



ANNO SECUNDO & TERTIO

# VICTORIÆ REGINÆ.

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## *Cap. lxxv.*

An Act for further improving and maintaining the Harbour of the Burgh of Regality of *Fraserburgh* in the County of *Aberdeen*. [1st July 1839.]

**W**HEREAS an Act was passed in the Fifty-eighth Year of the Reign of his Majesty King *George* the Third, intituled *An Act for repairing and maintaining the Harbour of the Burgh of Regality of Fraserburgh in the County of Aberdeen*, 58 G. 3. c. 25. by which the Commissioners thereby appointed were authorized to make certain Improvements upon the said Harbour, and to enlarge and maintain the same, and the Works therewith connected: And whereas the Commissioners by the said recited Act appointed have proceeded to put the same into execution, and have effected various Improvements upon the said Harbour and Works therewith connected: And whereas the Powers conferred by the said recited Act have been found insufficient to enable the said Commissioners to provide the necessary Accommodation for the increasing Trade and Shipping of the said Burgh of *Fraserburgh*, and it is expedient and would be of advantage to the said Burgh and to the Public if the said recited Act were repealed, and if further and more effectual Powers were granted for deepening, improving, enlarging, repairing, and maintaining the said Harbour and Works therewith connected, and for the proper Regulation and Management of the same; but as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your  
[Local.] 19 H Majesty

Recited Act  
repealed.

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Authority of the same, That from and after the passing of this Act the said recited Act shall be and the same is hereby repealed, and that instead thereof this Act shall commence and take effect.

Commis-  
sioners ap-  
pointed for  
the Improve-  
ment of the  
Harbour.

II. And be it further enacted, That the Magistrates and Town Council of the said Burgh of Regality of *Fraserburgh*, and their Successors in Office, and Five Feuars of the said Burgh, qualified and to be elected in manner after mentioned, shall be and they are hereby appointed Commissioners for executing this Act, and for carrying into effect all and every the Powers and Authorities hereby given and granted, with Power to the said Commissioners to deepen, scour, cleanse, and preserve the said Harbour of *Fraserburgh*, and the Improvements therein and Additions thereto which have already been made or shall hereafter be made by virtue of this Act, and to remove from the same all Stones, Shingle, Rocks, Sand, Mud, Dirt, and other Obstructions whatsoever, and also to maintain and preserve the Piers, Quays, Jetties, and other Works belonging to and connected with the said Harbour, and to alter and extend the same, or any Part thereof, as the said Commissioners shall judge to be necessary for the more effectual Improvement of the said Harbour, and likewise to build, erect, complete, and maintain in and about the said Harbour an additional Pier, with proper and sufficient Quays, Wharfs, Jetties, Basins, Breastworks, Docks, Locks, Landing Places, Warehouses, and other necessary Works as may be deemed proper for the Safety and easy Reception of Ships and Vessels resorting thereto, and for the more convenient loading and unloading and Accommodation of Vessels, with proper and convenient Approaches thereto, and to execute the other Improvements in and about the said Harbour laid down and delineated on the Map or Plan herein-after mentioned.

First Elec-  
tion of  
additional  
Commis-  
sioners.

III. And be it further enacted, That Ten Days before the First *Monday of October* which shall occur after the passing of this Act the Chief Magistrate acting in the said Burgh of Regality of *Fraserburgh* shall summon the Feuars of the said Burgh who are County Voters, or who shall have had vested in their own Persons respectively, Six Calendar Months previously, Lands or Heritages within the said Burgh yielding or capable of yielding a free yearly Income of Ten Pounds, by Notice in the *Aberdeen Journal*, or in some one Newspaper published or usually circulated in the County of *Aberdeen*, to meet upon the First *Monday of October* at such Place within the said Burgh and at such Time as shall be mentioned in such Notice, to elect Five Feuars qualified in manner herein-after mentioned to be additional Commissioners for executing this Act; and at such Meeting the Chief Magistrate acting in the said Burgh who shall be present shall preside, and shall receive from each Feuar present who is entitled to vote a Note signed by such Feuar, specifying the Names and Designations of the Persons for whom he votes to be Commissioners for executing this Act; and after having received

received all the Votes so tendered the Preses of such Meeting shall declare the Result of such Election, and the Names of the Commissioners so elected shall be thereupon entered in the Books of the said Harbour, and the Preses of such Meeting for Election of Commissioners shall judge and decide upon the Qualifications of the Persons claiming a Right to vote thereat, and of the Persons voted for as Commissioners; but if any Person shall think himself aggrieved by any such Decision it shall be lawful for such Person, at any Time within One Calendar Month after the Day of such Election, to appeal against such Decision to the Sheriff of the County of *Aberdeen*, whose Decision shall be final and conclusive, and not subject to Review in any Court whatever: Provided always, that no Feuar of the said Burgh shall be capable of being elected a Commissioner for executing this Act who shall not have had vested in his own Person for Six Calendar Months previous to his Election Lands or Heritages within the said Burgh yielding or capable of yielding a free yearly Income of Fifteen Pounds, or who shall not reside within the said Burgh or within Two Miles thereof.

IV. And be it further enacted, That in the Year after such First Election and each subsequent Year the Two elected Commissioners who shall be at the Head of the List thereof shall go out of Office; and the acting Chief Magistrate of the said Burgh shall annually call a Meeting for Election to be held upon the First *Monday* of *October* in each Year in the same Manner as is herein-before directed in regard to the First Meeting for the Election of additional Commissioners, and at each such Annual Meeting Two Commissioners shall be elected in place of the Two Commissioners who shall go out by Rotation, which newly elected Commissioner shall be placed at the Bottom of the List of Commissioners; and at all Meetings for Election the same Mode of proceeding shall be followed as is herein-before directed as to the First Meeting: Provided always, that it shall be lawful to re-elect the Commissioners who shall have so gone out of Office by Rotation.

Subsequent  
Elections of  
additional  
Commis-  
sioners.

V. And be it further 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 "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 "Sheriff" is used, the same shall be understood to include Sheriff Substitute; 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 *Fraserburgh*," and shall include the whole Precincts thereof, and the Piers, Quays,

Rules for  
Interpre-  
tation of this  
Act.

Quays, Wharfs, and all other Works already made and hereby authorized to be made or maintained; and when the Word "Ship" or "Vessel" shall be used, the same shall be understood to include Steam Vessels and Steam Boats, Barks, Boats, Lighters, and Vessels, and Boats of whatever Description; 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.

Meetings of  
Commis-  
sioners.

VI. And be it further enacted, That the said Commissioners appointed by this Act shall hold their First General Meeting under this Act on the Third *Thursday* after the passing thereof; and the Commissioners appointed by and to be elected in virtue of this Act in manner before mentioned shall yearly thereafter hold an Annual General Meeting on the Twelfth Day of *November*, or the Eleventh when the Twelfth happens on a *Sunday*, at the usual Place of Meeting of the said Magistrates and Council; and Four Quarterly Meetings shall be held every Year during the Continuance of this Act, in any Place which the said Commissioners shall from Time to Time appoint, *viz.*, upon the First *Thursday* in each of the Months of *February, May, August, and November*, for the Purpose of putting this Act into execution; and the Clerk to the said Commissioners shall cause the whole of the said Commissioners to be summoned to attend the said Quarterly Meetings, by written or printed Notices, to be delivered to each of them personally, or left at their respective Places of Abode, at least Forty-eight Hours previous to such Meetings; and the Clerk to the said Commissioners shall also, upon Requisition made to him under the Hands of any Two of the said Commissioners, call occasional Meetings of the said Commissioners, previous Notice of such occasional Meetings being always given by the Clerk to the said Commissioners as before directed with respect to the Quarterly Meetings; and at all such Meetings the Commissioners present shall defray their own Expences.

Quorum of  
Commis-  
sioners.

VII. And be it further enacted, That at all Meetings of the said Commissioners Five shall be a Quorum, and the Powers by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part or Quorum of the Commissioners present, the Number present being not less at any Time than Five; and the senior Magistrate of the said Burgh who may be present, or if no Magistrate shall be present, a Commissioner to be chosen by the Meeting, shall be Preses, and in all Cases where there is an Equality of Votes the Preses shall, besides his own original Vote, have a decisive or casting Vote.

Commis-  
sioners may  
adjourn  
Meetings.

VIII. And be it further enacted, That the said Commissioners shall have Power and they are hereby authorized to adjourn the Meetings from Time to Time 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 to any further or other Effect, shall have the Power of Adjournment to such other Day as they may judge fit.

IX. And

IX. And be it further enacted, That no Order made by the said Commissioners at any of their Meetings shall be altered, unless at some Meeting called by the Clerk for that special Purpose in manner before directed, by written or printed Notices, specifying the Time and Place for holding such Meeting, and the Object thereof.

Orders made at Meetings not to be altered at future Meetings without Notice.

X. And be it further enacted, That no Person holding any Place of Profit, or being anywise interested or concerned directly or indirectly, as Tacksman or Lessee of any of the Rates and Duties, or interested or concerned in any other Tack or Lease granted under this Act, shall be eligible to act or vote as a Commissioner; and every such Person who shall act or vote as a Commissioner shall for every such Offence forfeit and pay the Sum of Twenty Pounds, and such Person shall be disqualified from acting as a Commissioner so long as he shall hold such Place of Profit or be so interested or concerned.

No Person holding a Place of Profit to be a Commissioner.

XI. And be it further enacted, That the said Harbour of *Fraserburgh*, and the Piers, Quays, Breasts, and other Works already made, built, and erected, or to be made, built, and erected in and about the said Harbour, shall be and the same are hereby vested in the said Commissioners hereby appointed, to and for the Uses, Ends, and Purposes of this Act; and all the Rates and Duties levied or to be levied, and all Monies which shall or may come into the Hands of the said Commissioners, shall be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Rates and Duties granted by the before-recited Act, and of all Interest due or that may become due thereon, as fully and effectually as if borrowed on the Credit of the Rates and Duties granted by this Act; and all Persons indebted to the Commissioners under the said recited Act shall be liable in the Payment of their respective Debts to the Commissioners under this Act; and all Covenants, Agreements, Conveyances, or Securities entered into or made by any Person or Persons with or to the said Commissioners under the said recited Act shall remain in full Force, and be and continue available in all Courts of Law, until the same shall be fully satisfied and performed; and all Assignments and Conveyances of Rates and Duties, Contracts and Agreements, duly made or entered into by or under the Authority of the said Commissioners for executing the said recited Act, shall remain in full Force and Effect, and be observed and kept by the Commissioners acting under this Act, under the Terms and Stipulations thereof respectively; and all Rates and Duties, Penalties and Forfeitures, due or incurred in virtue of the said recited Act, shall be held to be due and incurred to and shall be exigible by the Commissioners under this Act; any thing herein contained to the contrary notwithstanding.

Quays, &c. vested in Commissioners.

XII. And be it further enacted, That each and every Clerk, Treasurer, Receiver of the Duties, Harbour Master, Berth Master, and other Officer appointed under the said recited Act, shall continue to hold and exercise their respective Offices until they shall be displaced or removed by the Commissioners hereby appointed, or shall have re-

Officers under former Act to continue.

[Local.]

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signed;

signed ; and every such Clerk, Treasurer, Receiver, Harbour Master, Berth Master, and other Officer shall have the same Powers, and be subject to the like Regulations, Pains, and Penalties, as if they had been severally appointed by the Commissioners acting under this Act.

Appoint-  
ment of  
Officers.

XIII. And be it further enacted, That it shall be lawful to or for the said Commissioners to nominate and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, and such other Officers and Servants as they shall judge necessary to be employed under them, and to remove such Officers and Servants at any Time, and to appoint others in their Stead, and to settle such reasonable Remuneration for them and each of them as to the said Commissioners may appear just and proper ; and the Treasurer or Treasurers, or Person or Persons appointed to receive the Rates and Duties or other Monies to be raised or levied under the Authority of this Act, shall give good and sufficient Security to the Satisfaction of the said Commissioners for accounting for and paying the Monies which shall be by them respectively collected or received.

Clerk and  
Treasurer  
not to be the  
same Person.

XIV. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks or his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act ; and if any Person, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy or Deputies of the Treasurer or Treasurers, or in any Manner officiate for the Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or any other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy or Deputies of such Clerk or Clerks, or in any Manner officiate for such Clerk or Clerks, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Commissioners 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 or Persons 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.

Books to be  
kept of Ac-  
counts and  
Proceedings.

XV. And be it further enacted, That the said Commissioners shall direct a Book or Books to be provided and kept by their Clerk for the Time being, in which he shall enter true and regular Accounts of all Sums of Money received and paid out, and also a Minute Book, wherein shall be entered all the Resolutions of the said Commissioners, and

and Copies of all Assignments, and which Books shall at all season-able Times be open to the Inspection of the said Commissioners or any Creditor or Creditors on the Rates and Duties without Fee or Reward.

XVI. And be it further enacted, That such Clerks, Treasurers, Collectors, Receivers, and Officers so to be appointed shall, under their Hands, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by them received by virtue of and for the Purposes of this Act, and how much thereof had been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due to the said Commissioners or to such Person as they shall appoint to receive the same; and if any such Clerk, Treasurer, Collector, Receiver, or 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 Commissioners or to such Person as they shall appoint, within Ten Days next after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of such Clerk, Treasurer, Collector, Receiver, or 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 Commissioners respecting the same, then and in any of the Cases aforesaid the said Commissioners 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 Commissioners, 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 *Aberdeen*, 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, and upon the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath the said Justice is hereby empowered to administer,) or by Confession of the Party offending, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Clerk, Treasurer, Collector, Receiver, or Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand, to cause such Money to be levied by Pounding and Sale of the Goods and Effects of such Clerk, Treasurer, Collector, Receiver, or Officer; and if no Goods or Effects

Officers to  
account.

Effects of such Clerk, Treasurer, Collector, Receiver, or Officer can be found sufficient to answer and satisfy the said Monies, and the Charges of pouding 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 as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol of the said Borough of *Fraserburgh* 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 Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners 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 Commissioners as aforesaid: Provided always, that no Person shall be committed for Want of sufficient Pouding for any longer Space of Time than Six Months.

Plan and  
Book of  
Reference.

XVII. And whereas a Map or Plan and Section describing the Situation of the said Harbour, and the intended new Pier and other Works and Improvements connected therewith, to be constructed and made under the Authority of this Act, with a Book of Reference to the said Map or Plan, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, Heritages, and Premises in or upon which the said Works and Improvements are to be constructed and made, have been deposited with the Clerk of the Peace of the County of *Aberdeen*; be it enacted, That the said Map or Plan and Book of Reference so deposited shall remain in the Custody of the said Clerk of the Peace of the said County for the Inspection of all concerned; and all Persons interested therein shall have Liberty to inspect, peruse, and make Extracts therefrom and Copies thereof, at reasonable Times, on Payment to the said Clerk of One Shilling for each Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy of One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Map or Plan and Book of Reference, or true Copies thereof or of so much thereof as shall relate to any Matter which may be in question, certified by the said Clerk of the Peace, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Uninten-  
tional Errors  
in Map or  
Plan or Book  
of Reference  
not to pre-

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners to take and use, and to construct and complete, the Works and Improvements hereby authorized to be made and constructed, with the Approaches thereto, in or upon the Lands, Heritages, and Premises delineated on the said Map or Plan, although such



such Lands, Heritages, and Premises, or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, if it shall appear to any One or more Justices of the Peace of the County of *Aberdeen* (in case of Dispute about the same), and be certified by Writing under his or their Hands, that such Omission, Mis-statement, or erroneous Description appears to them to have proceeded from Mistake.

vent Execu-  
tion of Act.

XIX. And be it further enacted, That the said Commissioners, in constructing the said Works and Improvements, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, without the Consent in Writing of the Owners or reputed Owners of the Lands or Premises through which such Deviation is to be made first had and obtained.

Not to devi-  
ate more  
than One  
hundred  
Yards.

XX. And be it further enacted, That it shall be lawful for the said Commissioners to treat and agree, and to employ any Person or Persons to treat and agree, for the Purchase of any Lands, Heritages, and Premises 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 Commissioners shall think proper, or for the Acquirement 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 therefore, 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.

XXI. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax; be it therefore enacted, That the said Commissioners 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 Commissioners 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, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said Assessments for Land Tax 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.

XXII. And be it further enacted, That it shall be lawful for all Cor-  
porations, Heirs of Entail, Liferenters, Husbands, Tutors and Curators  
or other Guardians, Judicial Factors, Trustees for charitable or other  
[Local.] 19 K Purposes,  
Persons  
under legal  
Disability,  
empowered

to sell and  
convey  
Lands.

Purposes, Executors and Administrators, and all other Persons whomsoever interested in or entitled to any Lands or other Heritages 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 may act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, Married Women, or other Persons, and it shall also be lawful for all Married Women who shall have Right to or be possessed of or interested in such Lands, either absolutely or by virtue of any Right of Terce or other Right, and for all and every Person whomsoever who shall have Right to or be interested in any such Lands, to contract for, sell, feu, or convey or let to the said Commissioners all or any Part thereof; and all such Contracts, Sales, Feus, Charters, Conveyances, and Leases 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, conveying, or leasing, 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, conveying, or leasing are hereby indemnified from 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 Commissioners, unless the Deed of Entail under which such Lands are held shall authorize such Mode of Sale.

How No-  
tices, &c. to  
be served on  
Commis-  
sioners.

XXIII. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons to serve any Notice or Notices upon the said Commissioners, or any Citation or Summons or other legal or equitable Proceedings, the Service upon any Two of the said Commissioners, or left at their last or usual Place of Abode, or upon the Clerk of the said Commissioners, or at the Office of the said Clerk, or left at his last or usual Place of Abode, or at the Office of the said Commissioners, shall be deemed good and sufficient Service of the same on the said Commissioners.

How Com-  
missioners to  
sue and be  
sued.

XXIV. And be it further enacted, That the said Commissioners may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of their Treasurer or their Clerk for the Time being, or in the Names of any Two or more of the said Commissioners; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in the Name of their Treasurer or Clerk, or in the Names of any Two or more of their Number, by virtue of this Act, shall abate by the Death or Removal of any such Treasurer, Clerk, or Commissioners, but the Treasurer, Clerk, or any Two or more of the Commissioners for the Time being to be for that Purpose nominated, shall be deemed to be the Pursuer or Defender, Pursuers or Defenders, (as the Case may be,) in every such Action; and the said Pursuers or Defenders shall, out of the Monies arising by virtue of this Act, be reimbursed and paid all Monies, Charges, and Expences which he or they shall pay,

pay, expend, or be put unto by his or their being so made Pursuer or Defender, Pursuers or Defenders, as aforesaid.

XXV. And for settling all Differences which may arise between the said Commissioners, and the several Owners, Lessees, and Occupiers of or Persons interested in any Lands, Heritages, and Premises 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 Commissioners 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 Commissioners, and shall give Notice of such Refusal in Writing to the said Commissioners within One Calendar 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 such Party as aforesaid shall for the Space of One Calendar 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, or in case such Corporation or Person cannot be found, or is not known, with some Lessee or Occupier of the Lands, Heritages, and Premises to which he is entitled or in which he is interested, neglect or refuse to treat, or shall not agree with the said Commissioners 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 Commissioners to take such Lands, Heritages, and Premises, or to proceed in constructing the Works aforesaid; or if the said Commissioners 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, Heritages, and Premises 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, Heritages, and Premises required for the Purposes of this Act, cannot be made; then and in every such Case the said Commissioners, or the said Owner, Lessee, or Occupier, or Person interested in such Lands, Heritages, and Premises, shall be and they are hereby respectively empowered to make a summary Application in Writing to the Sheriff of the said County of *Aberdeen*, in which Application they shall state the Amount of the Purchase Money, Satisfaction, or Compensation as aforesaid claimed by the Parties interested therein, and shall crave that such Amount 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

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

use

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, Heritages, and Premises, or for any Interest therein, or for the Release and Discharge of any such Lands, Heritages, and Premises 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 Commissioners from any other Person, 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 Commissioners, 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, Heritages, and Premises 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; and shall not only be enforced by every Diligence of the Law competent on any Decree of the Sheriff in a Civil Cause, but shall not be subject to Review or Stay of Execution by Advococation, Suspension, or Reduction, or to any Question or Review in any way whatsoever: 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, or in case such Corporation cannot be found, or is not known, with some Lessee or Occupier of the Lands intended to be valued, or respecting which or any Damage to which any such Question shall arise, a Certificate whereof shall, if called for, be produced under the Hands of the Person giving such Notice before the Jury is impanelled as aforesaid.

XXVI. And

XXVI. And be it further 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, Heritages, and Premises, 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, Heritages, and Premises, according to their respective Interests therein, and the proportionate Amount of Loss or Damage which they may respectively sustain.

Compensation Money to be apportioned.

XXVII. And be it further 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.

Verdicts to be recorded.

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

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

Persons giving false Evidence to be guilty of Perjury.

XXIX. 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 Commissioners for the Purchase of any Lands, Heritages, and Premises 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 Employment of Counsel, 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 Commissioners, 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 Commissioners shall have such Dispute, and the Remainder shall be defrayed by the said Commissioners; and the Remainder of such Costs, Charges, and Ex-

Expences of Jury how to be paid.

pences, 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 Commissioners.

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

XXX. And be it further enacted, That all Parties with whom the said Commissioners shall have any Dispute respecting Damages, and who shall require a Jury to be summoned as aforesaid, shall, before the said Sheriff shall issue his Warrant for summoning such Jury, enter into a Bond, with Two sufficient Sureties, to the said Commissioners, 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.

Notice of Injury to be given to the Trustees before Complaint.

XXXI. And be it further enacted, That the said Commissioners shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed (without the Consent of the said Commissioners) to receive or take notice of any Claim to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing by or on the Behalf of the Person or Corporation making such Claim, stating the Nature, Extent, and Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Person or Corporation to the said Commissioners Ten Days before the summoning of such Jury, and within the Space of Three Months after the Time of such supposed Loss or Injury having been sustained, or after the doing or committing thereof shall have ceased.

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

XXXII. And be it further enacted, That in case any Difference shall arise between the said Commissioners, and any of the Owners, Lessees, or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Value thereof, or the Amount of the Damage done by the said Commissioners, 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 Commissioners, 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

and all Costs and Charges attending the same, by Distress and Sale of any Goods and Effects of the said Commissioners, 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 Commissioners.

XXXIII. And be it further enacted, That upon Payment or legal Tender of such Sum of Money as shall have been contracted or agreed for between the Parties, or assessed by a Jury for the Purchase of any Lands, Heritages, and Premises to be taken for the Purposes of this Act, to the Proprietor of such Lands, Heritages, and Premises, or to such other Person as shall be interested therein, or entitled to receive such Money or Compensation respectively, or if the Person so entitled or interested shall not be able to make a good Title thereto to the Satisfaction of the said Commissioners, or cannot be found, or shall refuse to receive such Sum of Money as aforesaid, or execute a Conveyance to the said Commissioners of such Lands, Heritages, and Premises; then, upon Consignment of such Sum of Money into any of the chartered Banks in *Scotland* in the Manner herein provided, for the Use of such Person so interested or entitled as aforesaid, then, and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Commissioners, and their Agents and Workmen, or other Persons appointed by them, immediately to enter, or, if they have entered, to continue upon such Lands, Heritages, and Premises respectively, and thereupon such Lands, Heritages, and Premises, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, paid for or compensated by such Payment or Deposit as aforesaid, shall from thenceforth be vested in and become the sole Property of the said Commissioners, to and for the Purposes of this Act for ever; and such Payment, Tender, Deposit, or Investment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person entitled to or interested in such Lands, Heritages, and Premises, but shall also extend to and be deemed and construed to bar the Courtesy of the Husband and the Terce of the Wife of every such Person, and all other Right and Title of every other Person whomsoever therein: Provided nevertheless, that before such Payment or Deposit in a chartered Bank as aforesaid it shall not be lawful for the said Commissioners, or for any Person acting under their Authority, to enter upon any such Lands, Heritages, or Premises, for any of the Purposes of this Act, save for the Purposes of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners, Lessees, and Occupiers thereof respectively.

After legal Tender or Consignment of Sum agreed upon or assessed, the Works not to be impeded.

XXXIV. And be it further enacted, That the Purchase Money for any Lands, Heritages, or Premises 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

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

the Intent that the same shall be applied, under the Direction of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, Heritages, or Premises, 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, Heritages, or Premises, or affecting other Lands, Heritages, or Premises 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, Heritages, or Premises, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes as the Lands, Heritages, or Premises 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 Person who would for the Time being have been entitled to the Rents and Profits of the Lands, Heritages, or Premises so hereby directed to be purchased in case such Purchases or Settlements were made.

If under 200l.  
and more  
than 20l.

XXXV. And be it further 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 Person for the Time being entitled to the Rents and Profits of the Lands, Heritages, or Premises 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 Commissioners, 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 20l.

XXXVI. And be it further 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 Person, for his own Use, who would for the Time being have been entitled to the Rents and Profits of the Lands, Heritages, or Premises 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,

XXXVII. And be it further enacted, That in case the Person to whom any Sum of Money shall be awarded as aforesaid shall refuse to  
accept



accept the same, or shall not be able to make and give a Title to the Lands, Heritages, or Premises required for the Purposes of this Act, to the Satisfaction of the said Commissioners, or in case the Person to whom any such Sum of Money shall be so awarded as aforesaid cannot be found, or if the Person entitled to such Lands, Heritages, or Premises be not known or cannot be discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners 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, Heritages, or Premises, (describing them, if they be known, and if they be not known, then generally to the Credit of the Parties interested in the Lands, Heritages, or Premises, without any Description of them,) subject to the Order, Controul, and Disposition of the said Court of Session; which said Court, on the Application of any Person making claim to such Sum of Money or any Part thereof, by Petition, shall 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 Person as shall pay any such Sum of Money into any such Bank.

Compensation to be paid into Banks.

XXXVIII. And be it further enacted, That where any Question shall arise touching the Title or Interest of any Person to or in any Money to be paid into any such Bank as aforesaid, for the Purchase of any Lands, Heritages, or Premises, or of any Right or Interest therein, or to any Interest of such Money, the Person who shall have been in Possession of the Lands, Heritages, or Premises at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands, Heritages, or Premises, 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 Sums, 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 Person was lawfully entitled to such Lands, Heritages, or Premises, or to some Right or Interest therein.

In case of Question as to Title.

XXXIX. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person entitled to any Lands, Heritages, or Premises 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, Heritages, or Premises, 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 Reinvestment of the said Purchase or Compensation Money in Land, or other Disposition of the same, together with the necessary

Court may order Payment of Expences.

[Local.]

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 Commissioners, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Commis-  
sioners may  
sell Lands  
and Pre-  
mises not  
wanted.

XL. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to lay out, improve, sell, feu, or otherwise dispose of any Part or Parts of the Lands, Heritages, and Premises already acquired, embanked, and reclaimed under Authority of the said recited Act, or which may be acquired, embanked, or reclaimed under Authority of this Act, as may not be necessary to be retained for the Purposes of this Act, either by public Auction or private Contract, and in such Manner as the said Commissioners shall find most convenient and advantageous.

Power to  
take Ma-  
terials.

XLI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Person or Persons employed by them, to open Quarries on any Waste or Common in the said County of *Aberdeen* (not being further distant than One Mile from the High-water Mark), or within High-water Mark on the Shores of the *Murray Frith*, and to dig, quarry, gather, and take away therefrom Stone, Gravel, Sand, Heath, or other Materials necessary for constructing any of the Works authorized by this Act, without making any Compensation for the same; and also to open Quarries, and to dig, gather, and take away therefrom Stones, Gravel, Sand, Clay, Furze, Heath, Rubbish, or other Materials (Timber excepted) in and out of any Grounds, whether inclosed or not, (not being the Ground whereupon any House stands, nor a Garden, Orchard, planted Walk, Lawn, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Nursery for Trees previous to the passing of this Act,) where the said Materials can most easily be found for the Construction of the said Works, making Recompence for the Damage thereby occasioned in manner herein-after mentioned.

Notice to be  
given of tak-  
ing Ma-  
terials.

XLII. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Commissioners or any other Person or Persons having Power from them to take Materials from any inclosed Grounds or Lands, until Notice in Writing shall have been given to the Proprietor or Occupier of the Premises from which Materials are intended to be taken, or until such Notice be left for such Proprietor or Occupier at his usual Place of Residence, to appear not sooner than Ten Days thereafter before Two Justices of the Peace of the said County of *Aberdeen*, to show Cause why such Materials should not be taken from such Grounds; and in case such Proprietor or Occupier shall attend such Justices shall, if they think fit, authorize the taking of the Materials at such Time or Times as to them shall seem proper; and if such Proprietor or Occupier shall neglect or refuse to attend by himself or his Agent, the said Justices shall and may make such Orders thereon as they shall think fit, as  
fully

fully and effectually to all Intents and Purposes as if such Proprietor or Occupier or his Agent had attended.

XLIII. And be it further enacted, That when any Damage shall be done by the said Commissioners, or Persons having Power from them, in digging, gathering, or taking away such Materials, or otherwise to any Person or Persons, the said Commissioners shall be obliged to pay all such Damages as shall be ascertained by the Agreement of the Parties, or by any Two Justices of the Peace of the said County of *Aberdeen*, with Power to such Person or Persons to appeal from the Decision of the said Justices to the next Quarter Sessions of the Peace of the said County, whose Decision shall be final, without being subject to Advocation, Suspension, or Reduction; and any Dispute in regard to such Damages shall not prevent the said Commissioners or the Persons employed by them from using or carrying away the said Materials, and applying them in constructing the Works authorized by this Act.

Commissioners to pay Damages.

XLIV. And be it further enacted, That the said Commissioners 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 and Improvements which shall from Time to Time be directed by the said Commissioners 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 Commissioners, and be applied to the Purposes of this Act, and to no other Use or Purpose whatever.

Commissioners may enter into Contracts for Works, &c.

XLV. And be it further enacted, That the said Commissioners shall and they are hereby empowered, out of any of the Rates and Duties hereby granted, to rent or hire, by the Year or otherwise, any convenient Storehouse, Yard, or other Place for the receiving and safe keeping or lodging of Goods, Wares, Merchandize, and other Things loading or unloading at the said Harbour.

Commissioners may rent Storehouses, &c.

XLVI. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered to erect and construct upon the said Harbour such and so many Sheds, Yards, Storehouses, Lofts, and other Erections and Conveniences for the Reception, Deposition, and Protection of the Goods, Wares, or Merchandize loading or unloading thereat, and 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.

Commissioners may erect Sheds, &c.

XLVII. And

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

XLVII. And be it further enacted, That unless the said Commissioners shall within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned; the Lands, Heritages, and Premises 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, Heritages, and Premises shall cease and be utterly void, save and except with the Consent in Writing of the Owners, Lessees, and Occupiers thereof respectively.

For punishing Persons destroying the Works.

XLVIII. And be it further enacted, That if any Person or Persons shall knowingly, wilfully, or maliciously demolish, break down, set on fire, cut, or destroy in any manner of way any of the Works already made, or which shall hereafter be made by virtue of this Act, or shall maliciously, wilfully, or wantonly put out any of the Lights to be used on the Piers or Jetties belonging to the said Harbour, or in any way injure the same, every such Person so offending shall forfeit and pay any Sum not exceeding Twenty Pounds, over and above making good the Damage thereby done.

Power to take Tonnage Duties.

XLIX. And be it further enacted, That from and after the passing of this Act, instead of the Rates and Duties heretofore leviabie at the said Harbour, the Commissioners hereby appointed, or the Collector, Receiver, or other Officer employed by them, shall have the Power and they are hereby authorized and empowered to ask, demand, take, receive, collect, levy, and recover, for the Purposes of this Act, from all and every the Owner, Consignee, Commander, or Master of any Ship or Vessel of whatever Description which shall come into or use the said Harbour, or shall enter within the Piers of the said Harbour, the several Rates and Duties specified in the Schedule (A.) hereunto annexed.

Rates not to be again paid on Vessels putting back.

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

Rates and Duties on Goods, &c.

LI. And be it further enacted, That from and after the passing of this Act it shall be lawful for and to the said Commissioners or Persons appointed by them as aforesaid, instead of the Rates and Duties heretofore payable, to demand and take, of and from every Owner, Factor or Agent for Owners, of Goods, Merchandize, Wares, or Commodities whatsoever which shall be imported into or exported out of the said Harbour of *Fraserburgh* in any Ship or Vessel, or that shall be loaded into or unloaded out of any Ship or Vessel coming into or going out of the said Harbour, the several Rates and Duties specified and contained in the Schedule (B.) hereunto annexed, distinguishing the Rates payable by Feuars of the said Burgh of *Fraserburgh* and those payable by other Persons: Provided always, that where such Rates and Duties shall have been once paid on Goods,

Goods, Wares, Merchandize, or Commodities on being loaded or unloaded, such Duties shall not be again paid on loading or unloading the same Goods, Wares, Merchandize, or Commodities in the original Packages, unless the Property shall have been changed to another Owner or Owners, or the Goods packed in other Packages, or otherwise changed in Form, in which Case the Duties aforesaid shall be paid as if the same had not been before paid.

LII. And be it further enacted, That where any Goods, Wares, Merchandize, or Commodities shall be landed or loaded within the Regality of *Fraserburgh* or Precincts thereof (extending from the Water of *Philorth*, about Two Miles to the Southward to the *Water-mill Burn* about One Mile and a Half to the Westward of the said Harbour), with the Knowledge of the Shoremaster or Person appointed by the Commissioners to collect the Duties, the same Duties shall be chargeable as would have been exigible had the same been landed or loaded within the said Harbour; and if the same shall be so landed or loaded without his Knowledge the said Goods shall be liable to pay double the Rates and Duties aforesaid.

Goods landed or shipped without the Harbour.

LIII. And be it further enacted, That the said Commissioners in General Meeting assembled may and they are hereby empowered to lessen, reduce, or discontinue any of the aforesaid Rates and Duties granted by this Act as they shall judge reasonable and expedient, and as the State of the said Rates and Duties, and Debts due thereon, will permit, and to advance or revive the same again in such Manner as to them shall from Time to Time seem meet and expedient, so as the Rates or Duties when so advanced shall not exceed the Rates and Duties herein-before granted: Provided always, that the said Rates and Duties shall be so fixed as that the same shall be taken from all Persons alike, under the same or similar Circumstances.

Rates and Duties may be lessened by the Commissioners.

LIV. And be it further enacted, That it shall be lawful to the said Commissioners, or Persons appointed by them, to demand and take, from the Master or Owner of all Ships or Vessels belonging to the said Harbour which shall lay up or winter therein from the Thirty-first Day of *October* to the Thirty-first Day of *December*, dismantled, or for any longer Period not exceeding Six Months, the Sum of Three-pence *per* Ton, and from the Master or Owner of all Ships or Vessels not belonging to the said Harbour, double the Rate above mentioned: Provided always, that no such Ships or Vessels be drawn up above the High-water Mark within the Two extreme Piers of the said Harbour.

Rates for wintering in the Harbour.

LV. And be it further 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

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 recovered.

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 Commissioners, 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 One or more of the Justices of the Peace in and for the County of *Aberdeen*, or the acting Chief Magistrate of *Fraserburgh* for the Time being; but provided always, that in case it shall be found by the said Justice or Justices, or acting Chief Magistrate as aforesaid, after hearing both Parties, that the Collector of the said Rates and Duties has made a higher Demand than is authorized by this Act, such Collector shall be liable and decreed to pay the Party complaining such Damages as shall be judged adequate by the said Justice or Justices, or acting Chief Magistrate, 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.

Vessels in Her Majesty's Service to be exempted.

LVI. And be it further enacted, That Her Majesty's Ships of War, or any other Ship, Transport, or Packet of Her Majesty, Her Heirs and Successors, or any Vessel employed in Her Majesty's Revenues of Customs or Excise, or in the Service of the Board of Ordnance, or employed in carrying the Mails of Letters and Expresses under the Authority of Her Majesty's Postmaster General, or in any other Way employed in Her Majesty's Service, shall be exempted from the Payment of the Rates and Duties hereby granted: Provided always, that if any Person or Persons shall take the Benefit of any such Exemption, not being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Power reserved to Her Majesty and the Lords of the Treasury to reduce Duties on Foreign Ships and Goods.

LVII. And be it further 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.

Tonnage Duty to be ascertained by the Register of

LVIII. And be it further enacted, That in all Cases wherein it shall be necessary to ascertain the Tonnage of any *British* or *Irish* built Ship or Vessel, having a Register for the Purposes of this Act, the Production of the Register shall be deemed sufficient for that Purpose, without

without an actual Admeasurement; and the Master, Owner, or other Person having the Command, Management, or Possession thereof is hereby required to produce to the said Commissioners or Persons appointed by them the said Register.

British  
Vessels.

LIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized to appoint a proper Person to ascertain the Tonnage of any Foreign or other Ship or Vessel having no Register which may enter the said Harbour, and such Person shall and he is hereby empowered and required to admeasure the same according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels, and the Owners, Consignees, Commanders, or Masters of all such Ships or Vessels shall pay the Expence of such Measurement, besides the Rates and Duties to which they may be liable in Terms of this Act.

Persons to  
be appointed  
by the Com-  
missioners  
to measure  
Ships having  
no Register.

LX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or such Person as shall be authorized by them for that Purpose, to go on board any Ship or Vessel, and to demand to see the Register thereof, and to take the Dimensions of such Ship or Vessel, and to demand, collect, and receive, from any Owner, Master, or other Person having the Charge of any such Ship or Vessel, for any Goods, Merchandize, or Commodities on board of the same, the Rates and Duties by this Act imposed and made due and payable, and in case of Delay or Refusal of Payment to seize, take, and detain, preferable to and notwithstanding of any Attachment, Arrestment, or other Right whatsoever claimable by or due to any other Person or Persons, any of the Goods, Merchandize, Commodities, Tackle, Furniture, and Apparel of or belonging to or on board of any such Ship or Vessel, and the same to detain and keep until the said Rates and Duties respectively shall be satisfied and paid; and in case of any Neglect or Delay in the Payment of the said Rates and Duties, or any of them, for the Space of Three Days after such taking, seizing, or detaining as aforesaid, it shall then be lawful to the said Commissioners, or 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 same by public Auction or private Bargain at such Price as can be got for the same, and therewith to satisfy the Rates and Duties so neglected or delayed to be paid, together with the Charges 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 or Vessel, or to the Owners of such Goods or Commodities, the Surplus (if any be), on Demand.

For enforc-  
ing Payment  
of Duties.

LXI. And be it further enacted, That in case the Master or other Person having the Command of any Ship or Vessel liable to any of the Duties imposed by this Act shall refuse to produce his Register, or in case the Master or other Person having such Command as aforesaid, or any other Person whomsoever, shall obstruct or hinder, by Threats or otherwise, the said Commissioners or Person appointed

Penalty on  
Persons ob-  
structing the  
Admeasure-  
ment of  
Ships or the  
Collector of  
the Dues.

appointed to collect the Rates and Duties hereby authorized to be levied, or the Person appointed to admeasure any such Ship or Vessel, from entering on board, or taking, seizing, or carrying away the Tackling or other Articles, for Payment of such Rates and Duties, or any of them, or taking the Admeasurement of any Ship or Vessel, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Settling the Amount of Rates, &c. in case of Dispute.

LXII. And be it further enacted, That in case any Dispute shall arise regarding the Amount of the Rates or Duties hereby granted, or the Charges of recovering the same, such Dispute shall be submitted by Petition to the acting Chief Magistrate of the Burgh of *Fraserburgh* for the Time, who, upon Application made to him for that Purpose, shall examine into the Matter in a summary Way, without written Evidence, and determine the Rates and Charges due and incurred, and shall award such Expences of Plea to either Party as to him shall appear right and proper; and such Rates and Charges may be recovered summarily by poinding and distraining, by Warrant under the Hand of the said acting Chief Magistrate, which Warrant he is hereby authorized and required to grant.

Shipmasters to give an Account of loading and unloading.

LXIII. And be it further enacted, That every Shipmaster shall on his Arrival in the said Harbour, and before unloading any Part of his Cargo, and immediately after being loaded, be obliged, if required, to give in to the Collector of the said Duties, or to such Person as the said Commissioners shall appoint, an exact and full Account of his Cargo, by producing either his Bills of Lading or a Copy of his Manifest or intake Account, and every Person failing so to do, or not delivering a just and true Account of his Cargo, both Outwards and Inwards, as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the whole Rates and Duties payable in respect of such loading and unloading.

Commissioners may let the Rates and Duties.

LXIV. And be it further enacted, That it shall be in the Power of the said Commissioners to let on Lease, either by private Contract, for Payment of such Rent as they shall think proper, or to the best Bidder or Bidders by public Auction for that Purpose appointed, and advertised in the *Aberdeen Journal* or some other Newspaper circulated in the said Town of *Fraserburgh*, Three several Times, Fourteen Days at least before such Auction, all or any of the Rates and Duties by this Act granted, for any Time or Space not exceeding Three Years, as the said Commissioners may determine; and in case the said Rates and Duties shall be 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 Commissioners.

Application of the Rates and Duties.

LXV. And be it further enacted, That all and every Sum and Sums of Money which shall be levied and received from or on account of the Rates and Duties aforesaid, or the Rents thereof, or from the Sale of any Lands, Heritages, or Premises, or the Rents thereof, shall, after paying the Expences of preparing, applying for, and obtaining



obtaining and passing this Act, be applied by the said Commissioners for and towards the Expence of deepening, cleansing, enlarging, and improving the said Harbour, for keeping in repair and maintaining the Piers, Quays, Breasts, and other Works already built, or which may be built, for making Roadways and Approaches to the said Piers and Quays, and keeping the whole of such Roadways and Approaches already made or hereafter to be made in good Order and Repair, and also towards making, erecting, building, and finishing such other Piers, Quays, Breasts, and other Works as shall be necessary or expedient for the Improvement of the said Harbour, and for the Erection of Warehouses, Storehouses, Lofts, Sheds, Yards, or other Places for receiving and safe keeping of Goods removed from the Quays, or which may be allowed to be bonded, or for storing or keeping Sails, Rigging, or other Articles, and of a convenient Room or Rooms for the Commissioners to meet in, or renting Premises, or purchasing Ground for that Purpose, for lighting the Piers and Quays, and for paying the Officers and Servants to be employed in and about or concerning the same, and towards the Payment and Discharge of such Sum and Sums of Money as have been borrowed under the before-recited Act, and the Interest thereon, as fully as if borrowed on the Credit of the Rates and Duties under this Act, and of all Sums which shall be borrowed by the said Commissioners on account of the said Harbour under this Act, and the Interest thereon, and to no other Purpose or Use whatever, all under such Regulations and Conditions as the said Commissioners from Time to Time may think reasonable.

LXVI. And be it further enacted, That the said Commissioners, or a Quorum of them, shall and may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money which, with the Sums already borrowed and still due and owing on the Credit of the Rates and Duties authorized to be levied by the said recited Act, shall not in the whole exceed together at any one Time the Sum of Twenty thousand Pounds, and to grant, assign, and set over, for securing the Payment of the same with the Interest thereof respectively, the several Rates and Duties given and granted by this Act, to any Person or Persons who shall be willing to advance and lend Money thereon; and all the Monies so to be borrowed and advanced, as well as the Rates and Duties hereby authorized to be levied, shall be applied to and for the Ends and Purposes of this Act; and the Assignments to be executed thereupon shall be made and granted under the Hands of the said Commissioners, or any Five or more of them, by Deed or Writing duly stamped, in which the Consideration shall be duly set forth, and shall be in the Form or to the Effect following; that is to say,

Power to borrow Money.

BY virtue of an Act of Parliament made in the  
 Year of the Reign of Her Majesty Queen *Victoria*, intituled  
 [here insert the Title of this Act], we Commissioners  
 thereby appointed, in consideration of the Sum of  
 advanced and paid to us by do hereby sell, assign,  
 and make over to the said his Heirs, Executors,  
 Administrators, and Assignees, the aforesaid Harbour, Docks, and  
 [Local.] 19 O other

Form of Assignment.

‘ other Works therein, and all and sundry the Rates and Duties  
 ‘ payable to us by virtue of the said Act in relation thereto, and  
 ‘ all our Right, Title, and Interest of, in, and to the same, to be  
 ‘ held by the said \_\_\_\_\_ and his foresaids until the said  
 ‘ Sum of \_\_\_\_\_ with the legal Interest thereof shall  
 ‘ be fully satisfied and paid. In witness whereof we the under-  
 ‘ signed Commissioners have subscribed these Presents, written by  
 ‘ \_\_\_\_\_ at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ before these Witnesses.’

And the said Commissioners shall not be personally liable, by reason of having signed such Assignments, for the Repayment of the Money borrowed or Interest thereon, or for Payment of any Sum which they shall not have bound themselves personally to pay as Individuals independent of their Office as Commissioners under this Act; 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, according to their respective Sums in such Assignments already granted or which may hereafter be granted, without any Preference by reason of Priority of any such Assignments, or on any other Account; and a Copy of every such Assignment shall, within Twenty-one Days from the Date thereof, be entered in a Book or Books to be kept by the Clerk to the said Commissioners, which may be perused at all reasonable Times by any of the said Commissioners or Persons lending Money as aforesaid, without Fee or Reward; and the Person or Persons to whom 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 the Right or Interest therein by an Instrument in Writing under their Hands duly stamped, in which the Consideration shall be duly set forth in the Form or to the Effect following; that is to say,

Assignment  
may be  
transferred.

Form of  
Transfer of  
Assignments.

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 ‘ \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_ do  
 ‘ hereby transfer a certain Assignment made by the Commissioners  
 ‘ of the Harbour of *Fraserburgh* to me, bearing Date the  
 ‘ Day of \_\_\_\_\_ for securing the Sum of \_\_\_\_\_  
 ‘ and Interest, 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, Administrators, and Assignees. In witness whereof I  
 ‘ subscribe these Presents, written by \_\_\_\_\_ at \_\_\_\_\_  
 ‘ the \_\_\_\_\_ Day of \_\_\_\_\_ before these Witnesses.’

And such Transfer may be indorsed 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, and so often as such Assignment is meant to be transferred; and every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk of the said Commissioners, who shall enter the same in like Manner as the original Assignment in the Book or Books to be kept by him for that Purpose; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assignees, to the full  
 Benefit

Benefit of the original Assignment; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Transfer to make void, release, or discharge the same, or any Money thereby due, or any Part thereof.

LXVII. And be it further enacted, That no Ship or Vessel which may be laid up as unfit for Sea, or neglected by the Owner thereof, shall be permitted to be and remain at any of the Piers, Quays, or other Works erected or to be erected at the said Harbour so as to incumber the same; and the Commissioners may immediately cause such Ship or Vessel to be, at the Charges of the Owner thereof, removed and laid on any Part of the Strand or Sea Shore within the High-water Mark or any other Place of Safety without the said Harbour, the Expence of all which shall be first examined and allowed by the acting Chief Magistrate of the said Burgh of *Fraserburgh* before Payment shall be demanded from the Owners; and in case of Refusal or Neglect of Payment of such Charges allowed as aforesaid for the Space of Three Days after Demand made, then and in every such Case the Commissioners shall cause the same to be levied by Distress and Sale of such Ship or Vessel, or any of the Tackle or Furniture of the same, rendering the Overplus, if any be, after deducting the Charges of taking, keeping, and sale, to the Owners, whenever the same shall be demanded.

Old Ships,  
&c. not to  
remain in  
the Harbour.

LXVIII. And be it further 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 Commissioners, 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: Provided always, that in the Case of Wood for Barrel Staves it shall not be necessary to remove the same from the said Piers and Quays until the same shall have been so measured by the Officers of Her Majesty's Customs, after which the same may remain upon the said Piers and Quays for any Time not exceeding Seventy-two Hours, without being liable to any additional Rate or Duty, provided that such Wood during all the Time that it shall remain upon the said Piers and Quays shall be so stowed up as not to interrupt the free Passage along such Piers and Quays.

Additional  
Rates for  
Goods re-  
maining  
above a cer-  
tain Time on  
the Quays.

LXIX. And be it further enacted, That it shall not be lawful for any Person who shall have landed or laid any Goods, Wares, Merchandize, Timber, Wood, or any other Thing, except for the Purpose of being immediately shipped or landed, upon any of the Piers, Quays, or Jetties already constructed or to be constructed within the said Harbour,

Goods not  
to remain on  
the Piers or  
Quays, &c.  
beyond a  
certain  
Time.

Harbour, or on any Street or Avenue leading to the same, to permit such Goods, Wares, Merchandize, or other Things, or any Part thereof, to lie thereon for a longer Period than Forty-eight Hours; and in Cases where such Goods, Merchandize, or other Things shall have so continued beyond that Time, it shall be lawful to the said Commissioners or Person authorized by them to remove or cause to be removed such Goods, Wares, Merchandize, or other Things found lying on the said Piers, Quays, Landing Places, Streets, or Avenues leading to the same above the said limited Time to some Place of Safety, and to retain and keep the same until Payment of the Charges of such Removal and Detention, and of such Consideration besides to the Person authorized to remove them for Trouble in and about such Removal and Detention, as the said acting Chief Magistrate shall award to be reasonable; and if such Charges, Expences, and Consideration for Removal shall not be paid within the Space of Three Days after Demand made thereof, then and in that Case the said Commissioners are hereby authorized and required to levy the same by Distress and Sale of the said Goods, Wares, Merchandize, or other Things removed and detained, and to render the Overplus, if any be, after deducting the Expences of Sale and other Charges, to the Owner or Owners thereof, whenever the same shall be demanded.

Gunpowder,  
&c. not to  
be left on  
the Quays,  
&c.

LXX. And be it further enacted, That no Gunpowder, Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy or other spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other such combustible Things, shall be suffered to be or remain in or upon the Piers, Quays, or Landing Places already constructed or hereafter to be constructed, or in or upon any of the adjacent Streets and Avenues leading to or from the same, or upon the Deck of any Ship or Vessel lying in the said Harbour for more than Twenty-four Hours after the same shall be passed by the Officers of Her Majesty's Revenue; and in case the same cannot be conveniently removed or got off by Daylight, then and in every such Case the Owner or Owners thereof shall be obliged and are hereby required to set and maintain at his, her, or their Expence a sufficient Number of careful, discreet, and sober Persons, to guard and watch over the same for such or so many Hours, according to the Season of the Year, as the said Commissioners or the Person or Persons authorized by them as aforesaid shall direct and appoint; and in case such Owner or Owners of the Articles before mentioned, or the Master or Masters or Persons having or taking the Command or Charge of such Ships or Vessels, shall make default in the Premises, such Owner or Owners, Master or Masters, shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds Sterling: Provided always, that nothing herein contained shall extend or be construed to extend to Gunpowder belonging to Her Majesty, Her Heirs and Successors.

For remov-  
ing Vessels.

LXXI. And be it further enacted, That the said Commissioners, or such Person or Persons as they shall authorize and appoint, shall and may and they are hereby authorized to remove or cause to be removed, when and so often as he or they shall judge to be necessary,  
any

any Ship or Vessel lying in any of the Entrances or Passages of the said Harbour, or at any Quay, Pier, Breast, or other Place already built or hereafter to be built, or in any Part of the said Harbour, from the Berth or Lying Place at which they shall respectively happen to be stationed or moored at the Time to any other Berth or Lying Place as they or he shall think proper; and for the more speedy Removal of any such Ship or Vessel, on the Master refusing or delaying to remove the same on being required so to do, the said Commissioners, or Person or Persons authorized by them, may cut or order to be cut the Cables, Chains, or other Moorings of such Ship or Vessel when and so often as may be thought necessary, and the Masters, Commanders, Owners, and Consignees of any such Ship or Vessel so removed shall respectively pay to the said Commissioners all such Costs and Charges as shall be reasonably expended in the Removal thereof, to be recovered, levied, and applied in like Manner as the Forfeitures and Penalties imposed by this Act are ordered to be recovered, levied, and applied; and every Master, Commander, Mate, or other Person taking upon himself the Command, or who shall be on board of any Ship or Vessel, or other Person or Persons whatsoever who shall obstruct or hinder the Removal thereof, shall for every such Offence forfeit any Sum not exceeding the Sum of Ten Pounds Sterling.

LXXII. And be it further enacted, That in case any Ship or Vessel shall arrive or come into the said Harbour of *Fraserburgh* in Distress, or meet with any Misfortune in or without the Harbour, it shall and may be lawful to and for the acting Chief Magistrate of the said Burgh of *Fraserburgh*, upon Request made to him in Writing by the Master, Commander, or Owner thereof, or the Owner of any Goods aboard the said Ship or Vessel, and upon Proof being made before him of such Distress, to give an Order of Preference to such Ship or Vessel both as to the Berth and as to the Course of discharging to any other Ship or Vessel, and the Master or Commander of every Ship or Vessel lying within the said Harbour who shall refuse or delay to comply with the Order of the said Magistrate in favour of such Ship or Vessel in Distress as aforesaid shall for every such Offence forfeit any Sum not exceeding the Sum of Ten Pounds, besides the Expence of removing his Vessel.

Vessels in Distress to be preferred.

LXXIII. And be it further enacted, That the said Commissioners may cause any Ship or Vessel having a Cargo of Lime aboard to discharge to proceed to and lie at such Quay, Pier, Breast, or Wharf, and in such Parts thereof as they shall think proper, for the Purpose of unloading.

Lime to be discharged where the Commissioners shall direct.

LXXIV. And be it further enacted, That the said Commissioners shall have the immediate Superintendence, Direction, and Management of the ballasting of all Ships and Vessels within the said Harbour, and they are hereby authorized and empowered to make, establish, and execute such Rates, Rules, and Regulations respecting the same as from Time to Time they shall deem expedient; and all and every Person or Persons shall take their Directions from the said Commissioners or Person to be appointed by them for superintending

Commissioners to have the Superintendence of Ballast.

intending the ballasting or outputting of Ballast, and all Carters employed thereat; and in case any Person or Persons shall refuse or neglect to obey any of the Rules and Regulations made by the said Commissioners in virtue hereof, or shall act contrary thereto, they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Ballast, &c. not to be thrown into the Harbour, nor to remain on the Piers.

LXXV. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person to throw or allow to be thrown any Ballast, Dirt, Ashes, Rubbish, Shingle, Sand, Stones, or other Things into the said Harbour, or to do any other Act, Matter, or Thing to prejudice or injure the same, or any Part thereof; nor shall any Person or Persons suffer Ballast to remain on any of the Piers, Quays, Breasts, or other Works except during the Time necessary for putting it on board, but shall immediately remove the same to such Place or Places as the said Commissioners or Person authorized by them shall for that Purpose provide and appoint, nor shall it be lawful for any Person to dig or take away Ballast from any Place or Places other than from such Place or Places as shall from Time to Time be appointed for that Purpose under the Authority of the said Commissioners; and if any Person or Persons shall offend in the Premises, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Masters answerable for Damage done by their Crews.

LXXVI. And be it further enacted, That the Master or Owner of every Ship or Vessel coming into or using the said Harbour shall be and he is hereby made answerable to the said Commissioners for any Damage or Mischief that shall be done by his Ship or Vessel, or by any of the Seamen or Servants, Boatmen, or others on board of or belonging to the same, to any of the Piers, Quays, Breasts, or other Works already erected or to be erected, or to any other Ship or Vessel, with full Costs and Expences of suing for and recovering the same.

Masters or Owners to recover from their Servants any Sums for their Default.

LXXVII. And be it further enacted, That in case the Master or Owner of any Ship or Vessel coming into or using the said Harbour shall be compelled to pay any Penalty or to make any Satisfaction for any Damages by reason of any Neglect or Default done or committed by any of his Seamen or Servants, Boatmen, or others, contrary to the Provisions in this Act contained, such Seamen, Servants, Boatmen, or others shall be respectively liable to repay such Penalty or Damages, with the Costs thereof, to such Master or Owner; and in case of Nonpayment upon Demand thereof, and Oath made by such Master or Owner of the Payment made by him or them of such Penalty, Satisfaction, or Damages, and that the same and the Costs thereof have not been repaid to him by such Seamen, Servants, Boatmen, or others, although demanded, (such Oath to be made before any one Justice of the Peace for the said County of *Aberdeen* or Magistrate of the said Burgh of *Fraserburgh*,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Appointment of Pilots.

LXXVIII. And be it further enacted, That it shall be lawful to and for the said Commissioners from Time to Time to license, limit, regulate,

regulate, and appoint such Number of proper Persons to act as Pilots, Captain Pilot, and others within and about the said Harbour, as they may think proper, and to displace them at pleasure; and to compel all Persons professing to be Pilots under such Licences to find Security to the Extent of Twenty Pounds, or such other less Sum as the said Commissioners may think proper, for the proper Discharge of their Duty; and also to settle and establish from Time to Time such Rates of Fees to be paid and levied for the Risk, Labour, and Trouble of the said Pilots, Captain Pilot, and others employed within and about the said Harbour, as the said Commissioners shall deem just and reasonable, not exceeding for such Pilots, Captain Pilot, and others the Rates herein-after mentioned; and to make from Time to Time Orders, Rules, and Regulations for the Guidance and Government of such Pilots, which Orders, Rules, and Regulations shall be submitted to and approved by the Sheriff of the County of *Aberdeen* before the same shall be put in force; and if any Person shall act in any of the said Capacities within or about the said Harbour without being licensed and appointed as aforesaid, or after any such Licence shall have been declared by a Minute of the Commissioners to be forfeited, and it shall have been intimated to such Person that he has been dismissed as a Pilot, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds.

LXXIX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and required to examine and inquire into the Skill and Ability of every Person who shall offer himself to be admitted as a Pilot for the said Harbour, as well by Examination of Witnesses as by such other Ways and Means as to them shall seem proper; and if upon such Examination and Inquiry the Person so offering as a Pilot shall be approved of by the said Commissioners, they may grant a Licence certifying that such Person is duly qualified to act as a Pilot in conducting Vessels into and out of the said Harbour, which Licence or Warrant shall be subscribed by the Clerk to the said Commissioners, who shall receive for every first Licence a Fee of Five Shillings, and for every subsequent Licence a Fee of Two Shillings; and every Licence shall continue in force while the Person remains in the Burgh of *Fraserburgh*, and no longer, and the same shall be forfeited if the Person holding it shall be absent from his Duty at any one Time for the Space of Eight Days, without Leave of the said Commissioners; and every Pilot shall be subject to the several Regulations and Provisions in this Act contained, and to such Orders, Rules, and Regulations as shall be made by the said Commissioners in pursuance thereof.

Commissioners to examine and grant Licences to Pilots.

LXXX. And be it further enacted, That all Pilots licensed by the said Commissioners shall be entitled to such Rates of Pilotage as shall be fixed by the said Commissioners from Time to Time, not exceeding the Rates of Pilotage specified in the Schedule (C.) hereunto annexed, according to the Order in which the Pilot Boat shall reach any Ship or Vessel: Provided always, that no Master or Commander of any Ship or Vessel shall be obliged to employ more than One Pilot Boat, unless he shall think proper to order more.

Rates of Pilotage.

LXXXI. And

Commissioners may alter Rates of Pilotage.

LXXXI. And be it further enacted, That the said Commissioners shall have full Power and Authority, at their Discretion, to lessen or reduce all or any of the said Rates of Pilotage, and again to advance or increase the same, and also to fix and determine the Compensation to be made for extraordinary Attendance or Labour at any Ship or Vessel: Provided always, that any Increase of the said Rates do not exceed the Amount of the Rates before mentioned.

Masters of Vessels refusing to take Pilots.

LXXXII. And be it further enacted, That in case the Master or Commander of any Ship or Vessel Inward bound shall refuse to take on board and employ the first licensed Pilot who shall offer his Service outside the Harbour, or as soon as such Pilot can safely come alongside of such Ship or Vessel, such Master or Commander shall pay to such Pilot the full Pilotage, according to the different Rates then exigible, as if the said Pilot had been received and employed in conducting or piloting such Ship or Vessel into the said Harbour of *Fraserburgh*, together with full Costs of suing for and recovering the same.

Pilots not to take out any Ship or Vessel until the Duties are paid.

LXXXIII. And be it further enacted, That no Pilot shall be at liberty to pilot or convey any Ship or Vessel until the Captain Pilot shall have declared himself satisfied that the Rates and Duties hereinbefore directed to be paid in respect of such Ship or Vessel have been duly paid to the Collector appointed to receive the same; and every Pilot so offending shall forfeit and pay the Sum of Two Pounds, besides the Expence of suing for and recovering the same.

The Owners or Commanders of all Ships to employ a licensed Meter.

LXXXIV. And be it further enacted, That the Owners and Commanders of all Ships or Vessels entering the said Harbour with Coals, Lime, Cinders, Salt, Bark, Potatoes, Grain, or any other Commodity requiring meting, weighing, or measuring, or the Owners or Consignees of such Goods or Commodities, shall employ a licensed Meter for the Purpose of measuring, weighing, or meting the same; and every Commander, Owner, or Consignee of such Vessel, or Goods or Commodities, who shall fail to employ such licensed Meter, shall for every such Offence forfeit any Sum not exceeding Five Pounds; and such Meter so employed shall receive from the Person or Persons so employing him such Rates and Fees as shall be from Time to Time fixed by the said Commissioners.

Power to erect Cranes and Weighing Machines.

LXXXV. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered to erect such and so many Cranes and Weighing Machines upon the Works of 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 Commissioners 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



Difference shall arise between any Collector of the said Rates and Duties, and the Master or any other Person having the Care or Charge of any Ship or Vessel 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 or Vessel, and to weigh or gauge, or cause to be weighed or gauged, the same, and all such Goods, Wares, and Merchandize or other Matters and 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 or Vessel, then it shall and may be lawful to and for the said Commissioners 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 or Vessel; 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 Commissioners, and their Collector, as the Case may be, shall pay the Costs and Charges of such weighing and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention.

LXXXVI. And be it further enacted, That it shall be in the Power of the said Commissioners and they are hereby authorized and empowered to license, appoint, and regulate a sufficient Number of Persons to be Meters and Weighers in 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, 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.

Commis-  
sioners may  
appoint  
Meters and  
Weighers.

LXXXVII. And be it further enacted, That no Person whatsoever shall have or keep, or cause to be had or kept, any Fire on board of any

Fires not to  
be lighted in

[Local.]

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Ship

**Ships, &c.  
in the Har-  
bour without  
Permission.**

Ship or Vessel lying in the said Harbour at any Time whatsoever, except only with Permission of the said Commissioners, upon pain of forfeiting for every such Offence any Sum not exceeding Five Pounds.

**Power to  
appoint Su-  
perinten-  
dents and  
Officers for  
regulating  
the Police of  
the Harbour.**

LXXXVIII. 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 Commissioners 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 Commissioners shall think expedient; and all such Salaries and Allowances as the said Commissioners 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 Commissioners by virtue of this Act.

**Duties of  
Superin-  
tendents,  
and Officers.**

LXXXIX. And be it further 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 Piers, Quays, Jetties, and other Works of the said Harbour erected and to be erected, and the Goods, Wares, and Merchandize lying thereon or therein, and the Ships and Vessels of all Descriptions lying at or in the said Harbour, Piers, Quays, or Jetties, 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 Commissioners, to be observed by all Persons within the Precincts of the said Harbour, and to apprehend all Persons committing or charged with committing a Breach of any of the Rules or Regulations which the said Commissioners are hereby authorized to make, and for which any Offender may be liable to be apprehended, or committing or charged with committing any criminal, riotous, or disorderly Act within the Precincts of the said Harbour; and it shall also be the Duty of the said Superintendent to afford at all Times to the said Commissioners 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 Piers, Quays, and Jetties of the said Harbour; to appoint the requisite Number of efficient and proper Persons to act as inferior Officers and Watchmen, and to dismiss them when he shall see Cause, and in general to aid and assist in the Prevention of Breaches of the said Rules and Regulations, and bringing Offenders to Punishment; to attend to the proper lighting, watching, and cleansing of the said Harbour, and the Piers, Quays, and Jetties thereof: Provided always, that the said Commissioners 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 so to do; and any Person so dismissed shall not be again employed in or about the Harbour,

Harbour, unless with the written Approbation of the said Commissioners.

XC. And be it further 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 knowingly or wittingly entertain or permit or suffer to be entertained, in his or her House, any such Person during his Time of Duty, or shall furnish or supply any such Person employed as aforesaid, or any Person for his Use, with spirituous Liquors during his Time of Duty, every Person so offending shall forfeit a Sum not exceeding Five Pounds for each Offence.

Penalty on Watchmen retiring from Duty, and on Persons supplying them with spirituous Liquors.

XCI. And be it further 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 Tackle of any Ship or Vessel, or any Log or Logs of Timber, or any other Article or Thing whatever, within the Precincts of the said Harbour, or in the Bay of *Fraserburgh*, shall, within Twenty-four Hours thereafter, give Notice thereof to the said Commissioners 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 Five Pounds; and the said Commissioners shall have Power to affix the Amount of Salvage to be paid to Fishermen, Boatmen, Pilots, or other Persons picking up any of the said Articles or Things.

Anchors, Cables, &c. found in the River to be deposited as directed.

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

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

XCIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized to erect and maintain Inclined Planes or Slips upon any Part of the Beach of the said Harbour, for the Purpose of hauling up Ships or Vessels for Repair, and also to inclose Building Yards or other Conveniences within the said Harbour, and from Time to Time to let such Slips, Inclined Planes, or Building Yards, by private Agreement or public Auction, for any Period not exceeding Seven Years, at such Rents, Rates, and Duties, and to make such Rules and Regulations for the Government of Persons using the same, as to the said Commissioners shall from Time to Time seem fit and proper.

Power to erect Slips, &c. and to let the same.

XCIV. And

Power to  
employ  
towing  
Vessels.

XCIV. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall deem it necessary or expedient, to build, purchase, hire, or otherwise employ One or more Vessel or Vessels, to be commanded by a licensed Pilot, and to be propelled by Steam or otherwise, for the Purpose of towing or hauling Ships or Vessels into and out of the said Harbour, or for any other Purpose approved of by the Commissioners for Behoof of said Harbour; and any Person or Persons requiring the Assistance of such towing Vessel or Vessels shall be obliged to pay to the said Commissioners or their Collector or Collectors such reasonable Rates or Compensation for the Use thereof as shall from Time to Time be established by the said Commissioners, and which shall be due and payable whether the said Vessel shall be employed or not, provided the Assistance thereof shall have been required, and shall, in consequence of such Requisition, have been tendered by the Master or other Person commanding such towing Vessel.

Power to  
make Bye  
Laws.

XCV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any Time hereafter, to make, order, and establish such Rules, Orders, and Bye Laws, for the Government and Regulation of the Captain Pilot, Pilots, Meters, and other Officers and Persons licensed and employed in and about the said Harbour, and for the better regulating, governing, and managing the Piers, Quays, Breasts, and other Works erected or to be erected in or about the said Harbour, and for the good Order, Government, Management, and Removal of Ships or Vessels entering the same, and of the Seamen and Fishermen on board thereof, and for the better executing the other Powers of this Act, and also from Time to Time, as Occasion may require, to repeal and amend or alter such Rules, Orders, and Regulations, or Bye Laws, as to them shall seem fit and requisite, and to fix and appoint reasonable pecuniary Penalties for the Non-observance or Breach of them, not exceeding Five Pounds, to be recovered and applied in such Manner as the Fines and Penalties imposed by this Act are ordered to be recovered, levied, and applied, which Penalties so fixed and appointed may be awarded either in whole or in part, or wholly reduced according to the Discretion of the Magistrate or Justice before whom the same may be sued for: Provided always, that such Rules, Regulations, Bye Laws, and the Fines and Penalties for the Breach or Nonperformance thereof, as the same shall from Time to Time be made, altered, or varied, shall not be repugnant to the Law of *Scotland*, or to the Provisions in this Act contained, and that they shall be submitted to and approved of by the Sheriff of the County of *Aberdeen*; and the said Commissioners shall cause the said Rules, Orders, and Bye Laws to be printed, distributed, and Copies thereof painted on Boards, and hung up at Two or more of the most conspicuous Places within the said Harbour, and which Boards shall from Time to Time be renewed by the said Commissioners when they become obliterated or defaced, and the Expences and Charges thereof shall be paid out of the said Rates and Duties.

XCVI. And

XCVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously deface, pull down, or destroy any Board whereon the said Lists of Rates, Orders, or Bye Laws shall be painted, and which shall be affixed by the said Commissioners as aforesaid, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as any other Penalty by this Act imposed is directed to be recovered and applied. Penalty on defacing Boards.

XCVII. And be it further enacted, That all Expences, Penalties, Forfeitures, and Fines by this Act imposed, or by any Bye Law made in pursuance hereof, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof of the Offences respectively before the said acting Chief Magistrate or any One Justice of the Peace for the County where the Offender shall be apprehended, either by the Confession of the Party offending or by the Oath of One credible Witness or other competent Evidence, be levied, together with the Expences attending the Information and Conviction, by Pounding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of the said acting Magistrate or Justice of the Peace, which either of them is hereby empowered to grant, upon the Application of the said Commissioners, or of any Collector or Receiver appointed by them; and the Surplus, if any be, after deducting such Expences, Penalties, Forfeitures, and Fines, and the Charges of such Pounding and Sale, shall be returned to the Owner of such Goods and Effects; and in case such Expences, Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such acting Magistrate or Justice to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Pounding, unless the Offender shall give sufficient Security, to the Satisfaction of such acting Magistrate or Justice, for his or her Appearance before such acting Magistrate or Justice on such Day and at such Hour as shall be appointed for the Return of the Warrant of Pounding, which Security they or either of them are hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, or if it shall appear to the Satisfaction of the Magistrate or Justice that the Offender has not sufficient Goods or Effects, no Warrant of Distress need be issued, and then it shall be lawful for the said acting Magistrate or Justice, and he is hereby authorized and required, by Warrant under his Hand, to cause such Offender to be committed to the Common Gaol, there to remain for any Time not exceeding Three Months, unless such Expences, Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid; and the Monies recovered or levied for such Expences shall be applied to the Payment of the same respectively; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, after defraying the Expence of suing for and recovering the same, shall be applied to the Purposes of this Act: Provided always, that it shall be in the Power of the said acting Magistrate or Justice, where he may see Cause, to mitigate any of the Penalties or Forfeitures as he or they in his or their Discretion shall think fit. Recovery of Forfeitures, Fines, Damages, &c.

[Local.]

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XCVIII. And

Appeal.

XCVIII. And be it further enacted, That if any Person shall think himself aggrieved by any Decision, Warrant, or Order of the acting Chief Magistrate of *Fraserburgh*, or of any Justice or Magistrate, in the Execution of this Act, or by any Rule, Order, or Bye Law to be made by the Commissioners under this Act, it shall and may be lawful to and for such Person to appeal therefrom to the Sheriff of the County of *Aberdeen*, provided that such Appeal be lodged with the Sheriff Clerk within Four Months after the Decision of the said acting Chief Magistrate of *Fraserburgh* or Justice shall have been given, and not afterwards, or in case of any such Order or Bye Law, within Four Months after any Judgment shall be given by such Magistrate or Justice against the Person offending in respect of such Rule, Order, or Bye Law, of which Appeal Notice shall be given to the opposite Party or Parties within the like Space of Four Months after such Decision; and that such Security for the Payment of Costs shall have been given by the Party applying for Redress as the said Sheriff shall order and direct, and the said Sheriff shall in all Cases proceed and determine summarily, and his Decision shall be final and conclusive, without being subject to Review by Advocation, Suspension, Reduction, or otherwise.

For apprehending transient Offenders.

XCIX. 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 Officers, Watchmen, and other Persons authorized and appointed by the said Commissioners 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 *Aberdeen*, or the acting Chief Magistrate of *Fraserburgh*, without any other Warrant than this Act for so doing; and such Justice or Justices of the Peace or Magistrate respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offenders in a summary Way.

Commissioners may act as Justices.

C. And be it further enacted, That no Commissioner appointed by or in virtue of this Act shall be disqualified from acting as a Justice of the Peace or Magistrate in the Execution of this Act, by reason of his being such Commissioner, except where it shall appear that such Commissioner is personally or individually interested.

Commissioners or Officers not incompetent Witnesses.

CI. And be it further 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 Commissioner under this Act, or acting under the Appointment of the said Commissioners.

Boundaries of Harbour.

CII. And be it further enacted, That for the Purposes of this Act the said Harbour shall be deemed to extend along the Shore as far as the Regality of *Fraserburgh* extends, and to Seaward to the Extent of One hundred Yards outside of the *Inch Rocks*, the outer *Bush Rocks*, and the *Boich-head Rocks* respectively, all situated in the Bay of *Fraserburgh*.

CIII. And

CIII. And be it further enacted, That the Expence of this Act, and other necessary Expences incurred preparatory thereto and in the Execution thereof, shall be paid and defrayed out of the first and readiest of the Monies which shall come into the Hands of the said Commissioners by virtue of this Act. Expences of this Act, how to be defrayed.

CIV. And be it further enacted, That this Act 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. Public Act.

SCHEDULE (A.) to which this Act refers.

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TONNAGE DUTIES.

		Per Register Ton.	
	s.	d.	
<b>For all Vessels belonging to Fraserburgh —</b>			
When loading or unloading,			
In name of Tonnage Duty	-	-	-
Ballast Duty	-	-	-
When wind-bound	-	-	-
And 1s. each Vessel for the Life Boat.			
<b>For all Vessels the Property of British Subjects, but not belonging to Fraserburgh —</b>			
When loading or unloading,			
In name of Tonnage Duty	-	-	-
Ballast Duty	-	-	-
Waterage Money	-	-	-
When wind-bound or otherwise	-	-	-
And 1s. 6d. each Vessel for the Life Boat.			
<b>For all Vessels belonging to Aliens, or Persons who are not British Subjects —</b>			
When loading or unloading,			
In name of Tonnage Duty	-	-	-
Ballast Duty	-	-	-
Waterage Money	-	-	-
When wind-bound or otherwise	-	-	-
And 2s. 6d. each Vessel for the Life Boat.			

All open Boats engaged in the Herring Fishery at the Port of Fraserburgh to pay One Cran of Herrings out of the first Herrings which may be caught after the ordinary Fishing with Nets commences, in full of Tonnage Duty for the Period of their Fishing Season.

All open Boats loading or discharging Herrings, which Boats are not engaged at Fraserburgh for the Season, shall pay Five Shillings each of Tonnage Duty; and when wind-bound Two Shillings and Sixpence each of Tonnage Duty, if belonging to Fraserburgh; and if not belonging to Fraserburgh, and loading or discharging, Seven Shillings and Sixpence each; and when wind-bound, Three Shillings and Sixpence each.

All open Boats belonging to Fraserburgh loading or discharging any other Article than Fish shall pay Four-pence per Ton of Tonnage Duty, One Penny per Ton of Ballast Duty, and when wind-bound Two-pence per Ton, and if not belonging to Fraserburgh the same Dues as a Vessel not belonging to Fraserburgh before mentioned.

Each Boat not belonging to Fraserburgh shall pay for the Period of their Fishing Season Two Shillings and Sixpence in Name of Waterage Money.



SCHEDULE (B.) to which this Act refers.

RATES AND DUTIES ON GOODS.

Description of Goods.	Rates payable by Unfreemen.			Rates payable by Freeman having 100% value of Heritage.		
	£	s.	d.	£	s.	d.
Apples and Onions, per Bushel	0	0	1½	0	0	1
Bark, per Cwt.	0	0	4	0	0	3
Barley, hulled, per Cwt.	0	0	2½	0	0	1½
Bear and Barley, unhulled, per Quarter	0	0	6	0	0	4
Beans, per Quarter	0	0	7	0	0	5
Beef, per Barrel	0	0	4	0	0	3
Bottles, per 12 Dozen	0	0	6	0	0	4
Bricks, per 1,000	0	0	9	0	0	6
Black Beer, per Keg	0	0	4	0	0	3
Barrel Hoops, per Bundle	0	0	1½	0	0	1
Butter, per Cwt.	0	0	9	0	0	6
Bone Dust, or Bones, per Ton	0	1	6	0	1	0
Candles, per Cwt.	0	0	6	0	0	4
Coals and Cinders, per Cwt.	0	0	1½	0	0	1
Causeway Stones, per Ton	0	0	6	0	0	4
Casks and Empty Barrels	0	0	2	0	0	1½
Cheese, per Cwt.	0	0	6	0	0	4
Clover Seeds, per Cwt.	0	0	9	0	0	6
Coffee, per Cwt.	0	1	9	0	1	4
Confections and dried Fruits, per Cwt.	0	1	0	0	0	9
Cork, uncut, per Cwt.	0	1	0	0	0	9
Ditto, cut, per 60 Gross	0	0	6	0	0	4
Feathers, per Stone of 14 lbs.	0	0	4	0	0	3
Flax, per Cwt.	0	0	9	0	0	6
Flagstones, Orkney or Shetland, clean dressed and jointed, per 20 Square Feet	0	0	9	0	0	6
Ditto, second Quality	0	0	6	0	0	4
Fir Wood, per 20s. value	0	0	4	0	0	3
Flour in Sacks of the usual Size	0	0	6	0	0	4
Ditto in Casks containing 2 Cwts., and in proportion for less or more	0	0	6	0	0	4
Grindstones, each	0	2	0	0	1	6
Gravestones, each	0	4	0	0	3	0
Glass, in Packages of 5 Cubic Feet, except Bottles	0	1	0	0	0	9
Gunpowder, per Cwt.	0	0	6	0	0	4
Herrings, per Barrel, and other Fish, per Barrel	0	0	4	0	0	3
Ditto, and Fish in Bulk, per Cent.	1	10	0	1	0	0
Hemp, per Ton	0	5	0	0	3	0
Horses and Cattle imported, each	0	1	0	0	0	9
Horses and Cattle exported, each	0	2	0	0	1	6
Hops, per Cwt.	0	0	9	0	0	6
Hay, per Cent.	3	0	0	2	0	0
Iron Grates, Stoves, other Cast Iron Work, per Cwt.	0	0	6	0	0	4
Iron Hoops, per Ton	0	2	0	0	1	6
Iron in Bars, per Cwt.	0	0	6	0	0	4
Nails, Girdles, and Pots, and Wire, per Cwt.	0	0	9	0	0	6
Kelp, per Ton	0	1	0	0	0	9

[Local.]

19 S—U

Description of Goods.	Rates payable by Unfreemen.			Rates payable by Freemen having 100% Value of Heritage.		
	£	s.	d.	£	s.	d.
Lime Shells, per Boll	0	0	2	0	0	1½
Slacked Lime, per Ditto	0	0	1	0	0	0½
Lead, per Cwt.	0	0	4	0	0	3
Leather, per Ditto	0	0	9	0	0	6
Lemons and Oranges, in Chests of usual Size, each Chest	0	0	6	0	0	4
Linseed, in Casks or Bags, per Bushel	0	0	1½	0	0	1
Liquorice Root, per Cwt.	0	2	0	0	1	6
Molasses, per Ditto	0	0	4	0	0	3
Meal, per Boll	0	0	4	0	0	3
Mill Stones, each	0	4	0	0	3	0
Mahogany and other hard Wood, per 5 Cubic Feet	0	0	6	0	0	4
Oil Cake, per Cwt.	0	0	3	0	0	2
Oats, per Quarter	0	0	5	0	0	3
Ox and Cow Hides, per Cwt.	0	0	6	0	0	4
Paper of all Kinds, per 20s. value	0	0	4	0	0	3
Pork, per Cwt.	0	0	4	0	0	3
Porter, per Hogshead	0	2	0	0	1	6
Potatoes, per Ton	0	1	0	0	0	9
Rice, per Cwt.	0	0	4	0	0	3
Ropes tarred, in Coil, per Ditto	0	0	4	0	0	3
Ditto in Package, per 5 Cubic Feet	0	0	6	0	0	4
Rosin, per Cwt.	0	0	6	0	0	4
Staves, for Herring or other Barrels, sawn, per Cent.	5	0	0	3	0	0
Sail Cloth in Bulk, per 5 Bolts	0	0	9	0	0	6
Salmon in Bulk or Package, per Cent.	1	10	0	1	0	0
Salt, per Bushel	0	0	1	0	0	0½
Stones, Rubble, per Ton	0	0	6	0	0	4
Stones for building, if Freestone or Granite, per Ton	0	1	0	0	0	9
Slates per Thousand, Duchesses	0	6	0	0	4	0
Ditto per Ditto, Countesses	0	5	0	0	3	0
Ditto per Ditto, common Size	0	3	0	0	2	0
Soap, per Cwt.	0	0	4	0	0	3
Stucco, per Ditto	0	0	6	0	0	4
Sugar Candy, per Ditto	0	1	0	0	0	9
Sugar Loaf and Lump, per Ditto	0	0	9	0	0	6
Ditto, Powder and Raw, per Ditto	0	0	4	0	0	3
Tar and Pitch, per Barrel of the Size now imported, each Barrel	0	0	6	0	0	4
Turine Pavement, rough, per 20 Square Feet	0	0	6	0	0	4
Ditto, clean dressed, per 20 Ditto	0	0	9	0	0	6
Tiles, per 1,000	0	2	0	0	1	6
Tallow, per Cwt.	0	0	6	0	0	4
Tea, per Ditto	0	1	0	0	0	9
Tobacco and Snuff, per Ditto	0	1	0	0	0	9
Tow and Hair for Plaister, per Ditto	0	0	6	0	0	4
Whale and other Oil, per 20 Gallons	0	0	9	0	0	6
Whitening, per Cwt.	0	0	2	0	0	1½
Wheat, per Quarter; Pease, per Ditto; and other Grain not before mentioned	0	0	7	0	0	5

For all Goods, Merchandize, Wares, or Commodities which shall belong to Feuers or Proprietors of the said Town of Fraserburgh whose Properties therein shall be of the Value of 100% Sterling, the Sum of Four-pence Sterling per Barrel Bulk of 5 Cubic Feet.

For all Goods, Merchandize, Wares, and Commodities which shall belong to other Persons, the Sum of Sixpence Sterling per Barrel Bulk.

All Articles of whatever Kind not otherwise rated are to be bulked at the Rate of Five cubical Feet per Barrel, except when the said Measure shall exceed Two Hundred Weight, in which Case such Package is to be bulked at the Rate of Two Hundred Weight per Barrel.

Small Packages, though under 56 lbs., shall be reckoned One Fourth of a Barrel Bulk.

SCHEDULE (C.) to which this Act refers.

Rates of Pilotage payable to licensed Pilots for a Boat and Five Men, besides the Pilot employed therein, and so in proportion for a smaller Number of Men.

	£	s.	d.
For every Ship or Vessel under 50 Tons Register, piloted into or out of the Harbour of Fraserburgh:			
For the first Boat	0	10	0
For the second Boat	0	7	0
For the third and every other Boat	0	6	0
For every Ship or Vessel of 50 Tons Register and under 60 Tons:			
For the first Boat	0	12	0
For the second Boat	0	8	0
For the third and every other Boat	0	6	0
For every Ship or Vessel of 60 Tons Register and under 70 Tons:			
For the first Boat	0	14	0
For the second Boat	0	10	0
For the third and every other Boat	0	8	0
For every Ship or Vessel of 70 Tons Register and under 80 Tons:			
For the first Boat	0	15	0
For the second Boat	0	11	0
For the third and every other Boat	0	9	0
For every Ship or Vessel of 80 Tons Register and under 90 Tons:			
For the first Boat	0	16	0
For the second Boat	0	12	0
For the third and every other Boat	0	10	0
For every Ship or Vessel of 90 Tons Register and under 100 Tons:			
For the first Boat	0	17	0
For the second Boat	0	13	0
For the third and every other Boat	0	11	0
For every Ship or Vessel of 100 Tons Register and under 120 Tons:			
For the first Boat	1	0	0
For the second Boat	0	15	0
For the third and every other Boat	0	13	0

	£	s.	d.
For every Ship or Vessel of 120 Tons Register and under 150 Tons:			
For the first Boat	1	5	0
For the second Boat	1	0	0
For the third and every other Boat	0	15	0
For every Ship or Vessel of 150 Tons Register and under 200 Tons:			
For the first Boat	1	10	0
For the second Boat	1	5	0
For the third and every other Boat	1	0	0
For every Ship or Vessel of 200 Tons Register and under 250 Tons:			
For the first Boat	1	15	0
For the second Boat	1	10	0
For the third and every other Boat	1	5	0
For every Ship or Vessel of 250 Tons Register and upwards:			
For the first Boat	2	0	0
For the second Boat	1	15	0
For the third and every other Boat	1	10	0

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