



ANNO QUARTO & QUINTO

# GULIELMI IV. REGIS.

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## *Cap. lxxxvi.*

An Act for constructing and maintaining a new Harbour at *Stotfield Point*, near to and in conjunction with the old Harbour of *Lossiemouth* in the County of *Elgin* and *Forres*.

[25th July 1834.]

**W**HEREAS the Port and Harbour of *Lossiemouth*, belonging to the Burgh of *Elgin* in the County of *Elgin*, is at present unsafe, difficult of Access, and inadequate to the Accommodation of Vessels lying therein, and consequently Vessels importing and exporting Commodities are obliged to resort to other Harbours farther distant from the Burgh; and it would be a great Advantage to the Public and to the Trade of the Burgh of *Elgin* and the adjacent Country that a new, more accessible, safe, and commodious Harbour were constructed; in conjunction with and immediately adjoining the said Harbour of *Lossiemouth*, at a Place called *Stotfield Point*, in the Parish of *Drainey* and County aforesaid, which would afford better Accommodation to the Trade of the said Burgh and adjoining Country, and an Asylum to Ships in Distress: And whereas the several Persons and Incorporations herein-after named, along with many others, are desirous to form themselves into a Company of Proprietors, and at their own Costs and Charges to effect the several Purposes aforesaid; but the same cannot be fully and completely carried into execution without the Aid and Authority

[*Local.*]

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of

Subscribers  
incorporated.

of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 *James Allan, John Anderson, George Allan, James Adam, William Anderson, James Brander, Alexander Brown, Alexander Cosmo Brander, James Culbard, James Craigen, William Dean, Ann Donaldson, John Edward, William Fergusson, Alexander Forteath, Farquharson, and Bisset, Isaac Forsyth, Margaret Fraser, William Gauldie*, for the Burgh of *Elgin*, *John Gray, Edward Grant, Alexander Grant, Alexander Gordon, Francis Gordon, James Gatherer, George Gatherer, Thomas Gregory, Andrew Gow*, the Incorporation of Weavers of *Elgin*, the Incorporation of Shoemakers of *Elgin*, the Incorporation of Wrights of *Elgin*, the Incorporation of Hammermen of *Elgin*, the Incorporation of Glovers of *Elgin*, the Incorporation of Tailors of *Elgin*, *William Innes, John Innes, William Innes, George Leslie, John Lawson, John Lawson junior, William Laing, Robert Lamb, John M'Kimmie, George M'William, James M'Lean, Harry Milne, Robert Mitchell, Helen Mitchell, David M'Bean, Peter Merson, James Phimister, James Petrie, Alexander Robertson, Alexander Reid, Thomas Russell, William Russell, William Reach, John Stephen, David Simpson, Alexander Sutherland, James Smith, William Sinclair, Peter Stuart, Courtland M'Gregor Skinner, John Tod, James O Tod, Francis Taylor senior, Francis Taylor junior, Alexander Urquhart, James Wilson, John Webster, James Winchester, John Walker, James Winchester, Alexander Wiseman, William Wilson*, and *Alexander Wink*, shall be and they are hereby united into a Company of Proprietors, and declared to be One Body Politic and Corporate by the Name of the *Stotfield and Lossiemouth Harbour Company*, and by that Name shall have perpetual Succession and a Common Seal, with Power and Authority to use the same, and by that Name shall and may sue and be sued.

Directors.

II. And be it further enacted, That *William Gauldie, John M'Kimmie, James Wilson, James Petrie, William Murdoch, James Smith, Thomas Stephen, James Brander, John Stephen, Edward Grant, Alexander Robertson, William Innes, John Tod, John Lawson junior, Alexander Forteath, James Winchester, George Gatherer, Alexander Brown, Peter Merson, George M'William, and Alexander Sutherland*, and their Successors, to be elected from Time to Time in manner herein-after directed, shall be and are hereby appointed Directors for the Execution of this Act; and the said Directors, or any Seven or more of them, shall meet in the Court House of *Elgin* on or before the First Day of *September* next, and do and shall at such Meeting appoint and establish an Office in some fit and convenient Place in *Lossiemouth* or at *Stotfield Point*, or other convenient Place, which shall be called the Harbour Office of *Stotfield and Lossiemouth*.

Directors.  
Chairman  
and Deputy  
Chairman.

III. And be it further enacted, That the Number of the said Directors shall be Twenty-one, who shall have Power at their First Meeting after their Election, and annually thereafter, to elect a Chairman and Deputy Chairman, to remain in Office for One Year.

IV. And

IV. And be it further enacted, That all and every other Director and Directors to be hereafter elected shall be eligible and only duly qualified to act as such by being the Holder of One Share of Twenty Pounds Sterling in the said Company, and all Votes given for Persons not so qualified shall be null and void; and that each Shareholder, Body Politic, Corporate, or Collegiate, shall vote for every Share he, she, or they possess in the following Manner; (that is to say,) for One Share One Vote, for Two Shares Two Votes, for Three Shares Three Votes, for Five Shares Four Votes, for Seven Shares Five Votes, and for every additional Five Shares Two Votes more: Provided always, that each Proprietor shall for every Fifty Shares which he holds have the Power of either acting himself as a Director, or of appointing One for every such Fifty Shares, and each Burgh or Corporation shall have the like Privilege of appointing One Director for every Fifty Shares, but on exercising such Power they shall not have the Power of voting for the other Directors according to the foregoing Scale; and in case any of the aforesaid Voters cannot attend then he, she, or they may vote by Proxy, which Proxy shall be according to the following Form, or Words to the like Effect; (that is to say,)

Qualification of Directors.

Manner of voting by Shareholders.

May vote by Proxy.

‘ I A. B. of  
 ‘ One of the Proprietors of the *Stotfield* and *Lossiemouth* Harbour  
 ‘ Joint Stock Company, do hereby nominate, constitute, and appoint  
 ‘ of to be my  
 ‘ Proxy, in my Name and in my Absence to vote or give my Assent  
 ‘ or Dissent to any Business, Matter, or Thing relating to the said  
 ‘ Undertaking which shall be mentioned or proposed at any Meeting  
 ‘ of the Company of Proprietors of the said Undertaking, in such  
 ‘ Manner as the said shall think  
 ‘ proper, according to his Opinion and Judgment, for the Benefit of  
 ‘ the same or any thing appertaining thereto. In witness whereof  
 ‘ I have hereunto set my Hand this  
 ‘ Day of

Form of Proxy.

V. And be it further enacted, That the said Directors may, if they shall think fit, appoint a Committee or Committees of their Number to superintend the Progress of the Works to be made and erected, or to carry into effect any of the Purposes herein authorized, relative to the said Harbour and other Works, to whom they may delegate such of the Powers hereby granted to the said Commissioners as they shall think fit.

Directors may appoint Committees.

VI. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to One or more Shares in the said Undertaking and in the Profits and Advantages thereof, such Person shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as a Proprietor of such Share or Shares; and it shall be lawful to any Body Politic, Corporate, or Collegiate to give their Votes by their Treasurer or Secretary, or any One of their Officers specially appointed by them for that Purpose; and no Subscriber or Proprietor to or for this Undertaking shall have a Vote at any Meeting, General or Special, either of the Company or of the Committee of Management after mentioned, upon any Question or Questions

Shares possessed jointly how voted on.

Questions relating to the Concerns of the said Company in which the said Subscriber or Proprietor shall have a separate or personal Interest.

Shares to be deemed Personal Estate.

VII. And be it further enacted, That all the Shares and Proportions of the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Subscribers may be sued for their Subscriptions.

VIII. And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe towards the said Undertaking shall and they are hereby required to pay the respective Sums of Money by them respectively subscribed for, or such Parts or Portions thereof as shall from Time to Time be called for by the Directors of the said Company, by virtue of and pursuant to the Powers and Directions of this Act, at such Times and Places as shall be appointed by the said Directors; and in case any such Party shall neglect or refuse to pay the Money subscribed for, or the Part thereof so called for, at the Times and in the Manner appointed for that Purpose, it shall be lawful for the said Company or for the said Directors to sue for and recover the same, with full Costs of Suit, in any Court of Law or Equity, together with Interest on such unpaid Sum or Sums of Money at the Rate of Five *per Centum per Annum* from the Time when the same shall be appointed to be paid as aforesaid.

Power to make Calls.

IX. And be it enacted, That the said Company at any General or Special Meeting to be called for that Purpose, or any Adjournment thereof, shall have full Power, by a Majority of Votes, to be given according to the Scale fixed by this Act for the Election of Directors, which shall also be observed as the Rate for voting at all Meetings of Proprietors, to call upon and demand Payment from the several Persons who shall become Shareholders for any Share or Shares as aforesaid, so that no such Call shall exceed the Sum of Four Pounds for or in respect of any One Share, and so that no such Call or Calls be made but at the Distance of Three Calendar Months at the least from another; and the Sum and Sums of Money so to be called for shall be paid into the Hands of the Treasurer or Treasurers of the said Company, or into a chartered Bank, and shall be paid at such Time and Place as shall be appointed at such General Meeting, of which Time and Place Twenty Days Notice at least shall be given.

In case of Neglect of Payment of Calls.

X. And be it further enacted, That the Proprietor of every Share or Shares in the said Undertaking shall from Time to Time pay his, her, or their Proportion of the Money so to be called for as herein-before mentioned into the Hands of the Treasurer of the said Company, at such Time and Place in the Town of *Elgin*, or such other Place, as shall be appointed for that Purpose by the Directors making such Call, and of which Notice shall be given as herein-before directed; and if any Person or Persons shall neglect or refuse to pay his, her, or their proportional Part of the Money so to be called for as aforesaid at the Time and Place which shall be so appointed it shall be lawful for the said Company to sue for and recover the same, with Interest

at the Rate of Five Pounds *per Centum per Annum* from the Time appointed for the Payment thereof, in any competent Court in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, as the Case may be; and in case any such Person or Persons shall neglect or refuse to pay his, her, or their proportional Part of the Money so first to be called for as aforesaid for the Space of Three Calendar Months after the Time to be appointed for the Payment of the said first Call as aforesaid, and the same shall not have been sued for by the said Company as aforesaid, or, if sued for, shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall absolutely forfeit all his, her, or their Share, Part, and Interest whatsoever in the said Undertaking, and all Profits and Advantages thereof; and all Shares that shall or may be so forfeited shall be vested in the said Company in Trust for and for the Benefit of all the rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, or shall, at the Discretion of the said Company or Directors, be sold by Public Auction for the most Money that can be got for the same; and in the Event that any Person or Persons paying any such first Call as aforesaid shall neglect or refuse to pay his, her, or their proportional Part or Parts of the Money to be thereafter called for as aforesaid, and for the Space of Two Calendar Months after the Time to be appointed for the Payment thereof as aforesaid, and the same shall not be sued for by the said Company, or, if sued for, shall not be recovered by them, then and in such Case the Share or Shares shall and may be sold by the said Company or Directors by Public Auction, for the highest or best Price or Prices that can be got for the same, every such Sale being advertised once a Week at least for Three Weeks successively in some One or more of the Newspapers published in *Elgin, Aberdeen, or Inverness*, and the said Company or said Directors rendering an Account of every such Sale or Sales to every such Person or Persons when demanded, and paying to every such Person any Overplus of any such Price or Prices, after deducting all such Charges, and such further proportional Sum or Sums of Money which may remain due upon such Share or Shares by such Person or Persons to the said Company; but no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Undertaking as aforesaid unless the same shall be declared at some General or Special Meeting of the said Company or Directors which shall be held not earlier than Two Months next after the said Forfeiture shall happen; and that every such Forfeiture so to be declared shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns, so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract or other Agreement between such Proprietor or Proprietors, his, her, or their Executors, Administrators, Successors, and Assigns, and the said Company, with regard to the future carrying on and Management of the said Undertaking.

XI. And be it further enacted, That in any Actions or Suits brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums

Procedure  
in Actions  
for Calls.

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of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defender or Defenders, Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defender or Defenders, Defendant or Defendants, as the Case may happen to be, whereby a Right of Action or Suit hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in such Action or Suit it shall only be necessary to prove that the Defender or Defenders, Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Call or Calls, or other Matters whatsoever, and the said Company shall thereupon be entitled to recover the Call or Calls which shall appear to be due, and the legal Interest that may be due thereon, and the Expences that may be incurred in prosecuting for and recovering the same.

Calls to be paid before Sale or Transfer of Shares.

XII. And be it further enacted, That after a Call for such Money shall have been made by such Committee as aforesaid, every Person, and all Persons selling or transferring any Share or Shares which he, she, or they shall possess in the said Undertaking, shall, as well as the Person or Persons to whom such Share or Shares shall be sold, be liable in the Payment of every such Call in the manner directed by this Act, unless such Person or Persons so selling or transferring shall at the Time of such Sale or Transfer have paid to the Treasurer of the said Company the whole and entire Sum of Money which shall have been previously called for upon each Share so sold or transferred.

Proprietors may sell.

XIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned, the Conveyances of which Shares may be in the Form or to the Effect following; *videlicet*,

Form of Conveyance.

‘ I *A. B.* of \_\_\_\_\_ in consideration of \_\_\_\_\_ paid to me  
 ‘ by *C. D.* of \_\_\_\_\_ do hereby convey, sell, assign, and transfer  
 ‘ to the said *C. D.* the Sum of \_\_\_\_\_ Capital Stock  
 ‘ of and in the *Statfield* and *Lossiemouth* Harbour Joint Stock Com-  
 ‘ pany, being One Share [*or so many Shares, as the Case may be,*] in  
 ‘ the said Undertaking, to hold to the said *C. D.*, and his or her  
 ‘ Successors, Executors, Administrators, and Assigns, subject to the  
 ‘ same Rules, Orders, and Restrictions, and on the same Conditions,  
 ‘ that I held the same immediately before the Execution hereof; and  
 ‘ I the

‘ I the said *C. D.* do hereby agree to take and accept the said Capital  
 ‘ Stock and Share, subject to the same Rules, Orders, Restrictions, and  
 ‘ Conditions. In witness whereof we have subscribed these Presents,  
 ‘ written by \_\_\_\_\_ at \_\_\_\_\_ the \_\_\_\_\_  
 ‘ Day of \_\_\_\_\_ before these Witnesses \_\_\_\_\_  
 ‘ and \_\_\_\_\_

XIV. And in every such Sale the said Assignment or Deed of  
 Conveyance (being executed by the Seller or Sellers and Purchaser  
 or Purchasers of such Shares) shall be indorsed by any Three of the  
 said Directors, and shall be kept by the said Purchaser or Purchasers  
 for his or their Security, after the Clerk to the said Company shall  
 have entered into a proper Book or Books to be kept for that Purpose  
 a Memorial or Specification of such Transfer and Sale for the Use of  
 the said Company, and have testified or indorsed the Entry of such  
 Memorial on the said Deed of Sale or Transfer, for which Entry no  
 more than Two Shillings and Sixpence shall be paid; and the said  
 Clerk is hereby required to make such Entry or Memorial immediately,  
 without any undue Delay; and until such Deed of Sale, Indorsement,  
 and Memorial shall have been made and entered as above directed,  
 such Purchaser or Purchasers shall have no Right to draw any Part  
 or Share of the Profits of the said Undertaking, nor to any Vote as a  
 Proprietor or Proprietors of the said Undertaking.

Conveyance  
to be re-  
corded.

XV. And be it further enacted, That the said Directors shall and  
 they are hereby required to cause the Names and Designation of the  
 several Persons who shall be entitled to Shares in the said Undertaking,  
 with the Number of the Shares, and also the proper Number by which  
 every Share shall be distinguished, to be fairly and distinctly entered  
 in a Book or Books to be kept by their Clerk, and after such Entry  
 to cause the same to be signed by their Chairman; and they shall  
 also cause the Certificate so signed by the Chairman and Clerk to be  
 delivered to every Proprietor, on Demand, specifying the Share or  
 Shares to which he, she, or they is or are entitled in the said Under-  
 taking; and such Certificate shall be admitted in all Courts whatsoever  
 as Evidence of the Title of such Proprietor, his, her, or their Suc-  
 cessors, Executors, Administrators, and Assigns, to the Share or  
 Shares therein specified.

Shares to be  
numbered  
and regis-  
tered;

and Certifi-  
cate to be  
delivered to  
the Proprie-  
tors.

XVI. And be it further enacted, That all and every Person or  
 Persons, Bodies Politic, Corporate, or Collegiate, whose Names shall  
 at any Time hereafter stand in the said Register Book or List of Pro-  
 prietors of the said Company, either as a Proprietor or Proprietors of  
 One or more Shares in the said Undertaking, whether as Subscribers,  
 or as Successors, Executors, Administrators, or Assigns of Subscribers,  
 shall be deemed and taken to be Proprietors of the several Share or  
 Shares standing in the said Book in their respective Names, and shall  
 be subject and liable to the Payment of every Call and Calls made and  
 to be made thereon, and to all Actions, Suits, Forfeitures, and  
 Penalties to which original Proprietors of Shares in the said Under-  
 taking are made subject and liable by this Act; and all Notices  
 hereby required to be given previous to the Forfeiture of Shares to  
 the

Registered  
Shareholders  
liable in  
Calls.

the Proprietors thereof shall, if given to the Person appearing by the Register Book of the said Company to be such Proprietor and Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, be in all respects good, sufficient, and conclusive, and all Payments of Interest and Dividends due and to grow due on such Shares shall be made to such Person or Persons as by the said Book of the Company shall so appear to be Proprietor thereof; and no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any Share or Shares, which shall not have been inrolled or registered as directed by this Act, shall be admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company to recover the said Calls, or to enable any Person to recover any Share or Shares forfeited to the said Company, or to make the said Company liable to the Payment of the Dividends to any other Person or Persons than such as appear on the said Book to be Proprietors of the said Shares, but that in all Cases the said Book shall be considered as Evidence of the Proprietorship of the said Share or Shares.

Map or Plan deposited in Hands of the Clerk of the Peace to remain there.

XVII. And whereas a Survey has been taken, and a Map or Plan has been laid down and constructed, showing the Position, Nature, and Extent of the proposed Harbour and other Works connected therewith, and such Map or Plan, together with a Book of Reference, containing a List of the Owners and Occupiers of the Lands, Tenements, Harbour, and other Heritages thereby affected, has been deposited in the Office of the Clerk of the Peace of the County of *Elgin*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace of the said County, and the same, or a Copy thereof certified by the Clerk of the Peace of the said County to be a true Copy or Copies thereof, are hereby declared to be good Evidence in all Courts of Law, and shall be admitted as such by and before all Judges, Justices, and others.

Copy thereof to be good Evidence.

Lands, &c. may be taken.

XVIII. And be it further enacted, That the said Proprietors shall have Power and Authority, and they are hereby authorized, to treat and agree with the Persons whose Names are set forth in the Schedule marked (C.), being the Owners and Occupiers, Life-renters, Lessees, and every other Person interested therein, for the Purchase of such of the Lands, Houses, Tenements, Harbour, and other Heritages specified in the said Schedule marked (C.) as may be required for making and improving the said Harbours, and with the Heirs or Disponees of all or any of the aforesaid Persons.

Misnomers not to interrupt the Progress of the Works.

XIX. Provided always, and be it enacted, That although any of the Owners, Occupiers, or Life Renters of any of the said Lands, Tenements, Harbour of *Lossiemouth*, and others, shall have been omitted, or any of the said Lands, Tenements, and other Heritages have been wrong described, such Omission or Misnomer or wrong Description shall not afford any Ground or Pretence for objecting to or interrupting the Execution of the Works to be done by the said Directors: Provided that it shall be made to appear to the Satisfaction of the Sheriff or his Substitute, or any Two Justices of the Peace for the

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the County of *Elgin*, that such Omission or Misnomer or erroneous Description proceeded from Accident or Mistake, and was not wilful.

XX. And be it further enacted, That it shall be lawful for any Owner or Proprietor, and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Life-renters, or for any other Estate or Interest, Husbands, Guardians, Trustees for charitable or other Purposes, Committees and Executors, Tutors or Curators for Infants, Minors, furious or fatuous Persons, and Married Women, not only in behalf of themselves, their Heirs and Successors, but for and on behalf of all and every other Person and Persons whomsoever who are or shall be seised or possessed of or interested in any Lands, Harbours, Stone Quarries or Lands containing Stones, Grounds, Mosses, Tenements, or Hereditaments, to contract and agree with the said Directors to sell and convey or demise to them all or any Part of such Lands, Harbours, Tenements, or Quarries which may be required for the Purposes of this Act; and to contract and agree for Recompence and Satisfaction to be made for any Damage or Loss that may be sustained by any such Persons respectively for the Execution of the Purposes of this Act; and all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes, although made in the simplest Form of Disposition or Conveyance recognized by the Law of *Scotland*, without any previous Advertisement, Notices, Articles of Roup, or other Form or Process, any *Scottish* Law or Usage to the contrary notwithstanding; and all such Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Life-renters, and all other Persons are and shall be hereby indemnified for what they shall do in pursuance of this Act.

Proprietors  
of Lands,  
&c. may sell  
to Directors.

XXI. And whereas the Port and Harbour of *Lossiemouth*, with the Shore and Harbour Dues thereof, are presently the Property of the Community of the Burgh of *Elgin*, and it being Part of the Subjects which by the Provisions of this Act are to be acquired by the said Harbour Company, it becomes necessary that the Magistrates and Town Council of the said Burgh of *Elgin*, as representing the Community thereof, should be enabled to convey and make over for a valuable Consideration the said Harbour, with its Dues and all Privileges and Immunities thereto belonging, it is hereby further enacted, without Prejudice to the foresaid Generality, That it shall be in the Power of the said Magistrates and Council, and they are hereby authorized and empowered, to sell and convey to the said Company the said Harbour with all its Appurtenances, so far as the same shall be required for the Purposes of this Act, without any previous Advertisement, Notices, Articles of Roup, or other Form or Process, or in the Event of Disagreement as to the Amount of the Consideration to be given, either in Land or Money, that the Value thereof shall be assessed and ascertained by the Verdict of a Jury in the Manner herein-after provided; and the said Magistrates and Council, as representing the said Community of the Burgh of *Elgin*, shall be indemnified for what they shall do in pursuance of this Act, notwithstanding of their being otherwise bound and enjoined to observe

Special  
Power given  
to the Ma-  
gistrates of  
*Elgin* to sell  
the old  
Harbour of  
*Lossiemouth*.

certain Rules and Forms for the Alienation of Burgh Property by the Provisions of the Act Third *George* the Fourth, Chapter Ninety-one.

Rates and Duties leviable when Harbours are capable of admitting Vessels.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Company, so soon as the said Harbours are capable of admitting Vessels, but not sooner, and to such Person or Persons as they shall from Time to Time authorize and appoint, to demand, levy, collect, receive, and take of and from the Owners and Proprietors of all Goods, Merchandize, Wares, or Commodities whatever which shall be imported into or exported out of the Harbours of *Stotfield* and *Lossiemouth* in any Ship, Vessel, Bark, Boat, or Lighter, and from the Owner of every Ship, Vessel, Bark, Boat, or Lighter coming into or going out of the said Harbours, or from the Agents or Managers of such Owners or Proprietors, the Rates and Duties specified in Schedule (A.) annexed to this Act; and in case the Rates and Duties mentioned in the said Schedule and the other Duties after mentioned shall be found not sufficient to produce a free annual Revenue of Six hundred Pounds, after appropriating a Sum for a Sinking Fund, to be fixed by the said Directors or a Majority of them, and paying the Treasurers, Collectors, and Clerks, and other Officers and Servants to be employed by the Company under the Authority of this Act, it shall be lawful to the said Company and they are hereby empowered to increase the said Rates and Duties and the Rates and Tonnage Duties after mentioned to an Extent sufficient to produce such free annual Revenue of Six hundred Pounds Sterling, after appropriating a Fund for a Sinking Fund and making the other Payments as aforesaid, and the said Company are hereby authorized and empowered to levy and collect the said increased Rates and Duties; and in case it shall be found that the Rates and Duties hereby authorized to be levied produce more than is sufficient to pay the Sums of Money borrowed and subscribed to accomplish the Purposes of this Act, and other Charges attending the Execution thereof, it shall be in the Power of the said Company and they are hereby authorized to lessen the said Rates and Duties, and to vary the same as they shall find expedient, without Prejudice to the said Rates and Duties being again raised to the Amount authorized by this Act, if Necessity requires it.

Sinking Fund.

Sellers to grant Conveyances.

XXIII. And be it further enacted, That it shall and may be lawful to and for all and every Person or Persons, Bodies Politic, Corporate, or Collegiate, Trustees, Heirs of Entail, Tutors and Curators for Infants, Minors, furious or fatuous Persons, and Married Women, and to and for every other Person or Persons whomsoever, though under any legal Disability or Incapacity of any Kind whatever, selling any Lands or Heritages to the said Company, to grant, and they are hereby required to grant the Conveyance or Conveyances to such Lands or other Heritages in the following Words, or other Words to the like Effect :

Form of Conveyance.

‘ IN pursuance of an Act passed in the Year  
 ‘ of the Reign of His Majesty King *William* the Fourth, intituled  
 ‘ [*here set forth the Title of the Act*], I [*or We*]  
 ‘ in consideration of the Sum of \_\_\_\_\_ to me [*or us*]  
 ‘ paid \_\_\_\_\_

‘ paid by the *Stotfield* and *Lossiemouth* Joint Stock Harbour Com-  
 ‘ pany, incorporated by the said Act [*or other Consideration, as the*  
 ‘ *Case may be*], do hereby assign, dispo, and convey to and in  
 ‘ favour of the said Company all and whole [*here describe the Subjects*  
 ‘ *conveyed*], together with all my [*or our*] Right, Title, and Interest  
 ‘ in and to the said Subjects above conveyed, and every Pertinent  
 ‘ and Portion thereof, to be holden by the said Company from the  
 ‘ Day of \_\_\_\_\_ and from thence-  
 ‘ forth for ever in all Time thereafter [*here insert the Conditions of*  
 ‘ *Sale, if any be, and a Clause of Warrandice and Registration*]. In  
 ‘ witness whereof these Presents, written upon this and the  
 ‘ preceding Pages by \_\_\_\_\_ are subscribed by me [*or us*]  
 ‘ at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year  
 ‘ One thousand eight hundred and \_\_\_\_\_ before these Wit-  
 ‘ nesses \_\_\_\_\_ and \_\_\_\_\_

And every such Conveyance to the said Company, being registered in the particular Register of Sasines, Reversions, *et cetera*, kept in and for the said County of *Elgin* (and the Keeper of such Register is hereby authorized and required to record the same), shall have and receive the same Effect and be as valid and effectual to all Intents and Purposes as if a formal, absolute, and irredeemable Disposition or other Deed of Conveyance known in Law had been granted and executed, and the same followed by Infeftment and Sasine thereon, duly recorded according to the Laws and Practice of *Scotland*, any Law, Custom, or Usage to the contrary notwithstanding.

Conveyances  
to be re-  
corded.

XXIV. And be it further enacted, That in case any Owner, Proprietor, Occupier, Body Politic, Corporate, or Collegiate, Trustee, Heir of Entail, or Tutor or Curator, Married Woman, or any other Person or Persons interested as aforesaid, after a written or printed Notice of Twenty-one Days given to them, if they reside within the County of *Elgin*, personally or at their Dwelling Place, or, if they reside without the said County, left with some Tenant or Tenants in Possession of such Lands, Houses, Tenements, and Heritages respectively, shall neglect or refuse to treat or shall not agree for the Sale of such Lands, Houses, Tenements, or Heritages, or any Part or Parts thereof, or for their Interest therein, or, by reason of Absence or other Circumstances, shall be prevented from treating, or shall not produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Directors, then and in every such Case it shall and may be lawful to and for the Directors to apply by Petition to the Sheriff or Sheriff Substitute of the County of *Elgin*, setting forth this Act, and that the Parties interested have refused or neglected to treat or contract, or are prevented from treating or contracting for the Sale of such Lands, Houses, Tenements, or Heritages, or have not produced or evinced a clear Title to the Premises they are in Possession of, or to the Interest they claim, and therefore praying him to fix and ascertain the just Amount and Value of such Lands, Houses, Tenements, or Heritages respectively; and it shall and may be lawful to the said Sheriff or Sheriff Substitute, and he is hereby empowered and required, upon receiving such Petition, to order Notice thereof to be given

In case  
Parties re-  
fuse to treat,  
or are in-  
capable of  
making a  
good Title.

given by Advertisement in some One of the Newspapers usually circulated in the Town of *Elgin*, and also particular Notice to be given to the Owners and Occupiers of the several Houses, Tenements, or Heritages, if they reside within the County of *Elgin*, personally or by a written Notice left at their Dwelling Houses, or, if they reside without the said County, at the Dwelling House of any of the Tenants or Occupiers of the Premises respectively, a full Copy of the said Petition, with an Order to give in their Answers or Objections, if they any have, within Ten Days after such Notice, after which Time is elapsed it shall and may be lawful for the said Sheriff or Sheriff Substitute and he is hereby empowered and required to issue his Precept or Precepts for summoning and impanelling a competent Number of substantial and disinterested Persons, in Number not less than Twenty nor more than Thirty, which Persons so to be summoned and returned are hereby required to come and appear before the said Sheriff or his Substitute at such Time and Place or Times and Places as in the said Precept or Precepts shall be directed and appointed, of which Time and Place or Times and Places for assembling the Jury the said Parties interested shall have Notice given them by Advertisement in the said Newspaper at least Six Days previous to the said Meeting; and out of such Persons so to be summoned and returned the Sheriff or Sheriff Substitute shall appoint by Ballot a Jury of Fifteen Persons before whom the said Company and the Parties interested may bring a Proof by habile Witnesses for estimating and ascertaining the just and real Value and Price to be paid by the said Company for the said Lands, Houses, Tenements, or other Heritages, including such Damage as may be suffered by the Proprietors of the Ground or their Tenants in any manner of way; and the said Sheriff or Sheriff Substitute is hereby authorized to summon before him such Person or Persons as shall by either Party be thought necessary to be examined as Witnesses before the said Jury touching or concerning the Premises, and also to compel the Parties interested, and all other Persons having in their Custody or Possession any Title Deeds or other Papers containing the Rights of or relative to the Premises, to exhibit and produce the same in Judgment before the said Jury, and shall and may administer Oaths to such Person or Persons as shall be examined as Witnesses on the Matters aforesaid; and the said Sheriff or Sheriff Substitute, before proceeding to take the Evidence, shall administer an Oath to the Jury to return a true Verdict, and shall examine or allow to be examined on Oath in their Presence such Witnesses as shall be summoned for either Party; and upon the Depositions of the Witnesses, or other competent Evidence, such Jury shall determine the Price or Damages to be paid by the said Harbour Company; and in estimating the Sums to be paid to the Owners and Occupiers of Lands, Houses, and Tenements or other Heritages as aforesaid, and in making up their Verdict, the said Jury shall have Right and they are hereby empowered to take under their Consideration all Circumstances therewith connected; and after Verdict is pronounced as aforesaid the said Sheriff or Sheriff Substitute is hereby required to adjudge Payment of the Value and Amount of the Loss, Price, or Damage thereby awarded to the Persons having a Right thereto; and the said

Proceedings and Orders of the said Sheriff or Sheriff Substitute shall be final, and not removable by Bill or Letters of Advocation or Suspension to or subject to Reduction by any Court whatever, any Law or Usage to the contrary notwithstanding.

XXV. And be it further enacted, That the said Sheriff or Sheriff Substitute shall have Power and he is hereby authorized from Time to Time to impose any reasonable Fine or Fines, not exceeding the Sum of Five Pounds Sterling, on any Person who shall be summoned and returned on such Jury or Juries who shall not appear, or who shall refuse to be sworn (or being Quakers to affirm) on the said Jury or Juries, or being so sworn shall not give his or their Verdict, and also on any Person or Persons who shall be summoned as aforesaid to give Evidence touching any of the Matters aforesaid, and shall not attend, after being paid or tendered a reasonable Sum for his or their Costs and Expences, or shall refuse to be sworn (or being Quakers to affirm), or who, being sworn, shall refuse to give his, her, or their Evidence, and on any other Person or Persons who shall in any Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act, and shall or may from Time to Time levy such Fine or Fines by Pounding and Sale of the Offender's Goods, together with the reasonable Charges of such Pounding and Sale, returning the Overplus (if any) to the Owner; and also shall or may use such Compulsitors as are competent by the Laws and Practice of *Scotland* to compel any Person or Persons who may be summoned as a Witness or Witnesses, or as Custodians of Writings and Title Deeds, to appear and give Evidence as aforesaid, and to exhibit and produce such Writings and Title Deeds; all which Fines shall be paid and applied to and for the Purpose granted to the said Directors by this Act.

Sheriff may impose Fines on Jurors or Witnesses for Non-attendance.

XXVI. And be it further enacted, That upon Payment of such Sum or Sums of Money so to be settled and ascertained as aforesaid, within One Calendar Month after the same shall be so settled or ascertained, to the lawful Owner or Owners of the said Lands, Harbour, Houses, Tenements, or other Heritages, or upon Judicial Tender thereof made to him, her, or them respectively, by a Minute in the said Process before the Sheriff or Sheriff Substitute for ascertaining the said Value, whether Appearance be made in the Process for the Party or Parties interested or not, or in case they shall not be able to evince their Title to the Premises to the Satisfaction of the Sheriff or Sheriff Substitute, or in case the Subjects are encumbered or entailed so that the Price of the same cannot be legally paid to the Parties interested, then upon Payment and Consignation thereof within One Calendar Month thereof as aforesaid, with the Approbation and Warrant of the said Sheriff or Sheriff Substitute, into the Royal Bank of *Scotland*, or Bank of *Scotland*, or Bank of the *British* Linen Company, Commercial Bank of *Scotland*, or National Bank of *Scotland*, for the Use of the Parties interested, there to remain till it shall be issued in manner by this Act directed, and upon Notice of such Payment or Consignation, if the Party or Parties interested have made Appearance in the said Process, by proper Evidence adduced of the said Payment or Consignation, or if the Party or Parties interested have not made

On Payment of Price awarded, or Consignation thereof, Property to be vested in Company.

[Local.]

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such

such Appearance, and reside within the County of *Elgin*, then upon such Notice being made to them personally or at their Dwelling Houses, but if they reside without the said County, then upon such Notice being given at the Dwelling House of some Tenant or Occupier of the Premises by a Notary Public and Witnesses, and the Evidence being adduced of the said Payment or Consignation; then and in any of these Cases it shall be lawful for the said Sheriff or Sheriff Substitute to decree and adjudge the full Right and Property of the Lands, Houses, Tenements, or other Heritages respectively to belong to the said Company as fully and effectually as if the respective Proprietors had disposed or conveyed or had assigned the same to and in favour of the said Company, and it shall then, and not before or otherwise, be lawful to and for the said Company to enter upon the absolute Possession of the Premises, and to convert and dispose of the same for the Purposes of this Act.

Expences of  
Jury how to  
be paid.

XXVII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Harbour, Lands, Houses, Tenements, or Hereditaments, to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen to arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, shall be defrayed by the said Company, and such Costs and Expences shall be settled and determined by the said Sheriff or Sheriff Substitute; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within One Calendar Month after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of the Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by the Sheriff or his Substitute, or any Justice of the Peace for the County of *Elgin* not interested in the Matter in question, which Warrant such Sheriff or Substitute or Justice is hereby authorized and required to issue under his Hand, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for an equal or for a less Sum than shall have been previously offered by the said Company, one Moiety or Half of the said Costs and Expences shall be defrayed by the Party or Parties with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and the former Moiety of such Costs, and Expences, having been ascertained and settled in manner hereinbefore mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party or Parties as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so adjudged 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,

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 Charges and Expences shall be borne and paid by the said Company.

XXVIII. And be it further enacted, That if any Monies shall be agreed to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, Heir of Entail, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or as a Recompence for Damages caused thereby, such Money 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*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or the Commercial Bank of *Scotland*, or National Bank of *Scotland*, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation 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 or Persons who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages 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 and Approbation of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands or Heritages 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 and 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 or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

Application of Compensation Money where amounting to or exceeding Two hundred Pounds.

XXIX. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Harbour, or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and shall amount to or exceed the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into one of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid,

Application where less than Two hundred Pounds, and not less than Twenty Pounds.

at

at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application where less than Twenty Pounds.

XXX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Company shall think fit; or in case of Infancy or Lunacy, then to his or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles the Money to be paid into the Bank.

XXXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be payable as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Premises to the Satisfaction of the said Company, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so payable as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Directors to pay the Sum or Sums of Money so payable as aforesaid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, respectively, as the Case may be, to the Credit of the Party or Parties interested in the said Lands or Heritages, describing them if they are known, and if they are not known, then generally to the Credit of the Party or Parties interested in the said Lands or Heritages, without any Description of them, subject to the Order, Controul, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and are 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 Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

XXXII. And



XXXII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons who shall have been in Possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages according to such Possession until 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, until it shall be made appear to the Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein, when the said Court shall have Power to dispose of the Principal and Interest as the Circumstances of the Case may require.

Where Questions arise touching the Title to any Money.

XXXIII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, and to be applied in the Purchase of other Lands or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Session to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, and of the Re-investment of the Money in Land, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining the proper Order for such Purposes, to be paid by the said Company, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Court may order Payment of Expences in certain Cases.

XXXIV. And be it enacted, That in order to prevent any Deficiency in the Assessment of the Land Tax in consequence of the Execution of the Works to be effected in pursuance of this Act the said Company shall, from and after the Time that they shall become possessed 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 Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said Assessment by reason of using for the Purposes of this Act any Lands or Heritages liable to such Assessment, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the said Company are hereby required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax.

Provision for Deficiencies of Land Tax.

Power to  
make Bye  
Laws.

XXXV. And be it further enacted, That the said Company or the Directors thereof shall have Power and Authority to make such Bye Laws, Rules, Orders, and Regulations for the better regulating and managing of the Affairs of the said Harbours, and of the Treasurers, Clerks, Collectors, Harbour Masters, Berthing Masters, Officers, Assistants, Servants, Workmen, and others appointed or employed by them under or by virtue of this Act, and for the better regulating of the said Harbours, and the removing or stationing of the Vessels therein, and for well governing and discharging and managing of the Officers and Crews of such Vessels as may resort to or seek Shelter in or use the said Harbours, or the Piers, Quays, Wharfs, or Landing Places connected therewith, and for the better regulating and managing the several Works, Matters, and Things by this Act authorized or directed to be made, done, and constructed, as well while the same are in progress as after they shall be completed, and for the whole, complete, and total Management and Superintendence of the said Works, and the Rates and Wages to be paid to the Officers and Servants employed under Authority of this Act, as to the said Company shall seem meet, and to impose and inflict such reasonable pecuniary Fines or Forfeitures upon all Persons who shall offend against any such Bye Laws, Rules, Orders, and Regulations as to the said Directors shall seem meet, not exceeding the Sum of Five Pounds Sterling for One Offence, to be recovered in manner herein-after directed; which said Bye Laws, Rules, Orders, and Regulations, and all Alterations thereof, being reduced into Writing, shall be binding upon and observed by all Parties using or in any way concerned in the said Harbours, and the Piers, Quays, Wharfs, and other Works thereof, and shall be sufficient in any Court of Law to justify all Persons who shall act under the same; provided that they be not inconsistent with or repugnant to the Laws of this Realm, or to the Provisions and Directions in this Act contained, or to any of them; and provided that Copies of such Rules, Orders, and Bye Laws, or such of them as shall concern or relate to the using of the said Harbours and Works, or to the Conduct and Behaviour of Sailors, Boatmen, Watermen, Fishermen, Porters, Carters, Carmen, and others carrying Goods within or upon or otherways using the same, or to the Conduct and Behaviour of any Officers, Servants, or other Persons employed in or about the said Harbours and Works, or of the Persons resorting to or making use thereof, shall be published once at least in some one Newspaper printed in the County of *Elgin*, and shall be painted on a Board or Boards in legible Characters, and placed and kept up in some conspicuous Place or Places within the said Harbour; and such Boards and Painting shall be renewed from Time to Time by the said Company, when destroyed, obliterated, or defaced.

Bye Laws  
to be pub-  
lished, and  
painted on  
Boards in  
conspicuous  
Places about  
the Harbour,

Penalty  
on Persons  
defacing  
Boards.

XXXVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon any Rule, Order, Regulation, or Bye Law of the said Company shall be painted, such Person or Persons shall, upon Conviction, for each Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds, to be levied and applied as other Penalties are by this Act directed to be levied and applied.

XXXVII. And

XXXVII. And be it further enacted, That the said Directors shall have full Power and Authority at all Times hereafter to excavate, cut, and quarry out the said new Harbour at *Stotfield Point*, and afterwards erect and build all the necessary Piers, Quays, Wharfs, and other Works for the Benefit of the Shipping resorting thereto, and to embank, sink, widen, and to cleanse the said Harbour, and to provide Buoys and floating Perches, which shall be placed and constantly kept up by the Harbour Master in such Part and Parts of the Sea near the Mouth of the same as to the said Directors shall seem fit and necessary for the Security of the Navigation of the said Harbour; and the said Company or their Committee of Management shall also have full Power from Time to Time to cause such Repairs as shall appear fit and proper to be made for the Purpose of maintaining and keeping up the Piers, Quays, and Wharfs of the said old Harbour of *Lossiemouth*, and to make such Additions thereto or Alterations as may appear expedient, for rendering it useful for the Accommodation of such Vessels as it is capable of receiving, for the Purpose of loading and unloading Ballast, Coals, and such other Commodities, as may be found to promote Convenience and Advantage; and the said Directors shall at both Harbours from Time to Time provide Lighters or Gabbards, with proper Workmen and Tools, for raising and supplying Ballast at the Sides of all Vessels requiring the same, and shall also remove from all such Vessels any Ballast they may have Occasion to discharge at the Rates specified in Schedule (A.) hereunto annexed, within Three Hours after Notice to the Ballast or Harbour Master, or so soon after as Wind and Weather will permit in either of the said Cases; and it shall be in the Power of the said Directors either to charge the Rates contained in the said Schedule, or such other reduced Rates as they shall and may by any Bye Law fix and determine upon.

Company may form the new Harbours, and maintain and keep up the old Harbour of Lossiemouth, and provide Lighters or Gabbards for supplying Ballast, &c.

XXXVIII. And whereas it may not be deemed necessary or expedient for the said Company hereby established to execute the whole Works contemplated, Part of which may only become necessary from Contingencies, which, although requiring to be provided against, may never have Existence: And whereas the probable Expence of excavating, erecting, and building a sufficiently large, commodious, and safe Harbour at *Stotfield Point* will, according, to an Estimate made thereof, amount to the Sum of Eleven thousand and fifty-seven Pounds Seventeen Shillings and Two-pence, or thereby, and the Sum of Eight thousand eight hundred and eighty Pounds Sterling, being more than Four Fifths thereof, has already been subscribed for defraying such Expences by several Persons under a Contract binding themselves, their Heirs, Executors, and Successors, for the Payment of the several Sums of Money so subscribed by them respectively; be it therefore enacted, That the whole of the said Sum of Eleven thousand and fifty-seven Pounds Seventeen Shillings and Two-pence shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Money to be subscribed before Act can be put in force.

XXXIX. And whereas the several Works and Improvements to be made and carried on at the said new and old Harbours will create great and continual Expence to accomplish the same, and from Time

Capital Stock.

to

to Time to preserve and keep up such Improvements, and in purchasing Grounds, Houses, and Materials for that Purpose; be it therefore enacted, That it shall and may be lawful for the said Company to raise and contribute amongst themselves, including the Money already subscribed and contributed, a Sum of Money by way of Capital Joint Stock, to be applied to carrying on the Execution and Improvement of the said new and old Harbours, and in rendering the same safe and commodious, and for the other Purposes of this Act, not exceeding the Sum of Twenty thousand Pounds; and the said Sum shall be divided into Shares of not less than Twenty Pounds each; and each and every Proprietor of a Share or Shares shall be entitled to and interested in the said Capital Stock and Effects of the said Company, and the Profits and Advantages attending the same, according to the Number of Shares he, she, or they shall hold; and such Shares and Advantages, and all Benefit arising therefrom, shall be deemed Personal Estate, and not of the Nature of Heritable Property, and shall be transferrable accordingly in manner herein-after mentioned.

Directors to  
have Custody  
of Common  
Seal, &c.

XL. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall appoint Time and Place for holding General and Special Meetings, and shall have full Power from Time to Time to call for and examine all or any of the Accounts of the said Company; and at every General or Yearly Assembly or Meeting, or Adjournment thereof, a Dividend or Dividends shall be made out of the said Rates, Dues, and Profits of the said Undertaking, unless such Meeting shall determine otherwise; and such Dividend or Dividends shall be at and after the Rate of some particular Sum *per Centum* upon or for every Share in the said Undertaking, as such Meeting or Meetings shall think fit to order and declare; but no Dividend shall be declared whereby the Capital of the said Company shall be reduced, nor shall any Dividend exceed the Sum of Ten *per Centum* on the Capital Stock of the said Company, and no Dividend be paid, although declared, in respect of any Share or Shares, until all Calls for Money made in respect thereof by virtue of this Act shall have been paid; and the said Directors shall also direct the Affairs and Business of the said Undertaking in issuing, receiving, and disposing of all Sums of Money received, laid out, or disposed of for the Purposes of the said Company, in and about the said Undertaking, and in Contracts for Lands, Tenements, Materials, Goods, and Chattels, and entering into Contracts for Buildings and otherwise, or in disposing of any useless Articles belonging to the said Company, enforcing and rescinding and compounding all Contracts and Bargains in anywise concerning the said Company, or concerning any Debts due to them, subject to any Rule or Regulation made by the said Directors pursuant to this Act: Provided always, that the said Directors shall not pay, order or direct Payment of, any Sum exceeding One hundred Pounds, nor enter into Contract for the Purchase of any Lands or Tenements, Goods or Chattels, if the Purchase Money to be paid for the same shall exceed the Sum of One hundred Pounds, unless the same shall have been proposed and seconded at a Meeting of the said Directors, and entered upon their

Books, and shall be agreed to and adopted at the next Meeting of the said Directors.

XLI. And be it further enacted, That it shall be lawful for the Directors of the said Company from Time to Time to nominate and appoint, by Writing under the Hand of their Chairman and Common Seal of the said Company, One or more chartered Banks into which all Monies belonging to the Company shall be paid, also a Harbour Master, Treasurer or Treasurers, and also One or more Clerk or Clerks to the said Company, and from Time to Time to change such Banks, and to remove and displace such Harbour Master, Treasurer or Treasurers, and Clerk or Clerks, or either of them, or any other Person or Persons who shall be thereafter elected and appointed to their respective Offices; and the said Directors shall also from Time to Time elect, choose, and appoint in manner aforesaid any other Person or Persons to act as Treasurer or Treasurers and Clerk or Clerks of the said Company, in room of such of the said Officers as shall happen to die, or to resign, or be removed from their respective Offices; and it shall be lawful for the said Directors to allow such Salaries and other Emoluments to the said Officers or any of them as at any of their Meetings shall from Time to Time be fixed upon and determined.

Company's Monies to be deposited in Bank, &c.

XLII. And be it further enacted, That the said Directors shall and they are hereby required to take a sufficient Security from all and every Person or Persons who shall be appointed Treasurers or Receivers or Collectors for any of the Purposes of this Act, and from such other Clerks, Officers, and Servants to be employed in the said Undertaking as to the said Directors shall seem reasonable, for the faithful Execution of their respective Offices, before they shall enter thereupon respectively.

Security to be taken from Treasurer, &c.

XLIII. Provided always, and be it enacted, That the said Directors shall not be answerable for Mistakes or Omissions, nor for the Sufficiency or Responsibility of any Security or Securities to be taken under the Authority of this Act, nor for Receipts, Acts, or Omissions of the Treasurer, Clerk, or other Officers of the said Company, nor any one of the said Directors for the others, but each of them for his own Receipts, Acts, and Intromissions only.

Directors not answerable for Officers.

XLIV. And be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer,

Clerk and Treasurer not to be the same Person.

or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in the same Manner as any of the Penalties by this Act imposed may be sued for and recovered.

Books to be kept.

XLV. And be it further enacted, That the said Directors shall cause a Book to be provided and kept by their Treasurer or Clerk for the Time being, in which Book such Treasurer or Clerk shall enter true and regular Accounts of all Sums of Money received and expended on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, and which Book shall at all seasonable Times be open to the Inspection of the several Members of the said Company, or any Creditor on the Rates or Duties collected and taken at the said Harbours ; and the said Company and Creditors, or any of them, may take Copies of the said Book or any Part thereof, without paying any thing for the same ; and in case the said Treasurer or Clerk shall not permit or shall refuse to permit any Member of the said Company or Creditor to inspect any such Book, or to take such Copies as aforesaid, or in case such Treasurer shall refuse or neglect to produce such Book at any Meeting of the said Company when required, such Treasurer shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be recovered and applied.

Officers to account.

XLVI. And be it further enacted, That every Officer and other Person who shall be appointed by virtue of this Act shall from Time to Time, when thereunto required by the said Company or their Committee of Management, by Notice in Writing to him or them respectively given or left at his or their usual Place of Abode, or within Two Days next afterwards, make out and deliver to the said Company, or to such Person or Persons as they shall appoint to inspect and examine the same, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him, or her collected or received, and how and to whom and for what Purpose the same and every Part thereof hath been disposed of, together with the Vouchers and Receipts for such Payments ; and every such Officer and Person shall and is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him or her to the said Company to such Person or Persons as the said Company or Committee shall appoint to receive the same ; and if any Officer or Person shall neglect or refuse to render or deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner and within the Time aforesaid, or shall neglect or refuse on such Requisition as aforesaid to

Proceedings in case of Default.

deliver up to the said Company or their Committee of Management, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, Tools, Matters, and Things in his, her, or their Custody and Power relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Company or Committee, then and in every such Case, Complaint having been made by the said Company or Committee, where such Neglect or Refusal shall happen, or by any other Person or Persons on their Behalf, of any Neglect or Refusal, to the Sheriff or Sheriff Substitute or any Justice of the Peace for the County where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required by Warrant under his Hand to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Company or Committee might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or owing from such Officer or Person to the said Company, the said Justice may and he is hereby authorized, upon Nonpayment thereof within such Time as such Justice shall direct, by Warrant under his Hand to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively, and if no Goods and Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Tools, Matters, and Things as aforesaid, to be by him delivered over to the said Company, then and in any of the Cases aforesaid the said Justice is hereby authorized and required by Warrant under his Hand to commit such Officer or other Person to the Common Gaol or House of Correction for the County, Burgh, or Place where he or she shall live or reside, there to remain without Bail until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies that shall appear to be in the Hands of or owing from him or her to the said Company, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Company for such Money and Charges, and pay the said Composition Money to the said Company, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Company are hereby empowered to make, and shall have delivered up as aforesaid such Books, Papers, Writings, Tools, Matters, and Things as aforesaid, or have given to the said Company Satisfaction in respect thereof: Provided always, that

that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months.

Harbours,  
&c. to be  
vested in  
Company.

XLVII. And be it further enacted, That the said Harbours and other Works, Matters, and Things thereunto belonging, and all Materials thereof, or for the constructing, making, or completing or at any Time repairing the same, and all Engines, Tools, Implements, and Things provided for any of the Purposes of this Act, or for the said Harbours and other Works, and also all Books, Writings, Papers, and Documents relating to the Execution thereof, and all Sums of Money, or Securities for Money, of whatsoever Kind the same may be, belonging to the said Company, shall be and are hereby vested in the said Directors and their Successors for the Use of the said Company.

Treasurer  
not to issue  
Money with-  
out Order of  
Directors.

XLVIII. And be it further enacted, That the Treasurer or Treasurers to be appointed by the said Company shall not issue or permit any Sum or Sums to be issued on their Account without an Order or Orders in Writing signed by Three or more of the Directors of the said Company, or by the Chairman of any Meeting of the said Company or Directors.

Directors  
may borrow  
Money.

XLIX. And be it enacted, That it shall and may be lawful to and for the said Directors from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Amount of Eight thousand Pounds Sterling, as they shall think necessary for the Purposes of this Act, upon the Credit of the Rates or Duties to be levied, collected, or raised and to be payable to the said Directors by virtue of this Act, and to assign all or every Part of the said Rates or Duties to such Person or Persons as shall lend and advance any Money thereto, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced and Interest for the same; and the Costs of every such Assignment shall be defrayed by the said Directors out of the Monies to be so borrowed; and every such Assignment shall be in the Words and to the Effect following:

Form of  
Assignment.

‘ BY virtue of an Act of Parliament made in the Year of  
‘ the Reign of King *William* the Fourth, intituled [*here set forth*  
‘ *the Title of this Act,*] we  
‘ of the Directors of the said Harbour Company, in consideration of  
‘ the Sum of advanced and paid by  
‘ do hereby sell, assign, and make over to the said  
‘ his [*or her*] Heirs, Executors, Administrators, and Assigns, the  
‘ foresaid Harbours, and other Works erected pursuant thereto, and  
‘ all and sundry the Rates and Duties payable to us in virtue of the  
‘ said Act of Parliament, and all our Right, Title, and Interest of, in,  
‘ and to the same, to be held by the said and  
‘ his [*or her*] aforesaid, until the said Sum of with the  
‘ legal Interest thereof, shall be fully satisfied and paid. In witness  
‘ whereof we have subscribed these Presents, written by  
‘ at the Day of before these  
‘ Witnesses,

And



And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to the Proportion of the said Rates and Duties according to their respective Sums in such Assignment mentioned to be advanced, 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 to be kept by the Clerk to the said Company, which Book shall and may be perused at all seasonable Times by any of the said Directors or Creditors of the said Harbours, and others, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons by a Writing under his or their Hands in the Form or to the Effect following:

No Preference allowed from Priority of the Date of Assignments.

I of in consideration of the Sum of  
 paid by C.D. of do hereby transfer the Assignment  
 made by the Directors of the *Stotfield* and *Lossiemouth* Harbour  
 Company to me, bearing Date the Day of  
 and all Interest now due and to become due thereon, and all  
 my Right and Property therein, to the said C.D., his Heirs, Exe-  
 cutors, Administrators, and Assigns. In witness whereof I sub-  
 scribe these Presents, written by at the  
 Day of before these Witnesses

Form of Transfer.

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 to the said Company, who shall enter the same in like Manner as the original Assignment in the Book to be kept by him for that Purpose; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his; her, or their Executors, Administrators, and Assigns, to the full 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.

Transfer may be indorsed on the Assignment.

L. And be it further enacted, That the Interest of the Money that shall be borrowed on the Security of the Rates as aforesaid shall, from the Time the said Money or any Part thereof shall have been advanced, be paid half-yearly to the several Parties entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the Proprietors of the said Company or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interests or Dividends due to the said Proprietors or any of them shall be paid.

Interest on borrowed Money to be paid before Dividends.

LI. And be it further enacted, That it shall and may be lawful to and for the Provost, Magistrates, and Town Council, as representing the Community of the Royal Burgh of *Elgin*, for the Time  
 [Local.] 27 U being,

Provost and Magistrates of Elgin authorized to

pay Sum sub-  
scribed by  
them from  
the Funds  
and Revenue  
of the Com-  
munity of  
said Burgh.

being, and they are hereby authorized and empowered, to pay to the said Harbour Company, out of the Funds and Revenue belonging to the Community of the said Burgh, or borrowed on the Security of the Town Property belonging to them, the Sum of Money to be applied towards executing the Purposes of this present Act which the said Magistrates have subscribed, being the Sum of Three thousand Pounds Sterling.

General  
Meetings of  
the said  
Company ;  
and Elections  
of Directors  
thereat.

LII. And be it further enacted, That on the first *Saturday* of *February* in each Year, or as soon after as may be convenient, a General Meeting or Assembly of the said Company shall be held, of which Fourteen Days Notice shall be given in some Newspaper published in the said County of *Elgin*, or, failing that, in the nearest Provincial Paper, or by printed or written Notice ; and at such General Meetings to be held by the said Company or by Adjournment thereof Fourteen Members of the said Company who shall have been Directors in the preceding Year, including those to be appointed by Shareholders of Fifty Shares and upwards, shall or may be re-elected Directors, and as soon as such Re-election shall have been made and declared Seven other Members of the said Company shall or may be elected Directors, but all the former Directors of the said Company shall be re-eligible ; and after such Elections and Re-elections as aforesaid shall have taken place, the Directors, if any, who shall not be re-elected, shall go out of Office : Provided always, that Shareholders entitled to appoint One or more Directors shall have no Vote in the Election of the remaining Directors, but no Person shall be eligible to serve as a Director who shall hold any Office or Place of Profit or be concerned or interested in any Contract under the said Company in the said Undertaking.

Directors  
not to hold  
Offices of  
Emolument  
under this  
Act.

LIII. And be it further enacted, That no Director acting in virtue of this Act shall hold any Office of Emolument under this Act, either as a Principal or Deputy, nor be directly or indirectly concerned in any Contract under this Act, nor be Surety for any Contractor under this Act, under the Penalty of One hundred Pounds Sterling, to be levied and applied like the other Penalties by this Act granted.

Proprietors  
not to be  
liable beyond  
the Amount of  
their Shares.

LIV. And be it further enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be a Proprietor or Proprietors of the Stock of the said Company, or a Contributor or Contributors thereto, or his, her, or their Real or Personal Estate, to, with, or for any Debt or Demand whatsoever due or to become due from the said Company beyond the Extent of his, her, or their Capital Stock or Share or Shares in the Stock of the said Company ; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Tonnage  
Duty on  
Ships enter-  
ing the Har-  
bour.

LV. And be it further enacted, That the said Company, or such Person or Persons as they shall appoint, shall have Power, and they are hereby authorized and empowered, at all Times to ask, demand, take, receive, collect, and recover, to and for the Purposes of this Act, from all and every the Owners, Proprietors, or Masters of any

Ships, Vessels, Barks, Boats, and Lighters, of whatever Description, which shall come into or use the said Harbours, the several Rates and Duties specified in Schedule (B.) hereunto annexed.

LVI. And be it further enacted, That it shall not be lawful for the Owner or Master of any Vessel, Boat, or other Craft to land or deliver, or ship and embark, any Goods or Commodities of any Description in the *Lossiemouth* or *Stotfield* Bays within One Mile of the Mouths of either of the said old or new Harbours, for the Purpose or to the Effect of evading the Harbour or Shore Duties authorized to be levied by this Act; and all Persons guilty of such Evasion shall not only be subject to the Tolls and Duties hereby provided, but shall in addition incur such Penalty, not exceeding Five Pounds Sterling for each Offence, as the Sheriff or Justices of the County may inflict, and to be recovered as herein-after directed.

Harbour or  
Shore Dues  
not to be  
evaded.

LVII. And be it further enacted, That it shall be lawful to the said Company and Directors, and their Servants and others, as aforesaid, to take, levy, and collect from all Vessels coming into the Bay of *Lossiemouth*, and dropping Anchor within One Mile of the Harbour Mouth for the Purpose of obtaining Shelter, or, if Need be, of entering either of the said Harbours, or taking Advantage of the transporting Buoys, the Rate or Duty of Sixpence upon every Ton of Register of the said Vessel, over and above the Shore and Harbour Dues hereby authorized to be levied, such Anchorage Dues to be demanded and exacted only in the Event of the said Vessel not entering either of the Harbours of *Stotfield* or *Lossiemouth*.

Vessels may  
not anchor  
within One  
Mile of the  
Harbour  
without pay-  
ing Duties.

LVIII. Provided always, and be it further enacted, That no Ship, Vessel, or Boat, Steam Vessel, or Steam Boat, to whomsoever belonging, for which the Tonnage Duty exigible by this Act shall have been once paid, shall be liable or obliged to pay the same in case of such Vessel being put back or returning into the said Pier or Harbour during the Voyage for which the Tonnage Duty was paid.

Tonnage  
Duty, being  
once paid, not  
to be exigible  
again  
during the  
Voyage.

LIX. And be it further enacted, That it shall be lawful for the said Company to fix such reasonable Rates upon Commodities not specified in Schedule (A.) as they shall think fit, provided such Rate shall not exceed One Fourth Part of the Freight of such Commodities.

Company  
may fix Rates  
on Articles  
not enumerat-  
ed in the  
Schedule.

LX. Provided always, and be it enacted, That for the Relief of the Masters and Owners of all Ships or Vessels, Steam Vessels or Steam Boats, or other Boats, which shall be employed as regular Packets, Passage Boats, or Ferry Boats, it shall and may be lawful to and in the Power of the said Company, or such Person or Persons as they shall appoint, to compound with the Masters and Owners of all such Ships, Vessels, or Boats, Steam Vessels or Steam Boats, for the said Rates and Duties hereby granted, by the Year or Trip, at such lesser Rates or Duties as to the said Company, or to the Person or Persons appointed by them, shall from Time to Time appear expedient; provided that in so compounding all such Ships, Vessels, or Boats, Steam Vessels or Steam Boats, as are or may be of the same Size,  
Description,

Rates may be  
compounded  
for.

Description, and Employment, shall be compounded with on the same Terms and at the same Rates.

Duties may be leased.

LXI. And be it further enacted, That the Directors of the said Company shall and they are hereby authorized and empowered to let the several Duties leviable by virtue of this Act on a Lease for a Period not exceeding Three Years, and the said Directors shall be bound to expose the said Rates and Duties at such fair and reasonable upset Prices as they shall fix and determine, to be let to the highest Bidder at Public Roup or Auction, and such Roup shall be advertised in Handbills properly circulated through the Burgh of *Elgin* and Town of *Lossiemouth*, and in some Newspaper or Newspapers printed and circulated through the said Burgh Three several Times Twenty Days at least before the Roup or Auction; but providing and declaring that in case no Offerer shall appear for the same at such upset Price, or in case the Offerer who shall be preferred to the Lease shall fail to implement the Obligations incumbent on him as Tacksman, it shall be lawful to and for the said Company, by their said Collectors, Receivers, or other Persons employed by them, to uplift and receive the said Rates and Duties from the Persons liable in the same for a Space not exceeding One Year, they being then bound again to expose the said Rates and Duties to be let at Public Roup or Auction to the highest Bidder in manner before mentioned: Provided nevertheless, that it shall be lawful for the said Company or their Directors, by their said Collectors, Receivers, or other Persons employed by them, to uplift and collect the said Rates and Duties for the Space not exceeding Two Years after they shall have acquired the said Harbours, and made the same available for the Reception, Accommodation, discharging, and loading of Vessels.

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

LXII. Provided always, and be it further enacted, That it shall and may be lawful to and for His Majesty, in and by an Order in Council, or to and for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times when and so often as He and they shall deem fit so to do, in and by His 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 and so many of the Goods or Merchandizes imported or exported in Foreign Bottoms, as He 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 the same.

Directors empowered to license Pilots, Masters, and Weighers, and to regulate their Fares, Conduct, &c.

LXIII. And be it further enacted, That the said Directors shall be and they are hereby authorized and empowered, from and after the passing of this Act, and from Time to Time as Occasion may require, to appoint and license a sufficient Number of Persons as Pilots and Conductors of Ships and Vessels into and out of the Harbours of *Stotfield* and *Lossiemouth*, after due Inquiry into the Experience, Skill, and general Qualifications of the said Persons, and also to appoint

appoint Meters and Weighers, and to make Rules and Bye Laws for ascertaining and regulating the Fares and Wages, Conduct and Behaviour of the said Pilots, Meters and Weighers, and to enforce the Observance of the said Rules and Bye Laws by such pecuniary Penalties as may be necessary for that Purpose, besides Deprivation, temporary or permanent, as the Case may require, of the said Persons respectively of their Licences; and the said Directors or their Committee of Management are hereby authorized and empowered to inflict such Deprivations of Office by recalling the said Licences and publishing the Names of the Persons so deprived: Provided always, that the said Rules and Bye Laws shall not be repugnant to nor inconsistent with the Laws of *Scotland* and the Provisions of this Act, and that printed Copies of the said Rules and Bye Laws shall be furnished to the said Pilots, Meters and Weighers, along with their Licences, and that none of the said pecuniary Penalties shall exceed the Sum of Five Pounds Sterling; and before being put in force the said Rules and Bye Laws shall be published once at least in some One Newspaper printed or circulated in the County of *Elgin*, and shall be painted on a Board or Boards in legible Characters, and placed and kept up in some conspicuous Place or Places within the said Harbours, and such Boards and Painting shall be renewed from Time to Time by the said Trustees when destroyed, obliterated, or defaced.

LXIV. And be it enacted, That every Person who shall upon his first Admission receive such Licence or Warrant shall for his first Licence or Warrant pay to the Clerk of the said Directors the Sum of Three Shillings Sterling, and for every subsequent Licence the Sum of One Shilling Sterling; and the said Warrant or Licence shall continue in force for One Year, and no longer, after granting the same.

Pilots Licences to be renewed annually.

LXV. And be it further enacted, That the Masters and Owners of all *British* Ships, Vessels, and Boats, and Steam Vessels and Steam Boats, trading to and from the said Pier or Harbour, and liable to the Payment of the Rates and Duties by this Act imposed, shall and they are hereby required to produce to the Harbour Master or other Officer to be appointed as aforesaid the Registers of their respective Ships, Vessels, or Boats, or Steam Vessels or Steam Boats, in order to ascertain the Tonnage thereof, or otherwise they shall permit and suffer such Ships, Vessels, or Boats, Steam Vessels or Steam Boats, to be measured by the said Company, or by such Person or Persons as they shall from Time to Time appoint for that Purpose, and shall pay the Rates and Duties according to such registered Tonnage and Measurement, besides the Expence of the Measurement, in the Manner herein mentioned; and every Owner or Master aforesaid who shall refuse to produce the Register of his or their Ship, Vessel, or Boat, Steam Vessel or Steam Boat, or to allow the same to be measured as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds Sterling over and above the Tonnage or other Duties with which such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, may be chargeable, in Terms of this Act, to be recovered and applied in manner herein mentioned.

Masters and Owners of British Ships obliged to produce Registers.

Foreign Vessels may be measured.

LXVI. And be it further enacted, That the said Company shall and they are hereby authorized to appoint a proper Person or Persons for the Purpose of ascertaining the Tonnage of any Foreign Ships, Vessels, or Boats, Steam Vessels or Steam Boats, and of all other Ships, Vessels, or Boats having no Registers which shall enter the said Harbour, in order to a due Collection of the Duties payable by such Ships, Vessels, or Boats; and such Person and Persons is and are hereby empowered and required to measure the same according to the Directions of the existing Customs Act relative thereto; and the Owners or Masters of all such Ships, Vessels, or Boats shall pay the Expence of such Measurement, besides the Rates and Duties to which they are liable in Terms of this Act.

Master to produce Account of Cargo on board.

LXVII. And be it further enacted, That the Master or Person having the Command or Charge of any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, which may enter the said Harbour, and be liable to the Payment of any of the Rates and Duties by this Act granted, shall give a just and true Account of the Lading of such Ships, Vessels, or Boats, Steam Vessels or Steam Boats, to such Person or Persons as the said Company shall from Time to Time appoint to require and receive such Rates and Duties; and every Master or other Person as aforesaid who shall refuse to give an Account or shall give a false Account of the Lading of the Ship, Vessel, or Boat, Steam Vessel or Steam Boat, under his Command or Charge, when thereunto required, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds Sterling.

For erecting Warehouses, Cranes, and Weighing Machines.

LXVIII. And be it further enacted, That the said Company shall and may and they are hereby authorized and empowered, out of any of the Rates and Duties aforesaid, and otherwise, to provide any convenient Warehouses and Yards or other Places for the receiving and safe-keeping or lodging of such Goods, Wares, and Merchandize and other Things as shall happen to be removed off the Quays and other Places in manner after mentioned, and also to erect such and so many Cranes and Weighing Machines upon the said Pier or Harbour, and Grounds adjacent, as may appear to be requisite for the loading, unloading, and weighing of such Goods, Wares, and Merchandize as may be imported into or exported from the said Harbour, and also to provide all such Weights and Measures as may be necessary for weighing and measuring the said Goods, Wares, and Merchandize.

Further Allowance for Goods remaining upon Wharfs above a certain Time over and above Rates and Duties.

LXIX. And be it further enacted, That if any Commodities shall remain upon any Wharf or Pier or other Place belonging to the said Harbour for a longer Period than Six lawful Days from the Time such Commodities shall have been placed upon the said Quays, Wharfs, Piers, or other Places, then and in every such Case it shall be lawful for the said Company, or their Collector or Collectors, or Lessee or Lessees, 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 after the said first  
Six

Six Days during which the said Commodities shall remain on the said Quays, Wharfs, Piers, or other Places ; or the said Company, or their Harbour Master, Collector, or other Officer, may exact, and they are hereby authorized and empowered to exact, such other Rent or Wharfage Dues less than what is before mentioned as they shall see fit: Provided always, that no Goods or other Commodities shall be at any Time laid down on the said Wharfs, Piers, and other Places so as to encroach on the Streets of the Town of *Lossiemouth* or public Ways thereof, or within Sixteen Feet of the Face of the Quays, Wharfs, or Piers, except at the Time of such Goods and other Commodities being loaded or unloaded.

LXX. Provided always, and be it enacted, That the said Company shall have Power and they are hereby authorized and empowered, if they shall see Cause, either by themselves or the Officers and Servants employed under them in virtue of this Act, to remove or cause to be removed all such Commodities as shall be allowed to remain upon the said Quays, Wharfs, Piers, and other Places beyond the Space of Six lawful Days as aforesaid, and to be carried to any Warehouse, Yard, or other Place of Safety to be provided by the said Company, for the Time being, in manner before mentioned, and there to detain and keep the same till Payment of the Charges incurred by such Removal and Detention, and of such Consideration besides to the said Officers and Servants authorized as aforesaid, for their Trouble in and about the same, as the Sheriff or his Substitute or any Justice of the Peace for the County of *Elgin* shall think reasonable, together with the Sum authorized to be levied had such Commodities been allowed to remain on the Quays, Piers, Wharfs, and other Places as aforesaid, for each and every additional and successive Period of Twenty-four Hours during which such Commodities shall remain in the said Warehouse, Yard, or other Place of Safety provided for them as aforesaid.

Goods may be removed from the Quays, &c.

LXXI. And be it further enacted, That if any Goods, Wares, or Merchandize, of whatever Description or Denomination, shall be allowed to remain in any Warehouses or other Places to be provided by the said Company under the Authority of this Act for any longer Period than Six Months, it shall be lawful to the Sheriff and his Substitute or to the Justices of the Peace for the County of *Elgin*, or any One of them, and he and they is and are hereby authorized and empowered, upon an Application made to him or them by the said Company, or any Person authorized by them, to order a Description of the said Goods, Wares, and Merchandize to be inserted once in some of the Newspapers circulated in the Counties of *Elgin*, *Inverness*, and *Aberdeen*, requiring the Owner or Owners thereof to remove the same, and to pay the several Duties and Charges incurred thereon by virtue of this Act, within a reasonable Period, to be fixed by the said Sheriff, Justice or Justices ; and if such Goods, Wares, and Merchandize are not claimed and removed from the said Warehouses and other Places, and the whole Duties and Charges thereon satisfied and paid, within the Period to be fixed as aforesaid, it shall be lawful to the said Sheriff, Justice or Justices, and he and they is and are hereby empowered, authorized, and required, to grant War-

If Goods remain Six Months in Warehouse they may be sold.

rants

rants to levy the said Duties and Charges by Distress and Sale of the said Goods, Wares, and Merchandize, and to render the Overplus (if any be), after Deduction of the said Duties and Charges of taking detaining, and making the Sale, to the Owner or Owners of such Goods, Wares, and Merchandize, whenever the same shall be demanded.

Penalty on  
evading  
Rates.

LXXII. And be it further enacted, That if any Person, or any Owner, Factor, Consigner or Consignee of any Goods, Wares, or Merchandize liable in the Payment of any of the Rates and Duties by this Act imposed, shall at any Time wilfully elude or evade Payment of the said Rates and Duties by any Means whatsoever, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, over and above the Payment of the said Rates and Duties.

In Cases of  
differing con-  
cerning the  
Weight,  
Collector  
may weigh  
Goods.

LXXIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties and the Master or any other Person having the Care or Charge of any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, entering or leaving 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 Quantities of the Goods, Wares, Merchandize, or other Things loaded or embarked therein, it shall be lawful for any such Collector to stop and detain any such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, and to weigh or gauge, or cause to be weighed or gauged, the same, and all such Goods, Wares, and Merchandizes, or other Matters or Things, as shall be therein embarked or contained; and in case the same shall upon any such weighing or gauging appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, then it shall and may be lawful to and for the said Company, or their Collector or Collectors, and he, she, and they is and are hereby authorized and empowered, to charge for such Goods and Things according to the Weight thereof found upon such weighing, or declared by the Gauge of such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, 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 said Rates and Duties 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 Company or their Collector, as the Case may be, shall pay the Costs and Charges of such weighing or 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, and in default of Payment thereof the same shall be recovered by Distress and Sale of the Goods and Effects of the Collector or Collectors for the Time being, or of the Goods  
and



and Effects of the said Company, under a Warrant to be issued for that Purpose under the Hands of the Sheriff or of any Two or more Justices of the Peace for the County of *Elgin*, which Warrant any such Sheriff or Justices are hereby authorized and required to grant under their Hands on Application made to them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned to the said Company, or to their Collector or Collectors for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Collector or Collectors to retain, out of the Monies which he or they shall have received or shall receive on account of or for behoof of the said Company, all such Damages, Costs, and Expences as he shall have sustained or be put unto by virtue of any Warrant as aforesaid.

LXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Ship, Vessel, or Boat belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service or Employ of the Customs, Excise, Ordnance, or Post Office, coming into or using the said Harbour.

Act not to extend to Ships in His Majesty's Service.

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

Power to demand Register and recover Rates.

LXXVI. And, for the more effectually preventing any Delay or Evasion in the Payment of the Rates and Duties aforesaid, be it enacted,

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acted,

Vessels not to be cleared till Duty is paid.

acted, That it shall and may be lawful for the Collector, Surveyor, or other principal Officer of His Majesty's Customs at the said Harbours, to refuse to clear any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, outwards or inwards, or indorse any Clearance or Warrant, until there shall have been produced and shown to him by the Person or Persons liable in the Payment of the Rates and Duties by this Act imposed and made payable on account of such Ship, Vessel, or Boat, either a sufficient Voucher of the Payment of the Rates and Duties, or a Certificate under the Hand of the Collector of the Rates and Duties hereby granted, 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 may be sustained or incurred by any Person or Persons by reason of the Delay or Refusal of Payment, according as the same shall be ascertained and determined by any One or more of His Majesty's Justices of the Peace for the County of *Elgin*; and that such Collector, Surveyor, or other principal Officers of His Majesty's Customs shall and he is hereby required to obey all such Orders and Directions as he shall from Time to Time receive from His Majesty's Commissioners of Customs in relation thereto: Provided always, that in case it shall be found by the said Justice or Justices of the Peace, after hearing both Parties, that the Collector of the said Rates and Duties has made a higher Demand than what is authorized by this Act, such Collector shall be liable and decreed to pay to the Party complaining such a Sum in name of Damages, not exceeding Five Pounds Sterling, as shall be judged adequate by the Justice or Justices, who are hereby authorized and empowered to hear and decide upon all such Questions and Disputes as shall be brought before them relative to these Matters in a summary Way.

For regulat-  
ing mooring  
of Vessels.

LXXVII. And be it further enacted, That the said Company, or such Person or Persons as they shall authorize and appoint, shall and may and they are hereby authorized and empowered from Time to Time to order and require all Persons having any Command or Direction of any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, entering into the said Harbours, to station, place, anchor, and moor such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, in such Place and at such Quay, previously approved of by the proper Officer or Officers of the Customs, as the said Company, or Persons so authorized and empowered by them, shall direct, and, with Consent of the said Officers of the Customs, when and as often as they judge necessary, to remove or cause to be removed any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, lying in the Entrance of the said Harbour, or at any Quay, Pier, or Breast to be built thereat, or in any other Part of the said Harbours, from the Berth or Lying Place at which such Ship, Vessels, or Boats, Steam Vessels or Steam Boats, respectively, may happen to be moored or lying at the Time, to any other Berth or Lying Place in the said Harbour; and in case the Master or other Person having the Command or Direction of such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, shall neglect or refuse to remove or cause to be removed, upon being required to do so by the said Company, or such Person or Persons as they shall authorize as aforesaid, as soon after such Requisition as the State of the Tide will permit,

permit, such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, from her said Berth or Mooring Place as shall have been appointed as aforesaid, then and in that Case the said Company, or any Person authorized by them as aforesaid, shall be and they are hereby empowered, immediately on such Refusal or Neglect to remove or cause to be removed such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, from its then Berth or Mooring Place, as the said Company, or the Person or Persons authorized by them as aforesaid, shall think proper; and the Master, Owner, or Consignee of such Ship, Vessel, or Boat so removed shall be obliged to pay to the said Company, or to any Person or Persons appointed by them to receive the same, all the Costs and Charges that shall have been reasonably incurred and expended in accomplishing such Removal; and every Master or other Person having or being in the Command or Direction of any such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, or any other Person or Persons who shall obstruct or hinder the Removal as aforesaid, shall for every such Offence forfeit and pay to the said Company, or any Person appointed by them to receive the same, a Sum not exceeding One Pound Sterling.

LXXVIII. And be it further enacted, That in case any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, shall arrive and come into the said Harbour in Distress, or meet with any Misfortune in the said Harbour, it shall and may be lawful for the Berth Master or other Officer appointed to that Effect, and in case of his Orders being disobeyed to and for any Justice of the Peace for the County of *Elgin*, upon Request made to him in Writing by the Master, Commander, or Owner of any such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, or Owner of any Goods on board such Ship, Vessel, or Boat, and upon Proof being laid before him or them of such Distress, to give a Preference to such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, being in Distress as aforesaid, both as to the Berths at the Piers and Quays, and as to the Course of discharging or repairing, to any other Ship, Vessel, or Boat, Steam Vessel or Steam Boat, that shall have arrived before in the said Harbour; and every Master or Commander of any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, lying within the said Harbour, who shall refuse or delay to comply with the Order of any such Berth Master or Justice as aforesaid, in favour of the Ship, Vessel, or Boat, Steam Vessel or Steam Boat, in Distress as aforesaid, shall forfeit any Sum not exceeding One Pound Sterling.

Preference to  
be given to  
Ships in  
Distress.

LXXIX. And be it enacted, That within One Month after the passing of this Act it shall not be lawful for any Person or Persons whomsoever, upon any Pretence whatsoever, to throw or empty any Ballast, Dirt, Ashes, Rubbish, Shingle, Stones, or any other Thing, out of or from any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, or out of or from any Cart or Carriage whatsoever, or off or from any Quay, Wharf, Pier, Yard, Place, or Ground, into any Part of the said Harbour, or to dig or take away Ballast, Shingle, Stones, or other Thing from the same in any other Place than such as shall be pointed out by the said Company, or by some Person authorized by them, under a Penalty not exceeding Five Pounds for every such Offence,

Ballast, &c.  
not to be  
thrown into  
the Harbour,  
nor taken  
from any  
Place not  
appointed.

Offence, over and above the Expence of repairing the Damages done thereby; and if any Person shall cast out or deposit any Ballast of or from any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, upon any of the said Quays, Wharfs, or Piers, or in any other Place in or about the said Harbours other than at such Place or Places as shall be appointed by the said Company or some Person authorized by them for casting out or depositing such Ballast, such Person shall immediately cause the same to be carried off and deposited at such Place as shall be appointed, on pain of forfeiting for every such Offence a Sum not exceeding One Pound over and above the Expence of removing the same.

No Combustibles to remain on the Quays.

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

Gunpowder not to remain on board Vessels in the Harbour, and may be landed on a Sunday.

LXXXI. And be it further enacted, That no Gunpowder shall be suffered to be or remain on board any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, for any longer Period than Twelve Hours after the Arrival of such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, in the said Harbour, upon pain that every Master or Owner of such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, shall forfeit for every such Offence the Sum of Five Pounds, besides the Damage occasioned by his Default; and in case any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, in which any Gunpowder shall happen to be, shall arrive in the said Harbours on a *Sunday* or any Custom House Holiday, it shall be lawful for the said Master or Commander of any such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, to land the same without a Sufferance or Leave from the Officers of His Majesty's Customs at the said Harbour for so doing, provided the same be done in the Presence of a Tide Surveyor or Coast Waiter.

LXXXII. And

LXXXII. And be it further enacted, That in case any Person or Persons having the Rule or Command of any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, lying or being in the said Harbour, shall heat or boil, or suffer or permit to be heated or boiled, any Pitch, Tar, or Rosin, or any Composition of that Nature, on board of his or their respective Ships, Vessels, or Boats, Steam Vessels or Steam Boats, otherwise than with an Iron Instrument commonly called a Loggerhead, he and they shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

Pitch not to be heated or boiled on board Vessels.

LXXXIII. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, maliciously or wantonly demolish, destroy, break down, or set on fire any of the Quays, Wharfs, Piers, or other Works constructed or to be constructed in or belonging to the said Harbour, every such Person or Persons so offending shall be adjudged to be guilty of Felony, and the Court or Courts by or before whom such Person or Persons shall be indicted, tried, and convicted shall be and are hereby empowered to punish such Person or Persons by Fine or Imprisonment, and to cause such Felon or Felons to be transported beyond the Sea for such a Term of Years and in such Manner as other Felons are directed to be transported by the Statutes of the Realm.

Punishment of Persons injuring the Works.

LXXXIV. And be it further enacted, That in case any Person or Persons shall wilfully or maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, lying in the said Harbour, shall be moored or fastened, such Person or Persons shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds Sterling, besides the Damages thereby occasioned.

Penalty on Persons destroying the Ropes of Vessels, &c.

LXXXV. And be it further enacted, That the Master or Owner of every Ship, Vessel, or Boat, Steam Vessel or Steam Boat, lying or trading in the said Harbour, shall be and he is hereby made answerable to the said Company for the Amount or Value of any Damage or Mischief that shall be done by any of the Seamen, Servants, Boatmen, or Watermen or others employed at or on board the same, to any of the Quays, Wharfs, Piers, or other Works in or about the said Harbour, either by the loading or unloading of any Ship, Vessel, or Boat, or on any other Means whatsoever; and the Master or Owner of every such Ship, Vessel, or Boat, Steam Vessel or Steam Boat, shall for every such Trespass, Damage, or Mischief, upon Conviction before the Sheriff or his Substitute or any Justice of the Peace for the County of *Elgin*, on the Oath of any credible Witness or Witnesses, which Oath such Sheriff or Justice is hereby authorized and required to administer, or on the Confession of the Party or Parties offending, forfeit and pay to the Party or Parties injured such Damages, Satisfaction, or Compensation as shall be ascertained, fixed, and determined by such Justice, provided that such Damages, Satisfaction or Compensation shall not exceed the Sum of Twenty-five Pounds Sterling, but in case such Damages, Satisfaction, and Compensation shall exceed the Sum of Twenty-five Pounds Sterling, then and in such Case the said Master or Owner of such Ship, Vessel, or Boat may be sued

Masters and Owners to be answerable for Damages done by their Crews.

and prosecuted for such Damages, Satisfaction, and Compensation in the Court of Session, if the Defender shall reside in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, if the Defendant shall reside in *England*, or in the Court of King's Bench or Common Pleas at *Dublin*, if the Defendant shall reside in *Ireland*; and if a Verdict or Judgment shall be given against him or her, either on Proof made or by Default or upon Demand, the Pursuer or Plaintiff in every such Case shall recover the Damages thereby sustained, with full Costs.

Masters to recover Damages from their Servants.

LXXXVI. And be it further enacted, That in case the Master or Masters, Owner or Owners of any Ship, Vessel, or Boat, Steam Vessel or Steam Boat, as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespasses, by reason of any such Damage or Mischief done or committed by his, her, or their Mariners, Boatmen, Servants, or other Persons employed by him, her, or them, such Mariners, Boatmen, Servants, or other Persons, and each and every of them, shall be liable to pay such Penalty or Damages, with the Costs thereof, to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof upon Demand, and Oath made by such Master or Masters, Owner or Owners or of the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or hath not been repaid to him, her, or them by such Mariners, Boatmen, Servants, or other Persons, or any of them, although demanded, (such Oath to be made before any Justice of the Peace for the County or Place where such Penalty or Satisfaction shall have been incurred as aforesaid, or where such Mariner, Servant, or other Person can be found,) the Amount thereof shall be recovered by such Master or Masters, Owner or Owners, as any other Penalty is hereby directed by this Act to be recovered.

Idlers to be detained, and all Ropes, &c. found in their Custody confiscated.

LXXXVII. And be it further enacted, That it shall be lawful to and for the Officers to be appointed by the said Company, and to and for any Messenger at Arms, Sheriff's Officer, Peace Officer, Town Officer, or other Person, and they are hereby severally authorized and empowered to apprehend, seize, secure, and detain till they can be regularly conveyed before a Magistrate, all and every Vagrant, Idler, or disorderly Person who may haunt about the Harbour, Quays, Wharfs, Piers, or other Places connected therewith, without lawful Business, and they are hereby also authorized and empowered to seize, secure, and detain till such Seizure can be regularly reported to a Magistrate, all Ropes, Copper, Iron, Lead, and other Articles of Marine Stores used in the Repair of Ships or Vessels, and all Goods, Wares, and Merchandize which may be found in the Custody of such Vagrant, Idler, or disorderly Person, and if it shall appear that any of the said Articles have not been fairly come by it shall be lawful for any Justice of the Peace for the County of *Elgin* to order the said Goods to be restored to the proper Owner or Owners thereof, and in case such Owner or Owners cannot be found to confiscate the same in aid of the Rates and Duties leviable by this Act, and punish the Person in whose Custody the same may have been found by Imprisonment and hard Labour in some legal Place of Confinement within

within the County of *Elgin* for any Time not exceeding One Calendar Month.

LXXXVIII. And be it further enacted, That it shall and may be lawful to and for every such Justice or Justices and they are hereby authorized and empowered to detain such Vagrants, Idlers, and disorderly Persons in any Watch-house or other Place of Security therein, to be detained for Examination for any Space not exceeding Three Days, or as a Punishment to commit the said Offenders to any such Watch-house, Gaol, Bridewell, or other Place of Security for any Space not exceeding Seven Days.

Idlers may be committed.

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

Power to apprehend transient Offenders.

XC. And be it further enacted, That if any Person or Persons whomsoever shall at any Time or Times obstruct, hinder, or molest the Engineers, Berthing Masters, Superintendents, Labourers, or other Person or Persons whomsoever who is and shall be employed or acting in performance or execution of their Duty under this Act, or in the Works to be done or carried on in the making, Repair, Maintenance, or Improvement of the said Harbour, or in any other Matter relating thereto, every Person so offending shall forfeit any Sum not exceeding One Pound Sterling, and for the Second Offence any Sum not exceeding Five Pounds Sterling, and for the Third and every other Offence any Sum not exceeding Ten Pounds Sterling.

Penalty on obstructing the Works.

XCI. And be it further enacted, That when and as often as any Sum or Sums of Money shall be ordered or directed to be paid in pursuance of the Directions of this Act as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Two Days after Demand in Writing shall have been made from the Clerk to the said Company or the Treasurer to be appointed under this Act, in which Demand the Order of the Judge or Judges making the same shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall or may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of the Treasurer

Costs may be recovered from Treasurer.

for

for the Time being, under a Warrant to be issued for that Purpose by any such Judge or Judges under his or their Hand or Hands, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to the Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of the Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put to by virtue of any such Warrant as aforesaid.

Mode of re-  
covering  
Penalties.

XCII. And be it further enacted, That it shall and may be lawful for the said Company, or for the Collector or Collectors or other Officers to be appointed by them, to prosecute for and recover the several Fines, Penalties, Forfeitures, and Damages by this Act imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), by Action, Bill, Complaint, or Information, raised or exhibited within Six Months after such Offence is committed, before any One or more of His Majesty's Justices of the Peace or any other Judges competent within whose Jurisdiction the Offenders shall reside or be apprehended, and the Justices or other Judges aforesaid shall and he and they is hereby empowered and required to proceed to the Trial of such Offender or Offenders in a summary Way, and upon Conviction of the Offender or Offenders, by their own Confession or by the Oath of One or more credible Witness or Witnesses, to award and give such Orders, Judgments, and Decrees as to them shall seem most agreeable to the true Intent and Meaning of this Act; and in default of Payment of the several Fines, Penalties, and Forfeitures which shall be awarded, the Person or Persons who shall be convicted of any of the Offences before described shall and may, by Warrant under the Hand of any Justice or Judge, be committed to any legal Place of Confinement in the County of *Elgin*, or to the Common Gaol or House of Correction of any other County or Place where the Matter of Complaint may arise or the Offender or Offenders may have been convicted, and there be kept in Confinement for such Time as such Justice or Justices or Judges shall direct, not exceeding Three Months, unless the Sum so awarded against him, her, or them shall be sooner paid and discharged.

Application  
of Penalties.

XCIII. And be it further enacted, That all the Fines and Penalties to be recovered under or by virtue of this Act shall be applied to and for the Purposes of this Act.

Proceedings  
not to be  
quashed for  
Want of  
Form.

XCIV. And be it further enacted, That no Order, Verdict, Judgment, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Advocation, Suspension,



sion, or by any other Process whatsoever to the Court of Session, any Law or Statute to the contrary notwithstanding.

XCV. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Cause for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath (or in case of a Quaker or Quakers on solemn Affirmation) and to give Evidence before such Justice or Justices of the Peace, then and in any of the said Cases every Person shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds Sterling.

For compelling Witnesses to attend.

XCVI. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes and Matters which shall be heard and determined relative to this Act by reason only or on account that such Person or Persons shall act officially under the Appointment of the said Company or their Committee of Management.

Testimony of Officers.

XCVII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, or by any other Matter or Thing done under or in pursuance of this Act, then and in every such Case it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County or Place where the Cause of Complaint shall have arisen, within Two Calendar Months next after such Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be given Twenty Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, unto the Person or Persons appealed against, and within Fourteen Days after such Notice entering into a Recognizance or Bond of Caution before some Justice of the Peace for the said County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and abide by the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance or Bond, the Justices at such Sessions shall hear and determine the Cause and Matter of such Appeal, and may order any Money to be returned which may have been levied in pursuance of any such Bye Law, Rule, Order, or Regulation, and award such Costs to the Party appealing or appealed against, and may also award such further Satisfaction to the Party injured, as they shall think proper; and the Determination of the Justices shall be final, binding, and conclusive to all Parties, and shall not be subject to Review by Advocation, Suspension, Reduction, or by any Process, any Law or Statute to the contrary notwithstanding.

Appeal.

[*Local.*]

28 A

XCVIII. And

How Debts  
may be  
proved in  
Cases of  
Bankruptcy.

XCVIII. And be it further enacted, That in all Cases under any Commission of Bankruptcy or Sequestration which shall be awarded against any Person or Persons who is or are or shall be indebted to the said Company, or against whom the said Company shall or may have any Claim or Demand, it shall be lawful for any Person who shall from Time to Time in that Behalf be appointed, by Writing under the Hand of the Treasurer or any Three or more of the Directors of the said Company for the Time being, to appear and he is hereby authorized to appear and act on behalf of the said Company in respect of any such Debt, Claim, or Demand before the Commissioners under any Commission of Bankruptcy or Sequestration, either personally, or by his Affidavit, to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Commission or Sequestration; and such Person so to be appointed shall in all such Cases be admitted and allowed to make Proof or tender a Claim under any such Commission or Sequestration on behalf and for the Benefit of the said Company in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees, and signing Certificates or Discharges, and otherwise, in respect of any Debt admitted to be proved on behalf of the said Company, as any other Person being a Creditor of such Bankrupt or Bankrupts in his own Right would have in respect of the Debt proved by him under such Commission or Sequestration.

Persons giving false  
Evidence to  
be punished.

XCIX. And be it further enacted, That if any Person or Persons in any Examination to be taken by virtue of this Act, or where in pursuance of this Act any Oath is required to be taken, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she, or they shall be subject to the same Punishment and Disqualifications as Persons convicted of wilful and corrupt Perjury.

Expences  
of Act.

C. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and incident thereto, shall be paid by the said Directors out of any Monies applicable to the Purposes of this Act.

Old Harbour of Lossiemouth,  
&c. to be  
purchased  
within Three  
Years.

CI. And be it further enacted, That if the said Directors shall not within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, in manner before mentioned, the old Harbour of *Lossiemouth*, and the Tenements and Hereditaments which they are hereby authorized to purchase as aforesaid, or so much thereof as they shall deem necessary and proper for the Purposes of this Act, then and from thenceforth those Powers which are hereby granted to them for such Purpose shall cease and determine and be utterly void.

Powers given  
by this Act  
to cease if  
Works not  
completed  
within Seven  
Years.

CII. And be it further enacted, That in case the aforesaid Harbour and Works intended to be made under the Authority of this Act shall not have been completed so as to answer the Objects of this Act within the Space of Seven Years from the passing thereof, then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine, save only as to such or so much of

such Works as shall have been completed within such Time, and save also as to such Matters as shall have been transacted and such Agreements as shall have been made in pursuance of the Powers herein contained, and so that the said Company be not discharged from any Liability or Obligation to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, arising out of the Provisions herein contained.

CIII. And be it enacted, That no Claim or Action for Damages or other Causes in respect of any thing done or caused by the said Company in the Execution of this Act, except for the Value of any Lands, Tenements, Harbour, Buildings, or Heritages taken or occupied by the said Company, shall be competent against the said Company, or any others acting under their Appointment, unless such Action be commenced within Two Months after the Fact so done or Causes known to the Party or Parties who may bring such Claim or Action. Limitation of Actions.

CIV. And be it 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.

## DUTIES ON GOODS.

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
A.				
Alabaster	per Ton	0	2	0
Ale, Strong	per 50 Gallons	0	0	9
Almonds. <i>See Grocery.</i>				
Alum, Rock	per Cwt.	0	0	1 $\frac{3}{4}$
Anchors	per Ton	0	3	0
Animals. <i>See Cattle.</i>				
Anvils	per Cwt.	0	0	1 $\frac{1}{2}$
Apples. <i>See Fruit.</i>				
Argol	per Cwt.	0	0	1 $\frac{3}{4}$
Arqubusade Water	per Gallon	0	0	0 $\frac{1}{2}$
Ashes, all Kinds	per Cwt.	0	0	1 $\frac{3}{4}$
B.				
Bacon or Hams	per Cwt.	0	0	2 $\frac{1}{4}$
Ballast	per Ton	0	0	1 $\frac{1}{2}$
Barilla	per Ton	0	3	0
Bar Iron. <i>See Iron.</i>				
Bark, Oak	Ditto	0	2	0
Quercitron	Ditto	0	2	8
Barley or Bear. <i>See Corn.</i>				
Barley and all other Grotts	per Cwt.	0	0	1 $\frac{3}{4}$
Barley or Bear Meal. <i>See Corn.</i>				
Barrels, empty Herring	per Barrel	0	0	1 $\frac{1}{2}$
with Fish, Beef, Pork, &c.	Ditto	0	0	4 $\frac{1}{2}$
Baskets under Twelve Inches Diameter	per Dozen	0	0	6
above Twelve Inches Diameter	Ditto	0	1	0
Basket Rods	per Barrel Bulk	0	0	4 $\frac{1}{2}$
Beans. <i>See Corn.</i>				
Bedstead or Sofa	Ditto	0	0	4 $\frac{1}{2}$
Beef or Pork	per Cwt.	0	0	2 $\frac{1}{4}$
Beer, all Kinds, except Black	per 50 Gallons	0	0	9
Black	per Keg of 4 Gallons	0	0	1
Berries. <i>See Fruit.</i>				
Billiard Table	per Barrel Bulk	0	0	4 $\frac{1}{2}$
Birds, Singing	Each	0	0	3
Pigeons	per Dozen	0	0	6
Quails	Ditto	0	1	0
Partridges	Each	0	0	2
Pheasant	Ditto	0	0	4
all not mentioned	-	0	0	1
Biscuit	per Cwt.	0	0	4 $\frac{1}{2}$
Blacking	Ditto	0	0	6
Black Lead. <i>See Lead.</i>				
Bleaching Salts	Ditto	0	0	2 $\frac{1}{4}$

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Blubber - - - -	{ per Ton of 252 } { Imperial Gallons }	0	3	7
Bones of Cattle, &c. - -	per Ton - - -	0	1	6
Books, bound - - - -	per Barrel Bulk - -	0	0	8
unbound - - - -	Ditto - - - -	0	0	4½
old - - - -	Ditto - - - -	0	0	4½
Bottles, Green or Common - -	{ per 6 Dozen Quarts } { and proportionally }	0	0	4½
Earthen or Stone - -	Ditto - - - -	0	0	4½
not enumerated - - -	per 10% Value - - -	0	1	0
broken - - - -	per Ton - - - -	0	0	6
full, in Hampers - - -	{ per 6 Dozen Quarts } { and proportionally }	0	0	9
Boxwood - - - -	per Cwt. - - - -	0	0	1¾
Bran - - - -	per Quarter - - -	0	0	2
Brandy. See <i>Spirits.</i>				
Brass - - - -	per Cwt. - - - -	0	0	2
Bricks - - - -	per 1000 - - - -	0	1	0
Brimstone - - - -	per Cwt. - - - -	0	0	1¾
Bristles - - - -	Ditto - - - -	0	0	9
Brooms, common - - - -	per Dozen - - - -	0	0	1½
Bullrushes - - - -	per Cwt. - - - -	0	0	8
Bulls. See <i>Cattle.</i>				
Butter - - - -	Ditto - - - -	0	0	2¼
C.				
Calves. See <i>Cattle.</i>				
Calves Velves - - - -	per Cwt. - - - -	0	0	2¾
Candles - - - -	Ditto - - - -	0	0	4
Canvass. See <i>Cloth.</i>				
Cane Reeds - - - -	per 200 - - - -	0	1	0
Carboys - - - -	Each - - - -	0	0	4
Cards, Tow, Wool, or Blackbacks - -	per 6 Dozen - - -	0	0	4
Small Factory - - -	per 8 Dozen - - -	0	0	4
in Package - - - -	per Barrel Bulk - -	0	0	4½
Card Tables - - - -	Ditto - - - -	0	0	4½
Carriages, 4 Wheels - - -	Ditto - - - -	0	0	4½
2 Wheels - - - -	Ditto - - - -	0	0	4½
Carpets. See <i>Cloth.</i>				
Carrots - - - -	per Ton - - - -	0	0	8
Carraway Seeds. See <i>Seeds.</i>				
Casks, 32 Gallons or above, empty - -	per 10 Gallons - -	0	0	0¾
under Ditto, empty - -	Ditto - - - -	0	0	0¾
Cattle, viz. Bulls - - - -	Each - - - -	0	1	0
Cows - - - -	Ditto - - - -	0	1	0
Calves - - - -	Ditto - - - -	0	0	6
Horses - - - -	Ditto - - - -	0	2	0
Ponies under 12 Hands - -	Ditto - - - -	0	1	0
Ass or Mule - - - -	Ditto - - - -	0	1	0
Oxen - - - -	Ditto - - - -	0	1	0
Pigs - - - -	Ditto - - - -	0	0	3
Sheep - - - -	Ditto - - - -	0	0	3
Lambs - - - -	Ditto - - - -	0	0	2
all not enumerated - - -	Ditto - - - -	0	0	2

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Caviare	per Cwt.	0	0	3
Cement	Ditto	0	0	1 $\frac{3}{4}$
Chairs, Mahogany	per Chair	0	0	2
Sedan	Ditto	0	2	0
others	Ditto	0	0	2
Chalk	per Ton	0	1	6
Cheese	Ditto	0	3	0
Chesnuds	per Cwt.	0	0	4 $\frac{1}{2}$
Chimney Tops	per 17. Value	0	0	6
Chocolate	per Cwt.	0	1	0
Cider	per 50 Gallons	0	0	9
Cinders and Charcoal	per 3 Bushels	0	0	1
Cinnamon. See <i>Grocery</i> .				
Clay, viz. China or Stone	per Ton	0	0	6
Pipe	Ditto	0	0	6
Clocks	Each	0	1	0
Cloth,				
brown or bleached Linens	per Piece	0	0	1 $\frac{1}{2}$
Osnaburgs	Ditto	0	0	1 $\frac{1}{2}$
Sheeting	Ditto	0	0	1 $\frac{1}{2}$
Dowlas	Ditto	0	0	1 $\frac{1}{2}$
Ducks	Ditto	0	0	1 $\frac{1}{2}$
Raven Ducks	Ditto	0	0	1 $\frac{1}{2}$
Ticklenburgs	Ditto	0	0	1 $\frac{1}{2}$
Drillings	Ditto	0	0	1 $\frac{1}{2}$
Shirtings	Ditto	0	0	1 $\frac{1}{2}$
Silesia	Ditto	0	0	1 $\frac{1}{2}$
Sailcloth or Canvass	per Bolt	0	0	1
Bagging of all Kinds, 34 Inches or under	per Piece	0	0	1
Bagging of all Kinds, above 34 Inches	Ditto	0	0	1 $\frac{1}{2}$
Pimento Bagging	Ditto	0	0	1 $\frac{1}{2}$
Tarpaulings	Ditto	0	0	1 $\frac{1}{2}$
Browns	Ditto	0	0	1 $\frac{1}{2}$
N. B. Linens cut shorter to pay in proportion.				
Sacks made	per 20	0	0	1
Clothiery, superfine	per Barrel Bulk	0	0	9
Ditto, other Qualities	Ditto	0	0	4 $\frac{1}{2}$
Haberdashery, comprehending Cotton Goods, &c.	Ditto	0	0	4 $\frac{1}{4}$
Silks	Ditto	0	0	9
Hosiery	Ditto	0	0	4 $\frac{1}{2}$
Clover Seeds. See <i>Seeds</i> .				
Coaches, Chaises, and Gigs. See <i>Car- riages</i> .				
Coals, Scotch	per Ton	0	1	0
English	per 2 Bushels	}	0	0
Smithy	Ditto			
Cochineal	per Cwt.	0	1	4
Cocoa	per Ton	0	4	0
Cocoa Nuts	per 100	0	0	4
Codilla	per Ton	0	2	6
Coffee	per Cwt.	0	0	3
Confections, all Kinds	per Barrel Bulk	0	0	4

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Copper	per Ton	0	3	0
old	Ditto	0	2	0
Ore	Ditto	0	0	8
Copperas	per Cwt.	0	0	1 $\frac{3}{4}$
Colours	Ditto	0	0	1 $\frac{3}{4}$
Coral	Ditto	0	0	8
Cordage	per Ton	0	3	0
old, not in use	Ditto	0	2	0
Cordial Waters	per Gallon	0	0	1
Cork	per 70 lbs.	0	0	4 $\frac{1}{2}$
Corks	per Barrel Bulk	0	0	4 $\frac{1}{2}$
Corn and Meal. viz.				
Barley and Bigg	per Quarter	0	0	3 $\frac{1}{2}$
Ditto Shelled and Pearl	Ditto	0	0	3 $\frac{1}{2}$
Beans	Ditto	0	0	3 $\frac{1}{2}$
Ditto French	Ditto	0	0	3 $\frac{1}{2}$
Indian Corn	Ditto	0	0	3 $\frac{1}{2}$
Ditto Meal	per 10 Stones	0	0	1 $\frac{1}{2}$
Malt	per Quarter	0	0	3 $\frac{1}{2}$
Oats	Ditto	0	0	3 $\frac{1}{2}$
Oatmeal	per 10 Stones	0	0	1 $\frac{1}{2}$
Peas	per Quarter	0	0	3 $\frac{1}{2}$
Ditto split	per Quarter	0	0	3 $\frac{1}{2}$
Rye	Ditto	0	0	3 $\frac{1}{2}$
Wheat	Ditto	0	0	3 $\frac{1}{2}$
Flour	per Sack	0	0	4 $\frac{1}{2}$
Cotton Cloth. See <i>Cloth.</i> See <i>Haberdashery.</i>				
Cotton Wool, &c.	per 80 Imperial Pounds	0	0	4 $\frac{1}{2}$
Cow, Ox, or Bull's Hair. See <i>Hair.</i>				
Cows. See <i>Cattle.</i>				
Cranberries. See <i>Berries.</i>				
Crystal	per Barrel Bulk	0	0	4 $\frac{1}{2}$
Culm. See <i>Coals.</i>				
Currants. See <i>Grocery.</i>				
D.				
Dogs	Each	0	1	0
Drawers, Chest of	per Barrel Bulk	0	0	4 $\frac{1}{2}$
Drugs	Ditto	0	0	9
Dung and other Manure	per Ton	0	0	6
E.				
Earthenware	per Barrel Bulk	0	0	3 $\frac{1}{2}$
Ebony. See <i>Wood.</i>				
Eggs	Ditto	0	0	4 $\frac{1}{2}$
Elephant's Teeth	per Cwt.	0	0	8
Emery Stones	Ditto	0	0	1 $\frac{1}{2}$
F.				
Feathers	per 80 Imperial Pounds	0	0	4 $\frac{1}{2}$
Figs. See <i>Grocery.</i>				
Fish Oil. See <i>Oil.</i>				
Fish, salted and dry	per Barrel salted	0	0	4 $\frac{1}{2}$
	per Cwt. dry	0	0	2 $\frac{1}{4}$
in Bulk, salted	per 100% in Value	1	5	0

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Flax	per Cwt.	0	0	2½
Flower Roots	per Barrel Bulk	0	0	4½
Flint Stones	per Ton	0	0	6
for Potters. See <i>Stones</i> .				
Flour. See <i>Corn</i> .				
Fruit, viz. Apples	per Bushel	0	0	3
Pears	Ditto	0	0	3
Plums	per Barrel Bulk	0	0	8
Cherries	per Bushel	0	0	3
Grapes	per Cwt.	0	0	3
Nuts (except Cocoa)	per Barrel Bulk	0	0	4½
Melons	Each	0	0	1½
Peaches	per 100	0	0	2
Berries	per Barrel Bulk	0	0	8
all not enumerated	per 10% Value	0	0	10
Furniture, Household	per Barrel Bulk	0	0	4½
Furriers' Waste	per Ton	0	0	4
G.				
Game, viz.				
Hares	per Score	0	3	4
Rabbits	Ditto	0	3	4
all others	Ditto	0	3	4
Garden Seeds. See <i>Seeds</i> .				
Geneva. See <i>Spirits</i> .				
Ginger	per Cwt.	0	0	6
preserved	Ditto	0	1	0
Gingerbread	per Cwt.	0	0	4½
Glass, of all Descriptions	per Barrel Bulk	0	0	4½
Glue	per Cwt.	0	0	4
Goats' Hair. See <i>Hair</i> .				
Grates, Iron, &c.	per Cwt.	0	0	3
Grease	per Ton	0	2	6
Grocery, viz.				
Almonds	per Cwt.	0	0	3¾
Almonds in Shell	Ditto	0	0	4¾
Cinnamon	per Barrel Bulk	0	0	4
Currants	per Cwt.	0	0	1¾
Figs	Ditto	0	0	1¾
Pepper	Ditto	0	0	3
Pimento	Ditto	0	0	2
Plums	Ditto	0	0	2
Prunes	Ditto	0	0	3
Raisins	Ditto	0	0	2¼
Gum Senegal	Ditto	0	0	1½
Gunpowder	Ditto	0	0	6
H.				
Hair, all Kinds	per Cwt. baken	0	0	4½
	Plasterers', per Ton	0	3	9
Hair Powder	per Cwt.	0	0	8
Hardware	per Barrel Bulk	0	0	4½
Harpsichord	Ditto	0	0	4½
Hats	Ditto	0	0	4½
Hay	per Load	0	2	9
Hemp	per Ton	0	3	6



Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Herrings - - - - -	per Barrel - - -	0	0	4½
Hides, raw - - - - -	per Barrel Bulk - - -	0	0	4½
tanned. See <i>Leather.</i>				
Honey - - - - -	per Cwt. - - -	0	0	3
Hooks - - - - -	per 20 Dozen - - -	0	0	4½
Hoops of Wood - - - - -	per 1½. Value - - -	0	0	6
of Iron - - - - -	per Ton - - -	0	3	9
Hops - - - - -	per Cwt. - - -	0	0	6
Horns, Slugs and Tips - - - - -	per 1000 - - -	0	1	8
Horses. See <i>Cattle.</i>				
Household Furniture. See <i>Furniture.</i>				
I.				
Indian Corn, &c. See <i>Corn.</i>				
Indigo - - - - -	per 100 lbs. - - -	0	0	4½
Ink - - - - -	per Gallon - - -	0	0	0¼
Iron, viz.				
Bar, Plate, Bolt, and Rod	per Ton - - -	0	3	0
Forged - - - - -	Ditto - - -	0	3	4
Made Work - - - - -	Ditto - - -	0	5	0
Hoops. See <i>Hoops.</i>				
Old - - - - -	Ditto - - -	0	1	3
Cast Iron Goods - - - - -	Ditto - - -	0	2	6
Old and Broken Goods - - - - -	Ditto - - -	0	0	6
Pig - - - - -	Ditto - - -	0	1	6
Wire - - - - -	per Cwt. - - -	0	0	2
Ivory - - - - -	Ditto - - -	0	0	3
Juniper Berries. See <i>Berries.</i>				
Junk, old. See <i>Cordage.</i>				
K.				
Kelp - - - - -	per Ton - - -	0	1	6
Kilne Pavement - - - - -	per 30 Feet - - -	0	0	4½
L.				
Lard - - - - -	per Ton - - -	0	3	0
Laths. See <i>Wood.</i>				
Lead - - - - -	Ditto - - -	0	3	0
Black - - - - -	Ditto - - -	0	3	0
Ore - - - - -	Ditto - - -	0	3	0
Red and White - - - - -	Ditto - - -	0	3	0
Shot - - - - -	Ditto - - -	0	3	6
Sugar of - - - - -	per Cwt. - - -	0	0	2
Leather, tanned and dressed - - - - -	Ditto - - -	0	0	3
Lemons and Oranges - - - - -	per Chest - - -	0	0	4½
Lignum Vitæ - - - - -	per Ton - - -	0	3	0
Lime - - - - -	per 2 Bushels Imperial - - -	0	0	0¾
Limes - - - - -	per Barrel Bulk - - -	0	0	4½
Liquorice Root - - - - -	per Cwt. - - -	0	0	2½
Linseed. See <i>Seed.</i>				
Oil. See <i>Oil.</i>				
Loam - - - - -	per Ton - - -	0	0	4

[Local.]

Articles of Export and Import.		Weight or Measure.	Rates.		
			£	s.	d.
M.					
Machinery	- - - -	per Barrel Bulk	0	0	4½
Mace	- - - -	per 100 lbs.	0	0	4½
Madder	- - - -	per Cwt.	0	0	2
Roots	- - - -	Ditto	0	0	2
Mahogany	- - - -	per 1%. Value	0	0	3
Malt. See <i>Corn.</i>					
Manganese	- - - -	per Ton	0	3	0
Marble	- - - -	per 100%. Value	3	0	0
Matts or Basses, new	- - - -	per Dozen	0	0	1
old	- - - -	Ditto	0	0	0½
Medals	- - - -	per 10%. Value	0	0	10
Medicines	- - - -	per Barrel Bulk	0	0	9
Meal, all Kinds. See <i>Corn.</i>					
Mill Waste	- - - -	per Ton	0	5	0
Mohair Yarn. See <i>Yarn.</i>					
Molasses	- - - -	Ditto	0	3	0
Morels	- - - -	per Cwt.	0	0	6
Moss, Rock	- - - -	per Ton	0	2	0
Mum	- - - -	per Cwt.	0	0	1½
Mustard	- - - -	per 100 lb.	0	0	4½
N.					
Nuts. See <i>Fruit.</i>					
Nutmegs	- - - -	per Cwt.	0	1	4
Nutgalls	- - - -	Ditto	0	0	4½
O.					
Oakum	- - - -	per Ton	0	6	0
Oats and Oatmeal. See <i>Corn.</i>					
Ochre	- - - -	per Cwt.	0	0	1½
Oil, viz. perfumed	- - - -	per lb.	0	0	0¼
Linseed	- - - -	per Ton of 252 Imperial Gallons	0	4	3
Palm	- - - -	Ditto of Ditto	0	4	3
Rape	- - - -	Ditto of Ditto	0	4	3
Turpentine	- - - -	Ditto of Ditto	0	4	3
Vitriol	- - - -	per Bottle	0	0	4½
Whale or Train	- - - -	per Ton of 252 Imperial Gallons	0	3	7
Cakes	- - - -	per Ton	0	3	0
Onions	- - - -	per Bushel	0	0	3
Oranges. See <i>Lemons.</i>					
Orchella Weed	- - - -	per Cwt.	0	0	1½
Ore of Iron and Lead. See <i>Iron, &amp;c.</i>					
Orrice Root	- - - -	per Cwt.	0	0	1
Oysters	- - - -	per Bushel	0	0	1½
P.					
Paper, viz. Writing	- - - -	per Barrel Bulk	0	0	4½
Lombardy	- - - -	Ditto	0	0	4½
Cartridge	- - - -	Ditto	0	0	4½
Middle	- - - -	Ditto	0	0	4½
Small	- - - -	Ditto	0	0	4½

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Passenger entering or leaving Harbour, } Baggage of - - - - }	per Barrel Bulk -	0	0	4½
Pearl Barley. See <i>Corn.</i>				
Pease. See <i>Corn.</i>				
Pelts - - - - -	per Ton - - - -	0	2	8
Pepper. See <i>Grocery.</i>				
Perry - - - - -	per 50 Gallons -	0	0	9
Pewter - - - - -	per Ton - - - -	0	3	0
old - - - - -	Ditto - - - -	0	1	8
Perfumery - - - - -	per Barrel Bulk -	0	0	4½
Piano Forte or Spinnett - - - - -	Ditto - - - -	0	0	4½
Pictures, under 2 Feet square - - - - -	per Picture - - -	0	0	6
2 and under 4 Feet - - - - -	Ditto - - - -	0	1	0
4 Feet and upwards - - - - -	Ditto - - - -	0	2	0
Pig Iron. See <i>Iron.</i>				
Pigs. See <i>Cattle.</i>				
Pigs' Heads - - - - -	per Cwt. - - - -	0	0	0¾
Pimento. See <i>Grocery.</i>				
Pitch - - - - -	per Barrel - - -	0	0	4½
Plaster of Paris - - - - -	per Ton - - - -	0	2	8
Plated Goods - - - - -	per Barrel Bulk -	0	0	4½
Plate, Silver - - - - -	Ditto - - - -	0	1	0
Plums. See <i>Grocery.</i>				
Pork. See <i>Beef.</i>				
Porter - - - - -	per 50 Gallons -	0	0	9
Potatoes - - - - -	per Ton - - - -	0	1	4
Pomatum - - - - -	per lb. - - - -	0	0	0¼
Poultry, viz. Geese - - - - -	each - - - -	0	0	1½
Turkeys - - - - -	Ditto - - - -	0	0	2
Fowls - - - - -	per Dozen - - -	0	0	6
Ducks - - - - -	per Ditto - - -	0	0	9
Powder of Lead. See <i>Lead.</i>				
Prunelloes - - - - -	per Barrel Bulk -	0	0	8
Prunes. See <i>Grocery.</i>				
Pumice Stones - - - - -	per Cwt. - - - -	0	0	3
Q.				
Quills, manufactured - - - - -	per Barrel Bulk -	0	0	4½
unmanufactured - - - - -	Ditto - - - -	0	0	4½
R.				
Rags - - - - -	per Ton - - - -	0	3	9
Raisins. See <i>Grocery.</i>				
Rape Seeds and Cakes. See <i>Seeds and Cakes.</i>				
Red Lead. See <i>Lead.</i>				
Rice - - - - -	per Cwt. - - - -	0	0	2
Rock Moss. See <i>Moss.</i>				
Ropes - - - - -	in Packages, per Barrel Bulk - - - -	0	0	4½
old - - - - -	in Coil, per Ton -	0	3	0
Rosin - - - - -	per Ton - - - -	0	3	0
Rum. See <i>Spirits.</i>	Ditto - - - -	0	3	9
Rye. See <i>Corn.</i>				

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
S.				
Salt	per Bushel	0	0	0 $\frac{3}{4}$
Rock	Ditto	0	0	0 $\frac{3}{4}$
Saltpetre	per Ton	0	3	4
Salmon	per Ton	0	3	4
Seed, viz.				
Rape and Flax	per Barrel of 32 Gallons	0	0	4 $\frac{1}{2}$
Clover	per Cwt.	0	0	2
Rye Grass	per 8 Bushels	0	0	4 $\frac{1}{2}$
Carvy or Carroway	per Cwt.	0	0	3
Sheep. See <i>Cattle</i> .				
Shoes, of all Kinds	per Dozen	0	0	6
Shumach	per Cwt.	0	0	2 $\frac{1}{4}$
Skins, small, including Seal Skins	per Barrel Bulk	0	0	4 $\frac{1}{2}$
Slates	per 1000	0	3	0
Slate Pencils and Slates	per Barrel Bulk	0	0	4 $\frac{1}{2}$
Smalts	per Cwt.	0	0	2 $\frac{1}{4}$
Smelts	Ditto	0	0	3
Snuff	Ditto	0	0	6
Soap	per Ton	0	3	9
Soapers Waste	Ditto	0	2	0
Soda	Ditto	0	3	9
Spades or Shovels	per 2 Dozen	0	0	4 $\frac{1}{2}$
Spanish Juice	per Ton	0	3	9
Spermaceti	Ditto	0	3	0
Spirits, Foreign	per 50 Gallons	0	1	4
Home	Ditto	0	0	10 $\frac{1}{2}$
Starch	per Cwt.	0	0	3
Steel	per Ton	0	3	9
Straw	per Load	0	0	2
Stones, viz.				
Rubble Freestone	per 100%. Value.	3	0	0
Hewn Ashlar, Ditto	Ditto	3	0	0
Rough Ashlar, Ditto	Ditto	3	0	0
Rubble Causeway	per Ton	0	0	2
Causeway, dressed	Ditto	0	0	4
Pavement, ditto	Ditto	0	0	6
Building	Ditto	0	0	8
Curb	Ditto	0	0	6
Flag or Turin Stones	per 20 Square Feet	0	0	6
Grave Stones, Foreign	each	0	9	0
Ditto, Home	Ditto	0	6	0
Scythe Stones	per 250	0	0	4 $\frac{1}{2}$
Grindstones	per Ton	0	3	0
Mill Stones	each	0	5	0
all not mentioned	per 100%. Value	3	0	0
Stucco	per Ton	0	2	8
Sugar, raw	Ditto	0	2	8
refined	Ditto	0	5	4
Candy	per Cwt.	0	0	2 $\frac{1}{4}$
T.				
Tallow	per Ton	0	3	0
Tanners Waste	Ditto	0	5	0
Tamarinds	per Cwt.	0	0	6
Tar	per Barrel	0	0	4 $\frac{1}{2}$

Articles of Export and Import.	Weight or Measure.	Rates.		
		£.	s.	d.
Tea - - - - -	per 80 Imperial lbs. -	0	0	9
Thread - - - - -	per Barrel Bulk -	0	0	6
Tiles - - - - -	per 1000 - - - - -	0	2	0
Tin of all Kinds - - - - -	per Ton - - - - -	0	3	0
Plates - - - - -	Ditto - - - - -	0	3	0
Tobacco - - - - -	{ In Leaf, per Cwt. - } { Manufactured, per } { 100 lbs. - - - - - } { Stalks, per 1 Cwt. - }	0	0	2½
		0	0	4½
		0	0	3
Tongues, smoked - - - - -	per Dozen - - - - -	0	0	1½
pickled - - - - -	Ditto - - - - -	0	0	4
Tortoise Shell - - - - -	per Cwt. - - - - -	0	0	8
Tow - - - - -	per Ton - - - - -	0	3	4
Toys - - - - -	per Barrel Bulk -	0	0	4½
Treenails. See <i>Wood.</i>				
Turmeric - - - - -	per Cwt. - - - - -	0	0	1½
Turnery - - - - -	per 10%. Value -	0	0	10
Turnips - - - - -	per Ton - - - - -	0	0	6
Turpentine. See <i>Oil.</i>				
Twine - - - - -	per Cwt. - - - - -	0	0	3
V.				
Valonia - - - - -	per Ton - - - - -	0	2	8
Vases or Sculptured Marble - - - - -	per Barrel Bulk -	0	0	8
Verdigrease - - - - -	per Cwt. - - - - -	0	0	1¾
Vermillion - - - - -	Ditto - - - - -	0	0	8
Vinegar - - - - -	per 50 Gallons -	0	0	9
Vitriol. See <i>Oil.</i>				
W.				
Whalebone or Whalefins - - - - -	per Ton - - - - -	0	3	6
Wheels, Coach or Cart - - - - -	per Pair - - - - -	0	0	9
White Fish. See <i>Fish.</i>				
Whitening - - - - -	per Ton - - - - -	0	1	8
Willow Reeds - - - - -	per Barrel Bulk -	0	0	4½
Wine - - - - -	per 50 Gallons -	0	1	6
Wood of all Kinds, whether in Logs, Deals, Planks, Staves, or any other Way whatever, and whether Foreign or Home	} per 1%. Value - - - - -	0	0	6
Wool, raw, all Kinds - - - - -		per 80 lbs. - - - - -	0	0
combed - - - - -	per 100 lbs. - - - - -	0	0	4½
Woad or Wald - - - - -	per Ton - - - - -	0	4	6
Worsted Yarn. See <i>Yarn.</i>				
Y.				
Yarn, viz. Lint - - - - -	per Ton - - - - -	0	4	6
Cotton - - - - -	Ditto - - - - -	0	4	6
Tow - - - - -	Ditto - - - - -	0	3	0
Hemp - - - - -	Ditto - - - - -	0	3	6
Worsted - - - - -	Ditto - - - - -	0	4	6

4° & 5° GULIELMI IV. *Cap. lxxxvi.*

## EXEMPTIONS FROM DUTIES IN SCHEDULE (A.)

1. All returned empty Boxes, Barrels, Sacks, and Packages are exempted from Duties.
2. All Goods landed from any Vessel, and re-shipped in the same Vessel, in the original Packages, and without being transferred from the Lander, or if the said Goods have been put into other Packages from the original Packages having been destroyed or damaged, shall only pay Duties on landing, and may be re-shipped in the same Vessel upon her Departure outwards, without paying Duties again.
3. All Goods landed from one Vessel, and re-shipped in the original Packages by another Vessel, shall, upon Re-shipment, pay One Half of the Rate of Duties paid upon landing.
4. All Goods having paid Duties and Half Duties, and belonging still to the same Person, and under the same Voyage, shall not be again liable to Duties, though such Goods should require again to be landed or to be re-shipped by the original Proprietor.
5. All empty Casks or other Stores shipped for or upon being returned from the Fishery, or from conveying Oil to Market, shall be exempted from Duties, as also Ships' Provisions, when taken on board for a Voyage outwards, or landed from the same Ship in consequence of not having been expended during the Voyage, provided the said Provisions do not exceed what is considered sufficient for the Voyage.
6. The Barrel Bulk is understood in the foregoing Schedule to contain Five Cube Feet, except when the said Measure shall exceed Two Hundred Weight and Two Quarters in Weight, in which Case such Packages or Articles are to be bulked at the Rate of Two Hundred Weight and Two Quarters for the Barrel.

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 SCHEDULE (B.) to which this Act refers.

## TONNAGE DUTIES.

*Class I. For all Vessels except Herring Boats.*

	£	s.	d.
For all Vessels belonging to any Port of Great Britain or Ireland when on a Voyage to or from any Port in Great Britain or Ireland, entering the Harbours of Stotfield and Lossiemouth for Safety or Convenience, per registered Ton	0	0	3
For all Vessels belonging to any Port of Great Britain or Ireland, entering the said Harbours from any Port in Great Britain or Ireland, with Cargoes or Parts of Cargoes to unload, or loading Cargoes or Parts of Cargoes for any Port in Great Britain or Ireland, per Ton	0	0	3½
For all Vessels belonging to any Port of Great Britain or Ireland, entering the said Harbours for Safety or Convenience, when on a Voyage to or from any Foreign Port, per Ton	0	0	4
For all Vessels belonging to any Port of Great Britain or Ireland, entering the said Harbours, and loading Cargoes or Parts of Cargoes for or unloading Cargoes or Parts of Cargoes from any Foreign Port, per Ton,	0	0	6
For all Foreign Vessels entering the said Harbours for Safety or Convenience, per Ton	0	1	0
For all Foreign Vessels entering the said Harbours, to load or unload Cargoes therein, per Ton	0	1	6

But it shall be in the Option of the Company to charge the Tonnage Duties on the Voyage Inwards or the Voyage Outwards at the Rates specified in the above Schedule, according as the Voyage may be Coasting or Foreign; and if the Charge be made on the Outward Voyage there shall be deducted from it the Amount of the Duties that may have been previously paid on the Voyage Inwards, but if such Vessels sail in Ballast they shall be charged with Duties on the Inward Voyage only: Declaring hereby that Tonnage Duty shall only be once exigible upon a Vessel entering the Harbours, notwithstanding that such Vessel may unload one Cargo and load another.

*Class II.*

	£	s.	d.
For every Ship, Brig, Sloop, Bark, Lighter, Yacht, Steam Vessel, Steam Boat, or other Vessel or Boat whatever, entering or arriving at the said Harbours for the Purpose of landing or taking on board any Goods, Passenger or Passengers, or touching at or taking the Advantage or Benefit of any of the Piers or Quays of the said Harbours, from any Country, Island, or Place whatever not before named in this Schedule, for each and every Ton the same shall measure	-	0	0 8

*Class III.*

	£	s.	d.
For all Herring Boats for the Period of their Fishing Season, to be paid at the Commencement of the Fishery, and that in lieu of all other Tonnage Duties payable for such Herring Boats, each	-	0	7 6
For all Herring Boats and other Boats coming into the said Harbours, whether on account of Stress of Weather or from any other Cause whatever, the following Tonnage Duties; viz.			
If under 20 Tons, each	-	0	1 0
If above 20 and under 30 Tons, each	-	0	1 6
And all above 30 Tons the same as Coasting Vessels.			

## 4° &amp; 5° GULIELMI IV. Cap. lxxxvi.

## SCHEDULE (C.) to which this Act refers.

*Property to be taken for the Purposes of this Act in the County of Elgin.*

	Description of Property, and where situated.	Owners or reputed Owners.	Occupiers.
1	The old Harbour of Lossiemouth, situated in the Parish of Drainey, with its Appurtenances, and all Dues, Privileges, and Immunities thereto belonging.	The Magistrates and Town Council of the Burgh of Elgin, for the Behoof of the Community of said Burgh.	
2	Five Acres or thereby of Pasture Land, also in the Parish of Drainey.	Colonel James Brander.	Mr. John Stephen.

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