



ANNO QUINTO

GEORGIIV. REGIS.

Cap. xciii.

An Act for maintaining the Harbour of the Burgh of *Dingwall*, and regulating the Police of the said Burgh. [3d June 1824.]

WHEREAS the Cut or Canal forming the Harbour of the Burgh of *Dingwall* in the County of *Ross* has fallen into Disrepair, and there being no Funds applicable to the Maintenance of the said Harbour, it is necessary to make Provision for repairing and keeping the same in Repair: And whereas it is expedient and necessary that the Streets of the said Burgh should be paved, cleansed, and lighted, the Burgh supplied with Water, and the Police thereof regulated; but as these Ends cannot be attained without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Magistrates and Town Council of the said Burgh, and their Successors in Office, to maintain and uphold the said Canal or navigable Cut or Harbour, with its Wharfs or Basins, in such Manner as they shall think proper, and also to erect, build, and make all proper and necessary Abutments, Pillars, Ramparts, Wings, Walls, Banks, Ways, and other Works for the Use, Support, and Preservation of the same, and the Quays thereof.

Harbour to be repaired and maintained.

[Local.]

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II. And

Rates may be
levied.

II. And be it further enacted, That it shall be lawful for the said Magistrates and Town Council and their Successors, and such Persons as shall be duly authorized by them, to ask, demand, and recover of and from the Masters and Commanders and Owners of any Ship or Ships, Vessel or Vessels, Barks and Boats trading to and from the said Cut, Canal, or Harbour, the several Rates and Duties specified in the Schedule hereunto annexed.

Boundary of
the Harbour.

III. And be it further enacted, That the Harbour of *Dingwall* shall be deemed and construed and taken to extend, and shall for the Purposes of this Act extend along the Firth, from the one Extremity of the Royalty or Burgage to the other, and all Vessels loading or unloading within that Space shall be deemed to use the said Harbour, and shall be subject to the same Rates or Duties as if they had entered the same: Provided that no Goods, Wares, or Merchandize, which have paid such Rates or Duties at unloading, shall be charged any Rates or Duties upon Export, if in the same Packages.

Rates how to
be recovered.

IV. And be it further enacted, That in case any Owner or Owners, or Master, or other Person or Persons having Command of any Vessel charged or chargeable with any of the Rates or Duties granted by this Act, or any Owner or Owners, Consignee or Consignees of any Goods, Wares, or Merchandize, or other Cargo, shall refuse or neglect to pay the same, then and in every such Case it shall be lawful for the Collector or Collectors appointed to receive the same, whom the said Magistrates and Town Council are hereby authorized to appoint, to go on board of such Vessel, and to demand, collect, and receive such Rates or Duties, and on Non-payment thereof to take and distrain such Vessel, and all her Tackle, Apparel, and Furniture, or the Cargo of such Vessel, or any Part thereof, and to detain the same until the respective Rates or Duties shall be satisfied and paid; and in case of Neglect or Default in Payment of such Rates or Duties for the Space of Two Days after any Distress so made or taken, then it shall and may be lawful for the said Collector or Collectors to cause the same to be appraised by Two or more Sworn Appraisers, or other sufficient Persons not interested therein, and afterwards to sell the said Distress, and with the Proceeds to satisfy himself or themselves, as well for the Rates or Duties so neglected or refused to be paid, and for which Distress shall have been made or taken as aforesaid, as for his or their reasonable Charges in taking, keeping, appraising, and selling the same, rendering the Overplus (if any) on Demand to the Master, Commander, Owner or Owners of such Vessel, or the Owner or Owners, Consignee or Consignees of such Goods, Wares, and Merchandize respectively.

For settling
Disputes.

V. And be it further enacted, That in case any Dispute shall happen about the Amount of the Rates or Duties hereby granted, or the Charges of making, keeping, or selling any Distress, it shall be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Taxes due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise; who, upon Application made to him for that Purpose, shall examine
the

the Matter on the Oath of the Parties, or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Rates due, and shall award such Costs and Charges to either Party as to such Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Non-payment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus, if any, upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Vessel, Goods, Wares, or Merchandize has or have been so distrained and sold.

VI. And be it further enacted, That the Tonnage and Admeasure-
ment of all Vessels required to be measured by any Act or Acts of
Parliament in force, and trading or coming to or departing from the
said Harbour, extending as aforesaid, and liable to the Payment of any of
the Rates or Duties by this Act imposed, shall be ascertained according to
the certified Tonnage in the Ship's Register; and the Master or other
Person having the Command of any such Ship or Vessel is hereby required
to produce the Certificate or Registry at the Time of Payment of the said
Rates or Duties, to the Person or Persons who shall be duly authorized
to collect and receive the said Rates or Duties; and in case of any
Dispute in, about, or concerning the same, or in case of any Dispute in
respect of the Tonnage of any Vessel not required to be registered, then
the Tonnage of such Vessel shall be ascertained by an actual Measurement
as after-mentioned.

Masters of
Vessels to
produce
Registry.

VII. And be it further enacted, That if the Collector or Collectors
of any of the said Rates or Duties, or such other Person or Persons as
the said Magistrates and Town Council, or their Successors in Office, shall
duly nominate and appoint in that Behalf, and the Master or other Person
having Charge or Command of any Ship or Vessel subject to the said
Rates or Duties, cannot agree, or otherwise ascertain the Tonnage of such
Ship or other Vessel, then and in every such Case it shall be lawful for
the said Collector or Collectors, or Person or Persons appointed as afore-
said, from Time to Time to stop, detain, enter into, and measure and
gauge the same, in manner directed by an Act made in the Fourth Year
of the Reign of His present Majesty, intituled *An Act for the registering of
Vessels*; and in case the same shall upon the measuring or gauging thereof
appear to be of greater Tonnage than shall be set forth and contained in
the Account which shall be given thereof, then the Master or Person
giving in such Account shall pay the Costs and Charges of such measur-
ing or gauging, all which Costs and Charges, upon Refusal of Payment
thereof on Demand, shall and may be recovered and levied by such
Ways and Means, and in such Manner as the Rates or Duties are hereby
appointed to be recovered and levied; but if any such Ship or other
Vessel shall be found to be of the same or less Tonnage than the same
shall by such Account appear to be of, then the said Collector or Col-
lectors, or such other Person or Persons respectively, shall pay the Costs
and Charges of such measuring or gauging, and shall also pay such
Damages as shall appear to Two or more Justices of the Peace in and for
the County of *Ross*, on the Oath of any credible Witness, to have arisen
from such Detention; and if any Master, Commander, or other Officer
of any Ship or Vessel, or any other Person or Persons whomsoever, shall
hinder

In case of
Dispute as
to Measure-
ment.

hinder any Person or Persons so employed from measuring or gauging any Ship or Vessel in pursuance of this Act, every such Master, Commander, or other Person shall for every such Offence forfeit any Sum not exceeding One Pound, over and above the said Rates, to be recovered as aforesaid.

Vessels not to be entered unless Master produce Certificate of Payment of Rates.

VIII. And be it further enacted, That no Collector of His Majesty's Customs, or other Officer to whom it may lawfully appertain, in the Counties of *Ross, Cromarty, or Inverness*, shall, on any Pretence whatever, permit or allow any Ship or Vessel, on which Duties of Tonnage are by this Act imposed, to be entered inwards from Foreign Ports, or Coastwise, unless and until the Master or other Person having Charge of any such Ship or Vessel shall have paid the Duties of Tonnage by this Act imposed, and shall have produced to the said Collector or other Officer a Certificate under the Hand of the Person appointed under the Authority of this Act, to collect the said Rates or Duties, bearing that the Rates or Duties due and payable in virtue of this Act on account of such Ship or Vessel, have been fully paid; and that no such Collector or other Officer shall, upon any Pretence whatever, permit any Goods or Merchandize on which a Rate of Duty is by this Act imposed, to be landed from any Ship or Vessel entered Inwards or Coastwise, unless and until the Owner or Owners, Consignee or Consignees of such Goods or Merchandize, shall have paid the Rates or Duties hereby imposed on such Goods or Merchandize, and shall have produced to the said Collector or other Officer a Certificate under the Hand of the Person appointed under the Authority of this Act to collect and receive the said Rates or Duties, certifying that the said last-mentioned Rates or Duties have been fully paid; which respective Certificates such Persons appointed under the Authority of this Act to receive the said Rates or Duties are required to sign and give accordingly, without Fee or Reward, upon Pain of forfeiting any Sum not exceeding Five Pounds, together with full Costs of Suit, to be recovered as any Debt may be sued for and recovered in *Scotland*.

Rates may be leased.

IX. And be it further enacted, That it shall be lawful to the said Magistrates and Town Council, and their Successors in Office, and they are hereby authorized and empowered, to let to farm the Rates or Duties hereby made payable, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall during the Continuance of every such Lease be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same, as if they had been appointed for that Purpose by the said Magistrates: Provided public Notice of the Intention to let the said Rates be given by the said Magistrates, by Notice affixed at the Place where such Rates or Duties are collected, at least Thirty Days prior to the Time at which the said Rates or Duties are proposed to be let as aforesaid.

Rates may be reduced and raised.

X. And be it further enacted, That it shall be lawful for the said Magistrates and Town Council, and their Successors in Office, to lower or reduce all or any of the said Rates or Duties, and again to raise the same

same to such Sum or Sums of Money as they shall think proper, not exceeding the Sums before mentioned.

XI. And be it further enacted, That the said Rates or Duties shall be applied in improving the said Canal or Harbour, in maintaining and keeping the same in repair, and in Repayment of the Sums to be borrowed upon the Security thereof, and in no other Way whatever. Application of Rates.

XII. And be it further enacted, That it shall be lawful for the said Magistrates and Town Council, and their Successors, by themselves, or others to be employed by them, to remove any Wood, Timber, Anchors, or other Obstructions or Impediments that may be found in the said Canal or Harbour, or Works connected therewith; and in case the Owners of such Wood, Timber, Anchors, or other Obstructions, or the Persons making or causing any such Obstruction or Impediment so removed by the said Magistrates or others employed by them, shall refuse or neglect to pay the Costs or Charges attending such Removal for the Space of Three Days after Demand, the same shall and may be recovered in the same Manner as any Penalties and Forfeitures are by this Act directed to be recovered. Obstructions may be removed from Harbour.

XIII. And be it further enacted, That if any Person or Persons whatsoever shall, after the passing of this Act, wilfully and maliciously break, destroy, or carry away any of the Piers, Quays, Jetties, Breast or other Works of or belonging to the said Canal or Harbour, or any Part of the Materials whereof they are composed, or which may be intended for any of the said Works, every such Person or Persons so offending, upon being lawfully convicted thereof in a Suit at the Instance of His Majesty's Advocate for *Scotland*, shall be adjudged to be guilty of Felony, and shall suffer Punishment by Transportation, or Fine and Imprisonment, at the Discretion of the Judge or Judges before whom such Offender or Offenders shall be tried and convicted. Punishment of Persons destroying the Works.

XIV. And be it further enacted, That if any Person or Persons whomsoever shall wilfully or maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any Ship, Boat, or other Vessel shall be moored or fastened, or shall break, injure, or remove the Mooring Posts along the said Canal, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Two Pounds, besides paying the Damage thereby occasioned. Penalty on Persons destroying Ropes or Mooring Posts.

XV. And be it further 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, Rubbish, Shingle, Stones, or other Things into the said Canal, Harbour, or the Entrance thereto, or to dig or take away any Ballast, Shingle, Stones, or other Things therefrom, to the Hurt or Prejudice of the said Canal or Harbour, under a Penalty not exceeding Five Pounds Sterling for every such Offence, besides taking away and removing all such Ballast, Rubbish, Shingle, Stones, and other Things, and repairing the Damage occasioned by such Default, which the said Magistrates are hereby empowered to do at the Expence of the Defaulter or Defaulters. Penalty on Persons emptying Rubbish into the Harbour.

[Local.]

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XVI. And

Master or
Owner to be
answerable
for Damage.

XVI. And be it further enacted, That the Master or Owner of every Ship or Vessel coming to and using the said Harbour, shall be and is hereby made answerable for the Amount of any Damage which shall be done by him, or by such Ship or Vessel, or by any of the Mariners, Boatmen, Servants, or others on board the same, or employed by such Master or Owner, to any of the Piers, Quays, Breast or other Works connected with the said Harbour, with full Costs of Suit, to be recovered as any other Damages may be recovered under this Act; and that it shall be lawful to detain such Ship or Vessel until sufficient Security be granted for Payment of the same.

Magistrates
may make
Regulations.

XVII. And be it further enacted, That it shall be lawful for the said Magistrates and Town Council, and their Successors in Office, from Time to Time, and at all Times after the passing of this Act, to make and afterwards to alter such Rules, Orders, and Regulations as to them shall seem proper for the due Preservation of the said Canal or Harbour, and the Shipping therein, and for the loading and unloading of all Vessels resorting thereto; and also to appoint Pilots, and to regulate their Charges, as well as the Charges exigible by Carters, Porters, and others within the said Burgh, who may be employed to convey Goods, Wares, Merchandize, or other Commodities to and from such Vessels; and likewise for the orderly Behaviour of all Mariners, Boatmen, Lightermen, Watermen, and other Persons on board such Vessels, employed in any Manner in the Business or Trade of the said Harbour; and to enforce the Performance of such Rules, Orders, and Regulations by such moderate Penalties as the said Magistrates and Town Council shall think fit, not exceeding Two Pounds Sterling for each Transgression: Provided always, that such Orders and Regulations shall not be repugnant to the Laws of *Scotland* or this Act, and shall previously be recorded in the Court Books of the said Burgh, and shall be affixed and continued legibly painted on Boards on some conspicuous Places of the said Harbour, for the due Information of all Persons required to conform thereto; and shall, when worn out, defaced, or obliterated, be from Time to Time repainted and renewed.

Penalty on
Persons
defacing
Boards.

XVIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon such Rules, Orders, or Regulations shall be painted, he, she, or they shall, upon Conviction, for each Offence forfeit and pay to the said Magistrates and Town Council, a Sum not exceeding Five Pounds, to be levied and applied as other Penalties are by this Act directed to be levied and applied.

Magistrates
may borrow
Money.

Assignment
transferable.

XIX. And be it further enacted, That it shall be lawful for the said Magistrates and their Successors to borrow Money upon the Credit of the said Rates or Duties, not exceeding in the whole the Sum of Four hundred Pounds Sterling, and to assign the said Rates or Duties or any Part thereof in Security of the Money to be so borrowed; which Assignment shall be transferable from Time to Time by a simple Indorsation upon the Back thereof by the Creditor.

Power to re-
duce Rates.

XX. And be it further enacted, That it shall be lawful for the said Magistrates and Town Council, from Time to Time to lessen and reduce the Rates or Duties hereby granted, and again to advance or increase the same,

same, so as not to exceed the Rates or Duties hereby imposed; Provided that no such Reduction shall take place without the Consent in Writing of Three-fourths of the Creditors in value to whom the said Rates or Duties may have been assigned in Security of any Money advanced by such Creditors on the Credit of the said Rates and Duties.

XXI. And be it further enacted, That the said Magistrates shall and they are hereby required to lay before the Sheriff Depute of the County of Ross, or his Substitute, on the First Day of *January* annually, a Copy of the Account herein-after directed to be kept of the said Harbour Rates or Duties to be levied and received in virtue of this Act, and of the Application thereof; and it shall be lawful for the said Sheriff Depute or his Substitute, upon the Requisition of any Three Persons subject to the Payment of the said Rates or Duties, to enquire into and ascertain the Amount of the said Rates or Duties collected by virtue of this Act, and the Application thereof, and whether the Amount thereof is more than sufficient for the Purposes to which such Rates or Duties are hereby directed to be applied; and it shall be competent to the Sheriff Depute or Substitute thereupon to make such Orders in the Matter as he shall consider just; and his Decision thereupon shall be final to all Intents and Purposes.

Sheriff Depute of Ross-shire may enquire into Amount of Rates.

XXII. And be it further enacted, That when such Sum or any Part thereof shall be borrowed, a Sum, equal to at least Five *per Centum per Annum* of the Sum so borrowed, shall be laid aside annually as a Sinking Fund, to be applied in Liquidation of the Sum so to be borrowed, and which Sinking Fund the said Magistrates and Town Council are hereby required to set apart every Year, and to lodge in the Office of some Bank in *Inverness* or *Dingwall*, upon a Note payable to the said Magistrates and Town Council, bearing the highest Interest which such Bank allows at the Time, and to renew such annual Notes, adding the Interest to the Principal until the Fund shall equal the Sum borrowed, when the Debt shall be paid up.

Sinking Fund for paying off Debt.

XXIII. And be it further enacted, That no Person shall keep in any House, Shop, Cellar, or Warehouse within the said Burgh, at any one Time, more than Six Pounds Weight of Gunpowder, but shall deposit all Gunpowder exceeding the Quantity aforesaid in a Magazine or Storehouse at a convenient Distance from the said Burgh, to be provided either by the Owner of such Powder or by the said Magistrates and Town Council, who are hereby authorized and empowered to build or provide and maintain such Magazine or Storehouse; and every Person having in his or her Custody more than Six Pounds Weight of Gunpowder as aforesaid, shall pay to the said Magistrates and Town Council a Sum not exceeding One Shilling Sterling for every Pound of Gunpowder in his, her, or their Custody beyond Six Pounds as aforesaid, besides forfeiting all such Gunpowder, and paying all Damages that may be occasioned thereby.

Regulations regarding Gunpowder.

XXIV. And be it further enacted, That the aforesaid Quantity of Six Pounds Weight of Gunpowder shall be deposited in a Place by itself, separate from all other Goods and Commodities, and shall be secured by a Lock and Key, under a Penalty not exceeding Five Shillings to be paid

To be deposited in a separate Place.

paid to the said Magistrates for each Offence; but nothing herein contained shall extend or be construed to extend to Gunpowder belonging to His Majesty, His Heirs and Successors.

Magistrates to make Rules regarding Gunpowder.

XXV. And be it further enacted, That it shall and may be lawful for the said Magistrates and Town Council from Time to Time to make and afterwards to alter such Rules, Orders, and Regulations as they shall think proper, for the depositing of such Gunpowder in such Magazine as aforesaid, and for removing the same therefrom, and also for the due and proper Administration and Management of the Police within the said Burgh, and the Burgage thereof, and to enforce the Performance of such Rules, Orders, and Regulations by moderate Fines and Penalties, not exceeding Five Pounds.

Exemptions for Vessels in His Majesty's Service.

XXVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to Ships, Vessels, or Boats belonging to or employed in the Service of His Majesty, His Heirs and Successors, or in the Service of the Customs or Excise, or Post Office, using the said Harbour, or to any of the Officers or Persons employed therein respectively, or in the Service or Employ of the Admiralty, Ordnance, or Navy Board, or to any Naval or Ordnance Stores, or other Matters imported into or exported from the said Harbour for the Use of the Navy or Army, or to any Yacht or Pleasure Boats, or other Vessel belonging to His Majesty, or any other Member of the Royal Family.

Three Commissioners to be elected.

XXVII. And be it further enacted, That for carrying into Execution the Purposes of this Act, other than the repairing and maintaining the said Harbour, and levying and applying the said Harbour Rates or Duties, there shall be annually elected, from among the Inhabitants of the said Burgh paying a yearly Rent of not less than Fifteen Pounds for or in respect of any House, or House and Garden, or House and Shop, or Shop, within the said Burgh, or within a Quarter of a Mile of any Part of the High Street thereof, Three Commissioners to act along with the said Magistrates and Town Council as Commissioners, for supplying Water to the Burgh, for lighting the Streets thereof, and for levying and applying the Assessment, and borrowing Money for these Purposes.

Mode of Election.

XXVIII. And be it further enacted, That on the Day immediately following the stated yearly Election of the said Magistrates, a Meeting shall be held annually within the Court Room or other convenient Place of the said Burgh, of the Inhabitants of the said Burgh liable to pay and paying the Assessment herein-after imposed; of which Meeting of Inhabitants, Eight Days previous Notice at least shall be given by the said Magistrates and Town Council, by written Notices affixed upon the Market Place of the said Burgh, and by Publication through the Streets thereof by the common Crier by Sound of the Hand Bell; at which Meeting One of the Baillies of the said Burgh to be nominated by the said Magistrates and Town Council shall preside; and the said Inhabitants, or such of them as shall attend at such Meeting called as aforesaid, shall proceed to choose a Clerk to the said Meeting, which Clerk shall take down in a Book, to be kept by him for that Purpose, the Names of the Persons so assembled, and the Vote which such Persons shall severally give for the Three several Commissioners to be chosen as aforesaid; and in case of an Equality of Votes for any

such Commissioner, the Magistrate presiding as aforesaid shall have a decisive or casting Vote; and shall, when the Election of the Three Commissioners is completed, certify to the said Magistrates and Town Council the Names of the Persons so elected Commissioners.

XXIX. And be it further enacted, That in case of any Difference regarding the Election and Return of any Commissioner to be so chosen, it shall be competent to any Party interested, thinking himself or themselves aggrieved by such Election and Return, within Twenty Days after such Election, but not thereafter to complain thereof by Petition and Complaint to the Court of Session in either of its Divisions, which said Court shall hear and enquire into the Matter of such Complaint, and shall determine therein as they shall think just; and such Determination shall be final and conclusive: Provided always, that any Party so complaining shall, before such Complaint be considered, find Security to the Satisfaction of the said Court for the Costs that may be awarded against him or them; and provided further, that, during the Dependence of such Complaint, the Person certified as elected by the presiding Magistrate as aforesaid shall be as competent to act as a Commissioner as if such Election had not been challenged.

For settling
Difference as
to Election.

XXX. Provided also, and be it further enacted, That no Person whose Assessment for the Purposes aforesaid, or any Part thereof, shall be Three Months past due and unpaid, shall be entitled at any such Election of Commissioners to vote for any Commissioner as aforesaid; and the presiding Magistrate at such Election shall and he is hereby authorized and empowered to hear and determine all Questions or Disputes relative to the Right of Voting at such Elections, and in Default of proper Evidence to establish that the Assessment of any Person tendering his Vote has been paid, to reject the Vote of such Person.

Persons
whose As-
essment is
in Arrear not
entitled to
vote.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Magistrates and Town Council, and Commissioners, in order to supply the Inhabitants of the said Burgh, and the Shipping resorting to the said Harbour, with Water, to lay or cause to be laid any Pipes necessary for conveying to the said Burgh and Harbour, the Water already brought to the said Burgh, or being upon or within the Property of and belonging to the said Burgh, through any of the Lands or public Streets, Lanes, or Passages of the said Burgh; and the Expences of digging, making, laying, and maintaining the public Wells, Pipes, and Pumps within the said Burgh, shall be defrayed out of the Funds to be levied in virtue of this Act.

Magistrates
may sink
Wells, lay
Pipes, &c.

XXXII. And be it further enacted, That the said Magistrates and Town Council, and Commissioners, may cause the Streets, Lanes, and Passages of the said Burgh to be lighted, and may order Lamp Irons and Lamps to be fixed in the Walls of the Buildings on the Sides of the Streets, Lanes, and Passages in the said Burgh, upon indemnifying the Proprietors or Occupiers thereof for any Damage which may be done thereto: Provided always, that not more than One hundred Pounds *per Annum* of the Assessment for the general Purposes of this Act shall be expended annually in so lighting the Streets, Lanes, and Passages of the said Burgh; nor more than One hundred Pounds in laying Pipes, digging

Magistrates
may light the
Streets.

digging and erecting Wells and Pumps, and supplying Water as aforesaid.

Assessment to be made of yearly Value of Premises, not to exceed 1s. in the Pound.

XXXIII. And in order to defray the Expence of executing the Purposes of this Act, other than the Repair and Maintenance of the Harbour, be it enacted, That it shall and may be lawful for the said Magistrates and Town Council, and Commissioners, to levy from each and every Occupier of a House, Tenement, or other Building, Grounds, or other Heritages within the said Burgh, or within One Quarter of a Mile of any Part of the High Street thereof, a yearly Assessment not exceeding the Sum of One Shilling in the Pound of the actual yearly Rent payable by such Occupier; and where Houses or other Heritages are or shall be in the Possession of the Owner, the annual Value shall, for the Purposes of this Act, be ascertained and determined by Two or more Persons, to be nominated by the Sheriff Depute of the County of *Ross*, or his Substitute; and the said Assessment shall be levied by the Collector of the Cess within the Burgh, and be paid by every such Occupier and Owner in the same Manner, at the same Time, and recovered in Default of Payment by the same legal Diligence, as the Cess of the Burgh is levied and recovered, and shall be applied towards the Purposes of this Act, other than the Repair and Maintenance of the Harbour as aforesaid, and to no other Use or Purpose whatever.

Power to borrow.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Magistrates and Town Council, and Commissioners, to borrow Money upon the Credit of the said Assessment, and to assign the said Assessment in Security of the Money to be so borrowed, any Sum not exceeding in the Whole the Sum of Four hundred Pounds.

Sinking Fund for the Liquidation of the Debt.

XXXV. Provided always, and be it enacted, That no such Sum, or any Part thereof, shall be so borrowed unless it clearly appear that a Sum equal to at least Five *per Centum per Annum* of the Capital, over and above the legal Interest of the Sum to be borrowed and the Expence of collecting the said Assessment, shall remain as a Sinking Fund, to be applied in Liquidation of the Sum to be so borrowed; and which Sinking Fund the said Magistrates and Town Council, and Commissioners, are hereby required to set apart every Year, and to lodge in some Bank in *Inverness*, upon a Note payable to the said Magistrates and Town Council, and Commissioners, bearing the highest Interest which the said Bank allows at the Time; and to renew such annual Notes, adding the Interest to the Principal, until the Fund shall equal the Sum borrowed, when the Debt shall be paid up.

No Assessment to be imposed unless Commissioners have Notice.

XXXVI. And be it further enacted, That no Meeting for the Purpose of imposing or levying the Assessment hereby authorized to be imposed and levied, or any Part thereof, or for borrowing any Money hereby authorized to be borrowed, or for directing the Application of the Monies to be levied or borrowed by virtue of this Act, or any Part thereof, (other than the Harbour Rates and Duties aforesaid), shall be held, unless Twenty-four Hours previous Intimation at the least of such Meeting shall be given to the Three Commissioners for the Time being, by written Notice delivered to each of the said Commissioners personally, or left at their several last

or

or usual Places of Abode; and all Acts done at any such Meeting, of which such Notice shall not have been so given, shall be null and of no Force or Effect.

XXVII. Provided also, and be it enacted, That it shall be lawful to the said Sheriff Depute or his Substitute, upon the Application of any Three Persons subject to the said Assessment, to enquire into and ascertain the Amount of the same, and the due Application thereof, and to make such Orders concerning the same as he shall consider just, and his Decision thereupon shall be final to all Intents and Purposes.

Sheriff De-
pute to en-
quire into
Application
of Assess-
ment.

XXXVIII. And be it further enacted, That the said Magistrates and Town Council shall keep or cause to be kept distinct and separate Accounts of the said Harbour Rates hereby authorized to be levied from Vessels using the said Harbour; and the said Magistrates and Town Council, and Commissioners, shall in like Manner keep or cause to be kept separate Accounts of the said Assessment hereby imposed for the Purposes of this Act, other than the Repair and Maintenance of the said Harbour; and which Accounts shall respectively show the Application of the said several Rates and Assessment, and no Part of the said Harbour Rates shall be applicable or be applied to any Use or Purpose whatever, other than the Repair and Maintenance of the said Harbour as aforesaid; and such Accounts shall at all reasonable Times be open to the Inspection of any Person or Persons subject to the Payment of any of the said Rates or Assessments (paying the Sum of One Shilling for each Inspection), and Extracts or Copies of all or any Part of the said Accounts shall be furnished to any Person or Persons when required, upon paying therefor a Sum not exceeding the Rate of Sixpence for each One hundred Words of such Extract or Copy.

Separate
Accounts to
be kept.

XXXIX. And be it further enacted, That the said Magistrates and Town Council, so far as regards the said Harbour Rates or Duties, and the said Magistrates and Town Council and Commissioners, so far as regards the said Assessment, shall and they are hereby respectively required to take from any Collector, or other Person or Persons to be appointed by them for the collecting, levying, and recovering the said Harbour Rates and Assessment, good and sufficient Caution or Surety for the Intromission of such Collector or other Person or Persons, with the Funds which he or they shall be empowered to levy and collect.

Security to be
taken from
Collectors.

XL. Provided always, and be it further enacted, That it shall not be lawful for the said Magistrates and Town Council, or the said Magistrates and Town Council and Commissioners, to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks.

Same Person
not to be
Clerk and
Treasurer.

Clerks to the said Magistrates and Town Council, or the said Magistrates and Town Council and Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Magistrates and Town Council, or the said Magistrates and Town Council and Commissioners, other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit, in the same way in which any of the Penalties by this Act imposed may be sued for and recovered.

Rates to
cease unless
Harbour be
kept in repair.

XLI. And be it further enacted, That if at any Time hereafter the said Harbour shall be allowed to go into Disrepair, so as to be unfit for the Reception and Accommodation of Vessels, by having at Stream Tides less than Eight Feet Water in any Part of its Extent, and shall be so declared by the Sheriff Depute of the said County of *Ross*, after Inspection thereof by him personally, aided by any such Surveyor or Engineer or nautical or scientific Persons as he may deem it necessary to consult, then and thereafter and while the Harbour shall remain in such Condition, and until the same shall be again declared fit for the Reception and Accommodation of Vessels by the said Sheriff Depute of *Ross-shire* as aforesaid, the Rates or Duties hereby imposed in respect of the said Harbour shall cease to be exigible, and the Powers of the said Magistrates to levy and recover the same shall determine and be at an End.

Recovery of
Penalties.

XLII. And be it further enacted, That all Damages, Fines, Penalties, and Forfeitures to be sustained or incurred in virtue of this Act, except in so far as it is otherwise hereby provided, shall and may be sued for and recovered in such and the same Manner as any Debt may be sued for and recovered before any Justice of the Peace for the said County of *Ross*, provided that such Damages, Fines, Penalties, and Forfeitures shall be sued for within Three Months after the same shall have been respectively sustained or incurred.

Application
of Penalties.

XLIII. And be it further enacted, That all Fines, Penalties, and Forfeitures recovered under the Authority of this Act, shall severally be applied towards the Expence attending the Execution thereof in the several Matters and Things touching which such Fines, Penalties, and Forfeitures shall have been incurred; and the Charges and Expences attending the Execution of this Act, so far as not otherwise defrayed, shall be defrayed out of the Monies arising from the said Harbour Rates or Duties and Assessments respectively.

Expences of
Act.

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

SCHEDULE of Harbour Rates referred to in the foregoing Bill.

	Imported.			Exported.		
	£	s.	d.	£	s.	d.
Aquavitæ and all other Spirits, per Scotch Gallon	0	0	6	0	0	6
Bark, per Cwt.	0	0	2	0	0	2
Bricks, per Thousand	0	1	4	0	1	1
Coals and Cinders (English), per Barrel	0	0	2	0	0	2
Ditto (Scotch) per Ton	0	0	10	0	0	10
Fish, Fresh Salmon in Bulk, per Dozen	0	0	3	0	0	3
— Large Cod, Skate, and Ling, per ditto	0	0	2	0	0	2
— Small dried Fish, per Gross	0	0	3	0	0	3
— Fresh Herrings, per Creel	4 Fishes.					
Grain of every Kind, and Malt, per Boll	0	0	4	0	0	2
Hemp and Flax, per Cwt.	0	0	2	0	0	2
Lime in Shells, per Chaldron of 16 Bolls	0	1	6	0	1	6
Ditto slacked, per ditto	0	0	6	0	0	6
Meal, per Boll of 9 Stones	0	0	4	0	0	3
Potatoes, per Boll	0	0	4	0	0	4
Salt, per Chalder of 16 Bolls	0	2	8	0	2	8
Slates, per Thousand	0	1	6	0	1	0
Stones for building, per Ton	0	0	1	0	0	1
Tiles, per Thousand	0	1	10	0	1	4
Timber, per Cubic Foot	0	0	0 $\frac{1}{4}$	0	0	0 $\frac{1}{2}$
Ditto, Rails less than 6 Inches Diameter at the } thick End, per Dozen	0	0	3	0	0	2
Wool, per Stone of 21 lbs.	0	0	1	0	0	1
Coal Props, per Gross	0	0	6	0	0	6
Staves, per Thousand	0	3	0	0	3	0

The Shipper has the Option of paying for Timber as above, or Sixpence per Ton Register of the Vessel.

EXEMPTION FROM ALL DUTIES:

All fresh Grey Fish, such as Haddock, Cod, Ling, and Whiting.

ANCHORAGE:

Vessels of all Descriptions and Sizes to pay at the Rate of Sixpence per Ton, with the Exception of Boats with fresh Fish.

[Local.]

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REGU-

REGULATIONS:

Persons loading or unloading to give Premonition to the Shore Master, under Penalty of paying Double Rates.

Vessels requiring Ballast will be supplied by the Shore Master at the Rate of One Shilling and Four-pence per Ton.

If a Ship Master prefer providing himself with Ballast, he is to pay at the Rate of Four-pence per Ton.

Goods exported, when they do not in all amount to Half a Barrel, belonging to an Individual, by a single Ship or Boat, to be exempted from Shore Dues.

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