trustees not
to vote in
Cases where
personally
interested.

X. And be it enacted, That no Trustee under this Act shall vote or otherwise act as a Trustee in any Case wherein he shall have a personal pecuniary Interest, directly or indirectly, under a Penalty of Twenty Pounds.

Trustees to
appoint
Officers.

XI. And be it enacted, That it shall and may be lawful to and for the said Trustees to nominate or appoint a Treasurer, Collector, Clerk, Berthing Master, Superintendent of Works, and such other Officers and Servants as they shall judge necessary, to be employed under them for carrying this Act into execution, and from Time to Time to remove such Treasurers, Collectors, Clerks, Berthing Master, Superintendents, Officers, and Servants, or any of them, and to appoint others in their Stead, and to settle such reasonable Salaries on them as to the said Trustees shall appear to be just and proper; and such Treasurers, Collectors, and Receivers of any Money acting under the Authority of this Act shall keep fair and regular Books and Accounts of all the Monies so received by them, (which Books and Accounts shall be open and patent to the said Trustees, and to any Creditor on the Rates and Duties hereby granted, and to any Person having the written Authority of any Two of the Trustees, at all seasonable Times when they shall desire to inspect the same,) and shall pay and dispose of the Money collected in such Manner as shall be directed by the said Trustees according to the Provisions of this Act; and the Treasurers, Collectors, or Persons to be appointed to receive or have the Charge or Custody of any Money to be levied or raised under the Authority of this Act shall give good and sufficient Security to the Satisfaction of the said Trustees for accounting for and paying the Monies which shall be by them respectively collected or received; and the Accounts of the Intromissions of the Trustees under this Act shall be balanced on or before the First Day of *May* in each Year.

Books and
Accounts to
be kept.

Accounts to
be audited
annually.

XII. And be it enacted, That the said Trustees shall, within Eight Days after the First Day of *May* in each and every Year, make out or cause to be made out and rendered to the Auditor to be appointed as after mentioned a clear and distinct Account of their Intromissions and Transactions under the Authority of this Act for the preceding Year, which Accounts such Auditor shall and he is hereby authorized and empowered to examine, with the Documents or Vouchers instructing the same (which Documents and Vouchers, and all Books and Papers in the Custody or under the Control of the said Trustees relative to the Business of the said Harbour, the said

said Trustees shall, upon the Request of the Auditor to that Effect, produce to the said Auditor, and permit and suffer him to examine); and the said Auditor shall audit and docket the said Account, and report the same, with any Remarks he may have to make thereon, to the next Annual General Meeting of the said Trustees, to be held on the last *Wednesday of May* thereafter.

XIII. And be it enacted, That the said Trustees shall cause to be prepared an annual Account in Abstract of the total Receipts and Expenditure of all Funds levied under this Act for the past Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account, duly audited and certified by the Auditor to be appointed by the said Trustees; and that a Copy of such annual Account be transmitted, free of Charge, to the Sheriff Clerk of the said County of *Caithness* on or before the *Thirty-first Day of January* in each Year, under a Penalty of Twenty Pounds, to be levied by summary Process; and the said Account shall be open at all seasonable Hours to the Inspection of the Public, upon Payment of a Fee of Two Shillings and Sixpence for each Inspection.

Trustees to make out annually an Account of their Receipts and Expenditure, and transmit a Copy thereof to the Sheriff Clerk of the County.

XIV. And be it enacted, That the said Trustees shall and they are hereby authorized and required, some Time during the Month of *April* in the Year One thousand eight hundred and forty-two, and some Time during the Month of *April* in each and every Year thereafter, to appoint a fit and proper Person, well skilled in Accounts, to audit and docket the Accounts of the said Trustees as before mentioned; and the said Trustees shall pay to the Person so appointed such a Sum for his Trouble in making such Audit as they shall fix and determine, not exceeding the Sum of Twenty Pounds for each Audit.

An Auditor to be appointed.

XV. And be it enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or other Person in the Service or Employ of any such Clerk or his Partner, the Treasurer for the Purposes of this Act; or if any Person, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action in the Sheriff Court of *Caithness*, the Court of Session in *Scotland*, or in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit,

Offices of Clerk and Treasurer to be separate.

or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to
account.

XVI. And be it enacted, That the Clerks, Treasurers, Collectors, Receivers, and other Officers to be appointed under this Act shall, under their Hands, at such Time and Times, and in such Manner as the said Trustees shall direct, deliver to the said Trustees, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by them received by virtue of and for the Purposes of this Act, and how much thereof had been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments; and shall pay all such Monies as shall remain due to the said Trustees or to such Person as they shall appoint to receive the same; and if any such Clerk, Treasurer, Collector, Receiver, or other Officer shall neglect or refuse to make and render any such Account, or to produce or deliver up the Vouchers relating to the same in his Possession or Power, or to make Payment as aforesaid, or shall neglect or refuse to deliver up to the said Trustees, or to such Person as they shall appoint, within Ten Days next after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Clerk, Treasurer, Collector, Receiver, or other Officer, all Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in any of the Cases aforesaid the said Trustees may and they are hereby authorized and empowered to cause an Action to be brought against the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Trustees, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace in and for the said County of *Caithness*, or in or for any other Place wherein such Officer so neglecting or refusing shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand for the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing to be brought before him, and upon his appearing or not being to be found to hear and determine the Matter in a summary Way; and if upon Complaint of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered to administer), or by Confession of the Party offending, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Clerk, Treasurer, Collector, Receiver, or Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand, to cause such Money to be levied by Pounding and Sale of the Goods and Effects of such Clerk, Treasurer, Collector, Receiver, or Officer; and if no Goods or Effects of such Clerk, Treasurer, Collector, Receiver, or Officer can be found sufficient to answer and satisfy the said Monies, and the Charges of pounding and selling

selling the same, or if it shall appear to such Justice that such Clerk, Treasurer, Collector, Receiver, or Officer shall have neglected or refused to render or give such Account, or to produce the Vouchers relating thereto in his Possession or Power, or that any Books, Accounts, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Clerk, Treasurer, Receiver, or Officer, and he have neglected or refused to deliver or give Satisfaction respecting the same, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol of *Wick* or of the Town of *Thurso*, if there shall be a Common Gaol there, or of any other Place where such Offender shall be or reside, there to remain without Bail until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Trustees are hereby empowered to make and receive, and until he shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof, to the said Trustees as aforesaid: Provided always, that no Person shall be committed for Want of sufficient Pounding for any longer Space of Time than Six Months.

XVII. And be it enacted, That for the Purposes and subject to the Provisions and Restrictions of this Act, the said Trustees, their Agents and Workmen, and all other Persons by them authorized, are hereby empowered to enter into and upon the Lands and Heritages of any Person or Corporation whatsoever whose Names are set forth in the Book of Reference herein-after mentioned, and to survey and take Levels of the same, or any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are empowered to take or use by or are required for the Purposes of this Act, and in or upon such Lands and any Lands adjoining thereto to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein, or otherwise in the Execution of any of the Powers of this Act, and which may be proper and necessary for making, extending, maintaining, altering, repairing, or using the said Harbour, and the Roads and Accesses communicating therewith, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act, and also from Time to Time to improve, alter, repair, and maintain the said Harbour, and the Roads and Accesses communicating therewith, and to do and execute all other Matters and Things necessary or convenient for making, maintaining, altering, or repairing and using the said Harbour, Roads, and Accesses, they the said Trustees, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Trustees making full Satisfaction, in manner herein-after mentioned, to all Persons and Corporations interested in any Lands which shall be taken, used, or injured, for all Damages to be by them sustained in or by reason of the Execution of all or any of the Powers hereby granted; and

Power to
enter Lands.

and this Act shall be sufficient to indemnify the said Trustees and all other Persons for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

Penalty on
Persons re-
moving
Poles or
Buoys.

XVIII. And be it enacted, That if any Person shall pull up or remove any Poles or Stakes or Buoys that may have been driven into the Ground or placed in the Sea, or shall deface or destroy any Marks which may have been made for the Purpose of setting out the Situation of the said Harbour or Access or Accesses thereto, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Power to
treat for the
Purchase of
Lands, &c.

XIX. And be it enacted, That it shall be lawful for the said Trustees to treat and agree, and to employ any Person or Persons to treat and agree, for the Purchase of any Lands required by them for the Purposes of this Act, and for the Purchase or Discharge of any subsisting Life-rent Rights, or other Rights, Servitudes, and Leases affecting the same, and Estates and Interests therein, and Burdens or Incumbrances constituted thereon, or such of them or such Part thereof as the said Trustees shall think proper, or for the Acquisition of such Lands in Feu Farm on the Payment of a perpetual Feu Duty or Ground Rent in respect of the same, and also to submit and refer to Arbitration the Amount to be paid therefor, and in general all Questions arising in the Execution of this Act, as they may think advisable.

Provision for
Deficiencies
of Land Tax.

XX. And in case by reason of the Exercise of the Powers by this Act granted Deficiencies should arise in the Assessments for Land Tax in the Parish through or in which the several Works hereby authorized may pass or be situate, be it therefore enacted, That the said Trustees shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Trustees shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of such Parish as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Persons
under legal
Disability
empowered
to sell and
convey
Lands.

XXI. And be it enacted, That it shall be lawful for all Corporations, Heirs of Entail, Life-renters, Husbands, Tutors and Curators or other Guardians, Judicial Factors, Trustees for charitable or other Purposes, Executors and Administrators, and all other Persons whomsoever, interested in or entitled to any Lands required for the Purposes

poses of this Act, or which may be damaged by the Operations thereof, not only for and on behalf of themselves, their Heirs and Successors in the said Property, but also for and on behalf of those for whom they act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, Married Women, or other Persons; and it shall also be lawful for all Married Women who shall have Right to or be possessed of or interested in such Lands, either absolutely or by virtue of any Right of Terce or other Right, and for all and every Person whomsoever who shall have Right to or be interested in any such Lands, to contract for, sell, feu, or convey to the Trustees all or any Part thereof; and all such Contracts, Sales, Feus, Charters, and Conveyances shall be valid and effectual, notwithstanding the limited or defeasible Nature of the Right and Title, or the Inability or Incapacity of the Parties so contracting, selling, feuing, or conveying, any Law or Custom, or Prohibition in the Titles of such Property, to the contrary notwithstanding; and all such Corporations and Persons aforesaid so contracting, selling, feuing, or conveying are hereby indemnified for what they shall so do in pursuance of this Act: Provided always, that nothing in this Act contained shall authorize the Proprietors of any entailed Lands to sell or convey the same in Feu Farm to the said Trustees, unless the Deed of Entail under which such Lands are held shall authorize such Mode of Sale.

XXII. And for settling all Differences which may arise between the said Trustees, and the several Owners, Lessees, and Occupiers of or Persons or Corporations interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it enacted, That if any Person or Corporation so entitled, interested, or herein capacitated to sell and convey any Lands, shall not agree with the said Trustees as to the Amount of the Purchase Money, Satisfaction, or Compensation due for the same, or if any such Party as aforesaid entitled to receive such Purchase Money, Satisfaction, or Compensation shall refuse to accept the Amount offered by the said Trustees, and shall give Notice of such Refusal in Writing to the said Trustees within One Month next after such Offer shall have been made, and shall in such written Notice request that the Matter in dispute may be submitted to the Determination of a Jury, or if any Party as aforesaid shall for the Space of One Month next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any such Person, or left at his last or usual Place of Abode, neglect or refuse to treat, or shall not agree with the said Trustees for the Sale and Conveyance or Release and Discharge of his said Estate or Interest, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement and Conveyance or Release and Discharge as shall be necessary or expedient for enabling the said Trustees to take such Lands, or to proceed in constructing the Works aforesaid, or if the said Trustees shall, for the Space of Twenty-one Days after Notice in Writing given to them by any Person or Corporation, being an Owner, Lessee, or Occupier, or being interested in any Lands taken, used, damaged, or injuriously affected by the Execution of the

In case the Parties refuse or are incapable to treat, the Value of the Land and of the Damages to be settled by a Jury.

shall be defrayed by the Party with whom the said Trustees shall have such Dispute, and the Remainder shall be defrayed by the said Trustees, and the Remainder of such Costs, Charges, and Expences, having been taxed and decerned for in manner herein-before mentioned, shall and may be deducted out of the Money decerned to be paid to such other Party as so much Money advanced to and for his Use; and the Payment or Tender of the Remainder of the Money so decerned for shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Trustees.

Particulars
of the Costs.

XXVII. And be it enacted, That the Costs of such Inquiry shall be settled by the Sheriff of the County of *Caithness*; and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim, and securing the Costs of such Inquiry; and with respect to any such Costs payable by the said Trustees, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to the said Sheriff, or to any Justice of the Peace of the said County, he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Differences
as to the
Amount of
Damage to
be settled
by the
Sheriff.

XXVIII. And be it enacted, That in case any Difference shall arise between the said Trustees, and any of the Owners, Lessées, or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Value of or the Amount of the Damage done by the said Trustees, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be settled between the said Parties, the same shall be ascertained and determined by the said Sheriff, who, upon Application made to him by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Trustees, provided such Compensation do not exceed the Sum of One hundred Pounds; and the said Sheriff is hereby authorized and required, on Nonpayment of the said Damages for the Space of Twenty Days after the same shall become due, to levy such Damages, and all Costs and Charges attending the same, by Distress and Sale of any Goods and Effects of the said Trustees, in the same Manner as in this Act is directed with respect

respect to the Recovery of Satisfaction or Compensation for other Damages done by the said Trustees.

XXIX. And be it enacted, That the Purchase Money for any Lands purchased, taken, or used for the Purposes of this Act which shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person under any other Disability or Incapacity, or the Recompence to be paid for Damages caused thereby, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British Linen Company*, the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, to the Intent that the same shall be applied, under the Direction of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, in the Purchase of the Land Tax, or towards the Discharge of any Debt or other Incumbrance, or Part thereof, as the Court shall authorize to be paid, affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction of the said Court, in the Purchase of other Lands, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes as the Lands which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchases shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Party who would for the Time being be entitled to the Rents and Profits of the Lands so hereby directed to be purchased in case such Purchases or Settlements were made.

Application of Compensation Money when exceeding 200l.

XXX. And be it enacted, That if such Purchase Money or Recompence shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Party for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, or used, or his Guardian in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into any of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person making such Option, and approved of by the said Trustees of this Act, such Nomination and Approbation to be signified in Writing by the nominating and approving Parties, in order that such Principal Money, and the Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction of the said Court.

When less than 200l. and exceeding 20l.

XXXI. And be it enacted, That where such Purchase Money or Recompence shall be less than Twenty Pounds, then and in all such

When less than 20l.

[Local.]

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Cases

Cases the same shall be paid to the Party for his own Use who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used for the Purposes of this Act, or in case of Infancy or Lunacy then to his Guardian, for the Use of such Infant or Lunatic.

In case of not making out Titles the Court shall order the Price or Compensation to be deposited.

XXXII. And be it enacted, That in case the Party to whom any Sum of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Lands required for the Purposes of this Act to the Satisfaction of the said Trustees, or in case the Party to whom any Sum of Money shall be so awarded as aforesaid cannot be found, or if the Party entitled to such Lands be not known or cannot be discovered, then and in every such Case it shall and may be lawful to and for the said Trustees to pay the Sum of Money so awarded as aforesaid into any of the said Banks to the Credit of the Parties interested in the said Lands (describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands, without any Description of them), subject to the Order, Control, and Disposition of the said Court of Session; which said Court, on the Application of any Persons entitled to or interested in the Lands taken by the said Trustees, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Matter as to the said Court shall seem just and reasonable; and the Cashiers of the said Banks who shall receive such Sum of Money are hereby required to give a Receipt for the same, specifying for what and for whose Use the same is received, to such Party as shall pay any such Sum of Money into any such Bank.

Any Question as to Title how to be settled.

XXXIII. And be it enacted, That where any Question shall arise touching the Title or Interest of any Party to or in any Money to be paid into any such Bank as aforesaid for the Purchase of any Lands, or of any Right or Interest therein, or to any Interest of such Money, the Party who shall have been in possession of the Lands at the Time of such Purchase, and all claiming under such Party or his Possession, shall be deemed and taken to have been lawfully entitled to such Lands according to such Possession till the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the Principal Sum, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful one, and that some other Party was lawfully entitled to such Lands, or to some Right or Interest therein.

Court may order Payment of the Expences of Purchases.

XXXIV. And be it enacted, That where, by reason of any Disability or Incapacity of the Party entitled to any Lands to be taken or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, or to be applied in the Purchase of other Lands, in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof, and

and of the Payment into any of the said Banks of the Purchase or Compensation Money, and of the Re-investment of the said Purchase or Compensation Money in Land, or other Disposition of the same, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Payment of the Principal of the same out of the said Banks, to be paid by the said Trustees, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

XXXV. And be it enacted, That unless the said Trustees shall within the Space of Five Years, to be computed from the passing of this Act, agree for, or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise, or so much thereof as shall be by them deemed necessary and proper for the Purposes of constructing the Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void, save and except with the Consent in Writing of the Owners, Lessees, and Occupiers thereof respectively.

If Land not contracted for within Five Years, Power to take Property without Consent to cease.

XXXVI. And be it enacted, That on or before the Expiration of Twenty-one Days next after Notice in Writing from the said Trustees or their Agent duly authorized of their Intention to take or use any Lands, or any Part thereof, for the Purposes of this Act, and of this Provision, shall have been given to any Person or Corporation having Right to, or being interested in, or authorized by this Act to accept and receive Satisfaction or Compensation for, the Value of the same, or any Estate, Share, or Interest therein, or Burden or Incumbrance constituted thereon, or for any Injury or Damage sustained on account of the Execution of this Act, such Person or Corporation shall deliver or cause to be delivered at the Office of the Clerk of the said Trustees a Statement in Writing of the Particulars of the Estate, Share, Interest, Burden, or Incumbrance which he or they claim to be entitled to or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him or them, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in satisfaction and compensation for the Value of such Estate, Share, Interest, Burden, or Incumbrance, and for such Injury or Damage respectively.

Parties to deliver a Statement of their Claims within Twenty-one Days after Notice.

XXXVII. And be it enacted, That all Persons and Corporations by this Act capacitated to sell, feu, and convey any Lands, or to release and discharge Lands from Feu Duties, Ground Annuals, Casualties of Superiority, or other real Burdens or Incumbrances secured thereon, or owning, occupying, or interested in any Lands through or upon which the Works hereby authorized are intended to be made, may agree to accept and receive, and may, subject to such Restrictions as in this Act are contained as to the Payment thereof, accept and receive, Satisfaction or Compensation for the Value of such Lands, or of their Interest therein, and also for and on account of any Loss or Damage which may be sustained by such Persons and Corporations

Satisfaction to be made for Lands taken for the Harbouf.

Corporations by reason of the taking thereof, or of the Construction of the said Works, in such gross Sums, or, at the Option of such Persons or Corporations, but not of the said Trustees, in annual Payments, Feu Duties, or Ground Annuals, as shall be agreed upon between the said Persons or Corporations and the said Trustees.

Plan and Book of Reference to be open to Inspection;

and Copies thereof furnished if required.

Unintentional Errors in Plan or Book of Reference not to prevent Execution of Act.

Trustees empowered to deviate from Plan to an Extent not exceeding 100 Yards.

XXXVIII. And whereas a Plan and Sections, describing the Lines, Levels, and Situation of the said Harbour and Works, and of the Lands upon or through which the same are intended to be made, and a Book of Reference, containing the Names of the Owners, Lessees, and Occupiers of such Lands, have been deposited with the Sheriff Clerk of the County of *Caithness*; be it enacted, That the said Plan, Sections, and Book of Reference so deposited shall remain with and be kept by the said Sheriff Clerk; and all Persons interested may, at all seasonable Times, inspect such Plan, Sections, and Book of Reference, and may require to be furnished by the said Sheriff Clerk with Extracts therefrom or Copies thereof, and the said Sheriff Clerk shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts; and in respect thereof he shall be entitled to One Shilling for every Hour such Inspection shall continue beyond the First Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if the said Sheriff Clerk shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds; and it shall be lawful for the said Trustees to take and use, and to construct and complete the Works and Improvements hereby authorized to be made and constructed, in or upon the Lands delineated on the said Plan, although the Names of the Owners, Lessees, or Occupiers of such Lands respectively may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, if it shall appear to the Sheriff of the County of *Caithness* (in case of Dispute about the same), and be certified by Writing under his Hand, that such Omission, Misstatement, or erroneous Description appears to have proceeded from Mistake; and the Certificate of the said Sheriff shall be deposited with and remain in the Custody of the Sheriff Clerk of the said County.

XXXIX. And be it enacted, That the said Trustees, in constructing the said Works and Improvements, shall have full Power and Authority to deviate from the Situation thereof, as delineated on the Plan so deposited with the Sheriff Clerk of the County of *Caithness*, as hereinbefore is mentioned: Provided always, that no such Deviation, except into the Sea, shall extend to a greater Distance than One hundred Yards from the Situation of such Works so delineated upon the said Plan, nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, unless with the Consent of the Person whose Lands may be affected by such Deviation, or unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner hereinbefore provided for in Cases of unintentional Errors in the said Book of Reference.

XL. And

XL. And be it enacted, That the Boundaries and Extent of the said Harbour shall be deemed and are hereby declared to be from the outermost Pier Head on the North-east, and thence by a straight Line across the Bay of *Thurso*, to the Limits of the Crown Property of *Scrabster* at the Sea Side on the South-east, and the Space from High-water Mark comprehended within the said Boundaries shall be called *Scrabster* Harbour: Provided always, that in order to prevent the Evasion of the Rates and Duties hereby granted it shall be lawful to the said Trustees to levy the said Rates and Duties on all Vessels, Boats, or Lighters landing or shipping Goods or other Articles, and on all such Goods and other Articles shipped or landed any where between the North-east or outermost Quay or Pier of the Harbour and the Little Head of *Holburnhead*.

Boundaries of the Harbour.

XLI. And be it enacted, That it shall be lawful for the said Trustees, or a Quorum of them, and they are hereby empowered, when they shall judge it necessary, to borrow and take up from Time to Time at Interest any Sum of Money, not exceeding the Sum of Fifteen thousand Pounds in the whole, on the Credit of the said Harbour, and the Rates and Duties and other Revenue and Property of the same, and to grant, assign, and set over the several Rates and Duties granted by this Act to any Persons whomsoever who shall be willing to advance and lend Money thereon, for securing Repayment of the same, with Interest respectively: Provided always, that it shall be in the Power of the said Trustees, as often as any Part of the Debt so contracted as aforesaid shall be repaid to the Creditors having Right thereto, and demanding the same, to borrow such Sum as may be necessary to replace the Sum so repaid, but so that the total Sum borrowed and owing shall not exceed in all the said Sum of Fifteen thousand Pounds; all which Assignments to the Persons lending Money as aforesaid shall be made and granted under the Hands of the said Trustees, or any Three or more of them, in the Form or to the Effect following; (that is to say,)

Power to borrow Money by Assignment not exceeding 15,000*l*.

‘ **BY** virtue of an Act of Parliament made [*here insert the Title of this Act*], We of the Trustees of the said Harbour, in consideration of the Sum of advanced and paid by *A. B.*, do hereby sell, assign, and make over to the said *A. B.*, his [*or her*] Heirs, Executors, and Assignees, the aforesaid Harbour and Works connected therewith, and all and sundry the Rates and Duties payable to us in virtue of the said Act of Parliament, and all our Right, Title, and Interest of, in, and to the same, to be held by the said *A. B.* and his foresaids until the said Sum of with the legal Interest thereof, shall be fully satisfied and paid. In witness whereof we have subscribed these Presents, written by at the Day of before these Witnesses

Form of Assignment.

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Rates and Duties, and Property thereby assigned, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority in Date of any such Assignments, or on any other Account; and a Copy of every such

No Preference to be allowed by reason of Priority of Date.

[*Local.*]

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Assignment

Assignment shall within Twenty-one Days from the Date thereof be entered in a Book to be kept by the Clerk to the said Trustees, which Book shall and may be perused at all seasonable Times by any of the Trustees or Creditors of the said Harbour under this Act, and any other Persons interested therein, without Fee or Reward; and the Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer their Right or Interest therein to any Person or Persons by an Instrument in Writing duly stamped, under their Hands, in the Form or to the following Effect:

Form of
Transfer.

‘ I _____ of _____ in consideration of the
 ‘ Sum of _____ paid by C. D. of _____ do hereby
 ‘ transfer the Assignment made by the Trustees of the Harbour of
 ‘ *Scrabster* to me, bearing Date the _____ Day of
 ‘ and all Interest now due and to become due thereon, and all my
 ‘ Right and Property therein, to the said C. D.
 ‘ his Heirs, Executors, and Assignees. In witness whereof I have
 ‘ subscribed these Presents the _____ Day of _____ before
 ‘ these Witnesses _____

Entry of
Transfer.

And such Transfer may be endorsed upon the principal Assignment, or be written on a Paper apart, and the Person to whom such Transfer shall be made may make another such Transfer thereof by an Instrument in Writing as aforesaid, and so often as such Assignment is meant to be transferred; and every such Transfer shall within Twenty-one Days after the Date thereof be produced to the Clerk to the said Trustees, who shall enter the same, in like Manner as the original Assignment, in the Book to be kept by him for that Purpose; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee, his Heirs, Executors, and Assignees, to the full Benefit of the original Assignment, and it shall not from thenceforth be in the Power of any Person who shall have made any such Transfer to make void, release, or discharge the same, or any Money thereby due, or any Part thereof.

Repayment
of Money
borrowed.

XLII. And be it enacted, That if the said Trustees shall by virtue of this Act borrow any Sum or Sums of Money at a Rate of Interest less than Five Pounds *per Centum per Annum*, it shall be lawful for them to express in the Assignment hereby directed to be granted for the same the Rate agreed on, and also that the Lender or Lenders shall at any Time, upon giving Six Months previous Notice, be entitled to the Repayment of the Sum so lent, or failing such Repayment to Interest for the same at a higher Rate, not exceeding Five Pounds *per Centum per Annum*, from the Expiration of the said Six Months after Notice so given.

Trustees not
to be per-
sonally
liable.

XLIII. And be it enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money, or Interest thereof, by reason of having signed such Security, but such Securities shall be held as granted on the sole Credit and Security of the said Harbour and Rates and Duties, unless it be otherwise specially provided in such Securities, nor shall any Trustee be held personally liable upon any Pretext for the Pay-
ment

ment of any Sum which he shall not have bound himself to pay personally as an Individual, independently of his Office as a Trustee under this Act.

XLIV. And be it enacted, That in case any Person or Banking Company shall agree to allow the said Trustees a Credit to the Extent of the Sum which they are authorized to borrow as aforesaid, or any Part thereof, on a Cash Account, according to the Usage of Bankers in *Scotland*, it shall be lawful for the said Trustees to accept of such Credit, and act upon the same for such Sum or any Part thereof, and the said Trustees are hereby authorized and empowered to assign, by an Instrument in Writing duly stamped, the Rates and Duties or other Revenues of the said Harbour, and the said Harbour, in Security of such Cash Account, to such Person or Banking Company who shall agree to allow the same, but so, that the whole Sum due and owing by the said Trustees upon such Cash Account, and for Money borrowed under this Act, shall never, when taken together, exceed the Sum of Fifteen thousand Pounds.

Cash Account may be opened.

XLV. And be it enacted, That if at the Time appointed by the said Trustees for the Payment of any Subscription or Part thereof by any of the Subscribers to the said Undertaking, such Subscribers or any of them fail to pay the same, the said Trustees may sue such Subscribers for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, from the Day in which such Payment shall have been demanded.

For compelling Payment of Subscriptions.

XLVI. And be it enacted, That so soon as the Works authorized by this Act are completed, a Sum of Money, not exceeding Ten Pounds *per Centum* of the Monies which shall then be due and owing of the Monies borrowed under the Powers given by this Act, if the said Trustees shall deem it expedient, shall, out of the Rates and Duties to be received by them the said Trustees, be set apart yearly by the said Trustees as a Sinking Fund, to be applied in the Repayment of the Sums of Money borrowed and due and owing by the said Trustees as aforesaid.

Sinking Fund to be established.

XLVII. And be it enacted, That so soon as the Piers and Wharfs of the said Harbour shall be in a fit State to receive Vessels thereat, it shall be lawful to and for the said Trustees, and to and for such Persons as they shall from Time to Time authorize and appoint, to demand, levy, receive, collect, and take, for the Purposes of this Act, of and from the Owners and Proprietors of all Goods, Wares, Merchandize, or Commodities whatever which shall be imported into or exported from the said Harbour of *Scrabster*, or within the Space between the North-east Quay or Pier of the Harbour and the Little Head of *Holburnhead*, in any Ship, Vessel, Bark, Boat, or Lighter, or carried along, across, or upon any Part of the Piers or Wharfs or other Works erected by the said Trustees, the Rates and Dues specified in the Schedule (A.) annexed to this Act, and of and from the Owner of every Ship, Vessel, Bark, Boat, or Lighter coming into or going out of the said Harbour, or any Part within the Limits thereof, or within

Power to demand Rates and Duties.

within the said Space between the said North-east Quay or Pier of the Harbour and the Little Head of *Holburnhead*, or loading or unloading at any Part within the Limits of the Harbour; or within the said Space between the said North-east Pier or Quay of the Harbour and the said Little Head of *Holburnhead*, or from the Agents or Managers of such Owners, the Rates and Duties specified in the Schedule (B.) annexed to this Act; but reserving always to Vessels merely using the Anchorage the Right of anchoring according to Use and Wont between the Little Head of *Holburnhead* and the said North-eastmost Quay or Pier of the Harbour, without being liable for any of the Tonnage Duties specified in the said Schedule (B.).

Trustees
may reduce
the Rates.

XLVIII. And be it enacted, That the said Trustees, in General Meetings assembled, may and they are hereby empowered to lessen, reduce, or discontinue the aforesaid Rates and Duties granted by this Act, or any Part thereof, as they shall judge reasonable and expedient, and as the State of the said Rates and Duties and other Revenues, and the Debts and Burdens on the same, will permit, and also to advance or revive the same again in such Manner as to them shall from Time to Time seem meet and expedient, but so as the Rates or Duties, when so advanced or revived again, do not exceed the Rates or Duties herein-before granted: Provided always, that such Rates and Duties shall be lessened, reduced, and advanced equally and in rateable Proportions.

Rates to be
charged
equally.

XLIX. Provided always, and be it enacted, That the several Rates authorized to be taken by this Act shall at all Times be charged equally to all Persons, and after the same Rate in respect of the same Description of Vessels and Goods.

Trustees
may com-
pound for
Rates.

L. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, as they shall see convenient, to compound, for any Time not exceeding One Year, to and with the Owner, Consignee, or Agent, or other Person having the Charge of any Steam or other Vessel plying to and from the said Harbour and any Port or Place in the United Kingdom of *Great Britain* and *Ireland*, which shall make One Trip *per Week*, for the Payment of such Sum of Money as they the said Trustees shall think proper, in lieu of the Tonnage, Anchorage, and Beaconage Dues and Plank Money which would be payable on such Vessels, provided such Composition Money be paid in advance, at such Periods as the said Trustees shall fix: Provided always, that all Compositions made by the Trustees under this Act shall at all Times be made equally and impartially towards all Persons and Companies, and not in favour of or against any particular Person or Company; and all Persons and Companies whomsoever shall be entitled to compound with the said Trustees on the same Terms as shall have been granted in any similar Compositions which the said Trustees may have at the Time agreed to with any other Person or Company.

Application
of Duties.

LI. And be it enacted, That the whole of the Rates and Duties and other Monies levied or received by the said Trustees under the Authority of this Act shall be applied by the said Trustees in
manner

manner following; *videlicet*, in the first place, towards Payment of the Expence of the Plans and the other Expences connected with the preparing, procuring, and passing of this Act; in the second place, the Expence of keeping and maintaining in good Order and sufficient Repair the said Harbour and Road of Access to be made thereto, and in paving, watching, and lighting the said Harbour; in the third place, towards Payment of the annual Interest of the Monies which may be borrowed and due and owing under the Authority of this Act for the Purposes thereof, on the Credit of the aforesaid Rates and Duties in manner herein provided; and, in the last place, towards the Formation of a Sinking Fund, when the same shall be established, for the gradual Extinction of the Money borrowed under this Act and the other Purposes of this Act, and to no other Purpose whatsoever.

LII. And whereas in the course of constructing and maintaining the said Harbour the said Trustees may have Occasion to make or erect One or more Slips or Railways for the repairing of Vessels, be it enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to let such Slips or Railways at such Rates or Dues, and to make such Rules and Regulations for the Government of Persons using such Slips or Railways, as to them the said Trustees shall from Time to Time seem fit and proper; and it shall and may be lawful for the said Trustees to lay down, complete, and maintain One or more Lines of Rails on or over the Works erected by them, and to charge and receive and recover from all such Persons as shall use the said Rails either such Rates or Duties as shall be agreed upon between them and the said Trustees for the Use of such Rails, or such Rates or Duties as shall from Time to Time be fixed and declared by the said Trustees as the Rates and Duties to be paid by the Persons using such Rails.

Trustees to make Rules as to the Use of Slips and Rails.

LIII. And be it enacted, That the said Trustees shall be and they are hereby authorized to procure a Supply themselves, or to treat and agree with any Persons, Corporation, or Company for the necessary Supply of soft fresh Water for the Use of Shipping resorting to the said Harbour, and to give Authority to such Persons, Corporation, or Company to lay Pipes within or upon the said Harbour, and to construct Wells or Fountains for supplying the Shipping frequenting the said Harbour, and to make Rules and Regulations for the Guidance of all Vessels requiring to use such Water, and to regulate and collect Water Dues from all such Vessels.

Trustees to procure a Supply of Water for Shipping.

LIV. And be it enacted, That the said Trustees shall be and they are hereby authorized, from Time to Time, as Occasion shall be, to make Bargains for Materials to be furnished for the Works, and, when it shall appear to be proper, to enter into Contracts in Writing with and give Directions to proper Artificers, Handicraftsmen, and other Workmen, for the Performance and due Execution of the Works which shall from Time to Time be directed by the said Trustees to be done and performed by virtue and in pursuance of this Act, every such Contract in Writing specifying the several Works to be done, the Prices to be paid for the same, and the Time when or within

Trustees may enter into Contracts for Works, &c.

[Local.]

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which

which the said Works are to be completed, and the Forfeitures or Penalties to be borne or suffered for the Nonperformance thereof; and in all Cases where any pecuniary Penalties shall be recovered of and from any Contractor the same shall be paid to the Treasurer of the said Trustees, and be applied to the Purposes of this Act, and to no other Use or Purpose whatever.

Trustees
may erect
Sheds, &c.

LV. And be it enacted, That the said Trustees shall be and they are hereby authorized and empowered to erect and construct upon the said Harbour such and so many Warehouses and Sheds, for the Reception, Deposition, and Protection of the Goods, Wares, or Merchandize loading or unloading thereat, and also such and so many Storehouses, Lofts for Sails and other Rigging, and other Erections for the Accommodation of the Trade, as may from Time to Time appear to them necessary and expedient, and to remove the same when deemed proper, and erect and construct others in their Stead.

Trustees
may license
Pilots.

LVI. And be it enacted, That it shall be in the Power of the said Trustees and they are hereby authorized to license, appoint, and regulate a sufficient Number of Persons who shall be certified to be fully qualified as Pilots for the said Harbour, and to fix the Rates of Pilotage to be paid to such Pilots, and to remove and displace them at Pleasure; and if any Person shall act as Pilot within the Limits of the said Harbour, without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty not exceeding Twenty Pounds Sterling: Provided always, that nothing herein contained shall affect or interfere with the Provisions of any general Act to be hereafter passed for regulating Pilots or Pilotage in *Scotland*.

Trustees
may appoint
Meters and
Weighers.

LVII. And be it enacted, That it shall be in the Power of the said Trustees and they are hereby authorized and empowered to appoint and regulate a sufficient Number of Persons to be Meters and Weighers of Grain, Lime, and Coals imported into the said Harbour, and to fix the Rates to be paid to the said Meters and Weighers, and to remove and displace them at Pleasure; and if any Person, not being a Meter or Weigher appointed by the Commissioners of Customs, shall act as a Meter or Weigher at the said Harbour, without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty not exceeding Twenty Pounds Sterling; and the Measurements of an unlicensed Meter or Weigher, not being a Meter or Weigher appointed by the Commissioners of Customs, shall be deemed illegal; but it shall not be imperative on Importers of Grain, Lime, or Coals to employ Meters or Weighers where the Grain, Lime, or Coals are to be delivered from the Vessels without being measured or weighed.

No Officer
to take any
Fee other
than what is
provided by
this Act.

LVIII. And be it enacted, That no Officer or other Person who shall be employed in the Execution of the Powers of this Act shall take or accept from any Person whomsoever any Fee or Perquisite, Gratuity or Reward, for or in respect of any Matter to be done by him in the Execution of this Act, save what is provided by this Act, and such as shall be ordered and directed by the said Trustees to be paid
to

to such Officer or other Person; and if any such Officer or other Person shall offend herein he shall be thereupon dismissed from such Employment or Office, and be for ever afterwards rendered incapable of holding or executing any Office or Employment under the said Trustees.

LIX. And be it enacted, That the said Trustees shall have Power and they are hereby authorized to appoint, during Pleasure, a Superintendent for the said Harbour, and from Time to Time to fix the Number of inferior Officers and Watchmen to be appointed by the said Superintendent, and to make such Rules and Regulations for the Conduct of the said Superintendent, Officers, and Watchmen, and the Police of the said Harbour, as they the said Trustees shall think expedient; and all such Salaries and Allowances as the said Trustees shall from Time to Time agree to pay or give to the said Superintendent, Officers, and Watchmen shall be paid out of the Monies to be received by the said Trustees by virtue of this Act: Provided always, that the Appointment of such Superintendent shall not take effect until the same shall have been approved and confirmed by the Sheriff of the said County of *Caithness*.

Power to appoint Superintendents and Officers for regulating the Police of the Harbour;

LX. And be it enacted, That it shall be the Duty of such Superintendent, and of such inferior Officers and Watchmen, to guard, patrol, and watch the said Harbour, and the Goods, Wares, and Merchandize therein, and the Vessels of all Descriptions lying at or in the said Harbour, and the Goods, Wares, and Merchandize with which such Vessels may be loaded, and to enforce the Rules and Regulations made or to be made by the said Trustees to be served by all Persons within the said Harbour, and to apprehend all Persons committing or charged with committing a Breach of any of the Rules or Regulations, or committing or charged with committing any criminal, riotous, or disorderly Act within the said Harbour; and it shall also be the Duty of the said Superintendent to afford at all Times to the said Trustees and the Officers appointed by them his best Aid and Assistance relative to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions from the said Harbour, to appoint the requisite Number of efficient and proper Persons to act as inferior Officers and Watchmen, and to dismiss them when he shall see Cause, and in general to aid and assist in the Prevention of Breaches of such Rules and Regulations, and bringing Offenders to Punishment, and to attend to the proper lighting, watching, and cleansing of the said Harbour: Provided always, that the said Trustees shall have Power and they are hereby authorized to dismiss or order to be dismissed any of the Officers or Watchmen appointed by the said Superintendent, at any Time when they shall find it necessary or proper to do so, and any Person so dismissed shall not be again employed in or about the said Harbour, unless with the written Approbation of the said Trustees.

Description of their Duties.

LXI. And be it enacted, That if any Person employed as one of such Officers or Watchmen shall retire from his Duty during the Time he ought to have been on Duty; or if any Person shall entertain or permit or suffer to be entertained in his or her House any such

Penalty on Officers unduly retiring from Duty; and on such Persons en-

tertaining
them during
the Hours
of Duty.

such Person during his Hour of Duty, or shall furnish or supply any such Person employed as aforesaid, or any Person for his Use, with Spirituous Liquors, during his Hour of Duty, every such Person shall forfeit a Sum not exceeding Forty Shillings Sterling for each Offence.

Anchors,
Cables, &c.
found in the
Harbour to
be deposited
in the Place
appointed.

LXII. And be it enacted, That every Fisherman, Boatman, Pilot, or other Person who shall pick up or obtain Possession of any Anchor or Cable, or any Boat, Rope, or Tackling of any Vessel, or any Log or Logs of Timber, or any other Article or Thing whatever, opposite to and within the Limits of the said Harbour, shall within Twenty-four Hours thereafter give Notice thereof to the said Trustees, or any of their Officers or Servants, and shall deposit the same in such Place within such Time as they may direct; and any Fisherman, Boatman, Pilot, or other Person who shall fail to give such Notice and deposit such Articles as aforesaid shall be liable in a Penalty not exceeding Forty Shillings; and the said Trustees shall have Power to fix the Amount of Salvage to be paid to Fishermen, Boatmen, Pilots, or other Persons picking up any of such Articles or Things: Provided always, that nothing herein contained shall be construed to extend to prevent any Officer or Officers of Customs from taking possession of any such Goods which may be prohibited or liable to Duty of Customs in order to secure the same, nor be construed to extend to prevent the Receiver General of Droits of Admiralty from receiving such Goods, and disposing of them according to Law.

Bail may be
taken in
certain
Cases.

LXIII. And be it enacted, That upon the Apprehension of any Person charged with an Offence of aailable Nature, or with a Breach of the said Rules and Regulations, it shall be lawful to the Superintendent and he is hereby empowered to accept of sufficient Bail by Bond or Pledge, and to liberate the Person so apprehended upon Bail being found, it being expressly declared, that the Refusal of the Superintendent to accept of such Bail, and the detaining of the Person so apprehended until he or they can be brought before the said Sheriff of the County of *Caithness*, shall not subject such Superintendent to any Claim of Damage whatever.

Persons
taken into
Custody to
be taken
before the
Sheriff or
Justice of
Peace.

LXIV. And be it enacted, That all Persons taken into Custody, and who shall be detained in Custody, shall be in the course of the Day, or the first lawful Day after their Apprehension, taken before the Sheriff or a Justice of the Peace of the said County, to be dealt with according to such Order or Sentence as the said Sheriff or Justice may judge it expedient to make or pronounce in such Matter.

Persons
charged
with Of-
fences may
be detained
for Examin-
ation.

LXV. And be it enacted, That it shall be lawful for the Sheriff or any Justice of the Peace of the said County to order any Person charged with an Offence under this Act to be detained for affording Time to find Caution, or for further Examination, such Examination always taking place without any Delay, and never longer than Seven Days.

LXVI. And

LXVI. And be it enacted, That where any Person shall have been liberated on Bail, and shall fail to appear, it shall be competent for the Sheriff or Justice of Peace, where such Bail has been taken by Pledge, to declare the same to be forfeited; and in Cases where Bail shall have been given by Bond of Caution, and in Cases where the Offenders shall have found Caution for good Behaviour or keeping the Peace, and shall forfeit the Bond, it shall be competent for the Sheriff or Justice of Peace to order the Cautioner to be cited to make Payment of the Sum contained in the Bond within the Space of Twenty-four Hours; and in default of such Payment after the Lapse of the said Space of Time the Sum specified in such Bond shall thereupon be recoverable, at the Instance of the said Superintendent, by a Precept issued by the Sheriff or any Justice of the Peace, upon a Charge of Three Days; and upon Failure of Payment Warrant may be granted by the Sheriff or any Justice for entering the Ship, House, Shop, Warehouse, Manufactory, or other Place of the Defaulter, and seizing and carrying away, and afterwards selling, so much of the Defaulter's Goods and Effects as may appear sufficient for the Payment of the Sum forfeited, and the Expence of seizing and Sale, as shall be fixed and determined by the Sheriff or Justice; and upon Certification by the seizing Officer of there not being a Sufficiency of such Goods and Effects found attachable it shall and may be lawful to and for the Sheriff of the County of *Caithness* to interpose his Authority for doing the like within his Jurisdiction; and in case of a Sufficiency of such Goods and Effects attachable not being found within the Jurisdiction of the said Sheriff, it shall be lawful for the said Sheriff to grant a Warrant for imprisoning the Cautioner in the Tollbooth of *Wick* or of *Thurso*, if there shall be such Tollbooth, for a Space not exceeding Seven Days, and after such Imprisonment no further Procedure on the Bond shall be competent.

Provision in case Bail has been forfeited.

LXVII. And be it enacted, That a Book shall be kept by the said Superintendent, wherein all Pledges, and the Order regarding and the Manner of disposing of them, shall be entered; and that any Articles pledged shall be redeemable within such Time and on such Terms as the said Trustees shall fix, and if not redeemed at the Time and in the Manner prescribed, the same shall be sold or disposed of in such Manner as the said Trustees shall direct, and the Proceeds of such Sales shall be applied towards the Purposes of this Act.

Articles pledged as Bail.

LXVIII. And whereas it is expedient that in all Cases of Breach of the Rules and Regulations made or to be made by the said Trustees, and of other petty Offences, the Proceedings under the Authority of this Act shall be attended with as little Delay as possible; be it enacted, That the Sheriff or any Justice or Justices of the Peace shall and they are hereby required from Time to Time to adopt the Forms of Proceedings so as to despatch the Business which may come before them or any of them, under the Provisions of this Act, in the easiest and most expeditious Manner: Provided always, that a Record shall be kept of the Charge, and of the Judgment or Sentence pronounced; and in all Cases a Copy of the Charge, and Judgment or Sentence pronounced, certified by the Person pronouncing

Provision as to Proceedings for Breach of the Rules of Police.

nouncing the same, shall be a sufficient Warrant to all and every Person for carrying such Sentence into execution.

Magistrates and Sheriffs may concur in the Execution of Warrants.

LXIX. And be it enacted, That it shall be lawful for the Magistrates of Burghs, Sheriffs of Counties, and Justices of the Peace to grant their Concurrence to the Execution of the Warrants to be granted under the Authority of this Act for searching for or apprehending Offenders, for citing Witnesses, or for any other lawful Purpose; and on such Concurrence being granted it shall be lawful for the said Superintendent, and the said Officers and Watchmen, and all other Officers of the Law, to put such Warrant in execution within the Burgh, County, or Place subject to the Authority of such concurring Magistrate or Sheriff.

No Appeal except to Sheriff of Caithness.

LXX. And be it enacted, That no Appeal, except to the Sheriff of the County of *Caithness*, shall be competent from any Sentence to be pronounced in virtue of the Provisions of this Act by any One or more Justices; and such Appeal shall only be competent within Ten Days after such Sentence shall have been pronounced; and the Decision of the Sheriff in every Case, whether brought before him originally, or brought before him by Appeal, shall be final and conclusive, and not subject to Review or Question by Advocation, Suspension, or otherwise.

Limitation within which Offenders may be punished under this Act.

LXXI. And be it enacted, That no Complaint arising out of any Breach of the Rules and Regulations to be made by the said Trustees shall be received or entertained as a Matter provided for by this Act, unless the same be presented within Six Months after the Offence or Offences complained of shall have been committed, except in Cases where it can be shown that the Offender or Offenders sailed from the said Harbour within Twenty-four Hours after the Offence was committed or the Cause of Action occurred, and then such Complaint may be received and entertained at any Time within Twelve Months after the Offence has been committed.

Offenders may be proceeded against as if this Act had not been passed.

LXXII. And be it enacted, That if the Magistrates or Justices before whom any Complaint is made shall think the Case of any Offender brought before them under the Provisions of the Act deserving of and be liable in a higher Punishment or Fine than is authorized by this Act, such Offender may be proceeded against according to Law, and as if this Act had not been passed.

Magistrates not disqualified from acting as Justices.

LXXIII. And be it enacted, That no Magistrate for the Burgh of *Thurso*, or Justice, although a Trustee under this Act, shall be disqualified from acting as a Magistrate or Justice of the Peace, or exercising Jurisdiction in any thing arising out of this Act, by reason of his being such Trustee.

Power for Her Majesty and Lords of the Treasury to reduce Du-

LXXIV. And be it enacted, That it shall and may be lawful to and for Her Majesty, in and by an Order in Council, or to and for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times, when and so often as She or they shall deem fit so to do, in and by Her or their Order

Order in Writing, to reduce the Duties hereby made payable on all or on such or so many of the Foreign Ships or Vessels, and on all or on such and so many of the Goods and Merchandizes imported or exported in Foreign Bottoms, as She or they in their Judgment shall deem expedient, to the same and like Duties as are hereby and hereafter shall, in pursuance of the Powers herein contained, be made payable in respect of the *British* Ships or Vessels, or the Goods and Merchandizes imported or exported in or by them.

ties on Foreign Ships and Goods.

LXXV. And be it enacted, That the Masters and Owners of all Ships, Vessels, Barks, Boats, and Lighters trading to and from the said Harbour, and liable to the Payment of the Rates and Duties by this Act imposed, shall be and they are hereby required to produce to the said Trustees, or to the Collector or other Officer appointed by the said Trustees, the Registers of their respective Ships, Vessels, Barks, Boats, or Lighters, in order to ascertain the Tonnage thereof, or otherwise they shall permit and suffer the said Ships, Vessels, Barks, or Lighters to be measured by the said Trustees, or by such Person as they shall from Time to Time appoint for that Purpose, such Measurement to be made according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels; and the said Owners and Masters shall pay the Rates and Duties accordingly to such Register or Measurement, besides the Expence of the Measurement; and every Owner or Master aforesaid who shall refuse to produce the Register of his or their Ship, Vessel, Bark, Boat, or Lighter, or to allow the same to be measured as aforesaid, shall for every such Offence forfeit and pay to the said Trustees a Sum, at their Discretion, not exceeding Five Pounds.

Masters of Vessels to produce Registers, or allow their Vessels to be measured.

LXXVI. And be it enacted, That it shall and may be lawful to and for the said Trustees, and to and for such Person as shall be authorized by them for that Purpose, to go on board any Ship, Vessel, Bark, Boat, or Lighter, and to demand to see the Register thereof, and take the Dimension of such Ship, Vessel, Bark, Boat, or Lighter, and to demand, collect, and receive from the Owner, Master, or other Person having the Charge of such Ship, Vessel, Bark, Boat, or Lighter the Rates and Duties by this Act imposed and made payable; and in case of Delay or Refusal of Payment of such Rates and Duties, either on the Voyage inwards or outwards, to seize, take, and detain any of the Goods, Merchandize, Tackle, Furniture, or Apparel of or belonging to any such Ship, Vessel, Bark, Boat, or Lighter, and to keep and detain the same until the said Rates and Duties are paid; and in case of Neglect or Delay in such Payment for the Space of Three Days after such seizing, taking, and detaining as aforesaid, it shall and may be lawful to and for the said Trustees, and to and for such Persons authorized by them as aforesaid, to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell and dispose of the Goods or other Effects taken or appraised, and therewith to satisfy the Rates and Duties so neglected or delayed to be paid, together with the Charge of such seizing, taking, detaining, and selling, as the same shall be ascertained by the Sellers upon Oath, rendering to the Master or Owner of such Ship, Bark,

Power to demand Register and recover Rates.

Bark, Boat, Lighter, or other Vessel, or to the Owner of such Goods, the Overplus (if any be), on Demand.

Vessels not to be cleared till Duties are paid or the Amount consigned ;

LXXVII. And be it enacted, That it shall and may be lawful for the Collector or other proper Officer of Her Majesty's Customs and he is hereby authorized (with the Permission of the Commissioners of Customs) to refuse to receive any Entry, or give or make any Cocquet or other Discharge or Clearance, or take any Report inwards or outwards, for any Ship or other Vessel whatever subject and liable to the Payment of the Rates and Duties imposed by this Act, until the said Rates and Duties shall be paid to the Collector appointed to receive the same, and until a Receipt under the Hand of the said Collector of the said Rates and Duties shall be produced to the said Collector or other proper Officer of Her Majesty's Customs, or a Certificate under the Hand of the Clerk to the Trustees that the Sum demanded on that Account has been consigned and lodged in his Hands, with sufficient Security for the Payment of all Damages, Costs, and Expences which the Collector of the said Rates and Duties may sustain or incur by reason of the Delay or Refusal of Payment, according as the same shall be ascertained and determined by any One or more of the Justices of the Peace in and for the County of *Caithness*; but provided always, that in case it should be found by such Justice or Justices, after hearing both Parties, that the Collector of the said Rates and Duties has made a higher Demand than is authorized by this Act, such Collector shall be liable and decreed to pay the Party complaining such a Sum in the Name of Damages, not exceeding Five Pounds, as shall be adjudged adequate by such Justice or Justices, who are hereby authorized and empowered to hear and decide upon all such Questions and Disputes as shall be brought before them relative to such Matters in a summary Manner.

and if the Sum demanded be higher than authorized by this Act, Damages may be recovered.

Penalty on evading Duties.

LXXVIII. And be it enacted, That if any Master, or any Owner, Factor, or Consignee of any Ship, Vessel, Bark, Boat, or Lighter, or any Owner, Factor, or Consignee of any Goods, Wares, or Merchandize liable in Payment of any of the Rates or Duties by this Act imposed, shall at any Time wilfully elude or evade the Payment of the said Rates and Duties by any Means whatsoever, every such Master or other Person as aforesaid shall for every such Offence forfeit to the said Trustees a Sum not exceeding Five Pounds, over and above the Payment of the said Rates and Duties, which shall and may be recovered in the Manner provided by this Act.

Exemptions from Duties.

LXXIX. And be it enacted, That no Rate or Duty shall be chargeable for or in respect of any of Her Majesty's Ships of War, or any Ship, Transport, or Packet, or other Craft in the Service of Her Majesty's Customs or Excise, or any Ship or Vessel employed in or upon Her Majesty's Service in the Conveyance of any Ordnance Stores, or Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, nor in respect of any Ships or Transport or Packet employed exclusively in Her Majesty's Service in carrying the Mails or Letters or Express under the Authority of Her Majesty's Postmaster General; but if any Person or Persons shall claim

claim and take the Benefit of any of the Exemptions aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and above the Rates and Duties imposed by this Act.

LXXX. And be it enacted, That it shall and may be lawful to and for the said Trustees, and their Officers, Collectors, or other Persons to be appointed by them, in case of Neglect, Delay, or Refusal to pay the said Rates and Duties, instead of recovering the same by Seizure, Detention, or Pounding in manner aforesaid, or in case the whole thereof shall not be recovered, to proceed for the Recovery of the same, or so much thereof as shall not be so recovered, if exceeding in Amount the Sum of Twenty Pounds in the whole, by Action of Debt; and in Cases where the said Rates and Duties shall not amount in the whole to the Sum of Twenty Pounds, it shall be lawful for any One or more Justice or Justices of the Peace, or for the Sheriff of the said County of *Caithness*, to issue a Summons, at the Instance of the said Trustees, or of any Collector or Officer appointed by them, from Time to Time, to summon and call before him or them by Summons, at any Time and Place lawful and convenient, all or any Persons, being the Owners, Part Owners, Consignees, or Masters, or having the Rule or Command of any Ship or other Vessel, or any other Persons liable to pay any of the Rates or Duties by this Act imposed, and to examine and inquire of and concerning all and every or any Ships or other Vessels, Goods, Wares, and Merchandize, or other Matters or Things liable to the Payment of any of the Rates or Duties hereby imposed, and whether all or what Part or Parts of such Rates or Duties shall be legally exigible, and shall have been paid or not paid, and when and by whom, and to whom, and to determine the Amount thereof and other Matters in dispute between the Parties, and to issue a Decree or Warrant for Payment thereof, if the same shall not exceed in the whole the Sum of Twenty Pounds, and also to award such Costs to be paid by either Party to the other as such Justice or Justices or Sheriff shall see reasonable; all which Rates and Duties, for which a Decree or Warrant shall be given as aforesaid, and all Costs so awarded, shall and may be recovered by ordinary legal Diligence, or, in the Option of the Pursuers, by a Sale of the Ship or Vessel, or of the Tackle, Apparel, or Furniture thereto belonging, or any Part thereof, or of all or any Part of the Goods, Wares, or Merchandize, or others, in respect of which the said Rates and Duties shall be exigible, by Warrant or Decree of such Justice or Justices, or Sheriff, which Warrant every such Justice or the said Sheriff is hereby empowered to issue; and the Overplus of the Proceeds (if any) shall be returned, upon Demand, to the Proprietor of the Ship or Vessel, Goods or others, so sold.

Recovery of Rates by Action.

LXXXI. And be it enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Collector or other Officer appointed by the said Trustees employed in the due Execution of this Act, or shall assault any Officer, Collector, or other Agent of the said Trustees in the Execution of his Office, every such Person shall for every such Offence forfeit and pay any Sum not

Penalty for resisting Payment of Rates, &c.

[Local.]

10 X

exceeding

exceeding Ten Pounds, to be fixed by a Warrant or Decree of any Justice of the Peace or the Sheriff of the County of *Caithness*.

Leases may
be granted
of the Rates.

LXXXII. And be it enacted, That it shall and may be lawful for the said Trustees to let on Lease all or any of the Rates and Duties by this Act authorized to be taken, for any Term of Years not exceeding Seven Years, and for Payment of any such Rent as they shall think proper; and in case of the said Rates and Duties being so let the Tenants shall have the same Powers and Privileges as to levying, recovering, and collecting the said Rates and Duties as are by this Act conferred upon the said Trustees.

List of Rates
to be pub-
licly ex-
hibited.

LXXXIII. And be it enacted, That the said Trustees shall from Time to Time cause to be painted and affixed and continued, and renewed as often as the same shall be obliterated and defaced, upon a conspicuous Place in or near the said Harbour, in large and legible Characters, a List of the several Rates and Duties for the Time being by this Act authorized to be taken; and it shall not be lawful to demand and take, or cause to be demanded and taken, any of the said Rates or Duties, but during such Time as the List shall remain fixed as aforesaid.

Rates not to
be again paid
on Vessels
putting back.

LXXXIV. And be it enacted, That no Ship, Vessel, Steam Ship or Steam Boat, or other Craft, for which the Tonnage Duty exigible by this Act shall have been once paid, shall be liable or be obliged to pay the same in case of such Ship, Vessel, or Craft being put back to the said Harbour during the Voyage for which the Tonnage Duty was paid.

Power to
erect Cranes
and Weigh-
ing Ma-
chines.

LXXXV. And be it enacted, That the said Trustees shall be and they are hereby authorized and empowered to erect such and so many Cranes and Weighing Machines within the said Harbour as may appear to be requisite for the loading, unloading, and weighing of such Goods, Wares, and Merchandize as may be imported at and exported from the said Harbour, and to provide all such Weights and Measures as may be necessary for weighing and measuring the said Goods, Wares, and Merchandize; and the said Trustees are hereby authorized and empowered to demand, levy, collect, receive, and take, for the Use of such Cranes and Weighing Machines, of and from all and every the Owners, Agents, or other Persons having the Charge of such Goods, Wares, and Merchandize, such reasonable Rates and Duties as they shall think proper; and if any Difference shall arise between any Collector of the said Rates and Duties, and the Master or any other Person having the Care or Charge of any Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft coming to or departing from the said Harbour, or the Owner, Factor, Consignor, or Consignee of any Goods, Wares, Merchandize, or other Things therein embarked or contained, concerning the Weight or Qualities of the Goods, Wares, Merchandize, or other Things loaded or embarked therein, it shall be lawful for any such Collector to stop and detain any such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, and to weigh or gauge, or cause to be weighed or gauged the same, and all such Goods, Wares, and Merchandize,

or

or other Matters or Things as shall be therein embarked or contained; and in case the same shall upon any such weighing or gauging appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, then it shall and may be lawful to and for the Trustees, or their Collectors, and they are hereby authorized and empowered, to charge for such Goods and Things according to the Weight thereof found upon such weighing, or declared by the Gauge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft; and the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing and gauging, all which Costs and Charges, upon Refusal of Payment, on Demand, shall and may be recovered and levied in the same Manner as the Rates and Duties imposed by this Act are hereby appointed to be recovered and levied; but if such Goods, Wares, and other Merchandize, or other Matters or Things, shall appear to be of the same or of a less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Trustees, and their Collector, as the Case may be, shall pay the Costs and Charges of such weighing and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention.

LXXXVI. And be it enacted, That if any Goods, Wares, Merchandize, or Commodities, or other Matters or Things whatsoever, shall remain upon any of the Piers or Quays of the said Harbour for a longer Period than Twenty-four Hours from the Time when such Goods, Wares, Merchandize, or Commodities, or other Matters or Things, shall have been placed thereupon, then and in every such Case it shall be lawful for the said Trustees, or for the Collector or other Person appointed by them, to levy a Sum not exceeding the Amount of the Rates and Duties by this Act imposed upon the said Commodities, and that over and above the said Rates and Duties; and it shall be lawful to exact the said additional Rates and Duties for each and every successive Period of Twenty-four Hours during which the said Goods, Wares, Merchandize, or Commodities, or other Matters or Things, shall remain on the said Piers or Quays.

Additional Rates for Articles remaining above a certain Time on the Quays.

LXXXVII. And be it enacted, That the said Trustees, or any Officer or Person employed by them in virtue of this Act, shall have Power, and they are hereby authorized, if they shall see Cause, to remove or cause to be removed all such Goods, Wares, Merchandize, Commodities, or other Matters or Things as shall be allowed to remain on the said Piers or Quays; and all Horses and Live Stock shall be immediately removed, and be carried to any Warehouse, Yard, or other Place of Safety, and there be detained and kept till Payment of the Charges incurred by such Removal, keeping, and Detention, together with the Rates and Duties herein-before authorized to be levied on the said Goods, Wares, Merchandize, Commodities, Horses, and Live Stock as aforesaid.

Power to remove Articles.

LXXXVIII. And

Power to
remove Ves-
sels from
one Berth to
another.

LXXXVIII. And be it enacted, That the said Trustees, or such Person as they shall authorize and appoint, shall and may and they are hereby authorized and empowered, when and so often as they shall judge necessary, to remove or cause to be removed any Vessel, Bark, Lighter, or Boat lying in any of the Entries or Channels of the said Harbour, or at any Quay, Pier, or Work to be built in pursuance of this Act, or in any other Part of the said Harbour, from her Berth or Lying Place at which such Vessel respectively may happen to be moored or lying at the Time to any other Berth or Lying Place in the said Harbour; and in case the Master or other Person having the Charge of such Ship, Vessel, Bark, Lighter, or Boat shall neglect or refuse to remove or cause to be removed, upon being required to do so by the said Trustees, or such Person as they shall authorize as aforesaid, as soon after such Requisition as the State of the Tide will permit, such Ship, Vessel, Bark, Boat, or Lighter from her said Berth or Mooring Place to such other Berth or Mooring Place as shall have been appointed as aforesaid, then and in that Case the said Trustees, or any Person authorized by them as aforesaid, shall be and are hereby empowered, immediately on such Refusal or Neglect, to remove or cause to be removed such Ship, Vessel, Bark, Lighter, or Boat from her then Berth or Mooring Place to such other Berth or Mooring Place as the said Trustees, or the Person or Persons authorized by them, shall judge proper; and the Master, Owner, or Consignee of such Ship, Vessel, Lighter, Bark, or Boat so removed shall be obliged to pay to the said Trustees all the Costs and Charges that shall have been reasonably incurred and expended in accomplishing such Removal; and every Master or other Person having or being in the Command or Charge of any such Vessel, or any other Person or Persons, who shall obstruct or hinder the Removal as aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling to the said Trustees or any Person appointed by them.

No Com-
bustibles to
be allowed
to remain on
the Quays
or on Decks
of Vessels.

LXXXIX. And be it enacted, That no Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other Combustibles shall be suffered to remain on the Quays or Piers to be constructed within the said Harbour, or upon the Deck of any Ship or Vessel lying therein, after being passed by the Officers of Customs; and in case such Goods and Articles of Trade cannot be removed from such Place or Places by Daylight, then and in every such Case the Owners of such Goods or Articles aforesaid shall be obliged, as they are hereby required, to set and maintain at their own Expence a sufficient Number of sober and careful Persons to guard and watch the same for so many Hours, according to the Season of the Year, as the said Trustees, or the Berthing Master or Berthing Masters, or other Person authorized by them as aforesaid, shall direct; and in case the Owners of such Goods or other Articles above mentioned, or the Masters of such Ships, Barks, or other Vessels, shall not obey the Directions so given, it shall be in the Power of the Trustees, or the Person authorized by them as aforesaid, to cause the same to be removed or watched at the Expence of such Owners or Masters; and every such Owner or Master shall for every such Default forfeit and pay

pay a Sum not exceeding Five Pounds, besides such Expence and any Damage occasioned by their not removing or watching the said Goods or Combustibles as aforesaid.

XC. And be it enacted, That no Gunpowder shall be suffered to be or remain on board any Ship or Vessel, except Ships or Vessels in the Service of Her Majesty's Government, for any longer Time than Six Hours after the Arrival of such Ship or Vessel in the said Harbour, nor after such Ship or Vessel shall have been moored, though within such Six Hours, upon pain that every Master and Owner of such Ship or Vessel shall forfeit for every such Offence the Sum of Five Pounds Sterling, besides the Damage occasioned by his Default; and in case any Ship or Vessel in which any Gunpowder shall happen to be shall arrive in the said Harbour on a *Sunday* or any Custom House Holiday, it shall be lawful for the Master or Commander of any such Ship or Vessel to land the same, without a Sufferance or Leave from the Officers of Her Majesty's Customs at the said Port for so doing, provided the same be done in the Presence of a Tide Surveyor or Coast Waiter.

Gunpowder not to remain in Vessels more than Six Hours.

XCI. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Person to throw or empty any Ballast, Dirt, Ashes, Rubbish, Shingle, Stones, or any other Thing into the said Harbour or Entrances thereto, or within Five hundred Yards of any of the Piers thereof, or to dig or take away any Ballast, Shingle, Stones, or other Thing from within the same, or within One hundred Yards of any of the Piers thereof, without Leave of the Trustees in Writing, under a Penalty not exceeding Ten Pounds Sterling for every such Offence, over and above the Expence of repairing the Damages; and if any Person shall cast out or deposit any Ballast out of any Ship or Vessel upon any of the Quays, Piers, or Works, or in any other Place in or about the said Harbour, such Person shall be obliged immediately to cause the same to be carried off, on pain of forfeiting for every such Offence a Sum not exceeding Five Pounds Sterling, over and above the Expence of removing the same.

Ballast, &c. not to be thrown into the Harbour.

XCII. And be it enacted, That if any Person shall wilfully and maliciously demolish, break down, or destroy any of the Jetties, Piers, Quays, or other Works in or belonging to the said Harbour, every such Person so offending shall forfeit and pay any Sum not exceeding Twenty Pounds, over and above making good the Damage thereby done.

Penalty on destroying Works.

XCIII. And be it enacted, That all Forfeitures and Penalties imposed by this Act shall and may, except in Cases herein otherwise specially directed, be sued for by the said Trustees, or any of them, or any Person aggrieved, and be adjudged and recovered by and under the Authority of the Sheriff or Justice of Peace Court of the said County; and it shall be lawful for such Court, on Complaint made by the said Trustees, or any of them, or Person aforesaid, of every Offence against this Act, to grant Warrant to summon the offending Party to appear before such Court, and upon Proof of such Offence, by voluntary Confession or by the Oath of One or more credible Witnesses,

Recovery of Penalties.

nesses, or other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or closed Record or Minutes of Evidence; and where such Court shall find the Complaint relevant and proven it shall find the Penalty due; and so soon as the Penalty has been found due and its Amount fixed, a Decerniture shall be given for the Amount, with the Expences of Suit, in favour of the said Trustees, or either of them, or Person to whom the same is or shall be payable: Provided always, that where there is no special Provision in this Act as to the Person to whom any such Penalty shall be due and payable, such Court shall have Power to find the Whole or any Part thereof due to the said Trustees or Persons suing for the same, or the Whole or any Part thereof due to any other Person aggrieved; and such Court shall at the same Time grant Warrant for the Recovery thereof, failing Payment within Eight Days from the Date of such Decree and Warrant, by Pounding and Sale of the Goods and Effects of the Offender, or by Imprisonment in the House of Correction, Bridewell, or Common Gaol wherein such Court is authorized by Law to incarcerate Offenders, for a Period at the Discretion of such Court, but not exceeding Three Months, it being hereby provided that a Record shall be kept of the Complaint, and of the Judgment and Warrant thereon.

Appeal.

XCIV. And be it enacted, That if any Person shall think himself aggrieved by any Decision, Warrant, or Order of any Justice or Justices of the Peace in the Execution of this Act, or by any Bye Law or Regulation made by the Trustees under this Act, or in pursuance thereof, it shall be competent for such Person to apply for Redress by way of Appeal to the Sheriff of the County of *Caithness*, provided that such Appeals or Applications for Redress shall be entered within Eight Days after the Decision of such Justice or Justices shall have been given, and Security for the Payment of the Costs and Issue of Suit being given by the Party appealing or applying for Redress; and the said Sheriff shall in all Cases proceed and determine summarily, and his Decision shall be final, and not subject to Review of any Superior Court by Suspension, Advocation, or Reduction.

For apprehending transient Offenders.

XCV. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Officers or Persons acting under the Authority of this Act, be it enacted, That it shall and may be lawful to and for the said Officers or Persons respectively to seize and detain any such unknown Persons guilty of any Offence against this Act, and to convey them before any One or more of the Justices of the Peace for the same County of *Caithness*, without any other Warrant than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offenders, in a summary Way.

Releases to Witnesses.

XCVI. And be it enacted, That in all legal Proceedings under this Act general or other Releases for the Purpose of qualifying any Person to give Evidence as a Witness may be granted by the Clerk or Treasurer of the said Trustees; and every such Release or Discharge

charge under the Hand of the Clerk or Treasurer shall be as effectual for the Purpose aforesaid as if made and signed by the whole Body of Trustees.

XCVII. And be it enacted, That in all Cases where any Person or Party has to serve any Notice upon the said Trustees, or any Citation or Summons or other legal Proceeding, the Service upon the Clerk, Treasurer, or other Officer of the said Trustees personally or at his Abode or Place of Business, or at the Office of the said Harbour, shall be deemed good and sufficient Service of the same on the said Trustees.

Notices on Trustees how to be served.

XCVIII. And be it enacted, That nothing in this Act contained shall authorize the said Trustees to make or maintain any Works below the ordinary High-water Mark at Spring Tides, without the previous Consent of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

No Works below High-water Mark to be made without Consent of the Admiralty.

XCIX. And be it enacted, That it shall and may be lawful to and for the said Trustees at any Time or Times to make, ordain, and establish such Orders, Rules, and Bye Laws for the deepening, cleaning, and keeping in repair and managing the said Harbour, and for supplying Shipping with Ballast, and for accomplishing the other Purposes of this Act, and from Time to Time, as Occasion shall require, to repeal, amend, or alter such Rules, Orders, and Bye Laws in such Way as shall appear most proper, according to the Spirit of this Act, and to fix and declare reasonable pecuniary Penalties not exceeding Five Pounds Sterling for each Default in Observance or Breach of the said Regulations and Bye Laws, or any of them, to be recovered and applied in the same Way as Penalties imposed by this Act are ordered to be recovered and applied: Provided always, that such Rules, Regulations, and Bye Laws shall not be repugnant to the Laws in that Part of the United Kingdom of *Great Britain and Ireland* called *Scotland*, or to any thing in this Act contained; and such Orders and Bye Laws shall be printed and distributed, and Copies thereof painted on Boards affixed on Two or more of the most conspicuous Places at or near the said Harbour, and which Boards shall from Time to Time be renewed by the said Trustees when in any way defaced or destroyed, which Rules, Orders, and Bye Laws shall be subject to be appealed from by any Person thereby affected in manner herein-before mentioned; and provided always, that no such Orders, Rules, and Bye Laws shall be of any Force or Effect until the same shall have been submitted to and approved of by the Sheriff of the said County of *Caithness*; and provided further, that in all Cases the Justices or Court before whom any Complaint shall be brought shall have full Power to mitigate the Penalty imposed by any such Orders, Rules, and Bye Laws.

Power to make Bye Laws.

C. And be it enacted, That if any Person shall wilfully or maliciously deface, pull down, or destroy any Board whereon the said Orders or Bye Laws shall be painted, and which shall be affixed by the

Penalty on defacing Boards on which Bye the

Laws are
painted.

the said Trustees as aforesaid, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
Persons vot-
ing for Trus-
tees without
being qua-
lified.

CI. And be it enacted, That if any Person, not being qualified in Terms of the Provisions of this Act to vote in the Election of any Trustee under this Act, shall nevertheless vote in such Election, such Person shall forfeit and pay the Sum of Five Pounds, *toties quoties*.

Interpreta-
tion Clause.

CII. And be it enacted, That where in this Act any Word shall be used importing the Singular Number only, such Word shall extend and be applied to several Persons or Things as well as one Person or Thing; and where any Word importing the Plural Number shall be used, the same shall extend and be applied to one Person or Thing as well as several Persons or Things; and where any Word shall be used importing the Masculine Gender only, such Word shall be understood to include Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include Tenements, Buildings, and all Heritages whatsoever; and where the Word "Sheriff" is used, the same shall be understood to include "Sheriff Substitute;" and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Month" is used, the same shall be understood to mean Calendar Month; and where the Word "Harbour" is used, the same shall be understood to mean the "Harbour of *Scrabster*," and shall include the whole Precincts thereof, and the Piers, Wharfs, and other Works which are hereby authorized to be made or maintained; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Expences of
Act.

CIII. And be it enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid and discharged by and out of any Money to arise by virtue of this Act.

Public Act.

CIV. And be it enacted, That this Act, and all the Powers and Authorities of the same, shall commence and take effect after the passing thereof; and that it shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHEDULE (A.) to which the foregoing Act refers.

RATES AND DUTIES ON GOODS, &c. SHIPPED OR LANDED.

	s.	d.
For Wheat, Rye, Barley, Bear or Bigg, Malt, Oats, Peas, Beans, Tares, and Rye Grass Seeds, per Quarter	0	1
Oatmeal, per Boll	0	1
Bear or Barley Meal, per Boll	0	1
Pot or Pearl Barley, per Cwt.	0	2
Split Peas, per Cwt.	0	2
Rice, per Cwt.	0	3
Biscuit, per Cwt.	0	3
Flour, per Sack	0	4
And in proportion for any lesser Quantity.		
Salted Beef, Pork, or other Provisions, per Barrel	0	4
Ditto, per Half Barrel	0	2
Ale, Beer, or Porter, per Hogshead	0	6
Ditto, in smaller Casks, in proportion.		
Wine, per Pipe or Puncheon	2	0
Ditto, in smaller Casks, in proportion.		
Whiskey, per Gallon	0	0½
Raw Sugar, per Hogshead	1	6
Ditto, in smaller Casks, in proportion.		
Loaf or Lump Sugar, in Cask or Package, per Cwt.	0	4
Tallow, per Cwt.	0	3
Every Bale or Truss of Goods, per Barrel Bulk	0	2
Wool Yarn or Cotton, per Cwt.	0	6
Smaller Quantities in proportion.		
Undressed Flax, per Cwt.	0	6
Dressed Flax, per Cwt.	0	9
Tow, per Cwt.	0	4
Unwrought Iron, per Cwt.	0	1
Wrought Iron, per Cwt.	0	2
Coach, Gig, or Cart Wheels, per Pair	0	6
Copper or Brass, wrought, per Cwt.	1	0
Ditto or Ditto, unwrought, per Cwt.	0	6
Pewter, per Cwt.	0	4
Lead, per Cwt.	0	2
Scotch Coals, per Ton	0	6
English Ditto, per Ton	0	6
Salt, per Ton	0	6
Dried Cod, Ling, or Hake, per Cwt.	0	1
Wet Cod, per Barrel	0	2
Ditto, per Half Barrel	0	1
Herrings cured, White or Red, per Barrel	0	1
Ditto, per Half Barrel	0	0½
And in proportion for smaller Casks.		
Lime Shells, per Boll	0	1
Slacked Lime, per Boll	0	0¼
Salmon, per Barrel	0	3
Ditto, per Half Barrel	0	1½
Ditto, per Kit	0	0½
[Local.]		
10 Z		

	s.	d.
Battens, Eight Feet long, and not exceeding Twenty Feet in Length, per Dozen	0	3
Ditto, exceeding Twenty Feet long, per Dozen	0	4
Batten Ends, under Eight Feet long, per Dozen	0	1½
Deals, exceeding Twenty Feet long, per Dozen	0	6
Ditto, Eight Feet and not more than Twenty Feet in Length, per Dozen	0	4
Deal Ends, under Eight Feet long, per Dozen	0	2
Fir Timber, in Log or in Plank, per Load of Fifty Cubic Feet	1	0
Balks or Fir Quarters, Twenty-two Feet long or upwards, per Dozen	2	0
Ditto, Fifteen Feet long and under Twenty-two Feet, per Dozen	1	6
Ditto, under Fifteen Feet long, per Dozen	1	0
Oak, in Log or in Plank, per Load of Fifty Cubic Feet	1	6
And in proportion for any lesser Quantity than a Load.		
Hard Wood of any Kind, in Log or in Plank, per Load of Fifty Cubic Feet	1	6
And in proportion for any lesser Quantity than a Load.		
Handspikes, per Dozen	0	1
Oak Knees, per Dozen	0	1
Lathwood, per Fathom	1	0
Lathwood, split, per Bundle	0	0½
Masts, Six Inches in Diameter or under, each	0	6
Ditto, Six Inches in Diameter and under Twelve, each	1	0
Ditto, Twelve Inches in Diameter and upwards, each	1	6
Spars, under Twenty-two Feet long and under Four Inches Diameter, each	0	0¼
Ditto, Twenty-two Feet long or upwards and under Four Inches Diameter, each	0	0¼
Ditto, Four Inches in Diameter and upwards, each	0	0½
Oars, each	0	0½
Spokes for Wheels, per Hundred	0	2
Pipe Staves, per Dozen	0	2
And in proportion for any lesser Quantity.		
Hogshead Staves, per Dozen	0	1
Barrel Staves, per Dozen	0	0¼
Oak, Birch, or other Bark, per Ton	1	6
And in that Proportion for any lesser Quantity.		
Wood Hoops, per Bundle of One hundred and twenty Hoops	0	1
Mill Stones, each	2	0
Grind Stones, each	0	1
Bricks, per Hundred	0	1½
Tiles, per Hundred	0	2
Slates, per Thousand	1	0
Dressed Freestone, per One hundred Feet superficial	1	6
Rough Ditto, per Ton	0	6
Whin or Ruble Stone, per Ton	0	1
Flat Paving Stones or Flags, per Ton	0	6
Every Trunk, Chest, or Box, per Barrel Bulk	0	3
Every small Bundle or Parcel	0	1
Hops, per Pocket	1	0
And in proportion for any lesser Quantity.		
Butter, per Cwt.	0	3
Cheese, per Cwt.	0	2
Oil, per Barrel	0	4
And so in proportion for any larger or smaller Cask of Oil.		
Grease, Butter, or Smearing Materials, per Cwt.	0	2
Tar, or Pitch, per Barrel	0	4

	s.	d.
Apples, Pears, or Onions, per Bushel	0	2
Oranges or Lemons, per Chest	0	6
Potatoes, per Boll	0	1
Dressed Hemp, per Cwt.	0	4
Undressed Hemp, per Cwt.	0	2
Ropes or Cordage, per Cwt.	0	6
Nets, per Barrel Bulk	0	2
Pot, Pearl, or Wood Ashes, per Cwt.	0	2
Soap, per Cwt.	0	2
Raw Hides, each	0	0 $\frac{1}{2}$
Tanned Leather, per Cwt.	1	0
Leather Scrows, per Cwt.	0	2
Crate of Glass, per Barrel Bulk	0	4
Crate of Earthenware, each	0	6
Half Crates of Earthenware, each	0	3
Ranges or Grates (large), each	0	6
Ditto (small), each	0	2
All Articles of Household Furniture, per Barrel Bulk	0	3
Any such Article less than a Barrel Bulk	0	2
Empty Bottles, per Gross	0	6
Wine in Bottles, per Dozen	0	2
Empty Hogsheads, each	0	1
Empty Barrels, each	0	0 $\frac{1}{2}$
And so in proportion for larger or smaller Casks.		
Each Four-wheeled Carriage	2	6
Each Two-wheeled Carriage	1	6
Each Cart	0	9

LIVE STOCK.

Each Bull	2	0
Each Cow, Heifer, or Ox	1	0
Each Calf	0	6
Each entire Horse	5	0
Each other Horse for Riding or Harness	2	6
Each Colt or Filly	1	6
Each Pony under Thirteen Hands	1	0
Each Sheep or Lamb	0	1
Each Swine or Pig	0	2
Each Goat	0	1
Each Dog for Sporting	0	3
Each other Dog	0	1
Each Turkey or Goose	0	0 $\frac{1}{2}$
Fowls or Ducks, per Dozen	0	3
Game in Boxes or Baskets, per Barrel Bulk	0	6
Smaller Packages in proportion.		
Eggs, per Hundred	0	1

For Lumber, and every other Article not before specified in this Table, at the Rate of Five per Cent. on the Freight, and in that Proportion.

SCHEDULE (B.) to which the foregoing Act refers.

TONNAGE DUTIES ON VESSELS, &c.

Class First.

For every Ship, Bark, Brig, Sloop, Lighter, Steam Vessel, Steam Boat, or other Vessel or Boat whatever, entering or arriving at or within the Bounds or Limits of the Harbour, for the Purpose of landing or taking on board any Goods, Passenger or Passengers, or touching at or taking Advantage or Benefit of any of the Piers or Quay of the Harbour, or coming within the Bounds thereof from any Port or Place in the United Kingdom of Great Britain and Ireland, or from the Islands of Guernsey, Jersey, Alderney, Sark, or the Isle of Man, the following Sums; viz.

- I. Each such Ship, Bark, Brig, Sloop, Lighter, Yacht, or other Vessel or Boat (not being a Steam Vessel or Steam Boat), if of the Measurement of Forty Tons or upwards, Four-pence Sterling for each and every Ton the same shall measure.
- II. Each such Ship, Bark, Brig, Sloop, Lighter, Yacht, or other Vessel or Boat (not being a Steam Vessel or Steam Boat), if of the Measurement of Twenty Tons but under Forty Tons, Three-pence Sterling for each Ton the same shall measure.
- III. Each such Ship, Bark, Brig, Sloop, Lighter, Yacht, or other Vessel or Boat (not being a Steam Vessel or Steam Boat), if of or above the Measurement of Five Tons but under Twenty Tons, Two-pence Sterling for each Ton the same shall measure.
- IV. Each Steam Vessel or Steam Boat, of whatever Measurement, Two-pence Sterling for each and every Ton the same shall measure. And
- V. Each Boat or Vessel of any Description under Five Tons, One Shilling Sterling.

For any Vessel that may remain in the Harbour for a longer Period at any One Time than Fourteen Days, unless being Windbound, there shall be levied additional Tonnage Duties, not exceeding the Rates before mentioned, for every additional Fourteen Days, or any lesser Number of additional Days such Vessel may so remain.

But with regard to open or undecked Boats engaged in the Herring Fishing, and while prosecuting the same, having Occasion to enter the Harbour or come within the Limits thereof to land their Fish or put the same on Ship-board, the Owners of such Boats, in place of paying Tonnage Dues at the respective Rates before mentioned every Time such Boats enter the Harbour or come within the Limits thereof, shall have the Option of compounding for the Tonnage Dues for the Season for such Boats while engaged in prosecuting the Herring Fishing, at the Rate of Eight Shillings for each such Boat.

Class Second.

For every Ship, Bark, Brig, Sloop, Lighter, Yacht, Steam Vessel, Steam Boat, or other Vessel or Boat whatsoever, entering or arriving at the said Harbour for the Purpose of landing or taking on board any Goods, Passenger or Passengers, or touching at or taking Advantage or Benefit of any of the Piers, Quays, or Wharfs of the Harbour, or coming within its Limits from any Country, Island, or Place whatsoever not before named in this Schedule, Six-pence Sterling for each and every Ton the same shall measure.