



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xvi.

An Act for extending, improving, regulating, and managing the Harbour of the Royal Burgh of *Aberbrothwick* in the County of *Forfar*.

[14th *May* 1839.]

WHEREAS the Piers, Quays, and other Works of and within the Harbour of *Aberbrothwick* in the County of *Forfar* are insufficient for the Accommodation of the Shipping and Trade of the Burgh, and unfit for the Reception of Vessels of any considerable Size, and it would be of great Advantage to the Trade of the said Burgh if the said Harbour were improved and enlarged, and a suitable Wet Dock constructed for the Accommodation and Protection of the Shipping frequenting the said Harbour: And whereas it is desirable to make and establish proper Rules and Regulations for the Protection of the said Harbour and Works connected therewith, and Ships and Vessels frequenting the same, and to grant Powers for licensing Pilots, and establishing Light-houses upon or near the said Harbour: And whereas the Rates and Duties presently levied at the said Harbour have been found to be partial and unequal in their Operation, and it is necessary, in order to provide Funds for executing the Works and carrying into effect the Purposes foresaid, to alter, amend, and increase the existing Tolls, Rates, or Duties, and to raise and levy other Rates and Duties,

[*Local.*] 4 I and

Trustees
herein-after
appointed to
be empower-
ed to improve
the Harbour
of Aber-
brothwick.

and to grant other Powers for the proper Management and Regulation of the said Harbour: But as these Purposes cannot be accomplished without the Aid and 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, That it shall be lawful for the Trustees to be named and appointed under this Act, and their Successors in Office, to raise, repair, and make sufficient the present Dykes, Piers, Quays, and other Works of the said Harbour of *Aberbrothwick*, and to alter and extend and maintain the same or any Part thereof as the said Trustees shall judge to be necessary for the more effectual Improvement of the said Harbour, and to make, construct, complete, and maintain the Wet Dock and other Works for the Improvement of the said Harbour, laid down and delineated in the Map or Plan herein-after mentioned, and for those Purposes to take and use the Lands and Heritages described in the said Map or Plan and the Book of Reference thereto herein-after mentioned, or so much of such Lands and Heritages as shall be necessary for these Purposes or any of them.

Rules for
Interpreta-
tion of this
Act.

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

Trustees
appointed.

III. And be it enacted, That the Provost of the said Burgh of *Aberbrothwick* for the Time being, Two Members of the Town Council of the said Burgh of *Aberbrothwick*, to be appointed by the Magistrates and Town Council of that Burgh, the Provost of the Burgh of *Forfar* in the said County of *Forfar* for the Time being, and One Member of the Town Council of the said Burgh of *Forfar*, to be appointed by the Magistrates and Town Council of that Burgh, (the said Two Members of the Town Council of *Aberbrothwick* and One Member of the Town Council

Council of *Forfar* to be nominated by the Magistrates and Town Councils of the said Burghs respectively as soon as conveniently may be after the passing of this Act, and yearly in all Time coming within Eight Days after the annual Election of the Magistrates of the said Burghs respectively,) Ten Merchants, Manufacturers, or Shipowners, or others, qualified and to be elected in manner after mentioned, and Four Persons named and to be elected as County Trustees as after mentioned, shall be and they are hereby appointed Trustees for executing this Act, and carrying into effect all the Purposes thereof.

IV. And be it enacted, That as soon as conveniently may be after the passing of this Act the Persons who are or shall be qualified to vote in the Burgh of *Aberbrothwick* in the Election of Members to serve in Parliament for the District or Class of Burghs of which *Aberbrothwick* is one, by and in virtue of the Act of the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-five, intituled *An Act to amend the Representation of the People in Scotland*, and who are duly entered in the List or Roll of the Voters of the said Burgh of *Aberbrothwick* under the said Act, or who by the existing Law for the Time shall be qualified to vote in the said Burgh of *Aberbrothwick* in the Election of Members to serve in Parliament for the said District or Class of Burghs, and are duly entered in the List or Roll of the said Voters as aforesaid, shall meet within some public Place within the said Burgh, (the Time and Place of such Meeting being notified at least Eight Days previous thereto by Advertisement, signed by the acting Chief Magistrate of the said Burgh of *Aberbrothwick*, inserted in some Newspaper published in the said Burgh, if any such there be, or if there shall be no such Newspaper, then in some Newspaper published in the said County of *Forfar*;) and then and there elect, from among the Persons qualified and entered as Voters as aforesaid, Ten Persons to be Trustees in the Execution of this Act until the First *Tuesday* of *December* in the Year One thousand eight hundred and thirty-nine, on which Day the said Trustees shall go out of Office, and the Persons qualified and entered as such Voters as aforesaid shall meet in some public Place within the said Burgh to be notified as aforesaid, and elect, from among the Persons qualified and entered as such Voters as aforesaid, Ten Persons to be Trustees under this Act in room of those so going out of Office, until the First *Tuesday* of *December* in the Year One thousand eight hundred and forty, when they shall go out of Office, and Ten Persons shall be elected as aforesaid as Trustees for the subsequent Year, and in like Manner on the First *Tuesday* of *December* in every subsequent Year the Ten Trustees for the preceding Year shall go out of Office, and Ten new Trustees shall be elected by the Persons qualified and entered as aforesaid; and the Votes shall be taken, the Poll summed up, and the whole other Proceedings at the said Election of Trustees by the said Voters conducted in the same Manner as the Election of Councillors for the said Burgh is appointed by the existing Law for the Time, or as near thereto as Circumstances will admit: Provided always, that it shall not be lawful for the said Persons to elect as such Trustee any Person other than a Merchant, Manufacturer, or Shipowner resident within the

Limits

First Election
of certain
Trustees.

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Limits of the said Burgh as defined by the said Act, or who, although not a Merchant, Manufacturer, or Shipowner, is resident within the said Limits, or within Seven Miles thereof, and is possessed of Real or Personal Estate, either in his own Right or in Right of his Wife, yielding a free yearly Income of Fifty Pounds; and no Person shall be disqualified from being so elected by reason of his being a Member of the Town Council of *Aberbrothwick*.

County Trustees.

V. And be it enacted, That *Douglas Gordon Hallyburton* of *Pitcur*, Esquire, commonly called Lord *Douglas Gordon Hallyburton*, Sir *John Ogilvy* of *Inverquharity*, Baronet, *William Fullarton Lindsay Carnegie* Esquire, of *Spynie* and *Boysack*, and *Patrick Chalmers* Esquire, of *Auldbar*, shall be the County Trustees under this Act until the *Michaelmas* Meeting of the County of *Forfar* which shall be in the Year One thousand eight hundred and thirty-nine, when they shall go out of Office, and the said Meeting shall elect Four Persons to be County Trustees in the Execution of this Act, who shall continue in Office until the next *Michaelmas* Meeting of the said County, when Four Persons shall be elected by such Meeting to be County Trustees in the Execution of this Act until the *Michaelmas* Meeting of the said County next ensuing, and in like Manner in every Year thereafter the *Michaelmas* Meeting of the said County shall elect Four Persons to be County Trustees under this Act for the ensuing Year in the Room of those going out of Office under the Provisions of this Act; but providing always, that no Person shall be entitled to vote at such Election, or be qualified to be elected thereat as a County Trustee, unless he be possessed, either in his own Right or in that of his Wife, of Land in the County of *Forfar* rated in the Cess Books thereof at One hundred Pounds Scots or upwards, or be the eldest Son of such Person.

Act may be carried into execution although all the Trustees are not appointed.

VI. And be it enacted, That although the Town Council of *Aberbrothwick* or the Town Council of the Burgh of *Forfar*, or the Voters qualified as aforesaid, or the *Michaelmas* Meeting of the said County of *Forfar*, or any of them, shall neglect or refuse to appoint or elect the Trustees or any of them whom they are respectively hereby directed to appoint or elect at the Periods before mentioned, such Neglect or Refusal shall not prevent the Execution of this Act by the other Trustees who shall be appointed or elected under this Act, nor shall the Death, Removal, or Refusal to act of any of the Trustees prevent the other Trustees from acting until the Place of such Trustee is filled up by a new Appointment or Election, it being declared that in all Cases the Trustees appointed or elected and willing to act for the Time shall have full Power to execute this Act and all the Purposes thereof.

Vacancies how to be supplied.

VII. And be it enacted, That in case the Place of any of the Trustees to be elected or appointed under this Act shall become vacant by Death, Refusal to act, Disqualification, Resignation, or otherwise, then and in such Cases it shall be lawful for the remaining Trustees elected or appointed by the same Body or Persons who elected the Trustee whose Place has become vacant, if they shall think it necessary, to nominate a Person duly qualified to supply such
Vacancy,

Vacancy, and the Person so nominated shall have and enjoy the same Powers and Privileges of a Trustee as the Person in whose Stead he is nominated, and shall remain in Office until the Period at which the Person in whose Stead he is nominated would have gone out of Office; but notwithstanding that any such Vacancy shall remain unsupplied, the other Trustees shall have full Power to do and perform all Matters necessary for the Execution of this Act.

VIII. And be it enacted, That any Person going out of Office in virtue of the Provisions of this Act shall nevertheless be eligible to be re-elected or re-appointed as a Trustee under this Act.

Persons going out of Office eligible to Re-election.

IX. And be it enacted, That the said Trustees shall meet in the Town Hall of *Aberbrothwick* on the Fourth *Wednesday* after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to the Execution of this Act, with Power to adjourn from Time to Time; and the said Trustees shall also hold an annual General Meeting on the Second *Tuesday* of *December* in the Year One thousand eight hundred and thirty-nine, and on the Second *Tuesday* of *December* in every Year thereafter, with Power to adjourn from Time to Time; and in all Cases Seven of the said Trustees shall be a Quorum, and at their Meetings the Provost of the said Burgh of *Aberbrothwick* shall *ex officio* be Preses, and in his Absence the Trustees present at such Meeting shall elect their Preses for the Time; and all Questions shall be decided by a Majority of the Trustees present at the respective Meetings, the Preses, in case of an Equality of Votes, having a casting Vote besides his Vote as a Member of the Meeting.

First and other Meetings.

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

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

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

Trustees not to hold Offices of Emolument or be concerned in Contracts.

XII. And be it enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to appoint a
[Local.] 4 K Committee

Trustees may appoint Committees of

their Num-
ber.

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

Adjourn-
ments.

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

Trustees not
to vote in
Cases where
personally in-
terested.

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

Trustees to
appoint
Officers.

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

Accounts to
be kept.

Accounts to
be audited
annually.

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

Trustees shall, upon the Request of the said Auditor to that Effect, produce to the said Auditor, and permit and suffer him to examine); and the said Auditor shall audit and docket the said Account, and report the same, with any Remarks he may have to make thereon, to the next Annual General Meeting of the said Trustees to be held on the Second *Tuesday* of *December* thereafter; and on or before the First Day of *January* in each and every Year the said Trustees shall and they are hereby required to prepare or cause to be prepared an Abstract of the said Account, showing under distinct and separate Heads the total Receipts and Expenditure of all Funds levied under this Act during the Year ending on the said Fifteenth Day of *October* immediately preceding such First Day of *January*, with a Statement of the Balance of the same; which Abstract shall be duly audited and certified by the Auditor to be appointed in manner after mentioned; and on or before the said First Day of *January* the said Trustees shall transmit or cause to be transmitted free of Charge a Copy of the said Abstract to the Town Clerk of the said Royal Burgh of *Aberbrothwick*, which shall be open at all seasonable Hours to the Inspection of the Public, on Payment by each Person to the said Town Clerk of a Fee of One Shilling for each such Person for every Inspection, and the further Sum of One Shilling for every Hour during which such Inspection shall continue after the first Hour; and if the said Trustees shall fail to prepare or transmit, in manner herein-before provided, a Copy of the said Abstract, such Trustees shall forfeit a Sum not exceeding Five Pounds for each Day after the said First Day of *January* during which they shall so fail, to be recovered by summary Process before the Sheriff of the said County, and paid to any Person who shall sue for the same; and the said Trustees shall cause the said Account, or the Abstract thereof, to be printed and published for the Information of all Parties concerned.

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

XVIII. And be it enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or other Person in the Service or Employ of any such Clerk or his Partner, the Treasurer for the Purposes of this Act; or if any Person being the Partner of any such Clerk, or the Clerk or other Person, in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or Clerk and Treasurer to be different Persons.
the

the Clerk or any other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action in the Court of Session in *Scotland*, or in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Officers to
account.

XIX. And be it enacted, That the Clerks, Treasurers, Collectors, Receivers, and other Officers to be appointed under this Act shall, under their Hands, at such Time and Times and in such Manner as the said Trustees shall direct, deliver to the said Trustees, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by them received by virtue of and for the Purposes of this Act, and how much thereof had been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain due to the said Trustees or to such Person as they shall appoint to receive the same; and if any such Clerk, Treasurer, Collector, Receiver, or other Officer shall neglect or refuse to make and render any such Account, or to produce or deliver up the Vouchers relating to the same in his Possession or Power, or to make Payment as aforesaid, or shall neglect or refuse to deliver up to the said Trustees, or to such Person as they shall appoint, within Ten Days next after being thereunto required by the said Trustees by Notice in Writing given to or left at the last or usual Place of Abode of such Clerk, Treasurer, Collector, Receiver, or other Officer, all Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in any of the Cases aforesaid the said Trustees may and they are hereby authorized and empowered to cause an Action to be brought against the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Trustees, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace in and for the said County of *Forfar*, or in or for any other Place wherein such Officer so neglecting or refusing shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand for the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon Complaint of the Party, or upon the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered to administer), or by Confession
of

of the Party offending, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Clerk, Treasurer, Collector, Receiver, or Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand to cause such Money to be levied by Pounding and Sale of the Goods and Effects of such Clerk, Treasurer, Collector, Receiver, or Officer; and if no Goods or Effects of such Clerk, Treasurer, Collector, Receiver, or Officer can be found sufficient to answer and satisfy the said Monies, and the Charges of pounding and selling the same, or if it shall appear to such Justice that such Clerk, Treasurer, Collector, Receiver, or Officer shall have neglected or refused to render and give such Account, or to produce the Vouchers relating thereto in his Possession or Power, or that any Books, Accounts, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Clerk, Treasurer, Receiver, or Officer, and he shall have neglected or refused to deliver or give Satisfaction respecting the same, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol of the Town of *Aberbrothwick*, or of any other Place where such Offender shall be or reside, there to remain without Bail until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Trustees are hereby empowered to make and receive, and until he shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees as aforesaid: Provided always, that no Person shall be committed for Want of sufficient Pounding for any longer Space of Time than Six Months.

XX. And whereas a Map or Plan describing the Situation of the Works to be constructed under the Authority of this Act, with a Book of Reference to the said Map or Plan, containing the Names of the Owners and reputed Owners, and Lessees and Occupiers of the Lands in or upon which the said Works are to be constructed, have been deposited with the Sheriff Clerk of the County of *Forfar*; be it enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Sheriff Clerk for the Inspection of all concerned; and it shall be lawful for the said Trustees to take and use, and to construct and complete, the Works and Improvements hereby authorized to be made and constructed in or upon the Lands delineated on the said Map or Plan, although the Names of the Owners, Lessees, or Occupiers of such Lands respectively may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, if it shall appear to the Sheriff of the County of *Forfar* (in case of Dispute about the same), and be certified by Writing under his Hand, that such Omission, Mis-statement, or erroneous Description appears to have proceeded from Mistake; and the Certificate of the said Sheriff shall be deposited with and remain in the Custody of the Sheriff Clerk of the said County.

Plan and Book of Reference.

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

Trustees
empowered
to deviate
from Plan to
an Extent not
exceeding
Twenty-five
Yards.

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

Power to
enter Lands,
&c.

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

XXIII. And

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

Penalty on
Persons
removing
Poles, &c.

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

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

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

Provision for
Deficiencies
of Land Tax.

XXVI. And be it enacted, That it shall be lawful for all Corporations, Heirs of Entail, Life-renters, Husbands, Tutors, and Curators, or other Guardians, Judicial Factors, Trustees for charitable or other Purposes, Executors, and Administrators, and all other Persons whomsoever interested in or entitled to any Lands required for the Purposes of this Act, or which may be damaged by the Operations thereof, not only for and on behalf of themselves, their Heirs and Successors in the said Property, but also for and on behalf of those for whom they act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, Married Women, or other Persons, and

Persons
under legal
Disability
empowered
to sell and
convey
Lands.

it

it shall also be lawful for all Married Women who shall have Right to or be possessed of or interested in such Lands, either absolutely or by virtue of any Right of Terce or other Right, and for all and every Person whomsoever who shall have Right to or be interested in any such Lands, to contract for, sell, feu, or convey to the Trustees all or any Part thereof; and all such Contracts, Sales, Feus, Charters, and Conveyances shall be valid and effectual, notwithstanding the limited or defeasible Nature of the Right and Title, or the Inability or Incapacity of the Parties so contracting, selling, feuing, or conveying, any Law or Custom or Prohibition in the Titles of such Property to the contrary notwithstanding; and all such Corporations and Persons aforesaid so contracting, selling, feuing, or conveying are hereby indemnified for what they shall so do in pursuance of this Act: Provided always, that nothing in this Act contained shall authorize the Proprietors of any entailed Lands to sell or convey the same in Feu Farm to the said Trustees, unless the Deed of Entail under which such Lands are held shall authorize such Mode of Sale.

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

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

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and

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

Compensation Money to be apportioned.

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

Verdicts to be recorded.

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

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

Persons giving false Evidence to be guilty of Perjury.

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

Expences of Jury how to be paid.

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

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

XXXII. And be it enacted, That all Parties with whom the said Trustees shall have any Dispute respecting Damages only, and who shall require a Jury to be summoned as aforesaid, shall, on Tender thereof by the said Trustees, and before the said Sheriff shall issue his Warrant for summoning such Jury, enter into a Bond, with Two sufficient Sureties, to the said Trustees, in a Penalty of One hundred Pounds, to prosecute their Claim, and to bear and pay their Proportion of the Costs, Charges, and Expences attending such Inquiry as herein-before mentioned, in case any Part of such Costs, Charges, or Expences shall fall upon them.

Persons requesting Juries to enter into Bonds to prosecute their Complaint and to pay Expences.

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

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

XXXIV. And be it enacted, That the Purchase Money for any Lands purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person under any other Disability or Incapacity, or the Recompence to be paid for Damages caused thereby, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British Linen Company*, the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, to the Intent that the same shall be applied, under the Direction of the Court of Session, to be signified by an Order made upon a Petition to be preferred

Money to be paid into Banks if above 200*l.*

ferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, in the Purchase of the Land Tax, or towards the Discharge of any Debt or other Incumbrance or Part thereof, as the Court shall authorize to be paid, affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction of the said Court, in the Purchase of other Lands, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes as the Lands which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchases shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Party who would for the Time being be entitled to the Rents and Profits of the Lands so hereby directed to be purchased in case such Purchases or Settlements were made.

If under 200*l.*
and more
than 20*l.*

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

If under 20*l.*

XXXVI. And be it enacted, That where such Purchase Money or Recompence shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Party, for his own Use, who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used for the Purposes of this Act, or in case of Infancy or Lunacy then to his Guardian, for the Use of such Infant or Lunatic.

In case of not
making out
Titles, the
Court shall
order the
Price or Com-
pensation to
be deposited.

XXXVII. And be it enacted, That in case the Party to whom any Sum of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Lands required for the Purposes of this Act to the Satisfaction of the said Trustees, or in case the Party to whom any such Sum of Money shall be so awarded as aforesaid cannot be found, or if
the

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

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

Where any Question shall arise as to Title, the Person in possession to be deemed entitled until the contrary is shown,

XXXIX. And be it enacted, That where, by reason of any Disability or Incapacity of the Party entitled to any Lands to be taken or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, or to be applied in the Purchase of other Lands, in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof, and of the Payment into the said Banks of the said Purchase or Compensation Money, and of the Re-investment of the said Purchase or Compensation Money in Land or other Disposition of the same, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Payment of the Principal of the same out of the said Banks, to be paid by the said Trustees, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Court may order Payment of Expences of Purchases.

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XL. And

Trustees may enter into Contracts for Works, &c.

XL. And be it enacted, That the said Trustees shall be and they are hereby authorized, from Time to Time as Occasion shall be, to make Bargains for Materials to be furnished for the Works, and when it shall appear to be proper to enter into Contracts in Writing with and give Directions to proper Artificers, Handicraftsmen, and other Workmen for the Performance and due Execution of the Works which shall from Time to Time be directed by the said Trustees to be done and performed by virtue and in pursuance of this Act, every such Contract in Writing specifying the several Works to be done, the Prices to be paid for the same, and the Time when or within which the said Works are to be completed, and the Forfeitures or Penalties to be borne or suffered for the Nonperformance thereof; and in all Cases where any pecuniary Penalties shall be recovered of and from any Contractor the same shall be paid to the Treasurer of the said Trustees, and be applied to the Purposes of this Act, and to no other Use or Purpose whatever.

Trustees may erect Sheds for the Protection of Goods, &c.

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

If Land not contracted for within Three Years, the Power to take Property by Compulsion to cease.

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

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

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

and of the Amount of the Sum of Money which he or they may expect and be willing to receive in satisfaction and compensation for the Value of such Estate, Share, Interest, Burden, or Incumbrance, and for such Injury or Damage respectively.

XLIV. And be it enacted, That all Persons and Corporations by this Act capacitated to sell, feu, and convey any Lands, or to release and discharge Lands from Feu Duties, Ground Annuals, Casualties of Superiority, or other Real Burdens or Incumbrances secured thereon, or owning, occupying, or interested in any Lands through or upon which the Works hereby authorized are intended to be made, may agree to accept and receive, and may, subject to such Restrictions as in this Act are contained as to the Payment thereof, accept and receive, Satisfaction or Compensation for the Value of such Lands or of their Interest therein, and also for and on account of any Loss or Damage which may be sustained by such Persons and Corporations by reason of the taking thereof, or of the Construction of the said Works, in such gross Sums, or, at the Option of such Persons or Corporations, but not of the said Trustees, in annual Payments, Feu Duties, or Grounds Annual as shall be agreed upon between the said Persons or Corporations and the said Trustees.

Satisfaction to be made for Lands taken for Harbour.

XLV. And whereas the Magistrates and Town Council of *Aberbrothwick* have by Royal Charter the exclusive Right to the Piers, Port, and Harbour of *Aberbrothwick*, with the Pertinents thereof, and have been in use to levy Harbour and other Dues, Tolls, and Rates within the Precincts thereof, and have erected a Patent Slip on the East Side of the said Harbour for the greater Convenience of repairing Vessels thereon; which Harbour Dues, Tolls, and Rates, as well as the Dues arising from the said Patent Slip, have formed Part of the general Revenues of the Burgh, and have been applied indiscriminately to the Purposes of the Burgh; and which Revenue has been relied on by Creditors and others, who have treated and transacted with the Magistrates and Town Council for the Time being, and it is just and reasonable that adequate Compensation should be made to the said Magistrates and Town Council for their Rights and Interests in the said Piers, Port, and Harbour and Pertinents thereof, as well as for the said Patent Slip erected by them upon the Transference of the same to the Trustees under this Act; be it therefore enacted, That before the Trustees to be appointed and elected in virtue of this Act shall proceed to the Execution thereof, or shall levy any of the Rates or Duties hereby authorized to be levied, the said Trustees shall treat, agree, and settle with the Magistrates and Town Council of the said Burgh for the Time being for such fair and reasonable Compensation, not exceeding the Sum of Ten thousand Pounds, for the Transference to the said Trustees of the existing Piers, Port, and Harbour, with the Pertinents thereof, and the said Patent Slip, and the Harbour and other Dues, Tolls, and Rates leviabie as aforesaid; which Compensation so agreed to be paid shall be payable to the Magistrates and Town Council of the said Burgh by such Instalments, at such Periods, and with such Rate of Interest as the said Magistrates and Town Council and Trustees shall mutually agree upon, and

Compensation provided to the Magistrates and Town Council of *Aberbrothwick*.

and the said Magistrates and Town Council are hereby authorized and empowered to treat and agree with and convey to the said Trustees all their Right and Interest in the said Piers, Port, and Harbour, and Pertinents thereof, and the said Patent Slip, together with the Dues, Tolls, and Rates leviable as aforesaid by Royal Charter or otherwise.

Said Compensation to be preferred to Loans.

XLVI. And be it enacted, That the Sum to be agreed upon and accepted by the said Magistrates and Town Council, in compensation as aforesaid, shall be preferable to the whole Sums to be borrowed in virtue of this Act, and shall be secured upon the Property of the said Harbour, and the Rates and Duties granted by this Act, and all the other Funds and Property vested in or belonging to the said Trustees, by an Assignation or Assignations, or other valid Deed or Deeds, effectually conveying and vesting the same, unless the said Magistrates and Town Council and Trustees shall otherwise consent and agree.

Trustees may license Pilots.

XLVII. And be it enacted, That it shall be in the Power of the said Trustees and they are hereby authorized to license, appoint, and regulate a sufficient Number of Persons, who shall be certified to be fully qualified, as Pilots for the said Harbour, and to fix the Rates of Pilotage to be paid to the said Pilots, and to remove and displace them at pleasure; and if any Person shall act as a Pilot within the Limits of the said Harbour, without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty not exceeding Twenty Pounds Sterling.

Trustees may appoint Meters and Weighers.

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

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

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

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

L. And be it enacted, That the Right and Property of and in the said Harbour, and of and in all Buildings and Erections, and the Materials thereof, and of and in all the Pier Heads, Jetties, Docks, Lights, Lighthouses, Works, Quays, Wharfs, Ways, embanked Ground, Walls, Matters, and Things, built, made, established, purchased, or acquired under or by virtue of this Act, and of and in all and every the Materials, Implements, Tools, Goods, Matters, and Things provided or had for the Purposes of this Act, shall be and the same are hereby vested in the said Trustees and their Successors in Office as One Body Politic and Corporate by the Style and Name of "The Trustees of the Harbour of *Aberbrothwick*," and the said Trustees shall by that Name have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and the said Trustees shall have full Power and Authority and they are hereby required from Time to Time to sell and dispose of all or any of the said Materials or other Articles and Things, or any Part of the same respectively, and also to sell or feu in Perpetuity, or let or lease, such Part of the Ground or other Heritable Property so vested in them as aforesaid as it shall not be necessary to retain for the proper Purposes of a Harbour, by public Sale, at such fair and reasonable upset Prices, Feu Duties, or annual Rents as the said Trustees shall fix and determine, the Day of such public Sale or Sales being previously advertised by Handbills circulated through the Town of *Aberbrothwick*, and in some Newspaper printed and circulated in the said Burgh, if any there be, Three several Times, Ten Days at least before such public Sale; but providing and declaring, that in case no Offerer shall appear for the same or for any Part or Portion thereof, then it shall be in the Power of the said Trustees to adjourn from Time to Time the Sale, as to the Whole or as to the Part or Portion not disposed of, for such Period, not less than Ten Days, as they may deem proper, providing such Adjournments be advertised by Handbills, and twice in such Newspaper as aforesaid, if any such there be, at least Ten Days before the Day of Sale; and the whole Sums to be received by the said Trustees for the said Properties, either moveable or heritable, after deducting the necessary Expences attending such Sales, shall be applied towards the Purposes of this Act, and to no other Use or Purpose whatever.

LI. And be it enacted, That it shall be lawful for the said Trustees or a Quorum of them, and they are hereby empowered, when they shall judge it necessary, to borrow and take up from Time to Time at Interest any Sum of Money, not exceeding the Sum of Fifty thousand Pounds in the whole (including the said Compensation to be agreed on to be paid to the Magistrates and Town Council of *Aberbrothwick*, as before provided), on the Credit of the said Harbour, and the Rates and Duties and other Revenue and Property of the same, and to grant, assign, and set over the several Rates and Duties granted by this Act to any Persons whomsoever who

[Local.]

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shall

Trustees in-
corporated.

Power to
borrow
Money.

Money borrowed not to exceed 50,000*l.* at one Time.

shall be willing to advance and lend Money thereon for securing Repayment of the same, with Interest respectively : Provided always, that it shall be in the Power of the said Trustees, as often as any Part of the Debt so contracted as aforesaid shall be repaid to the Creditors having Right thereto and demanding the same, to borrow such Sum as may be necessary to replace the Sum so repaid, but so that the total Sum borrowed and owing shall not exceed in all the said Sum of Fifty thousand Pounds ; all which Assignments to the Persons lending Money as aforesaid shall be made and granted under the Hands of the said Trustees, or any Three or more of them, in Form or to the Effect following ; (that is to say,)

Form of Assignment.

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

No Preference to be allowed from Priority of Date.

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Rates and Duties, and Property thereby assigned, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority in Date of any such Assignments, or on any other Account (subject always to the foresaid preferable Right herein provided to the Magistrates and Town Council of *Aberbrothwick* for the Sum to be agreed on as Compensation to them in manner before mentioned); and a Copy of every such Assignment shall, within Twenty-one Days from the Date thereof, be entered in a Book to be kept by the Clerk to the said Trustees, which Book shall and may be perused at all seasonable Times by any of the Trustees or Creditors of the said Harbour under this Act, and any other Persons interested therein, without Fee or Reward ; and the Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer their Right or Interest therein to any Person or Persons by an Instrument in Writing duly stamped under their Hands in the Form or to the following Effect :

Form of Transfer.

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

And

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

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

Repayment
of Money
borrowed.

LIII. And be it enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money or Interest thereof by reason of having signed the said Securities, but which Securities are to be held as granted on the sole Credit and Security of the said Harbour and Rates and Duties, unless it be otherwise specially provided in such Securities; nor shall any Trustee be held personally liable upon any Pretext for the Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independently of his Office as a Trustee under this Act.

Trustees not
to be per-
sonally liable.

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

Cash Account
may be open-
ed.

LV. And

Sinking Fund
to be estab-
lished.

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

Rates and
Duties.

LVI. And be it enacted, That so soon after the passing of this Act as the said Trustees shall have settled and agreed with the Magistrates and Town Council of the said Burgh for the Compensation to be made to them as aforesaid, it shall be lawful to and for the said Trustees, and to and for such Persons as they shall from Time to Time authorize and appoint, to demand, levy, receive, collect, and take for the Purposes of this Act, of and from the Owners and Proprietors of all Goods, Wares, Merchandize, or Commodities whatever which shall be imported into or exported from the said Harbour of *Aberbrothwick*, or within the Royalty of that Burgh, whether on the East or West Side of the said Harbour, in any Ship, Vessel, Bark, Boat, or Lighter, the Rates and Duties specified in the Schedule (A.) annexed to this Act, and of and from the Owner of every Ship, Vessel, Bark, Boat, or Lighter coming into or going out of the said Harbour or loading or unloading at any other Part within the Royalty of the said Burgh, or from the Agents or Managers of such Owners, the Rates and Duties specified in the Schedule (B.) annexed to this Act, and which Rates and Duties shall include all Rates, Dues, and Duties of every Kind heretofore leviabie by the said Magistrates and Town Council at the said Harbour in virtue of any Royal Charter, Grant, or otherwise howsoever: Provided always, that until the said Trustees shall have settled and agreed with the said Magistrates and Town Council as to the Compensation to be made to them as aforesaid the Magistrates and Town Council shall have the same Right to levy Dues and Duties at the said Harbour, and generally the same Powers, Privileges, and Immunities of and in the said Harbour or Precincts thereof, as before the passing of this Act.

Power of
Trustees to
reduce Rates.

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

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

Trustees may compound for Rates.

LIX. And be it enacted, That the whole of the Rates and Duties and other Monies levied or received by the said Trustees under the Authority of this Act shall be applied by the said Trustees in manner following; *videlicet*, in the first place, towards Payment of the Expence of the Plans and the other Expences connected with the preparing, procuring, and passing of this Act; in the second place, in Payment of such Sum or Sums of Money as shall be payable to the said Magistrates and Town Council in Name of Compensation or otherwise under this Act; in the third place, towards Payment of the annual Interest of the Monies borrowed and due and owing under the Authority of this Act for the Purposes thereof, on the Credit of the aforesaid Rates and Duties, in manner herein provided; in the fourth place, towards the Formation of a Sinking Fund, when the same shall be established for the gradual Extinction of the Money borrowed under this Act; and lastly, towards the Expence of enlarging, improving, and deepening the aforesaid Harbour, and of carrying through and finishing the other Improvements to be executed by the Trustees under this Act in virtue of the Powers hereby committed to them, and of keeping and maintaining in good Order and sufficient Repair, and paving, watching, and lighting, the said Harbour, and the other Purposes of this Act, and to no other Purpose whatsoever.

Application of Duties.

LX. And whereas in the course of improving the said Harbour the said Trustees may have Occasion to make or erect One or more Slips or Railways for the repairing of Vessels, besides the Slip already erected by the said Magistrates and Town Council; be it enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to let the said Slips or Railways, as well as the Slip already erected, at such Rates or Dues, and to make such Rules and Regulations for the Government of Persons using the said Slips or Railways, as to them the said Trustees shall from Time to Time seem fit and proper; and it shall and

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

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may

may be lawful to and for the said Trustees to lay down, complete, and maintain One or more Lines of Rails on or over the Works erected by them, and to charge and receive and recover from all such Persons as shall use the said Rails either such Rates or Duties as shall be agreed upon between them and the said Trustees for the Use of such Rails, or such Rates or Duties as shall from Time to Time be fixed and declared by the said Trustees as the Rates and Duties to be paid by the Persons using the said Rails.

For supply-
ing Water.

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

Power to ap-
point Super-
intendents
and Officers
for regulating
the Police of
the Harbour.

LXII. And whereas in consequence of the Extension of the said Harbour, and the increased Value of Property loaded or unloaded thereat, it may be expedient to establish proper Regulations for the Protection of the same; be it enacted, That the said Trustees shall have Power and they are hereby authorized to appoint during Pleasure a Superintendent for the said Harbour, and from Time to Time to fix the Number of inferior Officers and Watchmen to be appointed by the said Superintendent, and to make such Rules and Regulations for the Conduct of the said Superintendent, Officers, and Watchmen, and the Police of the said Harbour, as they the said Trustees shall think expedient; and all such Salaries and Allowances as the said Trustees shall from Time to Time agree to pay or give to the said Superintendent, Officers, and Watchmen shall be paid out of the Monies to be received by the said Trustees by virtue of this Act.

Duties of
Superinten-
dents and
Officers.

LXIII. And be it enacted, That it shall be the Duty of the said Superintendent and of the said inferior Officers and Watchmen to guard, patrol, and watch the said Harbour, and the Goods, Wares, and Merchandize therein, and the Vessels of all Descriptions lying at or in the said Harbour, and the Goods, Wares, and Merchandize with which the said Vessels may be loaded, and to enforce the Rules and Regulations made or to be made by the said Trustees to be observed by all Persons within the said Harbour, and to apprehend all Persons committing or charged with committing a Breach of any of the Rules or Regulations, or committing or charged with committing any criminal, riotous, or disorderly Act, within the said Harbour; and it shall also be the Duty of the said Superintendent to afford at all Times to the said Trustees and the Officers appointed by them his best Aid and Assistance relative to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions from the said Harbour, to appoint the requisite Number of efficient and proper Persons to act as inferior Officers and Watchmen, and to dismiss

dismiss them when he shall see Cause, and in general to aid and assist in the Prevention of Breaches of the said Rules and Regulations, and bringing Offenders to Punishment, to attend to the proper lighting, watching, and cleansing of the said Harbour: Provided always, that the said Trustees shall have Power and they are hereby authorized to dismiss or order to be dismissed any of the Officers or Watchmen appointed by the said Superintendent at any Time when they shall find it necessary or proper to do so, and any Person so dismissed shall not be again employed in or about the said Harbour unless with the written Approbation of the said Trustees.

LXIV. And be it enacted, That if any Person employed as one of the said Officers or Watchmen shall retire from his Duty during the Time he ought to have been on Duty, or if any Person shall entertain or permit or suffer to be entertained, in his or her House, any such Person during his Hour of Duty, or shall furnish or supply any such Person employed as aforesaid, or any Person for his Use, with Spirituous Liquors during his Hour of Duty, every such Person shall forfeit a Sum not exceeding Forty Shillings Sterling for each Offence.

Penalty on Watchmen retiring during their Hours of Duty, and for supplying them with Spirituous Liquors.

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

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

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

Bail to be taken in certain Cases.

LXVII. And

Personstaken into Custody to be taken before the Provost or One of the Bailies of Aberbrothwick.

Persons charged with an Offence may be detained for Examination.

Provisions in case Bail has been forfeited.

Provision as to Articles pledged as Bail.

LXVII. And be it enacted, That all Persons taken into Custody and who shall be detained in Custody shall be, in the course of the Day or of the first lawful Day after their Apprehension, taken before the Provost or One of the Bailies of *Aberbrothwick*, to be dealt with according to such Order or Sentence as the said Provost or Bailie may judge it expedient to make or pronounce in such Matter.

LXVIII. And be it enacted, That it shall be lawful for the Provost or any one of the Bailies of the said Burgh to order any Person charged with an Offence under this Act to be detained for affording Time to find Caution or for further Examination, such Examination always taking place without any unnecessary Delay, and never being longer than Seven Days.

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

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

Manner as the said Trustees shall direct, and the Proceeds of such Sales shall be applied towards the Purposes of this Act.

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

As to Proceedings for Breach of the Rules of Police.

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

Magistrates and Sheriffs may concur in the Execution of Warrants.

LXXIII. And be it enacted, That in all Cases the Judge to be appointed as after provided may decern for Expences of Process, over and above the Amount of any Penalty or Sum of Money awarded as or for Damages against Offenders, or against any private Complainant in case the Person complained against shall be acquitted.

Expence of Process.

LXXIV. And be it enacted, That no Appeal, except to the Sheriff of the County of *Forfar*, shall be competent from any Sentence to be pronounced in virtue of the Provisions of this Act by the said Provost or Bailies, and such Appeal shall only be competent, within Ten Days after such Sentence shall have been pronounced, and the Decision of the Sheriff shall be final and conclusive, and not subject to Review or Question by Advocation, Suspension, or otherwise.

No Appeal, except to the Sheriff of Forfarshire.

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

Limitation within which Offenders may be punished under this Act.

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and then such Complaint may be received and entertained at any Time within Twelve Months after the Offence has been committed.

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

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

Magistrates, although Trustees, not disqualified from acting as Justices.

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

Ships in the Service of Her Majesty, &c. to be exempted.

LXXVIII. And be it enacted, That nothing in this Act shall extend or be construed to extend to any Ship or other Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or in the Service or Employ of the Ordnance, Customs, Excise, or Post Office, coming into or using the said Harbour.

Her Majesty or the Lords of the Treasury may reduce Duties on Foreign Ships and Goods.

LXXIX. And be it enacted, That it shall and may be lawful to and for Her Majesty, in and by an Order in Council, or to and for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times, when and so often as She or they shall deem fit so to do, in and by Her or their Order in Writing, to reduce the Duties hereby made payable on all or on such or so many of the Foreign Ships or Vessels, and on all or on such or so many of the Goods and Merchandizes imported or exported in Foreign Bottoms, as She or they in their Judgment shall deem expedient, to the same and like Duties as are hereby and hereafter shall, in pursuance of the Powers herein contained, be made payable in respect of the *British* Ships or Vessels, or the Goods and Merchandizes imported or exported in or by them.

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

LXXX. And be it enacted, That the Masters and Owners of all Ships, Vessels, Barks, Boats, and Lighters trading to and from the said Harbour, and liable to the Payment of the Rates and Duties by this Act imposed, shall be and they are hereby required to produce to the said Trustees, or to the Collector or other Officer appointed by the said Trustees, the Registers of their respective Ships, Vessels, Barks, Boats, or Lighters, in order to ascertain the Tonnage thereof, or otherwise they shall permit and suffer the said Ships, Vessels, Barks, Boats, or Lighters to be measured by the said Trustees, or by such Person as they shall from Time to Time appoint for that Purpose, such Measurement to be made according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels; and the said Owners and Masters shall pay the Rates and Duties according to such Register or Measurement, besides the Expence of the Measurement; and every Owner or Master aforesaid who shall refuse to produce the Register of his or their Ship, Vessel, Bark, Boat, or Lighter, or to allow the same to be measured.

measured as aforesaid, shall for every such Offence forfeit and pay to the said Trustees a Sum, at their Discretion, not exceeding Five Pounds.

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

Power to demand the Production of the Register and to recover the Rates.

LXXXII. And be it enacted, That it shall and may be lawful for the Collector or other proper Officer of Her Majesty's Customs, and he is hereby authorized, (with the Permission of the Commissioners of Customs,) to refuse to receive any Entry, or give or make any Cocquet or other Discharge or Clearance, or take any Report Inwards or Outwards for any Ship or other Vessel whatever subject and liable to the Payment of the Rates and Duties imposed by this Act, until the said Rates and Duties shall be paid to the Collector appointed to receive the same, and until a Receipt under the Hand of the said Collector of the said Rates and Duties shall be produced to the said Collector or other proper Officer of Her Majesty's Customs, or a Certificate under the Hand of the Clerk to the Trustees that the Sum demanded on that Account has been consigned and lodged in his Hands, with sufficient Security for the Payment of all Damages, Costs, and Expences which the Collector of the said Rates and Duties may sustain or incur by reason of the Delay or Refusal of Payment, according as the same shall be ascertained and determined by any One or more of the Justices of the Peace in and for the County of *Forfar*, such Justice of the Peace not being a Trustee under this Act; but provided always, that in case it shall be found by the said Justice or Justices, after hearing both Parties, that the Collector of the said Rates and Duties has made a higher Demand than is authorized by this Act, such Collector shall be liable and decreed

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

and if Sum demanded be higher than authorized by this

Act, Damages
may be re-
covered.

decreed to pay the Party complaining such a Sum in Name of Damages, not exceeding Five Pounds, as shall be judged adequate by the said Justice or Justices, who are hereby authorized and empowered to hear and decide upon all such Questions and Disputes as shall be brought before them relative to such Matters in a summary Manner.

Penalty on
evading
Duties.

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

Exempting
Soldiers and
Sailors, and
Ships and
Packets in
Her Majesty's
Service.

LXXXIV. And be it enacted, That no Rate or Duty shall be chargeable for or in respect of any of Her Majesty's Ships of War, or any Ship, Transport, or Packet or other Craft in the Service of Her Majesty's Customs or Excise, or any Ship or Vessel employed in or upon Her Majesty's Service in the Conveyance of any Ordnance Stores, or Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, nor in respect of any Ships or Transport or Packet employed exclusively in Her Majesty's Service in carrying the Mails of Letters or Express under the Authority of Her Majesty's Postmaster General; but if any Person or Persons shall claim and take the Benefit of any of the Exemptions aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and above the Rates and Duties imposed by this Act.

Recovery of
Rates by
Action.

LXXXV. And be it enacted, That it shall and may be lawful to and for the said Trustees, and their Officers, Collectors, or other Persons to be appointed by them, in case of Neglect, Delay, or Refusal to pay the said Rates and Duties, instead of recovering the same by Seizure, Detention, or Pounding in manner aforesaid, or in case the whole thereof shall not be so recovered, to proceed for the Recovery of the same, or so much thereof as shall not be so recovered, if exceeding in Amount the Sum of Twenty Pounds in the whole, by Action of Debt; and in Cases where the said Rates and Duties shall not amount in the whole to the Sum of Twenty Pounds it shall be lawful for any One or more Justice or Justices of the Peace or for the Sheriff of the said County of *Forfar* to issue a Summons at the Instance of the said Trustees, or of any Collector or Officer appointed by them, from Time to Time to summon and call before him or them by Summons, at any Time and Place lawful and convenient; all or any Persons being the Owners, Part Owners, Consignees, or Masters, or having the Rule or Command of any Ship or other Vessel, or any other Persons liable to pay any of the Rates or Duties by this Act imposed, and to examine and inquire of and concerning all and every or any Ships or other Vessels, Goods, Wares, and Merchandize, or
other

other Matters or Things, liable to the Payment of any of the Rates or Duties hereby imposed, and whether all or what Part or Parts of such Rates or Duties shall be legally exigible, and shall have been paid or not paid, and when and by whom and to whom, and to determine the Amount thereof, and other Matters in dispute between the Parties, and to issue a Decree or Warrant for Payment thereof if the same shall not exceed in the whole the Sum of Twenty Pounds, and also to award such Costs to be paid by either Party to the other as such Justice or Justices or Sheriff shall see reasonable; all which Rates and Duties for which Decree or Warrant shall be given as aforesaid, and all Costs so awarded, shall and may be recovered by ordinary legal Diligence, or, in the Option of the Pursuers, by a Sale of the Ship or Vessel, or of the Tackle, Apparel, or Furniture thereto belonging, or any Part thereof, or of all or any Part of the Goods, Wares, or Merchandize, or others, in respect of which the said Rates and Duties shall be exigible, by Warrant or Decree of the said Justices or Sheriff, which Warrant every such Justice or the said Sheriff is hereby empowered to issue; and the Overplus of the Proceeds, if any, shall be returned, upon Demand, to the Proprietor of the Ship or Vessel, Goods, or others so sold.

LXXXVI. And be it enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Collector or other Officer appointed by the said Trustees, employed in the due Execution of this Act, or shall assault any Officer, Collector, or other Agent of the said Trustees in the Execution of his Office, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be fixed by a Warrant or Decree of any Justice of the Peace or the Sheriff of the County of *Forfar*.

Penalty for resisting Payment of Rates, &c.

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

Leases may be granted of the Rates.

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

Lists of Rates to be publicly exhibited.

LXXXIX. And be it enacted, That no Ship, Vessel, Steam Ship, or Steam Boat, or other Craft, for which the Tonnage Duty exigible by this Act shall have been once paid, shall be liable or be obliged
[Local.] 4 R to

Rates not to be again paid on Vessels putting back.

to pay the same in case of such Ship, Vessel, or Craft being put back to the said Harbour during the Voyage for which the Tonnage Duty was paid.

Power to
erect Cranes
and Weighing
Machines.

XC. And be it enacted, That the said Trustees shall be and they are hereby authorized and empowered to erect such and so many Cranes and Weighing Machines within the said Harbour as may appear to be requisite for the loading, unloading, and weighing of such Goods, Wares, and Merchandize as may be imported at and exported from the said Harbour, and to provide all such Weights and Measures as may be necessary for weighing and measuring the said Goods, Wares, and Merchandize; and the said Trustees are hereby authorized and empowered to demand, levy, collect, receive, and take, for the Use of such Cranes and Weighing Machines, of and from all and every the Owners, Agents, or other Persons having the Charge of such Goods, Wares, and Merchandize, such reasonable Rates and Duties as they shall think proper; and if any Difference shall arise between any Collector of the said Rates and Duties and the Master or other Person having the Care or Charge of any Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, coming to or departing from the said Harbour, or the Owner, Factor, Consigner, or Consignee of any Goods, Wares, Merchandize, or other Things therein embarked or contained, concerning the Weight or Qualities of the Goods, Wares, Merchandize, or other Things loaded or embarked therein, it shall be lawful for any such Collector to stop and detain any such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, and to weigh or gauge, or cause to be weighed or gauged, the same, and all such Goods, Wares, and Merchandize, or other Matters or Things, as shall be therein embarked or contained; and in case the same shall, upon any such weighing or gauging, appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, then it shall and may be lawful to and for the Trustees or their Collectors, and they are hereby authorized and empowered, to charge for such Goods and Things according to the Weight thereof found upon such weighing, or declared by the Gauge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft; and the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing and gauging; all which Costs and Charges, upon Refusal of Payment on Demand, shall and may be recovered and levied in the same Manner as the Rates and Duties imposed by this Act are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, or other Matters or Things shall appear to be of the same or of a less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Trustees and their Collector, as the Case may be, shall pay the Costs and Charges of such weighing and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention.

XCI. And

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

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

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

Officers may remove Articles allowed to remain on the Quays.

XCIII. And be it enacted, That the said Trustees, or such Person as they shall authorize and appoint, shall and may and they are hereby authorized and empowered, when and as often as they shall judge necessary, to remove or cause to be removed any Vessel, Bark, Lighter, or Boat lying in any of the Entries or Passages of the said Harbour, or at any Quay, Pier, or Work already built or hereafter to be built in pursuance of this Act, or in any other Part of the said Harbour, from its Berth or Lying Place at which such Vessel respectively may happen to be moored or lying at the Time to any other Berth or Lying Place in the said Harbour; and in case the Master or other Person having the Charge of such Ship, Vessel, Bark, Lighter, or Boat shall neglect or refuse to remove or cause to be removed, upon being required to do so by the said Trustees, or such Person as they shall authorize as aforesaid, as soon after such Requisition as the State of the Tide will permit, such Ship, Vessel, Bark, Boat, or Lighter from her said Berth or Mooring Place to such other Berth or Mooring Place as shall have been appointed as aforesaid, then and in that Case the said Trustees, or any Person authorized by them as aforesaid, shall be and hereby are empowered, immediately on such Refusal or Neglect, to remove or cause to be removed such Ship, Vessel, Bark, Lighter, or Boat from its then Berth or Mooring Place to such other Berth or Mooring Place as the said Trustees, or the Person or Persons authorized by them, shall judge proper; and the Master, Owner, or Consignee of such Ship, Vessel, Lighter, Bark, or Boat so removed shall be obliged to pay to the said Trustees all the Costs and

Power to remove Vessels from one Berth to another.

and Charges that shall have been reasonably incurred and expended in accomplishing such Removal; and every Master or other Person having or being in the Command or Charge of any such Vessel, or any other Person or Persons who shall obstruct or hinder the Removal as aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling to the said Trustees or any Person appointed by them.

No Combustibles to be allowed to remain on the Quays or in Vessels.

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

Gunpowder not to remain in Vessels more than Six Hours.

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

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

XCVI. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Person to throw or empty any Ballast, Dirt, Ashes, Rubbish, Shingle, Stones, or any other Thing, into the said Harbour or Entrances thereto, or within Half a Mile of the

the Entrance thereto, or to dig or take away any Ballast, Shingle, Stones, or other Thing from within the same, or within Half a Mile of the said Entrances, without Leave of the Trustees in Writing, under a Penalty not exceeding Ten Pounds Sterling for every such Offence, over and above the Expence of repairing the Damages; and if any Person shall cast out or deposit any Ballast out of any Ship or Vessel upon any of the Quays, Piers, or Works, or in any other Place in or about the said Harbour, such Person shall be obliged immediately to cause the same to be carried off, on pain of forfeiting for every such Offence a Sum not exceeding Five Pounds Sterling over and above the Expence of removing the same.

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

Penalty on
destroying
Works.

XCVIII. And be it enacted, That all Forfeitures and Penalties imposed by this Act shall and may, except in Cases herein otherwise specially directed, be sued for by the said Trustees or any Person aggrieved, and be adjudged and recovered by and under the Authority of the Burgh Court of the said Burgh; and it shall be lawful for such Court, on Complaint made by the said Trustees or Person aforesaid of every Offence against this Act, to grant Warrant to summon the offending Party to appear before such Court, and upon Proof of such Offence by voluntary Confession, or by the Oath of One or more credible Witnesses, or other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or closed Record or Minutes of Evidence; and where such Court shall find the Complaint relevant and proven it shall find the Penalty due; and so soon as the Penalty has been found due, and its Amount fixed, a Decerniture shall be given for the Amount, with the Expences of Suit, in favour of the said Trustees or Person to whom the same is or shall be payable: Provided always, that where there is no special Provision in this Act as to the Person to whom any such Penalty shall be due and payable, such Court shall have Power to find the Whole or any Part thereof due to the said Trustees or Persons suing for the same, or the Whole or any Part thereof due to any other Person aggrieved; and such Court shall at the same Time grant Warrant for the Recovery thereof, failing Payment within Eight Days from the Date of such Decree and Warrant, by Pounding and Sale of the Goods and Effects of the Offender, or by Imprisonment in the House of Correction, Bridewell, or Common Gaol wherein such Court is authorized by Law to incarcerate Offenders, for a Period at the Discretion of such Court, but not exceeding Three Months, it being hereby provided that a Record shall be kept of the Complaint, and of the Judgment and Warrant thereon.

Recovery of
Penalties.

XCIX. And be it enacted, That if any Person shall think himself aggrieved by any Decision, Warrant, or Order of any Justice or Justices of the Peace in the Execution of this Act, or by any Bye
[Local.] 4 S Law

Appeal.

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

For apprehending transient Offenders.

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

Trustees or Officers not incompetent Witnesses.

CI. And be it enacted, That no Person shall be deemed incompetent to give Evidence in any Cases and Matters which shall be heard and determined relative to this Act by reason only or on account of such Person being a Trustee under this Act, or acting under the Appointment of the said Trustees.

Notice on Trustees how to be served.

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

Power to make Bye Laws.

CIII. And be it enacted, That it shall and may be lawful to and for the said Trustees at any Time or Times to make, ordain, and establish such Orders, Rules, and Bye Laws for the deepening, cleaning, and keeping in repair and managing the said Harbour, and for supplying Shipping with Ballast, and for accomplishing the other Purposes of this Act, and from Time to Time as Occasion shall require to repeal, amend, or alter such Rules, Orders, and Bye Laws in such Way as shall appear most proper according to the Spirit of this Act, and to fix and declare reasonable pecuniary Penalties not exceeding Five Pounds Sterling for each Default in Observance or Breach of the said Regulations and Bye Laws, or any of them, to be recovered and applied in the same Way as Penalties imposed by this Act are ordered to be recovered and applied: Provided always, that such Rules, Regulations, and Bye Laws shall not be repugnant to the Laws in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, or to any thing in this

Act contained; and the said Orders and Bye Laws shall be printed and distributed, and Copies thereof painted on Boards affixed on Two or more of the most conspicuous Places at or near the said Harbour, and which Boards shall from Time to Time be renewed by the said Trustees when in any way defaced or destroyed; which Rules, Orders, and Bye Laws shall be subject to be appealed from by any Person thereby affected in manner herein-before mentioned; and provided always, that no such Orders, Rules, and Bye Laws shall be of any Force or Effect until the same shall have been submitted to and approved of by the Sheriff of the said County of *Forfar*; and provided further, that in all Cases the Justices or Court before whom any Complaint shall be brought shall have full Power to mitigate the Penalty imposed by any such Orders, Rules, and Bye Laws.

CIV. And be it enacted, That if any Person shall wilfully or maliciously deface, pull down, or destroy any Board whereon the said Orders or Bye Laws shall be painted, and which shall be affixed by the said Trustees as aforesaid, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on
defacing
Boards.

CV. And be it enacted, That if any Person, not being qualified in Terms of the Provisions of this Act to vote in the Election of any Trustee under this Act, shall nevertheless vote in such Election, such Person shall forfeit and pay the Sum of Five Pounds *toties quoties*; or if any Person appointed or elected as a Trustee under this Act shall act as such Trustee without being qualified as provided by this Act, such Person shall forfeit and pay the Sum of Twenty Pounds *toties quoties*.

Penalty on
Persons
voting for or
acting as
Trustees
without being
qualified.

CVI. And whereas a Lighthouse and Beacon for regulating the Approaches to the said Harbour have been established and maintained by the Seamen Fraternity of *Aberbrothwick* at the Expence of that Fraternity, and have been very useful for that Purpose, but it would be more convenient that the said Lighthouse and Beacon were placed under the Management of the Trustees of this Act; be it therefore enacted, That it shall be lawful to the said Trustees and they are hereby authorized to treat and agree for the Acquisition of and to acquire from the Parties interested therein the said Lighthouse and Beacon, and to establish other Lighthouses and Beacons in such convenient Situations as they shall think proper, for directing the safe Approach to the said Harbour, under such Regulations as they shall from Time to Time make and provide; and in order to enable the said Trustees to acquire and establish such Lighthouses and Beacons, and to maintain the same in proper Order and Repair in all Time coming, it shall be lawful to the said Trustees to levy on all Ships, Vessels, or other Craft entering the said Harbour such Rates and Duties as shall be necessary for that Purpose, as they shall annually fix and determine, not exceeding the Rates and Duties specified in the Schedule (C.) to this Act annexed; and a separate Account shall be kept of such Rates and Duties, and of the Application thereof for the Purposes aforesaid: Provided always, that all such Lighthouses and Beacons shall be subject to the Conditions,
Provisions,

A Lighthouse
to be estab-
lished.

6 & 7 W. 4.
c. 79.

Provisions, and Declarations of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-nine, intituled *An Act for vesting Lighthouses, Lights, and Sea Marks on the Coast of England in the Corporation of Trinity House of Deptford Strond, and for making Provisions respecting Lighthouses, Lights, Buoys, Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof.*

Reserving
the Rights of
Magistrates
and Town
Council of
Aberbroth-
wick.

CVII. And be it enacted, That nothing herein contained shall extend or be so construed as to extend to take away, or to diminish, alter, or affect any Rights, Titles, Dues, Payments, Powers, Privileges, Jurisdictions, or Authorities of the Magistrates and Town Council of *Aberbrothwick*, belonging or in any way competent to them in virtue of any Royal Charters or otherwise, excepting only in so far as the same are by this Act expressly taken away, varied, altered, or restrained.

Works and
Vessels not
to interrupt
the View from
Bell Rock
Signal
Tower.

CVIII. And whereas the Commissioners of the Northern Lights have, on a Piece of Ground belonging to them situated to the Westward of the present Harbour, erected certain Buildings in connexion with the *Bell Rock* Lighthouse, and among others a Signal Tower for the Purpose of communicating by Signal with the said Lighthouse; be it enacted, That nothing in this Act contained shall be held as authorizing the Construction of any Works or the mooring of any Vessels so as to interrupt in any way the View between the said Signal Tower and the *Bell Rock* Lighthouse; and the Trustees by this Act nominated and appointed, and the Officers and Servants acting under them, shall be and they are hereby required, at all Times, to take care that nothing is done to occasion any Interruption to the free View between the said Signal Tower and the *Bell Rock* Lighthouse.

Lands of
Dundee and
Arbroath
Railway
Company
and Ar-
broath and
Forfar Rail-
way Com-
pany not to
be taken
without
Consent.

CIX. And be it enacted, That nothing in this Act contained shall authorize the said Trustees to take or use for the Purposes of this Act any Part of the Lands or other Heritable Property presently belonging to the *Dundee* and *Arbroath* Railway Company, nor any Part of the Lands or other Heritable Property presently belonging to the *Arbroath* and *Forfar* Railway Company, without the Consent in Writing of the said Companies respectively, nor to cut off the Connexion between the said Two Lines of Railway; any thing to the contrary herein contained notwithstanding.

Expences of
Act how to
be paid.

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

Public Act.

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

SCHEDULE (A.) to which this Act refers.

Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Acorns - - - - -	0	0	3	per Quarter.
Alabaster - - - - -	0	2	0	per Ton.
Ale, Strong - - - - -	0	0	2	per Barrel Bulk.
Almonds. See Grocery.				
Alum, Rock - - - - -	0	1	0	per Ton.
Apples - - - - -	0	0	1	per Bushel.
Argol - - - - -	0	2	0	per Ton.
Ashes, viz.				
Pot or Pearl - - - - -	0	1	6	Ditto.
Weed and Wood - - - - -	0	1	6	Ditto.
Bacon or Hams - - - - -	0	0	3	per Barrel Bulk.
Barilla - - - - -	0	1	6	per Ton.
Bar Iron. See Iron.				
Bark, viz.				
Oak - - - - -	0	1	0	Ditto.
Quercitron - - - - -	0	1	6	Ditto.
Barley. See Corn.				
Shelled or Pearl ditto - - - - -	0	0	1	per Cwt.
Barrels, empty Herring - - - - -	0	0	3	per Dozen.
Basket Rods - - - - -	0	0	1	per Bundle.
Baskets, viz.				
Under 12 Inches in Diameter - - - - -	0	0	1	per Dozen.
Above 12 Inches in Diameter - - - - -	0	0	2	Ditto.
Bay Berries. See Berries.				
Beans. See Corn.				
Beef or Pork - - - - -	0	0	3	per Barrel Bulk.
Beer, Spruce - - - - -	0	0	2	Ditto.
Berries, viz.				
Bay - - - - -	0	0	6	Ditto.
Juniper - - - - -	0	0	6	Ditto.
Yellow - - - - -	0	0	6	Ditto.
Cran - - - - -	0	0	6	Ditto.
Biscuit - - - - -	0	1	0	per Ton.
Blacking - - - - -	0	0	4	per Barrel Bulk.
Black Lead. See Lead.				
Bleaching Powder - - - - -	0	1	6	per Ton.
Blubber - - - - -	0	1	0	per 252 Imperial Gal- lons.
Bone Dust - - - - -	0	0	9	per Ton of 40 Bushels.
Bones of Cattle - - - - -	0	0	9	per Ton.
Books - - - - -	0	0	6	per Barrel Bulk.
Bottles, of Green or common Glass, not less than Pints - - - - -	0	0	3	per Gross.
Bottles, broken - - - - -	0	0	3	per Ton.
Bran - - - - -	0	0	8	per Chaldron.

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Articles of Import and Export.	Rates.			Per Weight or Measure.
	£.	s.	d.	
Brandy. See Spirits.				
Brass	0	0	2	per Cwt.
Bricks	0	0	10	per 1,000.
Brimstone	0	1	6	per Ton.
Bristles	0	0	6	per Cwt.
Bulls. See Cattle.				
Bulrushes	0	1	0	per Load.
Butter	0	0	4	per Barrel Bulk.
Calves Velves	0	0	2	per Cwt.
Candles	0	0	4	per Barrel Bulk.
Cane Reeds	0	0	6	per 1,200.
Carpets. See Cloth.				
Carrôts	0	0	4	per Ton.
Casks, empty, not being returned				
Packages	0	0	3	per Puncheon.
Other Casks in proportion.				
Cattle, viz.				
Bulls	0	0	6	each.
Cows and Oxen	0	0	6	Ditto.
Calves	0	0	3	Ditto.
Horses	0	1	0	Ditto.
Pigs	0	0	2	Ditto.
Sheep	0	0	2	Ditto.
Lambs	0	0	1	Ditto.
Caviare	0	0	6	per Barrel Bulk.
Cement	0	1	0	per Ton.
Chalk	0	0	3	Ditto.
Cheese	0	2	0	Ditto.
Chesnuts	0	0	6	per Barrel Bulk.
Chimney Cans	0	1	0	per 100.
China Ware	0	1	0	per Hhd.
Cider	0	0	2	per Barrel Bulk.
Cinders	0	1	0	per Ton.
Cinnamon. See Grocery.				
Clay, viz.				
China Clay or Stone Clay	0	0	8	per Ton.
Pipe Clay	0	0	6	Ditto.
Cloth, Brown or Bleached Linens, viz.				
Osnaburgh	0	0	1	per Piece.
Sheeting	0	0	1	Ditto.
Dowlas	0	0	1	Ditto.
Ducks	0	0	1	Ditto.
Ravenducks	0	0	1	Ditto.
Ticklenburgs	0	0	1	Ditto.
Drillings	0	0	1	Ditto.
Shirtings	0	0	1	Ditto.
Silecias	0	0	1	Ditto.
Hessians or Wrappering, 40				
Inches and under	0	0	1	Ditto.
Hessians or Wrappering, for				
every 10 Inches above 40	0	0	0½	Ditto.
Sailcloth	0	0	0½	Ditto.

Articles of Import and Export:	Rates.	Per Weight or Measure.
<i>Cloth—continued.</i>		
Bagging and Sacking of all Kinds under 34 Inches	0 0 0½	per Piece.
Above 34 Inches and under 44 Inches	0 0 0¾	Ditto.
Pimento Bagging	0 0 0¾	Ditto.
Tarpaulings	0 0 0¾	Ditto.
Browns	0 0 0¾	Ditto.
Linen Cloth, when cut down into shorter Lengths, to pay according as the original Piece would have been rated.		
Sacks, made	0 0 0½	per 25.
All Linen Cloth imported for the Purpose of being bleached	0 0 2	per Barrel Bulk.
Carpeting, Jute	0 0 1	per Piece.
Rugs	0 0 6	per Barrel Bulk.
Canvass, broad	0 0 2	Ditto.
Clothiery	0 0 6	Ditto.
Haberdashery, comprehending Cotton and Silk Goods	0 0 6	Ditto.
Hosiery	0 0 6	Ditto.
Linens, &c.	0 0 3	Ditto.
Coaches, Chaises, Gigs, and other similar Carriages	0 0 4	per Barrel Bulk.
Coals, Scots, English, Smithy, and Culm	0 0 4	per Ton.
Cochineal	0 1 0	per Cwt.
Cocoa	0 3 0	per Ton.
Cocoa Nuts	0 0 3	per 100.
Coffee	0 0 4	per Barrel Bulk.
Codilla	0 1 3	per Ton.
Copper	0 3 0	Ditto.
Old	0 1 6	Ditto.
Ore	0 0 6	Ditto.
Copperas	0 0 6	Ditto.
Coral	0 0 6	per Cwt.
Cordage	0 1 6	per Ton.
Corks	0 0 3	per Barrel Bulk.
Corkwood	0 2 6	per Ton.
Corn, viz.		
Barley	0 0 1½	per Quarter.
Beans	0 0 1½	Ditto.
Indian Corn	0 0 1½	Ditto.
Malt	0 0 2	Ditto.
Oats	0 0 1½	Ditto.
Pease	0 0 1	Ditto.
Rye	0 0 1½	Ditto.
Wheat	0 0 2	Ditto.
Cotton Wool	0 1 6	per Ton.
Cow, Ox, or Bull Hair. See Hair.		
Cows. See Cattle.		
Cranberries. See Berries.		
Crystal	0 0 6	per Barrel Bulk.
Currants. See Grocery.		
Dogs, Sporting only	0 0 6	each.

Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Drugs and all Merchandize for Drug- gists - - - -	0	0	6	per Barrel Bulk.
Earthenware - - - -	0	0	9	per Crate.
Ditto in Bulk - - - -	0	3	4	per 100 Dozen.
Eggs - - - -	0	0	3	per Barrel Bulk.
Elephants Teeth - - - -	0	0	6	per Cwt.
Emery Stones - - - -	0	0	1	Ditto.
Feathers - - - -	0	0	6	Ditto.
Figs. See Grocery.				
Fish Oil. See Oil.				
Fish, salted, dry - - - -	0	3	0	per Boat.
Ditto - - - -	0	1	6	per Ton.
Fish in Casks - - - -	0	0	2	per Barrel Bulk.
Flax - - - -	0	1	6	per Ton.
Flint Stones - - - -	0	0	4	Ditto.
Flour - - - -	0	0	3	per Sack.
Flower Roots - - - -	0	0	3	per Barrel Bulk.
Founders Dust - - - -	0	0	8	per Ton.
Furriers Waste - - - -	0	0	3	Ditto.
Garden Seeds. See Seeds.				
Geneva. See Spirits.				
Ginger - - - -	0	0	6	per Barrel Bulk.
Preserved - - - -	0	0	3	per Cwt.
Ginseng - - - -	0	0	6	Ditto.
Glass - - - -	0	0	9	per Crate.
Broken - - - -	0	0	4	per Ton.
Glue - - - -	0	0	3	per Barrel Bulk.
Goats Hair. See Hair.				
Grapes - - - -	0	0	1	per Jar.
Grease - - - -	0	1	0	per Ton.
Ditto, Carriers - - - -	0	1	0	Ditto.
Grocery, viz.				
Almonds - - - -	0	0	6	per Barrel Bulk.
Cinnamon - - - -	0	0	6	Ditto.
Currants - - - -	0	0	6	Ditto.
Figs - - - -	0	0	6	Ditto.
Pepper - - - -	0	0	6	Ditto.
Pimento - - - -	0	0	6	Ditto.
Plums - - - -	0	0	6	Ditto.
Prunes - - - -	0	0	6	Ditto.
Raisins - - - -	0	0	6	Ditto.
Gunpowder - - - -	0	0	3	per Cwt.
Hair, viz.				
Cow, Ox, or Bull - - - -	0	0	2	Ditto.
Goats Hair or Wool - - - -	0	0	2	Ditto.
Horse - - - -	0	0	2	Ditto.
Hair Powder - - - -	0	0	6	Ditto.
Hardware - - - -	0	0	4	per Barrel Bulk.
Hats - - - -	0	0	3	Ditto.
Hay - - - -	0	1	0	per Ton.

Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Hemp, rough	0	1	6	per Ton.
Herrings	0	0	2	per Barrel.
Hides, wet and dry, including Calves Skins	0	1	6	per Ton.
Honey	0	0	2	per Cwt.
Hoops of Iron	0	1	0	per Ton.
Hoops of Wood	0	1	0	per 1,200.
Hops	0	0	4	per Cwt.
Horns, Slugs, and Tips	0	2	6	per Ton.
Horse. See Cattle.				
Household Furniture, including Rail- way Waggon	0	0	2	per Barrel Bulk.
Husbandry Utensils	0	0	2	Ditto.
Indian Corn. See Corn.				
Indigo	0	1	0	Ditto.
Ink	0	0	2	per Barrel Bulk.
Iron, viz.				
Bar, Bolt, and Rod, including Railway Bars	0	0	8	per Ton.
Plate, Sheet, and forged	0	1	0	Ditto.
Made Work	0	1	0	Ditto.
Anchor Chains	0	1	6	Ditto.
Hoops. See Hoops.				
Cast Iron Goods	0	1	0	Ditto.
Ditto, commonly called Iron- mongery	0	1	6	Ditto.
Old or broken Cast Iron	0	0	6	Ditto.
Pig	0	0	6	Ditto.
Ivory	0	0	6	per Cwt.
Japonia	0	1	6	per Ton.
Juniper Berries. See Berries.				
Junk, old	0	0	6	Ditto.
Kelp	0	0	6	Ditto.
Lard	0	2	0	Ditto.
Latten Black	0	2	0	Ditto.
Lead, Sheet, and Pipes	0	1	0	Ditto.
Black	0	2	0	Ditto.
Ore	0	1	0	Ditto.
Red and White	0	2	0	Ditto.
Shot	0	1	6	Ditto.
Leather, tanned and dressed	0	2	0	Ditto.
Lemons	0	0	4	per Chest.
Lime	0	0	8	per Chaldron.
Limes	0	0	4	per Cask.
Linseed. See Seed.				
Oil. See Oil.				
Loam	0	0	2	per Ton.

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Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Machinery - - - - -	0	0	2	per Barrel Bulk.
Madder - - - - -	0	2	0	per Ton.
Madder Roots - - - - -	0	1	6	Ditto.
Malt. See Corn.				
Manganese - - - - -	0	1	4	Ditto.
Manure - - - - -	0	0	2	Ditto.
Marble - - - - -	0	1	0	Ditto.
Matts, Bass - - - - -	0	0	3	per 120.
Meal - - - - -	0	0	1½	per Boll.
Medicines. See Drugs.				
Mill Waste - - - - -	0	0	9	per Ton.
Mohair Yarn - - - - -	0	0	2	per Cwt.
Molasses - - - - -	0	1	4	per Ton.
Morels - - - - -	0	0	4	per Cwt.
Moss Rock - - - - -	0	1	6	per Ton.
Mum - - - - -	0	2	0	Ditto.
Musical Instruments - - - - -	0	0	6	per Barrel Bulk.
Nutmegs - - - - -	0	1	0	per Cwt.
Nuts - - - - -	0	0	4	per Barrel Bulk.
Oakum - - - - -	0	1	4	per Ton.
Oats. See Corn.				
Ochre - - - - -	0	0	3	per Barrel Bulk.
Oils, Linseed, Palm, Rape, Turpentine, and Sperm - - - - -	0	0	3	per Barrel Bulk.
Whale, Train, Cod, or Seal - - - - -	0	1	6	per Tun of 252 Gallons.
Onions - - - - -	0	0	1	per Bushel.
Oranges - - - - -	0	0	4	per Chest.
Orchella Weed - - - - -	0	2	0	per Ton.
Ore of Iron. See Iron.				
Ore of Lead. See Lead.				
Paper, viz.				
Writing and Printing Paper - - - - -	0	0	6	per Barrel Bulk.
Packing Paper - - - - -	0	0	3	Ditto.
Passengers Luggage, if under 2 Barrel Bulk, free; all above - - - - -	0	0	6	per Barrel Bulk.
Pease. See Corn.				
Peats - - - - -	0	0	1	per 100.
Pelts - - - - -	0	2	0	per Ton.
Pepper. See Grocery.				
Perry - - - - -	0	0	2	per Barrel.
Pig Iron. See Iron.				
Pigs. See Cattle.				
Pigs Heads - - - - -	0	0	3	per Barrel Bulk.
Pimento. See Grocery.				
Pitch - - - - -	0	0	2	per Barrel.
Plants of Trees or Shrubs - - - - -	0	0	2	per Barrel Bulk.
Plaster of Paris - - - - -	0	1	0	per Ton.
Plums. See Grocery.				
Pork. See Beef.				
Porter, in Casks - - - - -	0	0	3	per Barrel Bulk
in Bottles - - - - -	0	0	3	Ditto.

Articles of Import and Export.	Rates.	Per Weight or Measure.
	£ s. d.	
Potatoes - - - - -	0 0 4	per Ton.
Powder of Lead. See Lead.		
Pumice Stones - - - - -	0 1 0	Ditto.
Prunelloes - - - - -	0 0 6	per Barrel Bulk.
Prunes. See Grocery.		
Quercitron Bark. See Bark.		
Quills, undressed - - - - -	0 0 1	per 1,000.
Rags, viz.		
Linen - - - - -	0 1 0	per Ton.
other Rags, old Ropes, and old Leather - - - - -	0 0 6	Ditto.
Raisins. See Grocery.		
Rape Cakes - - - - -	0 1 6	Ditto.
Rape Seeds. See Seed.		
Red Lead. See Lead.		
Reeds - - - - -	0 0 1	each Bundle.
Rice - - - - -	0 2 0	per Ton.
Rock Moss. See Moss.		
Rosin - - - - -	0 0 2	per Barrel Bulk.
Rum. See Spirits.		
Rye. See Corn.		
Salmon - - - - -	0 0 3	per Box of 4 Kits.
Salt - - - - -	0 0 10	per Ton of 40 Bushels.
Salt, Rock, in Lump - - - - -	0 1 0	per Ton.
Saltpetre - - - - -	0 2 6	Ditto.
Seed, viz.		
Flax and Rape - - - - -	0 0 6	per Hogshead.
Ditto - - - - -	0 0 3	per Barrel.
Ditto, in Bulk - - - - -	0 0 2	Ditto.
Clover - - - - -	0 3 4	per Ton.
Garden Seeds - - - - -	0 0 3	per Barrel Bulk.
Hemp and Canary - - - - -	0 0 3	Ditto.
Rye Grass - - - - -	0 0 3	per 8 Bushels.
Sheep. See Cattle.		
Shumach - - - - -	0 1 6	per Ton.
Skins, viz.		
Sheep - - - - -	0 0 3	per Score.
Deer - - - - -	0 0 3	Ditto.
Kid - - - - -	0 0 3	Ditto.
Lamb - - - - -	0 0 3	Ditto.
Seal - - - - -	0 0 3	Ditto.
Sheep, dressed - - - - -	0 0 3	per Barrel Bulk.
Hare and Rabbit - - - - -	0 0 1	per Score.
Slates, viz.		
Undersize - - - - -	0 0 8	per 1,000.
Sizeable - - - - -	0 1 3	Ditto.
Oversize - - - - -	0 2 0	Ditto.
Slate Pencils and Slates - - - - -	0 0 4	per Barrel Bulk.
Smalts - - - - -	0 2 6	per Ton.
Smelts - - - - -	0 0 2	per Cwt.
Snuff - - - - -	0 0 6	per Barrel Bulk.

Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Soap	0	1	6	per Ton.
Soapers Salts	0	1	6	Ditto.
Soapers Waste	0	0	3	Ditto.
Soda	0	1	6	Ditto.
Spermaceti	0	2	0	Ditto.
Spirits, Foreign and British	0	0	5	per Barrel Bulk.
Stones, viz.				
Rubble Freestone	0	0	1	per Ton.
Hewn Ashlar Freestone	0	0	2	Ditto.
Rough Ashlar Freestone	0	0	1½	Ditto.
Rubble Causeway	0	0	1	Ditto.
Causeway Stones, dressed	0	0	1½	Ditto.
Pavement, 3 Inches thick and under.	0	0	4	per 100 Feet superficial Measure.
Ditto, above 3 Inches thick	0	0	3	per Ton of 16 Cubic Feet.
Curb	0	0	1½	per Ton.
Foreign Gravestones	0	5	0	each.
Home ditto	0	2	6	Ditto.
Scythestones	0	0	0½	per Score.
Grindstones	0	0	2	each.
Millstones	0	1	0	Ditto.
Starch	0	0	3	per Barrel Bulk.
Steel	0	1	6	per Ton.
Stucco	0	0	6	Ditto.
Sugar, raw	0	1	6	Ditto.
refined	0	2	0	Ditto.
Sugar Moulds	0	0	9	per 100.
Tallow	0	1	6	per Ton.
Tamarinds	0	0	3	per Cwt.
Tanners Waste (Scrows and Hair)	0	0	9	per Ton.
Tar	0	0	2	per Barrel.
Tares	0	0	2	per Quarter.
Tea	0	0	8	per Barrel Bulk.
Thread	0	0	4	Ditto.
Tiles	0	1	0	per 1,000.
Tin of all Kinds	0	2	0	per Ton.
Tobacco	0	0	6	per Barrel Bulk.
Tongues, Smoked	0	0	1	per Dozen.
Pickled	0	0	3	per Barrel.
Tortoiseshell	0	0	6	per Cwt.
Tow	0	1	3	per Ton.
Toys	0	0	3	per Barrel Bulk.
Tree Nails	0	0	6	per 1,000.
Turmeric	0	0	1	per Cwt.
Turnips	0	0	4	per Ton.
Twine and twisted Yarn	0	2	0	Ditto.
Valonia	0	2	0	per Ton.
Vases or sculptured Marble	0	0	6	per Barrel Bulk.
Verdigris	0	2	0	per Ton.
Vermillion	0	0	6	per Cwt.
Vinegar	0	0	3	per Barrel Bulk.
Vitriol	0	0	2	per Bottle.

Articles of Import and Export.	Rates.	Per Weight or Measure.
	£ s. d.	
Water, Soda - - - -	0 0 2	per Barrel Bulk.
Whalebone, dressed and undressed -	0 1 6	per Ton.
Whitening - - - -	0 0 6	Ditto.
Willow Reeds - - - -	0 0 1	per Bundle.
Wine, in Casks - - - -	0 0 6	per Barrel Bulk.
in Bottles - - - -	0 0 3	Ditto.
Wood, Foreign:—		
Calliper Measure, viz.		
Batons - - - -	0 0 9	per 50 Cubic Feet.
Boards, Oak or Wainscot -	0 1 0	Ditto.
Boards, Paling - - - -	0 0 4	per 120.
Deals - - - -	0 0 9	per 50 Cubic Feet.
Deal Ends - - - -	0 0 9	Ditto.
Firewood - - - -	0 0 4	per Fathom.
Handspikes - - - -	0 0 3	per 120.
Laths - - - -	0 0 6	per Fathom.
Masts, Yards, or Bowsprit		
Wood, viz.		
6 Inches in Diameter and		
under 8 Inches -	0 0 6	per 50 Cubic Feet.
8 Inches and under 12		
Inches - - - -	0 0 9	Ditto.
12 Inches and upwards -	0 1 0	Ditto.
Oak Planks - - - -	0 1 0	Ditto.
Oars and Oar Rafters -	0 1 0	per 120.
Rickers, Boat Hooks, and		
Hoops - - - -	0 0 9	Ditto.
Spars - - - -	0 0 9	per 50 Cubic Feet.
Cart-wheel Spokes - - -	0 0 2	per 60 Pieces.
Staves, Pipe, from any Port in		
Europe or the United States		
of America, above 50 Inches		
long - - - -	0 0 10	per 120.
Under 50 Inches long -	0 0 6	Ditto.
Pipe, from any of the British		
Colonies or Plantations,		
above 50 Inches long -	0 0 8	Ditto.
All under 50 Inches long	0 0 5	Ditto.
Fir - - - -	0 0 9	per Load.
Ditto - - - -	0 0 9	per 50 Cubic Feet.
Oak - - - -	0 1 0	Ditto.
Pine - - - -	0 0 9	Ditto.
Hard Wood - - - -	0 1 0	Ditto.
Ditto - - - -	0 0 9	per Load.
Ufers - - - -	0 0 9	per 50 Cubic Feet.
Wainscot Logs - - - -	0 1 6	Ditto.
Delivered by Weight, viz.		
Barwood - - - -	0 1 6	per Ton.
Boxwood - - - -	0 1 6	Ditto.
Brazilwood - - - -	0 2 0	Ditto.
Camwood - - - -	0 2 0	Ditto.
Ebony - - - -	0 1 6	Ditto.
Fustic - - - -	0 1 6	Ditto.
Lignumvitæ - - - -	0 1 6	Ditto.

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Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Wood, Foreign, viz.				
Delivered by Weight, viz.				
Logwood - - - - -	0	1	6	per Ton.
Mahogany - - - - -	0	1	6	Ditto.
Nicaragua Wood - - - - -	0	2	0	Ditto.
Red Wood - - - - -	0	1	6	Ditto.
Sassafras - - - - -	0	1	6	Ditto.
Wood, Home, viz.				
Fir - - - - -	0	0	6	per 50 Cubic Feet.
Hard Wood - - - - -	0	1	0	Ditto.
Planks and Deals } - - - - -	0	0	6	Ditto.
Fir - - - - -				
Planks and Deals } - - - - -	0	1	0	Ditto.
Hard Wood - - - - -				
Cartwheel Spokes - - - - -	0	0	1	per 60 Pieces.
Hogshead Staves - - - - -	0	0	2	per 120.
Barrel Staves - - - - -	0	0	1	Ditto.
Wedges - - - - -	0	0	8	per 1,000.
Wool - - - - -	0	0	2	per Cwt.
Worsted Yarn. <i>See Yarn.</i>				
Yarn, viz.				
Tow or Hemp - - - - -	0	2	0	per Ton.
Lint - - - - -	0	2	0	Ditto.
Worsted - - - - -	0	3	0	Ditto.
Cotton - - - - -	0	3	0	Ditto.
Yeast - - - - -	0	0	3	per Barrel Bulk.
Zinc - - - - -	0	1	6	per Ton.

All Goods shipped overside, or sent direct from one Vessel to another, for the Purpose of being exported, to pay One Half Dues only; but no Goods landed and deposited in the Sheds belonging to the Trustees, or remaining on the Quays over-night, shall be entitled to this Exemption.

All Goods having paid Shore Dues Inwards shall be exempted from paying Shore Dues Outwards, if they be in the original State and in the original Packages; or if at the Time when the Goods are landed it be reported to the Collector that they are imported for the Purpose of being packed, press-packed, or cylindered, they shall be allowed to be exported free of Dues within One Month from the Date of such Report. Herrings imported to be cured, packed, and exported, and which shall have paid Shore Dues Inwards, shall, on Exportation, if such take place within Four Months of the Date of Importation, be exempted from all Shore Dues, provided it be reported to the Collector at the Time of their Importation that they are imported for the Purpose of being cured, packed, and exported.

All Goods having paid Shore Dues Outwards are exempted from Dues when brought Inwards if they be returned Goods to the original Shipper and in the original State.

All returned empty Boxes, Barrels, Bags, Sacks, and Pack Sheets are exempted from Dues.

All

All Goods not enumerated in the above Schedule to be charged by the Trustees in proportion to other Goods of similar Bulk and Value specified in the above Schedule.

Five Cubic Feet, not exceeding Two and a Half Hundred Weight, to be rated a Barrel Bulk; but when the Weight of Five Cubic Feet is greater than Two and a Half Hundred Weight, then Two and a Half Hundred Weight to be rated a Barrel Bulk.

In weighing and measuring Goods, for ascertaining the Shore Dues payable, the Weight or Measurement of the Packages is to be included.

SCHEDULE (B.) referred to in the Act.

	Per Register Ton.		
	£	s.	d.
I. For all Vessels navigating to the Southward of the Tropic of Capricorn	0	1	6
II. Between the Equator and the Tropic of Capricorn	0	1	3
III. Between the Tropic of Cancer and the Equator	0	1	0
IV. To and from any Port in North America, Greenland, Davis Straits, Fisheries, and all within the Straits of Gibraltar	0	0	8
V. To or from any Port to the North of Dronthiem in Norway, or from Azores, Madeira, or Teneriffe Islands	0	0	7
VI. To or from any Port between Gibraltar and Dunkirk, including Dunkirk, and from any Port in the Baltic	0	0	5
VII. To or from any Port in Great Britain or Ireland, including the Islands of Guernsey, Jersey, Alderney, Sark, Man, the Shetland Islands and Orkneys	0	0	3
VIII. All Vessels loaded with Coals or Lime only from any Port in Great Britain, &c. excepting Scotland	0	0	2
IX. All Vessels loaded with Coals or Lime only from any Port in Scotland; and all Vessels while engaged in the Herring Trade	0	0	1½
X. All Steam Vessels from any Port in Great Britain or Places enumerated in No. VII. carrying Passengers and their Luggage exclusively	0	2	0
XI. All Steam Vessels carrying Goods and Passengers to pay the same Rates as Sailing Vessels.			

It shall be in the Option of the Trustees to charge either the Tonnage Dues on the Voyage Inwards or on the Voyage Outwards, at the Rate specified in the above Schedule, according to the Distance; and if the Charge be made on the Voyage Outwards there shall be deducted from it the Amount of the Dues that may have been previously paid on the Voyage Inwards; and if such Vessels sail in Ballast they shall be charged with Dues on the Inward Voyage only.

All Vessels launched at the Port of Aberbrothwick to pay Half Tonnage Dues on the Voyage Outwards, according to the Distance of the Port to which such Vessels sail, provided they take Goods on board; but if they sail in Ballast no Dues shall be charged.

2° VICTORIÆ, Cap. xvi.

All Vessels with Cargoes to be permitted to enter the Harbour of Aberbrothwick for Safety or Convenience by Payment of One Half of the Tonnage Dues; but if they shall take Goods on board (Stores for their own Use excepted), or break Bulk, they shall be liable in the full Tonnage Dues.

All Vessels remaining in Harbour to pay after Two Months One Penny per Register Ton per Month in advance.

Each Vessel entering the Harbour, and loading or unloading Goods or Ballast within the same, or performing both Operations before leaving the Harbour, to pay in Name of Plank Money (whether a Plank be used or not) as follows:—

	£	s.	d.
Vessels amounting to and not exceeding 20 Tons	-	0	1 0
exceeding 20 Tons and not exceeding 50 Tons	-	0	1 6
50	100	-	- 0 2 0
100	150	-	- 0 2 6
150	200	-	- 0 3 0
200	250	-	- 0 3 6
250	300	-	- 0 4 0
300	350	-	- 0 4 6
350	400	-	- 0 5 0
400 and upwards	-	-	- 0 6 6

Any Vessel sailing from the Port, and put back by Stress of Weather or any other Cause, without having accomplished her Voyage, shall not be liable in additional Dues for such Return.

All Vessels arriving in Ballast for the Purpose of being repaired, and departing in Ballast, shall be exempted from Shore Dues.

SCHEDULE (C.) referred to in the Act.

LIGHTAGE DUES ON Vessels.

	£	s.	d.
On each Vessel	-	0	0 0 $\frac{1}{4}$ per Register Ton.

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