

and Additions which shall be made thereto by virtue of this present Act, from Stones, Shingle, Rocks, Dirt, Mud, and other Obstructions whatsoever; and also to maintain, repair, and preserve the Piers, Quays, Jetties, and other Works at present belonging to the said Harbour of *Frazerburgh*, and to alter and extend the same or any Part thereof, as the said Commissioners shall judge to be necessary for the more effectual Improvement of the said Harbour; and likewise to build and erect, or cause to be built and erected in the said Harbour, Piers, Quays, Jetties, Basins, Breastworks, Docks, Locks, and other necessary Works for the Improvement thereof; and to construct or cause to be constructed in and about the said Harbour such other Works as shall be deemed proper and necessary for the Improvement of the same, and for the more safe and easy Reception of Ships and Vessels resorting thereto, and for the more convenient lading and unlading and Accommodation of such Ships and Vessels, and for executing the several other Powers and Authorities by this Act granted and committed to them.

Meetings to be held by them.

II. And be it enacted, That the said Commissioners shall hold their First General Meeting for the Purpose of carrying this Act and the Powers hereby committed to them into Execution, upon the Third *Thursday* after the passing of this Act, at the usual Place of Meeting of the said Magistrates and Town Council, and that thereafter Four General Meetings of the said Commissioners shall be held in every Year during the Continuance of this Act, in any Place within the said Burgh which they shall from Time to Time appoint; *videlicet*, upon the First *Thursday* of *February*, the First *Thursday* of *May*, the First *Thursday* of *August*, and the First *Thursday* of *November* in each and every Year, for the Purpose of putting this Act and the Powers hereby committed to them into Execution, beginning such Quarterly Meetings upon the First *Thursday* of *August* next after the passing of this Act; and the Town Clerk of the said Burgh for the Time being shall cause the whole Commissioners to be summoned to attend the First of the said General Meetings, by written or printed Notices to be given to each of them personally, or left at their respective Dwelling-houses or Places of Abode, at least Forty-eight Hours previous to the Time of such Meeting: And the Clerk to the said Commissioners shall, upon Requisition made to him under the Hands of any Two of the said Commissioners, cause occasional Meetings of the said Commissioners to be summoned; provided nevertheless, that previous Notice of all such occasional Meetings shall be given by the Clerk to the said Commissioners in like Manner as is hereinbefore directed with respect to the said First General Meeting; and at all such Meetings it shall be in the Power of the Commissioners present to adjourn to such Time or Times as they shall see fit and expedient; and at all Meetings of the said Commissioners the Commissioners present shall defray their own Expences.

Quorum of Commissioners.

Preses of Meetings.

III. And be it enacted, That at all Meetings of the said Commissioners Five shall be a Quorum, and all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at such Meetings, provided the whole Number present at such Meetings be not at any Time less than Five; and that the Bailie of Regality of the said Burgh, and in his Absence the senior Magistrate, and in Absence of all the Magistrates, a Person to be chosen by the Meeting, shall preside at

at all Meetings of the said Commissioners ; and as often as it shall or may happen that there shall be an equal Number of Votes of the Commissioners present at any Meeting upon any Question made before them, the Præses shall, besides an original Vote, have a decisive or casting Vote.

IV. And be it enacted, That no Order made by the said Commissioners shall be revoked or altered, unless at some Meeting to be holden for that special Purpose, and to be called by the Clerk to the said Commissioners in Manner as before directed for calling the said First General Meeting of the said Commissioners, by written or printed Notices, which shall specify the Time and Place for holding such Meeting, and the Object thereof, and unless as many Commissioners at least shall attend at such Meeting to revoke or alter such Orders as were present when the same was made ; any Thing contained in this Act to the contrary notwithstanding.

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

V. Provided always, and be it enacted and declared, That no Person or Persons holding any Place of Profit arising out of or by reason of any Rates or Duties by this Act granted shall be capable of acting as a Commissioner under this Act during the Time that he shall hold such Place of Profit as aforesaid.

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

VI. And be it enacted, That the Piers, Quays, Breasts, and other Works already made, built, and erected, or to be made, built, and erected in and about the said Harbour of *Frazerburgh* by virtue of this Act, shall be and the same are hereby vested in the said Commissioners to and for the Ends and Purposes as aforesaid, and they are hereby authorized and empowered, in the Name of their Clerk or Treasurer for the Time being (to be appointed as herein-after mentioned), to raise, maintain, and follow forth all Actions and Suits at Law or in Equity against any Person or Persons whatsoever, in relation to the said Harbour, Piers, Quays, Breasts, and other Works, or in regard to any Matter or Thing arising under this Act, and to defend the said Commissioners in any such Actions or Suits ; and no such Actions or Suits shall abate by the Death or Removal of any such Clerk or Treasurer, but the Clerk or Treasurer of the said Commissioners for the Time being shall be and be held to be the Pursuer or Defender therein.

Quays, &c. vested in the Commissioners.

VII. And be it enacted, That it shall and may be lawful to and for the said Commissioners to nominate and appoint a Clerk or Clerks, Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, and such other Officers and Servants as they shall judge necessary to be employed under them for carrying this Act into Execution, and from Time to Time to remove such Officers and Servants, or any of them, and to appoint other or others in their Stead, and to settle such reasonable Remuneration for them and every of them as to the said Commissioners shall appear to be just and proper ; and the Collector or Collectors, Receiver or Receivers, Treasurer or Treasurers, or Person or Persons to be appointed to receive the said Rates and Duties, and all and every of them, shall give good and sufficient Security to the said Commissioners for answering and paying the Monies arising from the same, and which shall be by him or them respectively collected or received, and shall make Oath to the Truth of his or their Accounts so often as required by the said Commissioners.

Appointment of Officers.

VIII. And

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Commissioners and Creditors.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Harbour, and of the several Articles, Matters, and Things for which such Sums of Money shall have been paid, laid out, and expended; which Book or Books shall, at all reasonable Times, be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rates and Duties hereby granted, without Fee or Reward; and the said Commissioners and Creditors, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit the said Commissioners or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and recovered in Manner hereinafter mentioned.

Clerk not to act as Treasurer, and vice versa.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or, being the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered by an Action in any Court competent within that Part of *Great Britain* called *Scotland*.

Former Rates and Duties to cease.

X. And be it further enacted, That from and after the passing of this Act, the Rates and Duties at present payable to the Magistrates and Town Council of the said Burgh of Regality, upon all Goods, Merchandize, Wares, or Commodities imported into and exported out of the said Harbour of *Frazerburgh*; and upon all Ships, Vessels, Barks, Lighters, and Boats coming into or going out of, or loading or unloading in the said Harbour of *Frazerburgh*, shall cease and determine.

Rates and Duties.

XI. And be it enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Commissioners, and to and for the Person or Persons appointed by them as aforesaid, instead of the Rates and Duties at present payable, to demand, collect, receive, and take of and from all and every the Owner or Owners of all Goods, Merchandize, Wares, or Commodities whatsoever, which shall be imported into or exported out of the said Harbour of *Frazerburgh* in any Ship, Vessel, Bark, Lighter, or Boat, or that shall be loaded into or unloaded out of any Ship, Vessel, Bark, Lighter, or Boat, coming into or going out of the said Harbour, or from their Agents, Factors, or Managers, the Sum of Three-pence Sterling *per* Barrel Bulk, where such Goods, Merchandize, Wares, or Commodities shall belong
to

to Burgeſſes of the ſaid Town of *Fraſerburgh*; and the Sum of Four-pence Sterling *per* Barrel Bulk, where ſuch Goods, Merchandize, Wares, or Commodities ſhall belong to other Perſons not being ſuch Burgeſſes as aforeſaid; and in like Manner, in place of the Rates and Duties which; by the preſent Uſage and Cuſtom of the ſaid Harbour, are not chargeable by the Barrel Bulk, to demand, collect, receive, and take, from all and every the Owner or Owners of ſuch Goods, Merchandize, Wares, or Commodities, the ſeveral Rates and Duties ſpecified and contained in the Schedule hereunto annexed: Provided always, that where the ſaid Duties ſhall have been once paid upon ſuch Goods, Merchandize, Wares, or Commodities, on being loaded or unloaded as aforeſaid; ſuch Duties ſhall not be again paid on loading or unloading the ſame Goods, Merchandize, Wares, or Commodities in the original Packages, unleſs the Property thereof ſhall have been changed to another Owner or Owners, or the Goods packed in other Packages, in which Caſe the Duties aforeſaid ſhall be paid as if the ſame had not been before paid.

XII. And be it enacted, That where any Goods, Merchandize, Wares, or Commodities whatſoever, ſhall be landed without the ſaid Harbour, and within the Regality of *Fraſerburgh*, or the Precincts thereof, with the Knowledge of the Shoremaſter or Officer, appointed by the ſaid Commiſſioners to ſuperintend the landing and ſhipping of Goods, the Owners and Proprietors of ſuch Goods, Merchandize, Wares, or Commodities, ſhall pay the ſame Rates and Duties, as would have been exigible on ſuch Goods, Merchandize, Wares, or Commodities, had the ſame been landed within the ſaid Harbour; and if the ſame ſhall be ſo landed as aforeſaid without the Knowledge of the Shoremaſter or other Officer as aforeſaid, the Owners and Proprietors thereof ſhall pay Double the Rates and Duties which would have been exigible, if ſuch Goods, Merchandize, Wares, or Commodities had been landed within the ſaid Harbour.

For Goods landed without the Harbour.

XIII. And be it enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and to and for the Perſon or Perſons appointed by them as aforeſaid, inſtead of the Tonnage Duties at preſent payable, to demand, collect, receive, and take the Tonnage Duties following; (that is to ſay), to demand, collect, receive, and take of and from the Maſters and Owners of all Ships, Veſſels, Barks, and Lighters, and of all Boats of the Tonnage of Ten Tons and upwards, coming into the ſaid Harbour, whether on account of Streſs of Weather, or on any Account whatſoever, if belonging to the Harbour of *Fraſerburgh*, the Sum of Three-pence *per* Ton for each and every Ton that ſuch Ships, Veſſels, Barks, Lighters, and Boats ſhall meaſure of Tonnage Duty, and the Sum of One Halfpenny *per* Ton of Ballaſt Duty; and if not belonging to the ſaid Harbour, the Sum of Four-pence *per* Ton for every ſuch Ton as aforeſaid of Tonnage Duty, and the Sum of One Penny *per* Ton of Ballaſt Duty; and of and from the Maſters and Owners of all Boats, (except Herring Boats) under the Burthen of Ten Tons, the Sum of One Shilling of Tonnage Duty, and the Sum of One Penny of Ballaſt Duty: Provided always, that every Ship, Veſſel, Bark, Lighter, or Boat, for which ſuch Duties as aforeſaid ſhall have been paid, ſhall not be liable in the Payment of Port Duties, if ſuch Ship, Veſſel, Bark, Lighter, or Boat ſhall put back and return to the ſaid Harbour upon and during the ſame Voyage for which the Tonnage Duty aforeſaid has been paid.

Tonnage Duty.

[Local.]

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XIV. And

Duty on
Herring
Boats.

XIV. And be it enacted, That it shall and may be lawful to and for the said Commissioners, and to and for the Person or Persons appointed by them as aforesaid, to demand, collect, receive, and take of and from the Masters and Owners of all Herring Boats, One Crane of Herrings as Tonnage Duty for the Period of their Fishing Season, and that in lieu of all other Tonnage Duties payable for or on account of such Herring Boats, to be paid out of the first Herrings that may be caught.

Rates for
wintering in
the Harbour.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and to and for such Person or Persons as they shall appoint, to demand, collect, receive, and take of or from the Masters and Owners of all Ships, Vessels, Barks, Lighters, or Boats belonging to the said Harbour of *Frazerburgh*, which shall lay up or winter in the said Harbour of *Frazerburgh* during the Winter Months, (such Months to be accounted from the Thirty-first Day of *October* to the First Day of *April*) the Sum of Three-pence for each and every Ton which such Ships, Vessels, Barks, Lighters, or Boats shall respectively measure; and of and from the Masters and Owners of all Ships, Vessels, Barks, Lighters, or Boats, not belonging to the said Harbour of *Frazerburgh*, Double the Rate above mentioned: Provided always, that such Ships, Vessels, Barks, Lighters, or Boats shall remain in the said Harbour for the Space of Six Weeks, or for any longer Period.

King's Ships
exempted.

XVI. Provided always, and be it enacted, That all Ships and other Vessels belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service of the Board of Ordnance, of His Majesty's Postmaster or Postmasters General, or of the Boards of Customs and Excise respectively, using the said Harbour, shall be exempted from the Payment of all and every the Rates and Duties hereby granted.

Tonnage of
British Ships
to be ascer-
tained by
their Register.

XVII. And be it further enacted, That in all Cases wherein it shall be necessary to ascertain the Tonnage of any *British* or *Irish*-built Ship, Vessel, Bark, Lighter, or Boat having a Register, for the Purposes of this Act, the Production of the Register of such Ship, Vessel, Bark, Lighter, or Boat, shall be deemed sufficient for that Purpose, without an actual Admeasurement of such Ship, Vessel, Bark, Lighter, or Boat; and the Master or Owner, or other Person having the Command or Management thereof, is hereby required to produce and shew such Register accordingly, under a Penalty, in case of Refusal, not exceeding Five Pounds.

Officers to be
appointed by
the Commis-
sioners to
measure
Foreign Vef-
sels, &c.

XVIII. And be it further enacted, That the said Commissioners shall and are hereby authorized to appoint a proper Person or Persons for the Purpose of ascertaining the Tonnage of any Foreign Ships, Vessels, Barks, Lighters, or Boats, and of all other Ships, Vessels, Barks, Lighters, 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, Barks, Lighters, or Boats; and such Person or Persons is or are hereby empowered and required to admeasure the same accordingly, according to the Directions of an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled *An Act for the further Increase and Encouragement of Shipping and Navigation*.

Penalty on
Persons ob-

XIX. And be it further enacted, That in case the Master or other Person having the Command of any Ship, Vessel, Bark, Lighter, or Boat liable

to any of the Duties imposed by this Act, or any other Person whatsoever, shall obstruct or hinder the said Commissioners, or the Persons or Person appointed to collect the Rates or Duties hereby made payable, or the Person or Persons employed or appointed to admeasure Ships, Vessels, Barks, Lighters, or Boats in pursuance of this Act, from entering on board such Ship, Vessel, Bark, Lighter, or Boat, or taking the Admeasurement thereof, such Master or other Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be recovered as herein-after mentioned.

structing the measuring of Ships, &c.

XX. And the more effectually to prevent any Delay or Evasion in the Payment of the Rates and Duties aforesaid, be it enacted, That it shall not be lawful for the Collector or other Officers of His Majesty's Customs at the said Harbour of *Frazerburgh*, under the Penalty of Ten Pounds Sterling, to be forfeited and paid in case of Contravention, to clear any Ship or Vessel Outwards or Inwards, or to endorse any Clearance, until there shall be produced and shewn to him or them, by or on the part of the Person or Persons liable in the Payment of the Rates and Duties by this Act granted, either a sufficient Voucher of the Payment thereof, or a Certificate under the Hand of the Clerk to the said Commissioners, specifying that the Sum demanded on that Account has been consigned and lodged in his Hands, with sufficient Security by the Consigner for the Payment of all Damages, Costs, and Expences which may be sustained or incurred in consequence of Delay or Refusal of Payment; as the same shall be ascertained and determined by the Bailie of *Frazerburgh*; but in case it shall be found by the said Bailie, after a full Hearing of both Parties, that any further or higher Demand has been made in respect of such Rates and Duties than what is authorized by this Act, in that Event the Person or Persons making the same shall be found liable and decreed to pay to the Party complaining thereof such a Sum in the Name of Damages and Expences as shall be judged reasonable and adequate by the said Bailie, to be recovered in Manner herein-after mentioned; and the said Bailie is hereby authorized and empowered to hear, determine, and decide in a summary Way upon all such Questions and Disputes as may happen to be brought before him by any of the Parties before mentioned.

Ships not to be cleared till Duties paid.

XXI. And be it enacted, That it shall and may be lawful to and for the said Commissioners, and to and for such Person or Persons as shall from Time to Time be for that Purpose appointed by them, in case of Delay or Refusal of Payment of the Rates and Duties aforesaid by the Owner, Master, or other Person having the Charge of any Ship, Vessel, Bark, Lighter, or Boat, to seize, take, and detain any of the Goods, Merchandize, Tackle, Furniture, and Apparel of or belonging to any such Ship, Vessel, Bark, Lighter, or Boat, and the same to detain and keep until the said Rates and Duties be satisfied and paid; and that in case of any Neglect or Delay in the Payment of the said Rates and Duties or any of them for the Space of Three Days after such seizing, taking, or detaining as aforesaid, it shall and may be lawful to and for the said Commissioners, and to and for such Person or Persons appointed by them as aforesaid, to cause the Matters or Things so seized, taken, or detained as aforesaid, to be appraised by any Two or more sufficient Persons, and afterwards to sell and dispose thereof, and therewith to satisfy the Rates and Duties so neglected or delayed to be paid, together

On Non-payment, Rates and Duties may be levied by Distress and Sale.

together with the Charge of such seizing, taking, detaining, and selling (as the same shall be ascertained by the Sellers upon Oath), rendering to the Master or Owner of such Ship, Bark, Boat, Lighter, or other Vessel, or to the Owners of such Goods, the Overplus (if any be) on Demand.

Penalty on
Persons
evading Pay-
ment of the
Rates.

XXII. And be it further enacted, That if any Master, or any Owner, Factor, or Consignee of any Ship, Vessel, Bark, Lighter, or Boat, or any Owner or Proprietor of any Goods, Wares, or Merchandize liable in the Rates and Duties by this Act imposed, shall at any Time after the passing of this Act elude or evade the Payment of any Rates and Duties hereby granted by any Method whatsoever, every Person so eluding or evading the Payment of these Rates and Duties aforesaid shall for every such Offence forfeit to the said Commissioners any Sum not exceeding Five Pounds Sterling, and shall notwithstanding stand charged with and be liable to the Payment of the said Rates and Duties.

Commission-
ers may set
the Rates and
Duties.

XXIII. And be it enacted, That it shall be lawful to and in the Power of the said Commissioners to let in Lease to the best Bidder or Bidders, by Public Roup or Auction, the Rates and Duties aforesaid, for any Term or Space not exceeding Three Years: Provided always, that such Roup or Auction shall be advertised in some Newspaper circulated in the said Town, Three several Times, Fourteen Days at least before such Roup or Auction; and it shall be lawful to and in the Power of the said Commissioners to take such Obligations from the Lessee or Lessees, Tackfman or Tacksmen of the Rates and Duties aforesaid, and such Security for the due Performance of such Obligations, as to the said Commissioners shall seem fit and expedient.

Application
of Rates and
Duties.

XXIV. And be it further enacted, That all and every Sum and Sums of Money which shall be levied and received from the Rates and Duties aforesaid, or the Rents thereof, shall, after paying the Expences of preparing, applying for, and obtaining and passing this Act, be applied by the said Commissioners for and towards the Expences of deepening, cleansing, enlarging, and improving the said Harbour of *Frazerburgh*, and for keeping and maintaining the Piers, Quays, Breasts, and other Works already built therein, in good Order and Repair, and for and towards making, erecting, building, and finishing such other Piers, Quays, Breasts, and other Works for the Improvement thereof, and for paying the Officers and Servants to be employed in and about or concerning the same, and towards the Payment and Discharge of such Sum and Sums of Money as shall be borrowed by the said Commissioners upon the Credit of the said Rates and Duties in Manner herein-after mentioned, and to no other Use or Purpose whatsoever.

For borrow-
ing Money.

XXV. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money not exceeding at any one Time the Sum of Twelve thousand Pounds, and to grant, assign, and set over the aforesaid Harbour, and the Works made and erected thereon, and the Rates and Duties given and granted by this Act, to any Person or Persons whatsoever who shall be willing to advance and lend Money thereon, for securing the Payment of the same,
with

with Interest, respectively; and the Assignments to be executed thereupon shall be made and granted, under the Hands of the said Commissioners or any Five or more of them, in Form or to the Effect following; that is to say,

‘ BY virtue of an Act of Parliament made in the Year of
 ‘ the Reign of King *George* the Third, intituled [*here insert the Title*
 ‘ *of this Act*] We, of the Commissioners thereby appointed, in
 ‘ consideration of the Sum of advanced and paid to us
 ‘ by *A. B.* of do hereby sell, assign, and make over to the
 ‘ said *A. B.* his Heirs, Executors, Administrators, and Assignees, the
 ‘ aforesaid Harbour, Docks, and other Works therein, and all and sundry
 ‘ the Rates and Duties payable to us by virtue of the said Act in relation
 ‘ thereto, and all our Right, Title, and Interest of, in, and to the same,
 ‘ to be held by the said *A. B.* and his forefaids, until the said Sum of
 ‘ with the legal Interest thereof, shall be fully satisfied and
 ‘ paid. In Witness whereof, We, the undersigned Commissioners, have
 ‘ subscribed these Presents, written by at
 ‘ the Day of before these Witnesses

And the said Commissioners shall not be personally liable by reason of having signed such Assignments; and all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Rates and Duties, according to their respective Sums in such Assignments 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 or Books to be kept by the Clerk to the said Commissioners, which Book or Books shall and may be perused at all reasonable Times by any of the said Commissioners, or Persons lending Money as aforesaid, 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, her, or their Hands, in the Form or to the Effect following; that is to say,

‘ I *A. B.* of in consideration
 ‘ of the Sum of paid by *C. D.* of
 ‘ do hereby transfer the Assignment made by the Commissioners of the
 ‘ Harbour of *Frazerburgh* to bearing Date
 ‘ the Day of for securing the Sum of
 ‘ and all Interest now due and to become due thereon, and all my Right
 ‘ and Property therein, to the said *C. D.* his Heirs, Executors, Admini-
 ‘ strators, and Assignees. In Witness whereof I subscribe these Presents,
 ‘ written by at the
 ‘ Day of before these Witnesses

And such Transfer may be endorsed upon the principal Assignment, or on a Paper apart, and the Person to whom such Transfer shall be made may make another such Transfer thereof, and so often as such Assignment is meant to be transferred; and every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk of the said Commis-
 [Local.] 6 I sioners,

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

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

XXVI. And be it enacted, That all Ships, Vessels, Barks, Lighters, or Boats, which shall be laid by as unfit for Sea Service, or neglected by the Owner or Owners thereof, shall not be permitted to be and remain in or at any of the Piers, Quays, or other Works erected or to be erected within the said Harbour of *Fraserburgh*, so as to encumber the same; but in every such Case it shall and may be lawful to and for the said Commissioners, or any Person or Persons whom they shall authorize for that Purpose, immediately to cause such Ships, Vessels, Barks, Lighters, or Boats, and every of them, to be, at the Charges and Expences of the Owner or Owners of the same, removed from the said Piers, Quays, or other Works, or any of them, and to lay the said Ships, Vessels, Barks, Lighters, or Boats on any Part of the Strand or Sea Shore within the High Water Mark, or any other Place of Safety without the said Harbour, and there to moor such Ships, Vessels, Barks, Lighters, or Boats; and before Demand of Payment is made by the said Commissioners, or the Persons authorized by them as aforesaid, from the Owner or Owners, Master or Agent of any such Ship, Vessel, Bark, Lighter, or Boat as aforesaid, such Charges and Expences shall be first examined and allowed by the Bailie of *Fraserburgh* for the Time being; and in case of Refusal or Neglect of Payment of such Charges and Expences allowed as aforesaid, for the Space of Three Days after Demand thereof made, then and in every such Case it shall and may be lawful to and for the said Commissioners, or the Person authorized by them as aforesaid, to levy such Charges and Expences by Distress and Sale of such Ship, Vessel, Bark, Lighter, or Boat, or any of the Tackle, Apparel, or Furniture of the same or any Part thereof, rendering the Overplus (if any be, after deducting the Charge of taking, keeping, and Sale of such Distress) to the Owner or Owners, Master or Agent, of such Ship, Vessel, Bark, Lighter, or Boat, whenever the same shall be demanded.

Goods, &c.
not to remain
above a cer-
tain Time at
the Quays.

XXVII. And be it also enacted, That it shall not be lawful to nor in the Power of any Person or Persons who shall have landed or caused to be landed and laid any Goods or Merchandize, Timber, Wood of any Kind, Masts, Yards, Pumps, Boats, Anchors, Cables, Casks, Guns, Ballast, Paving or other Stones, Limestone, Lime, Chalk, Slates, Dung, or Manure, or any other Thing, (other than Materials for the necessary Repair of the Piers, Quays, and other Works before mentioned, or for the Purpose of being immediately shipped, or immediately on landing the same), upon any of the Piers, Quays, or Landing-places already constructed or hereafter to be constructed within the said Harbour, or on any of the adjacent Streets and Avenues leading to or upon the same or any of them, to permit the same or any Part thereof to continue, remain, and lie thereon for any longer Time than Forty-eight Hours; and in all Cases where the same shall have so continued beyond the Space of Forty-eight Hours, it shall and may be law-
ful

ful to and for the said Commissioners, or any Person or Persons authorized and appointed by them as aforesaid, to remove or cause to be removed all such Goods or Merchandize, and other Things aforesaid, which shall be found continuing, remaining, and lying on the said Piers, Quays, or other Places as aforesaid, above the said limited Time, to some Place or Places of Safety, and there to detain and keep the same till Payment of the Charges of such Removal and Detention, and of such Consideration besides to the said Person or Persons authorized as aforesaid, for their Trouble in and about such Removal and Detention, as the said Bailie of *Frazerburgh* shall award to be reasonable; and if such Charges and Expences, and such Consideration, shall not be paid within the Space of Three Days after Demand made thereof by the said Person or Persons authorized as aforesaid by the said Commissioners, then and in that Case the said Commissioners are hereby authorized and required to levy the same by Distress and Sale of the said Goods or Merchandize and other Things so respectively removed and detained as aforesaid, and to render the Overplus (if any be, after deducting the Charges of removing, detaining, and selling the same) to the Owner or Owners of such Goods or Merchandize, and other Things aforesaid, whenever the same shall be demanded.

XXVIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered, out of any of the Rates and Duties aforesaid, to rent or hire by the Year or otherwise any convenient Warehouse, Yard, or other Place for the receiving and safe keeping or lodging of such Goods and other Things so to be removed from off the Piers, Quays, and other Places as aforesaid, or to enclose, erect, or build any such Yard, Warehouse, or other Building on their own Ground, or on Ground to be purchased by them, as to them shall seem most meet.

For providing
Warehouses.

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

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

XXX. And

For removing
Vessels.

XXX. And be it also enacted, That the said Commissioners, or such Person or Persons as they shall authorize and appoint, shall and may, and he and they are hereby authorized and empowered, when and so often as he or they shall judge necessary, to remove or cause to be removed any Ship, Vessel, Bark, Lighter, or Boat lying in any of the Entrances or Passages of the said Harbour of *Frazerburgh*, or at any Pier, Quay, and Breast already built or hereafter to be built by virtue of this Act, or in any other Part of the said Harbour, from the Birth or Lying-place at which such Ship, Vessel, Bark, Lighter, or Boat shall happen to be moored or stationed at the Time, to any other Birth or Lying-place, as he or they shall think proper; and in case the Master or other Person having and taking the Command and Charge of any such Ship, Vessel, Bark, Lighter, or Boat, shall, after Notice given him in Writing, or left in Writing aboard the Ship, Vessel, Bark, Lighter, or Boat intended to be moved, Twelve Hours before the Time of Removal, by the said Commissioners, or such Person or Persons as they shall appoint, neglect or refuse to remove or cause to be removed, during the First High Water or Tide after such Notice, such Ship, Vessel, Bark, Lighter, or Boat from her said Birth or Mooring-place to such other Birth or Mooring-place as is or shall be appointed by the said Commissioners, or the Person or Persons authorized by them as aforesaid, then the said Commissioners, or the Person or Persons authorized by them as aforesaid, shall have Power, and are hereby directed and empowered, immediately after such Notice, Neglect, or Refusal, to remove or cause to be removed such Ship, Vessel, Bark, Lighter, or Boat lying as aforesaid, from her then present Birth or Mooring-place, to such other Birth or Mooring-place as the said Commissioners, or the Person or Persons authorized by them as aforesaid, shall judge proper; and the Owner or Owners, Master or Masters, or other Person or Persons having and taking the Command and Charge of such Ship, Vessel, Bark, Lighter, or Boat so to be removed, shall respectively pay to the said Commissioners, or the Person or Persons authorized and appointed by them, all such Costs and Charges as shall be reasonably expended in removing such Ship, Vessel, Bark, Lighter, or Boat, to be recovered and levied in like Manner as the Forfeitures and Penalties imposed by this Act are herein-after ordered to be recovered and levied; and every Master or other Person having or taking upon himself the Command and Charge of any Ship, Vessel, Bark, Lighter, or Boat, or other Person or Persons whatsoever, who shall obstruct or hinder the Removal of any such Ship, Vessel, Bark, Lighter, or Boat, shall for every such Offence forfeit any Sum not exceeding Twenty Pounds Sterling.

Preference to
Ships in Dis-
tress.

XXXI. And be it further enacted, That in case any Ship, Vessel, Bark, Lighter, or Boat shall arrive and come into the said Harbour of *Frazerburgh* in Distress, or meet with any Misfortune in the Harbour aforesaid, it shall and may be lawful to and for the Bailie of the said Town of *Frazerburgh*, upon Request made to him in Writing by the Master or Person taking the Command and Charge of, or the Owner or Owners of any such Ship, Vessel, Bark, Lighter, or Boat, or the Owner or Owners of any Goods on board the same, and upon Proof being made before him of such Distress or Misfortune, to give a Preference to such Ship, Vessel, Bark, Lighter, or Boat, being in Distress, or having met with any Misfortune as aforesaid, both as to the Births at the Piers and Quays, and as to the Course of discharging, to any other Ship, Vessel, Bark, Lighter, or Boat that shall have arrived before in the Harbour aforesaid;

aforesaid; and every Master or Person having the Command and Charge of any Ship, Vessel, Bark, Lighter, or Boat lying in the said Harbour of *Fraferburgh*, who shall refuse or delay to comply with the Order of the said Bailie in favour of the Ship or Vessel in Distress, or having met with any Misfortune as aforesaid, shall forfeit any Sum not exceeding Ten Pounds Sterling.

XXXII. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons to throw or empty any Ballast, Dirt, Ashes, or Rubbish, Shingle, Stones, or other Things, into the said Harbour, or to dig and take away any Ballast, Shingle, Stones, or other Things from within the same, to the Hurt or Prejudice of the said Harbour, or of the Works erected or to be erected for the Security and Accommodation of the same, or to do any other Act, Matter, or Thing to prejudice or annoy the same or any Part thereof, under the Penalty of any Sum not exceeding Forty Shillings for every such Offence.

Ballast not to be thrown into the Harbour.

XXXIII. And be it further enacted, That all and every Persons or Person who shall or may at any Time hereafter have Occasion to throw or cast out any Ballast from or out of any Ship, Vessel, Bark, Lighter, or Boat, upon any Piers, Quays, Breasts, or other Works erected or to be erected in and about the said Harbour, shall not suffer the same to be and remain on any of the said Piers, Quays, Breasts, or other Works, but shall immediately after cart and carry away the same, or cause the same to be carted and carried away, to such Place or Places as the said Commissioners shall for such Purpose provide and appoint; and if any such Person or Persons shall offend in the Premises, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Ballast not to remain on Piers, &c.

XXXIV. And be it enacted, That no Person or Persons shall dig or take away Ballast from any other Place or Places in or adjoining to the said Harbour, than from such Place or Places as shall from Time to Time be appointed for that Purpose under the Authority of the said Commissioners; and if any such Person or Persons shall offend in the Premises, he, she, and they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings Sterling.

Ballast only to be taken from Places appointed by the Commissioners.

XXXV. And be it enacted, That the Master or Owner of every Ship, Vessel, Bark, Lighter, or Boat trading to or lying in the Harbour of *Fraferburgh*, shall be and is hereby made answerable to the said Commissioners for the Amount or Value of any Damage or Mischief that shall be done by any of the Seamen, Servants, Boatmen, Bargemen, or Watermen, on board of or belonging to the same, to any of the Piers, Quays, Breasts, or other Works already erected, or that shall be constructed by virtue of this Act; with full Costs and Expences of suing for and recovering the same.

Masters answerable for Damages done by their Crews.

XXXVI. And be it further enacted, That if any Person or Persons whatsoever shall after the passing of this Act, maliciously, wilfully, or wantonly demolish, break down, destroy, or set on Fire any of the Piers, Quays, Breasts, or other Works constructed or to be constructed in or belonging to the said Harbour of *Fraferburgh*, every such Person or

Punishing Persons destroying the Works.

[Local.]

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Persons

Persons so offending, and being thereof convicted, shall be adjudged guilty of Felony; and the Court or Courts by and before whom such Person or Persons shall be indicted and tried, shall and have hereby Power and Authority to transport such Felon or Felons for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Appointment
of Pilots.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to license, limit, regulate, and appoint proper Persons for piloting Ships and Vessels coming into and going out of the said Harbour of *Frazerburgh*, and to compel all Persons professing the Occupation of Pilots to attend and pilot all Ships and Vessels coming into and using the said Harbour, and to displace such Pilots or any of them at their Pleasure; and such Pilots shall and may take and receive such Rates as the said Commissioners shall limit and appoint, not exceeding the Rates following; that is to say,

For a Boat with Four Men piloting out of or into the said Harbour any Ship or Vessel, if not exceeding Fifty Tons Burthen, Eight Shillings:

If not exceeding One hundred Tons Burthen, Ten Shillings:

If not exceeding One hundred and fifty Tons, Fifteen Shillings:

If not exceeding Two hundred Tons, Twenty Shillings:

If not exceeding Three hundred Tons, One Pound Ten Shillings:

If not exceeding Four hundred Tons, Two Pounds:

And so in proportion for larger Vessels.

Power to
make By-
laws.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any Time or Times hereafter, in General Meetings assembled, to make, ordain, and establish such Rules, Orders, and By-laws for the better deepening, cleansing, and keeping in Repair the said Harbour of *Frazerburgh*, and piloting of the Ships and other Vessels going out of and coming into the said Harbour, and for the better regulating, governing, and managing the Piers, Quays, and Breasts, and every other the Works erected and to be erected in or about the said Harbour, and for the better executing the other Purposes of this Act; and also from Time to Time, as Occasion may require, to repeal and to amend or alter such Rules, Orders, and By-laws, as to them shall seem most fitting and requisite, and to issue and appoint reasonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Non-observance or other Breach of all or any such Rules, Orders, or By-laws, or any Part of them, to be recovered and applied in such Manner as the Fines and Penalties imposed by this Act are ordered to be recovered, levied, and applied: Provided always, that such Rules, Regulations, and By-laws, and the Fines and Penalties for the Breach or Non-performance thereof, as the same shall from Time to Time be made, altered, or varied, shall not be repugnant to the Law of *Scotland*, or to the Provisions in this Act contained, and shall not be of any Force or Effect until they be submitted to the Consideration of and be approved by the Sheriff Depute or Sheriff Substitute of the County of *Aberdeen*; and the said Commissioners shall cause the said Rules, Orders, and By-laws, together with the Approbation thereof by the said Sheriff Depute or Sheriff Substitute, to be printed and distributed and hung up, at the most conspicuous Places within the Harbour of *Frazerburgh*, and to pay the Expence and Charge thereof out of the Rates and Duties aforesaid; which Rules, Orders, and By-laws shall be subject to Appeal in Manner herein-after mentioned.

XXXIX. And

XXXIX. And be it enacted, That it shall and may be lawful for the said Commissioners, or any Collector or Receiver to be appointed by them for receiving any Part of the Rates and Duties granted by this Act, to prosecute for and recover the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit by this present Act imposed, by Action, Petition, Complaint, or Information, within Six Months after any Offence committed or Wrong done, before the said Bailie of *Frazerburgh*, or any other Judge or Judges competent for Civil Actions, within whose Jurisdiction the Offender or Offenders shall reside or be apprehended; and the said Bailie or other Judge or Judges aforesaid shall be and is and are hereby empowered and required to proceed thereupon in a summary Way, and upon Conviction of the Offender or Offenders by Confession of the Party or Parties, or by the Oath or Oaths of One or more credible Witness or Witnesses (which the said Bailie or other Judge or Judges aforesaid is and are hereby authorized and required to administer), to award and give such Orders, Judgments, and Decrees as to him or them shall seem just and consonant to the true Intent and Meaning of this Act; and in default of Payment of the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit herein-before mentioned, which shall be awarded and ordered to be paid by the said Bailie or other Judge or Judges aforesaid, within Six Days after such Award and Order of Payment made, the Person or Persons making Default therein shall and may by such Bailie, Judge or Judges, be committed to the Prison or House of Correction nearest to the Place where the Offender or Offenders shall be apprehended, and there to be kept to hard Labour for such Time, not exceeding Six Months, as such Bailie, Judge or Judges, shall direct; and the whole Fines, Penalties, and Forfeitures aforesaid, which shall be recovered by the said Commissioners or their Collector or Receiver as aforesaid, after Deduction of the necessary Charges of recovering the same, shall be applied for and towards the Purposes to which the Rates and Duties herein-before authorized to be levied may be applied, and to no other Use or Purpose whatsoever.

Recovery of Penalties.

XL. Provided always, That it shall and may be lawful to and for the said Bailie and other the Judge and Judges aforesaid, or any of them, by whom such Judgments, Orders, and Decrees shall be given, pronounced, or made from Time to Time, where he or they shall see Cause, to mitigate, compound, or lessen any of the Penalties or Forfeitures aforesaid, as he or they in his or their Discretion shall think fit, so as such Mitigation or Composition do not extend to remit above One Moiety of the Penalty or Forfeiture imposed and authorized to be levied by this Act; and every such Mitigation or Composition shall be a sufficient Discharge to the Person or Persons offending respectively, for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted.

Power to mitigate Penalties.

XLI. And be it further enacted, That the said Commissioners shall have full Power and Authority to contract for and purchase all such Grounds, Tenements, or Heritages as shall or may be wanted for the said Harbour, and the Works hereby authorized to be made therein, and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made in relation to the same; and also that it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, married Women, Guardians, Trustees,

Commissioners may contract for the Purchase of Lands, &c.

Trustees, and all other Persons whatsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their *Cestuique* Trusts, to contract for, sell, and convey the same and every Part thereof to the said Commissioners, and in so doing shall be and are hereby indemnified.

For restrain-
ing the Com-
missioners
from deviat-
ing beyond
certain Dis-
tances of the
Line de-
scribed in the
Plan, &c.

XLII. And whereas a Map or Plan describing the said Harbour, and the Grounds, Tenements, and Heritages over which the same is intended to extend, together with a Book of Reference containing Lists of the Names of the Owners and Occupiers of such Grounds, Tenements, and Heritages, have been deposited with the Clerk of the Peace for the said County of *Aberdeen*; be it enacted, That such Plan and Book of Reference shall remain with the said Clerk of the Peace, to the end that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace for the Time being of the said County the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Map or Plan and Book of Reference; and that the said Commissioners, in making the said Harbour, shall not deviate more than One hundred Yards, of Three Feet each, from the Line described in the said Map or Plan, without the Consent and Approbation in Writing of the Person or Persons, Body Politic, Corporate or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Grounds, &c.
to be taken,
although the
Owners
Names are
not in the
Books of
Reference.

XLIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners to make the said Harbour into, through, across, or over the several Grounds, Tenements, or Heritages of any Person or Persons who is or are or may be the Owner or Owners of Grounds, Tenements, or Heritages over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Aberdeen*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Sheriff to
summon a
Jury to fix
Value of
Grounds, &c.

XLIV. And be it further enacted, That if the said Commissioners shall not come to an Agreement with the Owner or Owners and Occupier or Occupiers of the Grounds, Tenements, or Heritages which have or may be wanted for the said Harbour and the Works hereby authorized to be made therein, or the Value thereof, Application shall be made to the Sheriff Depute of the County of *Aberdeen*, or his Substitute, to summon a Jury in order to value the said Grounds, Tenements, or Heritages; and the said Sheriff Depute or his Substitute is hereby empowered and required, upon Application, to order Notice thereof to be given to such Owner or Owners, Occupier or Occupiers as aforesaid, and afterwards to issue a Summons in the usual Manner for calling together and impannelling a Jury consisting of Fifteen Persons in Number, to examine into, and, after such Examination, to return a Verdict upon Oath as to the Value of such Grounds, Tenements, or Heritages; and after a Verdict is pronounced as aforesaid, the said Sheriff Depute or his Substitute is hereby required to adjudge Payment of the Value of such Grounds, Tenements,

ments, or Heritages, and Amount of the Loss or Damage thereby awarded; to the Persons having a Right thereto; and upon Payment being made by the said Commissioners, out of the Money raised by virtue of this Act, of the Sum awarded to the Party or Parties interested; or Consignation of the said Sum in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, the said Commissioners shall from thenceforth have Right to take and use such Grounds, Tenements, and Heritages; and the said Proceedings and Orders of the said Sheriff Depute or his Substitute shall be final and conclusive, without being subject to Reduction, or to Review by Advocation, Suspension, or otherwise howsoever.

XLV. Provided always, and be it enacted, That in the Event that such Jury shall award a greater Compensation than the Commissioners shall have offered, but less than the Owner or Owners, Occupier or Occupiers shall have required, the Expence of the Proceedings shall be defrayed and borne by the said Commissioners and the said Owner or Owners, Occupier or Occupiers, equally; but in case the said Jury shall award to such Owner or Owners, Occupier or Occupiers, the Sum so required, or any greater Sum, the whole of the said Expence shall be paid by the said Commissioners; and, on the other Hand, if the Jury shall award the Sum offered by the said Commissioners, or a less Sum, the whole of the said Expence shall be paid by the Owner or Owners, Occupier or Occupiers: Provided always, that in all Cases where any Person or Persons shall by reason of Absence be prevented from treating with the said Commissioners, the said Expence shall be paid by the said Commissioners: Provided also, that after having offered to such Owner or Owners, Occupier or Occupiers as aforesaid, such Sum as the said Commissioners shall think reasonable, it shall and may be lawful for them to enter into and upon such Grounds, Tenements, and Heritages; and no Stop shall in the meantime be put to the Operations of the said Commissioners on pretence of settling the Damage, or that they have not been satisfied and paid.

Expences of the Proceedings how to be paid.

XLVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Grounds, Tenements, or Heritages taken or used by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life-rents, Annuities, or other Incumbrances, or shall belong to any Corporation, married Woman, Infant, Lunatic, Person or Persons under Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, 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 Grounds, Tenements, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Grounds, Tenements, or Heritages, or affecting other Grounds, Tenements, or Heritages standing settled therewith to the same or the like Uses, Intents, or

Reinvesting Purchase Monies, if amounting to 200l.

[Local.]

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Purposes;

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 Grounds, Tenements, 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 Grounds, Tenements, and Heritages which shall be so 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 Purchase 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 said Lands, Tenements, or Heritages, in case such Purchase or Settlement were made.

If less than
200l. and
exceeding
20l.

XLVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Grounds, Tenements, or Heritages 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, and shall exceed the Sum of Twenty Pounds, 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 Grounds, Tenements, or Heritages so taken or used, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into one of the said Banks, and be placed to his or their Account as aforesaid, in order to be applied in manner herein-before directed ; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option and approved of by Two or more of the said Commissioners, (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 before directed, as far as the Case be applicable.

Under 20l.

XLVIII. 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, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Grounds, Tenements, or Heritages so taken or used for the Purposes of this Act, in such Manner as the said Commissioners or any Two or more of them shall think fit ; or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles.

XLIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Grounds, Tenements, and Heritages be not known or discovered,
then

then and in every such Case, it shall and may be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company of *Scotland*, to the Credit of the Parties interested (describing them), subject to the Order, Control, and Disposition of the Court of Session; which said Court, 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 is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and 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 Manager of the said Bank of the *British* Linen Company of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, 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 the Bank as aforesaid.

L. And be it further enacted, That where any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the said Banks in pursuance of this Act as aforesaid, the Person or Persons who shall have been in Possession of such Grounds, Tenements, 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 Grounds, Tenements, or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession; and that some other Person or Persons was or were lawfully entitled to such Grounds, Tenements, or Heritages, or to some Estate or Interest therein.

Where Questions arise touching the Title.

LI. 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 such Grounds, Tenements, or Heritages as aforesaid, the Purchase Money for the same shall be required to be paid into the said Banks, and to be applied in the Purchase of other Lands, Tenements, and Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences in case of Disability.

LII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Person or Persons appointed by them for that Purpose, and they, and such Person or Persons, are hereby empowered to open Quarries in any Waste or Common in the said County of *Aberdeen*, (not being farther distant than One Mile from the High-water Mark) or within

Getting Materials.

within High-water Mark on the Shores of the *Moray Firth*, and to dig, gather, and take away therefrom Stones, Gravel, Sand, Clay, Furze, Heath, Rubbish, or other Materials necessary for constructing any of the Works authorized by this Act, without making any Compensation for the same; and also to open Quarries, and to dig, gather, and take away therefrom Stones, Gravel, Sand, Clay, Furze, Heath, Rubbish, or other Materials (Timber excepted) in and out of any Grounds, whether inclosed or not (not being the Ground whereupon any House stands, nor a Garden, Orchard, planted Walk, Lawn, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Nursery for Trees previous to the passing of this Act), where the said Materials can most easily be found, within Two Miles of the said Harbour, for the Construction of the said Works, making Recompence for the Damage thereby occasioned in Manner herein-after mentioned.

Notice to be given of getting Materials.

LIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Commissioners, or any other Person or Persons under the Authority of this Act, to dig, gather, take, or carry away any such Materials in or from any inclosed Grounds or Lands, until Notice in Writing shall have been given to the Proprietor or Occupier of the Premises from which such Materials are intended to be taken, or till such Notice is left for such Proprietor or Occupier at his usual Place of Residence, to appear, not sooner than Ten Days thereafter, before Two or more Justices of the Peace of the said County, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Proprietor or Occupier shall attend pursuant to such Notice, such Justices shall, if they think proper, authorize the said Commissioners, or other Person or Persons, to dig, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Proprietor or Occupier shall neglect or refuse to appear by himself or an Agent, the said Justices shall and may make such Orders thereon as they shall think fit, as fully and effectually to all Intents and Purposes as if such Proprietor or Occupier or his Agent had attended.

Commissioners to pay Damages.

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

Appeal.

LV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Decision of the said Justice or Justices of the Peace, or the said Commissioners, or of the said Bailie, or by any Rule, Order, or By-law to be made in pursuance of this Act, it shall be competent to such Person or Persons

Persons to apply for Redress by way of Petition or Appeal therefrom to the Sheriff Depute or Sheriff Substitute of the Shire of *Aberdeen*: Provided always, that all Appeals or Applications for Redress shall be entered within Eight Days after the Decision of the said Justice or Justices of the Peace, of the said Commissioners, or of the said Bailie complained of, shall have been given, and not afterwards; and that such Security for the Payment of Costs shall have been given by the Parties applying for Redress, as the said Sheriff Depute or Sheriff Substitute shall order and direct; and the said Sheriff Depute or Sheriff Substitute shall decide upon all such Appeals or Applications summarily, without being obliged to observe or abide by the ordinary Forms of Court; and the Decision of the said Sheriff Depute or Sheriff Substitute in all such Cases is hereby declared to be final, and not subject to Reduction, or to Review by Advocation, Suspension, or otherwise howsoever.

LVI. Provided always, and be it further enacted, That in case the Works hereby authorized to be made and erected within the said Harbour of *Frazerburgh* shall not be completed so as to answer the Objects thereof within Six Years from and after the passing of this Act, all the Powers and Authorities hereby given relative thereto shall thenceforth cease and determine, save only as to so much of such Works respectively as shall have been completed within the Time aforesaid.

Limitation
of Powers.

LVII. And be it further enacted, That the whole of the probable Expence of the Works by this Act authorized to be made and erected, shall be subscribed before the Powers and Authorities hereby given shall be put in force; and that the several Persons who have already subscribed, or shall hereafter subscribe, any Money for or towards making and erecting the same, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Commissioners, at such Times and Places as they shall direct; and in case any Person or Persons shall refuse or neglect to pay the same, at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Commissioners to sue for and recover the same in any Court competent within *Scotland*.

Compelling
Payment of
Subscrip-
tions.

LVIII. And be it further enacted, That all Damages, Fines, Penalties, and Forfeitures imposed by this Act, or which shall be imposed by any Rule, Order, or By-law to be made in pursuance thereof (the levying or Recovery whereof is not particularly herein-before directed), shall, in case of Nonpayment thereof on Conviction of the Offender or Offenders respectively, be levied by Distress and Sale of the Goods and Effects of the Offender or Offenders, by Warrant under the Hand of any Justice of the Peace for the County or Place wherein the Offence shall be committed or the Offender shall reside; and every such Justice is hereby authorized and required to examine Witnesses upon Oath, and hear and determine the same; and all Damages, Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed), shall be paid into the Hands of the Clerk of the said Trustees, and shall be applied and disposed of for the Purposes of this Act; and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, and Forfeitures, and the Expences of such Distress and Sale,

Recovery of
Damages,
Fines, and
Forfeitures.

[Local.]

6 M

shall

shall be rendered to the Owner of the Goods and Effects so distrained; and for want of sufficient Distress, and in case the Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by a Warrant under his Hand, to commit such Offender to the Common Gaol or House of Correction, there to remain without Bail for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and all the reasonable Charges attending the Recovery thereof, shall be sooner satisfied and paid.

Act not to
abridge
Rights.

LIX. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, alter, or abridge, lessen, change, or intrude upon any Rights, Jurisdiction, Power, or Authority of the Bailie and public Managers of the Burgh of *Frazerburgh* and Community thereof, in and about or concerning the said Harbour of *Frazerburgh*, or the Piers, Quays, and other Works built or to be built as aforesaid, nor to take away, abridge, lessen, or intrude upon the private Rights, Privileges, and Property of any Person or Persons whomsoever, but that the same shall remain as entire and effectual to all Intents and Purposes as if this present Act had not been made; and also saving and reserving to the said Bailie and public Managers, and other Person or Persons, all their legal Rights and Interests in the Premises aforesaid.

Act to be
pleaded.

LX. And be it further enacted, That no Suit or Action shall be commenced against any Person or Persons, for any Thing done by virtue or in pursuance of this Act, after Six Calendar Months next after the Fact committed; and the Defender or Defenders in such Suit or Action may produce this Act, and plead that the said Things were done in pursuance and by the Authority of this Act; and if it shall appear that the said Things were so done, then the Defender or Defenders shall be absolved from every such Suit or Action, and shall have Treble Costs and Expences in the Defence thereof awarded to them from and against the Prosecutor or Prosecutors of the same.

Expences
how to be
defrayed.

LXI. And be it further enacted, That the Expences of this Act and other necessary Expences incurred preparatory thereto, and in the Execution thereof, shall be paid and defrayed out of the Rates and Duties hereby granted.

Public Act.

LXII. And be it further enacted, That this Act shall be deemed, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

SCHEDULE of Rates to which this Act refers.

GOODS, MERCHANDIZE, WARES, or COMMODITIES.	If belonging to Burgeffes or Inhabitants of Fraferburgh.			If belonging to Strangers.		
	£	s.	d.	£	s.	d.
For each Chalder of Slacked Lime - -	0	1	0	0	1	6
For each Chalder of Lime Shells - -	0	1	4	0	2	0
For each Boll of Coals and Cinders - -	0	0	2	0	0	3
For each Boll of Grain - - - -	0	0	2	0	0	3
For each Boll of Meal - - - -	0	0	2	0	0	3
For each Boll of Potatoes - - - -	0	0	3	0	0	4
For each Bushel of Salt - - - -	0	0	0 ¹ / ₂	0	0	1
For each Barrel of Apples and Onions - -	0	0	3	0	0	4
For each Boll of Bark - - - -	0	0	1	0	0	1 ¹ / ₂
For each Thousand of Slates - - - -	0	2	0	0	3	0
For Pan Tiles, per Thousand - - - -	0	1	0	0	1	6
For Bricks, per Thousand - - - -	0	0	6	0	0	9
For Iron, per Ton - - - -	0	2	6	0	3	6
For Herrings, Salmon, or other Fish in } Barrels, per Barrel - - - -	0	0	3	0	0	4
For Herrings, Salmon, or other Fish, Barrels } empty, per Barrel - - - -	0	0	1	0	0	1 ¹ / ₂
For Causeway and Pebble Stones, per Ton -	0	0	4	0	0	6
For Pavement, Kirb, and Building Stones, } per Ton - - - -	0	0	6	0	0	9
For Foreign Grave Stones, each - - - -	0	4	6	0	6	0
For Scots Grave Stones, each - - - -	0	3	0	0	4	0
For Grindstones, per Ton - - - -	0	3	0	0	4	0
For Flag Stones, per Twenty Square Feet -	0	0	4	0	0	6
For Mill Stones, each - - - -	0	2	0	0	3	0
For Do. if Two Tons and upwards, each -	0	5	0	0	7	0
For Kelp, per Ton - - - -	0	1	0	0	1	6
For Woad, per Last of One Thousand Weight	0	2	0	0	3	0
For Salted Ox and Cow Hides, per Dozen -	0	0	4	0	0	6
For Scrows of Ox and Cow Hides, per Ton -	0	4	0	0	6	0
For Mahogany, Oak, Walnut Tree, and } Wainscot, whether in Log or Plank, per } Barrel Bulk of Five Cubic Feet - -	0	0	3	0	0	4
For Fir Wood, or other Timber of all Kinds, } except Mahogany, Oak, Walnut Tree, } and Wainscot, per every 20s. of the } Value thereof - - - -	0	0	3	0	0	4
For Hay, per Centum of the Value thereof -	2	0	0	3	0	0
For Fish in Bulk, per Centum of the Value } thereof - - - -	1	0	0	1	10	0

