



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xxxii.

An Act to enable the *Fraserburgh* Harbour Commissioners to purchase Lands and to borrow a further Sum of Money. [13th *July* 1857.]

WHEREAS an Act was passed in the Second and Third Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for further improving and maintaining the Harbour of the Burgh of Regality of Fraserburgh in the County of Aberdeen*, by which Act the then subsisting Act, passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, relating to the said Harbour, was repealed, and other Powers and Provisions, for extending and better improving the said Harbour, were granted in lieu thereof: And whereas by the said recited Act the Commissioners are authorized to borrow any Sum of Money which, with the Sums then already borrowed, should not exceed in all at any one Time the Sum of Twenty thousand Pounds, of which Sum of Twenty thousand Pounds the Sum of Seventeen thousand nine hundred and sixty Pounds has been so borrowed and applied or is now available for the Purposes by the said Act authorized; but the said Sum of Twenty thousand Pounds so authorized to be raised has been insufficient to purchase the Lands and Heritages authorized to be taken and used

2 & 3 Vict.
c. 45.

[*Local.*]

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for

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for the Purposes of the said Act, and the Period authorizing the compulsory Purchase of the said Lands and Heritages has expired, and it is therefore necessary to raise a further Sum of Money to purchase the said Lands and Heritages and other Lands and Heritages, for the Purposes of the said Act, and for the better carrying out the Improvements in the said Harbour authorized by the said Act: And whereas the Schedule of Tonnage Rates and Dues annexed to the said Act requires to be amended, so far as the same relates to certain open Boats, and the Schedule of certain other Rates and Duties annexed to the said Act also requires to be explained and amended, so far as the same relates to divers Goods and Merchandise enumerated in such last-mentioned Schedule, and it is also necessary to give additional Powers for the due Collection of the Tonnage Rates and Duties and other Rates and Duties payable to the said Commissioners; but these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, to the Effect and in manner following; (that is to say,)

Short Title.

I. In citing this Act for any Purpose whatever, it shall be sufficient to use the Expression "The *Fraserburgh Harbour Amendment Act, 1857.*"

8 & 9 Vict.
c. 19. incor-
porated.

II. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall, so far as not expressly varied by this Act, be incorporated with and form Part of this Act.

Works to
be executed
according to
deposited
Plans.

III. And whereas Plans describing the Lines or Limits or Situation of the Lands, Houses, and Heritages required for the Purposes of the Undertaking authorized by the said recited Act and this Act, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, Houses, and Heritages, have been deposited with the Principal Sheriff Clerk of the County of *Aberdeen* at his Offices respectively in *Aberdeen* and *Peterhead*: Therefore, subject to the Conditions in the said recited Act and this Act contained, it shall be lawful for the Commissioners, in order to enable them to carry into effect the said Improvements, or to provide the Accommodation by the recited Act authorized, to purchase, acquire, enter upon, and take and use such of the said Lands, Houses, and Heritages described on the said Plans and Books of Reference as may be necessary for the said Purposes.

Works below
High-water
Mark to be
approved by
Admiralty.

IV. All Works to be executed below High-water Mark shall be subject to the Approval of the Admiralty, and be only executed in conformity with such Approval.

V. It

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V. It shall be lawful for the Commissioners, on the Lands and Heritages so to be acquired, to make and maintain such Breastworks or Embankments, Graving Docks, and other Works and Improvements authorized by the said recited Act, as they may consider necessary, in connection with the said Harbour, and for the Accommodation of the Trade and Shipping thereof.

Power to construct Works - authorized by this Act.

VI. The Twelfth, Thirteenth, Fourteenth, Fifteenth, Twenty-fourth, Twenty-eighth, Thirty-first, and Fifty-second Sections of "The Harbour, Dock, and Piers Clauses Act, 1847," shall be and are hereby incorporated with this Act.

Certain Sections of 10 & 11 Vict. c. 27. applied to this Act.

VII. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, Houses, or Heritages described on the Plans or Books of Reference, it shall be lawful for the Commissioners, after giving Ten Days Notice to the Owners thereof affected by such proposed Correction, to apply to any one Justice of the Peace for the County of *Aberdeen* for the Correction of the same; and if it shall appear to such Justice that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and he shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been misstated or erroneously described; and such Certificate shall be deposited with the Principal Sheriff Clerk of the County of *Aberdeen* in his Offices at *Aberdeen* and *Peterhead* aforesaid, and with the Schoolmaster of the Parish in which the Lands and Houses affected thereby shall be situate; and such Certificate shall be kept by such Sheriff Clerks and Schoolmaster respectively along with the other Documents to which they relate; and thereupon such Plans and Books of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to purchase, acquire, and take the Lands or Houses so affected, in accordance with such Certificate.

Errors in Plans and Books of Reference may be corrected by Justices, who may certify the same.

Certificate to be deposited.

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

Land reclaimed not to be taken without Consent of Commissioners of Woods, &c.

IX. The

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Period for compulsory Purchases limited.

IX. The Powers for the compulsory Purchase of Lands and Houses for the Purposes by this Act or the said recited Act authorized shall not be exercised after the Expiration of Three Years after the passing of this Act, save and except with the Consent in Writing of the Owners, Lessees, and Occupiers thereof respectively.

Modifying Tonnage Duties.

X. After the passing of this Act, the several Rates and Duties specified in the Schedule A. to this Act annexed shall be taken and recovered by the said Commissioners, or the Collector, Receiver, or other Officer employed by them, instead of the Rates and Duties specified in Schedule A. annexed to the said recited Act; and the several Rates and Duties specified in Schedule B. in this Act annexed shall be taken and recovered by the said Commissioners, or the Collector, Receiver, or other Officer employed by them, instead of the Rates and Duties specified in Schedule B. annexed to the said recited Act; and the several Rates and Duties specified in Schedule C. annexed to this Act shall be taken and recovered by the said Commissioners, or the Collector, Receiver, or other Officer employed by them, instead of the Rates and Duties specified in Schedule C. annexed to the said recited Act; subject nevertheless to the Provisions of Section Thirty-first of "The Harbour, Dock, and Piers Clauses Act, 1847," as incorporated with this Act: Provided also, that nothing herein contained shall prevent the said Commissioners, or the Collector, Receiver, or other Officer employed by them, from levying, receiving, and recovering, in the same Manner as if this Act had not passed, all Tonnage Duties and other Rates and Duties which have heretofore become due and payable under the Provisions of the said recited Act.

Vessels not to be cleared till Duties are paid, &c.

XI. The Collector or other proper Officer of Her Majesty's Customs for the District within which the said Harbour is situate may, with the Consent of the Commissioners of Her Majesty's Customs, 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 or the recited Act, until the said Rates and Duties shall be paid to the Collector appointed to receive the same; and until a Receipt under the Hand of the said Collector of the said Rates and Duties shall be produced to the said Collector or other proper Officer of Her Majesty's Customs, or a Certificate under the Hand of the Clerk to the 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 Expenses 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

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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: 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.

If Rates demanded be higher than authorized Collector to be liable to Damages.

XII. The Commissioners may from Time to Time borrow and take up at Interest, on the Credit of the Rates and Duties by the said recited Act and this Act authorized to be levied, any Sum or Sums of Money which, with the Sums already borrowed and now due and owing on the Credit of such Rates and Duties, shall not in the whole exceed together at One Time the Sum of Forty thousand Pounds, and for securing the Repayment of the Money so to be borrowed may assign and set over to any Person or Persons willing to advance the same the said Harbour, Docks, and other Works therein authorized, and the several Rates and Duties by the said recited Act and this Act granted.

Power to borrow on Credit of the Rates.

XIII. If, after having borrowed any Part of the Money so authorized to be borrowed as aforesaid the Commissioners pay off the same by any Means except by the Application of the Sinking Fund herein-after mentioned, they may again borrow the Amount so paid off, and so on from Time to Time as they may see fit.

If Loan paid off, the Amount may be re-borrowed.

XIV. The Assignments of the said Harbour, Docks, and other Works, and of the Rates and Duties to be granted as a Security for the Monies authorized to be borrowed by virtue of this Act, and the Transfers of such Assignments, shall be executed in the Manner and be as near as may be in the Form specified in the said recited Act, and all the Powers and Provisions relating thereto contained in the Sixty-sixth Section of the said Act shall, so far as the same are applicable, be applied to and be in force in respect to the Assignments and Transfers to be executed and granted in virtue of this Act; and for such Purpose the same Powers and Provisions shall be incorporated with and form Part of this Act.

Provisions in recited Act as to Assignments of Rates and Transfers applied to this Act.

XV. The Assignees or Mortgagees of the Commissioners may enforce the Payment of the Arrears of Principal or Interest due on any such Assignments or Mortgages by the Appointment of a Judicial

Arrears may be enforced by Appointment of Judicial Factor.

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Factor,

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Factor, provided that the Amount owing to the Assignees or Mortgagees by whom the Application for a Judicial Factor shall be made shall not be less than Eight thousand Pounds in the whole.

Existing
Mortgages
to have
Priority.

XVI. All Assignments, Mortgages, or Bonds granted by the Commissioners before the passing of this Act, to secure the Payment of Monies borrowed by them pursuant to the Provisions contained in the said recited Act, and every Transfer of any such Assignments, Mortgages, or Bonds respectively, shall have Priority over all Assignments, Mortgages, or Bonds which shall be granted by the Commissioners to secure the Payment of Monies borrowed by them in pursuance of this Act.

Sinking
Fund to be
established..

XVII. A Sum shall be appropriated and set apart annually out of the Rates and Duties levied by virtue of the said recited Act and this Act to form a Sinking Fund to be applied in paying off the Principal Monies authorized to be borrowed under the Powers of this and the said recited Act, which Sum shall in each Year be equal to One Thirtieth Part of the Monies so borrowed; but it shall not be necessary for the Commissioners so to appropriate and set apart any such Sum for a Sinking Fund until the Expiration of Ten Years from the passing of this Act.

Application
of Rates.

XVIII. All Monies to be borrowed in virtue of this or the said recited Act shall be applied in manner and to the Purposes following; (that is to say,)

First, in Payment of the Costs, Charges, and Expenses of obtaining and passing this Act, and preliminary and incidental thereto:

Second, in purchasing the Lands and Heritages to be taken in virtue of this Act, and in improving, extending, maintaining, and keeping in repair the said Harbour and Works, in pursuance of the Powers in the said recited Act and this Act contained.

And the Rates and Duties to be levied in virtue of this Act shall be applied in manner and to the Purposes following, (that is to say);

First, in Payment of the Interest on all Monies borrowed by virtue of the said recited Act and of this Act, for the Purposes and according to the Provisions of the said Acts respectively, and for the Time being remaining unpaid:

Second, in setting apart an annual Sum, as by this Act authorized and directed, for establishing a Sinking Fund for the Payment of Monies borrowed in virtue of this and the said recited Act:

Third, in paying off the Principal Monies borrowed on all Assignments, Mortgages, or Bonds given by the said Commissioners in pursuance of the Powers in the said recited Act and this Act contained.

XIX. Nothing

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XIX. Nothing in this or the said recited Act contained shall extend to authorize the said Commissioners to purchase, take, use, or otherwise interfere with any Lands, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in Right of her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioner or Commissioners is and are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors. Saving Rights of the Crown.

XX. Nothing in this Act contained shall be deemed or taken to exempt the Harbour or the Commissioners from the Provisions of "The Merchant Shipping Act, 1854," "The Merchant Shipping Amendment Act, 1855," or of any General Act relating to Harbours or Dues on Shipping, now in force or which may be passed during the present or any future Session of Parliament, or from any Revision or Alteration, under the Authority of Parliament, of the Tolls, Rates, and Duties by this or the said recited Act authorized. Act not exempt from Provisions of 17 & 18 Vict. c. 104. and 18 & 19 Vict. c. 97.

XXI. The Costs and Charges preparatory and incidental to the passing of this Act shall be paid out of the readiest of the Monies which shall come into the Hands of the Commissioners in virtue of this Act. Expenses of Act.

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SCHEDULE (A.) to which this Act refers.

Tonnage Duties.

	Per Register Ton.
	s. d.
For all Vessels—	
When loading or unloading—	
In Name of Tonnage Duty	0 6
" Ballast Duty	0 1½
" Waterage Money	0 0½
When wind-bound or otherwise	0 3

And 1s. 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 all Boats when wind-bound, Two Shillings and Sixpence each of Tonnage Duty.

All open Boats loading or discharging any other Article than Fish, in Name of Tonnage Duty the Sum of Five Shillings, in Name of Ballast Duty the Sum of Three Shillings, and when wind-bound the Sum of One Shilling and Sixpence.

Each Boat engaged in the Herring Fishing shall pay for the Period of their Fishing Season Two Shillings and Sixpence, in Name of Waterage Money, and One Shilling for Light Money.

SCHEDULE (B.) to which this Act refers.

Rates and Duties on Goods.

Description of Goods.	Rates payable.		
	£	s.	d.
Apples and Onions, per 50 Lbs.	0	0	1½
Bark, per Cwt.	0	0	4
Barley, hulled, per Cwt.	0	0	2½
Barrel Hoops, per Bundle of 120	0	0	1½
Bear and Barley, unhulled, per Quarter	0	0	6
Beans, per Quarter	0	0	7
Beef, per Barrel of 2½ Cwt.	0	0	4
Bottles, per 12 Dozen, empty	0	0	6
Bricks, per 1,000	0	0	9
Black Beer, per Keg	0	0	4
Butter, per Cwt.	0	0	9
Bone Dust, or Bones, per Ton	0	1	6

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Description of Goods.	Rates payable.		
	£	s.	d.
Candles, per Cwt.	0	0	6
Coals and Cinders, per Cwt.	0	0	1½
Causeway Stones, per Ton	0	0	6
Casks and empty Barrels	0	0	2
Cheese, per Cwt.	0	0	6
Clover Seeds, per Cwt.	0	0	9
Coffee, per Cwt.	0	1	9
Confections and Dried Fruits, per Cwt.	0	1	0
Cork, uncut, per Cwt.	0	1	0
Ditto, cut, per 60 Gross	0	0	6
Feathers, per Stone of 14 Lbs.	0	0	4
Flax, per Cwt.	0	0	9
Flag Stones, Orkney or Shetland, clean dressed and jointed, per 20 Square Feet	0	0	9
Ditto, Second Quality	0	0	6
Wood, per 20s. Value	0	0	4
Flour in Sacks of the usual Size, 280 Lbs.	0	0	6
Ditto, in Casks containing 2 Cwts., and in proportion for less or more	0	0	6
Grindstones, each	0	2	0
Grave Stones, each	0	4	0
Glass, in Packages of 5 Cubic Feet, except Bottles	0	1	0
Gunpowder, per Cwt.	0	0	6
Herrings, per Barrel, and other Fish, per Barrel	0	0	4
Ditto, and Fish in Bulk, per Cent.	1	10	0
Hemp, per Ton	0	5	0
Horses and Cattle imported, each	0	1	0
Horses and Cattle exported, each	0	2	0
Hops, per Cwt.	0	0	9
Hay, per Cent.	3	0	0
Iron Grates, Stoves, other Cast-iron Work, per Cwt	0	0	6
Iron Hoops, per Cwt.	0	0	4
Iron in Bars, per Cwt.	0	0	4
Kelp, per Ton	0	1	0
Lime Shells, per Boll	0	0	2
Lime, slacked, per ditto	0	0	1
Lead, per Cwt.	0	0	6
Leather, per ditto	0	0	9
Lemons and Oranges, in Chests of usual Size, each Chest	0	0	6
Linseed, in Casks or Bags, per Bushel	0	0	1½
Liquorice Root, per Cwt.	0	2	0
Molasses, per ditto	0	0	4
Meal, per Boll of 140 Lbs.	0	0	4
Mill Stones, each	0	4	0
Nails, Girdles, and Pots, and Wire, per Cwt.	0	0	9
Oil Cake, per Cwt.	0	0	3
Oats, per Quarter	0	0	5
Ox and Cow Hides, per Cwt.	0	0	6
Paper of all Kinds, per 20s. Value	0	0	4
Pork, per Cwt.	0	0	4
Porter, per Hogshead	0	2	0
Potatoes, per Ton	0	1	0
Rice, per Cwt.	0	0	4
Ropes, tarred, in Coil, per ditto	0	0	4
Ditto in Package, per 5 Cubic Feet	0	0	6

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Description of Goods.	Rates payable.		
	£	s.	d.
Rosin, per Cwt.	0	0	6
Staves for Herring or other Barrels, sawn, per 20s. Value	0	0	4
Sail Cloth in Bulk, per 5 Bolts	0	0	9
Salmon in Bulk or Package, per Cent.	1	10	0
Salt, per Bushel	0	0	0½
Seal Skins, per Barrel Bulk of 40 Skins, imported	0	0	6
Seal Skins per Barrel Bulk, exported, if shipped in same Condition as when landed	0	0	3
Stones, Rubble, per Ton	0	0	6
Stones for Building, if Freestone or Granite, per Ton	0	1	0
Slates, per Thousand, Duchesses	0	6	0
Ditto, per ditto, Countesses	0	5	0
Ditto, per ditto, common Size	0	3	0
Soap, per Cwt.	0	0	4
Stucco, per ditto	0	0	6
Sugar Candy, per ditto	0	1	0
Sugar, Loaf and Lump, per ditto	0	0	9
Ditto, Powder and raw, per ditto	0	0	4
Tar and Pitch, per Barrel of the Size now imported, each Barrel	0	0	6
Turine Pavement, rough, per 20 Square Feet	0	0	6
Ditto, clean dressed, per 20 ditto	0	0	9
Tiles, per 1,000	0	2	0
Tallow, per Cwt.	0	0	6
Tea, per ditto	0	1	0
Tobacco and Snuff, per ditto	0	1	0
Tow and Hair for Plaister, per ditto	0	0	6
Whale and other Oil, per Ton of 252 Imperial Gallons	0	4	0
Whale and Seal Blubber, per Ton of 252 Imperial Gallons	0	4	0
Whalebone, per Ton of 20 Cwt.	0	4	0
Whitening, per Cwt.	0	0	2
Wheat, per Quarter, Pease, per ditto, and other Grain not before mentioned	0	0	7
Wool, per Cwt.	0	4	0

For all Goods, Merchandise, Wares, or Commodities not above mentioned, the Sum of Sixpence Sterling per Barrel Bulk of 5 Cubic Feet.

All Articles, of whatever Kind, not otherwise rated, are to be bulked at the Rate of 5 Cubical Feet per Barrel, except when the said Measure shall exceed 2 Hundredweight, in which Case such Package is to be bulked at the Rate of 2 Hundredweight per Barrel.

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

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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 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
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

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	£	s.	d.
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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