



ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 157.

An Act for further improving the Harbour of
Aberdeen. [22d June 1813.]

WHEREAS an Act was made in the Thirteenth Year of the 13 G. 3. c. 29.
Reign of His present Majesty, intituled, *An Act for deepening,
cleansing, and making more commodious the Harbour of Aber-*
deen; for erecting new Piers and Quays therein, and for regulating Ships
and Vessels trading into and going out of the said Harbour: And whereas
another Act was passed in the Thirty-fifth Year of His said Majesty's 35 G. 3. c. 41.
Reign, intituled, *An Act to continue the Term, and alter and enlarge the*
Powers, of an Act made in the Thirteenth Year of the Reign of His present
Majesty, intituled, 'An Act for deepening, cleansing, and making more com-
modious the Harbour of Aberdeen; for erecting new Piers and Quays
therein, and for regulating Ships and Vessels trading into and going out of
the said Harbour.' And whereas another Act was made in the Thirty- 37 G. 3. c. 101.
seventh Year of the Reign of His present Majesty, intituled, *An Act for*
enlarging and improving the Harbour of Aberdeen; for building new Quays,
Wharfs, and Docks, and for making new Roads and Passages, and widen-
ing others leading to and from the said Harbour: And whereas another Act 50 G. 3. c. 70.
was passed in the Fiftieth Year of the Reign of His present Majesty, intituled,
An Act to amend several Acts of the Thirteenth, Thirty-fifth, and Thirty-
seventh Years of His present Majesty, for deepening and making more com-
modious the Harbour of Aberdeen: And whereas, considerable Progress has
been made in executing the said Works, by the said several Acts directed,
and in carrying into effect the Improvements thereby authorized; and
in the Prosecution thereof, it hath become necessary to appropriate cer-
tain Grounds and Hereditaments belonging to the Treasurer and Commu-
nity of the City of *Aberdeen*, and to make use of the same for the Purpose
of Wharfs, Quays, Docks and other Works; and it may happen that cer-
tain Parts of other Grounds and Hereditaments, which were purchased
and acquired by the said Magistrates and City-Council, as Trustees for the
[Loc. & Per.] 31 F Improve-

Land be-
longing to
the City of
Aberdeen
appropriated
to the Use of
the Har-
bour.

Improvement and Maintenance of the said Harbour, under or by virtue of the said above-recited Act of the Thirty-seventh Year of the Reign of His present Majesty, will not be wanted in carrying into Execution the Plan of Improvements directed by the said recited Act of the Fiftieth Year of the Reign of His present Majesty; and it will be expedient, that the said several recited Acts should be altered, explained, and amended in other respects; and that further Powers should be granted to the said Magistrates and City-Council, to enable them effectually to carry into Execution the Powers of the said Acts: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Magistrates and City-Council of *Aberdeen*, and their Successors in Office, as Trustees under the said recited Acts for the Improvement and Maintenance of the said Harbour, or any Committee of their Number, consisting of not less than Five, to be named by them, shall be, and they are hereby authorized and empowered to take and appropriate, for the Use and Purposes of the said Harbour and the Improvements thereof, all and singular such Part and Parts of the Grounds, Lands and Hereditaments, now belonging to the Treasurer of the City of *Aberdeen*, as representing the Community of the said City, extending from the West Side of the Dock-Yard now occupied by *John Rae*, Merchant, Eastward or South-eastward to the Pier at the North Side of the Entry to the Harbour, but not exceeding the Distance of One hundred and fifty Yards from the present Flood-mark, and more particularly described in the Schedule hereunto annexed, as the said Magistrates and City-Council shall find to be necessary for the making of any Quays, Wharfs, Docks, Works, Buildings or other Erections, connected with the said Harbour, or other the Improvements thereof.

Upon Pay-
ment of Pur-
chase-money,
Lands to vest
in the Trus-
tees of the
Harbour

II. And it is hereby enacted and declared, That the Value of the said Lands, Grounds, or Hereditaments, so to be taken as aforesaid, shall be ascertained by a Jury, to be summoned, impannelled, and returned in Manner directed by the last recited Act; and upon Payment by the Master of Shore-work, from the Funds of the said Harbour, to the Treasurer of the said City of *Aberdeen*, of the Sum or Sums of Money which shall be assessed, as and for the Value of the said Lands, Grounds, and Hereditaments, or upon Payment thereof into the Bank of *Scotland*, or Royal Bank of *Scotland*, in Manner directed by the said last recited Act, as the Case may require; all and singular such Part and Parts as aforesaid, of the said Lands, Grounds, and Hereditaments, shall be, and the same are hereby from thenceforth, fully and completely and absolutely vested in the said Magistrates and City-Council and their Successors for ever, as Trustees for the Maintenance and Improvement of the said Harbour, and shall be accordingly held by them, and used and applied accordingly.

Trustees of
the Harbour
to sell Land
not wanted.

III. And whereas certain of the Lands and Premises purchased or acquired by and now belonging to the said Trustees, are adjacent to and partly intermixed with Lands and other Property pertaining to other Persons or Bodies Politic or Corporate, situated betwixt the Basin of the *Aberdeen-shire* Canal at the North, and the Pier on the North Side of the Entry to the said Harbour at the South, and extending from the Village of *Foot-Dee* to the *Bents* or Sand-hills at the East; Be it therefore further enacted, That

That it shall be lawful for the said Trustees, and they are hereby authorized and empowered to lay out, improve, let, sell, feu, or otherwise dispose of the Lands and Premises aforesaid, in such Manner and upon such Terms and Conditions in all respects, as they, the said Trustees, shall think proper, and most for the Benefit of the Trust and Concerns of the said Harbour under their Controul and Management.

IV. And whereas instead of proceeding with the immediate Extension of the Pier, on the South Side of the Entry to the said Harbour, the said Magistrates and City-Council, by such Recommendation of *Thomas Telford*, the Civil Engineer named in the last-recited Act as the said Act requires, and also with the Approbation of the Committee of Auditors thereby appointed, have begun to construct and erect a Break-water or Jetty, running in a North-easterly Direction from the Land into the Sea, on the South Side of the said Entry, by which Erection the Salmon-Fishing in the Sea, on the South Side of the Mouth of the River *Dee*, called the *South Head Shot*, belonging to the Proprietors or Owners of the Salmon-Fishings, upon the Raik and Stells of the said River, may be deteriorated and rendered of less Value than heretofore: And whereas Doubts may be entertained whether the said Proprietors would be entitled to Indemnification under the said Act for any Loss or Damage which their said Salmon-Fishing in the Sea may sustain in consequence of the Erection of the said Break-water; Be it therefore enacted, That it shall and may be lawful to and for the said Proprietors or Owners to extend their Fishing in the Sea, along what is called the *Neutral Ground* from the present South-east Boundary of the *South Head Shot* or Fishing Station, belonging to the said Proprietors, to a Point three hundred and fifty Yards or thereabouts South or South-east from the East Side of the said Break-water where it touches the Land; and moreover it shall be lawful for the said Magistrates and City-Council, and they are hereby authorized and required, within One Calendar Month after the passing of this Act, to make and clear out in a proper and sufficient Manner, and as far as Low Water-mark at Spring or Stream Tides, a new fishing Station for the said Proprietors on the East Side of the said Break-water; and the said Proprietors or Owners shall from thenceforth, and for ever thereafter, hold, use, occupy, possess, and enjoy such additional fishing Ground, including the said new Station, as well as the present *South Head Shot*, together with the usual and necessary Privileges for exercising the said Fishings, in as full, ample, and beneficial Manner to all Intents and Purposes whatsoever, as they now hold, use, occupy, possess, and enjoy their said Fishings upon the *South Head Shot*.

For extending the Salmon Fishing.

V. And it is hereby further enacted and declared, That the said Break-water shall belong to the said Magistrates and City-Council and their Successors, for ever, as Trustees for the said Harbour, with free Access to and from the same, and on each Side thereof, both by Sea and Land, for the Purpose of repairing the said Break-water, and for all other necessary Purposes.

Break-water to belong to Trustees.

VI. And be it further enacted, That if, at the Expiration of Ten Years, to be computed from the Term of *Andersmas* One thousand eight hundred and eleven, it shall be found that the Produce in Fish of the present *South Head Shot* for the Season One thousand eight hundred and twelve, and of both the said Sea-fishing Stations for Nine Years immediately thereafter, shall, by reason of the said Break-water, have been inferior to the

For Compensation to Fishermen for Loss, if any sustained.

Pro-

Produce of the present *South Head* Fishing Station for the Ten Years immediately preceding the said Term of *Anderfmas* One thousand eight hundred and eleven; then and in such case the said Proprietors or Owners shall be entitled to Indemnification from the said Magistrates and City-Council, as Trustees aforesaid, for such Loss or Damage as the said Fishing shall be found to have sustained in consequence of the Erection of the said Break-water, the Amount of which Loss or Damage shall be ascertained by a Jury, to be impannelled, summoned, and returned in Manner directed by the said last-recited Act; and in ascertaining such Damages, the Jury shall have Power to take into their Consideration, the additional Expence of fishing the said two Stations instead of one Station, as formerly, in case any such additional Expence shall have been thereby incurred; and such Damages (if any shall be found due) shall be fixed and ascertained, either by way of a perpetual annual Payment, commencing from the said Term of *Anderfmas* One thousand eight hundred and eleven, or by way of an annual Payment during the said Ten Years, and a Capital Sum corresponding thereto for answering the same in all Time thereafter.

Act not to
take away
certain
Powers of
the Trustees.

VII. Provided always, and be it further enacted and declared, That nothing herein contained shall lessen, abridge, or take away, or be construed, deemed, or taken to lessen, abridge, or take away the Powers of the said Magistrates and City-Council to carry out and extend further into the Sea the aforesaid Pier on the South Side of the Entry to the said Harbour, in case at any Time or Times hereafter they the said Magistrates and City-Council, or their Successors, shall deem it expedient so to do; and in that Event such Part of the present *South Head Shot* as shall remain after such Extension (if any shall so remain) shall still continue to be held, used, occupied, possessed, and enjoyed as a fishing Station by the said Proprietors or Owners; and if at the Expiration of Ten Years from the Time of such Extension of the said Pier, it shall be found that the Produce in Fish of the said *South Head Shot* when so limited, and of the new fishing Station to the Eastward of the said Break-water, shall, by reason of such Extension of the said South Pier, have been inferior to the Produce in Fish of the present *South Head Shot* for the Ten Years immediately preceding the said Term of *Anderfmas* One thousand eight hundred and eleven; then and in such case the said Proprietors or Owners shall be entitled to Indemnification from the said Magistrates and City-Council, as Trustees aforesaid, for such Loss or Damage as the said Fishing shall have sustained in consequence of the said Extension of the said South Pier, the Amount of which Damage shall be ascertained by a Jury as aforesaid.

Other Per-
sons to be
indemnified.

VIII. And be it further enacted, That if any other Person or Persons shall at any Time or Times sustain any Damage in his, her, or their Lands, Tenements, Fishings, or Heritages, by or through the Execution or Operation of any of the Powers of this or the said last recited Act, or by any Act, Neglect, or Default of the said Magistrates and City-Council, or of the Workmen employed therein, then and in every such Case the Amount of such Damage shall be ascertained by a Jury of Fifteen Persons to be named by the Sheriff-Depute of the County wherein such Lands, Tenements, Fishings, or Heritages shall be situated as directed by the said last recited Act.

Powers of
former Act
relative to

IX. And be it further enacted, That all and every the Clauses, Powers, Authorities, Provisions, Articles, Matters, and Things whatsoever contained in

in the said last-recited Act, relative to the Proceedings by Juries, and to the Disposition of any Money which may be assessed or awarded under or by virtue of such Proceedings, and also relative to the Powers to be exercised by the Court of Session in the Cases there mentioned, shall be equally applicable to and have the same Force and Operation for the several Purposes herein-mentioned, as if the same were again repeated and re-enacted in the Body of this Act.

Juries extended to this Act.

X. And be it further enacted, That the said Magistrates and City-Council, and their Successors, as such Trustees as aforesaid, shall be bound, and they are hereby bound and required to account for and apply, to the Maintenance and Improvement of the said Harbour, all such Sum and Sums of Money as they shall, from Time to Time, receive for or in respect of the Prices, Rents, or Feu-Duties of all or any of the said Lands, Grounds, and Hereditaments, so purchased or acquired by them as aforesaid, which shall be sold, let, or feued out separately; and also all such Sum and Sums of Money as they shall receive for or in respect of the Proportion or Share of them the said Magistrates and City-Council, as such Trustees as aforesaid, of the Prices, Rents, or Feu-Duties of all or any of the said Lands, Grounds, and Hereditaments, which shall be sold, let, or feued out jointly with other Lands, Grounds, and Hereditaments, of other Persons, or Bodies Politic or Corporate, after deducting thereout respectively such Expences as they shall incur in the laying out or improving, selling, letting, feuing out, or otherwise disposing of the same.

Produce of Lands to be applied to the Support of the Harbour.

XI. And be it further enacted, That in case any of them the said Magistrates and City-Council, or the Proprietors of the said Fishings of the Raik and Stells, or the Proprietors of the *Mid-Chingle* Fishings, shall, for the Space of Twenty Days, after being thereunto required by Notice in Writing from the other or others of them, decline or fail to appoint an Engineer on their Parts respectively to settle the Form and Dimensions of the new Cut or Channel on the South Side of the River *Dee*, which is authorized and required to be made by the last-recited Act for discharging or spending the Flood or Speat-water of the said River, and to prevent the same from uniting with the said River, then and in either of such Cases it shall and may be lawful to and for the Sheriff-Depute of the said County of *Aberdeen*, and he is hereby authorized and required, upon Application from any or either of the said Parties who shall have duly appointed an Engineer on their Part or respective Parts for the Purpose aforesaid, and shall, by such Notice in Writing as aforesaid, have required the other Party or Parties to make a like Appointment at any Time after the Expiration of the said Twenty Days from the Time of such Notice, to name and appoint such Engineer or Engineers as he the said Sheriff-Depute shall think proper, or in case any Engineer or Engineers, so appointed by any or either of the said Parties, shall decline or fail to act within the Space of Three Calendar Months after being thereunto required by the others or other of them the said Engineers, the said Sheriff-Depute shall upon such Application as aforesaid, at any Time after the Expiration of the said Three Calendar Months, name and appoint such Engineer or Engineers as he shall think proper; and the Engineer or Engineers, so named and appointed, by the said Sheriff-Depute shall act in the Matters aforesaid in all respects in the Room and Stead of the Engineer or Engineers who should have been appointed by the Party or Parties so making Default, or who shall have declined or failed to act as aforesaid.

Sheriff-Depute to appoint an Engineer in case Parties neglect so to do.

[*Loc. & Per.*]

31 G

XII. And

Election of
Auditors in
case of Va-
cancy.

XII. And be it further enacted, That in case at any Time hereafter the Two Burgeſſes of Guild, ſerving for the Time being as Auditors of Accounts under the ſaid laſt recited Act, or either of them, ſhall happen to die, or ſhall reſign, it ſhall and may be lawful to and for the Sheriff-Depute of the County of *Aberdeen*, the Conveener of the ſaid County of *Aberdeen*, the Preſident of the Society of Advocates in *Aberdeen*, the Preſident of the Society of Shipmaſters in *Aberdeen*, and the Preſident of the Commiſſioners for paving, lighting, and cleaning, mentioned in the ſaid Act, to elect and chooſe Two other Burgeſſes of Guild, or one other ſuch Burgeſs, as the Caſe may be, to ſerve as Auditors or Auditor for the Remainder of the ſaid Year, in the Room and Stead of the Burgeſſes or Burgeſs ſo dying or reſigning as aforeſaid.

Expences of
the Act.

XIII. And be it further enacted, That the Charges and Expences of paſſing this Act ſhall be paid and defrayed out of the firſt Monies to be raiſed after the paſſing thereof, by virtue of the laſt-recited Act.

Public Act.

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

Commence-
ment and
Continuance
of Act.

XV. And be it further enacted, That this Act and all the Powers and Authorities thereof ſhall commence and take effect from and after the paſſing thereof, and ſhall continue for the like Period as the ſaid recited Act of the Fiftieth Year of His preſent Maſteſty.

SCHEDULE to which this Act refers.

THE Lands, Grounds, and Hereditaments, extending from Rae's Dock-Yard to the North Pier, partly in the Poſſeſſion of the Treafurer of *Aberdeen*, as repreſenting the Community of the ſaid City, and partly in the Occupation of the ſeveral Perſons after-mentioned as Tenants at Will to the ſaid Treafurer, *videlicet*, John Rae, Alexander Brebner, Alexander Hall and Company, John Gill, Robert Gibbon and Sons, William Stephen, James Main, John Younghuſband, Alexander Nicol, George Cantley, George Freeman, The *Aberdeen* Whale-Fiſhing Company, The Union Whale-Fiſhing Company, The *Greenland* Company, The *Bon Accord* Whale-Fiſhing Company, and William Watſon and other White-Fiſhers in *Foot-Dee*.

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