CHAPTER xxv.

An Act for making and maintaining a Harbour at Thurso, in the county of Caithness; and for other purposes. A.D. 1889.

[24th June 1889.]

WHEREAS the making and maintenance of a harbour and all necessary works connected therewith at Thurso, in the county of Caithness, would be of local and public advantage:

And whereas it is expedient that a body of trustees should be incorporated for the purpose of making and maintaining the harbour and works, and carrying the undertaking hereinafter described into execution, and should be authorised to borrow money to defray the cost of such works, and for other purposes connected with the harbour:

And whereas, under an Act passed in the forty-second year of the reign of His Majesty King George the Third, intituled "An "Act for building and maintaining a Harbour and Pier at the town "and in the parish of Thurso, in the county of Caithness," certain persons therein named were incorporated into a company for the purpose of constructing harbour works, and for other purposes mentioned in the said Act, but such works and purposes have not been carried into execution, and it is expedient that the said Act should be repealed: 42 Geo. III. c. cxii.

And whereas the magistrates and town council of the burgh of Thurso have, or claim to have, certain estate, interest, powers, rights and privileges in or connected with the harbour of Thurso, and it is expedient that all such estate, interest, powers, rights and privileges should, as in this Act provided, be transferred to and vested in the Trustees incorporated by this Act:

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required, or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk of the county of Caithness, at his offices in Wick and Thurso respectively, and are herein-after

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respectively referred to as the deposited plans, sections, and book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Thurso River Harbour Act, 1889.

Incorporation of Lands Clauses Acts and Commissioners Clauses Act.

2. The Lands Clauses Consolidation (Scotland) Act, 1845; the Lands Clauses Consolidation Acts Amendment Act, 1860; and the Commissioners Clauses Act, 1847, so far as not altered by or inconsistent with this Act, are hereby incorporated with this Act, with the exception of the clauses in the last-mentioned Act with respect to the following matters (that is to say):—with respect to the qualification of commissioners (but not including in such exception sections eight, ten, twelve, thirteen, fourteen and sixteen; but the said sections twelve, thirteen, fourteen and sixteen shall not apply to the first Trustees); with respect to the election and rotation of commissioners where the commissioners are to be elected by the ratepayers, or other like class of electors; with respect to the meetings and other proceedings of the commissioners and their liabilities; with respect to the mortgages to be executed by the commissioners; and with respect to the accounts to be kept by the commissioners; but notwithstanding anything contained in section sixty-six of the said incorporated Act, the same person may be both clerk and treasurer to the Trustees; and the word "commissioners," in the said Act as incorporated with this Act, means the Trustees under this Act.

Incorporation of Harbours, Docks and Piers Clauses Act.

3. The Harbours, Docks and Piers Clauses Act, 1847, is (except where expressly varied by this Act) incorporated with and forms part of this Act, with the exception of the clauses with respect to the following matters (that is to say):—with respect to lifeboats; with respect to keeping a tide and weather gauge (unless the Trustees shall be required by the Board of Trade to provide and maintain a lifeboat and tide and weather gauge); with respect to buoys, lighthouses and beacons; and with respect to the police of the harbour; and also with the exception of sections twenty-two, twenty-five and twenty-six; and the expressions "the harbour, dock or pier," and "the Undertakers," in the said Act as

incorporated with this Act, mean respectively the harbour and the Trustees as herein-after defined.

Incorporation of certain provisions of the Railways Clauses Act, 1863.

4. Sections thirteen, eighteen and nineteen of the Railways Clauses Act, 1863, are except in so far as modified by or inconsistent with the provisions of this Act, incorporated with and form part of this Act; and in construing the said sections as incorporated with this Act, the word "work" means the works authorised by this Act.

Interpretation.

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there is something in the subject or context repugnant to such construction; and in this Act, and in those Acts as applied to this Act, the following words and expressions have the several meanings hereby assigned to them:—

"The Special Act" means this Act;

"The Trustees" and "the Undertakers" mean respectively the Trustees incorporated by this Act;

"The harbour" means the Thurso River Harbour within the limits defined in this Act, and includes the existing harbour, and the works, lands and property connected therewith by this Act vested in the Trustees, and the undertaking authorised by this Act;

"The undertaking" means the undertaking of the Trustees authorised by this Act;

"Harbour master" means and includes any person who may for the time be appointed by the Trustees to exercise the office of harbour master under the provisions of this Act;

"The burgh" means the burgh of barony of Thurso as extended by a deliverance of the sheriff of the county, dated the twentieth day of October, one thousand eight hundred and fifty-two, and made under the powers of the Act 13 and 14 Victoria, chapter 33;

"The council" means the magistrates and town council of the burgh for the time being;

"The commissioners" means the Commissioners of Police of Thurso;

"The clerk" and "the treasurer" mean the clerk and the treasurer for the time being of the Trustees;

"The sheriff" means the sheriff of the sheriffdom of Caithness, Orkney and Shetland, and includes his substitutes within the county of Caithness;

"The valuation roll" means the valuation roll made up under the Act 17 and 18 Victoria, chapter 91, intituled "An Act for

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the Valuation of Lands and Heritages in Scotland," and any Act amending that Act; and "lands and heritages" has the same meaning as in the said Acts, or any of them.

Incorporation of Trustees.

6. The carrying into effect the powers and provisions of this Act shall, from and after the passing hereof, be vested in and performed by a body of trustees (herein-after called "the Trustees"), herein-after named or appointed and elected as herein-after provided, and the Trustees and their successors in office shall be a body corporate, under the name and style of "the Thurso River Harbour Trustees," with perpetual succession and a common seal, and shall have power to sue and be sued, and to purchase, take, hold, lease and dispose of lands and other property for the purposes of this Act, and shall have all the powers and privileges of a body corporate; and all deeds and instruments to be made and granted by the Trustees shall be valid and effectual if subscribed by any two of their number authorised at any meeting, and by the clerk or the treasurer, and sealed with their common seal.

First Trustees.

7. The first Trustees under this Act shall be the following persons, namely, William Mackay and George Stark town councillors Thurso, John Tait and David Sinclair police commissioners Thurso, William Mowat and Hugh Sinclair owners of vessels Thurso, James Beattie and William Crear ratepayers of the harbour, and Robert Geddes and Reverend John Stewart Miller proprietors of lands and heritages Thurso: Provided always that in the event of any of the said persons at any time resigning office as one of the first Trustees, or dying or becoming incapacitated, the remaining Trustees shall elect a Trustee with, as far as may be, a similar qualification, and the Trustee so elected shall become one of the first Trustees in the room and place of such person, in the same manner and to the same effect as if the Trustee so elected had been originally named herein. The first Trustees shall continue in office until the first Tuesday in December, one thousand eight hundred and ninety-two only.

Future Trustees.

8. From and after the first Tuesday of December, one thousand eight hundred and ninety-two, the Trustees shall be the following, namely, the proprietor for the time being of the Ulbster estate in the parish of Thurso; and ten persons from time to time to be elected in manner after mentioned, and who are hereinafter called "the elected Trustees," namely, three persons to be annually elected by the council, two of such persons shall be from their own number, and the remaining person from proprietors of lands and heritages within the burgh of the annual value of at least ten pounds, as appearing in the valuation roll for the year current at election; three

persons to be annually elected by the commissioners, two of such persons shall be from their own number, and the remaining person from proprietors of lands and heritages within the burgh of the annual value of at least ten pounds, as appearing in the valuation roll; two persons to be annually elected by the owners of vessels registered as belonging to any port in the county of Caithness, who are resident or have a place of business in the parish of Thurso; and two persons to be annually elected by the ratepayers of the harbour under this Act.

Election of Trustees by the council and commissioners.

9. The persons to be elected as Trustees by the council and the commissioners respectively shall be elected at a special meeting to be held by the council and by the commissioners respectively for that purpose on the second Monday of November in every year, and the first election of such Trustees shall take place on the second Monday of November, one thousand eight hundred and ninety-two, and the Trustees so elected shall come into office on the first Tuesday of December immediately succeeding their election, and shall remain in office until the first Tuesday of December in the year after their election, when the Trustees elected in their room shall come into office; and so on in every year thereafter: Provided always that in the event of the council and the commissioners or either of them ceasing to exist, or becoming amalgamated, or of their becoming conjoined by virtue of any Act of Parliament to be passed in the present or any future session of Parliament, then and in any of these events the persons by this Act authorised to be elected by the council and the commissioners or either of them shall be elected by the body coming in room and place of the council and the commissioners or either of them in the same manner as such election would have been made by the council or the commissioners.

Qualification of owners of vessels.

10. For the purposes of the election of Trustees by owners of vessels, it is hereby provided that any person who is the registered owner or part owner to the extent of at least fifteen tons of or in any vessel or vessels registered under the Merchant Shipping Acts as belonging to any port in the county of Caithness, who is resident or has a place of business in the parish of Thurso, shall be qualified to vote in the election of the Trustees and to be elected one of the Trustees.

Qualification of ratepayers of harbour.

11. For the purpose of the election of Trustees by ratepayers of the harbour, it is hereby provided that any person who resides or has his place of business in or within three miles of the boundaries of the burgh, and who during the year ending on the thirtieth day of September, one thousand eight hundred and ninety-two, or during any subsequent year ending on the thirtieth day of September, shall

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have paid, either as principal, or as agent for any person or persons residing beyond the said limits, or both as principal and as agent, the sum of five pounds or upwards of rates leviable under this Act in respect of vessels or goods, shall be qualified to vote in the election of the Trustees and to be elected one of the Trustees.

Lists of qualified owners of vessels and ratepayers to be made up.

12. Lists of the owners of vessels and ratepayers of the harbour respectively qualified as aforesaid shall be made up by the clerk, and be open to public inspection in the office of the Trustees on or before the fourteenth day of October, one thousand eight hundred and ninety-two; and lists of such owners and ratepayers respectively qualified as aforesaid shall be made up annually thereafter by the clerk, and be open to public inspection in the office of the Trustees on or before the fourteenth day of October in every year; and any such owner or ratepayer respectively claiming to be qualified as aforesaid, whose name is not contained in the lists, or either of them shall, within fourteen days after the said fourteenth day of October, one thousand eight hundred and ninety-two, and within fourteen days after the fourteenth day of October in each year thereafter, deliver or transmit to the clerk a statement of his qualification, and if thereafter the clerk shall refuse or delay to insert his name in the proper list, such owner or ratepayer, as the case may be, may apply by summary petition to the sheriff to have his name inserted therein, and such petition shall be intimated to the Trustees; and on proof of his qualification being given to the sheriff by such owner or ratepayer, and after hearing the Trustees, if appearance be made by them, the sheriff shall, if he thinks fit, order the name of such owner or ratepayer to be inserted in the list of owners of vessels, or the list of ratepayers, as the case may be; and the sheriff may take such proceedings and make such orders as to costs and otherwise on and with respect to such petition as he thinks fit.

Election of Trustees by owners of vessels and ratepayers of harbour.

13. A meeting of owners of vessels and a meeting of ratepayers of the harbour respectively, qualified as aforesaid, whose names are inserted in the respective lists aforesaid, shall be held in the burgh on the first Monday of November, one thousand eight hundred and ninety-two, and on the first Monday of November in every year thereafter; and at every such meeting of such owners the owners present may choose one of their number to be chairman of the meeting, and shall elect two persons qualified as aforesaid to be Trustees under this Act; and at every such meeting of such ratepayers the ratepayers present may choose one of their number to be chairman of the meeting, and shall elect two persons qualified as aforesaid, to be Trustees under this Act; and the Trustees so elected

respectively shall come into office on the first Tuesday of December following such election, and shall remain in office until the first Tuesday in December in the following year; and a copy of the minutes of every such meeting, signed by the chairman, shall be sufficient evidence of the election of the Trustees therein stated to be elected: Provided always that every such owner and every such ratepayer as aforesaid shall have two votes, and all elections under this section shall be by open vote, and in case of equality of votes, the chairmen of such respective meetings shall have casting votes as well as deliberative votes.

Trustees may be re-elected.

14. Any elected Trustee under this Act going out of office may, unless disqualified, be re-elected.

Notice of meeting of owners and ratepayers for election of Trustees.

15. Notice of every meeting of owners of vessels and ratepayers of the harbour respectively for the election of Trustees, stating the time and place and object of the meeting, shall be inserted by the clerk in one newspaper, published in the county of Caithness, fourteen days at the least previous to such meeting, and the clerk shall act as clerk of every such meeting.

Qualification of members of companies.

16. Where rates shall be paid by any company, consisting of two or more partners or by any company registered under the Companies Acts 1862 to 1886 having a place of business within the burgh, or within three miles of the boundary thereof, such company may, on or before the thirtieth day of September immediately preceding the election, intimate, in writing, to the Trustees the name or names of any one or more, not exceeding three in number, of the partners or shareholders on whose behalf such payment shall be deemed to have been made; and such payment shall, for the purposes of the election, be deemed to have been made by the partner or partners or shareholder or shareholders so named, if resident or having a place of business within the limits before mentioned; and each such partner or shareholder so named shall be qualified to be an elector, and to be elected one of the elected Trustees in respect thereof, in the same manner as if such payment had been made by him as an individual: Provided always that the amount of rates paid by such company shall be sufficient to afford the qualification of five pounds at least to each of the partners or shareholders so named.

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

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

Provision in case of

18. In case of the failure at any time of the electors to make a valid election in terms of this Act of persons duly qualified to be

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failure to elect Trustees.

elected Trustees, the clerk shall, within six weeks after such failure shall have been ascertained, cause an election of such persons to be made according to the rules and in the manner herein-before appointed to be observed with respect to the annual elections of the elected Trustees; and the persons to be so elected shall, in respect of continuance in office, be on the same footing as if their election had duly taken place under the provisions of this Act, but the remaining Trustees shall, notwithstanding any such failure or any vacancy, be entitled to exercise the powers and carry out the purposes of this Act.

Elected Trustees may resign office.

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

Occasional vacancies, how to be filled up.

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

Expenses of elections, how to be defrayed.

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

Disqualification of Trustees.

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

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

Trustees not incapable of acting as magistrates, &c.

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

Penalty on Trustees not being qualified acting.

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

First meeting of Trustees.

25. The Trustees shall hold their first general meeting on the third Tuesday after the passing of this Act, at twelve o'clock noon, within the town hall buildings of the burgh, and may proceed to put this Act into execution.

Other meetings.

26. Meetings of the Trustees after the first general meeting need not be held monthly, but meetings shall be held on the first Tuesday of every month of March, June, September and December, or oftener as the Trustees shall see fit, at such hour as they shall from time to time appoint, and they shall hold an annual general meeting upon the Friday immediately preceding the second Tuesday of February, one thousand eight hundred and ninety, and upon the Friday immediately preceding the second Tuesday of February in each year thereafter.

Special meetings.

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

Notices of meetings.

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

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Quorum of Trustees.

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

Places of meetings.

30. All meetings of the Trustees shall be held within the town hall buildings of the burgh or other convenient place within the burgh as the Trustees may appoint.

Election of chairman of meetings.

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

Manner of voting.

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

Adjournment of meeting.

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

Orders or resolutions not to be altered without notice.

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

Power to appoint committees.

35. The Trustees may at any meeting from time to time appoint committees consisting of not less than four Trustees for carrying into effect any of the purposes or provisions of this Act, and the

Trustees may appoint the chairman of any such committee and may fix the quorum thereof, being not less than half of the whole number of such committee, and may continue, alter or discontinue such committee, and the Trustees may delegate to any such committee, and such committee may exercise and perform such of the powers and duties competent to or incumbent on the Trustees in virtue of this Act, except borrowing money, as the Trustees think fit.

Meetings of committees.

36. Every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment; and at all meetings of the committee the chairman appointed by the Trustees, and in his absence, or if no chairman has been appointed, one of the members present to be appointed by the meeting shall preside; and if there be an equality of votes in the election of the chairman, the meeting shall decide by lot which of the members having an equal number of votes shall be chairman and preside; and all questions shall be determined by a majority of the votes of the members present, and in case of equality of votes the chairman shall have a casting vote in addition to his vote as member of the committee.

Quorum of committees.

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

Proceedings of Trustees not to be invalidated by vacancies.

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

Informalities in appointment of Trustees not to invalidate proceedings.

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

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

40. The Trustees shall cause records to be kept by the clerk, under their superintendence, of all the proceedings of the Trustees and of every committee appointed by them, with the names of the Trustees, as the case may be, who shall attend each meeting, and

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the record of every such proceeding shall be signed by the chairman of the meeting at which the proceeding took place; and the record or minute of such meeting so signed, or an extract thereof, certified by the clerk, shall be received as evidence in all courts, and before all judges, justices and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being Trustees or members of committees respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved, and such records shall at all reasonable times be open to the inspection of any of the Trustees and of any creditor on the security of the rates or property of the Trustees.

Penalty for obstructing Trustees.

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

Accounts to be kept.

42. The Trustees shall order and direct a book or books to be provided by the treasurer in which book or books the treasurer shall enter or cause to be entered true and regular accounts of all sums of money received, paid, laid out and expended for or on account of the harbour, and of the several articles, matters and things for which such sums of money shall have been paid, laid out and expended; which book or books shall at all reasonable times be open to the inspection of the Trustees, or any creditor, without fee or reward, and the Trustees or creditors or any of them may take copies of or extracts from the said book or books, or any part or parts thereof, without payment, and in case the treasurer shall refuse to permit the Trustees or creditors or any of them to inspect the same or take such copies or extracts as aforesaid he shall forfeit and pay any sum of money not exceeding five pounds.

Auditor to be appointed.

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

Accounts to be audited.

44. The Trustees shall, within four weeks after the first Tuesday of December in each year, produce and lay before such auditor their accounts, to be produced at the annual general meeting of the Trustees, accompanied with proper vouchers in support of the same, and all books, papers and writings in their custody, or power relating thereto; and such auditor shall, within three weeks after receiving the same, examine such accounts and vouchers, and may either make

a special report on such accounts, or simply confirm the same, and such report or confirmation may be printed along with such accounts, and be produced therewith at the annual general meeting of the Trustees; and such accounts, if confirmed by the auditor and allowed by the Trustees, and certified accordingly by a certificate annexed to such accounts, or a printed copy thereof, under the hand of the chairman of the meeting at which such accounts are so allowed, shall be final in regard to all persons whomsoever.

Limits of the harbour.

45. The limits of the harbour within which the Trustees shall have authority, and which shall be deemed the limits to which this Act extends, shall comprise and include the harbour of Thurso, and the works in and connected therewith, already constructed or to be constructed under the authority of this Act, and shall also include the river and bay of Thurso, extending from the bridge at the town of Thurso, across the said river, and on both sides of the said river, within the limits of deviation marked on the deposited plans, and in the said bay within a radius of four hundred yards measured from the end of the proposed breakwater Work No. 3, and shall also include the space extending to high water mark of ordinary spring tides within the said limits.

Vesting existing harbour and rights in the Trustees.

46. From and after the passing of this Act the existing harbour of Thurso, and all piers, landing-places, works and conveniences connected therewith, and all the estate, interest, powers, rights and privileges and liabilities of the council in or over the said harbour, and the works, lands and property connected therewith, together with all rights of levying and receiving tolls, rates, dues, and other charges at and in respect of the said harbour, shall be and the same are hereby transferred to and vested in the Trustees, and may be held, used, exercised and enjoyed by the Trustees in the same manner and to the same extent as if such existing harbour and works formed part of the undertaking authorised by this Act, and as if such rights were included in the powers and rights by this Act conferred on the Trustees.

Power to construct works.

47. Subject to the provisions of this Act the Trustees may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works hereinafter described, with all necessary and proper embankments, piers, jetties, wharves, quays, walls, gates, cuts, weirs, dams, locks, sluices, tramways, roads, bridges, accesses, approaches, houses, buildings, warehouses, sheds, lights, cranes, machinery, moorings, shipping stages, drains, culverts, works, and conveniences in connexion therewith and with the existing harbour, and may enter upon, take and use such of the

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lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

Description of works.

48. The works herein-before referred to and authorised by this Act are:—

(1.) A quay (being Work No. 1) on the west bank of Thurso River, commencing at the north end of Swanson's Quay, and proceeding in an easterly direction for a distance of thirty feet or thereby, and thence in a northerly direction for a distance of three hundred and fifty feet or thereby, and terminating at a point three hundred and fifty feet or thereby from said point of commencement;

(2.) A jetty (being Work No. 2) on the west bank of said river, commencing at north end of above quay (Work No. 1), and proceeding in an easterly direction for a distance of thirty feet or thereby, thence in a northerly direction for a distance of sixty feet or thereby, thence in a westerly direction for a distance of seventy feet or thereby, and there terminating;

(3.) A breakwater or pier (being Work No. 3) on the west bank of said river, commencing at a point four hundred and forty feet or thereby northwards from north end of Swanson's Quay, and proceeding in a north-easterly direction for a distance of four hundred and forty feet or thereby, and terminating at a point on the foreshore four hundred and forty feet or thereby from the said point of commencement;

(4.) A slipway (being Work No. 4) on the west bank of said river, commencing at a point four hundred and forty feet or thereby northwards from north end of Swanson's Quay, and proceeding in a north-easterly direction for a distance of one hundred feet or thereby, thence in a westerly direction for a distance of seventy feet or thereby, and terminating at east side of aforementioned Work No. 3;

(5.) A retaining wall (being Work No. 5) on the west bank of said river, commencing at a point on the foreshore forty feet or thereby north from north-west corner of Leitch's property, and proceeding by a curve in a north-easterly direction for a distance of four hundred and twenty feet or thereby, and there joining the commencement of the afore-mentioned Work No. 3;

(6.) An embankment (being Work No. 6) on the west bank of said river, commencing at south-east end of Tait's Quay, and proceeding in a southerly direction for a distance of eighty feet or thereby, thence in an easterly direction for a distance of one

hundred and ten feet or thereby, thence in a southerly direction for a distance of six hundred feet or thereby, and terminating at a point on the foreshore six hundred and fifty feet or thereby from the said point of commencement;

(7.) A slipway (being Work No. 7) on west bank of said river, commencing at south-east corner of Tait's Quay, and proceeding in an easterly direction for a distance of one hundred feet or thereby, thence in a southerly direction for a distance of eighty feet or thereby, and there joining the afore-mentioned Work No. 6;

(8.) A quay (being Work No. 8) on the east bank of said river, commencing at a point sixty feet westwards from south-east corner of building occupied by the Caithness Flagstone Quarrying Company as a store, and proceeding in a northerly direction for a distance of three hundred feet or thereby, terminating at a point three hundred feet or thereby from said point of commencement;

(9.) A groyne (being Work No. 9) on the east bank of the said river, commencing at a point three hundred and eighty feet or thereby northwards from north end of Shearer's Quay, proceeding in a north-westerly direction for a distance of one bundred and fifty feet or thereby, and terminating at a point one hundred and fifty feet or thereby from said point of commencement;

(10.) The deepening and widening (being Work No. 10) of the entrance channel of the harbour of Thurso and of the bed of the said river of Thurso, between a point in the sea seven hundred feet or thereby north-east of the northern extremity of the existing breakwater, and a point in the bed of the said river eight hundred and twenty feet or thereby south from north end of Shearer's Quay:

All which intended works, and the lands, houses and property to be taken for the purposes thereof, are or will be situated in the parish of Thurso and county of Caithness, and in the Thurso River, and in the foreshore and bed of the sea in Thurso Bay adjoining thereto.

Errors and omissions in plans and book of reference may be corrected by sheriff, who shall certify the same;

49. If there be any omission, misstatement or erroneous description of any lands, or of the owners, lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference, the Trustees, after giving ten days' notice to the owners, lessees and occupiers of the lands in question, may apply to the sheriff for the correction thereof; and if it appear to the sheriff that the omission, misstatement or erroneous description arose from mistake, he shall certify the same accordingly, and he shall in his certificate state the particulars of the omission and in what respect

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Certificate to be deposited.

any such matter is misstated or wrongly described, and such certificate shall be deposited with the principal sheriff clerk of the county of Caithness, and kept by such principal sheriff clerk with the other documents to which the same relates; and, thereupon, the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate, and the Trustees may enter on, take, hold and use those lands and execute the works in accordance with such certificate.

Powers as to deviation.

50. In the execution of the works by this Act authorised, the Trustees may deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans, on the lands, waters and property described in the deposited book of reference, and they may deviate from the levels of the said works, as shown on the deposited sections, to any extent not exceeding five feet: Provided always that the Trustees may, within the limits aforesaid, make any deviation from the deposited plans and sections which to them may appear expedient: Provided further that they shall, before adopting and carrying the same into execution, submit the plans and sections of such deviation to the Board of Trade; and no such deviation shall be adopted or executed by the Trustees without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade under the hands of the secretary or an assistant secretary of that Board.

Entry on lands for surveys and works, &c.

51. The Trustees may from time to time enter upon any lands which they are authorised to purchase compulsorily for the purposes of this Act, and survey the same, and ascertain, and set out the parts thereof required for the purposes of this Act; and they may on any such lands acquired by them make, erect and maintain all walls, arches, culverts and buildings in connexion with the several works hereinbefore described, and may also dredge and excavate the harbour and river to such extent as may be necessary for the purposes of the works by this Act authorised.

Period for compulsory purchase of lands.

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

Lands for extra-ordinary purposes.

53. In addition to the lands to be acquired by the Trustees under the powers of this Act, the Trustees may by agreement purchase, for extraordinary purposes, any quantity of land not exceeding ten acres, in connexion with the harbour and works authorised by this Act, but nothing in this Act shall exempt the Trustees from any action, indictment or other proceeding for nuisance in the event of

any nuisance being caused by them upon any lands acquired under the powers of this section. A.D. 1889.

Power to take easements, &c. by agreement.

54. The Trustees may take by agreement, and persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Trustees any easement, servitude, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over or affecting any such lands; and the provisions of the said Acts with respect to lands and rent-charges or feu duties, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements or servitudes, rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain lands and heritages.

55. And whereas in the construction of the works by this Act authorised, or otherwise in the exercise of the powers of this Act, it may happen that portions only of the lands and heritages shown on the deposited plans may be sufficient for the purposes of the same, and that such portions may be severed from the remainder thereof without material detriment thereto: Therefore, notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845, the owners of and other persons interested in the lands and heritages specified in Schedule (H) to this Act, and whereof parts only are required for the purposes of this Act, may, if such portions can, in the opinion of the jury, arbiter, or other authority to whom the question of disputed compensation shall be submitted, be severed from the remainder thereof without material detriment thereto, be required to sell and convey to the Trustees the portions only of the lands and heritages so required, without the Trustees being obliged or compellable to purchase the whole or any greater portion thereof, the Trustees paying for the portions required by them, and making compensation for any damage sustained by the owners thereof, or other parties interested therein, by severance or otherwise.

Period for completion of works.

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

As to lights after completion of works.

57. After completion or permanent discontinuance or abandonment of the works authorised by this Act, the Trustees shall, at the outer extremity of the works, or the completed portions thereof, exhibit for all or any part of the time between sunset and sunrise, and according to the requirements of the traffic and the season of

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the year, such light or lights (if any) as shall from time to time be directed by the Commissioners of Northern Lighthouses. If the Trustees fail to comply in any respect with the provisions of this section, they shall, for each night in which they so fail, be liable to a penalty not exceeding twenty pounds.

Expiration of period not to prevent dredging, &c.

58. Notwithstanding the expiration of the period by this Act limited for the completion of the works, the Trustees, from time to time in connexion with such of the works as are then completed, may, subject to the provisions of this Act, execute all such works of dredging, scouring and deepening, and may make and maintain all such incidental extensions and enlargements of, and additions to, the works so completed, and all such accommodations and conveniences connected therewith, as the Trustees find requisite.

Power to divert roads, &c.

59. The Trustees may, in the execution of the works authorised by this Act, and for the purposes thereof, and so far as necessary therefor, and within the limits of deviation shown on the deposited plans, temporarily cross, alter, stop up, remove, divert, or otherwise interfere with all roads, highways, footpaths, streets, streams, watercourses, railways, tramways, rivers, bridges, quays, landing-places, landing-stages, sewers, drains, culverts, ways, telegraphs and telegraphic or telephonic apparatus, gas, water, and other pipes, which it may be necessary or convenient to cross, alter, stop up, or divert, or interfere with, for the purposes of the works, providing when possible, a proper temporary substitute before interrupting the traffic on any such street, highway or railway, or the flow of water, gas, sewage or electricity in any sewer, drain, watercourse, canal or pipe, and making full compensation to all persons injuriously affected thereby: Provided that nothing in this section shall extend to or authorise any interference with electric apparatus or other property of Her Majesty's Postmaster-General: Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act, 1882, to which the provisions of section fifteen of the said Act apply.

Penalty for obstructing construction of works.

60. Every person who shall wilfully obstruct any person acting under the authority of the Trustees in setting out the lines of the works by this Act authorised, or who shall pull up or remove any poles or stakes driven into the ground for the purpose of setting out the lines of the said works, or deface or destroy the said works or any part thereof, or of the existing works of the harbour, shall for every such offence be liable to a penalty not exceeding five pounds.

Restriction on displacing

61. The Trustees shall not under the powers of this Act, without the consent of the Secretary for Scotland, purchase or acquire

in any district, within the meaning of the Public Health (Scotland) Act, 1867, ten or more houses which after the passing of this Act have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. The expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

persons of labouring class.

62. Subject to the provisions of this Act, the Trustees may levy on and in respect of all vessels and boats entering or departing from the harbour the rates specified in the Schedule (A) to this Act annexed; and all such rates shall be paid by the owner, agent, master or other person in charge of such vessels and boats.

Rates on vessels and boats, as in Schedule (A).

63. Subject to the provisions of this Act, the Trustees may levy on and in respect of all goods, carriages and animals shipped, unshipped, or transhipped in the harbour the rates specified in the Schedule (B) to this Act annexed; and all such rates shall be paid by the owner or consignee of such goods, carriages and animals, or other person in charge thereof respectively.

Rates on goods, as in Schedule (B).

64. All goods, carriages and animals shipped, unshipped, or transhipped in the harbour, and not particularly enumerated in the Schedule (B) to this Act annexed, shall be liable to rates equal to the rates specified in the said schedule on such goods, carriages and animals as in the judgment of the Trustees may be nearest in description and value to such unenumerated goods, carriages and animals.

Rates on goods not enumerated.

65. The several rates by this Act authorised to be levied by the Trustees on and in respect of vessels, boats, goods, carriages and animals shall only be leviable by the Trustees in the proportions and to the extent and under the conditions following (that is to say):—

Conditions attaching to rates.

So soon as the Trustees shall have expended the sum of two thousand pounds upon the works by this Act authorised inclusive of compensation for lands taken or acquired as the same shall be certified by the engineer of the Trustees and established by proper receipts and the certificate of the sheriff as herein-after provided, they may demand and take one-fourth of the said rates;

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So soon as the Trustees shall have expended the sum of four thousand pounds upon the said works inclusive as aforesaid as the same shall be certified and established as aforesaid, they may demand and take one half of the said rates;

So soon as the Trustees shall have expended the sum of five thousand pounds upon the said works inclusive as aforesaid as the same shall be certified and established as aforesaid, they may demand and take three-fourths of the said rates; and

So soon as the Trustees shall have completed the said Works Nos. 3 and 9, or shall have expended the sum of ten thousand pounds upon works authorised by this Act, inclusive as aforesaid, as such sum shall be certified and established as aforesaid, they may demand and take the full amount of the said rates:

A certificate under the hand of the sheriff shall be conclusive evidence that the said several sums have been expended upon the said works, inclusive as aforesaid, or that the said Works Nos. 3 and 9 have been completed; and the sheriff shall grant such certificate on the production before him of such vouchers or other evidence of such expenditure as aforesaid, or of such evidence of completion as he shall think sufficient.

Rates for cranes, &c., as in Schedule (C).

66. The Trustees may levy, for and in respect of the use of cranes at the harbour, and for loading, removing and conveying ballast, and for weighing, and for the use of machinery and barges, the rates respectively specified in the Schedule (C) to this Act annexed; and all such rates shall be paid by the owners or persons in charge of the goods lifted, or by the owner, agent, master, or other person in charge of the vessels using the said cranes, machinery, or barges, or requiring the services specified in the said schedule.

Rates for use of warehouses, &c.

67. The Trustees may levy and receive such rates or other consideration as may be reasonable, for the use of any warehouses, sheds, buildings, steam or hydraulic cranes, weighing machines, works and conveniences belonging to the Trustees, for the use of which rates are not specially fixed in the schedules to this Act annexed.

Power to vary rates.

68. With respect to the alteration or variation of the rates by this Act authorised to be levied, the Trustees may, from time to time, exercise the following powers (that is to say):—

They may increase the rates specified in the schedules to this Act annexed, by a proportional addition to each and all of the said rates, provided that such addition shall not at any

time exceed one-third part of the rates specified in the said schedules; A.D. 1889.

They may reduce the rates specified in the said schedules, or as so increased, by a proportional decrease on each and all of the said rates;

They may advance or increase the said rates again in the same manner, provided the said rates, when so advanced or increased, do not exceed the rates specified in the said schedules, with any addition not exceeding one-third part more of such rates:

Provided that public notice shall be given in at least one newspaper, published or circulated in the burgh, and also by notices to be affixed at some public places within the limits of the harbour, of any resolution of the Trustees to make any such increase or reduction of the said rates, and that such increase or reduction shall not take effect until the expiration of twenty-one days after the first publication of such notice: Provided also that no advance or increase of any of the said rates specified in the schedules to this Act shall be made without the consent in writing of the Board of Trade.

Power to compound for rates.

69. The Trustees may, when and so often and for such periods of time as it shall appear to them to be for the interest and advantage of the harbour, agree with the owners or masters of vessels engaged as regular packets or traders, or with any other persons using the harbour, for the payment of rates and duties less than the rates and duties which the Trustees are authorised to levy under this Act, as a composition by the year or other shorter period for such rates and duties: Provided always that if the Trustees at any time make any such agreement by way of composition as aforesaid, all other persons using or frequenting the harbour under the same or similar circumstances may compound for any rates and duties leviable from them under this Act upon the like terms as shall be contained in such agreement.

As to calculating fractional parts of rates.

70. If any rate by this Act authorised to be levied shall, when increased or reduced as herein-before provided, contain a fractional part of a farthing, such fractional part shall be reckoned one farthing.

Application of rates.

71. The Trustees shall apply all money received by them from the rates authorised to be levied by this Act, and all revenue arising from the harbour and works, or from the lands or property connected therewith to the following purposes (that is to say):—

(1.) In paying for the expense of the maintenance, repair and management of the harbour and works connected therewith;

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(2.) In payment of the interest of money borrowed under the authority of this Act;

(3.) In providing for the sinking fund after mentioned.

Meters and weighers may be licensed.

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

Pilots may be licensed.

73. The Trustees may license, appoint and regulate a sufficient number of pilots for conducting vessels out of and into the harbour, and may discharge and displace them at pleasure, and may withdraw or suspend any such license or appointment at any time, and may fix the rate of pilotage to be paid to such pilots, not exceeding the rates specified in the Schedule (D) to this Act annexed; and such pilots shall, before being licensed, be examined as to their fitness and capacity to be such pilots by three competent persons, being ship-masters well acquainted with the coast, who shall be appointed by the Trustees, and shall be certified by such persons to be fully qualified; and every person who acts as a pilot within the limits of the harbour without having obtained such certificate, or without being licensed and appointed, shall for every such offence be liable to a penalty not exceeding twenty pounds: Provided that nothing herein-contained shall be deemed or construed to exempt the harbour from the provisions of any general Act relating to pilots now in force, or which may hereafter pass during the present or any future session of Parliament.

Pilotage and local authorities.

74. For the purposes of this Act the Trustees shall be deemed "a pilotage authority," and "a local authority" within the meaning of the Merchant Shipping Act, 1854; and all the powers by that Act conferred on "pilotage authorities," and on "local authorities," shall be vested in the Trustees for the purposes of this Act.

Responsibility of pilots.

75. The Trustees shall not be liable or responsible for any accident, loss, or damage which may arise to any vessel or to the cargo thereof in consequence of the employment of any pilot licensed by the Trustees; but the pilot so employed shall be answerable for any wilful or culpable neglect and mismanagement.

Trustees may contract for supply of water and gas.

76. The Trustees may contract with any commissioners, corporation, company or person for a supply of water to vessels in the harbour, and for the extinction of fires in such vessels, and for the working of gates, locks, bridges, cranes, or other machinery or conveniences at the harbour; and also for a supply of gas for the use of the harbour, and the streets, quays, buildings and property within the limits thereof; and the Trustees may supply water to vessels in the harbour at such prices as may be agreed upon.

Hiring dredging machines.

77. The Trustees may lend on hire any dredging machine belonging to them, when the same is not required for the purposes of the harbour.

Byelaws for harbour and river, as herein stated.

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

For preventing and removing obstructions or impediments in the harbour ;

For regulating the berthing of carriages, and the wages, conduct and behaviour of porters, carters and others resorting to the harbour, and for prohibiting persons from acting as porters and carters, within the limits of the harbour, without previously obtaining a license to that effect ;

For regulating the conveyance of rafts of timber within the limits of the harbour ;

For regulating the loading and unloading of ballast from vessels in the harbour, and preventing the discharge of ballast into the harbour :

And the byelaws and regulations to be so made by the Trustees shall be approved and published in the manner prescribed by the said Harbours, Docks and Piers Clauses Act, except that they shall be so approved by the Board of Trade in place of the sheriff, and shall be observed under such penalties as may be thereby provided, not exceeding the sum of five pounds for each offence, besides such damages as the case may infer; and all penalties imposed and recovered for the breach of any byelaw or regulation made by the Trustees, or imposed or recovered under any of the other provisions of this Act, shall be paid to the Trustees and applied for the purposes of this Act.

All vessels under stress of weather exempt from rates.

79. All vessels shall, when forced by stress of weather to make use of the harbour, and not breaking bulk while making use thereof, be exempt from rates leviable under this Act.

Officers of Customs.

80. Officers of Customs being in the execution of their duty shall at all times have free ingress, passage and egress to, through and out of the harbour and works by land and with their vessels and otherwise without payment.

Rates may be leased.

81. The Trustees may from time to time, but only by public roup and with the consent of the Board of Trade, lease the rates authorised to be levied by this Act for any period not exceeding seven years, and for such rent or consideration and on such terms

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and conditions as they think fit; and the lessee shall have and may exercise during the continuance of his lease the same powers of levying and recovering the said rates as the Trustees have or might exercise under the Harbours, Docks and Piers Clauses Act, 1847, and this Act.

Borrowing powers.

82. The Trustees may from time to time borrow on mortgage such money as may be required for the purposes of the works authorised by this Act and the general purposes of their undertaking, not exceeding in the whole the sum of eighteen thousand pounds, on the security of the rates authorised to be levied by this Act, and any money borrowed under this Act and discharged otherwise than by means of the sinking fund herein-after mentioned may be reborrowed for the purposes of this Act, and so from time to time.

Trustees may borrow on cash account.

83. The Trustees may accept and take from any bank or banking company in Scotland credit on a cash account to be opened and kept with such bank or banking company in the name of the Trustees according to the usage of bankers in Scotland, to the amount of the sum which the Trustees are authorised to borrow, or any part thereof, and may grant security on the rates authorised to be levied by this Act, for the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon: Provided that the whole money borrowed by the Trustees on mortgage and on cash account shall not at any time exceed the sum of eighteen thousand pounds.

Application of money borrowed.

84. The money borrowed by the Trustees under the authority of this Act shall be applied for the purposes of this Act only, to which capital is properly applicable.

Form of mortgage.

85. Every mortgage to be granted by the Trustees shall be by deed duly stamped, in which the consideration shall be truly stated, and may be in the form contained in Schedule (E) to this Act, or to the like effect.

Manner in which mortgages and orders on cash account to be signed and executed.

86. Every mortgage to be granted by the Trustees may be partly in writing and partly printed, and shall, besides being under the common seal of the Trustees, be signed by at least two of the Trustees and by the clerk or the treasurer; and all drafts or orders on the cash account before-mentioned shall be signed by two Trustees and by the clerk or the treasurer: Provided always, that none of the said persons shall, by his subscription of any mortgage, interest warrant, draft, or order, be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Transfers of mortgages.

87. Any person entitled to any such mortgage may transfer his right and interest therein to any other person; and every such transfer shall be by deed, or by indorsation on the mortgage, duly stamped, wherein the consideration shall be truly stated, and may be in the form of Schedule (F) to this Act, or to the like effect.

Transmission of mortgages in case of bankruptcy.

88. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto, there shall be produced to the Trustees official evidence of such bankruptcy, and of the vesting of the bankrupt estate in the trustee, official assignee, or other person to whom such estate shall be transferred.

Mortgages of rates to be personal estate.

89. All mortgages and all moneys advanced and lent on the security of the rates, rents and charges under this Act, shall be movable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Discharge of mortgages.

90. Any person entitled to any mortgage granted by the Trustees under the authority of this Act may discharge the same, and his right and interest therein, in favour of the Trustees; and every such discharge may be written, or partly written and partly printed, on the mortgage, and may be according to the form contained in Schedule (G) to this Act, or to the like effect; and such discharge, when signed by the person entitled to such mortgage and duly stamped, shall be valid and effectual to all intents and purposes.

Provision as to loans by Public Works Loan Commissioners.
24 & 25 Vict. c. 47.
38 & 39 Vict. c. 89.

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

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

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

Trustees to set apart a sinking fund for repayment of moneys borrowed.

92. From the expiration of one year from the date when the rates authorised by this Act are leviable, the Trustees shall commence and thenceforth continue to set apart and appropriate annually from the rates and revenues of the harbour a sum equal to one pound

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per centum on the aggregate amount of the principal moneys which shall have been borrowed by them from any bodies or persons (other than the Public Works Loan Commissioners) as a sinking fund for the repayment of those principal moneys, which sinking fund shall be from time to time invested in the name of the Trustees, in any securities in which by law trust moneys may from time to time be invested, and shall be accumulated in the way of compound interest; and the Trustees may from time to time apply the sums so set apart in repayment of the principal moneys so borrowed: Provided always, that whenever any of such principal moneys have been so paid off, the Trustees shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the sum herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off: Provided further, that whenever, and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, the Trustees may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may, during such periods, discontinue the payment to such sinking fund of the yearly sums herein-before required to be paid thereto.

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

93. The clerk shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Board of Trade a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and any interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds. If it appear to the Board of Trade, by such return or otherwise, that the Trustees have failed to set apart the sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act, the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by decree of either division of the Inner

House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Protection of lender from inquiry.

94. No person lending money to the Trustees shall be bound to inquire as to the observance by the Trustees of any provision of this Act, or be bound to see to the application, or be answerable for any loss or non-application of such money, or any part thereof.

Appointment of judicial factor.

95. In the event of any principal money borrowed by the Trustees on mortgage as aforesaid, or any interest thereon, not being paid within three months after such payment shall have become due, and after demand thereof in writing, it shall be lawful for any mortgagee holding by himself or in conjunction with any other mortgagee or mortgagees joining in the application, not less than one thousand pounds of debt, to render his or their security effectual by the appointment of a judicial factor; and the application for such appointment shall be made by summary petition to the Court of Session, or in time of vacation to the Lord Ordinary on the Bills, who are hereby respectively authorised and required, on such application being made by any mortgagee or mortgagees holding the sum before specified, to appoint some person as judicial factor to the effect and with the powers herein-after mentioned, unless previously to such application being advised the amount of such principal money or interest, with interest thereon and expenses, shall have been paid to the petitioner or petitioners, or unless the said Court or Lord Ordinary, as the case may be, shall be satisfied that consignation thereof should, under the circumstances, be accepted in lieu of payment, and such consignation be made accordingly; and the interlocutor making such appointment shall not be subject to review or appeal.

Powers and duties of judicial factor.

96. The judicial factor so appointed, on finding security in common form, shall exercise all the powers conferred by this Act upon the Trustees, for and in relation to levying and recovering the several rates and revenues by this Act granted, and managing and maintaining the undertaking, and the Trustees shall hand over to him all rate books and other books and documents necessary for that purpose; and after defraying the expense of such application, management and maintenance, the said judicial factor shall, from time to time, apply and pay over the balance of the sums received by him to the several parties entitled to the same, according to their priorities; and such judicial factor shall continue, not only until all arrears due at the date of the appointment of such judicial factor and any interest which shall have become due during his continuance in office, with interest and expenses, including the expenses of the application for such appointment and of carrying the purposes

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thereof into execution, shall have been paid, but also until any half year's interest which, although not due, may, become current during his continuance in office, and a sufficient sum to meet expenses, shall have been paid or consigned in one of the chartered banks in Scotland; and upon payment and consignation as aforesaid of the said principal money, interest and expenses, it shall be lawful for the Trustees to apply to the Court of Session or Lord Ordinary as aforesaid for the recall of the appointment of the judicial factor.

Repeal of Act 42 Geo. III. c. cxii.

97. From and after the passing of this Act, the recited Act of the forty-second year of the reign of His Majesty King George the Third, chapter one hundred and twelve, shall be and the same is hereby repealed; but such repeal shall be subject and without prejudice to everything done or suffered under the said Act, and to all rights, liabilities, claims, or demands which, if the said Act were not repealed, would be incident to or consequent on any or everything so done or suffered.

Provision for Merchant Shipping Act and general Acts.

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

Saving rights of the Crown in the foreshore.

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

Saving rights of Crown under Crown Lands Act.

100. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exercisable on behalf of Her Majesty, Her heirs, or successors.

Saving for Acts relating to animals.

101. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Acts, 1878

to 1886, or of any order, license or act of Her Majesty's Privy Council, made, granted or done, or to be made, granted or done thereunder, or of any order, regulation, license or act of a local authority, made, granted or done, or to be made, granted or done under any such order of the Privy Council, or exempt the undertaking to which this Act relates, or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament. A.D. 1889.

Expenses of Act.

102. All costs, charges and expenses of and incident to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Trustees out of the moneys to be borrowed and received under the authority of this Act.

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SCHEDULES referred to in this Act.

SCHEDULE (A).

Rates on Vessels and Boats entering, or departing from the Harbour.

Note.—These rates may be increased in manner mentioned in section 68 of this Act.

I.—Ships.

	£	s.	d.
1. On all vessels entering the harbour from any port in Great Britain or Ireland to load or unload, per register ton - -	0	0	4
2. All vessels to be permitted to enter the harbour for safety on payment of one-half of the rates; but if such vessels shall remain in the harbour beyond the space of twenty-one days, or shall take goods on board (stores for their own use excepted), or break bulk, they shall be liable in the full rates.			
3. All vessels remaining in the harbour to pay, after one month, threepence per register ton per month in advance.			
4. All vessels to or from any port or place in Europe, per register ton - - - - - - - - -	0	0	6
5. All vessels not included in the foregoing classes, per register ton - - - - - - - - -	0	0	8
Each vessel entering the harbour shall pay for waterage money, per register ton - - - - -	0	0	$0\frac{1}{2}$
And for the harbour lights, per register ton - - - -	0	0	$0\frac{1}{4}$

II.—Boats.

All open boats engaged in the herring fishing at the port, in full of tonnage duty, for the season, to pay at commencement of the fishing - - - - - - - -	1	0	0
For waterage money - - - - - - -	0	2	6
For harbour lights - - - - - - -	0	1	0
All open boats loading or discharging herrings or other fresh fish, not engaged to fish at the port for the season, shall each pay for every time they so load or discharge - - - - -	0	2	6
All open boats entering the harbour windbound or for shelter, having no cargo on board, to pay every time they enter the harbour - - - - - - - -	0	2	6

	£	s.	d.
All open boats entering the harbour windbound or for shelter, having a cargo on board but not discharging, to pay for every time	0	2	6
All other boats loading or discharging	0	2	6
Each white fishing boat for season, commencing first October, and payable annually in advance :—			
If manned by not less than six hands	1	0	0
If manned by less than six hands	0	10	0
And for the harbour lights	0	2	6
All boats engaged in loading or discharging steamers in the bay shall pay for each trip	0	1	0
For every large herring or white fishing boat beached for the season	0	10	0
Every small herring or white fishing boat beached for the season	0	5	0

All boats when above 15 tons register to be charged as ships according to tonnage dues, as per Part I. of this Schedule.

The period to be embraced in each season shall be annually fixed and determined by the Trustees at their quarterly meeting in the month of March, or at some other meeting held on a day fixed from time to time by the Board of Trade.

III.—Trawlers.

For all vessels engaged in the trawl fishery the sum of six shillings on each occasion of any such vessel entering the port and harbour. For any such vessel which shall have entered the port and harbour on more occasions than fifty in any one year from January to December inclusive, no rates shall be paid on any additional entries made by it within such year.

Exemptions from Rates on Vessels.

1. All vessels leaving the harbour for the purpose of taking on board ballast in any part of the Bay of Thurso, and returning to the harbour with ballast, shall not be liable in rates for such return.
2. All vessels arriving in the harbour in ballast, and departing again in ballast, shall be subject only in half rates; but if such vessels, after arriving in ballast, shall take in cargoes or parts of cargoes before their departure, they shall be liable in full rates.
3. Vessels which have sailed from the harbour and put back by stress of weather, or from any other cause, without having accomplished their voyage, shall not be liable to additional rates on such return.

SCHEDULE (B).

RATES ON GOODS, CARRIAGES AND ANIMALS SHIPPED, UNSHIPPED OR TRANSHIPPED WITHIN THE HARBOUR.

NOTE.—These rates may be increased in manner mentioned in section 68 of this Act.

	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Acorns - - - - - - per quarter	0	3	0	3
Alabaster - - - - - - per ton	2	0	2	0
Ale, in casks - - - - per 36 gallons	0	3	0	3
„ in bottles - - - - per 6 gallons	0	1	0	1
Almonds - - - - - - per cwt.	0	1	0	1
Alum, rock - - - - - - per ton	1	0	1	0
Ammonia, or gas water - - - - - per ton	1	0	1	0
Animalised carbon for manure - - - - per ton	1	0	1	0
Apples - - - - - - per cwt.	0	2	0	2
Argol - - - - - - per ton	2	0	2	0
Arrowroot - - - - - - per cwt.	0	1	0	1
Ashes, pot or pearl - - - - - per ton	1	0	1	0
„ weed and wood - - - - - per ton	1	0	1	0
„ bones - - - - - - per ton	1	0	1	0
Asphalte and bitumen - - - - - per ton	1	0	1	0
Bacon or hams - - - - - - per cwt.	0	1	0	1
Barilla - - - - - - - per ton	1	6	1	6
Bark, oak - - - - - - - per ton	1	8	1	8
„ quercitron - - - - - - per ton	2	0	2	0
Barley, shelled or pearl - - - - - per cwt.	0	1	0	1
Barrels, empty herring - - - - - per dozen	0	6	0	6
Basket rods - - - - - - - per cwt.	0	1	0	1
Baskets, viz. :—				
Under 12 inches in diameter - - - - per dozen	0	1	0	1
Above 12 inches in diameter - - - - per dozen	0	2	0	2
Beef or pork - - - - - - per cwt.	0	1	0	1
Beer, spruce - - - - - per 36 gallons	0	3	0	3
Berries, dried and preserved - - - - per cwt.	0	1	0	1
Biscuit - - - - - - - per ton	2	6	2	6
Blacking - - - - - - - per cwt.	0	1	0	1
Bleaching powder - - - - - - per ton	1	6	1	6
Blubber - - - - - - - per cwt.	0	1	0	1
Bones - - - - - - - - per ton	1	0	1	0
Bone dust - - - - - - - per ton	1	0	1	0
Books - - - - - - - - per cwt.	0	1	0	1
Boots and shoes - - - - - - per cwt.	0	2	0	2
Bottles, of green or common glass, of not less than one pint - - - - - - - per gross	0	3	0	3
If less than pints - - - - - per gross	0	2	0	2
Bottles, broken - - - - - - per ton	0	3	0	3
Boats, new, viz. :—				
12 to 14 feet keel - - - - - each	2	0	2	0
14 to 16 feet keel - - - - - each	2	6	2	6
16 to 18 feet keel - - - - - each	3	0	3	0
18 to 20 feet keel - - - - - each	3	6	3	6
20 feet and above - - - - - each	4	6	4	6
All other boats in proportion.				

		Inwards.		Outwards.	
		s.	*d.*	*s.*	*d.*
Boxes and kits, empty, if not returned	each	0	0½	0	0½
Brushes	per cwt.	0	2	0	2
Brooms, birch and heather	per dozen	0	1	0	1
Broom and brush handles, heads and stocks	per cwt.	0	1	0	1
Bran	per ton	1	8	1	8
Brass	per cwt.	0	2	0	2
„ old	per cwt.	0	1	0	1
Bricks, common, common size	per 1,000	1	0	1	0
„ fire, common size, and Bath	per 1,000	2	0	2	0
All above in proportion.					
Brimstone, refined	per ton	2	0	2	0
„ rough	per ton	0	9	0	9
Bristles	per cwt.	0	8	0	8
Bulrushes	per cwt.	0	2	0	2
Butter	per cwt.	0	2	0	2
Calves velves	per cwt.	0	2	0	2
Candles	per cwt.	0	1	0	1
Cane reeds	per 1,000	0	9	0	9
Casks, empty, not being returned packages	each	0	2	0	2
Cattle, &c., viz.:—					
Bulls	each	2	0	2	0
Cows and oxen	each	1	0	1	0
Calves	each	0	6	0	6
Horses, 12 hands and upwards	each	2	0	2	0
Horses, under 12 hands	each	1	0	1	0
Entire horses	each	5	0	5	0
Pigs	each	0	2	0	2
Sheep	each	0	1	0	1
Lambs	each	0	0½	0	0½
Asses and mules	each	1	0	1	0
Caviare	per cwt.	0	2	0	2
Carrots	per ton	1	0	1	0
Cards, tow and wool	per cwt.	0	2	0	2
Candle wicks	per cwt.	0	2	0	2
Carraway seeds	per cwt.	0	1	0	1
Carriages, viz:—					
Mail and stage coaches	each	12	6	12	6
Four-wheeled carriage	each	2	6	2	6
Two-wheeled do.	each	1	6	1	6
Cart—farm or working	each	0	9	0	9
Other carriages in proportion.					
Carriages, railway, 1st class	each	50	0	50	0
„ „ 2nd class	each	40	0	40	0
„ „ 3rd class	each	30	0	30	0
„ „ waggons, close	each	20	0	20	0
„ „ waggons, open	each	10	0	10	0
Carriages, packed	per cwt.	0	3	0	3
Cement	per ton	1	0	1	0
Chalk	per ton	1	0	1	0
Charcoal (wood)	per ton	2	6	2	6
Cheese	per ton	1	8	1	8
Chestnuts	per cwt.	0	1	0	1
Chimney cans, three feet high, and above	each	0	1	0	1
China ware { crates above 5 cwt.	- -	0	9	0	9
China ware { crates under 5 cwt.	- -	0	6	0	6
Chrome ore	per ton	1	0	1	0
Cider	per 36 gallons	0	3	0	3
Cigars	per cwt.	0	2	0	2

		Inwards.		Outwards.	
		s.	*d.*	*s.*	*d.*
Cinders and coke	per ton	0	7	0	7
Cinnamon	per cwt.	0	1	0	1
Clay, viz.:—					
China clay or stone clay	per ton	0	6	0	6
Pipe clay	per ton	0	6	0	6
Other kinds in proportion.					
Clothiery	per ton	3	4	1	8
Cloth, brown or bleached linens	per ton	3	4	1	8
Clothes, made	per cwt.	0	2	0	1
Cochineal	per cwt.	1	0	0	4
Cocoa	per ton	1	8	1	8
Coffee	per ton	1	8	1	8
Cocoanuts	per 100	0	3	0	1
Cocoanut fibre	per ton	1	0	0	4
Copper	per ton	3	4	3	4
„ old	per ton	2	6	2	6
„ ore	per ton	0	9	0	3
Copperas	per ton	1	0	1	0
Coprolites	per ton	1	0	1	0
Coral	per cwt.	0	6	0	6
Cordage	per ton	1	8	1	8
Corks	per cwt.	0	2	0	2
Corkwood	per ton	3	4	1	8
Corn, viz.:—					
Barley, bere or big	per quarter	0	1	0	1
Beans	per ton	1	0	1	0
Indian corn	per ton	1	0	1	0
Malt	per ton	1	0	1	0
Oats	per quarter	0	1	0	1
Peas	per ton	1	0	1	0
Peas, split	per cwt.	0	1	0	1
Rye	per quarter	0	1	0	1
Wheat	per quarter	0	1	0	1
Coals	per ton	0	4	0	4
Codilla	per ton	1	8	0	5
Cobles, new, viz.:—					
12 to 14 feet long	each	2	0	2	0
14 to 16 feet long	each	2	6	2	6
16 to 18 feet long	each	3	0	3	0
18 to 20 feet long	each	3	6	3	6
All other cobles in proportion.					
Confections	per cwt.	0	1	0	1
Cotton cake	per ton	1	0	1	0
Cotton wool	per ton	2	0	0	8
Crystal	per cwt.	0	2	0	2
Currants	per cwt.	0	1	0	1
Cutch	per ton	2	0	2	0
Dogs	each	0	3	0	3
Draff	per quarter	0	0½	0	0½
Drugs, and all merchandise for druggists	per cwt.	0	2	0	2
Earthenware: crates above 5 cwt.	- -	0	9	0	9
Earthenware: crates under 5 cwt.	- -	0	6	0	6
Eggs	per cwt.	0	1	0	1
Elephants teeth	per cwt.	0	6	0	6
Emery	per cwt.	0	1	0	1
Esparto	per ton	1	0	1	0
Feathers	per cwt.	0	6	0	6
Felt	per ton	1	8	1	8

		Inwards.		Outwards.	
		s.	*d.*	*s.*	*d.*
Fish, salted dry	per ton	1	8	1	8
„ pickled or smoked	per ton	1	8	1	8
„ white, direct from sea, except herrings	per ton	1	8	1	8
Figs	per cwt.	0	1	0	1
Flint stones	per ton	0	4	0	4
Flower roots	per cwt.	0	1	0	1
Flax	per ton	1	8	0	6
Flour	per 280 lbs.	0	2	0	2
„ potato	per 280 lbs.	0	2	0	2
Furriers waste	per ton	0	3	0	3
Gambia	per ton	1	6	1	6
Game	per cwt.	0	2	0	2
Ginger	per cwt.	0	1	0	1
„ preserved	per cwt.	0	1	0	1
Ginseng	per cwt.	0	6	0	6
Glass, window and plate	per ton	3	4	3	4
„ broken	per ton	0	4	0	4
Glue	per cwt.	0	1	0	1
Grapes	per cwt.	0	1	0	1
Grease	per ton	1	8	1	8
Groceries not otherwise rated	per cwt.	0	1	0	1
Guano	per ton	1	0	0	6
Gunpowder	per cwt.	0	3	0	3
Gypsum	per ton	0	6	0	6
Haberdashery, comprehending cotton, silk, and hoisery goods	per cwt.	0	2	0	2
Flannel	per cwt.	0	2	0	2
Unbleached cotton	per cwt.	0	2	0	2
Hair, cow, ox, or bull	per cwt.	0	2	0	2
Horse	per cwt.	0	2	0	2
Goat's hair or wool	per cwt.	0	2	0	2
Hair powder	per cwt.	0	6	0	6
Hardware	per cwt.	0	1	0	1
Hats	per cwt.	0	2	0	2
Hay	per ton	1	0	0	6
Hemp, rough	per ton	1	8	1	8
Hempseed cake	per ton	1	0	1	0
Hemp jute	per ton	1	8	0	10
Herrings, fresh	per 37½ gallons	0	1	0	1
„ cured	per 26⅔ gallons	0	1	0	1
Hides	per cwt.	0	1	0	1
„ dried	per cwt.	0	2	0	2
Honey	per cwt.	0	2	0	2
Hoops of wood, exceeding 2 feet 6 inches in diameter	per 1,000	1	0	1	0
„ under 2 feet 6 inches in diameter	per 1,000	0	9	0	9
„ iron	per ton	1	8	0	10
Hops	per cwt.	0	2	0	2
Horns, slugs, tips, and hoofs	per ton	2	6	2	6
Household furniture, new	per cwt.	0	4	0	3
„ „ old	per cwt.	0	2	0	2
Husbandry utensils, viz. :—					
Waggons with four wheels	each	2	6	2	6
Box carts	each	0	9	0	9
Ploughs	each	0	6	0	6
Harrows	pair	0	6	0	6
Wheelbarrows	each	0	2	0	2
Other husbandry implements	per cwt.	0	2	0	2

		Inwards.		Outwards.	
		s.	*d.*	*s.*	*d.*
Indigo	per cwt.	0	2	0	2
Ink	per cwt.	0	1	0	1
Iron, viz.:—					
Bar, bolt, and rod	per ton	1	8	0	10
Railway bars and chairs	per ton	1	0	1	0
Plate, sheet, and forged	per ton	1	8	0	10
Made work	per ton	1	8	0	10
Old iron	per ton	1	0	1	0
Cast iron goods	per ton	1	8	1	8
„ „ commonly called ironmongery, when in bulk	per ton	1	8	1	8
Old or broken cast iron	per ton	1	0	1	0
Pig	per ton	0	9	0	6
Ivory	per cwt.	0	6	0	2
Junk, old	per ton	0	6	0	6
Kelp	per ton	0	6	0	6
Kips	per 100	1	6	1	6
„ dried	per ton	3	0	3	0
Kiln pavement	per ton	0	4	0	4
Lard	per ton	1	8	1	8
Latten black	per ton	2	0	2	0
Lead, pig	per ton	1	6	1	0
„ black	per ton	1	8	1	8
„ ore	per ton	1	0	1	0
„ red and white	per ton	1	8	1	8
„ shot	per ton	1	8	1	8
„ pipes	per ton	3	4	3	4
Leather, tanned	per ton	2	6	1	3
„ dressed	per ton	2	6	1	3
Other kinds not enumerated	per ton	2	6	1	3
Lemons	per cwt.	0	1	0	1
Limes	per cwt.	0	1	0	1
Lime	per ton	0	4	0	4
Linseed cakes and other oil cakes and feeding stuffs	per ton	1	0	0	6
Loam	per ton	0	1	0	1
Locust meal	per ton	1	0	0	6
Machinery	per ton	1	8	1	8
Madder	per ton	2	6	0	10
„ roots	per ton	2	0	0	8
Manganese	per ton	1	0	0	4
Mangold wurzel	per ton	0	4	0	4
Manna croop	per cwt.	0	1	0	1
Marble	per ton	1	0	1	0
Matting of cocoanut fibre	per cwt.	0	1	0	1
Matches, lucifer	per cwt.	0	2	0	2
Mats, bass	per cwt.	0	1	0	1
Manure, street	per ton	0	1	0	1
„ chemical	per ton	1	0	1	0
Marmalade	per cwt.	0	1	0	1
Meal	per 140 lbs.	0	1	0	1
Metal, patent	per ton	3	0	3	0
Mill waste	per ton	1	8	1	8
Mine dust	per ton	0	4	0	4
Mohair yarn	per cwt.	0	2	0	2
Molasses	per ton	1	8	1	8
Moss rock	per ton	1	6	1	6
Musical instruments	per cwt.	0	4	0	4

		Inwards.		Outwards.	
		s.	*d.*	*s.*	*d.*
Mussels	per bushel	0	0½	0	0½
Naphtha	per cwt.	0	2	0	2
Nitrate of soda	per ton	1	0	1	0
Nut cake	per ton	1	0	0	6
Nuts	per cwt.	0	1	0	1
Nutmegs	per cwt.	0	2	0	2
Oakum	per ton	1	8	1	8
Ochre	per ton	1	0	1	0
Oils	per ton	1	8	1	8
Onions	per cwt.	0	1	0	1
Oranges	per cwt.	0	2	0	2
Orchella weed	per ton	2	0	2	0
Oysters	per cwt.	0	1	0	1
Paper, viz. :—					
Writing and printing	per cwt.	0	1	0	1
Packing	per cwt.	0	1	0	1
Paper pulp	per ton	1	0	1	0
Passengers luggage, if under 2 cwt. free—all above	per cwt.	0	2	0	2
Perry	per cwt.	0	1	0	1
Peats	per ton	0	6	0	6
Pepper	per cwt.	0	1	0	1
Pigs heads	per cwt.	0	1	0	1
Pimento	per cwt.	0	1	0	1
Pitch	per cwt.	0	1	0	1
Plants of trees or shrubs	per cwt.	0	2	0	2
Plums	per cwt.	0	1	0	1
Plaster of Paris	per ton	1	0	1	0
Porter, in casks	per 36 gallons	0	3	0	3
„ in bottles	per 6 gallons	0	1	0	1
Potatoes	per ton	1	0	1	0
Poultry	per dozen	0	2	0	2
Preserved provisions	per cwt.	0	1	0	1
Prunelloes	per cwt.	0	2	0	2
Prunes	per cwt.	0	2	0	2
Pumice stones	per ton	1	8	0	10
Quills, undressed	per cwt.	0	1	0	1
Rabbits	per cwt.	0	2	0	2
Raisins	per cwt.	0	1	0	1
Rags, viz. :—					
Linen	per ton	1	0	1	0
Other rags and old leather	per ton	1	0	1	0
Rape cakes	per ton	1	0	0	6
Rape, ground	per ton	1	0	1	0
Rice	per ton	1	8	1	0
Ropes, old	per ton	1	0	1	0
Rosin	per cwt.	0	1	0	1
Rusks	per cwt.	0	2	0	2
Salt	per ton	0	6	0	3
„ refined	per ton	1	0	0	6
„ rock, in lump	per ton	0	6	0	6
Saltpetre	per ton	1	8	1	8
Salmon	per cwt.	0	1	0	1
Sand for founders	per ton	0	3	0	3
„ builders, plasterers, &c.	per ton	0	1	0	1
Saddlery, not enumerated	per cwt.	0	2	0	2

		Inwards.		Outwards.	
		s.	*d.*	*s.*	*d.*
Seed, viz. :—					
Flax and rape	per cwt.	0	1	0	1
Flax seed for crushing	per ton	1	0	1	0
Clover	per cwt.	0	1	0	1
Garden seeds	per cwt.	0	1	0	1
Hemp and canary	per cwt.	0	1	0	1
Timothy	per cwt.	0	1	0	1
Turnip seed	per cwt.	0	1	0	1
Rye grass	per cwt.	0	1	0	1
Other seeds to be charged in proportion to those enumerated.					
Shakes of casks	each	0	1	0	1
Skins, untanned, viz. :—					
Calf	per cwt.	0	1	0	1
,, dried	per cwt.	0	1½	0	1½
Sheep	per cwt.	0	1½	0	1½
Sheep, dressed	per cwt.	0	1½	0	1½
Deer	per cwt.	0	1½	0	1½
Kid	per cwt.	0	1½	0	1½
Lamb	per cwt.	0	1½	0	1½
Seal	per cwt.	0	1½	0	1½
Hare and rabbit	per cwt.	0	1½	0	1½
Screws	per cwt.	0	1	0	1
Other skins in proportion to those enumerated.					
Slates	per 1,000	1	0	1	0
Slate pencil and slates	per cwt.	0	1	0	1
Smalts	per ton	2	6	2	6
Smelts	per cwt.	0	2	0	2
Snuff	per cwt.	0	1	0	1
Soap	per ton	1	8	1	8
Soapers waste	per ton	0	3	0	3
,, salts	per ton	0	6	0	6
Soda crystals	per ton	1	8	1	8
Spermaceti	per ton	1	8	1	8
Spirits	per 6 gallons	0	2	0	2
Stones, viz. :—					
Rubble freestone	per ton	0	2	0	1
Hewn Ashlar freestone	per ton	0	3	0	2
Rough Ashlar freestone	per ton	0	2	0	1
Rubble causeway	per ton	0	2	0	1
Causeway stones, dressed	per ton	0	2	0	1
Pavement, rough	per ton	0	1½	0	1½
,, sawn	per ton	0	3	0	3
Kerb	per ton	0	1½	0	1½
Gravestones	each	2	6	2	6
Scythe stones	per ton	1	0	1	0
Grindstones, of 30 inches diameter and under	each	0	1	0	1
And for every 6 inches above 30		0	1	0	1
Millstones, common	each	1	6	1	6
,, burr	each	2	6	2	6
Starch	per cwt.	0	1	0	1
Straw	per ton	0	10	0	10
Steel	per ton	1	8	1	8
,, old	per ton	1	0	1	0
Stucco	per ton	1	0	1	0
Sugar, raw	per ton	1	8	0	10
,, refined	per ton	1	8	0	10
,, moulds	per ton		8	0	10

	Inwards.		Outwards.	
	s.	*d.*	*s.*	*d.*
Sumac - - - - - - per ton	2	0	2	0
Tallow - - - - - - per ton	1	8	1	8
Tamarinds - - - - - - per cwt.	0	2	0	2
Tanners waste - - - - - per ton	0	4	0	4
Tar - - - - - - per cwt.	0	1	0	1
Tares - - - - - - per cwt.	0	1	0	1
Tea - - - - - - per cwt.	0	3	0	3
Thread - - - - - - per cwt.	0	1	0	1
Tin of all kinds - - - - - per ton	1	8	1	8
Tiles, common size - - - - per 1,000	1	0	1	0
Others in proportion.				
Tiles, drain, common size - - - - per 1,000	1	0	1	0
Tobacco - - - - - - per cwt.	0	2	0	2
Tobacco pipes - - - - - per cwt.	0	1	0	1
Tongues, smoked - - - - - per cwt.	0	1	0	1
„ pickled - - - - - per cwt.	0	1	0	1
Tortoise-shell - - - - - per cwt.	0	6	0	6
Tow - - - - - - per ton	1	8	0	10
Toys - - - - - - per cwt.	0	2	0	2
Treenails - - - - - - per 1,000	0	6	0	6
Turmeric - - - - - - per cwt.	0	1	0	1
Turnips - - - - - - per ton	0	6	0	6
Twine, line, and twisted yarn - - - per ton	1	8	1	8
Valonia - - - - - - per ton	2	0	2	0
Vases, or sculptured marble - - - per cwt.	0	2	0	2
Varnish - - - - - - per cwt.	0	1	0	1
Verdigris - - - - - - per ton	2	0	2	0
Vermilion - - - - - - per ton	1	0	1	0
Veneers of all kinds - - - - per ton	1	8	1	8
Vinegar - - - - - per 6 gallons	0	1	0	1
Vitriol - - - - - per 6 gallons	0	1	0	1
Water, soda and seltzer - - - - per cwt.	0	1	0	1
Whalebone, dressed or undressed - - - per ton	2	6	2	6
Whitening - - - - - - per ton	0	6	0	6
Willow reeds - - - - - per cwt.	0	1	0	1
Wine, in casks - - - - per 6 gallons	0	2	0	2
„ in bottles - - - - per 6 gallons	0	2	0	2
Windows, glazed - - - - - per cwt.	0	1	0	1
Wood (calliper measure) :—				
For timber of all descriptions, per ton or load of 50 cubic feet - - - - - - - -	0	6	0	6
Hardwood of all descriptions, per ton or load of 40 cubic feet - - - - - - - -	0	9	0	9
Wool, white - - - - - per cwt.	0	3	0	3
„ dyed - - - - - per cwt.	0	2	0	2
Wreck materials to be charged one-half per cent. on the value.				
Yarn, viz. :—				
Jute, tow or hemp - - - - per ton	1	8	1	8
Lint and cotton - - - - per ton	1	8	1	8
Worsted - - - - - per cwt.	0	2	0	2
Yeast - - - - - - per cwt.	0	1	0	1
Zinc - - - - - - per ton	1	8	1	8
All unenumerated articles to pay on landing or shipping, if by weight, one shilling and eightpence per ton; if by measurement, twopence per 5 cubic feet.				

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1. In weighing and measuring goods for ascertaining the rates payable, the weight or measurement of the packing materials is to be included.
2. All materials or articles whatsoever, brought into the harbour for the purposes of the harbour works, shall be exempt from rates on goods; but the vessels bringing all such materials shall be liable to rates.
3. Ships outfit and stores of all kinds, including provisions, when taken direct on board of any vessel for her own use, or landed for the purpose of being again reshipped for the use of the same vessel out of which they were so landed, shall be exempted from payment of rates on goods, but all such stores must first be entered at the harbour office, and a permit obtained for such shipping and landing respectively.
4. Goods transferred from one vessel to another within the limits of the harbour, without being landed on the quays, to pay the same rates as if landed.

SCHEDULE (C).

I.—Rates for the use of Cranes.

Note.—These rates may be increased in manner mentioned in section 68 of this Act.

For Cranes lifting under Six Tons.

	For the first Lift.			For each succeeding Lift.		
	£	*s.*	*d.*	£	*s.*	*d.*
Under one ton	0	2	6	0	0	4
One ton and under two tons	0	3	0	0	0	6
Two tons and under three tons	0	3	6	0	0	8
Three tons and under four tons	0	4	0	0	0	10
Four tons and under five tons	0	4	6	0	1	0
Five tons and under six tons	0	5	0	0	1	2

For Cranes lifting up to Ten Tons.

	For the first Lift.			For each succeeding Lift.		
	£	*s.*	*d.*	£	*s.*	*d.*
Under six tons	0	5	0	0	2	6
Six tons and under seven tons	0	10	0	0	5	0
Seven tons and under ten tons	1	0	0	0	10	0

Ten tons and upwards any sum the Trustees think fit to demand.
The labour to be done by the parties requiring the use of the cranes.
In addition to the above rates for cranes, sixpence per hour to be paid for wages to cranemen attending while the crane is in use.

II.—Rates for Ballast.

For loading ballast into and removing ballast from vessels in the harbour or dock, and conveying ballast to or from the place of deposit thereof as by agreement, and failing agreement, not exceeding two shillings per ton.

III.—Rates for Weighing, &c.

For weighing coal shipped into, and removed from vessels in the harbour, not exceeding twopence per ton.
For use of machinery employed for shipping coal, not exceeding threepence per ton.
For use of barges for any purpose, as by agreement.

SCHEDULE (D).

Pilot Dues (including service of boat and crew of not less than four men, exclusive of pilot, if required).

Note.—These rates may be increased in manner mentioned in section 68 of this Act.

	£	*s.*	*d.*
For every vessel above twenty tons entering and leaving the harbour, per ton register - - - - - - -	0	0	3
For each tide's work within the harbour - - - -	0	5	0
For laying out kedge or warp to assist vessel, not exceeding -	0	5	0

SCHEDULE (E).

Form of Mortgage.

Thurso River Harbour.

Mortgage No. £

By virtue of the Thurso River Harbour Act, 1889, we, the Thurso River Harbour Trustees, in consideration of the principal sum of [specify amount], paid by [name and designation of mortgagee] to the treasurer to us the said

A.D. 1889.

Trustees, for the purposes of the said Act, do hereby grant and assign to the said [name of mortgagee], and his executors, administrators and assignees [or as the case may be], such proportion of the several rates to be levied by us the said Trustees under the authority of the said Act, as the said sum of [specify amount] doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates as aforesaid, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [date], or shall thereafter, in virtue hereof, remain as a loan to us, the said Trustees, until the expiration of such further term of years, and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon, and signed by the said mortgagee or his foresaids, and by our treasurer or clerk, which minute or minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of the said parties, nor tested; and we, the said trustees, shall pay interest on the said principal sum from the day of to the said date of repayment first above-mentioned (being at the rate of [specify rate] per centum per annum), declaring that the said mortgagee and his foresaids shall not be entitled to make, and that we, the said Trustees, shall not be bound to recognise or register, any partial assignation of these presents, or of the sums of money, principal or interest, herein contained, and that we, the said Trustees, shall not be liable for any expenses that may be incurred by the said mortgagee or his foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, assignation, or minute of postponement or renewal thereof.

In witness whereof [testing clause, according to law of Scotland].

[Signed by two Trustees and the clerk or the treasurer] L.S.

SCHEDULE (F).

Form of Transfer of Mortgage.

I [name and designation of mortgagee], in consideration of the sum of [specify amount], paid to me by [name and designation of transferree], do hereby transfer to the said [name of transferree], and his executors, administrators and assignees [or as the case may be], a certain mortgage, number [number of mortgage], dated the [date of mortgage], made in my favour [or in favour of the original lender, as the case may be, mentioning the intermediate assignee or assignees] by the Thurso River Harbour Trustees by virtue of the Thurso River Harbour Act, 1889, in connexion with the undertaking authorised by that Act, for securing the sum of [principal sum in mortgage] [*or if the transfer be by endorsement*, the within mortgage], together with the interest

thereon from and after the [date from which transferree is to be entitled to the interest], and all my right and interest in and to the principal money thereby secured, and interest thereon as aforesaid, and in and to the rates thereby assigned. In witness whereof [testing clause according to the law of Scotland].

SCHEDULE (G).

Form of Discharge.

Received from the Treasurer to the Thurso River Harbour Trustees, acting on their behalf, the sum of , being the principal sum contained in the within mortgage (all interest due thereon having been previously paid), and the said mortgage is now delivered up as paid.

Dated this day of , one thousand eight hundred and .

SCHEDULE (H).

Lands, Buildings and Manufactories of which portions may be taken without taking the whole.

Parish.	Number on Deposited Plan.
Thurso.	5, 11a, 11, 13, 16, 47 to 53, and 55 to 58 inclusive.

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., the Queen's Printer of Acts of Parliament.

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EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
ADAM and CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.

A.D. 1889.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 (except the provisions of the said Act of 1845 relating to the entry upon lands by the promoters of the undertaking and to the purchase and taking of lands otherwise than by agreement) the Gasworks Clauses Act 1847:

And the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares:

The transfer or transmission of shares:

The payment of subscriptions and the means of enforcing the payment of calls:

The forfeiture of shares for non-payment of calls:

The remedies of creditors of the Company against the shareholders:

The borrowing of money by the Company on mortgage or bond:

The conversion of borrowed money into capital:

The consolidation of the shares into stock:

The general meetings of the Company and the exercise of the right of voting by the shareholders:

The making of dividends:

The giving of notices: and

The provision to be made for affording access to the special Act by all parties interested:

And Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are (except where expressly varied by this Act) incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall subject to the provisions of this Act apply to the undertaking of the Company as if the same had been authorised by this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction and in construing for the purposes of this Act the Acts so incorporated herewith the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute.