



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

Cap. cxiv.

An Act for regulating the Municipal Government and Expences of the Royal Burgh of *Banff*, *North Britain*; for establishing an effective Police within the same; and also for maintaining, improving, and regulating the Harbour of the said Royal Burgh. [23d July 1840.]

WHEREAS from Time immemorial Cess and various other Burdens and Taxations have been imposed annually at the Head Court of the Royal Burgh of *Banff* in the County of *Banff* in that Part of *Great Britain* called *Scotland*, consisting of the Heritors and Burgesses of the said Burgh, and have been levied from the Heritors and Inhabitants of the said Burgh by the Magistrates and Town Council of the said Burgh, and have been applied by the said Magistrates and Town Council indiscriminately for the Service of the said Burgh as well for Police as for municipal Purposes within the same: And whereas certain of the Burdens and Taxations aforesaid, in consequence of the Mode in which the same have been levied and apportioned among the Parties from whom the same have been leviabie, have been felt to bear upon them unequally, and Difficulty has accordingly been experienced in recovering the same: And whereas it is just and expedient that the Mode of levying

[*Local.*]

29 X

and

and collecting the Sums necessary for the municipal Purposes of the said Burgh should be changed, and that another, more equal, and less oppressive Mode of levying and apportioning the same should be substituted in lieu thereof: And whereas it is expedient, and will be for the Benefit and Advantage of the said Burgh, that more effectual Provision should be made for establishing and maintaining a regular System of Police within certain Bounds, including the said Burgh, and for watching, lighting, paving, and cleansing the Roads, Streets, Lanes, and other public Places within the same, and this Object will be better and more completely accomplished by raising a separate annual Fund or Assessment, to be levied in manner herein-after mentioned, and to be vested in Commissioners and administered exclusively by them for the Purposes herein-after specified, and in consequence whereof the annual Expenditure of the said Magistrates and Town Council will be considerably lessened: And whereas the Magistrates and Town Council of the said Burgh of *Banff* have at various Times expended considerable Sums of Money in bringing a Supply of Water into the said Burgh for the Use of the Inhabitants, and in erecting Fountains and Cisterns, and in laying Pipes and Watercourses for the proper carrying, Distribution, and Discharge thereof; and it is expedient that the said Water Fountains, Cisterns, Pipes, and Watercourses should be vested in and be under the Control of the said Commissioners: And whereas considerable Sums of Money have been annually assessed and levied in the Name of Statute Labour upon and from the Inhabitants of the said Burgh by Trustees acting under an Act passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and repairing certain Roads in the Counties of Banff, Elgin, Aberdeen, and Inverness, for building Bridges over the River Spey, and for regulating the making and repairing the High Roads and Bridges in the said County of Banff*, and the said Trustees have not expended an adequate Proportion of the said Monies in making or repairing the Streets, Lanes, and public Places within the Limits of the said Burgh; and certain Debts amounting to the Sum of Three hundred and two Pounds Six Shillings and Five-pence and One Half-penny Sterling, or thereby, have been incurred by the said Trustees; and it is expedient that the future Collection of the Statute Labour Money so assessed and levied within certain specified Bounds, including the said Burgh, should be vested in certain Commissioners to be named, subject to a fixed and specific Portion of the Debts affecting the same: And whereas the said Magistrates and Town Council have expended considerable Sums of Money in erecting a Market-place within the said Burgh, affording suitable and necessary Accommodation for those who expose Goods, Provisions, and other Commodities for Sale therein, and have been in the Practice for many Years of levying certain Petty Customs and Dues upon various Articles brought into Town for Sale, but in consequence of Alterations in the System of Weights and Measures and from other Causes many of the said Petty Customs and Dues are ill defined and understood, and Difficulty has occasionally been found in collecting them, and it is expedient that the said Petty Customs and Dues should continue to be levied by the said Magistrates and Town Council, and that greater Facility should be given for collecting the same: And

whereas it is expedient that more effectual Provision should be made for maintaining and regulating the Port and Harbour of *Banff*, for fixing and ascertaining the Rates and Duties leviabie thereat, for levying and recovering the same, and for securing Debts affecting and which may affect the same, by vesting the said Harbour Rates and Duties leviabie thereat, within certain Precincts, in certain Trustees to be named: And whereas these Purposes cannot be effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Cess and all other Sums to be levied within the said Burgh of *Banff*, subject to the Administration of the Magistrates and Town Council, shall be levied, imposed, and collected in manner following; that is to say, that upon some lawful Day, and at an Hour to be fixed by the Provost or senior Magistrate of the Burgh, previous to the annual Election of Councillors for the said Burgh, and of which Notice shall be given at least One Month previous, in One or more Newspapers circulated within the said Burgh, the Heritors or Proprietors and Owners of Lands particularly enumerated and described in the Schedule (A.) hereunto annexed shall annually and in each and every Year, either in Person or by Mandatories authorized by a special written Mandate, assemble together with the Magistrates and Council of the said Burgh in the Town House thereof (and which Assembly shall be styled the Ordinary Head Court of the said Burgh); and being so assembled the Provost or senior Magistrate present shall lay before the Meeting a Statement of the probable estimated Sum for the Year thence ensuing necessary to meet such municipal Purposes and Expences as are or may by Law be required of the said Magistrates and Town Council, and to which they are bound to apply the ordinary Revenue of the said Burgh; and the said Heritors and Mandatories shall thereupon proceed to vote such further Sum as shall appear from the said Statement to be necessary for the said Purposes, over and above the ordinary Revenue of the said Burgh, to be levied and imposed upon the Lands and Heritages specified in the Schedule (A.) hereunto annexed, in the Proportions set forth; provided that the Sum to be so voted, levied, and imposed upon the Lands and Heritages aforesaid shall not in any Year exceed the Sum of Two hundred and thirty-five Pounds Five Shillings and Nine-pence, being the Amount stated in the said Schedule (A.)

The Ordinary Head Court of the Burgh, consisting of the Owners of Lands, &c. described in Schedule (A.), shall annually impose on such Lands and Heritages a Sum not exceeding 235*l.* 5*s.* 9*d.* to be applied, together with the Ordinary Revenue of the Burgh, to meet the municipal Expences.

II. Provided always, and be it enacted, That if the estimated Amount of the Sum necessary for the Purposes aforesaid shall, in addition to the ordinary Revenue of the said Burgh, exceed in any One Year the above-mentioned Sum of Two hundred and thirty-five Pounds Five Shillings and Nine-pence, then and in that Case it shall and may be lawful for the said Magistrates and Town Council, at any Time before the annual Election of Councillors, upon giving at least One Month's previous Notice in One or more Newspapers circulated within the said Burgh, specifying the Object of the Meeting, and by Tuck of Drum through the said Burgh to summon the whole Heritors

An Extraordinary Head Court, consisting of such Owners, &c., and of the Merchants, Traders, &c., shall, if necessary, annually vote a Sum, not

exceeding
100*l.*, as an
additional
Assessment
to meet the
municipal
Expences.

Heritors aforesaid, and also the Merchants and Traders, Tradesmen and Craftsmen of the said Burgh, and the whole other Inhabitants within the said Burgh, liable in Payment of Police Rates under the Authority of this Act as after mentioned, to assemble either in Person or by Mandatories authorized by special written Mandate, together with the Magistrates and Town Council, upon the Day and at the Hour fixed in the Notice aforesaid, (and which Assembly shall be styled an extraordinary Head Court of the Burgh,) and, being so assembled, the Provost or senior Magistrate shall lay before the Meeting the Statement of the probable estimated Sum as aforesaid, and the said Meeting shall thereupon proceed to vote an Assessment to make up the Deficiency aforesaid; Provided always, that in no Case shall the said Assessment to be so voted in any One Year exceed the Sum of One hundred Pounds Sterling, and which Assessment being so voted shall be levied and imposed according to the Proportions following; (that is to say,) One Half thereof from the said Heritors, One Fourth thereof from the said Merchants and Traders, One Eighth from the said Tradesmen and Craftsmen, and the remaining One Eighth Part thereof from the said other Inhabitants; and in order that the said last-mentioned Sum, in the Proportions aforesaid, may be duly apportioned among the Parties liable for the same as aforesaid, the said Magistrates and Town Council shall, immediately upon the said last-mentioned additional Sum being so voted as aforesaid, name and appoint Three Stent Masters out of and for the Heritors, Three Stent Masters out of and for the Merchants and Traders, and Six Tradesmen actually carrying on Business as Stent Masters out of and for the Tradesmen and Craftsmen, and Three Stent Masters out of and for the other Inhabitants of the said Burgh; which whole Stent Masters are likewise hereby, as soon as conveniently may be, required to meet and apportion the said last-mentioned additional Assessment in the following Way and Manner; (that is to say,) the said Stent Masters for the said Heritors shall apportion the said One Half of the said last-mentioned additional Assessment upon the Lands and Heritages within the said Burgh, according to the Proportions specified in the Schedule (A.) hereunto annexed; the said Stent Masters for the Merchants and Traders shall apportion the said One Fourth upon the whole Merchants and Traders, according to the Rents of the Shops and Places of Business of the said Merchants and Traders; the said Stent Masters for the Tradesmen and Craftsmen shall apportion the said One Eighth Part of the said last-mentioned additional Assessment upon the whole Tradesmen and Craftsmen, according to Rates and Rules to be fixed by the said Six Stent Masters, with the Advice and Consent of General Meetings of the said Tradesmen and Craftsmen, and agreed upon from Time to Time in the Way and Manner heretofore in use in the said Burgh in levying and apportioning the Cess upon the Traders and Incorporations; and the Stent Masters for the other Inhabitants shall apportion the said remaining Eighth Part of the said last-mentioned additional Assessment upon the whole other Inhabitants, according to the Rents of their Dwelling Houses and Premises; and this being done a Stent Roll of the whole shall forthwith be made up and signed by the said Stent Masters, and delivered to the said Magistrates and Town Council, which shall be their War-

rant

rant and Authority for collecting the said additional Rate or Assessment: Provided also, that the Votes at the said ordinary and extraordinary Head Courts shall be given by the Persons and Mandatories aforesaid, and also determined upon in the same Way and Manner as at the former Head Courts of the said Burgh.

III. And be it enacted, That the said Assessment to be yearly voted and imposed upon the said Lands and Heritages within the said Burgh, and also the said last-mentioned additional Assessment, when the said Roll thereof shall have been so delivered as aforesaid, shall be recoverable by the Warrant and Authority of the said Magistrates and Town Council, in the Way and Manner heretofore in use in regard to the Recovery of Cess and other Taxations in the said Burgh, or, at the Instance of the said Magistrates and Town Council, or of their Clerk or other Person to be named by them, by summary Process before any competent Court, and by all legal Diligence, together with the Costs and Expences of recovering the same, and shall, together with the ordinary Revenue of the said Burgh, be applied by the said Magistrates and Town Council towards such municipal Purposes as the said Magistrates and Town Council are or may be bound by Law to apply the ordinary Revenue and Common Good of the said Burgh, and shall be accounted for accordingly by them in Terms of Law.

Assessment to be collected by the Magistrates and Town Council.

IV. And be it enacted, That, in consideration of the Sums of Money expended as before stated in erecting the said Market Place, it shall and may be lawful for the said Magistrates and Town Council to levy, collect, sue for, and recover the Petty Customs, Imposts, Rates, and Duties expressed and contained in the Schedule (C.) hereunto annexed, so long as the said Market Place shall be upheld, maintained, and kept by them in fit and proper Condition for the Accommodation of those exposing Goods, Provisions, and other Commodities for Sale therein, to be administered by the said Magistrates and Town Council as Part of the ordinary Revenue of the said Burgh, and that by summary Process before the Sheriffs of the County of *Banff*, on the Evidence of One Witness; and it shall not be an Objection to any such Witness that he is an Officer of or in the Employment and Pay of the said Magistrates and Town Council, or of the Commissioners of Police, or Harbour Trustees herein-after mentioned.

Magistrates to have Power to levy and recover the Petty Customs, &c.

V. And be it enacted, That the whole Powers and Regulations herein-after contained for the Establishment of a general System of Police shall be exercised within the Bounds following; *videlicet*, from the Rocks on the West of the Town called the *Little Tumblers*, in a straight Line drawn due South to a Point on the *Gallowhill*, Eight hundred and fifty Yards distant, thence in a straight Line to the Point at which the *Colleopard* Road leaves the *Sandyhill* Road, thence across the Turnpike Road to the Wall of the Earl of *Fife's* Park, and along the Line of the said Wall to the Bridge over the River *Doveron*, leading from the Town of *Banff* to *Macduff*, thence across the said Bridge, and along the Road leading from the East End

Police Boundaries.

[Local.]

29 Y

thereof

thereof to the *Palmer Cove*, and thence along the Shore of the *Monay Frith* to the *Little Tumblers* before mentioned.

Burgh to be divided into Three Wards.

VI. And be it enacted, That, for the more effectual Execution of the Powers and Regulations herein-after contained, the Places within the Bounds above described shall be divided into the Three following Wards or Districts; the First Ward, to be called the *Seatown Ward*, to consist of the *Seatown* and whole Extent thereof to the North of a Line drawn from the *Boyndie Toll Bar*, on the West Boundary of the Burgh Eastwards, until it reaches the Sea between the public Warehouse of the Burgh and the Commencement of the Streets called the *High and Low Shore*; the Second Ward, to be called the *Grey Stone Ward*, to consist of the Lands, Tenements, and Premises bounded on either Side by the *Sandyhill Road* and Lanes leading thereto from the West, the Lands, Tenements, and Premises situated on both Sides of the *High Street* and Lanes leading thereto from the West, the *Castle Street* and Lanes leading thereto from the West, and comprehending therein the whole Lands, Tenements, and Premises situated on the West Side of the Street called the *Old Castle Gate*, and also comprehending therein the Castle of *Banff*; the Third Ward, to be called the *Low Street Ward*, to consist of Lands, Tenements, and Premises situated at the Water Path, comprehending therein the Lands, Tenements, and Premises on the East Side of the said Street called the *Old Castle Gate*, Lands, Tenements, and Premises situated at or upon the *Low and High Shores*, the *Strait Path*, *Carmelite Street*, the *Low Street*, *Bridge Street*, the *Back Path*, and *Collie Road*, and comprehending therein the whole Parts of the Burgh not included in the First and Second Wards.

Doubts as to Wards to be settled by Commissioners.

VII. And be it enacted, That in the event of any Difference of Opinion as to the Ward or District to which any of the Houses or other Heritages within the said Bounds shall belong, the Commissioners appointed and to be elected in manner herein-after mentioned shall have Power to fix and determine the same at any of their General Meetings.

Commissioners may alter Wards, and suspend the Subdivision into Wards, with Consent of Rate-payers.

VIII. Provided always, and be it further enacted, That it shall be lawful to and in the Power of the said Commissioners to alter, vary, add to, or diminish the said Wards, or any of them, in such Manner as the State of the Population thereof or other Circumstances shall to the said Commissioners appear from Time to Time to require; and in the event of any Addition being made to the Number of Wards by Subdivision thereof or otherwise, an additional corresponding Number of Commissioners shall be elected and chosen in manner and for the Purposes herein-after mentioned: Provided always, that any Alteration, Variation, Addition, or Diminution of any of the said Wards shall be first advertised by printed Notices thereof circulated throughout the said Bounds: Provided further, and be it enacted, that it shall be lawful to and in the Power of the said Commissioners, upon a Requisition signed by a Majority of the Inhabitants liable in Payment of Police Assessment under this Act, or their Mandatories duly authorized by written Mandate, to suspend the Division of the Places

Places within the Bounds aforesaid into Wards, so that the whole Inhabitants liable as aforesaid may thenceforth vote indiscriminately in the Election of Commissioners, and so that it shall be no longer necessary to the Qualification of Commissioners that they should reside in particular Wards, and such Suspension shall continue until a Requisition shall be presented to the Commissioners for the Time by a Majority of the Inhabitants as aforesaid that the Division aforesaid and Provisions herein contained in regard to said Wards should be revived.

IX. And be it enacted, That the Provost, eldest Bailie, and Treasurer of the said Burgh of *Banff*, all for the Time being, together with Two Commissioners for each of the Three Wards above described, and resident within the same, qualified by being entitled to vote at the Election of a Member of Parliament for the District of Burghs to which the Burgh of *Banff* belongs, and to be elected and chosen in manner herein-after directed, shall be and are hereby appointed Commissioners for executing the Police Purposes of this Act herein-after enumerated. Commissioners.

X. And in order that the First Election of Commissioners under this Act may be made, be it enacted, That within One Calendar Month after the passing of this Act the Provost or senior Magistrate of the said Burgh shall cause a List to be prepared of all the Occupiers of Premises within the Bounds aforesaid of the yearly Value of Two Pounds Sterling and upwards, distinguishing the several Persons contained in the said List into their respective Wards, and such List, being signed by the said Provost or senior Magistrate, shall be the List of those entitled to vote in the First Election of such Commissioners, and the said Provost or senior Magistrate shall, Ten Days at least before the Time for the First Election of such Commissioners, cause a correct Copy of said List, so prepared and signed, to be fixed upon the Door of the Parish Church, and shall also cause Intimation to be given by Handbills, and also in One or more Newspapers circulated within the said Bounds, of the Time and Place of Election of such Commissioners, which the said Provost or senior Magistrate is hereby authorized to fix, not being more than Six Weeks after the passing of this Act, and which Election shall commence and finish in One Day, beginning at Ten of the Clock in the Forenoon, and closing at Four of the Clock in the Afternoon precisely, such Intimation to be given not less than Seven nor more than Fourteen Days before the Day of Election, and such Election shall be made by each Person named in the aforesaid List giving in to the Town Clerk a List containing the Names of those for whom he or she intends to vote, and specifying the Ward in which such Person resides, and which List shall be signed by the respective Persons giving in the same, and shall be openly given in by them to the Town Clerk of *Banff* in Presence of the said Provost or senior Magistrate, which several Persons are hereby required to be in Attendance for that Purpose during the Period aforesaid on the Day of Election; and the said Town Clerk shall, immediately upon receiving the said Lists, respectively distribute them in Three Boxes to be kept for the First Election of Commissioners.
Purpose

Purpose according to the Wards, and at the Expiration of the Period of the Day within which such Election is hereby appointed to be made the said Provost or senior Magistrate shall publicly cast up the Number of Votes which shall have been so given in for each Ward respectively, and shall declare upon whom the Election has fallen by the Majority of Votes in each Ward respectively, and the Provost or senior Magistrate shall forthwith give or cause to be given Notice in Writing to the several Persons so elected of such their Election, and call upon them severally to appear in the Council Chamber or other public Place on the Second lawful Day after such Election, when they shall severally appear and declare whether they accept or decline accepting the Office of Commissioner, and if any or all of such Persons so elected shall decline to accept, or being disabled from appearing shall not have then and there transmitted a Communication in Writing intimating his Acceptance, signed by himself or his Agent, or in case there shall be an Equality of Votes in favour of Two or more Persons for any of the said Wards, the whole of whom cannot be Commissioners, a new Election shall take place for the vacant Office or Offices of the Person or Persons so declining or neglecting to accept, or elected by equal Numbers by the Electors of the Ward or Wards where the Vacancy or Vacancies occur, within at furthest Seven Days thereafter, on a Day to be fixed by the said Provost or senior Magistrate, of which at least Forty-eight Hours Notice shall be given by him to the said Electors respectively by affixing a printed Advertisement in some conspicuous Place in the Ward or Wards where the Vacancy exists, and which Elections shall proceed in the same Place and in the Manner herein-before directed in respect to the First Election, and so forth in the same Manner until the requisite Number of Persons shall have accepted the Office after being duly elected as aforesaid.

Election of
Clerk and
Collector.

XI. And be it enacted, That the said Commissioners hereby appointed and the Commissioners who shall have been elected and chosen as aforesaid shall, upon the first lawful Day after the whole Number is completed in the Way and Manner before set forth, assemble and meet within the Town House of the said Burgh, and shall make choice of Two proper Persons to be their Clerk and Collector of the Assessments herein-after authorized to be levied, and to fix and appoint a proper Salary and Remuneration to the said Clerk and Collector, not exceeding Ten Pounds *per Centum* on the whole Amount to be collected, and which Clerk and Collector, when so chosen as aforesaid, are respectively hereby authorized and empowered to act as the Clerk to all subsequent Meetings of the Commissioners, to collect the said Assessments in manner after mentioned, and to perform and execute all other Duties hereby imposed upon them, or which may be prescribed by the Rules and Regulations of the Commissioners to be made in virtue hereof: Provided always, that no One Person shall be eligible to nor shall hold both the said Offices of Clerk and Collector at one and the same Time, and any Person acting in the contrary shall forfeit a Penalty of Fifty Pounds for such Offence, to be recovered as herein-after directed, and provided also, that any Notices required to be given or Duties to

to be performed, under and by virtue of this Act, by the said Clerk and Collector, may be given and performed by either of them, as the said Commissioners shall direct.

XII. And be it enacted, That immediately after the said Clerk and Collector shall have been chosen as aforesaid he shall give public Notice by Advertisement, by Handbills, and in One or more of the Newspapers as aforesaid, that the First Election of Commissioners under this Act is completed, and that the Commissioners so elected will forthwith proceed to exercise and put in force the Powers hereby committed to them within the said Boundaries, and will for that Purpose meet and assemble from Time to Time in Terms hereof.

Clerk to give Notice that Elections are completed.

XIII. And be it enacted, That the First Commissioners to be elected under this Act for each of the said Wards shall remain in Office until the Third *Tuesday* of *January* One thousand eight hundred and forty-two, when One Commissioner for each Ward shall go out of Office, and their Places shall be supplied by One Commissioner for each Ward, to be elected on the Second *Tuesday* of *January* One thousand eight hundred and forty-two, and who, being elected in manner herein mentioned, shall come into Office on the next *Tuesday* thereafter; and on the Third *Tuesday* of *January* annually thereafter One Commissioner for each Ward shall go out of Office, and there shall be an Election of One Commissioner for each Ward in the Place of the Commissioners who shall go out of Office for that Year, and which Election shall take place on the Second *Tuesday* of *January* annually; and the Commissioners who shall have been elected as aforesaid, or as herein-after mentioned on the Second *Tuesday* of *January* One thousand eight hundred and forty-two, and on every subsequent Year, shall come into Office on the next *Tuesday* thereafter.

Commissioners to be elected annually.

XIV. And be it enacted, That the Commissioners elected for each of the respective Wards before mentioned who shall go out of Office as aforesaid shall be those who had the smallest Number of Votes at the said First Election, or in case of Equality the said Commissioners shall have Power to determine which shall retire, and in the succeeding Year the other Three Commissioners elected at the said First Election for the said respective Wards shall go out of Office, and thereafter the Three Commissioners going annually out of Office shall always consist of those who have been longest in Office.

Commissioners how to go out of Office.

XV. And be it enacted, That the Clerk to the said Commissioners, on Requisition being made to him by any Three Commissioners, shall appoint Meetings of the said Commissioners to be called within such Time as shall be fixed by the said Commissioners under the general Power to make Rules and Regulations herein-after granted: Provided always, that Five of the said Commissioners must be present at all Meetings to constitute a Quorum.

Meetings how to be called.

XVI. And be it enacted, That Intimation shall be given by the Clerk of the Commissioners to every Commissioner to attend all Meetings

Notices of Meetings of Commissioners.

[Local.]

29 Z

Meetings

Meetings both special and stated and adjourned, by printed or written Notices, sent under such Regulations as shall from Time to Time be directed by the said Commissioners.

Preses of Meetings.

XVII. And be it enacted, That the Provost of *Banff* for the Time, and in his Absence such One of the said Commissioners as shall be chosen by the Meeting, shall preside in all Meetings of the said Commissioners.

Meetings may be adjourned.

XVIII. And be it enacted, That the said Commissioners, or a Majority of the Quorum of them present at any of the said Meetings, may adjourn the same to any other Day and Hour and to any other Place within the said Boundaries, but it shall not be competent at any such adjourned Meeting to alter or annul any Act or Resolution adopted or passed at the Meeting which was so adjourned: Provided always, that in case a less Number than a Quorum shall attend any Meeting, such Number, though not entitled to act to any further or other Effect, shall have the Power of Adjournment to such other Day as they may judge fit.

Commissioners empowered to levy Assessments of One Shilling and Sixpence in the Pound.

XIX. And be it enacted, That from and after the passing of this Act it shall be lawful for the said Commissioners to levy such Assessments as may be considered by them to be necessary for the Police Purposes of this Act, not exceeding in all the Sum of One Shilling and Sixpence in the Pound, by a general yearly Assessment in manner herein-after mentioned, which shall always be for a whole Year upon the real Rent or annual Value of all the Lands, Tenements, Houses, Buildings, and other Heritages of every Description, excepting as after excepted, situated within the Boundaries herein-before specified, valued at Two Pounds or upwards of yearly Rent.

Assessments by whom payable; and Exemptions from Assessment.

XX. And be it enacted, That such Assessments shall be payable by the actual Occupiers of such Lands, Tenements, Houses, Buildings, and other Heritages, excepting always from such Assessments all unoccupied Houses, Feu Duties, Houses under the Value of Two Pounds Sterling of yearly Rent, and all Houses, Buildings, and other Heritages occupied solely for the Purposes of public Worship, or of Charity, or Science or Education, or Premises occupied as Courts of Justice or public Offices connected with the Administration of Justice, or for depositing public Records, or as Prisons, or Police Offices or Watch-houses, and all Town Houses and public Markets, and all Lands or Heritages belonging to the Crown and in the Possession of Her Majesty (or used for the Public Service), and also all Lands within the said Bounds used solely for Agriculture, also all Salmon Fishings within the said Bounds; and in the Case of Premises let for a Space less than a Year, the Assessment may be levied from the Proprietor, who in that Case shall be entitled to sue for and recover the same, or a Proportion of the same corresponding to the Period of Occupation, from the Occupier of such Premises; and in case any Person assessed under this Act shall, under his Set or Lease, remove from the Premises before the Expiration of the Year, and shall pay the Assessment for such Year,

he shall be entitled to deduct a just Proportion thereof, corresponding to the remaining Period of the Year, from the Rent payable to the Proprietor, who shall be liable for the said Proportion in case of the Removal of the actual Occupier or Possessor without Payment of the Assessment; but such Proprietor, in case he shall so give Deduction or make Payment of such Proportion, shall be entitled to sue for and recover such Proportion from the incoming Tenant, and Deduction shall be given of the Assessment for each entire Period of Six Months from *Whitsunday* to *Martinmas*, or from *Martinmas* to *Whitsunday*, during which any unfurnished House, Shop, or other Building, shall be unoccupied.

XXI. Provided always, That if any Dwelling House, Shop, Warehouse, Cellar, or Building, or other Place within the said Bounds, shall be unoccupied at the Time of laying on the general yearly Assessments, and shall afterwards during the Currency of that Year be occupied, it shall be in the Power of the said Commissioners to assess the same for such Time as they may be occupied; and provided also, that all Shops, Warehouses, Cellars, Buildings, or other Places which may be let to travelling Merchants or others, who may take up a temporary Residence within the said Bounds, and which may not be otherwise assessed for the Police Purposes of this Act, shall be assessed as follows; *videlicet*, that if the Possession shall be for less than Six Months then the Assessment shall be on the Rent corresponding to Six Months Possession of such Premises, and if the same be occupied for a longer Period than Six Months, though less than One Year, then the Assessment shall be on the Rent corresponding to a whole Year; and provided also, that all Proprietors, Lessees, and others, who shall let for Rent or Hire Premises within the said Bounds to travelling Merchants or others, for a Space less than One Year, shall themselves, as well as the Occupiers, be responsible for the Assessments applicable to the said temporary Occupation, and such Assessments may be recovered from the said Proprietors or from the Occupier, as the said Commissioners shall judge expedient.

Unoccupied Houses may be assessed on becoming occupied.

How Houses let to travelling Merchants are to be assessed.

XXII. And be it enacted, That the said Commissioners, at a Meeting to be held in this present Year, as soon after the passing of this Act as may be, and annually thereafter at a Meeting to be held on the last *Tuesday* of *July* (being summoned in manner hereinbefore directed by written or printed Notices, which shall state that the Meeting is for the Purpose of laying on an Assessment as herein-after mentioned), shall estimate and fix, and they are hereby authorized to estimate and fix, the Sums of Money necessary to be levied for the then current Year for the different Police Purposes of this Act and in Terms hereof, and shall thereupon direct their Clerk and Collector to make up a Roll (which the said Clerk and Collector are hereby empowered to do) of the yearly Rents or Values of all the Lands, Tenements, Houses, Buildings, and other Heritages liable to be assessed, with the Names of the Persons liable to Assessment, which Assessment shall be calculated from *Whitsunday* to *Whitsunday*, and shall be payable half-yearly on the Twenty-fifth Days of the Months of *November* and *May* annually; the first or present

Commissioners to estimate and fix Amount of annual Assessments.

present Year's Assessment being for One whole Year from the *Whitsunday* preceding such Meeting to the *Whitsunday* next ensuing: Provided always, that the said Assessment shall not in any Year exceed the said maximum Rate of Assessment.

Roll to be
made up
yearly, and
Notices
given of
Assessments.

Roll to be
corrected.

First Pay-
ment of As-
sessment to
be on 25th
Nov. 1840.

XXIII. And be it enacted, That such Roll of yearly Rents or Values shall be made up in every Year after the present Year on the last *Tuesday* of *August*, and after it is made up the Clerk and Collector shall cause a written or printed Notice to be left at the Dwelling House or Place of Business of every Person liable to be assessed, and having a Dwelling House or Place of Business within the Bounds over which the Assessment is to extend for that Year, and otherwise to be left at or within the Premises to be assessed, specifying the Rent or Value upon which such Assessment is to be made; and upon some convenient Day to be fixed by themselves, and of which Intimation shall be given in the said Notice, the said Commissioners shall meet for the Purpose of considering and amending the said Roll of the Rents or yearly Values of the Premises liable to be assessed; and for at least Fourteen Days before such Meeting the said Roll shall lie in some public and convenient Place, to be fixed by the said Commissioners, and of which Notice shall be given in the Notices aforesaid, open for the Inspection of all Persons liable to be assessed; and the said Clerk and Collector shall cause Notice of the Time and Place fixed for such Meeting to be given also by Advertisement inserted in One or more Newspaper circulated within the said Bounds, at least Seven Days before the Day of Meeting, and also by Tuck of Drum through the said Bounds; and at least Four Days before such Meeting all those considering themselves in any way aggrieved by the said Roll, and intending to complain, shall lodge written Appeals or Complaints in the Hands of the said Clerk and Collector; and at the said Meeting the said Commissioners shall hear and consider the Cases of all those who may consider themselves aggrieved, and shall have appealed or complained as aforesaid, and shall alter and amend the Roll, either by reducing the stated Rents or yearly Values when they consider them to be stated higher than they ought to have been, or by increasing them when they consider them to be stated too low, as they shall see Cause; but in case any of the Rents or yearly Values of any of the Premises shall be increased beyond what was specified in the Notice, then another Notice shall be given to the Person liable in Assessment for such Premises; and the Commissioners shall meet on a subsequent Day to be fixed at said Meeting, and specified in said Notice, to hear and consider the Case of such Persons in case they shall consider themselves aggrieved, and finally fix the said Rents or yearly Values and the Amount to which each Person liable as aforesaid is assessed; and such Rolls shall thereafter be authenticated as the said Commissioners shall direct, and the Assessment shall be levied according thereto; and such Rolls shall also be entered in Books kept for the Purpose, which shall be open and patent to all Persons interested at reasonable Times: Provided always, that the first Payment of the Assessment leviable under this Act shall be made on the Twenty-fifth Day of *November* in the present Year for the Half Year preceding, and that the said Commissioners, having estimated and fixed the Sum necessary to be levied for the Year ending

ending on the Twenty-fifth Day of *May* One thousand eight hundred and forty-one, at a Meeting to be held by them as aforesaid, shall proceed to make up a Roll of Rents or Values as aforesaid for the said Year, and shall hold a Meeting for considering said Roll, and also Meetings as aforesaid to afford Opportunities for appealing against and finally fixing and adjusting such Rolls and authenticating the same, at such Intervals between the passing of this Act and upon such Notices as they shall consider advantageous for all Parties interested.

XXIV. And be it enacted, That all the Meetings of Commissioners for the Purpose of Election, and of fixing and laying on Assessments, and for adjusting the said Roll of Assessments, shall be open to the Public. Meetings for Elections, &c. to be open.

XXV. And be it enacted, That all Elections of Commissioners subsequent to the first shall take place at a Meeting of Commissioners duly convened in Terms hereof within the Town House or other convenient Place, (and the said Commissioners are hereby directed to meet together annually for the Purpose accordingly,) and that all such Elections shall commence and finish in One Day, beginning at Ten of the Clock in the Forenoon and closing at Four of the Clock in the Afternoon precisely; and that at all Meetings for such Elections the Persons who shall be entitled to vote for a Commissioner or Commissioners shall be all and every Person who shall stand assessed in the Roll of Assessment authenticated as aforesaid, last made up previous to such Election and in force at the Time, and the Election of Commissioners at every annual Election after the said first Election shall be by Lists signed as before specified, to be given in to the Clerk and Collector to the said Commissioners, who shall also distribute them as the Town Clerk is herein-before directed to do at the first Election, in Presence of the Chairman for the Time being of the said Commissioners, who shall proceed to cast up the Votes and determine upon whom the Election has fallen at the Expiry of the Period within which the Election is herein-before directed to take place. Subsequent Elections of Commissioners and Qualification of Electors.

XXVI. And be it enacted, That previous to every annual Election of Commissioners after the said First Election the said Clerk and Collector shall cause Notice to be given in One or more Newspapers circulated within the said Bounds, or likewise in such other Way as he may judge proper or as may be fixed by the Commissioners, of the Time and Place of such annual Election, and which Notice shall specify the Names of the Commissioners who are to retire. Notice of annual Election of Commissioners to be given in the Newspapers.

XXVII. And be it enacted, That in case at any Election subsequent to the First Election of Commissioners the Electors shall refuse or neglect to elect the full Number of Commissioners at the Time fixed for the Election, or in case the Place of any of the Commissioners shall become vacant by Refusal to act, or by the Commissioner elected having changed his Residence to a different Ward, or by Death or Resignation, or in any other Way, then and in any such Provision for Vacancies, &c.

[*Local.*]

30 A

such

such Case it shall be lawful for the said Commissioners in Office at the Time to elect a Commissioner or Commissioners, qualified in manner herein set forth, to complete the Number of Commissioners where Elections shall not have been made of the full Number, or to supply such Vacancies, and these Persons, when so elected, shall have and enjoy the same Powers and Privileges as if they had been elected by the Persons liable to be assessed as aforesaid in their respective Wards in manner herein directed, and shall remain in Office until the next general Election; provided that the Non-election, Refusal to act, Change of Residence, Death, Resignation, or Vacancy among the Commissioners in any other Way shall not prevent the remaining Commissioners from acting under this Act, but that, notwithstanding the full Number shall not have been completed, such remaining Commissioners shall, until the next general Election, have, possess, and exercise the whole Rights, Privileges, and Powers conferred by this Act in the same Manner as if the full Number of Commissioners had been completed at the general Election.

Councillors not disqualified from being Commissioners.

XXVIII. And be it enacted, That any Person holding the Office of Councillor of the said Burgh shall not on that Account be disqualified from being elected and acting as a Commissioner of Police under this Act.

Resignations.

XXIX. And be it enacted, That any Person elected and accepting the Office of Commissioner of Police may resign his said Office at any Time upon giving not less than Three Weeks Notice of such his Intention by a written Intimation to the Clerk and Collector to the said Commissioners.

No Person shall have more than One Vote.

XXX. Provided always, and be it enacted, That no Person shall have more than One Vote for each of the said Commissioners in any One Ward, without Prejudice to his voting in any other Ward or Wards within which he may be liable to be assessed; and provided also, that Persons going out of Office in manner by this Act directed shall be capable of being re-elected.

Rights of Companies in Election of Commissioners.

XXXI. Provided further, and be it enacted, That in the Election of the said Commissioners any Company or Companies holding and occupying Property within the said Limits assessed to the Extent entitling an Individual to vote shall be entitled to exercise the said Right in the Election of Commissioners by the Vote of either the managing Partner or of any other Partner duly authorized, and in like Manner any Partner of such Company or Companies holding and occupying Property assessed to the Extent which entitles an Individual to be chosen Commissioner shall be eligible as a Commissioner for the Purposes of this Act.

Commissioners may remit Rates in Cases of Poverty.

XXXII. And be it enacted, That the said Commissioners may, upon the Petition of any Occupier of any Premises subject to the Payment of the said Rates or Assessments, on the ground of Poverty or Inability to pay the same, remit, in whole or in part, Payment of the

the said Rate or Assessment by such Occupier respectively, in such Manner as the said Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

XXXIII. And be it enacted, That no Person shall be eligible as a Commissioner, or entitled to vote at the Election of Commissioners, who shall have been relieved from the Assessment made on him for the Purposes of this Act for the current Year, or Year immediately preceding, on the ground of Inability to pay the Assessment, or who shall be at the Time of the Election in arrear for any Part of the current or any previous Year's Assessment, at least One Month having elapsed from the Day when the same was payable, whether such Arrear shall be due by himself or by any Company or Copartnership by which he is authorized to vote, and a Certificate under the Hand of the Clerk and Collector shall be deemed and taken to be a sufficient Evidence of such Relief or Arrear.

No Person in arrear of Assessment to vote or be elected.

XXXIV. Provided always, and be it further enacted, That no Person, after having given his or her Vote as qualified to vote for the Election of a Commissioner of Police under this Act, shall thereafter be entitled to Exemption from any of the Rates and Duties imposed by this Act, unless it be made to appear to the Satisfaction of a Majority of the said Commissioners, at a Meeting specially called for that Purpose, that the Reason for his or her Exemption has arisen after the so voting for a Commissioner.

Persons voting for Commissioners not to be entitled to Exemption from Rates, &c.

XXXV. And be it enacted, That in case any Person shall at any Time obstruct, hinder, or molest any Elector qualified to vote in manner herein directed in giving such Vote, every Person so offending shall forfeit the Sum of Twenty Shillings for each Offence; or in case any Person shall give, offer, or promise to any Elector any Reward or Bribe in order to procure the Vote of such Elector for any Person, or shall be guilty of treating any Elector in order to that End, every Person so offending shall forfeit a Sum not exceeding Five Pounds for such Offence, *toties quoties*, besides becoming disqualified from holding the Office of Commissioner under the Elections of that Year; and in case any Person not qualified to vote as herein provided shall nevertheless vote at the Election of Commissioners, every Person so offending shall be liable in a Penalty not exceeding Five Pounds for each Offence, *toties quoties*.

Penalty for obstructing or bribing Voters, and on unqualified Persons voting.

XXXVI. Provided always, and be it enacted, That none of the said Commissioners shall be capable of acting as such during the Time he shall enjoy any Office of Profit under this Act, or while he has any Share or Interest in any Contract relating to the Execution thereof; but declaring that although any Contract shall be entered into between the said Commissioners and any Company already established or which may be established for lighting the said Burgh and Suburbs thereof within the said Bounds with Gas, nevertheless no Person shall, by reason of being a Partner or Member of such Company, be disqualified from being elected or acting as a Commissioner under this Act: Provided also, that at all Meetings of Commissioners

Commissioners not to hold Places of Profit, and to pay their own Expences at Meetings.

Commissioners under this Act the Commissioners shall defray their own Expences.

Recovery of
Police Rates.

XXXVII. And be it enacted, That the Rolls of Assessment respectively completed and authenticated as aforesaid shall be forthwith delivered to the said Clerk and Collector, and shall be their Rule for collecting the said Assessments, and they shall thereupon proceed to collect and recover the same accordingly; and if any Person or Persons who shall be so assessed for Police Purposes under this Act shall refuse or neglect to pay the Assessments charged upon him, her, or them for the Space of Ten Days next after such Assessments shall be due and demanded by the said Clerk and Collector, such Demand being made by a written or printed Notice to be left at his, her, or their Dwelling House or Place of Abode or Shop or other Place of Business, in case such Person or Persons shall have a Dwelling House or Place of Abode or Shop or other Place of Business, within the Bounds to which this Act extends, and in case such Person shall not have any such Place of Abode or Place of Business, then at the Dwelling House or Place of Abode or Shop or other Place of Business last known to have been occupied by such Person or Persons within the said Bounds, it shall be lawful for the said Clerk and Collector to apply to any of the Magistrates of the said Burgh, if the Person deficient in Payment shall live within the said Burgh, or to the Sheriff of the County of *Banff* or his Substitutes, or any Two Justices of the Peace for the County, if such Person shall live without the Burgh but within the County of *Banff*, for a Warrant to any of their respective Officers to enter the Houses or other Places, and to seize, take possession of, and carry away the Goods and Effects, of the Person or Persons so refusing or neglecting as aforesaid, or so much thereof as shall appear to be sufficient as after mentioned; and it shall be competent to the Magistrates of *Banff* and the said Sheriffs and Sheriff Substitutes, or the said Justices or other Magistrates, and they are respectively hereby authorized and required, to grant such Warrant, upon a Paper containing the Name of a Defaulter or a List of Defaulters being presented to them, along with a relative Certificate signed by the said Clerk and Collector of such Demand having been made, and of the Person or Persons named and designed in said Paper or List being in arrear to the Amount therein stated; and if such Assessments shall not be paid, together with the Expences or Costs and Charges incurred in obtaining such Warrant (as the same shall be fixed by the said Judge), upon Presentment of the said Warrant to any Defaulter, or at his or her last known Dwelling House or Shop or Place of Business, then the said Clerk and Collector is hereby authorized to cause an Officer or Officers, or other Person or Persons appointed to execute such Warrant, to seize, take possession of, and carry away so much of the Goods and Effects of the Person refusing or neglecting to pay as aforesaid as shall appear sufficient for satisfying by the Sale thereof the Assessment due by him or her, with the Expences or Costs aforesaid, and the farther Expences or Costs and Charges incurred or to be incurred in carrying the Warrant into execution; and if such Assessment shall not be paid within Four Days next after such Seizure is made, together with the Expences or

Costs and Charges aforesaid, then the Clerk and Collector is hereby authorized, without any farther Warrant, to sell the said Goods and Effects so seized, if found within the Bounds aforesaid, or within such Distance that they may be removed conveniently thereto, by public Roup on the Premises, or such other public Place as may by the Commissioners be declared to be a proper Place for such Sale, such Clerk and Collector returning the Surplus of the Price (if any be) after Payment of the said Assessments and Expences or Costs to the Owner of the said Goods and Effects; or in case the Goods and Effects be not found within the Bounds aforesaid, or within such Distance that they may be removed conveniently thereto, then the said Goods and Effects shall be sold as aforesaid (upon Notice as aforesaid from the said Clerk and Collector that said Assessments have not been paid within the Period aforesaid), at a proper Place, and by some Person to be appointed by such Judicatory as aforesaid, who shall transmit the Proceeds to the said Clerk and Collector, together with the Warrants of such Seizures and Sales and a Statement of such Expences or Costs, and the true Proceeds of the Sale, or the Amount of said Assessments and Expences and Costs, returning the surplus Price to the Owner, as the Case may be; and the Collector shall be bound to preserve the Warrants of such Seizures and Sales, and enter in a Book to be kept for the Purpose the Names of the Parties proceeded against, the Assessment due, the Expence of the Proceedings, and the true Proceeds of such Sale, which Book shall be open to the Inspection (without any Fee) of all Parties interested for Three Months after the Date of each Sale respectively, and at any Time within that Period it shall be competent to any Party considering himself aggrieved to complain to the said Magistrates, or to the Sheriff of *Banffshire* or his Substitute, or any of the Judges aforesaid, of any thing done unjustly or oppressively in regard to such Seizure or Sale, such Complaints being made in the Form of Petitions (subscribed by the Complainer), One Petition only being allowed in each Case, and the Decision of the Judge to whom the Petition is presented shall be final, and not subject to Review by any Court in any Form whatever; and failing the Recovery of the said Assessments in the summary Manner before directed, or if the Commissioners shall so direct in the first instance, the Clerk and Collector may sue for and otherwise recover the said Assessments according to Law.

XXXVIII. And be it enacted, That when, from Oversight or Error, any Assessment shall have been laid on in a wrong Name, or otherwise erroneously, the Person erroneously assessed shall be entitled to be relieved from such Assessment, on Proof of the Error to the said Commissioners at any Meeting, and it shall be lawful for the said Commissioners at any Meeting to impose the same on the Person truly liable, after printed Notice to such Person being left as aforesaid.

Remedy for
Errors in
imposing
Assessments.

XXXIX. And be it enacted, That if any Sums of Money or Surplus of the aforesaid several Assessments to be annually imposed shall remain at the End of any Year, after the Purposes for which such Assessments were imposed shall be provided for, the same shall

How surplus
Monies are
to be applied
and short
Assessments

[Local.]

30 B

be

to be made up.

be applied towards the same Purposes respectively for the Year following; and if the Assessments for any Year shall not be sufficient for such Purposes for that Year the said Commissioners shall be entitled and they are hereby authorized and required to make Provision for Payment of any such Deficiency in the following and subsequent Years till the same shall be fully paid, provided that in no One Year the Rate of Assessment hereby authorized shall be exceeded.

Decision of Commissioners to be final.

XL. And be it enacted, That the Decisions of the said Commissioners in regard to Assessments under this Act shall be final and conclusive, and not subject to Review by any Court whatsoever.

Clerk and Collector to find Security for Intromissions.

XLI. And be it enacted, That the Clerk and Collector to be appointed by the said Commissioners shall find Security for their Intromissions with and faithfully accounting for the Funds which they shall be empowered to levy, collect, or receive, and that to the Extent of such Sum as shall be fixed by the Commissioners, or failing to take such Security, the Commissioners making the Appointment shall be individually responsible for the Default of such Clerk and Collector; and the Clerk and Collector for the Time shall be obliged to lodge all Monies received by them in such Bank or with such Banking Company as a Majority of the said Commissioners present at any Meeting shall direct, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the said Clerk and Collector for the Time, but all the Draughts which shall be made by the said Clerk and Collector for the Purposes of this Act shall be countersigned by Two of the Commissioners before being presented to such Banking Company, and the said Clerk and Collector shall make no Draughts on the same Account for any private Purpose on any Pretence whatever, nor for any other Purpose than for the Purposes of this Act; and such Clerk and Collector shall never retain in their own Hands above Five Pounds Sterling; and if such Clerk and Collector shall act in the contrary they shall be liable for Ten Pounds *per Centum per Annum* on whatever exceeds the foresaid Sum of Five Pounds remaining in their Hands in Name of Interest and Damages.

On Insolvency of Clerk or Collector, Deficiency may be assessed.

XLII. And be it enacted, That in case any such Clerk or Collector shall become insolvent, and the Sums chargeable against him shall not have been paid by his Sureties, after due Diligence used by said Commissioners, then and in every such Case the Sum deficient shall be included in the next annual Assessment, and levied and collected accordingly.

Assessments vested in Commissioners.

XLIII. And be it enacted, That the Monies arising from the foresaid Assessments shall be and the same are hereby vested in the said Commissioners and their Successors, for such Police Purposes as are herein before and after provided, and for no other Purposes whatever; and all such Monies shall be applied, laid out, and expended, in the first place, in paying One Third of the Expences to be incurred in passing this Act, and then in defraying the Expences which they may incur in carrying into full Effect the various Objects and Purposes

poses of this Act herein before and after mentioned, and to no other Purpose whatever; and the said Commissioners shall cause to be provided and kept proper Books, and fair and regular Entries to be made therein of all the Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Amount of the Assessments to be levied as aforesaid, and of the Salaries and Emoluments paid or ordered to be paid to the Persons employed for the Purposes herein expressed, and of the Names of all such Commissioners as shall be present at their several Meetings; and all Entries in such Books, being signed by the Preses of such Meeting, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, Actions, Prosecutions, and Proceedings touching or concerning any thing done in pursuance of this Act; and such Books shall at all reasonable Times be open and liable to the Inspection of all and every the said Commissioners, and of all Persons assessed for the Purposes of this Act.

Books of Proceedings to be kept.

XLIV. And be it enacted, That the whole Dung, Filth, and Fulzie in the Streets, Roads, Lanes, or open Places within the said Bounds shall, from and after the passing of this Act, be vested in the Commissioners of Police, to be disposed of for the Purposes of this Act.

Dung, Fulzie, &c. vested in Commissioners.

XLV. And be it enacted, That the said Commissioners shall have Power and they are hereby authorized to purchase, build, or rent Houses or Premises, in such convenient Situations as they may agree upon, to be used as a Police Office or Offices or Watch-houses or Watch-house, Engine-houses or Engine-house, or other Houses or Premises necessary for the Purposes of this Act, where the Clerk and Collector and other Officers and One of the Commissioners shall be in attendance at such Hours as the said Commissioners may for the Police Purposes of this Act appoint, and that they shall also have Power to purchase, rent, or hire any Lands or other Heritages which they may consider necessary for promoting the Objects and Purposes of this Act.

Power to purchase, build, or hire Premises for Offices, &c.

XLVI. And be it enacted, That the Rights of all Heritable Property to be acquired in the Execution of this Act, so far as the same relates to Police Purposes, shall be taken in favour of the Clerk and Collector of the said Commissioners for the Time being and his Successors in Office; and such Rights shall be sufficient for vesting the same in the said Commissioners and their Successors in Office; and all Contracts, Agreements, Sales, and Conveyances, or other Deeds or Writings constituting such Right, may be made according to the following (adapting the same to more than One Person, as the Case may be,) Form:

Rights of Heritable Property how to be taken.

‘ I *A. B.* in consideration of _____ to me paid [or Form of
 ‘ in consideration of the annual Rent of _____ to me Conveyance.
 ‘ to be hereafter paid by yearly or half yearly Payments, as may be
 ‘ agreed on,] by the Commissioners of Police for the Burgh of *Banff*,
 ‘ do hereby grant, dispone, and convey to

‘ as

‘ as Clerk to and for behoof of the said Commissioners, and his Suc-
 ‘ cessors in Office [*describe the Premises to be conveyed*], and all my
 ‘ Right, Title, and Interest to the same, to be holden by the said
 ‘ Commissioners and their Successors for ever, by virtue of an Act of
 ‘ Parliament made in the Fourth Year of the Reign of Her Majesty
 ‘ Queen *Victoria*, intituled *An Act* [*here insert the Title of this Act*].
 ‘ In witness whereof I have subscribed these Presents, written by
 ‘ this Day of in the Year of our Lord
 ‘ before these Witnesses [*here insert Witnesses Names*
 ‘ *and Designations.*.]’

Which said Conveyance, being registered in the Register of Sasines of the said Burgh, if the Lands or other Heritages be within the same, or, if without the same, in the Register of Sasines for the County or General Register of Sasines, (and which the Keepers of the said Registers are hereby authorized and required to register,) shall receive the same Effect and be as valid and effectual to all Intents and Purposes as if a formal Disposition had been executed, and followed by Sasine recorded according to the Form of the Law of *Scotland*, any Law, Statute, or Practice to the contrary notwithstanding.

Commis-
 sioners may
 contract for
 any of the
 Operations
 hereby autho-
 rized, and
 may appoint
 a standing
 Committee
 and other
 Committees.

XLVII. And be it enacted, That the said Commissioners shall and may and they are hereby authorized to contract with any Person for carrying into execution any of the Operations herein authorized, and any Contract so entered into shall be signed by the Preses and Clerk and Collector in the Name of the Meeting at which any such Contract shall be made, and shall thereupon be binding and effectual to all Intents and Purposes; and in order to facilitate the Treaty for any Purchase, Contract, or other Transaction which the said Commissioners may desire to enter into, they are hereby further authorized to appoint a Committee or Committees of their Number from Time to Time as Occasion may require, to make such Treaty or Treaties, under the Direction of the Commissioners; and the said Commissioners are hereby further authorized, at the First Meeting after their Election shall have been completed, or at any subsequent Meeting, to appoint a Standing Committee of their Number for the Year ensuing, and annually at a corresponding Meeting thereafter, if it shall seem expedient to the Majority of Commissioners present at such Meeting or Meetings so to do; and such Committee and Committees, when so appointed as aforesaid, are hereby directed to give at all Times their best Assistance in removing Obstructions in the Roads, Streets, Lanes, and Places aforesaid, in superintending and seeing to the proper Execution of all Operations which may be intrusted to them or to the Commissioners under this Act, and generally to aid and assist in carrying into complete Effect the Purposes of this Act; and the said Commissioners are also hereby authorized to supply any Vacancy or Vacancies which may occur in said Committee during the Currency of any One Year by Death, Resignation, Refusal to act, or otherwise, at any Meeting after such Vacancy or Vacancies shall have occurred, if they shall consider it necessary so to do.

XLVIII. And

XLVIII. And be it enacted, That the said Commissioners shall, within Fourteen Days after the Fifteenth Day of *October* One thousand eight hundred and forty-one, and within the same Period in each and every subsequent Year, make out or cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, so far as the same regards the Purposes of Police, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied; and which Account shall be duly audited and certified by an Auditor to be appointed by the said Commissioners for that Purpose, and shall be deposited with the said Clerk of Police, who shall permit any Person assessed under this Act to inspect and examine such Accounts at all seasonable Times, without Payment of any Fee or Reward for such Inspection; and on or before the First Day of *January* in each and every Year the said Commissioners shall and they are hereby required to prepare or cause to be prepared an Abstract of the said Account, showing, under distinct and separate Heads, the total Receipts and Expenditure of all Funds applicable to the said Police Purposes, levied under this Act during the Year ending on the said Fifteenth Day of *October* immediately preceding such First Day of *January*, with a Statement of the Balance of the same, which Abstract shall be duly audited and certified as aforesaid; and on or before the said First Day of *January* the said Commissioners shall transmit or cause to be transmitted, free of Charge, a Copy of the said Abstract to the Town Clerk of the said Royal Burgh of *Banff*, which shall also be open at all seasonable Hours to the Inspection of the Public, on Payment by each Person to the said Town Clerk of a Fee of One Shilling for each such Person for every Inspection, and the further Sum of One Shilling for every Hour during which such Inspection shall continue after the First Hour; and if the said Commissioners shall fail to prepare or transmit in manner herein-before provided a Copy of the said Abstract, such Commissioners shall forfeit a Sum not exceeding One Pound for each Day after the First Day of *January* during which they shall so fail, to be recovered summarily before the Sheriff of the County, and paid to any Person who shall sue for the same; and the said Commissioners shall cause the said Account or the Abstract thereof to be printed and published for the Information of all Parties.

Annual Accounts of the Receipt and Application of Monies to be made out and deposited with the Clerk of Police for Inspection.

An Abstract of the Accounts to be prepared and published yearly, and a Copy thereof sent to the Town Clerk.

XLIX. And be it further enacted, That it shall and may be lawful for the said Commissioners, or a Quorum of them, at a Meeting convened for the Purpose, from Time to Time to appoint, besides the said Clerk and Collector, a Master of Police and such a Number of Watchmen and other inferior Officers and Servants as they shall consider necessary to carry this Act into full Effect, under such Rules and Regulations as to the said Commissioners shall seem proper, and to grant them such Salaries and Allowances as they shall consider suitable, and to pay the necessary Expences incurred by them in the Execution of the Duties of their respective Offices, as well as all other necessary Expences attendant upon the due Execution of this Act; and the said Clerk and Collector and Master of Police shall be removeable by a Majority of the Commissioners at a Meeting duly convened, and all the other inferior Officers and Servants

Power to appoint Master of Police and inferior Officers, &c.

vants by the said Master of Police, subject however to the Control of a Majority of the Commissioners convened as aforesaid.

Duties of
Clerk and
Collector,
Master of
Police, &c.

L. And be it further enacted, That among other Duties imposed by this Act it shall be the Duty of the said Clerk and Collector, Master of Police, Watchmen, and other inferior Officers and Servants, and other Persons acting under the Authority of this Act in carrying into effect the Purposes, and to aid and assist in apprehending, detecting, and bringing to Justice Persons guilty of Theft, Swindling, Street Robberies, Housebreaking, Assaults, Reset of Theft, Shoplifting, picking Pockets, Gambling, and other Crimes, by causing the Parties accused to be apprehended and imprisoned upon legal Warrants, and proceeded against in Terms of Law, in apprehending and putting the Law into execution against Vagabonds, Vagrants, Beggars, and disorderly Persons, in suppressing Mobs and Riots, in assisting to extinguish Fires, guarding, patrolling, and watching the Streets, Roads, Lanes, Passages, and other Places within the Bounds aforesaid, and in general in preserving good Order and Tranquillity within the same.

Commissioners,
Officers
of Police, &c.
to be Con-
stables.

LI. And be it enacted, That the said Commissioners, and also their Clerk and Collector, Master and other Officers of Police appointed under the Authority of this Act, shall, in virtue of their Appointment, and as long as they hold the same, and no longer, be subject to all the Regulations and possess and exercise all the Powers applicable and belonging to the Office of Constable by the Law of *Scotland*, and shall before acting be respectively sworn in as Constables by the Chief Magistrate of the Burgh of *Banff* or Sheriff of the County of *Banff*, or his Substitute.

Officers to
attend
Criminal
Courts.

LII. And be it enacted, That the said Commissioners of Police shall take care that a sufficient Number of Officers shall be in attendance at every Criminal Court holden within the said Bounds for the Purpose of executing such Summonses and Warrants as may be directed to them.

Warrants to
be delivered
to superior
Officer.

LIII. And be it enacted, That when any Warrant shall be directed or delivered to any of the said Officers, unless it be necessary for the due Execution thereof that such Warrant be executed without Delay, the Officer shall deliver the same to the Master of Police, or Clerk and Collector, or other superior Officer acting for him at the Time, who shall appoint by Endorsement thereon One or more Officers to execute the same; and every Officer whose Name shall be so endorsed shall have the same Powers, Privileges, and Protections for and in the Execution of such Warrant as if the same had been originally directed to him or them by Name.

Penalty for
Neglect of
Duty by
Officers.

LIV. And be it enacted, That every Police Officer who shall be guilty of any Neglect or Violation of Duty in his Office shall be liable to a Penalty of not more than Five Pounds, the Amount of which Penalty may be deducted from any Salary then due to such Offender, or he may be imprisoned for any Time not more than Fourteen Days.

LV. And

LV. And be it enacted, That every Person who shall assault, strike, obstruct, hinder, or molest any Officer or other Person employed under this Act in the Execution of his Duty, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling.

Penalty for
obstruction
Officers. n
and

LVI. And be it enacted, That no Person shall at any Time drive Cattle or Bestial of any Description into any Part of the said Bounds other than shall be appointed by the said Commissioners, for the Purpose of being slaughtered there, nor shall it be lawful to slaughter Cattle within the same at any other Place than that appointed as aforesaid; and any Person convicted of slaughtering Cattle within the said Bounds otherwise than as before provided shall for each Offence incur a Penalty not exceeding Five Pounds Sterling.

No Cattle
be driven
Slaughter
other
than
point
Com.
missioners.

LVII. And be it enacted, That no Merchant, Shopkeeper, or Trader, Dealer in Gunpowder or other private Individual, within the said whole Bounds of Police, shall have or keep in his House, Shop, or Warehouse at any one Time, except for the Purpose of being conveyed to the Storehouse or Magazine after mentioned without any unnecessary Delay, more than Ten Pounds Weight of Gunpowder, which shall be kept in Two separate covered Copper Canisters of equal Sizes, of such Construction as shall be prescribed or approved of by the said Commissioners, but shall deposit and lodge his whole remaining Stock of Powder in the Storehouse or Powder Magazine already provided, or which may hereafter be constructed or provided, by the Magistrates of *Banff* or by the said Commissioners, and all Dealers in Gunpowder are and shall be debarred from selling or disposing of the same by Candle-light or other artificial Light; and if any Person shall be convicted of having in his House, Shop, or Warehouse at any one Time longer than is reasonably necessary for the Removal thereof to the Storehouse or Magazine aforesaid, a greater Quantity than Ten Pounds Weight of Gunpowder, he shall forfeit and pay the Sum of Twenty Shillings for every Pound Weight above the said Quantity, over and beside the Forfeiture thereof; and if any Person shall be convicted of keeping in his House, Shop, or Warehouse at any one Time, otherwise than in Canisters as aforesaid, any Quantity of Gunpowder except for the Purpose of immediate Removal as before specified, he shall forfeit and pay the Sum of Twenty Shillings for every Pound Weight so illegally kept, over and above the Forfeiture thereof; and if any Person shall be convicted of selling any Quantity of Gunpowder at any other Time than during Daylight, the Person so offending shall for every such Offence forfeit and pay the like Sum of Twenty Shillings, over and besides the Forfeiture of the Powder in his Possession; and the said Commissioners shall make such Orders and Regulations respecting the receiving and depositing of the said Gunpowder as the Nature of the Case shall appear to them to require: Provided always, that the Commanding Officer of any of Her Majesty's Military or Naval Forces, or of any Volunteer or Yeomanry Corps, or other Person or Persons in Her Majesty's Service, may keep or direct to be kept such a Quantity of Gunpowder as he may think necessary for Military or Naval Purposes.

Regulations
as to Gun-
powder.

LVIII. And

uses and
sets to be
numbered
named.

LVIII. And be it enacted, That the Commissioners aforesaid may order and direct the Houses, Buildings, Shops, Cellars, or Warehouses within the Bounds aforesaid to be numbered with Figures, to be placed or painted on the Doors or on such other conspicuous Part thereof, under the Directions and Superintendence of their standing Committee as aforesaid, or any Committee or any One of their Number appointed for the Purpose, as they shall think proper; and may likewise order, under the Direction and Superintendence aforesaid, to be painted or otherwise inscribed on a conspicuous Place at or near the Corner of each Street, Road, Square, Lane, Passage, or Place, the Name thereof; and any Person who shall wilfully or maliciously injure or deface any such Number, Figure, Name, or Description shall for every such Offence forfeit and pay a Sum not exceeding One Pound.

Encroach-
ments on the
Streets, &c.
to be wholly
partially
removed.

LIX. And be it enacted, That it shall be lawful for the Sheriff of the County of *Banff* in Sheriff Court, on an Application by the Clerk and Collector of the Commissioners, accompanied by a Certificate signed by any One of the Commissioners or of their standing Committee as aforesaid, intimating Concurrence in such Application, against the Proprietor or Proprietors of any Buildings fronting any of the Streets, Squares, Lanes, Roads, or Passages within the Bounds aforesaid, having Stairs built upon the Streets or Foot Pavements, or projecting or encroaching to any Extent upon the Streets or Foot Pavements, or having any other Buildings or Things projecting therefrom or connected therewith, which obstruct the free Passage or occasion Inconvenience or Hazard to Passengers on the Streets or Foot Pavement, to order such Stairs, Projections, Encroachments, or other Things to be removed by the Proprietor thereof, at the Sight of the Commissioner signing said Certificate, or if there be then a standing Committee of said Commissioners at the Sight of such Committee, within such reasonable Time and in such Manner as to such Sheriff may appear suitable; and if the same be not removed within the Time fixed, the Proprietor or other Person through whose Default the Decree or Order of Court has not been duly implemented, shall forfeit and pay any Sum not exceeding Twenty Shillings for each Month after the Expiration of the Time allowed for removing during which the Obstructions remain; and in case such Obstructions shall not be removed within Six Months after the Time allowed for removing the same has expired, then such Sheriff may and is hereby required to issue his Warrant for removing the same *brevi manu*; and that in all Cases of Buildings already erected on the Sides of the Foot Pavements of any of the Streets, Squares, Lanes, Roads, or Passages within the Bounds aforesaid, which cannot have convenient Access made to them by any other Means than the Stairs or Projections or Encroachments already made, such Sheriff shall not have Power to order such Stairs or Projections to be altogether removed, unless with the Consent of the Proprietor thereof; but it shall be lawful to such Sheriff, and he is hereby authorized and empowered, to order such Stairs, Projections, or Encroachments to be removed or altered by the Proprietor thereof, at the Sight of the Person or Persons aforesaid, and that to such Extent and in such Way as to such Sheriff may appear proper, so as
without

without depriving such Buildings of a suitable Access to abate the Danger or Inconvenience arising from such Stairs or Projections; and in case of Failure to execute the Operations ordained by such Sheriff within the Time allowed, the Penalties before specified for a Failure to implement the Orders of such Sheriff in the Case of a total Removal shall in this Case also be incurred, and be recoverable in the same Manner; and in case the Order of such Sheriff shall not be implemented within Six Months after the Time allowed for removing the same has expired, then such Sheriff may and is hereby required to issue his Warrant for putting the same in a proper State or removing it in so far as it is an Obstruction, at the Sight of the Person or Persons aforesaid, and such Sheriff is hereby authorized to give such Directions as to Payment of the Expences thereof as to him may seem expedient.

LX. And be it enacted, That in all such Cases of the Removal in whole or in part (or the Alteration) of such Stairs, Projections, Encroachments, or other Buildings, or Things, in case the Proprietor of the House or other Building to which the same belongs shall be thereby injured, he or they shall be entitled to a Compensation from the said Commissioners for such Injury, according as the Amount thereof shall be agreed upon between him and them, or shall be ascertained by such Sheriff by means of a Remit to Persons of Skill, and a Report on Oath by them, or otherwise as such Sheriff shall direct, in case the Parties shall consent to the Amount being so ascertained, or, if the Parties shall not so consent, by a Jury to be summoned in the same Manner as Juries in *Scotland* are summoned.

Compensation for Injury by Removal of Encroachments.

LXI. And be it enacted, That the Proprietor, Life Renter, or any other Person entitled to or in Receipt of the Rents of any Premises which shall be insecure, ruinous, or otherwise dangerous to Passengers, shall be obliged, and he is hereby required forthwith, on Requisition signed by any of the Commissioners, or of their standing Committee (if there should then be such), presented to him, her, or them, if within the said Bounds, and if not within the same left with his, her, or their known Agent by the Clerk and Collector, or, if the Agent be not known, by Advertisement in One or more Newspapers as aforesaid, signed as above mentioned, within a reasonable Time to be limited in such Requisition, to repair and secure or to pull down and remove such Premises; and in default thereof such Clerk and Collector shall present an Application, accompanied by a Certificate of such Default, signed as aforesaid, to the Magistrate or Sheriff or Sheriff Substitute aforesaid; and such Sheriff or Sheriff Substitute is hereby authorized and empowered, on the Report of Workmen, to cause the same to be repaired and secured or pulled down and removed; and every such Person aforesaid neglecting or refusing to comply with such Requisition shall defray the whole Expence incurred in repairing and securing or pulling down and removing such Premises.

Ruinous Houses to be secured or taken down.

LXII. And be it enacted, That in all such Cases of the Removal in whole or in part, or the Alteration of such Obstructions, the Proprietor

Expences of Application to be paid by

[*Local.*]

30 D

prietor

the Commis-
sioners.

prietor shall be relieved by the said Commissioners of all Expence which may be incurred in making Application to such Sheriff as aforesaid, in implementing his Orders, or in any other way in relation to the Premises, except only such Expences as may be incurred by or through the improper Opposition of such Proprietor to the Application to be made as aforesaid, or any of the Proceedings under the same, or by or through his improper Refusal or Delay to implement the Orders of such Sheriff, all which Expences shall be paid by such Proprietor; and accordingly such Sheriff may and shall give Decree according to the usual Form and Practice of his Court, ordering such Proprietor to make Payment of such Expence as the Amount thereof shall be ascertained by him.

Power to
Commission-
ers to con-
struct Sewers
and Drains.

LXIII. And be it enacted, That the said Commissioners shall have Power to construct proper Main Drains or Common Sewers in all Places or Situations in any Street, Square, Lane, public Passage or Place within the said Bounds where they may consider the same to be necessary, with Power from Time to Time to deepen and enlarge the same, and also to construct Drains for leading Rain or other Water and Soil into such Main Drains: Provided nevertheless, that it shall not be lawful for the said Commissioners to cut off, divert, or alter any Stream or Watercourse, or diminish the ancient and accustomed Quantity or other Water or Soil flowing therein at the passing of this Act, without the Consent in Writing of the Persons severally interested in such Water, and of the respective Owners and Occupiers of the Land on either Side of such Stream or Watercourse throughout their respective Properties.

Commis-
sioners may
provide Fire
Engines.

LXIV. And be it enacted, That the said Commissioners may provide One or more Fire Engines, and Fire Cocks or Plugs, as the said Commissioners may judge necessary, and also fit Persons for working the same, and apply so much of the Assessments hereby authorized to be levied as may be necessary for such Purpose.

If Chimneys,
&c. take fire,
the Occupier
to be liable
to a Penalty,
and to any
Reward
given for the
extinguishing
thereof.

LXV. And be it enacted, That if any Chimney or Funnel for conveying Smoke within the Bounds aforesaid be set on fire, or be suffered to be set on fire, or shall take fire, the Occupier of the Premises to which such Chimney or Funnel belongs shall be liable in a Penalty not exceeding Ten Shillings; and such Occupier shall moreover be liable in such further Sum, not exceeding Ten Shillings, as any of the Magistrates of the Burgh of *Banff* in their Burgh Court shall award to be paid (in such Proportions, if there be more Claimants than One, as the said Magistrates shall direct) to the Persons by whom such Fire is extinguished, or to any Officer or other Person appointed under this Act who shall soonest proceed to the Place to assist in extinguishing such Fire, or who shall first report such Fire at the Police Office.

Commission-
ers may erect
Steelyards.

LXVI. And be it enacted, That the said Commissioners may erect and maintain Steelyards or other Weighing Engines upon or adjacent to the different Roads leading to the said Burgh, or at convenient Places within the Bounds aforesaid, for the Purpose of weighing such Articles as may be brought within the same, and may enact such
Rules,

Rules, Regulations, and Bye Laws for regulating the weighing thereof as they shall from Time to Time think necessary and expedient, and may enforce Obedience thereto under such Penalty and Forfeiture as they shall affix, not exceeding Twenty Shillings.

LXVII. And be it enacted, That if any Stones, Wood, Lime, Sand, or other Article shall be deposited, or any Sheds for Workmen or other Erection or Inclosure be placed upon or Opening made in any of the Streets, Roads, or other public Places within the Bounds aforesaid, without the Authority of the Magistrates of the Burgh, if within the Burgh, or Sheriff of the County if within the same, first had and obtained, the Person or Persons depositing, placing, or making the same shall forfeit and pay any Sum not exceeding Two Pounds for each Day and Night during which the same shall be so deposited, placed, and made, after Notice to remove the same; and all and every Person or Persons, with such Consent, depositing, placing, or making, or causing the same to be deposited, placed, or made, shall at their own Expence cause a sufficient Rail or Fence, and (if upon a Footpath) a Footpath, sufficiently fenced, to be put round the same, and shall also cause a sufficient Number of Lamps or Lights to be affixed at or near the same, to be kept burning every Night from Sun-setting to Sun-rising that such Depositions, Erections, and Inclosures shall remain, or such Holes or Openings shall be unfilled up, all to the Satisfaction of the said Commissioners or their standing Committee (if there shall then be such); in failure whereof such Magistrate or Sheriff may, on Application by the Clerk and Collector of the Commissioners, accompanied by a Certificate signed by any One of the Commissioners or of their standing Committee as aforesaid, intimating Concurrence in such Application, decern the Person or Persons so offending to pay any Sum not exceeding Two Pounds for each Day or Night the same may remain undone, and may also order such Depositions, Erections, Inclosures, Holes, or Openings to be fenced, and Lamps or Lights to be affixed and kept burning, at the Sight of the Commissioner signing said Certificate, or (if there be a standing Committee of the said Commissioners) at the Sight of such Committee, at the Expence of the Persons employed or concerned therein, reserving always to any Persons who may suffer Injury by such Operations, whether the Provisions above set forth be observed or not, to prosecute for Reparation and Damages according to Law.

Penalty for depositing Building Materials or making Openings in the Streets without Consent.

If Materials are deposited with Consent a Fence to be put round them and lighted.

LXVIII. And be it enacted, That when it may become necessary to perform any Work upon Houses, Tenements, or other Premises within the Bounds aforesaid, whereby Risk may arise of any Articles or Materials falling upon the Streets, or of other Injury to the Public, every Person carrying on or causing to be carried on such Works shall at his Expence sufficiently fence round the Parts of the Foot Pavement opposite to such Houses, and shall uphold and keep in proper Repair the Fences aforesaid during the whole Time the said Works are carrying on, to prevent Passengers from walking along those Parts of the Foot Pavements, and shall also form a Footpath, sufficiently fenced, round or in front of such Fence; and the Person neglecting or refusing so to do shall be liable in a Penalty not exceeding

Houses under Repair to be fenced.

exceeding Ten Shillings for each Day's Failure; and such Magistrate or Sheriff may, on Application by the said Clerk and Collector, accompanied by a Certificate as aforesaid, also order such Fence and Footpath to be made at the Expence of the Party so offending, at the Sight of such Commissioner or Committee as aforesaid.

Sunk Steps
and other
Openings to
be covered in.

LXIX. And be it enacted, That all Cellars and other Places adjoining to the public Streets or Places within the Bounds aforesaid, having an Entry by sunk Steps or other Openings in the Pavement beyond the Line of the Wall of the Building to which they belong, shall be protected by a sufficient Iron Grating or other sufficient Cover in such Way as may be best suited for preventing Danger or Injury; and if any Proprietor or Occupier shall fail to construct such Grating or Cover, or to keep it properly secured, he shall be liable in a Penalty not exceeding Twenty Shillings, and such Magistrate or Sheriff may also, on Application by the said Clerk and Collector, accompanied by a Certificate as aforesaid, order the Work to be executed at the Expence of the Party so offending, at the Sight of such Commissioner or Committee as aforesaid.

Chimney
Pots, &c. to
be secured or
removed.

LXX. And be it enacted, That such Magistrate or Sheriff may, on Application by the said Clerk and Collector, accompanied by a Certificate as aforesaid, order to be removed or to be repaired all Chimney Cans or Pots, Tiles, Slates, Shutters, Ridges, Coping, or other Articles upon or projecting from the Roofs or any other Part of Houses, Buildings, or Premises which may be dangerous to Passengers, and on Failure such Magistrate or Sheriff may order the same to be removed or repaired at the Sight of such Commissioner or Committee as aforesaid; and the Proprietor shall in such Case, besides paying all Expences, forfeit and pay a Sum not exceeding One Pound Sterling.

In case of
Streets or
Pavements
going into
Disrepair.

LXXI. And be it enacted, That where any Part of the Streets, Roads, and other Ways aforesaid, or the Pavements or Footpaths, Shores, or Pipes, Drains or Common Sewers, or Water Pipes, within the Bounds aforesaid, whether already made or hereafter to be made, shall get into Disrepair, an Intimation in Writing shall be made by the said Clerk and Collector, signed by any of the said Commissioners, to the Person liable to repair the same, if such Person be then within the said Bounds, and if not within the same, left with his or her known Agent, or if such Agent be not known, by Advertisement in One or more Newspapers as aforesaid, or by Letter addressed to him or her, and sent through the Post Office, signed as above mentioned, requiring such Repair to be made within a Time to be specified in such Intimation; and failing thereof it shall be competent for any such Magistrate or Sheriff, on Application by the said Clerk and Collector, accompanied by a Certificate as aforesaid, to fine and amerce such Person in Double the Amount of the estimated Expence of such Repairs, to be recovered in manner herein provided, and on Recovery thereof to authorize and direct such Repairs to be made by the said Commissioners, at the Sight of the Commissioner signing such Certificate, or if there be a standing Committee, at the Sight of such Committee, and the Expence to be defrayed

defrayed out of the Sum to be so recovered; and the Remainder of such Sum, deducting the Expences or Costs of recovering the same, shall be applied as Fines and Penalties are by this Act directed to be applied.

LXXII. And be it enacted, That the Proprietors of all Houses and other Buildings, or of Gardens, Yards, Grounds, and other Heritages on which Buildings are not erected, which are adjoining to or fronting any Street, Road, Square, or other public or principal Place within the said Bounds, shall, at their own Expence, when required by a Requisition signed by any of the said Commissioners, and presented to him, her, or them, if within the said Bounds, by said Clerk and Collector, and if not within the same, left with his, her, or their known Agent by the said Clerk and Collector, and if such Agent be not known, by Advertisement in One or more Newspapers as aforesaid, signed as above mentioned, cause Footpaths before their Property respectively, on the Sides of the said Roads, Streets, Squares, or other public or principal Places, to be made, and to be well and sufficiently paved with flat, hewn, or other Stones, or to be constructed in such other Manner and Form and of such Breadth as the said Commissioners shall direct, and to be specified in such Requisition; and in case such Proprietors shall refuse or neglect or delay so to do it shall be competent for any such Magistrate or Sheriff, on Application by the said Clerk and Collector in manner herein last above provided, to fine and amerce such Proprietors in double the Amount of the estimated Expence, to be recovered in manner herein provided, and on Recovery thereof to authorize and direct such Foot Pavements to be made by the said Commissioners, at the Sight of the Commissioner signing such Certificate, or if there be a standing Committee at the Sight of such Committee.

Foot Pavements to be made.

LXXIII. And be it enacted, That if any Person shall have a separate Ash Pit or Necessary House for the Use of his Family, and for receiving the Dung of such Family exclusively, such Ash Pit or Necessary House shall be in an inclosed Court or other Place apart from the public Streets, and in such a Situation as not to admit of being used by Neighbours or be offensive to the Public; and no Ash Pit or Necessary House shall be permitted in any other Situation than as is before provided; and the said Commissioners shall have full Power to remove all such Ash Pits and Necessary Houses as shall not be constructed as aforesaid.

Ash Pits, &c. to be so situated and constructed as not to be offensive.

LXXIV. And be it enacted, That in case any Slaughter-house, Necessary House, or Pig Sty shall be or be erected within the said Bounds, contrary to the Provisions of this Act, or, being situated in a Place or Places permitted by this Act, shall be or become a Nuisance in the Opinion of a Majority of the Commissioners or of their standing Committee (if there should then be such), or if there be any other Building or Place whatsoever within the said Bounds which, by the Commissioners or Committee aforesaid, shall be deemed a Nuisance to the Inhabitants, it shall be lawful for the said Commissioners, or Committee aforesaid, upon Complaint made by any of the said Inhabitants, by Notice under the Hand of their Clerk and Collector,

Nuisances to be removed.

to order such Nuisance to be removed; and in case the same shall not be removed within Three Days after such Notice given to the Person or Persons causing such Nuisance, or left at his, her, or their last or usual Place of Abode, or with his or her known Agent, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

Penalty for making use of offensive Substances.

LXXV. And be it further enacted, That if any Person or Persons shall, within the Distance of Five hundred Yards from any Dwelling House situate in or upon any Roads, Street, or Place within the Bounds of this Act, burn any Rags or Bones, or other offensive Substances for any other Purpose whatever, or place, deposit, or keep any Filth or Nightsoil, or the Emptyings, Cleansings, or Filth taken from any Privy or Necessary House, Drain or Cesspool, except in Ash Pits or Necessary Houses constructed in Terms of this Act, or the Refuse, Offal, Garbage, Filth, or Sweepings of any Slaughterhouse, or any Soap Lees, ammoniacal Liquor, or any other noisome or offensive Matter whatsoever, in or upon any open or inclosed Ground or Place within the aforesaid Distance from any such Dwelling House as aforesaid, every Person so offending as aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Commissioners may cleanse Streets, &c.

LXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to contract with and employ Persons to cleanse and sweep the Streets, Squares, Roads, and other public Places within the said Bounds, if it shall appear expedient to the said Commissioners to do so, and to remove all Soil, Dirt, Ashes, and Filth therefrom, and to collect the same into Heaps, and afterwards to carry the same to such Place or Places as the said Commissioners shall appoint, and to sell and dispose of such Soil, Dirt, Ashes, and Filth to such Person or Persons as may be desirous to purchase the same; the Money thence arising being always applied towards the Purposes of this Act: Provided always, that the Expences of employing the said Persons shall be defrayed from the Funds to be levied in manner herein directed.

No Dust, Dung, &c. to remain in Streets, &c.

LXXVII. And be it further enacted, That all and every Person or Persons who shall lay or cause to be laid on any of the Streets or public Ways within the said Bounds any Dung, Dust, or Ashes for the Purpose of carrying the same to adjacent Grounds, shall remove and take the same away before Twelve of the Clock of the Day on which it shall be so laid in the said Streets or public Ways from the First Day of October to the First Day of April, and before Ten of the Clock of the Day from the First Day of April to the First Day of October; and if any Dung, Dust, or Ashes shall be allowed to remain on any Part of the said Streets or public Ways after the said Hours, the Person or Persons so offending shall forfeit and pay any Sum not exceeding Five Shillings Sterling for such Offence, to be levied and applied as herein directed, and that over and above the Forfeiture of the Dung, Dust, or Ashes which shall be removed by
 1 the

the Police, who shall have Power to dispose of the same for the Purposes of this Act.

LXXVIII. And be it further enacted, That if any Person or Persons shall hereafter empty or cause to be emptied any Slaughter-house, Privy, or Necessary House within the said Bounds, or carry or cause to be carried any of the Soil thereof, or any other offensive Substances, through any of the Streets or public Passages and Places within the said Bounds, at any Time of the Year between the First Day of *October* and the First Day of *April*, except between the Hours of Ten of the Clock in the Evening and Six of the Clock in the Morning, or at any Time of the Year between the First Day of *April* and the First Day of *October*, except between the Hours of Ten of the Clock in the Evening and Eight of the Clock in the Morning, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds: Provided always, nevertheless, that nothing herein contained shall be construed to extend to prevent the carrying or causing to be carried of any Ashes, Dung, or other Manure, (except Nightsoil,) for the Purpose of manuring or being spread on the Lands or Grounds of any Persons through such Streets, Roads, and other public Passages and Places, at any Hour or at any Time or Times whatever.

Offensive Substances not to be emptied or carried through the Streets, &c. except at certain Times.

LXXIX. And be it further enacted, That the Person or Persons employed in carrying or wheeling the said Dung, Dust, or Ashes to the Streets shall be obliged to sweep, scrape, and cleanse the Closes, Foot Pavements, Streets, and Roads through, over, or upon which the Dung shall have been carried, wheeled, or placed, immediately after they shall have finished their Work, under a Penalty not exceeding Five Shillings Sterling for each Offence, to be levied and applied in manner herein mentioned.

Persons carrying or wheeling Dung, &c. to sweep Streets, &c.

LXXX. And be it further enacted, That from and after the passing of this Act the whole Closes, Lanes, or Thoroughfares within the said Bounds shall be properly causewayed or paved and kept in proper Repair, and such of them as are not ordered to be cleansed and swept by Persons appointed under this Act shall be kept clean and clear of Dung, Filth, or Rubbish, at the Expence of the several Proprietors or Occupiers of the Houses, Buildings, and other Heritages within the same, who shall cause the same to be swept and cleansed out at least twice each Week; and in case such Closes, Lanes, or Thoroughfares shall not be so causewayed or paved, swept, and cleansed, such Proprietors or Occupiers shall severally forfeit and pay any Sum not exceeding Five Shillings Sterling for each Omission or Offence, to be levied in manner herein mentioned.

Penalty if Streets, &c. not paved and kept clean.

LXXXI. And be it further enacted, That where the said Closes, Lanes, or Thoroughfares, or Houses and Buildings therein, belong to more Proprietors than One, the several Proprietors thereof shall be obliged to defray the Expence of causewaying and paving, and where the Houses, Buildings, and other Heritages aforesaid are occupied

Proprietors and Occupiers to pay Expence of paving, cleansing, &c. proportionably.

occupied by more Persons than One, the several Occupiers thereof, shall be obliged to defray the Expence of sweeping and cleansing the said Closes, Lanes, or Thoroughfares in proportion to the Value or Rents of their respective Properties or Occupations; and in case any Dispute or Difference shall occur among such Proprietors or Occupiers relative to their Proportion of the said Expence, it shall and may be lawful for the said Magistrate or Sheriff, as the Case may be, or any of them, after hearing the Parties concerned, by a Decree to be pronounced by them or him, to determine the Amount and Proportion to be paid by each Proprietor, and to decern for the same in a summary Manner, which Determination shall be final and binding upon the Parties: Provided always, that when any One or more of such Proprietors or Occupiers are by their Title Deeds or otherwise burdened with the Expence of causewaying and paving, sweeping, and cleansing the said Closes, Lanes, or Thoroughfares, he, she, or they shall continue to be subject to that Burden.

Valuation to be made of Water Fountains, Cisterns, Pipes, &c., and the same thereafter to be conveyed to and vested in the Commissioners.

LXXXII. And be it enacted, That as soon after the passing of this Act as conveniently may be Two or more Persons of Skill shall be named by the said Magistrates and Council on the one Part, and by the said Commissioners of Police on the other Part, who shall meet, and value, and shall prepare and lodge with the said Magistrates and Council and the said Commissioners a written and certified Report and Valuation of the whole public Water Fountains, Cisterns, Pipes, and Courses, and other Apparatus used for the collecting, preserving, distributing, and discharging the Water brought into the Town as aforesaid by the said Magistrates and Town Council for the Use of the said Inhabitants of the said Burgh; and in the event of the Valuers to be so appointed not agreeing as to the Terms of their Valuation, they shall have Power to appoint an Oversman or Umpire in the usual Manner and with all requisite Powers, whose Award and Valuation shall be final and binding on all concerned; and upon receiving such Valuation or Award the said Commissioners of Police shall either pay over to the said Magistrates and Council the Amount thereof, or pay to them annually the Interest of the same, at such Rate as may be agreed and fixed upon between the Parties; and upon receiving Payment of the said Amount, or agreeing as to the Terms of Interest to be annually paid for the same, the said Magistrates and Council shall assign and convey to the said Commissioners of Police the whole of the aforesaid Fountains, Cisterns, Pipes, Watercourses, and other Apparatus aforesaid; and for this Purpose an Assignation to the Clerk and Collector of Police, drawn in the following Form and Manner, to be signed by the Provost of *Banff* for the Time being, when registered in the particular Register of Seisins kept for the said Burgh, shall be valid and effectual to all Intents and Purposes, any Law or Practice to the contrary notwithstanding:

FORM OF ASSIGNATION.

Form of Conveyance of Water Fountains, &c.

‘ I, _____, Provost of the Royal Burgh of *Banff*, in consideration of _____ to me paid [or in consideration of the _____ annual Rent or Interest of _____ to me to be hereafter paid] by the Commissioners of Police for the said Burgh, do hereby grant

‘ grant, dispoⁿe, and convey to _____ as Clerk and Col-
 ‘ lector to and for behoof of the said Commissioners, all and whole
 ‘ the Water Fountains, Cisterns, Pipes, and Watercourses, and other
 ‘ [*here describe the Premises and whole Subjects to be conveyed*], and
 ‘ all the Right, Title, and Interest to the same which I, or my
 ‘ Successors in Office, as Provost of the said Burgh, and representing
 ‘ the Community thereof, have or might have to the same, to be
 ‘ holden by the said Commissioners and their Successors for ever by
 ‘ virtue of an Act of Parliament made in the _____ Year of the
 ‘ Reign of Her Majesty Queen *Victoria* [*here insert the Title of this*
 ‘ *Act*]. In witness whereof I have subscribed these Presents, written
 ‘ by _____ this _____ Day of _____ in the Year
 ‘ of our Lord _____ before these Witnesses.
 ‘ [*insert Witnesses Names and Designations.*]

And the said Commissioners shall, upon their becoming vested as aforesaid in the said Fountains, Cisterns, Pipes, Watercourses, and other Apparatus, uphold, maintain, and keep the same in good Repair, Order, and Condition; and it shall and may be lawful for the said Commissioners to cause Wells to be dug, Pipes to be laid, and Pumps to be erected in any of the Streets, Roads, Lanes, or Passages in the said Bounds, as they shall think most proper and advantageous for obtaining an additional Supply of fresh Water for the Use of the Inhabitants; and the Expence of digging, making, and maintaining the public Wells, Pipes, and Pumps within the said Bounds shall be defrayed from the Funds to be levied by virtue of this Act, and the same shall also be vested in and be subject to the sole Control of the said Commissioners.

LXXXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners to direct and cause the several public Streets, Roads, Squares, Lanes, and Passages in the said Bounds to be lighted in such Manner and Form as they shall think proper, either with Oil or Gas, and to contract with any Company or Companies of Proprietors or any other Person or Persons for that Purpose, and also, with Consent of the Proprietors, to order Lamp Irons and Lamps to be fixed on the Walls of Houses and other Buildings on the Sides of the Streets, and from Time to Time to alter and remove the same, upon indemnifying the Proprietors or Occupiers for any Damage thereby done to the said Houses and other Buildings.

Commissioners to direct Streets to be lighted, &c.

LXXXIV. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to enter into a Contract or Contracts with any Company or Companies, or other Person or Persons, for lighting with Gas the said Burgh and Suburbs within the said Bounds, for such Time or Times and on such Terms as may appear expedient and be determined upon by a Majority of the Commissioners present at a Meeting for the Purpose.

Commissioners may contract for lighting the Burgh and Suburbs with Gas.

LXXXV. And be it enacted, That when any Gas shall be found to escape from any of the Pipes which shall be laid down or set up
 [Local.] _____ 30 F _____ within

For stopping the Escape of Gas.

within the said Bounds the said Clerk and Collector, upon Requisition by any Person who may be affected thereby, or of his own Accord, shall immediately give Notice in Writing to the Company or Companies of Proprietors or Person or Persons whomsoever making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any Houses, Manufactory, Building, or other Premises within the Bounds of this Act, and the said Company or Companies or Person or Persons shall, at their own Expence, immediately after receiving Notice by Parole or in Writing, to be given or left at their Office or usual Place of transacting their Business, of any such Escape of Gas from the Premises of any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop or prevent such Gas from escaping; and in case such Company or Companies of Proprietors or Person or Persons as aforesaid shall not, within Twenty-four Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case such Company or Companies of Proprietors or Person or Persons as aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses before the Sheriffs of the County of *Banff*, or before One or more Justice or Justices of the Peace for the said County of *Banff*, and shall and may be recovered, with all reasonable Charges, by Pounding and Sales of the Goods or Chattels of any such Company or Companies of Proprietors or Person or Persons as aforesaid, by the Warrant of the said Sheriffs or of any Justice or Justices of the Peace as aforesaid.

To prevent
Contamina-
tion of Water.

LXXXVI. And be it enacted, That whenever any Water for supplying the Inhabitants of any Houses within the Bounds of this Act with Water shall be contaminated by any Gas used or burnt within the Bounds of this Act, the Company or Companies of Proprietors or Person or Persons making, furnishing, or supplying such Gas shall forfeit and pay the Sum of Twenty Pounds; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the Company or other Persons making, furnishing, or supplying such Gas shall, within Twenty-four Hours after Notice thereof in Writing, signed by the Clerk and Collector of the said Commissioners as aforesaid, or by any Person making use of such Water, to be left at the usual Office or Place of transacting Business of the Company or Companies of Proprietors or other Person or Persons making and supplying Gas, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water as aforesaid; and in case the Company or Companies of Proprietors or other Person or Persons making, furnishing, or supplying any Gas shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually
stop

stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then such Company or Companies of Proprietors or other Person or Persons as aforesaid shall, on each and every Complaint, forfeit and pay to the Clerk or other Officer for the Time being of the Commissioners under this Act as aforesaid, for the Use and Benefit of the said Commissioners, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid such Penalty or Penalties shall and may be recovered by Complaint, on the Oath of One credible Witness, by and in the Name of the Clerk and Collector of the said Commissioners as aforesaid, or by and in the Name of any One or more of the said Commissioners, at the Option of the Parties making such Complaint, against the Company or Companies of Proprietors or other Person or Persons making, furnishing, or supplying Gas, before the said Sheriff or his Substitute of the said County of *Banff*, with Expences or Costs, to be assessed by such Sheriffs, and to be levied by Pounding and Sale of the Goods and Chattels of the Company or Companies of Proprietors or other Person or Persons making, furnishing, or supplying such Gas, together with the Charges of such Pounding and Sale, by Warrant under the Hand of such Sheriffs, which Warrant such Sheriffs are hereby empowered to grant, and such Penalty or Penalties, when so levied, shall be paid to the Clerk or other Officer for the Time being of such Commissioners, for the Use of such Commissioners.

LXXXVII. And be it enacted, That in any Case in which it shall be or become a Question upon such Complaint made as aforesaid whether such Water be contaminated or affected by the Gas of the Company or Companies of Proprietors or other Person or Persons making, furnishing, or supplying any Gas used or burnt within the Bounds of this Act, it shall be lawful for the said Sheriff or his Substitute to direct the Commissioners to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of such Company or Companies of Proprietors, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of such Company or Companies of Proprietors or other Person or Persons as aforesaid; and if it shall appear to the Satisfaction of such Sheriff or Substitute that the said Water has been contaminated by any Escape of Gas as aforesaid, the Costs and Expences of such Digging, Search, and Examination, and of the Repair of the Road, Street or Streets, Footpath or Footpaths, which shall be taken up or disturbed, shall be borne and paid by the Company or Companies of Proprietors or Person or Persons supplying Gas as aforesaid, which Costs and Expences of Digging, Search, and Examination shall be ascertained and determined, if necessary, by such Sheriffs as aforesaid, and be recovered in manner last herein above directed: Provided always, that if upon such Examination it shall appear to the Satisfaction of such Sheriff or Substitute that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of such Company or Companies of Proprietors

For ascertaining if the Water be contaminated.

Proprietors or other Person or Persons as aforesaid, then and in such Case it shall be lawful to such Sheriff or Substitute to cause the said Commissioners to bear and pay all the Costs and Expences of such Search, Examination, and Repair as aforesaid, and also to make good to such Company or Companies of Proprietors, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Mains, Pipes, Conduits, or Apparatus of such Company or Companies of Proprietors, or other Person or Persons as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined by such Sheriff or Substitute as aforesaid.

Gas Pipes to
be laid Four
Feet from
Water Pipes.

LXXXVIII. And be it enacted, That all and every the Pipes or other Conduits to be used or laid for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, or other Place within the Bounds of this Act shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the Roads, Streets, or other Places within the Bounds of this Act, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least therefrom, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases such Gas Pipes shall be laid above the Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the Gas Pipes so crossing such Water Pipes shall be at least Nine Feet in Length, and in laying down such Gas Pipes the Company or other Person supplying Gas shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, Air-tight, and in all and every respect prevent Gas from escaping therefrom, upon pain of forfeiting for every such Offence the Sum of Fifty Pounds.

Penalty for
conveying
Washings
into any
River, &c.

LXXXIX. And be it enacted, That if any Company of Proprietors, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Bounds of this Act, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made in the Prosecution of such Gas Works, into any River, Brook, or running Stream, Reservoir, Canal, Aque-duct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in
any

any of them, whereby the Water contained therein, or any Part thereof, shall or may be spoiled, fouled, or corrupted, then and in every such Case such Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, before the Sheriff of the County of *Banff*, or any Magistrate of the Burgh of *Banff*, and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not be sued for or recovered, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the Company or Companies of Proprietors, or any of them, or other Person or Persons, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, or other Premises, within the Bounds of this Act; and such Company or Companies of Proprietors or other Person or Persons shall not, within Four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the Company or Companies of Proprietors or other Person or Persons so offending shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Nuisance, Injury, or Damage, Act or Thing, shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Sheriff or Magistrate before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

XC. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding, by Indictment or otherwise, against any of the Officers, Servants, or Workmen of the Company or Companies

Persons supplying Gas liable to be indicted for a Nuisance.

[*Local.*]

30 G

of

of Proprietors, or against the other Person or Persons whomsoever making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises within the Bounds of this Act, in respect of any Works or other Means which shall be employed by them or any of them in making such Gas, and using the same, and furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against such Company or Companies of Proprietors, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation, or the Use of the Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty for wilfully breaking Lamps or damaging Fountains, &c.

XCI. And be it further enacted, That if any Person or Persons shall wilfully take away, break, throw down, or damage any Lamp or Lamps, which now are or hereafter shall be set within the said Bounds, or shall wilfully extinguish the Light or Lights within the same, or damage any of the Appurtenances of the Lamp or Lamps as aforesaid, or the Fountains, Wells, Reservoirs, Cisterns, Pipes, and other Conductors aforesaid, or any of the Appurtenances thereof, it shall and may be lawful for any Person who shall see such Offence committed, to seize, and also for any other Person to assist in seizing, the Offender or Offenders, and by the Authority of this Act, without any other Warrant, to convey and deliver such Offender or Offenders into the Custody of an Officer of Police, in order to be secured and conveyed before One of the Magistrates of *Banff*, or the Sheriff of the County; and if the Party or Parties accused of such Offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, either by his, her, or their own Confession, or by legal Evidence, such Offender or Offenders shall for every such Offence forfeit and pay any Sum not exceeding Fifteen Pounds Sterling, and moreover shall make Satisfaction for the Damages done; and in case such Offender or Offenders shall not, immediately upon Conviction, pay such Forfeiture and make such Satisfaction, the said Magistrate or Sheriff is hereby empowered to commit him, her, or them to the Gaol of the Burgh, there to remain for a Space not exceeding Two Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they is or are committed, unless such Forfeiture and Satisfaction be sooner paid and given.

Persons carelessly breaking the Lamps or damaging the Fountains, &c. to make good the same.

XCII. And be it enacted, That if any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps, or the Posts, Irons, Pipes, Tubes, or other Furniture thereof, or the Fountains, Wells, Reservoirs, Cisterns, Pipes, and other Conductors for conveying and distributing Water within the said Bounds as aforesaid, and shall not, immediately on Demand by the Clerk and Collector of the said Commissioners, make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful to and for any One of the Magistrates of *Banff*, or the

the Sheriff of the County or his Substitute, upon Complaint made to him by the said Clerk and Collector, to cause to be summoned before him the Party or Parties complained of for doing such Damage, and upon Proof of the Complaint by One or more Witness or Witnesses, or the Confession of the Party or Parties so complained of and summoned, to award against him, her, or them such Sum or Sums of Money, by way of Satisfaction for the Damage, as such Magistrate, Sheriff, or Substitute shall think proper, provided the Sum so awarded shall not exceed the real Damage and Expences sustained by such Carelessness or Negligence, besides the Expence incurred in recovering the same; and in case of Neglect or Refusal of the said Party or Parties to pay the Sum or Sums of Money so awarded, within Three Days next after Demand thereof as aforesaid, to cause the same to be levied by Poinding and Sale of such Part of his, her, or their Goods or Chattels as may be sufficient for that Purpose, and the Surplus, if any, to be paid to him, her, or them, when demanded.

XCIII. And be it enacted, That any Person or Persons who shall within the Bounds aforesaid be convicted of driving any Horse or Horses, or other Animal attached to any Coach, Waggon, Cart, or Carriage of any Kind, or of riding any Horse or Horses or other Animal furiously or improperly, or without having a proper Hold of each and every Animal so driven or rode, by strong and efficient Reins, shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

Penalty not exceeding 5*l.* for furious or improper riding or driving.

XCIV. And be it enacted, That any Person or Persons who shall be convicted of any of the Offences herein-after enumerated shall forfeit and pay any Sum not exceeding Two Pounds for each Offence; that is to say, every Person who shall carry, push, roll, drive, draw, or cause to be carried, pushed, rolled, driven, or drawn, on any of the Foot Pavements within the said Bounds, any Bier, Sledge, Cask, or Wheelbarrow, Wheel or Wheels, or any Coach, Waggon, Cart, or Carriage whatsoever (except directly across the same on necessary Occasions); or shall wilfully ride, lead, or drive any Horse, Ass, Mule, or Cattle (except when going directly across the Foot Pavement to or from any Stables or Cowhouses,) upon any Part of the said Foot Pavements; or shall, in any of the Streets, Roads, Squares, Lanes, or Passages, drive any Carriage or Carriages for the Purpose of breaking, exercising, or trying Horses, or shall ride any Horse for the Purpose of exercising, airing, trying, showing, or exposing such Horse for Sale (otherwise than by passing through such Street or other public Places); or shall throw or cast any Dirt, Dung, Ashes, or Rubbish into or upon the same; or shall roll any Cask, empty or full, along the Foot Pavements for any Distance whatever (except across them directly to or from a Cellar, Shop, or Warehouse), or shall roll any such Cask, except from a Shop, Cellar, Warehouse, or other Place, directly to such Cart or Carriage as it is to be loaded upon, or from such Cart or Carriage as it has been loaded upon directly to the Shop, Cellar, Warehouse, or other Place in which it is to be deposited, for a Distance not exceeding Thirty Yards in any Case; or shall leave any Coach, Cart, or Carriage

Offences punishable by Penalty not exceeding 2*l.*

Carriage standing on the Streets, Roads, or Passages aforesaid, yoked or unyoked, either during the Day or Night; or shall load or drive any Plank or Piece of Timber or other Thing, exceeding the Length of Twenty Feet, upon or by means of any Machine or Carriage having less than Four Wheels, or suffer the same, if upon such Machine or Carriage, or not being of the Length of Twenty Feet, if upon a common Cart or other Carriage, to project beyond the outer Parts thereof, or to occupy more of the Street or Road in Breadth than is occupied by such Machine, Cart, or other Carriage itself, or to touch or drag upon any Part of such Street or Road, so as to give reasonable Cause to fear Injury to Persons or Property; or who shall turn loose any Horse or Cattle, or suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal; or who shall, without the Authority of the Commissioners, in any Street, Road, Lane, public Passage or public Place, sell or assist in selling by Auction or public Sale any Cattle, Goods, Wares, or Merchandize, or Thing or Things whatsoever; or who shall hang up, place, or expose to Sale, or cause or permit to be hung up, placed, or exposed to Sale, any Goods, Wares, or Merchandize whatsoever, and any Fruit, Vegetables, or Garden-stuff, Butcher Meat, or other Matter or Thing, in or upon or so as to project over or upon the Foot Pavements or Carriageway of any such Streets, Roads, Squares, public Place or Places, or beyond the Line or on the Outside of the Window or Windows of the House, Shop, or Place at which the same shall be so hung up, placed, or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage; or shall leave open after Sun-set the Door, Window, or Grating of any Cellar or other underground Room or Apartment, without having placed or left a sufficient Light therein to warn and prevent Persons passing in the Streets, Roads, Lanes, and public Places within the Bounds aforesaid from falling into such Cellars or other underground Rooms or Apartments; or shall set or place upon the Outside of any Window or Opening fronting any of the Streets, Squares, Lanes, Closes, or Passages, any Furniture, Flower-pots, or Boxes for raising or preserving Flowers, Shrubs, or other Plants or Vegetables, or any other Articles, unless the Soles and Outsides of the Window or Opening at which any such Furniture, Pots, Boxes, or Articles are set or placed shall be sufficiently railed in and secured with good and substantial Rails of Iron or Wood so as to prevent the Risk of the said Furniture, Pots, Boxes, or other Articles falling from the said Windows or Openings; or shall trundle any Hoop or Hoops, or fly any Kite, to the Annoyance of any Inhabitant or Inhabitants, Passenger or Passengers, either on Foot or on Horseback or in a Carriage; or cause, make, or assist in making any Bonfire, or wantonly discharge or fire any Cannon, Gun, Pistol, or Blunderbuss, or other Fire-arms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework, or play at Football or any other Game, to the Annoyance of the Inhabitants or Passengers, or shall occasion any other Kind of Obstruction or Annoyance in or upon any such Street, Road, Square, public Passage or Place, or shall wilfully obstruct or incommode, hinder or prevent, the free Passage of any Footway or Causeway; or shall injure any of the Fire-plugs

plugs within the Bounds aforesaid; or cause thereat or commit any Nuisance by cleansing Fish or otherwise at the Wells or Fountains within the said Bounds; or who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper against or upon any Building, Wall, Fence, or Pale, or write upon any Building, Wall, Fence, or Pale, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Pale, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Place; or who shall throw or discharge any Stone or other Missile, to the Danger or Damage of any Person or Thing; or who shall make or use any Slide upon Ice or Snow in any Street, Road, or other Thoroughfare; or place within the said Bounds, or who shall keep any Pig-stye to the Front of any Street or Road within the said Bounds, not being shut out from such Street or Road by a sufficient Wall or Fence, or who shall keep any Swine in or near any Street, or in any Dwelling so as to be a common Nuisance; and every Occupier of a House or other Tenement within the said Bounds, who shall not keep sufficiently swept and cleansed all Footways and Watercourses adjoining to the Premises occupied by him, and if any Tenement be empty or unoccupied the Owner thereof shall be deemed the Occupier with reference to this Enactment; or who shall in any Road, Street, Square, public Passage or Place within the said Bounds, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Wood or Timber, or bore any Timber, or make or repair, or wash or cleanse, any Coach, Chaise, Waggon, Sledge, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose,) or shoe, bleed, or farry any Horse or other Beast (except in case of sudden Accident), or clean or dress any Horse or other Beast or Cattle, or kill, slaughter, or scald, singe, dress, or cut up, any Animal, either wholly or in part, or cause or permit any Blood to run into or upon the Streets, Thoroughfares, or public Places, or who shall keep any Dog or other Animal which, by its Noise or otherwise, shall cause Annoyance to the Inhabitants; and all and every Person or Persons, and any Officer, within whose View any of the Offences enumerated in this and the immediately preceding Section shall be committed, shall and may seize the Person or Persons committing the same, and convey them to the Police Office, or deliver them to a Police Officer, as the Case may be, to be dealt with according to this Act.

XCV. And be it enacted, That it shall be lawful for any Police Officer to destroy any Dog or other Animal which shall be found at large, and be reasonably suspected to be in a rabid State, or which has been bitten by any Dog or Animal reasonably suspected to be in a rabid State, and the Owner of any such Dog or Animal who shall permit the same to go at large, after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not more than Five Pounds.

XCVI. And be it enacted, That whenever any Person having charge and when in charge of any Horse, Cart, Carriage, or any other
 [Local.] 30 H Animal

Officers of Police may destroy Dogs in a rabid State, and Persons allowing them in such a State to go at large liable to Penalty of not more than 5*l.* Horses, Carriages, &c., in charge of

Persons
taken into
Custody may
be detained.

Animal or Thing, shall be taken into the Custody of any Officer under the Provisions of this Act, it shall be lawful for any Officer to take charge of such Horse, Cart, Carriage, or such other Animal or Thing, and to deposit the same in some Place of safe Custody, as a Security for Payment of any Penalty to which the Person having had Charge thereof may become liable, and for Payment of any Expences which may have been necessarily incurred for taking charge of and keeping the same; and it shall be lawful for the Sheriff, Sheriff Substitute, or any Magistrate before whom the Case shall have been heard to order such Horse, Cart, Carriage, or such other Animal or Thing to be sold for the Purpose of satisfying such Penalty and reasonable Expences, in default of Payment thereof, in like Manner as if the same had been subject to be pounded or distrained for the Payment of such Penalty and reasonable Expences.

Keepers of
Tippling
Houses to
find Security.

XCVII. And be it enacted, That, upon the Complaint of the Procurator Fiscal of the Burgh of *Banff*, and Clerk and Collector or Master, or other superior Officer of Police acting as Master for the Time, it shall and may be lawful to the Provost and Baillies of the said Burgh, or any One of them, or to the Sheriff of the County or his Substitute, and they or either of them are hereby authorized and empowered to appoint all Persons within the said Bounds convicted of keeping Houses resorted to by riotous or disorderly People to find Security for their good Behaviour for such Length of Time, not exceeding Twelve Months, and to such Extent, not being less than Ten Pounds and not exceeding Fifty Pounds, as they shall judge proper; and in the event of such Security not being found within a reasonable Time, to be specified in the Order, it shall and may be lawful for the said Judges, or any of them, to deprive such Persons of their Licences for selling Ale or Spirituous Liquors.

Masters of
Hotels, &c.
to report the
Names, &c.
of Persons
resorting to
their Houses
if required.

XCVIII. And be it enacted, That all Masters of Hotels, Keepers of Lodging Houses, and Keepers of Inns and other public Houses within the Bounds to which this Act extends, shall be bound and are hereby required, on all Times and Occasions, when directed so to do, by Order in Writing signed by any of the Commissioners, and delivered to him, her, or them, or left at his, her, or their Dwelling Place by any Officer of the said Commissioners, to give Information to such Commissioners or Officers requiring the same of the Names and Occupations of all Persons living in or resorting to their Houses or Families, if they be known to him or her, and otherwise to describe such Persons according to their Ability and Knowledge, under a Penalty not exceeding Twenty Shillings for each Refusal, or for any Delay in the Information required; and in the Case of Houses known or suspected to be resorted to by Rogues or Vagabonds, or other such Persons, it shall be lawful to and in the Power of any of the said Commissioners to issue a general Order to the Keepers of such Houses to report, each and every Day at the Police Office, and at any Hour, and to any Person in charge thereof at the Time, all and every Person or Persons who has or have resorted to such Houses during the preceding Night and Day; and such general Order the Keepers of such Houses shall be bound and are hereby required to obey,

obey, under the Penalty aforesaid for each Failure or Refusal or for any Delay.

XCIX. And be it enacted, That the said Commissioners shall be and are hereby authorized and empowered to grant Licences to and make such Rules and Regulations as they shall think fit for regulating the Number and Conduct of all Carts, Waggon, Carters, and Street Porters, as well within the said Burgh as generally within the Bounds to which this Act extends, and punishing the Misbehaviour of such Drivers, Carters, and Street Porters, and for fixing and ascertaining what Rates and Fares, both as to Distance and Time, shall be allowed to be taken by them, and to what Distance and under what Penalties Drivers, Carters, and Porters shall be obliged to drive or ply in and round the said Bounds, and for compelling the Attendance and Services of such Drivers, Carters, and Porters, and for preventing such as shall not have been licensed as aforesaid from acting; and the said Commissioners are hereby authorized and empowered from Time to Time to repeal, add to, alter, or amend such Rules or Regulations, or any of them, and to impose Fines and Penalties for the Breach or Nonperformance of such Rules and Regulations, which Fines and Penalties shall be recoverable in the same Manner as any other Penalty under this Act, declaring that no One Penalty imposed by the said Commissioners in such Cases shall exceed Three Pounds; and that all such Rules and Regulations, and a Specification of the Fines and Penalties for the Breach and Nonperformance thereof, shall from Time to Time, as often as they shall be made, altered, or varied, be printed on Boards, and put up in such Place or Places as the said Commissioners shall appoint, at all Times to remain and be in the said Place or Places.

For regulat-
ing Carters,
Street Por-
ters, &c.

C. And be it enacted, That from and after the passing of this Act the Statute Labour Money heretofore in use, to be collected within the said Bounds by the Trustees acting under an Act of the Forty-fourth Year of the Reign of His Majesty King George the Third, intituled *An Act for making and repairing certain Roads in the Counties of Banff, Elgin, Aberdeen, and Inverness; for building Bridges over the River Spey; and for regulating the making and repairing the High Roads and Bridges in the said County of Banff*, shall no longer be collected by such Trustees; and that the Provost and eldest Baillie of the Burgh of *Banff* shall, from and after the passing of this Act, cease to be and they are hereby prohibited from acting as Trustees under the said recited Act, but that the same shall in future be assessed, levied, and collected by the said Commissioners, who are accordingly hereby authorized to assess, levy, and collect the said Statute Labour Money, in the Way and Manner provided by the said herein-recited Act, and the Right of the said Statute Labour Trustees to such Statute Labour Money to be hereafter collected within the said Bounds is hereby repealed and extinguished; and it is hereby enacted, that the Commissioners under this Act shall come into the Room and Place of the said Statute Labour Trustees, with respect to such Statute Labour Money within the said Bounds, in all Particulars.

Statute La-
bour Conver-
sion Money
within Burgh
to be vested
in and ap-
plied by the
Commis-
sioners.

Manner in which Statute Labour Money shall be applied.

CI. Provided always, and be it further enacted, That from and after the passing of this Act the said Commissioners shall be bound and they are hereby authorized and required to apply and expend such Statute Labour Money in manner following; that is to say, that until the Debt amounting to Three hundred and two Pounds Six Shillings and Five-pence Halfpenny Sterling or thereby, and at present affecting the said Statute Labour Money, shall have been fully paid off and extinguished by the said Statute Labour Trustees, the said Commissioners shall annually and for each and every Year pay over to the said Statute Labour Trustees the Sum of Sixteen Pounds Sterling out of the said Statute Labour Money, to be assessed, levied, and collected by the said Commissioners as herein-before provided; and that the Surplus of said Statute Labour Money, after such Payments to the said Statute Labour Trustees, shall be annually applied and expended by the said Commissioners in maintaining and repairing the Roads, Streets, and Lanes within the said Bounds; it being further hereby expressly provided and declared that the said Commissioners shall not be bound or required to pay over to the said Statute Labour Trustees such Sum of Sixteen Pounds Sterling annually for a longer Period than Ten Years from and after the passing of this Act, nor to pay in the whole a greater Sum than One hundred and sixty Pounds Sterling to the said Statute Labour Trustees towards the Payment and Extinction of such Debt as aforesaid; it being hereby also expressly provided and declared, that from and after the passing of this Act the said Statute Labour Trustees shall be relieved of all Liability and Expence for making, maintaining, and repairing any Roads within the said Bounds; and the Burden of making, repairing, and maintaining the same shall be borne by the Police Commissioners appointed under this Act.

Harbour and Port of Banff to be vested in Trustees.

CII. And be it further enacted, That from and after the passing of this Act the Harbour and Port of *Banff*, and the Piers, Quays, and Works therewith connected, together with the whole Parts and Pertinents of the said Harbour and Port, and the Rights and Privileges thereunto belonging, shall be and the same are hereby vested in the Provost, Baillies, Dean of Guild, and Treasurer of the said Burgh of *Banff* for the Time being and their Successors in Office, together with Six other Persons qualified and to be elected as after mentioned as Trustees for the Purposes herein-after specified, and of which Six Persons Four shall be known and distinguished as the Ship Owners Trustees, and the remaining Two other Persons shall be known and distinguished as the Traders Trustees: Provided always, that the said Provost, Baillies, Dean of Guild, and Treasurer of the said Burgh of *Banff* shall be sole Trustees until the First Election of Six other Trustees shall take place as after provided.

Qualification of Electors and of Trustees to be elected for the Harbour.

CIII. And be it enacted, That the Persons who shall be qualified and entitled to elect and to be elected as Ship Owners Trustees aforesaid shall be all and every Person or Persons resident within the said Bounds, who shall be at the Time of Election a registered Owner or Part Owner in his own Right or in Right of his Wife or as Trustee for a Shipping Company of any Ship or Vessel trading to and from or belonging to the said Harbour and Port, and who shall be liable
in

in Payment of Rates as such under this Act, and that the Persons who shall be elected as Traders Trustees aforesaid shall be all and every Person or Persons resident within the said Bounds who shall at the Time of Election actually carry on Trade or Business or Businesses within the said Bounds, and be liable as a Trader in Payment of Rates under this Act.

CIV. And in order that the First Election of the said Six Harbour Trustees under this Act may be made, be it enacted, That the Provost or senior Magistrate of the said Burgh shall as soon as conveniently may be after the passing of this Act fix a Day for the Election of the Ship Owners Trustees, and also another Day for the Election of Traders Trustees, and shall cause Notices in Writing to the Parties respectively entitled to elect and to be elected as such Trustees respectively to be left at their Dwellings or Places of Business within the Bounds, specifying the Day so fixed, not less than Seven nor more than Fourteen Days previous thereto, and on the Day fixed for the Election of said Ship Owners Trustees the Parties entitled to elect and be elected as such shall meet together in the Town House or other Place fixed by said Provost or senior Magistrate, and specified in the Notice aforesaid, and shall proceed to elect in manner herein-after provided; and on the Day fixed for the said Election of Traders Trustees the Parties entitled to elect and be elected as such shall also meet together in the Town House or other Place fixed by said Provost or senior Magistrate, and specified in the Notice aforesaid, and shall also proceed to elect in manner herein-after provided.

First Election of Harbour Trustees.

CV. And be it enacted, That the First Elections of said Ship Owners Trustees and Traders Trustees respectively shall commence and finish in One Day, beginning at Ten of the Clock in the Forenoon and closing at Four of the Clock in the Afternoon precisely, and shall be made by each Person qualified to vote for such Trustees respectively, giving in at the respective Meetings aforesaid to the Town Clerk of the Burgh of *Banff* a List containing the Names of those for whom he or she intend to vote, which Lists shall be signed by the respective Persons giving in the same, and shall be openly given in by them to the said Town Clerk in Presence of the said Provost or senior Magistrate, which several Persons are hereby required to be in attendance for that Purpose during the Period aforesaid on the Day of Election; and the said Town Clerk shall, immediately upon receiving the said Lists at each Meeting respectively, place them in a Box to be kept for the Purpose; and at the Expiration of the Period of the Day within which such Elections are hereby appointed to be made the said Provost or senior Magistrate shall publicly cast up the Number of Votes which shall have been so given in at each Meeting respectively, and shall declare upon whom the Election has fallen by the Majority of Votes.

Time and Mode of First Election.

CVI. And be it enacted, That the Harbour Trustees hereby appointed, and those who shall have been elected and chosen as aforesaid, shall, upon the first lawful Day after the last Day fixed for the Election of Ship Owners and Traders Trustees as aforesaid,

Trustees to meet to appoint a Clerk.

[Local]

30 I

assemble

assemble and meet together within the Town House of the said Burgh, and shall make Choice of a proper Person to be their Clerk, and fix and appoint a proper Salary and Remuneration to the said Clerk; and which Clerk, when so chosen, is hereby authorized and empowered to act as Clerk to all subsequent Meetings of the Trustees, and to execute all other Duties hereby imposed upon him, or which may be prescribed by the Rules and Regulations of the Trustees to be made in virtue hereof.

Clerk to give public Notice that Trustees will proceed to execute their Functions.

CVII. And be it enacted, That immediately after the said Clerk shall have been chosen as aforesaid he shall give public Notice by Handbills, and in One or more of the Newspapers aforesaid, that the First Election of Trustees under this Act is completed, and that the Trustees will forthwith proceed to exercise and put in force the Powers hereby committed to them, and will for that Purpose meet and assemble from Time to Time in Terms hereof.

Shipowners Trustees to go out of Office annually.

CVIII. And be it enacted, That the First Ship Owners Trustees elected under this Act shall remain in Office until the Third *Wednesday* in *November* One thousand eight hundred and forty-one, when they shall go out of Office, and their Places shall be supplied by Four other Ship Owners Trustees, to be elected on the Second *Wednesday* of *November* One thousand eight hundred and forty-one, and on the Third *Wednesday* of *November* annually thereafter the Ship Owners Trustees then in Office shall go out of Office, and there shall be an Election of Four Ship Owners Trustees to supply the Places of those who shall go out of Office for that Year, and which Election shall take place on the Second *Wednesday* of *November* annually; and the Ship Owners Trustees who shall have been elected on the Second *Wednesday* of *November* in the Year One thousand eight hundred and forty-one, and in every subsequent Year, shall come into Office on the next *Wednesday* thereafter.

Traders Trustees to go out of Office annually.

CIX. And be it enacted, That the First Traders Trustees elected under this Act shall remain in Office until the Third *Thursday* of *November* One thousand eight hundred and forty one, when they shall go out of Office, and their Places be supplied by Two other Traders Trustees, to be elected on the Second *Thursday* of *November* One thousand eight hundred and forty-one; and on the Third *Thursday* of *November* annually thereafter the Traders Trustees then in Office shall go out of Office, and there shall be an Election of Two Traders Trustees to supply the Places of those who shall go out of Office for that Year, and which Election shall take place on the Second *Thursday* of *November* annually; and the Traders Trustees who shall have been elected on the Second *Thursday* of *November* One thousand eight hundred and forty-one, and in every subsequent Year, shall come into Office on the next *Thursday* thereafter.

Elections subsequent to first how to be conducted.

CX. And be it enacted, That all Elections of Harbour Trustees subsequent to the First shall take place at a Meeting of Harbour Trustees duly convened in Terms hereof in the Town House or other convenient Place, and the said Trustees are hereby directed to meet annually

annually for the Purpose accordingly; and all such Elections shall commence and finish in One Day, beginning at Ten of the Clock in the Forenoon and closing at Four of the Clock in the Afternoon precisely; and that previous to every annual Election of Harbour Trustees after the said First Election, the Clerk of the said Trustees shall cause Notice to be given in One or more Newspapers circulated within the Burgh of the Time and Place of such annual Elections; and the Election of Ship Owners Trustees and Traders Trustees respectively, at every annual Election after the said First Election, shall be by Lists, signed as before specified, to be given in to the Clerk to the said Trustees, who shall place them immediately in a Box to be kept for the Purpose in the Presence of the Chairman for the Time being of the said Meeting, who shall proceed to cast up the Votes and determine upon whom the Election has fallen at the Expiry of the Period within which the Election is herein-before directed to take place.

CXI. And be it enacted, That in case at the First or any subsequent Election the Electors aforesaid should refuse or neglect to elect the specified Number of Ship Owners Trustees or Traders Trustees, or in the event of the Death, Nonacceptance, Refusal to act, Disqualification, or Resignation of any One or more of the Trustees to be elected or appointed under this Act, it shall and may be lawful to and for the Trustees in Office at the Time, if they shall think it necessary, to elect in his or their Stead some other Person or Persons; and the Person or Persons so to be appointed to supply a Vacancy or Vacancies shall have the same Powers and Authorities as if he or they had been originally elected and chosen at the preceding annual Election, and shall remain in Office until the then next annual Election.

How Vacancies in Trusteeship to be supplied.

CXII. And be it enacted, That in case there shall be an Equality of Votes at any of the Elections of the said Six Trustees, Ship Owners, and Traders as aforesaid, the Trustees who shall be present at a General Meeting of the said Harbour Trustees, to be held within Eight Days after such Elections, shall have Power to determine and fix which of the Persons having such Equality of Votes shall be the Trustee or Trustees until the then next annual Election.

In case of Equality of Votes, Trustees to determine the same.

CXIII. And be it enacted, That no Elector shall have more than One Vote at any of the said Elections of Harbour Trustees, and if any Person or Persons shall give more than One Vote, or shall vote without being duly qualified according to the Provisions of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds Sterling, to be applied to the Purposes of the said Harbour.

Persons giving more than One Vote or voting without being qualified to forfeit 5*l*.

CXIV. And be it enacted, That no Person who shall hold the Office of Provost, Baillie, Dean of Guild, or Treasurer of the said Burgh at the several Times of Election to be made in pursuance of this Act shall be elected a Ship Owners or Traders Trustee; and if any Trustee chosen at such Election shall, during the Time for which he shall have been so chosen, be elected to and accept of any of the said

No Magistrate or Office-bearer to be elected a Trustee by the Owners of Ships or Traders.

said Offices, he shall thereupon cease to be a Ship Owners or Traders Trustees and his Place shall be filled up in the same Manner as other Vacancies are appointed to be filled up as herein mentioned.

In case Elections be not duly made, the other Trustees may carry the Act into Execution as to the Harbour.

CXV. And be it enacted, That although the Electors qualified and authorized to elect Harbour Trustees for the Purposes of this Act shall at any Time or Times fail, neglect, or refuse to make due and proper Elections of a Trustee or Trustees at the Periods appointed, such Failure, Neglect, or Refusal shall not stop or prevent the Execution of this Act as to the said Harbour by the other Trustees appointed or elected under this Act, nor shall the Non-election, Death, Non-acceptance, Resignation, Disqualification, or Refusal to act of any of the Trustees stop or prevent the other Trustees from acting in the Execution of the Powers committed to the said Harbour Trustees until the Place of such Trustee is filled up by a new Election or Appointment: Provided always, that in all Cases the Trustees duly appointed and acting for the Time shall have full Power to execute the Purposes of this Act as to the said Harbour.

Persons going out of Office eligible for Re-election.

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

Meetings of Trustees.

CXVII. And be it enacted, That the said Trustees shall meet within the Town House of *Banff* within One Month after the passing of this Act, or as soon thereafter as conveniently may be, and shall then and there proceed to carry the Powers committed to them by this Act into execution, with Power to adjourn from Time to Time; and the said Trustees shall also hold a General Meeting on the First *Monday* after the Twentieth Day of *October* in the Year One thousand eight hundred and forty, and in every Year thereafter, at the Place above mentioned, or at some convenient Place to be fixed by them, during the Continuance of this Act; and the said Trustees shall have Power and are hereby empowered and authorized to adjourn to such other Time and Place, or Times and Places, as to them, or to the Majority of them at such First or other Meetings, shall seem meet and expedient, such Place or Places being always within the said Bounds; and all Acts, Matters, and Things hereby required to be done by the said Trustees at any General Meeting shall and may be done by the Majority of them assembled at any such General or adjourned Meeting, the whole Number present at any such Meeting not being less than Five, who are hereby declared to be a Quorum; and at all such General or adjourned Meetings the Provost or Senior Magistrate of the Burgh of *Banff* present for the Time shall preside, and in his Absence the Trustees present at such Meeting shall elect their Preses for the Time, and the Preses shall, in case of an Equality of Votes, have a casting or decisive Vote besides his Vote as a Member of the Meeting; and if it shall so happen that a sufficient Number of Trustees shall not appear at any such General or adjourned Meetings, then the Trustees or Trustee present, or the Clerk to the said Trustees, shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Eight Days from the

Day on which such Adjournment shall be made, and at all such Meetings the Trustees shall pay their own Expences.

CXVIII. And be it further enacted, That it shall be in the Power of any One of the said Harbour Trustees to require their Clerk to call a Special Meeting at any Time, and the said Clerk shall be obliged thereupon to give Notice in Writing of the Time and Place of such Meeting to every One of the Trustees at their usual Places of Residence, and sent through the Post Office, or left at their respective Dwelling Places at least Three Days previous to such Meeting: Provided always, that in Cases of Emergency the Clerk to the said Trustees may call a Meeting upon One Hours Notice given to the said Trustees personally or in Writing, but no Business shall be done at any such Meeting other than the Business of Emergency for which the Meeting may be called: Provided also, that at all such Special Meetings or Meetings of Emergency the Provost or senior Magistrate, if present, and in his Absence a Trustee chosen by such Meeting, shall be Preses.

Any one Trustee may require the Clerk to call a Special Meeting.

Clerk may call Special Meetings in Cases of Emergency.

CXIX. And be it enacted, That Intimation shall be given by the Clerk to the Trustees to attend all Meetings and adjourned Meetings, by printed or written Notices sent under such Regulations as shall from Time to Time be directed by the said Trustees.

Clerk to give Notice of Meetings.

CXX. And be it further enacted, That the said Harbour Trustees shall have Power, and they are hereby authorized from Time to Time, to appoint a Committee or Committees of their Number, consisting of not less than Three, with Power to execute any of the Purposes of this Act which it may be deemed expedient to commit to their Charge.

Trustees may appoint Committees of their Number.

CXXI. And be it enacted, That no Harbour Trustee shall hold any Place or Office of Emolument under this Act either as a Principal or Deputy, nor be directly or indirectly concerned in any Contract under this Act; and any Trustee so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, and over and above such Penalty any such Contract shall be null and void.

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

CXXII. And be it enacted, That no Harbour Trustee under this Act shall vote or otherwise act as a Trustee in any Case wherein he shall be personally concerned directly or indirectly; and any Trustee so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Trustees not to vote in Cases where personally interested.

CXXIII. And be it enacted, That all such Trustees as are Justices of the Peace or Magistrates may act as such in the Execution of this Act notwithstanding their being Trustees, except in Cases where they may be personally interested.

Trustees who are Justices or Magistrates may act as such.

CXXIV. And be it enacted, That the said Trustees shall direct a Minute Book or other Book to be provided and kept by their Clerk, in which true and regular Entries shall be made of the Names of the

Proceedings to be entered in Books, and allowed as Evidence.

Trustees who shall attend the Meetings of the said Trustees, and of all their Orders and Proceedings; and such Orders and Proceedings so entered shall be signed by the Chairman or Preses of the Meeting; and all such Entries being so signed, and also the Book herein-after directed to be kept for registering the Assignations or other Conveyances which may be granted by virtue of this Act, so far as relates to the said Harbour Trust, shall be admitted as Evidence of the Acts, Matters, and Things therein contained in all Courts whatsoever relating to any thing done in pursuance of this Act, and every such Minute Book or other Book shall at all reasonable Times be open to the Inspection of the said Trustees, and if the Clerk or Person having the Custody thereof shall not permit the said Trustees to inspect such Book or Books, such Clerk or Person shall forfeit and pay the Sum of Five Pounds Sterling for every such Offence.

Collectors
and Officers
to be ap-
pointed.

CXXV. And be it enacted, That it shall and may be lawful to and for the said Trustees and they are hereby empowered, at their First or any subsequent Meeting to be held under and in virtue of this Act, to nominate and appoint a Collector, Treasurer, Engineer, Harbour or Shore Master, or Berth Master, or 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, as the said Trustees shall see fit, to remove such Collector, Treasurer, Engineer, Harbour or Shore Master, and Berth Master, Officers, and Servants, or any of them, and also the Clerk to be appointed in manner herein-before provided, and to appoint others in their Stead, and to allow such reasonable Fees or Salaries to them as to the said Trustees shall appear to be just and proper, and all and every the Clerk, Collectors, and Treasurers of the Rates and Duties herein directed to be levied shall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act, (which Books and Accounts shall be open to the said Trustees at all Times when they shall demand Inspection of the same,) and shall pay and dispose of such Monies in such Manner as by the said Trustees shall be directed.

Treasurer,
&c. to give
Security.

CXXVI. And be it further enacted, That the said Trustees are hereby empowered and required to take good and sufficient Security from the Clerk, Collector, Treasurer, Harbour Master, or other Officer or Officers who shall be appointed for the Purposes of this Act, so far as relates to the said Harbour Trust, for the due Execution of their respective Offices.

Rates and
Duties to be
levied by and
vested in the
Trustees.

CXXVII. And be it enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Trustees, and to and for such Person or Persons as they shall from Time to Time authorize and appoint, (and which they are hereby empowered to do,) to demand, exact, levy, collect, receive, and take, of and from the Owner or Owners, or Agent or Manager of an Owner or Owners, Master or other Person having the Charge of every Ship, Bark, Lighter, Boat, or other Vessel coming into or going out of the said Harbour of *Banff*, or landing or taking on board any Goods or Passengers, or touching at or taking the Advantage or Benefit of the said

said Harbour, or any Part thereof, or of the Precincts thereof, including the Sea Coast, from the Junction of the Burn of *Boyndie* with the Sea on the West to the Rock beyond the Bar of *Banff* called the *Palmer Cove* on the East of the said Harbour, and also the *Boat Hythe* and the River *Doveron* below the Bridge of *Banff*, and both Sides of the said River below the said Bridge, the Rates and Duties specified in the Schedule (D.) annexed to this Act, and of and from the Importers, Exporters, and Shippers, Consignees, Owners of or Agents for the Owners of all Goods, Wares, Merchandize, and Commodities whatsoever which shall be imported into or exported from the said Harbour, or which may be shipped from or landed at any Place within the Precincts aforesaid, the Rates and Duties or Tonnage specified in the Schedules (E.) and (F.) annexed to this Act, and which Rates and Duties are hereby vested in the said Trustees, and are hereby declared to include all Rates, Dues, and Duties of every Kind which shall henceforth be leviable by Usage or otherwise; and all the Rates and Duties levied or to be levied, and all Monies which shall or may come into the Hands of the said Harbour Trustees, shall be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Rates and Duties hitherto leviable at or in respect of the said Harbour, and of all Interest due or that may become due thereon, as fully and effectually as if borrowed on the Credit of the Rates and Duties granted by this Act; and all Persons indebted in any Sum or Sums to the Provost, Magistrates, and Town Council, or to any Committee or Collector of the Rates and Duties hitherto leviable at or in respect of the said Harbour, shall be liable in the Payment thereof to the Trustees under this Act; and all Contracts, Agreements, Conveyances, or Securities entered into or made by any Person or Persons with or to the said Provost, Magistrates, and Town Council, or any Committee or Collector aforesaid, shall remain in full Force, and be and continue available in all Courts of Law until the same shall be fully satisfied and performed; and all Assignations of Rates and Duties, Orders, Contracts, and Agreements, duly made or entered into by or with the Authority of the said Provost, Magistrates, and Town Council, or Committee or Collector aforesaid, shall remain in full Force and Effect, and be observed and kept by the Harbour Trustees acting by virtue of this Act, under the Terms and Stipulations thereof respectively; and all Rates and Duties, Penalties and Forfeitures, due or incurred at or in respect of the said Harbour and Works, previous to the passing of this Act, shall be exigible by the Trustees under this Act, any thing herein contained to the contrary notwithstanding.

Application
of the Rates
and Duties.

CXXVIII. And be it enacted, That if any Master or Commander, or any Owner, Factor, or Consignee of any Ship or Vessel, or the Importer or Exporter, Shipper, Consignee, Owner, or Agent of any Goods, Wares, or Merchandize, or other Commodities liable in Payment of any of the Rates or Duties by this Act imposed in respect of the said Harbour, shall not make a true and correct Entry thereof at the Shore Dues Office previous to or at the Time of loading or unloading the same, or shall neglect, delay, or refuse immediately to pay the Shore and Harbour Dues leviable thereon, if demanded; or,

Penalty for
evading Pay-
ment of
Duties.

in

in Cases where the same cannot be immediately ascertained, shall neglect, delay, or refuse, when required, to deposit in the Hands of the Collector of the Shore Dues, or Person appointed to receive the same, a Sum equal to the supposed Amount of said Dues, to be accounted for in the Payment thereof as soon as the same shall be ascertained, whether the said Ship or Vessel come into the Harbour or not, or shall be loaded or unloaded at any other Place within the Precincts aforesaid; or if such Person or Persons shall at any Time wilfully elude or evade the Payment of any Rates and Duties hereby granted by any Method whatsoever, every such Master, Commander, Owner, or other Person aforesaid 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 which shall and may be recovered in the Manner provided by this Act.

Power to reduce and again advance the Duties.

CXXIX. And be it further enacted, That the said Trustees, or any Five or more of them, may, at any of their Special or General Meetings as aforesaid, and they are hereby authorized and empowered so to do, when and so often and for such Periods of Time as they may see proper, to reduce the said Harbour Duties hereby imposed to a lesser Rate or Rates, or to omit levying such of the said Duties, or any Part or Parts thereof, and to advance or revive the same again, according to what may appear to them to be for the Interest and Advantage of the Trade and Shipping; provided due Notice of the Purpose of such Meeting shall be given to all the acting Trustees by Circulars addressed to each acting Trustee, and sent through the Post Office, or left at their respective Dwelling Places, at least Ten Days before the said Meeting is held: Provided always, that the said Rates and Duties, when so advanced or revived, shall not exceed the Rates and Duties herein-before granted, and that the said Rates and Duties shall be so fixed as that the same shall be taken from all Persons alike under the same or similar Circumstances.

Rates may be compounded for.

CXXX. Provided always, and be it enacted, That for the Relief of the Masters and Owners of all Ships or Vessels 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 Trustees to compound with the Masters and Owners of all such Ships or Vessels for the said Harbour Rates and Duties by the Year or Trip, at such lesser Rates or Duties as to the said Trustees shall from Time to Time appear expedient: Provided always, that in so compounding all such Ships or Vessels as are or may be of the same Size, Description, and Employment shall be compounded with on the same Terms and at the same Rate.

Rates may be leased.

CXXXI. And be it enacted, That it shall and may be lawful for the said Trustees to let on Lease to the best Bidder at public Roup or Sale, for that Purpose appointed and duly advertised in some Newspapers usually circulated in *Banff*, at least Twice, not less than Fourteen Days before such Roup or Sale, all or any of the Harbour Rates and Duties aforesaid, for any Term or Space not exceeding Three Years; and in case of all or any of the said Rates and Duties being

being so let, the Tenants or Lessees thereof shall have the same Powers and Privileges as to levying, collecting, and recovering the said Rates and Duties as are by this Act conferred on the said Trustees.

CXXXII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Ship or Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or in the Service or Employ of the Customs, Excise, Ordnance, or Post Office, coming into or using the said Harbour and Precincts thereof; and if any Person or Persons shall claim and take the Benefit of any Exemption hereby granted as aforesaid, without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings Sterling.

Her Majesty's Ships, &c. exempted from Rates.

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

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

CXXXIV. And be it enacted, That the Masters and Owners of all Ships and Vessels trading to and from the said Harbour, and liable to the Payment of the Rates and Duties by this Act imposed, shall be and they are hereby required to produce to the said Harbour Trustees, or to the Collector or other Officer appointed by the said Harbour Trustees, the Registers of their respective Ships and Vessels, in order to ascertain the Tonnage thereof, or otherwise they shall permit and suffer the said Ships or Vessels to be measured by the said Harbour Trustees, or by such Person as they shall from Time to Time appoint for that Purpose, such Admeasurement to be made according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels; and the said Masters and Owners shall pay the Harbour Rates and Duties by this Act imposed and made due and payable according to such Register or Measurement, besides the Expence of the Measurement, and every Owner or Master aforesaid who shall refuse to produce the Register of his or their Ship or Vessel, or to allow the same to be measured as aforesaid, shall for every such Offence forfeit and pay to the said Trustees a Sum not exceeding Five Pounds; and in case of Delay or Refusal by any Masters or Owners of any such Ship or Vessel to pay such Rates and Duties, either on the Voyage Inwards or Outwards, it shall and may be lawful to and for the said Harbour Trustees, or to the Collector or other Officer authorized and appointed by the said

Masters and Owners of Vessels to produce the Registers or allow their Vessels to be measured, and to pay the Rates according to their Measurement.

Harbour Trustees as aforesaid, to seize, take, and detain, in preference to, and notwithstanding any Attachment, Arrestment, or other Right whatsoever, claimable by or due to any other Person or Persons, any of the Goods, Merchandize, Tackle, Furniture, and Apparel of or belonging to any such Ship or Vessel, and to detain and keep the same until such Duties be satisfied and paid, and in case of Neglect or Delay in the Payment of such Harbour 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 then be lawful to and for the said Trustees, and the 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 so 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, rendering to the Master or Owner of such Ship, Brig, Sloop, Bark, Lighter, Steam Boat, or other Vessel or Boat, or Owners of such Goods, the Overplus, if any be, on Demand: Provided always, that notwithstanding the summary Power of Seizure, Detention, and Appraisement hereby conferred, it shall be lawful to the said Trustees and their Collector or other Officer to proceed for Recovery of the said Rates and Duties, either in the first instance or after such Seizure, Detention, and Appraisement, in the event of the whole thereof then due not being thereby recovered by Action or otherwise in due Course of Law.

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

If the Sum
demanded be
higher than
is authorized
by this Act,
Damages
may be re-
covered.

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

tions and Disputes as shall be brought before them, relative to such Matters in a summary Manner.

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

Rates not to be paid upon Vessels putting back.

CXXXVII. And be it enacted, That it shall and may be lawful for the said Trustees or a Majority of them, and they are hereby authorized, to build and erect or hire such Warehouses, Yards, Sheds, and other Buildings as may appear to them to be necessary for the Accommodation of the Trade of the said Harbour.

Trustees may afford additional Accommodation.

CXXXVIII. And be it enacted, That the said Trustees 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 in all, at any one Time (and including the Debts now owing on the Credit of the said Harbour Rates and Duties, and of the Common Good of the said Burgh, borrowed for the Purposes of the said Harbour,) the Sum of Ten thousand Pounds Sterling, and to grant, assign, and convey the several Harbour Rates and Duties given and granted by this Act, or a sufficient Proportion thereof, to any Person or Persons whatsoever who may have advanced or shall be willing to advance and lend Money thereon, for securing the Repayment of the same with Interest thereof respectively; and that the Money so to be borrowed and advanced shall be employed as may be necessary for maintaining the present Harbour and Works, and repairing any Damage that may be occasioned to the same or any Part thereof, and generally for the Ends and Purposes of the said Harbour Trust, and in defraying One Third Part of the Costs and Charges of obtaining this Act, as herein-after provided, and the Costs and Charges of assessing the Duties, as herein-after mentioned, and not otherwise.

Trustees may borrow 10,000*l*.

CXXXIX. And be it enacted, That all Assignations and Conveyances of the Harbour Duties arising by virtue of this Act, as a Security for any Sum or Sums of Money to be borrowed on the Credit of the said Harbour Duties, shall be made by Deed or Writing duly stamped, in which the Consideration of such Assignation or Conveyance shall be truly set forth, made and granted under the Hands of the said Harbour Trustees or any Three or more of them, and may be in the Words or to the Effect following, or with such Variations therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of Assignation in Security.

• BANFF HARBOUR.

• Number

• **BY** virtue of an Act passed in the _____ Year of the Reign
 • of Her Majesty Queen *Victoria*, intituled [*here set forth the*
 • *Title of this Act*], we, a Quorum of the Trustees appointed under
 • the

' the Authority of the said Act for the Management of the Harbour
 ' of *Banff*, and I, Clerk and Treasurer
 ' the said Trustees, in consideration of the Sum of
 ' to us paid by *A. B.* of do assign, convey, and make
 ' over to the said *A. B.*, his Heirs, Executors, Successors, and
 ' Assignes, the said Harbour and whole Works thereof, and all and
 ' singular the Rates, Tolls, and Sums of Money arising thereat by
 ' virtue of the said Act, and all the Estate, Right, Title, and Interest
 ' of the said Trustees in and to the same, to hold unto the said
 ' *A. B.*, his Heirs, Executors, Successors, and Assignees, until the
 ' said Sum of together with Interest for the
 ' same, after the Rate of for every One hundred
 ' Pounds for a Year, shall be fully paid and satisfied. In witness
 ' whereof [*here insert a testing Clause according to the Form of the*
 ' *Law of Scotland*].

Assignations
 to be entered
 in a Book.

CXL. And be it enacted, That the respective Parties to whom
 such Assignations or Conveyances shall be made shall be entitled
 one with the other to their respective Proportions of the said Rates,
 Tolls, and Sums and Premises according to their respective Sums in
 such Assignations or Conveyances mentioned to be advanced, to
 secure the Repayment thereof with such Interest therein specified,
 without any Preference by reason of Priority of the Date of the
 Order of any such Meeting, or Priority in Date of such Assignation
 or Conveyance, or on any other Account whatsoever; and an Entry
 or Memorial of such respective Assignations or Conveyance, con-
 taining the Numbers and Dates thereof, and the Names of the
 Parties, with their proper Designations, to whom the same shall have
 been made, and the same Sums borrowed, together with the Rate of
 Interest to be paid thereon respectively, shall within Fourteen Days
 next after the Date thereof be entered in a Book or Books to be kept
 for that Purpose by the Clerk or Treasurer of the said Trustees,
 which Book or Books may be inspected at all reasonable Times by
 any of the Creditors of the said Harbour or other Persons interested
 therein, without Fee or Reward; and all and every Person or Persons
 to whom any such Assignation or Conveyance shall have been made
 as aforesaid, or who shall be entitled to the Money secured thereon,
 shall and may from Time to Time transfer his, her, or their respec-
 tive Right or Interest to the Principal Money and Interest thereby
 secured to any Person or Persons whomsoever; and every Transfer
 thereof shall be by Deed duly stamped, in which the Consideration
 for each Transfer shall be specified, and may be in the Words or to
 the Effect following; (that is to say,)

Assignation
 may be
 transferred.

Form of
 Transfer of
 Assignation.

' I *A. B.* of in consideration of the Sum of
 ' paid by *C. D.* of do hereby
 ' transfer to the said *C. D.*, his Heirs, Executors, Successors, and
 ' Assignees, a certain Assignation or Conveyance, Number
 ' made by a Quorum of the Trustees for the Management of the
 ' Harbour of *Banff*, and by Clerk and Treasurer
 ' to the said Trustees, bearing Date the Day of
 ' for securing the Sum of and Interest, and all my
 ' Right,

‘ Right, Estate, and Interest in and to the Money thereby secured,
 ‘ and in and to the Rates, Tolls, Sums of Money, and Property
 ‘ thereby assigned. In witness whereof [*here insert a testing Clause*
 ‘ according to the Form of the Law of Scotland.]’

And every such Transfer shall, within Twenty Days after the Date thereof, if executed in *Scotland*, or otherwise within Twenty Days after the Arrival thereof in *Scotland* if executed elsewhere, be produced and notified to the Clerk or Treasurer of the said Trustees for the Time being, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Assignation or Conveyance, for which the said Trustees shall be paid the Sum of Two Shillings and Sixpence; and after such Entry or Memorial is made every Transfer shall entitle such Assignee, his Heirs, Executors, Successors, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Assignation or Conveyance so transferred, or any Money thereon due or thereby secured, or any Part thereof.

Entries of
Transfers to
be made by
the Clerk.

CXLI. And be it enacted, That the said Harbour Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money or Interest thereon by reason of having signed any Assignation or Conveyance, but such Assignations or Conveyances shall be held as having been granted on the sole Credit and Security of the said Harbour and Works and the Rates and Duties aforesaid; nor shall any Harbour Trustee be held personally liable, on any Pretext, for the Payment of any Sum which he shall not have bound himself to pay personally as an Individual independently of his Office as a Trustee under this Act.

Trustees not
to be personally
liable.

CXLII. And be it enacted, That all Sums of Money already borrowed as aforesaid for the Purpose of improving the said Harbour, with the Interest due and accruing thereon, is and shall be a Debt affecting the said Harbour and Rates leviabie thereat, so far as such Security shall extend and be sufficient, and so far as the same shall prove to be insufficient the said Sum and Interest are hereby declared to be a Debt affecting the Common Good of the said Burgh of *Banff*.

Existing
Debt to affect
the Harbour
and Common
Good.

CXLIII. And be it enacted, That all and every Sum and Sums of Money which shall be levied and received from the Harbour Rates and Duties granted by this Act, and which shall be recovered for Penalties and Forfeitures incurred in respect of the said Harbour under and by virtue of this Act, shall by the said Trustees be applied, in the first place, to the Maintenance and Repair of the said Harbour and other Works thereof; in the second place, towards the Payment of the Interest of such Sums of Money as have been already contracted and owing for the Purposes of the said Harbour, and which shall hereafter be borrowed by the said Trustees on the Credit of the said Harbour Rates and Duties for the said Purposes; and lastly in the further Improvements of the said Harbour and Works, and in gradually reducing and paying off the Debt affecting the same.

Application
of the Har-
bour Rates
and Duties.

[*Local.*]

30 M

CXLIV. And

Accounts to
be kept.

CXLIV. And be it enacted, That the said Trustees shall direct a Book or Books to be provided and kept by their Treasurer for the Time being, in which Book or Books such Treasurer shall enter true and regular Accounts of all Sums of Money received and expended on account of the said Harbour, and of the several Articles, Matters, and Things for which any Money shall have been disbursed, and which respective Books shall at all seasonable Times be open to the Inspection of the said Trustees or any Creditor on the Rates or Duties collected and taken in the said Harbour, and the said Trustees and Creditors of the said Trustees, or any of them, may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Treasurer with whom the said Books are deposited shall, on any reasonable Demand, refuse to permit or shall not permit the said Trustees or Creditors respectively to inspect the said Books or to take such Copies or Extracts as aforesaid, or in case any such Treasurer shall refuse or neglect to produce such Book or Books at any Meeting of the said Trustees when required, such Treasurer shall forfeit and pay any Sum of Money not exceeding Ten Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be levied and applied.

Accounts to
be audited
annually.

CXLV. And be it enacted, That the said Trustees shall, within Fourteen Days after the Fifteenth Day of *October* in each and every Year, make out or cause to be made out a clear and distinct Account of their Intromissions and Transactions under the Authority of this Act for the preceding Year, and which Account shall be then duly audited by an Auditor to be appointed by the said Trustees for that Purpose; and on or before the First Day of *January* in each and every Year the said Trustees shall and they are hereby required to prepare or cause to be prepared an Abstract of the said Account, showing, under distinct and separate Heads, the total Receipts and Expenditure of all Funds relating to the said Harbour Trust levied under this Act during the Year ending on the Fifteenth Day of *October* immediately preceding such First Day of *January*, with a Statement of the Balance of the same duly certified by the said Auditor and by the Trustees, and on or before the said First Day of *January* the said Trustees shall transmit or cause to be transmitted free of Charge a Copy of the said Abstract to the Town Clerk of the said Royal Burgh of *Banff*, which shall be open at all seasonable Hours to the Inspection of the Public, on Payment by each Person to the said Town Clerk of a Fee of One Shilling for each such Person for every Inspection, and the further Sum of One Shilling for every Hour during which such Inspection shall continue after the first Hour; and if the said Trustees shall fail to prepare or transmit in manner herein-before provided a Copy of the said Abstract, such Trustees shall forfeit a Sum not exceeding One Pound for each Day after the First Day of *January* during which they shall so fail, to be recovered before the Sheriff of the said County, and paid to any Person who shall sue for the same; and the said Trustees shall cause the said Abstract to be printed and published for the Information of all Parties concerned.

CXLVI. And

CXLVI. And be it enacted, That it shall be the Duty of the Harbour or Shore Master to undertake the Care and Superintendence of the said Harbour and the Works within the same, and it shall be the Duty of the Berth Master to place every Ship or Vessel in such Berth or Berths as he shall think fit, under and subject to such Orders, Conditions, and Regulations as to the said Trustees at General or Special or adjourned Meetings assembled as aforesaid shall seem proper and necessary.

Duties of the Harbour Master and Berth Master.

CXLVII. And be it 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 such other combustible Things, shall be suffered to be or remain on the Quays and Piers of the said Harbour, within or contiguous to the said Harbour or any Part thereof, or upon the Deck of any Ship or Vessel lying therein, for above the Space of Twenty-four Hours after being passed by the Officers of Customs; and in case such Goods or Things cannot be conveniently removed or got off from such Harbour or Piers or Quays thereof by Daylight, then and in every such Case the Owners of such Goods and Things shall be obliged and are hereby required to set and maintain, at their own Expence, a sufficient Number of careful and discreet Persons to guard and watch over the same, for such and so many Hours, according to the Season of the Year, as the Harbour or Shore Master or other proper Officer of the said Harbour shall signify and appoint; and in case the Owner or Owners of such Goods and other Things, or the Master or other Person in the Charge of any Ship or Vessel, shall make Default herein, every such Owner or Owners, Master or other Person, shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds Sterling, besides the said Expence, and any Damage caused by their not removing or watching the said Goods or Combustibles as aforesaid.

Gunpowder and other combustible Matter not to remain on the Quays or Piers above a certain Time.

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

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

CXLIX. And be it enacted, That it shall be in the Power of the said Trustees, or any Officer or Person employed by them by virtue of this Act, if they shall see Cause, to remove or cause to be removed in a summary Manner from the Piers and Quays of the said Harbour all Goods, Wares, and Merchandize, Commodities, or other Articles

All Descriptions of Goods may be removed.

Articles or Things of whatever Description, within Twenty-four Hours after the same shall have been landed, and all Horses and Live Stock shall be immediately removed, and placed in a Place of Security at the Expence of the Owners thereof, and there be detained and kept till Payment of the Charges incurred by such Removal, Keeping, and Detention, together with the Rates and Duties herein-before authorized to be levied on the said Goods, Wares, Merchandize, and Commodities, Horses and Live Stock as aforesaid.

Ballast not to be thrown into the Harbour.

CL. And be it enacted, That from and after the passing of this Act it shall not be lawful to any Person or Persons to throw or empty any Ballast, Dust, Ashes, or Rubbish, Shingle, Stones, or other Things into the said Harbour, or to dig and take away any Ballast, Shingle, Stones, or Things from within the same, to the Hurt or Prejudice of the said Harbour, Piers, Quays, or of the Works erected or to be erected for the Security and Accommodation of the same, or to do any other Act or Deed to the Hurt or Prejudice of the same or any Part thereof, under the Penalty of Two Pounds Sterling for every such Offence.

Ballast thrown on the Piers, &c. to be removed immediately.

CLI. And be it enacted, That any Person who shall or may hereafter have occasion to throw or cast out any Ballast from out of any Ship or other Vessel, upon any Quay, Pier, or Breast, or other Place in or about the said Harbour, or other Works belonging to the said Harbour, shall not suffer the same to be or remain on any of the Quays, Piers, Breasts, or other Places of the said Harbour, but shall immediately after cart and carry away, or cause the same to be carted and carried away, to such Place or Places as the Harbour or Shore Master aforesaid shall for such Purposes direct, on pain of forfeiting for every such Offence Forty Shillings Sterling.

The Corporation of Trinity House at Deptford Strond shall appoint Sub-Trustees to examine Pilots, and on their Certificate of Qualification may grant Licences.
6 G. 4. c. 125.

CLII. And whereas it is expedient that proper and skilful Persons should be licensed and appointed Pilots of the said Port of *Banff* and the adjoining Coasts; be it therefore declared and enacted, That it shall and may be lawful for the Corporation of *Trinity House* at *Deptford Strond*, and they are hereby required, to appoint from Time to Time (as often and for such Periods as they in their Discretion shall think fit) proper and competent Persons, (not to exceed Five nor to be less than Three Persons,) resident within the Port of *Banff*, to act as Sub-Trustees of Pilotage for the said Port, and who shall be called Sub-Trustees of Pilotage, and shall take the Oath prescribed by the Act of Parliament passed in the Sixth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons*, and set forth in the Schedule marked (C.) to the said Act annexed, for the faithful Discharge of their Duty; and such Persons so to be appointed shall examine, and they are hereby authorized (so long as their Deputation or Appointment shall not be revoked or superseded) to examine, into the Qualification of Persons to act as Pilots for the said Port and the adjoining Coasts; and it shall be lawful for the said Corporation, upon their receiving a satisfactory Certificate

ificate under the Hands of any Three of the Persons so to be appointed Sub-Trustees aforesaid, if the whole Number shall consist of Four or Five, and of any Two, if the whole Number shall consist of Three, that any such Person so examined as aforesaid is duly qualified to act for such Port and the adjoining Coast, to give a Licence to such Person to act as a Pilot within the particular Limits (describing the same) for which he shall have passed such Examination; and when and so soon as the said Corporation shall have licensed any Pilot or Pilots for the said Port and the adjoining Coast, they shall cause such Notice thereof to be given, and in such Manner and Form, and so to be published as a Notice directed to be given by the said Act of Parliament passed in the Sixth Year of His said late Majesty's Reign, in the Case of Licences granted by the said Corporation under the Authority of that Act to Pilots for any particular Port or Ports and the Coasts near the same; and from and after a Time or Times to be limited in the said Notice (which shall not in any Case or in relation to any Ship or Vessel whatsoever be less than Six Weeks from the Publication thereof as aforesaid, and shall be proportionably more, at the Discretion of the said Corporation, in relation to Ships and Vessels engaged in Foreign Voyages at the Time of such Publication,) all Ships and Vessels sailing, navigating, or passing into or out of the said Port or upon the Coasts thereof, save and except under such Circumstances as are saved and excepted in and by the said Act of Parliament, shall be conducted and piloted by such Pilots only as shall be so licensed as aforesaid, and by no other Pilots or Persons whomsoever.

CLIII. And be it further enacted, That the Licences to be granted by the said Corporation under the Authority of this Act shall be granted in such Form, and for such Period, and subjected to such Power of Renewal and Suspension, Amendment, or Revocation as the Licences granted under the said Act of Parliament so passed in the Sixth Year of His said late Majesty's Reign; and such Pilots, when so licensed as aforesaid under the Authority of this Act, shall, for all Purposes and to all Intents whatsoever, be deemed and taken to be Pilots licensed under the said Act so passed as last aforesaid; and all and every the Enactments, Protections, Provisions, Forfeitures, Penalties, Matters, and Things contained in that Act of Parliament, or conferred or imposed thereby, and all Bye Laws made by the said Corporation in pursuance thereof, shall be deemed and taken to apply to Pilots so to be licensed as aforesaid under the Authority of this Act, and to all Masters and Owners of Ships and Vessels and other Persons whatever, in the same Manner, and to the same Extent, and the said Forfeitures and Penalties shall be recovered and applied in the same Ways, as if the said last-mentioned Pilots had been duly licensed under the said Act of Parliament so passed as aforesaid in the Sixth Year of the Reign of His said late Majesty; it being hereby further provided and declared, that it shall be in the Power of the said Trustees, and they are hereby authorized, to fix the Rates of Pilotage to be paid to the Pilots to be so appointed as aforesaid, and to remove and displace any of them at pleasure; and if any Person shall act as a Pilot at the said Port and the Precincts thereof without being

Licences to be granted in same Form as Licences under 6 G. 4. c. 125., and the Provisions of that Act to apply to all Pilots, Masters, &c. as if such Pilots had been licensed under the same.

licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty of Ten Pounds Sterling.

Masters re-
quired to take
Pilots or pay
Pilotage.

Trustees may
award Com-
pensation to
Pilots for ex-
traordinary
Assistance.

CLIV. And be it enacted, That all Masters of Vessels inward bound, of such Tonnage as are by Law required to take Pilots, who shall refuse to take and receive a licensed Pilot, shall be liable to pay the full Pilotage in respect of each such Vessel, which shall be recoverable summarily; and it shall be in the Power of the said Trustees to award to Pilots who may have rendered extraordinary Assistance to any Vessel bound for or departing from the said Harbour such Compensation as may appear to them to be just, to be paid by the Owner or Owners of such Vessel.

Masters or
Owners of
Vessels made
answerable
for Damages
done by their
Crew.

CLV. And be it enacted, That the Master or Owner of any Ship, Bark, Lighter, Boat, or Vessel lying in or trading to or using the said Harbour, Piers, or other Works shall be and is hereby made answerable to the said Trustees for the Amount or Value of any Damage or Mischief not exceeding Twenty Pounds Sterling that shall be done by any of the Servants, Boatmen, Bargemen, or Watermen on board such Ship, Bark, Lighter, Boat, or other Vessels respectively, to the said Harbour, or to any of the Piers, Quays, Breasts, or other Works thereof, already constructed, or that shall be hereafter constructed, with full Costs of Suit; and such Damages and Costs shall be sued for and recovered in manner herein-after directed.

Masters may
recover Da-
mages from
their Ser-
vants.

CLVI. And be it enacted, That in case the Master or Owner of any Ship, Vessel, or Boat as aforesaid shall be compelled to pay any Penalty or to make satisfaction for any Damage or Trespass by reason of any such Damage or Mischief done or committed by his Mariners, Servants, Boatmen, Bargemen, or Watermen, or other Persons employed by him, such Mariners, Servants, Boatmen, 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 Owner; and in case of Nonpayment thereof, on Demand, and Oath or solemn Declaration made by such Master or Owner of the Payment made by him of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or hath not been repaid to him by such Mariners, Boatmen, Servants, or other Persons, or any of them, although demanded, (such Oath or solemn Declaration 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 Owner as any other Penalty hereby directed by this Act to be recovered.

Penalty on
destroying
the Works,
or any Ropes,
& of Vessels.

CLVII. And be it enacted, That if any Person shall from and after the passing of this Act wilfully or maliciously demolish, cut, break, or in any Manner destroy any of the Piers, Jetties, Quays, or other Works, or any Rope or other Thing by which any Ship, Vessel, or Boat lying in the said Harbour, or at the Piers, Quays, Breasts, or other Works thereof, shall be moored or fastened, such Person shall for every such Offence forfeit and pay a Sum not exceeding
Twenty

Twenty Pounds Sterling, besides making good the Damage thereby occasioned.

CLVIII. And be it enacted, That it shall and may be lawful to and for the Officers to be appointed by the said Trustees, and to and for any Messenger at Arms, Sheriff Officer, Peace Officer, Town Officer, Police 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 said Harbour, Piers, Quays, Wharfs, and other Works 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, 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 such Articles have not been fairly come by, it shall be lawful for the Sheriff of the County of *Banff* or his Substitute, or any Justice of the Peace for the County of *Banff*, or for any Magistrate of the said Burgh of *Banff*, to order such Goods to be restored to the proper Owner thereof, or in case such Owner cannot be found, to confiscate the same in aid of the Rates and Duties leviable by this Act in respect of the said Harbour, and punish the Person in whose Custody the same may have been found by Imprisonment in the Gaol of *Banff*, or in some other legal Place of Confinement within the County of *Banff*, for any Time not exceeding One Calendar Month.

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

CLIX. And be it enacted, That it shall and may be lawful to and for the said Sheriffs, Justice, or Magistrate, and they are hereby authorized and empowered, to detain such Vagrant, Idler, and disorderly Person in any Gaol, Watch-house, or other Place of Security, therein to be detained for Examination for any Space not exceeding Twenty-four Hours, or as a Punishment to commit such Offender to any such Gaol, Police Office, Watch-house, or other Place of Security for any Space not exceeding Three Days.

Vagrants, Idlers, &c., may be committed.

CLX. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Harbour or Shore Master, Collector of Duties, or other Officers and Persons acting in reference to the Harbour under the Authority of this Act; be it enacted, That it shall and may be lawful to and for the said Harbour or Shore Master, or Collector of Duties, or other Officers respectively, to seize and detain any such unknown Person guilty of any Offence against this Act, and to convey him to the Police Office, to be dealt with as herein directed.

Power to apprehend transient Offenders.

CLXI. And be it enacted, That the said Commissioners shall and may sue and be sued in the Name of any One of the said Commissioners or of their Clerk and Collector, and that the said Harbour Trustees may sue and be sued in the Name of any One of the said Trustees or of their Clerk; and no Action or Suit which may be

How the Commissioners and Trustees may sue and be sued.

so bought, commenced, or prosecuted by or against the said Commissioners or Trustees, or any of them, by virtue or on account of this Act, shall cease or abate by the Death, Suspension, or Removal of such Commissioner, Trustee, or Clerk and Collector, or Clerk, but any such Commissioner or Trustee, or Clerk and Collector, or Clerk, for the Time being, shall be held to be the Party suing or defending in any such Action: Provided always, that every Commissioner or Trustee, or Clerk and Collector, or Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall be reimbursed, out of the Money to be raised by virtue of this Act, all such Damages, Charges, and Expences as such Party shall be put to or become chargeable with by reason of his being so made Pursuer or Defender therein.

Powers of Magistrates and Sheriffs under this Act.

CLXII. And be it enacted, That the Provost and Baillies of the Burgh of *Banff*, and the Sheriff of the County of *Banff* or his Substitute, usually holding Courts within the Bounds to which this Act extends, or any One of them, shall be competent, and it shall be lawful for them, or any One of them, to hear and give Judgment in a summary Manner, as herein provided, on all Complaints which may be made under this Act, against any Person or Persons accused of Theft, Swindling, unlawful Gambling, Assault, Rioting, breaking the Peace, or any other such criminal, riotous, or disorderly Act, or any Offence whatsoever cognizable at Common Law by any of the inferior Judges of *Scotland* without a Jury, or of offending against any of the Provisions of this Act, or any of the Regulations established or which may be established by the Authority of this Act.

Jurisdiction in Cases of Nuisance.

CLXIII. And be it enacted, That such Magistrates or Sheriffs shall have Jurisdiction in all Cases of Nuisance arising within the said Bounds of Police, except where Questions of Heritable Right are involved, and shall have Power to order the Removal or Abatement of such Nuisance, and to inflict Fines on the Offenders not exceeding Five Pounds for each Offence, besides the Expence of Conviction.

Officers may take Offenders into Custody without a Warrant.

CLXIV. And be it enacted, That it shall be lawful for any Officer appointed under this Act to take into Custody, without a Warrant, any Person who within View of such Officer shall offend in any Manner against this Act, and whose Name and Residence shall be unknown to such Officer.

Officers, in certain Cases of Assault, may take into Custody Persons charged without Warrant.

CXLV. And be it enacted, That it shall and may be lawful for any Officer appointed under this Act to take into Custody, without Warrant, any Person who within the Bounds aforesaid shall be charged by any other Person with committing any aggravated Assault, in every Case in which such Officer shall have good Reason to believe that such Assault has been committed, although not within View of such Officer, and that by reason of the recent Commission of the Offence a Warrant could not be obtained for the Apprehension of the Offender.

CLXVI. And

CLXVI. And be it enacted, That every Person taken into Custody by any such Officer or Officers shall be forthwith conveyed to the Police Office, (or if more than One to the nearest,) in order that such Person may be secured until he can be brought before a Magistrate of the said Burgh or the Sheriff of the County, or his Substitute, to be dealt with according to Law, or until he find Caution or give Bail as after mentioned.

Persons taken into Custody to be forthwith conveyed to Police Office.

CLXVII. And be it enacted, That upon the Apprehension and Delivery to the Police Office of any Person charged with Offences under this Act of aailable Nature, it shall be lawful to the Superior Officer or Clerk and Collector of Police upon Duty at the Time, and he is hereby empowered, in the Absence of a Magistrate, to accept of sufficient Caution by Bond, Consignation, or Pledge, and to liberate the Person so apprehended under such Circumstances, upon Caution being found, it being expressly declared that the Refusal on the Part of the said Superintendent or the superior Officer on Duty or Clerk and Collector to accept such Caution, and his detaining the Person so apprehended until recourse can be had to a Magistrate in the usual Form, shall not subject the said superior Officer or Clerk and Collector to any Claim for Damages whatever; but provided always, that a Book shall be kept in the Police Office by the superior Officer on Duty at the Time, wherein he shall forthwith enter all Tenders of Caution made and refused, with the Reasons of Refusal.

Superior Officers in certain Cases may accept or refuse Caution.

CLXVIII. And be it enacted, That if upon the Apprehension and Delivery to the Police Office of any Person, Bail or Caution shall not have been given or taken as aforesaid, the superior Officer or Clerk and Collector upon Duty as aforesaid shall immediately give Notice of such Apprehension to One of the Magistrates or Sheriffs aforesaid, who shall thereupon give Directions for having the Party or Parties apprehended brought before him, at such Time and Place as he may appoint, but with the least possible Delay, to be disposed of as such Judge shall direct, in Terms of this Act: Provided always, that if such Apprehension shall take place after the Hour of Five of the Clock in the Evening from the First Day of *October* to the First Day of *April*, or after the Hour of Nine in the Evening during the rest of the Year, and Bail or Caution shall not have been given or taken as aforesaid, all Persons so apprehended shall be detained in Custody, and Notice shall be given as aforesaid to the said Magistrate or Sheriff as soon as conveniently may be in the course of the next lawful Day, who shall thereupon give Directions and proceed as herein above specified.

Notice of Apprehension to be given to Magistrates or Sheriffs.

CLXIX. And be it enacted, That it shall be lawful to the said Magistrate or Sheriff to order Prisoners to be detained in the Police Office or in Gaol, when remanded, for affording Time to find Caution or till further Investigation, such Investigation always taking place as soon as Circumstances shall permit, and without any unnecessary Delay.

Prisoners may be remanded to find Caution, &c.

For recover-
ing on for-
feited Bonds,
&c.

CLXX. And be it enacted, That when any Person shall have been apprehended, and afterwards liberated on Bail or Caution as aforesaid, and shall fail to appear, it shall be competent, where such Bail or Caution has been by Pledge, to declare the Money or Article pledged to be forfeited; and in Cases where the Bail has been by Bond or Caution, and also in Cases where any Offender who shall have found Caution for good Behaviour or for keeping the Peace shall commit a new Offence or Offences inferring Forfeiture of the said Caution, it shall be competent to order the Cautioners to be cited to make Payment of the Sum contained in the Bond of Caution within the Space of Twenty-four Hours; and in default of instant Payment after the Lapse of the said Space the Sum in such Bond of Caution shall thereupon be recoverable at the Instance of the Procurator Fiscal of the Burgh of *Banff*, or the Clerk and Collector or superior Officer of Police respectively, by a Precept to be issued by any Magistrate or Sheriff as aforesaid upon a Charge of Ten Days, and upon Failure of Payment it shall be competent to grant Warrant for entering the House, Shop, Warehouse, Manufactory, or other Place of the Defaulters, and seizing, taking possession of, and carrying away, and afterwards selling, the Defaulter's Goods and Effects, or so much thereof as may appear sufficient for the Payment of the Sum or Sums so forfeited as aforesaid, and the Expences of such seizing and other Proceedings of Sale, all in like Manner as herein provided for the Recovery of Arrears of the Assessments under this Act; and upon Certification by the seizing Officer of there not being a Sufficiency of such Goods and Effects attachable within the Limits to which this Act extends, the Cautioner may be imprisoned by Warrant of such Magistrate or Sheriff in the Gaol of *Banff* for a Space not exceeding Thirty Days, and after the said Imprisonment no farther Procedure against the said Cautioner shall be competent on the Bond.

Articles
pledged may
be redeemed.

Book of
Pledges to be
kept.

CLXXI. And be it enacted, That all Articles pledged by any Person apprehended and liberated on Bail, which may be forfeited as aforesaid, may afterwards be redeemed within such Time and on such Terms as any Magistrate or Sheriff as aforesaid may determine, and if not redeemed shall afterwards be sold or otherwise disposed of in such Manner as the said Magistrate or Sheriff shall direct; and a Book shall be kept in the Police Office, wherein all such Pledges shall be entered, and the Orders regarding such Pledges, the Time and Manner in which they have been disposed of, and the Proceeds of Pledges which have been sold, shall distinctly appear, and such Book shall at all Times be patent to every Commissioner under this Act.

Summary
Form of Pro-
cess to be
established.

CLXXII. And whereas it is expedient that in all Cases arising under this Act the Proceedings shall be attended with as little Delay or Expence as possible; be it enacted, That the said Provost and Magistrates of *Banff* and the Sheriff of the County of *Banff* (or his Substitute) shall be and they are hereby authorized and required to adapt the Forms of Procedure in all such Cases accordingly so as to despatch the Business under this Act in the easiest and most expeditious Manner, without written Pleadings, and without record-

ing

ing the Evidence, and to fix and regulate the Expences of such Proceedings, and, until altered by them, the Regulations already in force under the said recited Acts shall continue to regulate the Forms of the said Court: Provided always, that a Record shall be preserved of the Charge, and of the Judgment or Sentence pronounced, and the Record shall also, if the Prosecutor or Prisoner require it, include a Statement of any Offer of Proof made on the Part of any Prosecutor or Prisoner, and refused to be admitted by the Magistrate or Sheriff, with the Deliverance of the Magistrate or Sheriff thereon, and also, if required as aforesaid, of any legal Objection to any of the Witnesses adduced on either Side stated on the Part of the Prosecutor or Prisoner, and sustained or overruled by the Magistrate or Sheriff, with the Deliverance of the Judge thereon; and in all Cases a Copy of the Charge and Judgment, certified by the Clerk of Court or his Substitute, whom he is hereby authorized to appoint, shall be a sufficient Warrant to all and every Person for carrying such Sentence into execution, and shall also be held, deemed, and taken, in any Court of Law, to be sufficient Evidence of the Conviction of the Person to whom it applies of the Crime or Offence specified in such Charge and Judgment.

CLXXIII. Provided always, and be it further enacted, That it shall not be competent in any Appeal from the Sentences or Judgments of the said Magistrate or Sheriff to the Circuit Court of Justiciary, in manner herein-after mentioned, to prove by Witnesses that an Offer of Proof was made on the Part of the Prosecutor or Prisoner, and refused to be admitted by the Judge, or that a legal Objection was stated to Witnesses adduced on either Side and sustained or overruled by the Judge, unless it be in the first place proved by such Witnesses that the Prosecutor or Prisoner required such Offer of Proof or legal Objection to Witnesses to be entered on the Record, and that the Judge refused to allow such Entry to be made; and if it shall appear that the said Judge committed Error in regard to such Offer or Proof of Objection, the said Circuit Court shall dispose of the Judgment complained of according to Law.

Witnesses incompetent to prove Offer of Proof or Statement of Objection, unless refused to be recorded.

CLXXIV. And be it enacted, That it shall be competent to any such Magistrate or Sheriff as aforesaid, under such summary Form of Procedure, and where no special Penalty is attached to the Offence, to adjudge Penalties not exceeding Five Pounds, or to sentence the Party complained of to Imprisonment in the Gaol of *Banff*, for any Period not exceeding Sixty Days, and also to sentence such Person to hard or continued Labour, or to solitary Confinement in such Gaol, during the Time of his Imprisonment or any Part thereof, and also to sentence such Person to be fed during the Term of his or her Imprisonment, or any Part of it, on Bread and Water exclusively, or on any other wholesome Food exclusively, which shall be specified in such Sentence.

Powers of Judges where no special Penalty under this Act.

CLXXV. And be it enacted, That upon Imprisonment under this Act of any Offenders in the Gaol, such Offenders shall be subject to such Regulations in respect of Labour and Maintenance as shall be established

Regulations for Prisoners.

established in such Gaol under the Authority of Law, unless the Sentence shall contain some special Order relative to the Labour or Maintenance of such Offenders.

Damages may be awarded to the private Party.

CLXXVI. And be it enacted, That it shall be competent to any such Magistrate or Sheriff under such summary Proceeding to be established as aforesaid to decern for Damages not exceeding Five Pounds; and in case it shall appear that the Loss sustained by the private Party exceeds the Sum hereby authorized to be given in Name of Damages, the said Magistrate or Sheriff shall and may give Judgment for Damages to the Amount hereby authorized; and notwithstanding such Decree it shall be lawful to the private Party to insist before any Judge to whose Jurisdiction the Offender is amenable for any further Claim which may be competent, whether the Sentence of the said Magistrate or Sheriff contain a Reservation to that Effect or not.

Offenders may be ordained to find Caution.

CLXXVII. And be it enacted, That it shall be competent for any of the said Magistrates or Sheriff, at his Discretion, in lieu and in place of or in addition to any Punishment as aforesaid, to ordain any Offender to find Caution for good Behaviour, or for keeping the Peace for any Period not exceeding Twelve Calendar Months, and under a Penalty not exceeding Twenty Pounds, and to sentence such Offender to Imprisonment until such Caution be found, or until liberated in manner after mentioned, but such Imprisonment shall be subject to the Limitation after mentioned, and no Person shall in any Case be detained in Prison under One Conviction for a longer Period than Ninety Days.

How Forfeitures, &c. to be recovered and accounted for.

CLXXVIII. And be it enacted, That all Forfeitures, Penalties, Fines, and Sentences whatsoever, not otherwise herein directed to be sued for, imposed, recovered, and awarded, shall be imposed, recovered, and awarded by the Magistrates of the Burgh of *Banff* or the Sheriff of the County of *Banff* or his Substitute in their respective Courts in virtue of this Act, at the Instance of the Procurator Fiscal of the Burgh of *Banff*, or the Clerk and Collector or any superior Officer of Police thereunto duly appointed by the Commissioners, or by the Clerk of the said Harbour Trustees, or by any Person or Persons who will sue for the same, and when recovered (if the same shall arise out of any Breach of the Police Regulations of this Act, and have been recovered at the Instance of the Procurator Fiscal or of the said Clerk and Collector or other Officer of Police,) shall be paid over by the Clerk of Court where the same shall be recovered to the Clerk and Collector of the said Commissioners, or such other Person as may be appointed by them to receive the same, and shall be accounted for by him once every Month, and be disposed of as herein mentioned, and if the same shall arise out of any Breach of the Harbour Regulations of this Act, and have been recovered at the Instance of the Procurator Fiscal or of the said Clerk of the said Harbour Trustees, shall be paid over by the Clerk of Court aforesaid to the said Clerk of the said Harbour Trustees, and shall be accounted for by him once every Month, and be disposed of as herein mentioned; and the Damages in all such Cases shall be paid

to the Person or Persons by whom the Loss has been sustained: Provided always, that it shall and may be lawful to such Magistrate or Sheriff awarding such Forfeitures, Penalties, and Fines, in his Discretion, to award a Part, or the Whole thereof, if he shall think fit, to be paid and applied to the Use of such Person or Persons as shall have contributed to the Conviction of the Offender or Offenders, in such Shares and Proportions as such Magistrate shall think fit.

CLXXIX. And be it enacted, That in case any pecuniary Penalty, Fine, or Forfeiture decerned for by virtue of this Act shall not be immediately paid or consigned in manner herein-after provided, it shall and may be lawful to adjudge the Person or Persons found liable for the same to be imprisoned in the Gaol of *Banff*, but no such Imprisonment shall in any Case exceed the Period of Sixty Days or any shorter Period which may be specified in the Sentence, and in no Case shall any Person be detained in Prison under One Conviction for a longer Period than Ninety Days, and on the Expiration of the Period of Imprisonment such Person shall be set at liberty, and shall be free from the Payment of any such pecuniary Fine, Penalty, or Forfeiture, and from the Sentence ordering him to find Caution, and all Charges attending the same.

On Nonpayment of Penalties, &c. Offenders may be imprisoned.

CLXXX. And be it enacted, That the whole of the pecuniary Forfeitures, Penalties, and Fines imposed or incurred in respect of Matters of Police under the Authority of this Act, not otherwise directed by this Act to be applied, shall be applied to the Police Purposes of this Act; and that the whole of the pecuniary Forfeitures, Penalties, and Fines imposed in respect of the Provisions of this Act regarding the Harbour of *Banff*, not otherwise directed by this Act to be applied, shall be applied to the Purposes of the said Harbour.

Penalties, &c. to be applied to Purposes of Police and Harbour respectively.

CLXXXI. Provided always, and be it enacted, That if it shall appear, either in the preliminary Investigation of the Charges against any Person accused of having committed Crimes, Delinquencies, or Offences within the Bounds over which this Act or any Part thereof extends, or during his Trial before any such Magistrates or Sheriffs as aforesaid, that such Person or Persons have been guilty of or are charged with any of the Crimes denominated the Pleas of the Crown, *videlicet*, Murder, Robbery, Rape, and wilful Fire-raising, or with the Crime of Stouthrief, or of Theft by Housebreaking, or of Housebreaking with Intent to Steal, or of simple Theft to an Amount exceeding Ten Pounds, or of Theft by opening Lockfast Places, or of Theft aggravated by being Habit and Repute a common Thief, or of having been Three Times previously convicted of Theft or of Reset of Theft to an Amount exceeding Ten Pounds, or of Reset of Theft aggravated by having been Three Times previously convicted of that Cime, or of Falsehood, Fraud, and wilful Imposition to an Amount exceeding Ten Pounds, or of Falsehood, Fraud, and wilful Imposition aggravated by having been Three Times previously convicted of any Offence of that Nature, or of Assault to the Danger of Life, or of Assault whereby any Limb has been fractured, or of Assault with any Knife or other lethal Instrument where Effusion

What Crimes not competent to be taken cognizance of under this Act.

of Blood has followed, or of Assault aggravated by Three previous Convictions of that Crime, or of Assault with Intent to Ravish, or of Attempt at wilful Fire-raising, or of culpable Homicide, or of Forgery, or of uttering forged Bank or Bankers Notes, it shall not be competent for the Prosecutor to insist further against such Person or Persons before any such Magistrate or Sheriff; and in all such Cases, and also where any such Magistrate or Sheriff shall think the Case of any Offender deserving of a higher Punishment or Fine than is authorized by this Act, or think that it requires more deliberate Investigation than can be suitably made under the summary Form hereby provided, he shall and may commit such Offender to the Gaol of *Banff* for Examination, or further Examination, or till further Investigation, or till liberated in due Course of Law, and the Clerk of Court shall give immediate Notice of such Commitment to the Procurator Fiscal of the County of *Banff*, in order that such Person or Persons may be proceeded against conformably to Law.

In Cases of Theft, &c. tried before a Magistrate the Complaint and Conviction shall state that the Value of Articles stolen did not exceed 10*l*.

CLXXXII. And be it further enacted, That in all Cases of Theft or of Reset of Theft, or of Falsehood, Fraud, and wilful Imposition, which shall be tried before any Magistrate or Sheriff as aforesaid, the Complaint and the Conviction following thereon shall bear that the Sum of Money or the Value of the Articles stolen, resetted, or obtained by Falsehood, Fraud, and wilful Imposition did not exceed Ten Pounds; and it shall not be competent thereafter to the Person accused, except where an Offer shall be made at the Time, to prove that the Articles stolen, resetted, or obtained as aforesaid exceeded in Value the Sum of Ten Pounds.

Expence of Process may be decreed for.

CLXXXIII. And be it enacted, That in all Cases it shall be lawful for any Magistrate, or for the said Sheriff or Sheriff Substitute, in their own proper Courts, in all Cases arising under this Act, to decree for the Expences of Process; and in case any Person, prosecuted at the Instance of a private Party for any Offence under this Act, shall be acquitted, it shall and may be lawful to any such Magistrate, or Sheriff or Sheriff Substitute, before whom the Complaint shall be brought, if he shall see Cause, to subject the private Party in the Expences incurred by the Party acquitted.

Appeal.

CLXXXIV. And be it enacted, That no Appeal shall lie to the Sheriff of the County from Sentences pronounced by his Substitute; and when any Sentence shall have been pronounced under this Act awarding pecuniary Forfeitures, Penalties, or Fines, or Expences or Damages, the Person or Persons against whom such Sentences shall be pronounced, (or who may be found liable in such Expences,) if in Custody at the Time, shall be kept in Custody, and if not kept in Custody at the Time shall immediately be taken into Custody, and so kept till the Money be paid or consigned; and if the same be not paid or consigned within Twenty-four Hours from the Date of such Sentence, such Person shall be committed to the Gaol of *Banff* till liberated in due Course of Law; reserving nevertheless to any Persons having paid or consigned such Penalty, Damages, or Expences, if they shall consider themselves aggrieved by any Sentence or Judgment of any Magistrate or Sheriff as aforesaid, to seek Redress by Appeal

Appeal to the Circuit Court of Justiciary for the District, at the First or Second Circuit following the Date of the Sentence or Judgment appealed from, of which Appeal Notice shall be given to the Party at whose Instance the Sentence or Judgment was obtained, at least Ten Days before such Appeal shall be presented, and the Party appealing shall forthwith after such Notice find Caution before One of the Magistrates of the said Burgh, or before the Sheriff or Sheriff Substitute of the County, to such Amount as to such Magistrate shall seem right, to try such Appeal, and to abide the Decision or Judgment of the said Circuit Court of Justiciary thereon, and to pay such Expences or Costs as shall be awarded; and such Circuit Court of Justiciary shall in a summary Way hear and determine the Matter of such Appeal, and award such Expences or Costs to the Party aggrieved as to the said Court shall seem proper; and the Decision or Judgment of such Circuit Court shall be final and conclusive, without being subject to Review by Advocation, Suspension, Reduction, or otherwise; and in all Cases of Prosecution under this Act, at the Instance of the Procurator Fiscal, or Clerk and Collector, or other Officer of Police aforesaid, or the Clerk of the said Harbour Trustees, it shall and may be lawful for the Magistrate or Sheriff whose Sentence has been brought under Review to authorize the Expences incurred in the Proceedings in the said Circuit Court of Justiciary to be defrayed out of the Assessments herein authorized to be levied, if it shall seem meet and expedient to him so to do.

CLXXXV. And be it enacted, That no Complaint shall be received or entertained by any such Magistrate or Sheriff as aforesaid at the Instance of any Party unless the same be presented within Six Calendar Months after the Offence complained of shall have been committed.

Limitation of Time for Complaints under this Act.

CLXXXVI. And be it enacted, That no Person shall be deemed an incompetent Witness to give Evidence in any Case under this Act by reason only of such Person being a Commissioner or Harbour Trustee, or of his being liable to be assessed, or of his being employed in any Office under this Act.

Commissioners, or Rate-payers, or Officers not incompetent Witnesses.

CLXXXVII. And be it further enacted, That a Majority of the said Commissioners present at any Meeting called for that Purpose shall have full Power and Authority from Time to Time to make Rules, Regulations, and Bye Laws for the better Execution of this Act, and in general for all other Purposes connected with the Preservation of Peace and good Order and the general Safety and Comfort of the Inhabitants; and that a Majority of the said Harbour Trustees present at any Meeting as aforesaid shall have full Power and Authority, and they are hereby authorized and empowered, from Time to Time, to make and establish such Rules, Orders, Bye Laws, and Regulations as they may deem necessary and expedient for the better carrying into effect the Purposes committed to them by this Act, and in particular for regulating the Management and Superintendence of the said Harbour, and the Conduct and Behaviour of the Masters and Crews of Ships and Vessels, and other Persons resorting to the said Harbour; for regulating or prohibiting the loading or unloading of Gunpowder, and the Discharge of Guns or Fire-arms at the said

Power to make Bye Laws.

said Harbour, and the keeping of Fires or Lights on board of Ships or Vessels lying therein or thereat; for removing Goods from the Piers or Quays; for preventing and removing Obstructions in the said Harbour; for licensing Pilots, and regulating their Wages and Conduct; for berthing or stationing, removing, distributing, and arranging all and every of the Ships, Barks, Lighters, Yachts, Steam Vessels or other Vessels or Boats arriving at and using the said Harbour, Piers, or other Works, or any Part thereof, or lying in any Part of the said Harbour; for regulating the Wages, Conduct, and Behaviour of Porters, Carters, Coachmen, and others resorting to the said Harbour and Piers; for the Appointment, Regulation, and Wages of Coal Meters; for regulating the Conduct of the Owners, Masters, Pilots, and Crews of Ships, Barks, Lighters, Yachts, Steam Vessels or other Vessels or Boats for the Conveyance of Passengers and Goods coming to and sailing from the said Harbour or Piers or other Works, with regard to the Times of sailing as previously announced or intimated by them, and the Number of Passengers to be received on board; and from Time to Time, as Occasion may require, to repeal, add to, alter, and amend such Rules, Orders, and Bye Laws or Regulations as shall appear most proper according to the Spirit of this Act, and to enforce due Observance thereof by fixing and declaring reasonable pecuniary Penalties not exceeding Five Pounds for each Offence, to be levied, recovered, and applied in the same Way as Penalties imposed under this Act are ordered to be levied, recovered, and applied: Provided always, that such Orders, Rules, and Bye Laws or Regulations shall not be repugnant to or inconsistent with the Laws of *Scotland* or the Provisions of this Act, and shall be printed and distributed, and Copies thereof printed or painted in legible Characters, and put up on a Board or Boards affixed in One or more conspicuous Place or Places within the Bounds of Police and Precincts of the Harbour respectively, and which Board or Boards shall when effaced or obliterated be renewed and made legible: And provided always, that no such Orders, Rules, Bye Laws, and Regulations shall be of any Force or Effect until the same shall have been submitted to and approved of by the Sheriff of the County of *Banff*, nor shall any such Order, Rule, Bye Law, or Regulation (to which a Penalty shall be attached) come into operation until it shall have been confirmed by the said Sheriff; and the said Sheriff shall not confirm any such Order, Rule, Bye Law, or Regulation unless Notice of the Application for such Confirmation shall have been given in One or more Newspapers circulating in the said Burgh at least One Calendar Month before such Confirmation, which Notice shall specify the Day and Hour when such Confirmation is to be given, and shall also intimate that a Copy of the proposed Orders, Rules, Bye Laws, or Regulations is hung up in the Office of the Town Clerk of *Banff* open to the Inspection of all Persons without the Payment of any Fees; and any Person conceiving that he will be aggrieved thereby may be heard thereon before the said Sheriff, but not so as to allow of more than One of One Party present being heard on the same Matter of Objection, nor shall any Party be entitled to be heard unless Three Days Notice in Writing shall have been given and lodged with the said Town Clerk previous to the Day appointed for taking such Order, Rule, Bye Law, or Regulation into consideration.

CLXXXVIII. And

CLXXXVIII. And be it enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon such Rules, Orders, Bye Laws, or Regulations shall be painted and affixed, such Person or Persons shall upon Conviction for each Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty on defacing Bye Laws, &c. printed or painted on Boards.

CLXXXIX. And be it enacted, That in all Cases the Sheriff or Magistrate, or other Judge before whom any Complaint shall be brought under this Act, shall have full Power to mitigate the Penalty or Penalties imposed by this Act, or by any such Orders, Rules, Bye Laws, and Regulations.

Power to mitigate Penalties.

CXC. And be it enacted, That in all Cases where it may be requisite or necessary for any Person or Party to serve any Notice upon the said Commissioners of Police, or any Citation or Summons or other legal Proceeding, such Notice or Copy Citation, if left at the Police Office with the Person in charge thereof at the Time, and in all Cases where it may be requisite or necessary for any Person or Party to serve any Notice upon the said Harbour Trustees, or any Citation or Summons or other legal Proceedings, the Service upon the Clerk and Treasurer of the said Trustees, or at the Office of the said Clerk and Treasurer, or left at his last or usual Place of Abode, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Trustees, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same upon the said Commissioners or Trustees respectively.

Notices how to be served.

CXCI. And be it enacted, That nothing herein contained shall extend or be so construed as to extend to take away, or to diminish, alter or affect, any Rights, Titles, Dues, Payments, Powers, Privileges, Jurisdictions, or Authorities of the Provost, Magistrates, and Town Council of *Banff*, belonging or in any way competent to them by virtue of any Royal Charters or otherwise, excepting only in so far as the same are by this Act expressly taken away, varied, altered, or restrained; and saving and reserving to the Sheriff and the Justices of the Peace of the County of *Banff*, and all other Magistrates, all and every Jurisdiction, of whatever Kind or Nature, Civil as well as Criminal, which they have had or are anywise entitled to use and exercise, in the same Way and Manner as if this Act had never been passed.

Saving of Rights.

CXCII. And be it enacted, That all Sheriffs, Justices of the Peace, Judges, and Magistrates, with their Officers, Messengers at Arms, and all other Officers and Executors of the Law whatsoever, are hereby required to be aiding and assisting in putting this Act into due and lawful Execution.

Officers of the Law to assist in executing this Act.

CXCIII. And be it enacted, That the Expences incurred in preparing, applying for, and obtaining this Act shall be defrayed as follows; *videlicet*, One Third by the said Magistrates and Town Council out of the Patrimonial and other Revenues of the said Burgh, One Third thereof by the said Police Commissioners out of the

Expences of the Act.

the Rates to be levied or Sums to be raised in virtue of this Act, and the remaining One Third by the said Harbour Trustees out of the said Harbour Rates and Duties.

Construction
of Terms in
the Act.

CXCIV. And be it enacted, That where in this Act any Word is used importing the Singular Number only, such Word shall extend and be applied to several Persons and Things as well as to one Person or Thing; and where any Word importing the Plural Number is used, the same shall extend and be applied to one Person or Thing as well as to several Persons or Things; and where any Word is used importing the Masculine Gender only, such Word shall be understood to include Females as well as Males; and where the Word "Lands" is used the same shall be understood to include Tenements, Buildings, and all Heritages whatsoever; and where the Word "Corporation" is used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Sheriff" is used, the same shall be understood to include the Sheriff Depute of the said County of *Banff*, or his Substitute, both or either; and where the Word "Month" is used, the same shall be understood to mean Calendar Month; and where the Word "Burgh" is used, the same shall be understood to mean "the Royal Burgh of *Banff*," and whole Bounds comprehended within this Act; and where the Word "Harbour" is used, the same shall be understood to mean the Harbour of *Banff*, and shall include the whole Precincts thereof, and the Piers, Quays, Wharfs, and whole other Works thereof; and when the Word "Ship" or "Vessel" shall be used, the same shall be understood to include Steam Vessels and Steam Boats, Barks, Boats, Lighters, and Vessels, and Boats of whatever Description; and where the Word "Trustees" is used, the same shall be understood to mean the Harbour Trustees to be elected or appointed under this Act, save and except those Parts of this Act wherein the Word "Trustees" shall from their obvious Meaning and Context be held to mean the Statute Labour Trustees; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

The Act
3 & 4 W. 4.
c. 46. not to
affect this
Act.

CXCV. And be it enacted, That the Act passed in the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Burghs in Scotland to establish a general System of Police*, shall not extend to or affect in any Manner of Way the Provisions of the present Act; and the Assessments authorized to be levied under the present Act shall be in lieu of and in full of all Assessments which might be levied within the Bounds of the said Royal Burgh of *Banff* under the said last-recited Act, any thing in the said last-recited Act to the contrary notwithstanding.

Public Act.

CXCVI. 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.

SCHE-

SCHEDULE (A.)

CESS ON LANDS, FISHINGS, AND HERITAGE.

	£	s.	d.
1. The Earl of Fife for his whole Salmon Fishings of Deveron holden of the Burgh, including for the Importation of Fishing Materials, as in former Stent Rolls - -	105	18	0
2. The said Earl, for his whole Lands, Crofts, Tenements, and others holden of the said Burgh, as contained in former Stent Rolls - - - - -	43	5	0
3. The Trustees of the late James Earl of Fife, for William M'Intosh's - - - - -	0	13	4
4. The Earl of Seafield, for the whole Lands, Crofts, and Tenements held of the said Burgh, as contained in the Valuation Roll and in former Stent Rolls - - - - -	31	5	6
5. Sir Robert Abercromby, Bart., of Birkenbog, &c., Part of Carmelite and James Lawson's - - - - -	0	18	6
6. Town of Banff—Seatown and Fishings, &c., as contained in former Stent Rolls - - - - -	6	1	0
7. Andrew Morrison, for Corsindae's Heritage - - - - -	0	10	0
8. James Souter, for Auchmedden's and Thomas Murray's - - - - -	0	13	0
9. James Leggatt, for Pat. Gordon's and Part of Ditto - - - - -	0	11	5
10. James Souter, for Ditto, and Remainder of Ditto - - - - -	0	0	7
11. Thomas H. Richardson, for James Shand's - - - - -	0	10	10
12. James Souter, for Shoemakers - - - - -	0	9	6
13. John Watt, for Friendly Societies - - - - -	0	7	6
14. Dr. W. J. White, for Mr. Harden's - - - - -	0	11	3
15. Alexander Lillie, for Tailor Incorporations - - - - -	0	11	3
16. Dr. R. Wilson, for Part of James Smith's - - - - -	0	4	0
17. Aberdeen Bank, for Part of James Smith's - - - - -	0	7	6
18. William Cowie, for Bailie Fyfe's - - - - -	0	4	0
19. John Lemmon, for John Abernethy's - - - - -	0	11	3
20. Convener Incorporation, for Harry Lawson's - - - - -	0	11	3
21. Miss Reid, for Provost Dirom's - - - - -	0	15	2
22. The Trustees of the late James Earl of Fife, for Mrs. Darg's - - - - -	0	6	4
23. Thomas Wright, for John Gamie's - - - - -	0	11	3
24. James Frazer, for William Morrison's - - - - -	0	1	10
25. Peter Cameron, for Admiral Gordon's - - - - -	0	16	6
26. Mrs. Simpson, for John Michie's - - - - -	0	10	0
27. Alexander Smith, for Clerk Innes - - - - -	0	12	3
28. George Alexander, for Bailie Garden's and Dr. Saunder's - - - - -	1	3	6
29. George Dawson, for Part of General Abercromby's - - - - -	0	7	6
30. Alexander Harper, for Remainder of Ditto - - - - -	0	7	8
31. Town of Banff, for Miss Innes of Rosieburn's - - - - -	0	12	3
32. John Watt, for Provost Stewart's - - - - -	0	13	4
33. James Rose, for Bailie Philip's - - - - -	0	9	8
34. Commercial Bank, for Badenscoth's - - - - -	0	13	4
35. George Lemmon's Heirs, for Thomas Dott's - - - - -	0	10	4
36. Miss Turing, for Mrs. Duff's whole Heritage - - - - -	1	4	8
37. John Innes, for George Pantan's - - - - -	0	9	6
38. William Philip, Part of his Father's - - - - -	0	3	4
39. Alexander Wilson, Part of Ditto - - - - -	0	3	4

	£	s.	d.
40. Alexander Rainy, for Margaret Duncan's	0	3	4
41. James Ord, for James Allan's	0	6	8
42. Commercial Bank, for Provost Shand's	0	12	3
43. James W. Mackenzie, for St. Ninian's	0	12	3
44. Trustees of Miss E. Wilson, for Miss Gordon's and Brockie's	1	0	4
45. Representatives of James Reid, for Brigg's Close, Forsyth's, and Feu in Bridge Street	0	8	3
46. Secession Congregation, for Part of James Smith's	0	5	0
47. John Mitchell's Heirs, for Part of Ditto	0	3	6
48. James Frazer, for Part of Ditto	0	7	0
49. William M'Ronald's Heirs, for Ferrier's Tenement	0	1	8
50. John Watt, for Part of Clerk Cock's	0	2	0
51. Alexander Walker's Heirs, for Clerk's	0	6	8
52. William Scott, for Boath's Tenement	0	9	6
53. John Watt, Part of Clerk Cock's	0	2	6
54. Edward Mortimer, Part of Ditto	0	2	6
55. William Gordon, Part of Ditto	0	2	6
56. Hannah Wilson, Part of Ditto	0	2	6
57. Alexander Rainy, Part of Ditto	0	2	6
58. Mrs. Ogilvie and William Brown and Spouse, Part of Ditto	0	2	6
59. John Duncan's Heirs, Part of Ditto	0	1	0
60. James Collie, Forsyth's Tenement	0	2	6
61. John Cowie's Heirs, Part of Miss Gordon's	0	3	4
62. Thomas H. Richardson, for Edingight's	0	1	0
63. John Garden, for James Alexander's	0	3	8
64. John Watt, for Alexander Stewart's	0	2	10
65. Widow Skakle, Part of Ditto	0	1	0
66. St. Andrew's Lodge, for that and James Ord's	0	11	3
67. Archibald Young Leslie, for Mairyfold's	0	12	0
68. Alexander Mackay, Lodge Close	0	1	3
69. Margaret Duncan, Feu in Bridge Street	0	1	3
70. Miss Frazer, Feu in Bridge Street	0	2	6
71. James Johnson's Trustees, for Ditto	0	1	3
72. William Scott and Isabella Leslie, for Ditto	0	2	6
73. James Frazer and James Cumming, for Michael Conn's	0	1	3
74. Doctor Smith, for John Keith's	0	1	3
75. George Smith, for James Paterson's	0	1	3
76. Robert Smith, Feu in Bridge Street	0	1	3
77. John Bruce's Heirs, Ditto	0	1	3
78. Alexander Allan, Ditto	0	1	3
79. Peter Leith, Ditto	0	1	3
80. James Cassie's Heirs, Ditto	0	2	6
81. Miss Cowie's Heirs, Ditto	0	1	3
82. Alexander Henderson and Spouse, for K. Clark's	0	2	6
83. John Rhind's Heirs, for their Heritage	0	7	0
84. Robert Weir's Heirs, for Part of James Lawson's	0	1	0
85. Mrs. Kyle's Heirs, for Doctor Strachan's	0	10	2
86. Wright Incorporation, for their Heritage	0	10	2
87. Doctor Smith, for George Gardiner's	0	7	2
88. Miss Bathia Robinson, for Patrick Simpson's	0	6	4
89. George G. Robinson, for his whole Heritage, including Patrick Wallace's	1	18	6
90. Garden Duff of Hatton, for his whole Heritage and Lands	3	18	10
91. Jane Mathieson, for J. Grant's	0	2	6
92. Alexander Dockar's Heirs, for Tenement in High Street	0	6	1
93. David Henry, for Mrs. Brown's	0	14	4
94. Alexander Souter, for Captain Russel's	0	15	2
95. John Watt, for William Robinson's	0	1	8
96. Gardener Society, for William Watson's	0	10	8

	£	s.	d.
97. Mrs. Elizabeth Bennet, for Part of George Neil's	0	4	6
98. Adam Ramsay, for Part of Ditto	0	5	10
99. John Nicol's Heirs, for Pat. Conn's	0	9	1
100. George M'Killigin, for Alexander Strachan's	0	3	6
101. James M'Killigin, for Steven's Brae	0	5	2
102. James W. Mackenzie, for Saint Steven's	0	4	0
103. James Rose, Part of Provost Garden's	0	5	0
104. Mrs. Smollett's Heirs, for James Whyte's	0	2	6
105. James Johnston's Heirs, for Miss Cook's	0	8	4
106. William Strachan, for Provost Scott's	0	14	6
107. Kirk Session, for Sick-house Croft	0	15	3
108. Major Griffiths, for Provost Scott's	0	16	2
109. Ditto for Auchmedden's	0	13	8
110. Shoemaker Incorporation, for their Croft	1	11	3
111. Ditto Ditto for John Gray's	0	8	3
112. James Souter, for his Tenements and Heritages, including Remainder of Shand's Croft and Broad Croft	2	0	10
113. Peter Leith, for Johnston's Tenement	0	1	3
114. William Allardyce's Heirs, for his Tenement	0	2	6
115. Thomas Duncan's Heirs, Ditto	0	2	6
116. James Laird's Heirs, Ditto	0	2	6
117. William Robertson, Ditto	0	2	6
118. The Earl of Seafield, Ditto	0	2	6
119. Alexander Mitchell, Ditto	0	2	6
120. Mrs. Smith's Heirs, Ditto	0	2	6
121. Alexander Wallace Gardiner, Ditto	0	3	9
122. Miss Reid, for William Urquhart's	0	1	8
123. Hugh Fullarton, for Part of George Skinner's	0	7	8
124. James Cumming, for Remainder of Ditto	0	4	4
	£	235	5 9

SCHEDULE (C.)

TABLE of PETTY CUSTOMS to be exacted by the Borough of Banff.

For every Boll of Meal brought into the Burgh for Sale, at the Rate of Two-pence.

For every Boll brought into the Town, whether for Sale or not, if for the Use of Persons not Burgesses, Two-pence.

And if any Person be found selling Meal in great or small Quantities, evading or endeavouring to evade Custom, he shall, on Proof or Confession before the Dean of Guild, be fined not under Twenty Shillings to the Tacksman, toties quoties, over and above the Custom.

Bran, Malt, and Sids to pay at the same Rate as Meal, but Malt for Exportation pays no Custom.

For every Boll of Victual proved at the Weigh-house, Two-pence.

For each Sheep (Mutton) brought into the Market for Sale by Burgesses or Persons paying Stot and Lot to the Burgh, Two-pence.

For each Beef brought in as above, Three-pence.

For Shamble Dues, and for weighing the Hide of each Beef brought in as above, Four-pence.

For the Use of the Beam, Scales, Weights, each Weigh, One Penny.

[Local.]

30 R

For every Swine brought in as above, Three-pence.

For every Veal brought in as above, Three-pence.

Extraniers and Strangers to pay One Half more upon the above Articles.

For each Horse Load of Fish bought at the Boats and carried to the Country, One Penny.

For each Stone of Butter brought into the Town for Sale, Four-pence.

For each Stone of Cheese so brought in, Two-pence.

For each Pound of Butter or Cheese under Five Pounds, One Farthing.

But Five Pounds pays only One Penny.

And if any Person be found weighing or selling Butter or Cheese in private Places to avoid Custom they shall be fined by the Dean of Guild and pay Double Custom besides.

For each Stone of Wool brought to be sold in the Market, for weighing and Custom, Two-pence.

For every Twenty Ells of unbleached Linen Cloth brought into the Town for Sale, Three-pence.

For every Twenty Ells of Harden brought to be sold as above, Three Half-pence.

For every Twenty Ells of Woollen Cloth brought to be sold as above, Three-pence.

For every Twenty Ells of bleached Linen brought to be sold as above, Four-pence.

And for less Quantities at the same Rate.

For every coloured Plaid brought to be sold as above, One Penny.

For every white Plaid ditto ditto a Halfpenny.

For each Pair of single-soled Shoes or Brogues brought to be sold as above, a Halfpenny.

For each Pair of double-soled Shoes brought to be sold as above, a Penny.

For each Load of Timber brought to the Town to be sold, Four-pence.

For each Dozen of Teathers brought to the Town to be sold, One Penny.

For each barked Hide brought to the Town to be sold, a Penny.

For each Merchant Stand set up in the Market, if covered, per Foot of Front, Three-pence.

For each lying Stand, uncovered, per Foot of Front, a Penny.

For each Load of Coopers Work brought to the Market, Sixpence.

For each Harrow brought to the Market, a Halfpenny.

For each Load of Wright Work brought to the Market, Sixpence.

For each Cart-load of Goods not particularly above mentioned brought to the Market, Sixpence.

For every Horse brought to the Market to be sold, Sixpence.

For every Ox or Cow brought to the Market for Sale, Three-pence.

For every Sheep, Calf, or Swine brought to the Market to be sold, One Penny.

For each Cart-load of Fruit brought to the Town to be sold, Sixpence.

For each Barrow or Basket of Fruit brought to the Town to be sold, One Penny.

For each Crat of Earthen or Stone Ware brought to the Market, Nine-pence.

For each Stone of Tallow brought to the Town for Sale, Four-pence.

For each rough Hide brought to the Town for Sale, Two-pence.

For weighing Iron in the Weigh-house, each Stone pays One Penny.

Every Person selling Goods by Auction in the Market pays Three Shillings and Sixpence.

For each Tent of Twelve Feet Length, Three Shillings and Sixpence.

And for every additional Foot Three-pence Halfpenny.

For each Stone of Salmon brought to the Town for Sale, One Halfpenny.

For each Creel-load of White Fish brought to the Market for Sale, One Halfpenny.

For each Dozen of Eggs brought to the Town for Sale, One Farthing.

For every Chicken brought to the Town for Sale, One Farthing.

For every Hen or Duck brought to the Town for Sale, a Halfpenny.

For every Goose or Turkey, a Penny.

For

For each single Cart-load of Vegetables brought into the Town for Sale, Two-pence.

For each double Cart-load of Ditto Ditto, Four-pence.

For each Creel-load of Moss Fir brought to the Town for Sale, a Penny.

For each Cart-load of Ditto Ditto, Two-pence.

Freemen of the Burgh to pay only Half Dues for Stands or Tents in the Market Place.

If not otherwise particularly mentioned the above Regulations are held to apply to Goods sold every lawful Day.

Caravans and Shows shall pay for each Foot of Front Sixpence for the First Day they remain in the Burgh.

And every after Day for each Foot of Front Three-pence.

All Weights and Measures are understood to be Imperial.

SCHEDULE (D.)

TABLE of HARBOUR DUES to be levied from Shipping at the Port of Banff.

	s.	d.
1. From Ships and Vessels entering to load or unload, per Register Ton	0	2
2. From ditto, when laid up to winter for Six Weeks or a longer Period, per Register Ton	0	6
3. From ditto, when laid up for Four Calendar Months or more, per Register Ton, per Month	0	2
4. From ditto, Wind bound or otherwise, and not loading or unloading, per Register Ton	0	1½

Boats.

Herring Boats for the Fishing Season, payable at Commencement, each	2	6
Ditto, Wind bound or otherwise, each	1	0
Other Boats of above Two Tons, each	0	6
Ditto, under Two Tons, each	0	3
All registered Vessels and decked Boats of Ten Tons or upwards to pay at the foregoing Rates charged for Shipping, according to their Tonnage.		

Ballast Dues.

For Ballast taken in or discharged, per Ton	0	3
---	---	---

Berthing Dues.

All Vessels under Thirty Tons entering the Harbour for each Voyage	1	0
Thirty Tons, and under Sixty Tons	1	6
Sixty Tons, and under Eighty Tons	2	0
Eighty Tons, and upwards	2	6

Plankage Dues.

All Vessels requiring the Use of Planks to pay for each Plank they receive belonging to the Harbour	0	6
---	---	---

East Pier Head Light.

	s.	d.
Small Vessels under Thirty Tons, if agreed for, per Annum	-	5 0
If not agreed for by the Year, each Voyage	-	0 3
Vessels of Thirty and under Fifty Tons, each Voyage	-	0 6
Fifty and under Seventy Tons, ditto	-	0 9
Seventy and under One hundred Tons, ditto	-	1 0
One hundred Tons and upwards, ditto	-	1 6
Herring Boats for the Fishing Season	-	1 3

EXEMPTIONS UNDER SCHEDULE (D.)

1. The Banff Pilot and Fishing Boats so long as employed solely in piloting or fishing (Boats at the Herring Fishing during the Season excepted) are not to be charged with Harbour Dues, but if they are employed to carry Goods, Timber, Stones, or other Wares or Merchandize they must pay the ordinary Rates.

2. Vessels which have sailed from the Harbour and are put back by Stress of Weather, or from any other Cause, without having accomplished their Voyage, not liable in additional Dues for such Return.

3. Vessels which may go into the dry Dock or upon the patent Slip within the Harbour to be repaired, although such Vessels should require Six Weeks or a longer Period for that Purpose, shall not be liable to Wintering Dues while they remain upon the Slip or in the Dock, but the Dues only which such Vessels would be liable to pay in any other Circumstances.

SCHEDULE (E.)

Table for bulking the following Goods, and by which the Shore Dues thereon are to be levied and collected at the Port of Banff.

GOODS.	Barrel Bulk.		
	Imperial lbs.	cwts.	qrs.
Alum	0	2	2
Almonds, shelled	0	1	1
Ditto, in Shell	0	1	0
Alabaster	0	2	2
Alkali	0	2	2
Aniseeds, in Package, 5 Cubic Feet per B. B.	0	0	0
Anvils	0	2	2
Apples, in Package, 5 Cubic Feet	0	0	0
Ditto, in Bulk, 3 Bushels of 40lbs. each per B. B.	0	0	0
Ale, Beer, and Porter, 2 B. B. per Hhd.	0	0	0
Argol	0	2	2
Ashes, Pot and Pearl	0	2	2
Bacon	0	2	0
Bagging, in Package, 5 Cubic Feet per B. B.	0	0	0
Barilla	0	2	2
Bark, Querishon, 5 Cubic Feet per B. B.	0	0	0
Barley, hulled	0	2	2
Biscuit, Ships	0	1	0

GOODS.	Barrel Bulk.		
	Imperial		
	lbs.	cwts.	qrs.
Beef - - - - -	0	2	0
Beer, Spruce or Black, 6 Kegs, of the Size hitherto imported, a B. B. - - - - -	0	0	0
Bellows, Household and Smiths, 5 Cubic Feet per B. B. -	0	0	0
Bleaching Salts and Powder - - - - -	0	2	0
Blubber, Whale, 27 Gallons per B. B. - - - - -	0	0	0
Books and Stationery Articles in Package, not otherwise enume- rated, 5 Cubic Feet per B. B. - - - - -	0	0	0
Bottles, empty, Wine Size, 6 Dozen per B. B. - - - - -	0	0	0
Ditto, full, ditto 4 Dozen ditto - - - - -	0	0	0
Other Sizes in proportion - - - - -	0	0	0
Brass, Brass Wire, and Brass Pans - - - - -	0	2	2
Brimstone, rough and Roll - - - - -	0	2	2
Ditto, Flour, 5 Cubic Feet per B. B. - - - - -	0	0	0
Bristles, 5 Cubic Feet per B. B. - - - - -	0	0	0
Broom and Brush Handles, Heads and Stocks, 5 Cubic Feet per B. B. - - - - -	0	0	0
Brushes, ditto ditto - - - - -	0	0	0
Butter - - - - -	0	2	0
Charcoal - - - - -	100	0	0
Carraway Seeds - - - - -	0	2	0
Cheese - - - - -	0	2	0
Chocolate in Package, 5 Cubic Feet per B. B. - - - - -	0	0	0
Cinnamon and Cassia ditto ditto - - - - -	0	0	0
Clover Seeds - - - - -	0	2	2
Coffee, raw - - - - -	0	1	2
Ditto, roasted - - - - -	0	0	3
Confections in Package, 5 Cubic Feet per B. B. - - - - -	0	0	0
Cork, uncut - - - - -	0	0	2
Ditto, cut for Bottles, 60 Gross per B. B. - - - - -	0	0	0
Ditto ditto for Casks, &c. 5 Cubic Feet per B. B. - - - - -	0	0	0
Copper, in Sheets or Package - - - - -	0	2	2
Ditto, in Pots, Pans, Stills, Boilers, or Still Tops or Bottoms, old or new - - - - -	0	1	1
Copperas - - - - -	0	2	2
Currants - - - - -	0	2	0
Canvas of every Quality in Package, 5 Cubic Feet per B. B. -	0	0	0
Candles in Package, 5 Cubic Feet per B. B. - - - - -	0	0	0
Ditto, in Bulk - - - - -	140	0	0
Corn-hooks in loose Bundles, 20 Dozen per B. B. - - - - -	0	0	0
Candle-wicks, Cotton - - - - -	80	0	0
Cakes of Lint or Rape Seed - - - - -	0	2	2
Ditto ditto in Powder - - - - -	0	2	0
Cane Reeds, 120 per B. B. - - - - -	0	0	0
Carpeting Rugs and Upholstery Articles in Package, 5 Cubic Feet per B. B. - - - - -	0	0	0
Carboys of Vitriol and Acids, usual Size, 1 B. B. each - - -	0	0	0
Carrots - - - - -	0	2	2
Cement - - - - -	0	2	2
Chesnuts, 5 Cubic Feet per B. B. - - - - -	0	0	0
Clocks in Case, 5 Cubic Feet per B. B. - - - - -	0	0	0
Clothiery, Haberdashery, and Silk Mercery in Package, 5 Cubic Feet per B. B. - - - - -	0	0	0
Cordage, tarred - - - - -	0	2	2

[Local.]

30 S

GOODS.	Barrel Bulk.
	Imperial lbs. cwts. qrs.
Cordage, White Rope	0 2 0
Cotton, Wool and Waste	80 0 0
Cyder and Perry, 25 Gallons per B. B.	0 0 0
Crystal, 5 Cubic Feet per B. B.	0 0 0
Drugs and Medicines, not otherwise enumerated, 5 Cubic Feet per B. B.	0 0 0
Earthen and Stone Ware	
Brown Ware, 7 Cubic Feet	
White or Blue ditto, 6 ditto	} per B. B.
China ditto 5 ditto	
Eggs, 5 Cubic Feet per B. B.	0 0 0
Feathers	80 0 0
Felt, 5 Cubic Feet per B. B.	0 2 0
Figs	0 2 0
Flax, from Holland	200 0 0
Ditto, from all other Parts, 12 B. B. per Ton	0 0 0
Furniture, Household, 5 Cubic Feet per B. B.	0 0 0
Flour in Sacks or Barrels	0 2 2
Fish, White, salted	0 2 0
Ditto, pickled, in Barrels	0 2 2
Ditto, Haddocks, Cod, or Ling, &c. dried or smoked, 5 Cubic Feet per B. B.	0 0 0
Gingerbread, 5 Cubic Feet per B. B.	0 0 0
Ginger, White and Green	0 1 2
Glass, Plate or Window, and all other Sorts, except Bottles, 5 Cubic Feet per B. B.	0 0 0
Glue	0 1 0
Gum Senegal, and other Kinds, 5 Cubic Feet per B. B.	0 0 0
Gunpowder	100 0 0
Hair, baked or twisted	100 0 0
Ditto, of Ox, Cow, or Horse, dry	60 0 0
Ditto, Plaster	60 0 0
Ditto, ditto, wet	0 1 0
Hams	0 2 0
Hats, 5 Cubic Feet per B. B.	0 0 0
Harden, Dantzic, 5 Cubic Feet per B. B.	0 0 0
Hemp, rough, 12 B. B. per Ton	0 0 0
Ditto, Codilla, 18 ditto ditto	0 0 0
Ditto, dressed, 5 Cubic Feet B. B.	0 0 0
Honey	0 2 0
Hops	0 0 3
Indigo	150 0 0
Ivory Black	0 2 0
Ink and School Slates, 5 per Cubic Feet per B. B.	0 2 2
Ivory	0 2 2
Iron, in Bars, Bolts, Rods, Sheet, Plate, Hoops, Girdles, Nails, Iron and forged Iron Work	0 2 2
Steam or other Boilers, whole, 5 Cubic Feet per B. B.	0 0 0
Ditto ditto in Pieces	0 2 0
Grates, Fenders, and Cast Iron Stoves	0 1 2
Pots, Pans, Kettles, and other hollow Cast Iron Work	0 2 0
Machinery, and all other Castings	0 2 0
Lead, Sheet, Pig, or Pipe, Red and White, Shot or Ore	0 2 2
Leather, Crop, Bend, Luken Offals, and Ranges	150 0 0

GOODS.	Barrel Bulk.		
	Imperial lbs. cwts. qrs.		
Leather, Neats, dressed	150	0	0
Lemons and Oranges, in Chests of the Size hitherto usually imported, each 1 $\frac{1}{4}$ B. B.	0	0	0
Ditto, in Boxes, each $\frac{3}{4}$ B. B.	0	0	0
Linen Yarn, in Bulk or Packages	0	1	1
Linseed, in Hogsheads, each 2 B. B.	0	0	0
Ditto, in Bags, 5 Bushels per B. B.	0	0	0
Liquids, in Casks, not otherwise rated, 25 Gallons per B. B.	0	0	0
Liquorice Root, 5 Cubic Feet per B. B.	0	0	0
Madder, ground	150	0	0
Ditto, Root	0	1	0
Mats, 2 Dozen per B. B.	0	0	0
Mill Waste, all Kinds	0	1	0
Molasses	0	2	2
Mustard	100	0	0
Musical Instruments, 5 Cubic Feet per B. B.	0	0	0
Nut Galls and Nuts	0	1	0
Nutmegs and Mace	100	0	0
Oakum	0	1	0
Ochre	0	2	2
Oil, Whale, and all other Kinds, 25 Gallons per B. B.	0	0	0
Onions, 3 Bushels per B. B.	0	0	0
Packthread and Twine	0	1	2
Pork	0	2	0
Potatoes	0	2	2
Paper, Writing and Printing, packing or stained, 5 Cubic Feet per B. B.	0	0	0
Paper Shavings	0	1	0
Pasteboard or Millboard, 5 Cubic Feet per B. B.	0	0	0
Passengers Luggage, 5 Cubic Feet per B. B.	0	0	0
Pepper and Pimento	0	1	2
Pewter	0	2	2
Pitch	0	2	2
Plants of Trees and Shrubs, 5 Cubic Feet per B. B.	0	0	0
Pease, White or Split, for Boiling	0	2	2
Plaster of Paris	0	2	2
Prunes	0	2	0
Quills, dressed, 5 Cubic Feet per B. B.	0	0	0
Rags, Linen or Woollen	0	2	0
Rice	0	2	2
Raisins	0	2	0
Rosin	0	2	2
Rye Grass Seeds, 8 Bushels per B. B.	0	0	0
Sailcloth, in Bolts, 5 Bolts to B. B.	0	0	0
Ditto, in Bales, 5 Cubic Feet per B. B.	0	0	0
Salts, Glauber and Epsom	0	2	0
Saltpetre	0	2	0
Smalts, or Azure Blue	0	2	0
Scythes, 6 Dozen per B. B.	0	0	0
Shumac	0	1	2
Snuff	200	0	0
Soap	0	2	0
Soda	0	2	0
Spades and Shovels, 2 Dozen per B. B.	0	0	0
Spanish or Italian Juice	0	2	0

GOODS.	Barrel Bulk.
	Imperial lbs. cwt. qrs.
Spirits, Foreign or Home, 25 Gallons per B. B.	0 0 0
Starch	0 1 2
Steel	0 2 2
Stucco	0 2 2
Sugar, Powder and Raw	0 2 2
Loaf and Lump, in Bulk	0 1 2
Ditto in Package	0 1 1
Candy	0 2 0
Sheffield and Birmingham Wares, comprehending Edge Tools, Knives and Forks, Files and Rasps, polished Articles, Locks and Hinges, Joiners and Cabinet-makers Mountings, Plate and Plated Wares, Jewellery, Toys, and Trinkets, 5 Cubic Feet per B. B.	0 0 0
Salmon, in Bulk	0 2 2
Ditto, in Package, with or without Ice, 5 Cubic Feet, per B. B.	0 0 0
Ditto, in Kits of usual Size, 6 a B. B.	0 0 0
Tar, in Casks of usual Size, each a B. B.	0 0 0
Tallow	0 2 2
Tea	100 0 0
Tin and Tin Plates	0 2 2
Tobacco, Leaf or Roll	0 2 0
Ditto, Stalk	0 1 2
Tow, all Kinds	0 1 0
Turnips	0 2 2
Vinegar, 25 Gallons, per B. B.	0 0 0
Walnuts, 5 Cubic Feet, per B. B.	0 0 0
Whalebone	0 2 2
Whitening	0 2 2
Wine, in Casks, 25 Gallons per B. B.	0 0 0
Ditto, in Bottles, 4 Dozen, per B. B.	0 0 0
Wood, by Weight :	
Barwood	} each
Boxwood	
Brazil Wood	
Camwood	
Ebony	
Fustic	
Lignumvitæ	
Logwood	
Nicaragua Wood	
Red Wood	0 2 2
Sassafras	
Wools, Sheeps, Raw	80 0 0
Ditto, ditto, Combed	100 0 0
Yeast, 25 Gallons per B. B.	0 0 0

For the whole of the foregoing Articles, as rated and charged herein, Burgesses of Guild, Burgesses of the incorporated Trades and privileged Traders, to pay Two-pence per Barrel Bulk.

Unfreemen to pay Three-pence per Barrel Bulk.

For Articles rated by the Ton or otherwise, see Schedule (F.)

SCHEDULE (F.)

TABLE of SHORE DUES to be levied at the Port of Banff on Articles rated by the Ton or otherwise, and not included in Schedule (E.)

GOODS.	Rate.	GOODS.	Rate.
	£ s. d.		£ s. d.
Animalized Carbon for Manure, per Ton - - -	0 1 0	Orkney and Shetland Cattle, and Cattle from 1 to 2 Years old - - -	0 1 0
Bark for Tanners, per Ton -	0 2 0	Calves under One Year old - - -	0 0 8
Barrels, empty Herring, each -	0 0 0½	Goats, Sheep, Lambs, Pigs, and Swine, each - - -	0 0 4
Boats, exported or imported as Matter of Traffic, viz.		Horses above Twelve Hands, each - - -	0 3 0
12 to 14 Feet Keel - - -	0 1 8	Asses and Mules - - -	0 1 6
14 to 16 ditto - - -	0 2 0	Ponies—Shetland, Orkney, and Highlanders, under Twelve Hands - - -	0 1 6
16 to 18 ditto - - -	0 2 6	Dogs, each - - -	0 1 0
18 to 20 ditto - - -	0 3 0	Larger Animals in proportion to the above Rates.	
20 and above - - -	0 4 0	Casks, Boxes, and Kits, empty excepting returned Packages, per B. B. - - -	0 0 1
Cobles:		Cocoa Nuts, per 100 - - -	0 0 3
12 to 14 Feet Keel - - -	0 1 6	Chalk, per Ton - - -	0 1 4
14 to 16 ditto - - -	0 1 9	Charcoal, see Schedule (E.)	
16 to 18 ditto - - -	0 2 0	Ditto, Blacking, per Ton - - -	0 1 4
18 to 20 ditto - - -	0 2 6	Chimney Tops, each - - -	0 0 1
All other Boats and Cobles in proportion.		Coals, English, per Ton - - -	0 0 5½
Bones of Cattle, whole, per Ton	0 0 6	Ditto, Scotch, per Ton - - -	0 0 5½
Ditto, ground, per Quarter -	0 0 1½	Coal-dust and Sand for Founders, per Ton - - -	0 1 0
Bran, per Boll of 18 lbs. -	0 0 1	Cinders, per Ton - - -	0 1 0
Bricks, common Size, per Thousand - - -	0 0 5	Clay:	
Double, Treble, and large Sizes in proportion.		China or Stone Clay, per Ton - - -	0 0 4
Brooms, scrubbing, per Dozen	0 0 3	Pipe Clay - - -	0 1 4
Birds:		Fire Clay, per Ton - - -	0 1 0
Singing, each - - -	0 0 2	Loam, per Ton - - -	0 0 4
Pigeons, per Dozen - - -	0 0 4	Corn, viz.:	
Quails, per Dozen - - -	0 0 6	Barley, Beer or Bigg, Malt and Oats, per Quarter -	0 0 1
Partridges, each - - -	0 0 2	Wheat, Rye, Grey Peas, Beans, and Tares, per Quarter - - -	0 0 2
Birds, Pheasants, each -	0 0 4	Oatmeal, Bear-meal, and Peas-meal, per Ton of 16 Bolls - - -	0 0 8
All not mentioned, each -	0 0 1	Ditto, per Boll of 140 lbs. Strangers and Burgesses the same.	0 0 0½
Baskets under 12 Inches Diameter, per Dozen - - -	0 0 4	Dung, per Ton - - -	0 0 4
Above 12 Inches do. do.	0 0 6	Flint for Potters, per Ton	0 0 4
Carriages:			
Mail and Stage Coaches -	0 10 0		
Post Chaises - - -	0 10 0		
Chariots - - -	0 10 0		
Britska - - -	0 8 0		
Phaeton - - -	0 5 0		
Gig - - -	0 3 6		
All other Carriages in proportion.			
Cattle:			
Bulls, Cows, and Oxen, each - - -	0 1 6		

[Local.]

[30 T]

GOODS.	Rate.	GOODS.	Rate.
	£ s. d.		£ s. d.
Game:		Stones:	
Hares, per Score - - -	0 1 8	Carriageway Granite, Curb and Pavement Granite, Building Granite, Rubble and Chips, and Free-stone for Building, dressed or undressed, per 100l. Value - - -	2 0 0
Rabbits, ditto - - -	0 1 8	Rigging Stones, per 100 running Feet. - - -	0 1 6
All others, ditto - - -	0 1 8	Causeway Pebble Stones, per Ton - - -	0 0 3
Hay and Straw, per 100l. Value, both to Burgesses and Strangers - - -	2 0 0	Millstones, under 10 Cwt. Ditto, above 10 Cwt., per Ton - - -	0 2 0 0 4 0
Herrings, per Barrel, to Burgesses and Strangers - - -	0 0 1	Grindstones, per Ton - - -	0 5 0
Hides, Raw:		Scythe Stones, per Gross, in Bulk - - -	0 0 6
Ox, Cow, Buffalo, or Horse, per Dozen - - -	0 0 6	Foreign Grave Stones, each British Ditto, measuring 5ft. 10in. x 2ft. 10in. + 4 Inches or upwards each	0 5 0 0 2 0
Kips, Calf and Seal Skins, Sheep Skins and Pelts, per Dozen - - -	0 0 3	British Grave Head Stones of lesser Dimensions, Stairhead Landings, Cistern, and other large Stones, 2½ Inches to 4 Inches thick, per Square Foot - - -	0 0 1
Hoops of Wood, Barrel, Half Barrel, Pink or Half Pink, per Bundle of 120 - - -	0 0 0½	Turin or Caithness Flagstones, 1 Inch to 2½ Inches Thick, per 20 Square Feet - - -	0 0 2
Horns:		Marble Stones, per 100l. Value - - -	3 0 0
Ox or Cow, per 100 - - -	0 0 2	Tiles, per 1,000, ordinary Size - - -	0 0 10
Tips, Sloughs, or Hoofs, per Ton - - -	0 2 0	Larger in proportion.	
Husbandry Implements, viz.:		Wood, Foreign:	
Waggon with Four Wheels	0 3 4	Pine and Fir Timber from America and all other Foreign Parts, whether in Logs, Balks, Masts, or Spars, 7 Cubic Feet per B. B. - - -	0 0 2
Box Cart with Two Wheels	0 1 8	Mahogany, Wainscot, Oak, Ash, Elm, Birch, Beech, and all other Descriptions of hard Wood (except Wood taken by Weight, as in Schedule (E.), and Coopers Staves, to be afterwards noticed,) in Logs, Planks, Billets, Boards, or Veneers, 5 cubical Feet per B. B. - - -	0 0 2
Plough - - - - -	0 0 6		
Harrows, per Pair - - -	0 0 6		
Wheelbarrow - - - - -	0 0 3		
Other Implements, Five Cubic Feet, per B. B. - - -			
Ice, per Ton - - - - -	0 1 0		
Kelp, per Ton - - - - -	0 1 0		
Kiln Pavement, per 30 Superficial Feet - - - - -	0 0 3		
Lime, per 100 Imperial Barrels	0 2 0		
Manganese, per Ton - - -	0 1 4		
Oysters, per Bushel - - -	0 0 1		
Peats, per Load of 800 - - -	0 1 0		
Pig Iron, per Ton - - - -	0 1 0		
Poultry:			
Geese, each - - - - -	0 0 1½		
Turkeys, Ditto - - - - -	0 0 2		
Fowls, per Dozen - - - -	0 0 4		
Ducks, Ditto - - - - -	0 0 6		
Salt, Rock, in Lumps, and Butter or small White Salt, per Ton	0 1 0		
Ditto, great, for Fishery, per Ton - - - - -	0 0 6		
Screws of Hides per Ton - - -	0 2 0		
Soapers Salts and Muriatric Residuum, per Ton - - - - -	0 1 0		
Slates, Easdale, Ballahulish and Ballahaie, per 1,200 - - -	0 1 0		
Imperial, from England - - -	0 1 4		
Countesses, Ditto - - - - -	0 1 8		
Duchesses, Ditto - - - - -	0 2 0		

GOODS.	Rate.	GOODS.	Rate.
Wood— <i>cont.</i>	£ s. d.	Wood— <i>cont.</i>	£ s. d.
Rickers, per Dozen -	0 0 3	Fir Timber, whether in Logs, Planks, Deals, Boards, or Lath-wood, per £100 in Value -	1 10 0
Oars, per Pair -	0 0 1	Ramble-wood, Shovels, &c. per 100l. Value -	2 0 0
Handspokes, per Dozen -	0 0 3	Wood, Coopers Staves:	
Treenails, per 1,000 Feet in Length -	0 1 0	Foreign Pipe Staves, all Kinds, per 1,200 -	0 12 0
Cartwheel Spokes or Fel- loes, home or foreign, per 40 Pieces -	0 0 3	Foreign Hhd. Staves, do. -	0 8 0
Wedges, ordinary Size, per 1,000 -	0 2 0	Ditto, Barrel Staves, do. -	0 4 0
Larger in proportion.		Home-grown Barrel Staves, ditto -	0 2 0
Norway Birch, Timber, or Billet Wood, imported, to be used in the Manu- facture of Herring Barrels for the Fishery, per 100l. Value, inwards -	1 10 0	Wood by Weight. (See Schedule (E.))	
Wood, Home-grown:		Weed or Sea Ware, per single Horse Cart-load, wet -	0 0 6
Oak, Ash, Elm, Birch, Beech, and all other Sorts of hard Wood, and		Ditto, per double Horse Cart- load, ditto -	0 1 0
		Ditto, when dry, Double these Rates	

All Goods, Wares, Merchandize, or other Commodities not specially rated in the foregoing Schedules (E.) and (F.) are to be charged by the Barrel Bulk of Five Cubical Feet, excepting when the said Measure of Five Cubical Feet shall exceed Two and a Half Hundred Weight, in which Case Two and One Half Hundred Weight to be rated a Barrel Bulk. Small Packages not measuring One and One Fourth Cubical Foot, or not weighing Twenty-eight Pounds, to be reckoned One Fourth of a Barrel Bulk.

Shore Dues, at the foregoing Rates and by the foregoing Rules, and at the Rates and by the Rules stated in Schedule (E.), to be paid by Burgesses of Guild, Burgesses of the incorporated Trades and privileged Traders, on all Goods, loaded or unloaded, within the Harbour, the Boat Hythe, the River Deveron below the Bridge, or on any other Part of the Coast from the Burn of Boyndie to the Palmer Cove; but unfree Traders, except where specially exempted, to pay as rated in Schedule (E.) for all Goods charged by Bulkage, and One Half more than the Rates stated in Schedule (F.) for all the other Goods therein contained.

EXEMPTIONS under SCHEDULES (E.) and (F.)

1. Stones, Timber, or other Materials for the Use of the Piers or any of the Town's public Works carried on by the Harbour Trustees or Town Council themselves without Contract; but Contractors for these Works not to be exempted.
2. Materials for the Salmon Fishings held of the Burgh.
3. Fresh Fish imported in Bulk.
4. All Goods landed from one Vessel, and re-shipped in the original Packages by another Vessel, shall, upon Re-shipment, if by the original Importer or Owner, pay only One Half of the Dues paid on landing; but if the Goods have changed Hands, or if the State of the Goods or Packages are altered, full Dues.
5. All returned empty Boxes, Casks, Bags, and other Packages to be exempted from the Payment of Dues.

6. The

6. In case any Goods, having paid Shore Dues when loaded, shall from any Accident or otherwise be unloaded, the same shall not be chargeable with a Second Payment when unloaded, nor on being re-shipped, if by the same Owner and in the same Ship and original Packages.

7. The Furniture and Luggage of Fishermen coming to or returning from the Herring Fishing at Banff at the Commencement or End of the Season.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1840.