

Power to
Aberdeen
Railway
Company to
purchase,
and the
Harbour
Commis-
sioners to
sell, certain
Property at
the Inches
and Har-
bour of
Aberdeen.

more convenient Access to the Quays and Harbour of *Aberdeen*, and for the more effectually carrying out the Purposes of the last-mentioned Act, it is expedient that the said Commissioners should have Power to sell, and the said *Aberdeen* Railway Company Power to buy, a certain Piece of Land now vested in the said Commissioners for the Purposes of the said first-mentioned Act, and that the said Commissioners should have Power to abandon Part of the Works authorized by the said first-mentioned Act, and to construct other Works in lieu thereof: And whereas it is also expedient that some of the Powers and Provisions of the said recited Acts should be amended and enlarged; but the Purposes aforesaid cannot be effected without the Authority 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 it shall be lawful for the said *Aberdeen* Railway Company at any Time after the passing of this Act to purchase and hold, and for the said Commissioners, with the Approbation and Consent of the Provost, Magistrates, and Council of the City of *Aberdeen*, for Behoof of the Community thereof, (which Consent the said Provost, Magistrates, and Council are hereby authorized and empowered to give,) testified by their affixing their Common Seal to the Deed herein-after mentioned, to sell, and by a Deed duly executed by such Commissioners, or any Three of them, (duly stamped for denoting the Payment of the full and proper Duty payable by Law in respect of the Purchase or Consideration Money,) in the Form in the Schedule to this Act contained, with or without Variations, or in any other Form, either in pursuance of any Agreement already entered into or hereafter to be entered into, to transfer and convey, for such Price or Consideration and upon such Terms as shall have been already or shall be agreed upon between the said *Aberdeen* Railway Company and the said Commissioners respectively, all or such Part, or so much as the said Railway Company shall desire, of the Piece of Ground situated at the upper Part of the Inches and upper Part of the Harbour of *Aberdeen* vested in the said Commissioners for the Purposes aforesaid lying to the Westward of the Line drawn, and marked E., F., G. on the Plans deposited as after mentioned at the Office of the principal Sheriff Clerk of the County of *Aberdeen*, and generally all Right or Interest which they the said Commissioners have or may have in the Grounds delineated on the said Plans and described in the Book of Reference thereto lying to the Westward of the foresaid Line E., F., G., and which Grounds so proposed to be sold are coloured partly Red and partly Green on the said Plans as stated thereon.

Property to
vest in
Aberdeen
Railway
Company on
Execution
of Transfer.

II. And be it enacted, That upon the Execution of such Transfer and Conveyance the said Ground and Property, or such Part or so much thereof as shall be therein described and expressed to be thereby conveyed, and the Fee thereof, shall become vested in and the absolute Property of the said *Aberdeen* Railway Company; and the said *Aberdeen* Railway Company shall hold the same, together with all the Rights and Pertinents thereto belonging, freed and discharged from all Incumbrances whatsoever, and from all Rights, Titles, or Claims, whether present or future, of the said Commissioners, Provost, Magistrates,

trates, and Council, and Community, or any other Bodies Politic, Trustees, Corporation or Corporations, or any other Person or Persons whomsoever.

III. And be it enacted, That the Consideration for the said Transfer or Conveyance shall be such a Sum of Money as shall have been or shall hereafter be agreed upon between the said Commissioners and the said *Aberdeen* Railway Company, and that the same shall be paid to the Treasurer for the Time being of the said Commissioners, and that a Memorandum in the Form in the Schedule to this Act contained, or in any other Form, shall be annexed to the said Transfer or Conveyance, and be signed by such Treasurer, acknowledging the Receipt of such Consideration Money, and that such Memorandum so signed shall be a sufficient Discharge to the said *Aberdeen* Railway Company for such Consideration Money, and shall exonerate such Company from looking to the Application and from being answerable or accountable for the Misapplication thereof.

Consideration for Purchase.

IV. And be it enacted, That such Consideration Money shall be deemed and taken to be a Part of the Revenue of the said Harbour, and shall be accounted for, applied, and appropriated in the same Manner as the Funds, Rates, and Duties authorized to be levied, raised, or received under or by virtue of the Powers and Provisions of the said herein-before recited Act of the Seventh and Eighth Years of the Reign of Her present Majesty.

Appropriation of Consideration Money.

V. And be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the said *Aberdeen* Railway Company and the said Commissioners and Provost, Magistrates, and Council of the said City of *Aberdeen*, or between the said Company and any other Person or Persons claiming any Interest in the said Piece of Ground so authorized to be purchased as aforesaid, or any Part thereof, as to the Value of such Ground, or of any Interest therein or in any Part thereof, or as to the Compensation to be made in respect thereof, or any Part thereof, then and in every such Case the Amount of the Compensation to be paid by the said *Aberdeen* Railway Company shall be settled in the Manner provided by the Lands Clauses Consolidation (*Scotland*) Act, 1845, as to the Purchase of Lands otherwise than by Agreement.

In case of Difference as to Purchase of Land, the same to be settled pursuant to 8 & 9 Vict. c. 19.

VI. And be it enacted, That for the Purpose aforesaid "the Clauses of the Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, "the Clauses with respect to the Conveyance of Lands," and "the Clauses with respect to the Entry upon Lands by the Promoters of the Undertaking," shall be held to be incorporated with this Act.

Certain Part of 8 & 9 Vict. c. 19. incorporated with this Act.

VII. And be it enacted, That nothing in this Act or the said Lands Clauses Consolidation (*Scotland*) Act, 1845, contained, shall authorize the compulsory Purchase of the said Ground as against any Person or Persons or Body of Persons whose Names are not included in the Book of Reference deposited as herein-after mentioned without

Powers of compulsory Purchase not to be exercised in certain Cases.

the

the Consent in Writing of the said Person or Persons or Body of Persons first had and obtained for that Purpose.

Aberdeen
Railway
Company
to make and
keep in
repair a
certain
public Road.

VIII. And be it enacted, That the said *Aberdeen* Railway Company shall, within Twelve Calendar Months after they shall become possessed of the said Ground or any Part thereof, make and complete, and at all Times thereafter maintain, a proper substantial public Road of at least Thirty Feet in Width commencing at the South End of *Lower Dee Street*, running Eastward, and terminating where the Line E., F., G. is marked on the said Plans herein-after mentioned, and which Road is at all Times thereafter to be used as an Access to and from the other Grounds on the Inches belonging to the said Commissioners.

Penalties on
Railway
Company
not making
such public
Road.

IX. And be it enacted, That if the said *Aberdeen* Railway Company shall not have made and completed such public Road within the Space of Twelve Calendar Months aforesaid they shall forfeit One Pound of Penalty for every Day thereafter during which such Road shall remain unmade or uncompleted; and all such Penalties shall be paid to the said Harbour Commissioners, and be applied and appropriated for the general Purposes of the before-recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, and shall be recoverable in the same Manner as Penalties generally are by that Act directed to be recovered, and for the Recovery whereof no particular Mode is by such Act specially provided.

Penalties
for not
keeping
Road in
repair.

X. And be it enacted, That if at any Time any Question shall arise as to the Repair of such Road the same shall be determined by the Sheriff, Sheriff Substitute, or Two Justices of the County of *Aberdeen*, and such Sheriff, Sheriff Substitute, or Justices may direct such Repairs to be made, and within such Period, as he or they may think reasonable, and may impose on such Company for not carrying into effect such Repairs any Penalties, not exceeding One Pound *per* Day, as to such Sheriff, Sheriff Substitute, or Justices shall seem just; and such Penalties shall be paid to the said Harbour Commissioners, and shall be recoverable in the same Way as the Penalties last aforesaid, and shall be applied as to so much thereof as shall be necessary towards the Purposes of such Road, and as to the Remainder thereof (if any) for the general Purposes of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty.

Railway
Company
restrained
from taking
certain
Lands of
Commis-
sioners.

XI. And be it enacted, That after the said *Aberdeen* Railway Company shall become possessed of such Ground, notwithstanding any thing in the *Aberdeen* Railway Act, 1845, contained, it shall not be lawful for the said *Aberdeen* Railway Company to enter upon, take, or use, or for the said Commissioners to sell, any Lands or Property belonging to the said Commissioners for any Purpose whatsoever further Eastward than the before-mentioned Line marked E., F., G. on the Plans herein-after mentioned without the express Consent in Writing of the said Commissioners for that Purpose first had and obtained.

XII. And

XII. And whereas Plans and Sections describing the Lines, Levels, and Situations of the proposed new Works in connexion with the said Harbour, and of the Lands upon or through which the same are intended to be made, and Books of Reference containing a List of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of such Lands, have been deposited at the Office of the principal Sheriff Clerk of the County of *Aberdeen*; be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by themselves, their Agents, Workmen, and Servants, to make, erect, and construct such new Works, and to maintain the same, or any Part thereof, according to the Plan and Sections herein-before mentioned, and to erect a new Quay Wall on the Line shown on the said Plan or within the Limit of Deviation marked thereon.

Power to Harbour Commissioners to make new Works.

XIII. And be it enacted, That from and after the Execution of such Transfer and Conveyance it shall be lawful for the said Commissioners and they are hereby required to abandon so much of the Works authorized by the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty as by reason of such Sale and Purchase aforesaid, and of the said Alterations and new Works, will be rendered unnecessary.

Abandonment of certain Works.

XIV. And be it enacted, That all the Powers and Provisions, Rights and Privileges, including the Right to levy Tolls, Rates, and Duties, contained in the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, so far as the same are or may be applicable and now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and to the Alterations and new Works hereby authorized to be made and executed, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Alterations and new Works, and as if such Alterations and new Works were originally authorized by such recited Act; and such recited Act and this Act shall be construed and read together as forming One Act.

Extending Provisions of Act 6 & 7 Vict. c. 72. to this Act.

XV. And be it enacted, That it shall not be lawful to any Person or Persons to land, lay down, or leave upon the Quays, Inches, Grounds, or Precincts of the said Harbour of *Aberdeen* any Timber, Logs, Floats, or Rafts of Timber without the Permission of the said Commissioners first had and obtained; and any Person or Persons landing, laying down, or leaving Timber, Logs, Floats, or Rafts of Timber upon the said Quays, Inches, Grounds, or Precincts without such Permission shall for every such Offence forfeit and pay to the said Commissioners the Sum of Forty Shillings Sterling; and it shall be lawful for the said Commissioners, or their Treasurer or Clerk, to cause to be removed all such Timber, Logs, Floats, or Rafts of Timber from the said Quays, Inches, Grounds, or Precincts, and to detain the same till Payment of such Penalty or Forfeiture, besides the Costs of Removal; and if such Penalty and Costs shall not be paid within Four Days after such Removal and Detention, then it shall be lawful for the Commissioners, or their Treasurer or Clerk, by virtue of this Act, and without any further Warrant or Authority, to cause to be sold by public Roup such

Timber, &c. not to be laid down on Quays, Inches, &c. of Harbour.

[*Local.*]

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such

such Timber, Logs, or Floats, or Rafts of Timber, for Payment of such Penalty and Costs, besides the Expences of Sale, they returning the Surplus, if any be, to the Owner: Provided always, that the said Penalties, Costs, and Expences shall be recoverable either by the Sale of the Timber, Logs, or Floats, or Rafts of Timber, in manner aforesaid, or in the same Manner as Penalties provided for in the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty are directed to be recovered.

Disposal
of Rates
arising from
Pilotage, &c.

XVI. And whereas Doubts have arisen as to the Extent of the Powers of the said Commissioners under the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty to make proper and necessary Rules and Regulations for the Pilotage and the Meting and Weighing Departments of the said Harbour, and the Disposal of the Rates and Duties payable thereanent; be it therefore enacted, That for the removing of such Doubts, as well as for the better securing efficient Service in each of the said Departments, and in addition to the Powers granted by the said above-mentioned Act, it may and shall be lawful for the said Commissioners, by any Rules, Regulations, or Bye Laws already established or to be established by them for the better Regulation and Government of the Pilots, and of the Weighers and Meters of Grain, Lime, Coals, and such like Goods and Commodities imported into the said Harbour, to cause the Rates and Dues of Pilotage and of Meting and Weighing already established or to be hereafter established under and by virtue of the last above-mentioned Harbour Act to be paid either directly to the Pilots and Weighers and Meters themselves, or to the Treasurer of the said Commissioners, to form a Fund or Funds out of which the said Commissioners shall pay to the said Pilots and Meters and Weighers weekly or other Wages for their Services respectively of such Amount as the said Commissioners shall from Time to Time fix and determine, as also retiring or Superannuation Allowances in the Case of old Age or other Infirmary, and the other necessary and proper Charges and Expences connected with the Pilotage and the Meting and Weighing Departments respectively.

Expences of
Act.

XVII. And be it enacted, That all the Costs, Charges, and Expences incurred in applying for, obtaining, and of passing this Act, and of all other necessary and proper Expences relating thereto, shall be paid and defrayed by the *Aberdeen* Railway Company.

Short Title
of former
Act and of
this Act.

XVIII. And be it enacted, That in citing such recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty or this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to refer to and describe such recited Act by the Title of "The *Aberdeen* Harbour Act, 1843," and to refer to and describe this Act by the Title of "The *Aberdeen* Harbour Act Amendment, 1847."

Public Act.

XIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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