



ANNO SEXTO & SEPTIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. lxxii.

An Act for improving and maintaining the Harbour  
of *Aberdeen*. [12th July 1843.]

**W**HEREAS an Act was passed in the Tenth Year of the  
Reign of His late Majesty King *George* the Fourth,  
intituled *An Act for the Improvement of the Harbour of* 10 G. 4. c. 34.  
*Aberdeen*: And whereas considerable Progress has been made in  
the various Works in and by the said recited Act authorized to be  
made, but it is desirable to construct a Wet Dock, and to execute  
other Works connected with the said Harbour; and it is necessary  
for these Purposes, and also for better regulating the Rates and  
Duties levied in the said Harbour, that the said recited Act should  
be repealed, and that further and other Powers should be granted as  
herein-after mentioned: 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 *Tuesday* the  
*Twenty-first Day of November* One thousand eight hundred and  
forty-three the said recited Act shall be and the same is hereby  
repealed, and this Act shall from thenceforth commence and be  
put in execution instead thereof. Recited Act  
repealed, and  
this Act to  
take effect.

[Local.]

25 A

II. And

Property in the Harbour vested in the Commissioners, and made liable to Debts.

II. And be it enacted, That all Lands, Heritages, Tenements, Buildings, Erections, Quays, Piers, Wharfs, Works, and all Subjects, Property, Estate, and Effects, heritable and moveable, real and personal, which belong and are vested in the Trustees under the said recited Act for the Purposes thereof, and all Lands, Heritages, Subjects, Estate, and Effects, heritable and moveable, real and personal, to be acquired by the Commissioners under this Act for the Purposes thereof, and all Docks, Locks, Piers, Quays, Sewers, Erections, and Works to be constructed and erected under and by Authority of this Act, shall belong and be vested in the Commissioners under this Act for the Purposes thereof; and that all Duties, Rates, and other Moneys by this Act granted to the said Commissioners, and all Duties, Rates, and other Moneys to be recovered under the said recited Act, and all Lands, Heritages, Subjects, Property, Estate, Docks, Works, and others aforesaid, vested in the said Commissioners, and all Moneys which at the Time of the Commencement of this Act shall be in hand, under the said recited Act, shall be liable to the Payment of all Moneys which at the Commencement of this Act are due and owing on the Credit or under the Authority of the said recited Act, and of all Interest due and to grow due thereon, and of all Moneys which shall be raised and become due and owing on the Credit or Authority of this Act, and of all Interest to grow and become due thereon.

Duties, &c. due under former Act may be recovered by the Commissioners for executing this Act.

III. Provided always, and be it enacted, That, notwithstanding the Repeal of the said recited Act, all Duties and Rates which before the Commencement of this Act shall have become payable, and all Fines and Penalties which shall have been incurred, and all Moneys due to the Trustees acting in the Execution of the said recited Act, and all Bonds, Contracts, and Agreements which shall have been given or entered into under or by virtue of the said recited Act, and which shall respectively remain uncollected or unpaid or be in existence or unperformed at the Time of the Commencement of this Act, shall and may be collected, recovered, and enforced by the Commissioners for executing this Act, in the same Manner and by the same Ways and Means as if such Duties and Rates had been imposed or become due, and as if such Fines and Penalties had been incurred, and as if such Moneys had become due, and as if such Bonds, Contracts, and Agreements had been entered into, under or by virtue of this Act; and all Treasurers, Collectors, Officers, and other Persons who at the Time of the Commencement of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or other Effects belonging to the Trustees acting in the Execution of the said recited Act shall be liable to account for and deliver up all such Moneys, Books, Documents, Papers, Writings, and Effects to the Commissioners for executing this Act, in the same Manner and subject to the same Process and Penalties for Refusal or Neglect as if such Treasurers, Collectors, Officers, or other Persons, had been appointed by the Commissioners acting in the Execution of this Act; and all other Persons who at the Time of the Commencement of this Act shall owe any Money to the Trustees acting in the Execution of the said recited Act, for or in respect of any Matter or Thing affecting

affecting or relating to such Act, shall be liable to the Payment of such Money to the Commissioners acting in the Execution of this Act, and, in case of Refusal or Neglect to pay the same, shall be subject to the Provisions of this Act for the Recovery thereof as if such Money had become due under or by virtue of this Act.

IV. Provided also, and be it enacted, That all Bills, Notes, Obligations, Contracts, Agreements, Mortgages, Assignments, Transfers, and all Grants, Charters, Conveyances, Dispositions, Leases, Instruments, Deeds, Securities, and other Writings, of whatsoever Nature, entered into, made, granted, or conceived to or by the Trustees under the said recited Act, or to or by any Person or Party by virtue or under the Authority of the said recited Act, shall be as valid and effectual as if such Act had not been repealed.

Securities  
under  
former Acts  
made valid.

V. Provided also, and be it enacted, That all Books kept according to the Provisions of the recited Act containing the Accounts and Proceedings of the Trustees acting in the Execution of the said recited Act, and all Entries therein, shall be admitted in Evidence in all Courts of Law, and by all Magistrates, Justices, and others.

Books under  
former Acts  
to be Evi-  
dence.

VI. Provided also, and be it enacted, That the Treasurer, Collector, Secretary, and Clerk (if appointed consistently with the Provisions of this Act in reference to the Offices of Clerk and Treasurer), and all other Officers appointed under the said recited Act, or in the Employment of the Trustees acting in the Execution of such Act at the Time of the Commencement of this Act, shall hold and enjoy their respective Offices and Employments in the same Manner as they hold and enjoy such Offices under the said recited Act, or until they shall be removed therefrom by the Commissioners for executing this Act; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages in the Execution of this Act, and shall be liable to the same Penalties, Obligations, Restrictions, and Regulations, in every respect as if they had been respectively appointed under or by virtue of this Act.

Officers  
appointed  
under  
former Act  
to be con-  
tinued in  
Office unless  
removed by  
Commis-  
sioners.

VII. And be it enacted, That nothing contained in this Act shall abate or affect any Action, Suit, or other Proceeding whatsoever brought, commenced, or instituted by or against the said Trustees under the said recited Act, but that such Action, Suit, or other Proceeding shall be carried on and prosecuted by or against the Commissioners by this Act created, in the like Manner and with the like Effect, and against the Property hereby vested in the said Commissioners, as the same could or might have been continued or carried on if the said recited Act had not been repealed, or as if the same had been commenced after the passing of this Act by or against the Commissioners hereby created.

This Act  
not to abate  
Actions  
heretofore  
brought.

VIII. And be it enacted, That the Magistrates and City Council of *Aberdeen* for the Time being, together with Nine Burgesses of Guild of the said City, and Three Members of the incorporated Trades of the said City, to be elected in manner herein-after mentioned,

Who to be  
Commis-  
sioners for  
putting this  
Act into  
execution.

mentioned, shall be and they are hereby constituted and created Commissioners for the Purpose of carrying this Act into execution, and exercising the Powers and accomplishing the Provisions and Objects herein specified and contained.

Burgesses of Guild Commissioners to be elected by the Guildry.

Trades Commissioners to be elected by the incorporated Trades.

IX. And be it enacted, That the Burgesses of Guild to be appointed Commissioners under this Act shall from Time to Time be elected and chosen by the Burgesses of Guild of the said City, each Burgess of Guild being entitled to vote in the Election of the said Burgesses of Guild, as Commissioners aforesaid, who is not at the Time of the Election in Receipt of Aid from any of the charitable Funds available for behoof of the Burgesses of Guild; and the Members of the incorporated Trades to be appointed Commissioners under this Act shall from Time to Time be elected and chosen by the Members of the said Trades, each Member of the said Trades being entitled to vote at the Election of the said Members of the incorporated Trades, as Commissioners foresaid, who is not at the Time of the Election in Receipt of Aid from any of the charitable Funds available for behoof of the Members of the incorporated Trades.

First Election.

X. And be it enacted, That at the First Election under this Act the full Number of Nine Burgesses of Guild and Three Members of the incorporated Trades shall be elected and chosen Commissioners under this Act, and which Election shall take place upon *Tuesday* the Twenty-first Day of *November* One thousand eight hundred and forty-three.

Succeeding annual Elections.

XI. And be it enacted, That upon the Third *Tuesday* in *November* One thousand eight hundred and forty-four, and upon the Third *Tuesday* in *November* annually thereafter, One Third of the Commissioners elected under this Act from the Burgesses of Guild and incorporated Trades respectively, that is to say, Three Burgesses of Guild and One Member of the incorporated Trades, shall go out of Office; and upon the Third *Tuesday* of *November* One thousand eight hundred and forty-four, and upon the Third *Tuesday* of *November* annually thereafter, there shall be an Election of Three Burgesses of Guild and One Member of the incorporated Trades to be Commissioners under this Act to supply the Places of those going out of Office.

Routine of Commissioners going out of Office.

XII. And be it enacted, That the Third of the Commissioners elected at the First Election under this Act who shall go out of Office in the Year One thousand eight hundred and forty-four shall consist of the Three Burgesses of Guild and the One Member of the incorporated Trades who had respectively the smallest Number of Votes at the Election of Commissioners in this present Year; and in the succeeding Year, One thousand eight hundred and forty-five, the Third of the Commissioners first elected under this Act who shall go out shall consist of the Three Burgesses of Guild and the One Member of the incorporated Trades who at such First Election under this Act had the next smallest Number of Votes (the Commissioners always determining by Lot, where the Votes for any such

such Persons shall have been equal, who shall be the Person to retire); and thereafter the Third of the said Commissioners so annually going out of Office shall always consist of the Three Burgesses of Guild and One Member of the incorporated Trades who have been longest in Office: Provided always, that any Commissioner going out of Office shall be capable of being immediately re-elected.

Commis-  
sioners re-  
eligible.

XIII. And be it enacted, That no Person shall be so elected a Commissioner by the said Burgesses of Guild unless he shall actually be engaged in and carry on Trade or Business within the said City, and stand rated in the Tax Roll of the same for Payment of a Proportion of the Cess or Land Tax affecting the said City, upon an annual Amount of the said Trade or Business to the Extent of Two thousand Pounds or upwards, or unless he be in his own Right an Owner of at least One hundred Tons of Shipping, registered at and belonging to the said Port; and that no Member of the incorporated Trades shall be so elected a Commissioner by the said Members of the incorporated Trades who shall not stand rated in the said Tax Roll at an annual Amount of Trade or Business to the Extent of One thousand Pounds or upwards, or who shall not in his own Right be an Owner of at least Fifty Tons of Shipping belonging to and registered at the said Port.

Qualifica-  
tion of  
Guildry Com-  
missioners.

Qualifica-  
tion of  
Trades Com-  
missioners.

XIV. And be it enacted, That One Partner of any Company which shall carry on Trade or Business as Burgesses of Guild within the said City, and shall be rated as aforesaid in respect of such Trade or Business at the annual Amount of Two thousand Pounds, shall be eligible by the Burgesses of Guild to be a Commissioner under this Act; and for every entire Sum of Two thousand Pounds at which any such Company shall be rated as aforesaid, in respect of Trade or Business, over and above the first Two thousand Pounds, One other Partner shall be eligible by the Burgesses of Guild to be a Commissioner under this Act; and further, that One Partner of any Company which shall carry on Business within the said City as Members of the incorporated Trades, and shall be rated in the said Tax Roll in respect of such Business to the Extent of One thousand Pounds, shall be eligible as a Commissioner by the said incorporated Trades; and for every entire Sum of One thousand Pounds of Trade or Business at which any such Company shall stand rated in the said Tax Roll over and above the first One thousand Pounds, One other Partner of such Company shall be eligible by the said Trades to be a Commissioner under this Act.

Partners of  
Companies  
may be  
elected Com-  
missioners;

From Bur-  
gesses;

From Trades.

XV. Provided always, and be it enacted, That no Person shall be entitled to vote for or be elected a Commissioner under this Act who shall not be a Burgess of Guild, or a Member of the incorporated Trades of the said City, and that no Burgess of Guild shall be entitled to vote for or be elected a Commissioner at any Election to be made by the said incorporated Trades (unless he shall also be a Member of the incorporated Trades), nor shall any Member of the incorporated Trades (unless he shall also be a Burgess of Guild) be entitled to vote for or be elected a Commissioner at any Election, to be made by the said Burgesses of Guild; declaring always, that

No Person  
to vote or  
be a Com-  
missioner  
who is not a  
Burgess of  
Guild, or a  
Member of  
the incorpo-  
rated Trades.

[Local.]

25 B

any

any Person being a Burgess of Guild, and who is also a Member of the incorporated Trades, shall be entitled to vote at the Elections to be made under this Act by each of those Bodies.

Persons eligible as Commissioners in right of Ownership of Shipping to claim upon their Qualifications and register their Names.

XVI. And in order that the Persons who shall be concerned in the Elections of the said Burgesses of Guild and Members of the incorporated Trades may be apprized of the Names of the different Persons qualified to be elected Commissioners under this Act, be it enacted, That One Month at least previous to the Twenty-first Day of *November* One thousand eight hundred and forty-three, when the first Election under this Act is to take place, the Magistrates and City Council of *Aberdeen* being Commissioners *ex officio* under this Act, and One Month previous to each annual Election thereafter the Commissioners who shall be in Office for the Time being under this Act, shall cause an Advertisement to be inserted in some One or more Newspaper or Newspapers published in *Aberdeen*, requiring all Burgesses of Guild and Members of the incorporated Trades of the said City, who, as Owners or Proprietors in their own Right of Shipping to the respective Amounts herein-before mentioned, may be desirous of claiming a Right to be elected at the next ensuing Election, to enter and enrol their Names and Designations, specifying whether they are Burgesses of Guild or Members of the incorporated Trades, with the Extent and Particulars of the Tonnage in respect of which they claim a Right to be elected, in a Book to be opened for that Purpose, and lodged at such convenient Place within the said City as the said *ex officio* Commissioners shall in respect of the first Election appoint, and as the Commissioners for the Time being shall in respect of each annual Election thereafter appoint; and such Book shall be patent and open every lawful Day, from Ten of the Clock in the Forenoon till Two of the Clock in the Afternoon, for the Space of Ten Days after the first Publication of such Advertisement; and no Person who shall fail or neglect to enter and enrol his Name and the other Particulars aforesaid in such Book, or to cause the same to be so entered and enrolled, shall be entitled to be elected a Commissioner at the next ensuing Election in respect of his being an Owner of Shipping at the said Port.

Voting Billets, and Lists of Parties qualified to be Commissioners, to be made out and delivered to Electors.

XVII. And be it enacted, That Eight Days at least previous to the first Election under this Act the said Magistrates and City Council, and Eight Days at least previous to each annual Election thereafter the Commissioners who shall be then in Office, shall cause to be prepared and delivered to every Elector applying for them printed Forms of Voting Lists or Billets, which may be used in the Election of Commissioners under this Act as after mentioned, and also printed Lists containing the Names and Designations of such Burgesses of Guild and Members of the incorporated Trades as shall be qualified to be elected Commissioners under this Act, according as the same shall be ascertained from the Tax Roll and from the Book for the Enrolment of the Owners of Shipping herein-before mentioned; and such Lists shall distinguish as correctly as may be the Persons who shall be Burgesses of Guild from those who shall be Members of the incorporated Trades of the said City.

XVIII. And

XVIII. And be it enacted, That the said Magistrates and City Council shall cause the Day and Place of the first Election under this Act, and the Commissioners who shall be in Office for the Time being shall cause the Day and Place of each annual Election thereafter, to be advertised in some One or more Newspaper or Newspapers published in *Aberdeen*, not less than Six Days previous to each such Election.

Day and  
Place of  
Election to  
be advertised.

XIX. And be it enacted, That the Elections of the said Burgesses of Guild and Members of the incorporated Trades, to be made in pursuance of this Act, shall be by Voting Lists or Billets, which shall contain the Designation of the Elector, and the Names and Designations of the Persons voted for, and be signed by the Elector, all in his proper Handwriting; the said Voting Lists, with the Exception of the Names and Designations of the Persons voted for, and the Designation and Signature of the Elector, being either printed or in the Handwriting of the Elector; and at the first Election under this Act the *ex officio* Commissioners, and at all future Elections the Commissioners who shall be then in Office, shall cause Two Boxes to be lodged at convenient but different Places within the said City, the one of which Boxes shall be for the Reception of the Votes of Burgesses of Guild, and the other of the said Boxes shall be for the Reception of the Votes of the Members of the incorporated Trades; and the Voting Lists or Billets of Election shall be put into the said Boxes between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon of the Day of the Election, at which last-mentioned Hour the Election shall be closed, and the Box containing the Votes of Burgesses of Guild shall be removed to the public Court House, and the Box containing the Votes of Members of the incorporated Trades shall be removed to the *Trinity Hall*, both in the said City, where the said Boxes shall be severally opened in Presence of a General Meeting of the respective Electors, and of any One or more of the Commissioners under this Act, who shall then and there attend, and each of such Meetings shall appoint Three of their own Number to be Scrutineers of the Votes, along with such Commissioners, One or more, who shall then be present; and the Persons so to be elected as Commissioners by the Burgesses of Guild and incorporated Trades respectively, in manner above mentioned, who upon the Report of such Scrutineers shall be found to have the greatest Number of valid Votes, shall, if duly qualified according to the Provisions of this Act, be and they are hereby nominated and appointed Commissioners, along with the said Magistrates and City Council, or along with the said Magistrates and City Council and remanent Commissioners for the Time, for executing the Purposes of this Act, during the Period that they are severally entitled to remain in Office in virtue of this Act; and the Lists made up and authenticated by such Scrutineers shall be preserved, and shall be the Rule by which Vacancies shall be supplied during the Year then next ensuing, in manner herein-after mentioned; and the Provost, or in his Absence the acting Chief Magistrate of *Aberdeen* for the Time being, shall preside at all Meetings for declaring the Election of the said Burgesses of Guild, and the Convener of the incorporated Trades, or in his Absence the Master of the Trades Hospital

Elections  
how to be  
conducted.

Hospital in the said City, shall preside at all Meetings for declaring the Election of the Commissioners from that Body.

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

XX. And be it enacted, That in case there shall be an Equality of Votes at any of the said Elections the same shall be reported to the Board of Commissioners, and the Commissioners who shall be present at the First Meeting of such Commissioners to be held after such Elections shall determine by Lot which of the Persons having such Equality of Votes shall be the Commissioner or Commissioners.

Persons not to vote more than once at the Elections, or without being qualified, under a Penalty.

XXI. And be it enacted, That no Burgess of Guild shall have more than One Vote at any of the said Elections by the Burgesses of Guild, and that no Member of the incorporated Trades shall have more than One Vote at any of the said Elections by the Members of the incorporated Trades; 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 a Sum not exceeding Twenty Pounds Sterling, to be applied to the Purposes of this Act.

Commissioners may resign Office.

XXII. And be it enacted, That any Person elected a Commissioner under this Act by the said Burgesses of Guild, or by the said Members of the incorporated Trades, and accepting the said Office, may resign the said Office at any Time, upon giving not less than Three Weeks Notice of such his Intention, by a written Intimation to the Clerk of the said Commissioners, or chief or senior Magistrate of the City of *Aberdeen* for the Time.

Vacancies amongst Commissioners, by Death, Resignation, or otherwise, how supplied.

XXIII. And be it enacted, That in the event of Death, Refusal to act, Disability, or Resignation of any of the said Commissioners to be elected in manner aforesaid by the said Burgesses of Guild and Members of the incorporated Trades respectively, it shall be incumbent on the other Commissioners acting for the Time being, and they are hereby required, within Five Weeks of such Death, Refusal to act, Disability, or Resignation, to elect in his or their Stead the Person or Persons, of the same Class as the Person or Persons so dying, disabled, resigning, or refusing to act, who at the Time of such Vacancy shall be still qualified, and whose Name or Names shall stand next in Rotation upon the respective Lists made up and authenticated as aforesaid as having had the next greatest Number of Votes at the Election immediately preceding; and the Person or Persons so to be appointed to supply a Vacancy or Vacancies shall have the same Powers and Authorities as if they had been originally returned at such preceding Election, and shall remain in Office for the Period during which the Person or Persons to whom he or they shall thus succeed was or were entitled to remain in Office, and no longer.

No Member of City Council to be chosen a Commissioner at the

XXIV. And be it enacted, That no Person who shall be a Member of the said City Council at the several Times of Election to be made in pursuance of this Act shall be elected as a Commissioner by the said Burgesses of Guild or by the said Members of the incorporated Trades; and if any Commissioner chosen at such Election shall,



shall, while he continues in Office, become a Member of the said City Council, he shall thereupon cease to be considered a Commissioner from the said Burgesses of Guild or incorporated Trades respectively, and his Place shall be filled up in the same Manner as other Vacancies are appointed to be filled up as herein-before mentioned.

Elections by Burgesses of Guild or incorporated Trades.

XXV. And be it enacted, That although any of the Bodies or Classes of Persons authorized to elect Commissioners for the Purposes of this Act shall at any Time or Times fail, neglect, or refuse to make due and proper Elections of Commissioners at the respective Periods appointed for such Elections, such Failure, Neglect, or Refusal shall not stop or prevent the Execution of this Act by the other Commissioners who shall have been duly and regularly elected, nor shall the Death, Resignation, Disability, or Refusal to act of any of the said Commissioners stop or prevent the other Commissioners from acting in the Execution hereof, it being hereby provided that in all Cases the Commissioners duly appointed, and acting for the Time, shall have full Power to execute the Purposes of this Act.

Irregularities in the Elections, or Vacancies by Death or otherwise, not to prevent the Act being carried into execution by the remaining Commissioners.

XXVI. Provided always, and be it enacted, That in case any of the said Bodies or Classes of Persons authorized to elect Commissioners for the Purposes of this Act shall at any Time or Times fail, neglect, or refuse to make due and proper Elections of such Commissioners, the said Commissioners acting for the Time being in the Execution of this Act shall and they are hereby required, within Six Weeks after such Failure, Neglect, or Refusal shall have been ascertained, to cause the necessary Measures to be taken for making a regular and valid Election of Commissioners; and such Election shall be regulated and proceeded in, as nearly as may be, in the same Manner and in all respects as at the ordinary and proper Times for making Elections by the said Bodies or Classes of Persons respectively; and the Commissioner or Commissioners so elected shall, in respect of Continuance in Office, be on the same Footing as if his or their Election had taken place on the Third *Tuesday* in *November* immediately preceding, being the Day appointed by this Act for the Elections under the same.

In case Elections not regularly made, other Elections to take place within Six Weeks.

XXVII. And be it enacted, That the Expences of making up Tax Roll Lists, and Lists of Burgesses of Guild, and Members of the incorporated Trades, for the Purposes of Elections, advertising Elections, printing Lists and Election Billets, and all other public and general Expences attending Elections, shall be defrayed from the Moneys to be raised under this Act.

Expences of Elections.

XXVIII. And be it enacted, That the Trustees elected from the Burgesses of Guild and incorporated Trades who are at present in Office under the said recited Act shall, along with the Magistrates and City Council, continue to act as Trustees, and to exercise the Duties, Powers, and Functions of Trustees under the said recited Act, till the Twenty-first Day of *November* One thousand eight hundred and forty-three, when this Act comes into operation, whereupon, and not sooner, the Office and whole Duties, Powers,

Trustees under recited Act to hold Office till Commencement of this Act.

[Local.]

25 C

and

and Functions of such Trustees shall cease and determine, any thing in the said recited Act to the contrary notwithstanding.

Commissioners not to vote where personally concerned.

XXIX. And be it enacted, That no Commissioner under this Act shall vote or otherwise act as a Commissioner in any Case where he shall personally be concerned, directly or indirectly, under a Penalty of Twenty Pounds for each Offence.

No Commissioner to hold Office of Emolument, or be concerned in a Lease of any of the Duties.

XXX. Provided always, and be it enacted, That no Commissioner under this Act shall at any Time hold any Office or Employment of Emolument under this Act, or be anyways interested or concerned, directly or indirectly, as Tacksman or Lessee of any of the Rates, Dues, and Duties granted by this Act; and if any such Commissioner shall be legally convicted of contravening this Enactment he shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be paid to the Treasurer under this Act, to be applied for the Purposes thereof, and shall forthwith, after such Conviction, cease to be a Commissioner under this Act.

Commissioners not incapable of acting as Justices.

XXXI. And be it enacted, That a Person shall not be incapable of acting as a Magistrate, Sheriff, Justice of the Peace, or Judge of Police, in any Matter relating to the Execution of this Act, by reason of his being a Commissioner.

Penalty on Commissioner acting not being qualified.

XXXII. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds, and such Penalty may be recovered, with full Costs of Suit, in any of the competent Courts in *Scotland*, by any Person who shall sue for the same; and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Pursuer than that such Person hath acted as a Commissioner in the Execution of this Act; nevertheless all Acts and Proceedings of any Person acting as a Commissioner being incapacitated, not duly qualified, or being disqualified, done previous to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

First and other Meetings.

XXXIII. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting, which shall be a Special General Meeting, on *Thursday* the Twenty-third Day of *November* next, and proceed to put this Act into execution, and shall hold General Meetings of the Commissioners thereafter monthly or oftener, as they shall see fit; and the said Commissioners shall, upon the Third *Thursday* in *November* One thousand eight hundred and forty-four, and upon the Third *Thursday* of *November* annually thereafter, being the *Thursday* immediately after the Completion of the Election for the Year, hold a Special General Meeting, all of which Meetings shall be held within the Town House of the City of *Aberdeen*, or other convenient Place within the said City, to be fixed by the Provost or acting Chief Magistrate thereof for the Time being; and it shall be lawful for the Commissioners present at such

first or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said City; and if at any such Meeting there shall not be Thirteen Commissioners present, then it shall be lawful for the Commissioners present to adjourn such Meeting to another Day.

XXXIV. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and the Provost, or, in his Absence, the senior Magistrate for the City of *Aberdeen* for the Time being, or any Five or more of the Commissioners, may require a Special Meeting to be held; but no such Meeting shall be held unless Three Days Notice thereof shall be given, specifying the Objects for which such Meeting is called. Special Meetings.

XXXV. And be it enacted, That all Powers of this Act may be exercised by any Thirteen or more of the Commissioners present at any Meeting holden in pursuance of this Act, and no Business shall be transacted at any Meeting of the Commissioners unless Thirteen or more Commissioners shall be present at such Meeting. Quorum of Commissioners.

XXXVI. And be it enacted, That at all Meetings of the Commissioners to be held under this Act the Provost or the senior Magistrate of the City of *Aberdeen* present, for the Time being, shall preside, and besides his Vote in common with the other Commissioners shall, in case of Equality, have a casting or decisive Vote; and in the Absence of such Provost or Magistrate, then any Commissioner may be chosen to preside with the same Powers. Preses to have a casting Vote.

XXXVII. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered or sent by the Post to the usual Place of Abode of each of the Commissioners; and every Notice shall specify the Time and Place of meeting. How Notices of Meetings are to be given.

XXXVIII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to nominate and appoint, out of their own Body, a Committee or Committees, who shall have full Power and Authority to do, execute, and perform all such and so many of the Matters and Things which the said Commissioners are hereby authorized to do as the said Commissioners shall think proper to delegate and confide to such Committees respectively: Provided always, that at least One Third of the Members of the said Committee or Committees shall consist of the Commissioners elected by the Burgesses of Guild and incorporated Trades; but further providing that such Committee or Committees shall report the Progress in the Matter remitted to them at the monthly Meetings of the Commissioners; but no Committee shall be appointed to act for a longer Term than until the annual Special General Meeting of the Commissioners next following its Appointment. General Meetings may appoint Committees.  
Duration of Committees.

XXXIX. And be it enacted, That no Business shall be transacted at any Meeting of such Committee unless Three Members of the Committee be present. Quorum of Committees.

XL. And

Orders made  
not to be  
altered with-  
out Notice.

XL. And be it enacted, That no Order made by the said Commissioners at any of their Meetings shall be altered or revoked unless at some Meeting called for that special Purpose, or unless Notice of such Intention be given in the Card or Circular calling the Meeting.

Contracts  
may be made.

XLI. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the said Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done, and the Materials to be furnished, and an Entry of such Contract shall be made in a Book to be kept by the Clerk of the Commissioners.

Commission-  
ers not to be  
personally  
liable.

XLII. And be it enacted, That nothing in any Deed, Contract, or other Engagement by this Act authorized to be made or entered into by or on behalf of the Commissioners, for any of the Purposes of this Act, shall be held or adjudged to render the Commissioners, or any of them, or their Heirs or Executors, personally liable for the Performance of any thing contained in any such Instrument, nor for the Repayment of any Money or Interest, by reason of the Commissioners or any of them having signed any Bonds, Bills, or other Vouchers or Securities, but the said Bonds, Bills, Vouchers, or other Securities shall be held as granted on the sole Credit and Security of the said Harbour and Works, Rates, Duties, and Property thereof; and the Amount of all Damages, Costs, and Charges recovered in any Action or Suit, in consequence of any such Deed, Contract, or other Instrument, or which any such Commissioner shall otherwise be put to, by virtue of this Act, shall respectively be discharged out of the Moneys to arise by virtue of this Act, or other the Property and Effects vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

Liability of  
their Funds.

Actions or  
Suits to be  
brought in  
the Name of  
the Clerk or  
One of the  
Commission-  
ers.

XLIII. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to this Act the Commissioners shall sue and be sued in the Name of the Clerk or One of the Commissioners under this Act for the Time being, in any Court of competent Jurisdiction, for and in respect of all Matters and Things, Claims and Demands, touching or connected with this Act, or the Objects, Provisions, or Execution thereof, (but without Prejudice to the Procurator Fiscal for the City of *Aberdeen* prosecuting for Penalties, and others in manner herein-after provided for,) and that the Clerk or One of the Commissioners may be lawfully cited for and in behalf of the Commissioners in any Action, Suit, or Proceeding at Law, either personally or at the ordinary Harbour Office in *Aberdeen*, or at the usual Place of Business or Dwelling House of the said Clerk or One of the Commissioners respectively, and that all Suit, Diligence, and Execution, issuable according to the Law of *Scotland*, for Payment  
or

or Performance of any Bond, Bill, Note, Contract, Obligation, or Decree, made, granted, or obtained in favour of the Trustees under the said recited Act, or of the Commissioners under this Act, may proceed and be directed in the Name of the Clerk or One of the Commissioners under this Act for the Time being, to and for the Use and Behoof of the said Commissioners; and all such Diligence and Execution against the said Trustees or Commissioners respectively may proceed and be directed against the said Clerk or Commissioners aforesaid; and no such Action or Suit shall abate or fall by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

XLIV. And be it enacted, That Executions or Diligence upon every Judgment or Decree in any such Action or Suit shall be executed against the Property and Effects belonging to the Commissioners by virtue of their Office. Executions against Goods of Commissioners.

XLV. And be it enacted, That every such Clerk or One of the Commissioners in whose Name any such legal Proceedings shall be carried on, either as Pursuer or Defender, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Clerk or Commissioner may be put or with which he may become chargeable by reason of being so made Pursuer or Defender; and no such Clerk or Commissioner shall be personally liable for the Payment of the same, unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought or defended by the Clerk or Commissioner as aforesaid, it have been so brought without the Order or Direction of the Commissioners. Indemnity to Clerk or Commissioners.

XLVI. And be it enacted, That the Commissioners shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, of the Commissioners and of their Committees, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Commissioners; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Magistrates, Justices, and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Commissioners. Proceedings to be entered in a Book and open for Inspection.

XLVII. And be it enacted, That the Commissioners shall from Time to Time, as Vacancies arise, appoint a Treasurer and Clerk, Harbour Master, and Collector or Receiver, and such other Officers as they shall Commissioners to appoint Treasurer and other Officers.

[Local.]

25 D

shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Harbour Master, Collector or Receiver, and Officers, and appoint others in their Stead.

Separation of  
Offices of  
Clerk and  
Treasurer.

XLVIII. And be it enacted, That neither the Person who shall hold the Office of Clerk to the said Commissioners, nor the Partner of such Clerk, nor any Person in the Service or Employ of such Clerk or of his Partner, shall be eligible to be the Treasurer; and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Offices of Clerk and Treasurer:

If any Person, being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer:

If any Person, being the Treasurer, or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of the Clerk, or in any Manner officiate for the Clerk:

If any such Treasurer or Clerk hold any Place of Profit or Trust under the Commissioners other than that of Treasurer or Clerk, as the Case may be:

And any Person may sue for such Penalties by Action in any Court competent in *Scotland*, and shall, on Recovery thereof, be entitled to full Costs of Suit.

Officers may  
be suspended  
temporarily.

XLIX. And be it enacted, That the Commissioners may at any Time suspend the Treasurer, Clerk, and other Officers from their respective Offices, and may appoint some Person temporarily to fill the Offices of the Party or Parties so suspended, or when vacant from any other Cause, with such Salaries as they think fit.

Commissioners to take  
Security from  
all Officers  
intrusted  
with Money.

L. And be it enacted, That the Commissioners shall take from their Treasurer, and also all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing, from Time to Time when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to  
account.

LI. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall, from Time to Time when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and  
perfect

perfect Account in Writing under his Hand of all Moneys received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose such Moneys shall have been disposed of; and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Moneys which shall appear to be owing from him upon the Balance of such Accounts.

LII. And be it enacted, That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Books, Papers, and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on summary Complaint thereof being made to any Magistrate or Judge of Police, or Sheriff acting within the Jurisdiction where such Officer may be found, such Magistrate, Judge of Police, or Sheriff shall, by Summons under his Hand, cause such Officer to be brought before him; or if such Officer cannot be found, or shall not obey such Summons, then in his Absence such Magistrate, Judge of Police, or Sheriff may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Moneys of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Magistrate, Judge of Police, or Sheriff may order such Officer to pay the same forthwith; and if he fail to pay the Amount it shall be lawful for such Sheriff or other Judge aforesaid to grant a Warrant to levy the same by Pounding and Sale of the Offender's Effects, or in default thereof to commit the Offender to Gaol, there to remain for a Period not exceeding Three Months; and in any of the following Cases, (that is to say,)

Remedy  
against Offi-  
cers failing to  
account.

If any such Officer do not appear before the Sheriff or other Judge aforesaid at the Time and Place appointed for that Purpose; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Sheriff or other Judge aforesaid the several Vouchers and Receipts relating to such Account; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of this Act, or belonging to the Commissioners, in his Possession or Power;

Such Sheriff or other Judge aforesaid may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered

delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

Commitment not to discharge Sureties.

LIII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners of any Remedy which they might otherwise have against any Surety of such Officer.

Accounts to be kept, and to be open to the Commissioners.

LIV. And be it enacted, That the Commissioners shall cause to be kept by the Treasurer, and it shall be obligatory on the Treasurer to keep, regular Books containing Accounts of all the Moneys borrowed or which shall be borrowed, and Duties and other Funds which shall be levied, raised, or received, under or by virtue of this Act, and also of all the Moneys which shall be expended by the said Commissioners in making Purchases, and in making and completing the Works hereby authorized to be executed, with the Expences of Management and Repairs, and all other Expences under or by virtue of this Act; and such Accounts and Books shall at all reasonable Times be open to the Inspection of the said Commissioners, or any One or more of them; and the said Treasurer shall make out, or the said Commissioners shall cause to be made out, within One Month after the First Day of *October* in each and every Year, for the Purpose of being rendered to a professional Accountant, a clear and distinct Account of the Revenue, Expenditure, Stock, and Debt of the Harbour, and of their Intromissions and Transactions under the Authority of this Act, with the Documents and Vouchers instructing the same, which Accounts the said Accountant shall and he is hereby authorized and empowered to examine, with the Documents or Vouchers instructing the same; and the said Accountant shall audit and docket the said Account, and report the same, with any Remark he may have to make thereon, to the next monthly Meeting of the said Commissioners held thereafter; and such Meeting shall thereupon, or without such Audit and Docket in case the said Accountant shall have failed to make the same, proceed to consider the said Account, together with the said Audit and Docket, in case the same shall have been made, and shall cause the said Account, or an Abstract thereof, to be printed and published for the Information of all Parties concerned.

Accounts to be audited by a professional Accountant.

Annual Account to be transmitted to the Town Clerk.

LV. And be it enacted, That the Commissioners shall once in each Year cause a Copy of such Account to be transmitted to the Town Clerk of *Aberdeen* on or before the First Day of *January* in each Year, which Account shall be open to the Inspection of the Public at all seasonable Hours.

Commissioners empowered to borrow Money, not exceeding 270,000*l.*, including Debt under former Act.

LVI. And be it enacted, That the said Commissioners shall and may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, on the Credit of the Rates and Duties by this Act granted, any Sum or Sums of Money which, with those already borrowed and still due on the Credit of the said recited Act, shall not in the whole exceed together at any one Time the Sum of Two hundred and seventy thousand Pounds Sterling, to grant to the Lenders or Persons advancing the same such



such Bonds, Instruments, or other sufficient Vouchers duly stamped for the same as may be found requisite or necessary, and also to grant, assign, and set over, for securing the Payment of the same, with the Interest thereof respectively, by an Assignment or other Deed or Instrument in Writing duly stamped, the several Rates, Duties, and Property given and granted by this Act, or any of them, to any Person or Persons who shall be willing to advance and lend such Money; and all the Moneys so to be borrowed and advanced, as well as all the Rates and Duties hereby authorized to be levied, shall be employed for the Ends and Purposes of this Act, and to no other Use or Purpose whatsoever.

LVII. And be it enacted, That it shall be lawful for the said Commissioners, so often as any Part of the Debts so contracted as aforesaid shall be repaid to the Creditor or Creditors having Right thereto, and demanding the same, to borrow such Sum or Sums of Money as may be necessary to replace the Sum or Sums so repaid.

In case Loans are paid off, Commissioners may raise the Amount again.

LVIII. And be it enacted, That in case any Person or Persons, Banking Company or Banking Companies, shall agree to allow the said Commissioners a Credit or Credits to the Extent of the Sum which they are authorized to borrow as aforesaid, or any Part thereof, on a Cash Account or Credit, or Cash Accounts or Credits, according to the Usage of Bankers in *Scotland*, it shall be lawful for the Commissioners to accept of such Credit, and act upon the same for such Sum or any Part thereof, through the Medium of their Treasurer and any One or more of their Number who may be specially authorized and appointed by them for that Purpose; and the said Commissioners are hereby authorized and empowered, by any Instrument in Writing duly stamped, to assign the Rates and Duties or other Revenues of the said Harbour and Works in Security of such Cash Accounts or Credits to such Person or Persons, Banking Company or Banking Companies, who shall agree to allow the same; but so that the whole Sum due and owing by the said Commissioners upon such Cash Accounts, and for Money borrowed as aforesaid under this and the said recited Act, or any prior Act relating to the said Harbour, shall never, when taken together, exceed the Sum of Two hundred and seventy thousand Pounds Sterling.

Power to establish a Cash Credit.

LIX. Provided always, and be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Mortgage, Bond, or other Security to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein contained to the contrary notwithstanding.

Mortgages and Bonds.

LX. And be it enacted, That it shall and may be lawful for the Commissioners and they are hereby empowered, as often as Occasion requires in the Execution of this Act, and by special Authority to be given by them to that Effect, to name and appoint any One or more of their Number to subscribe and execute in behalf of the Commissioners all such Bonds, Obligations, Contracts, Agreements,

Commissioners may name any One or more of their Number to subscribe and execute Documents, &c.

Charters, Conveyances, Leases, Instruments, Deeds, Securities, and other Writings as may be proper and necessary to be made and granted on the Part of the Commissioners in executing the Powers and accomplishing the Objects and Provisions of this Act, and all which Bonds and others aforesaid, when so subscribed and executed, shall be as valid and effectual for the Purposes thereof as if the same were subscribed and executed by all the Commissioners.

Creditors  
under the  
Act to rank  
equally.

LXI. And be it enacted, That Persons lending Money under this Act shall rank *pari passu*, and that no Preference shall be allowed to any Creditor of the said Harbour by reason of the Priority of Date of any Security held by him under or by virtue of this Act, or on any other Account.

Service of  
Notice on  
Commission-  
ers.

LXII. And be it enacted, That in all Cases where it may be necessary for any Person or Party to serve any Notice or Requisition upon the said Commissioners, under the Provisions of this Act or otherwise, Service thereof upon the Clerk or One of the Commissioners under this Act for the Time being, in the same Manner as Citation is directed to be made in the Case of any Proceeding at Law, shall be deemed good and sufficient Service upon the said Commissioners; and that in all Cases where it may be necessary for the said Commissioners to serve any Notice or Requisition upon any Person or Party, under the Provisions of this Act or otherwise, the same may be signed by the said Clerk or Commissioner on behalf of the said Commissioners.

Notice by  
Commission-  
ers.

Commission-  
ers or Officers  
not incom-  
petent Wit-  
nesses.

LXIII. And be it enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Cases or Matters which shall be heard and determined relative to this Act by reason only or on account of such Person or Persons being Commissioners, or acting under the Appointment of the said Commissioners.

Power to  
purchase  
Lands.

LXIV. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of the Lands which they are hereby authorized to enter into and take for the Purposes of the said Harbour for the absolute Purchase, for a Consideration in Money, of any such Lands, or such Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Feu Duties, Ground Annuals, Annuities, Mortgages, Incumbrances, Rights in Security, and all Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under  
Disability  
enabled to  
sell and con-  
vey.

LXV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell, feu, dispo, and convey or renounce the same to the said Commissioners, and to enter into all necessary Agreements and Writings for that Purpose; (that is to say,) all Corporations, Life-renters, or Heirs of Entail, Husbands seised for the Courtesy or for any other partial, limited, or qualified Estate or Interest, Married Women having Right to Lands or entitled to Terce, or other Right or other  
Interest

Interest therein, Tutors and Curators of Minors and of fatuous and furious Persons, Trustees for charitable or other Purposes, Executors or Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties not only on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled under any Deed of Entail, or in Reversion or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Married Women as if they were unmarried, and as to such Tutors and Curators on behalf of the Minors or on behalf of the fatuous and furious Persons for whom they are Tutors and Curators respectively, and that to the same Extent as such Wives, Minors, fatuous and furious Persons respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees, Executors, or Administrators, on behalf of the Persons who are the Objects of their Trusts, whether Minors, Issue unborn, fatuous and furious Persons, Married Women, or other Persons, and that to the same Extent as such Parties under Disability respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

LXVI. And be it enacted, That the Owners of any such Lands or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey, may agree to accept, and, subject to the Restrictions of this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands or any Interest therein to which such Parties shall be entitled; and, in addition to Compensation for the Value of such Lands, or of the Interest therein to be so conveyed, such Party shall be entitled to and may in like Manner accept Compensation for any Damage to be sustained by reason of the severing or dividing of such Lands, or otherwise owing to the Exercise of the Powers of this Act.

Acceptance of Compensation for Price of or Damage to Lands.

LXVII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not, except where the same shall have been determined by the Verdict of a Jury under the Provisions herein-after contained, be less than shall be determined by the Valuation of Two able practical Surveyors, one of whom shall be nominated by the Commissioners, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as the Sheriff or Sheriff Substitute for the County of *Aberdeen* shall for that Purpose nominate; and each of such Two Surveyors if they agree, or if not, then the Surveyor nominated by the said Sheriff, shall annex to the Valuation a Declaration of the Correctness thereof.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXVIII. And with respect to the Compensation Money to be paid for any Lands to be purchased from any Party, who, by reason of  
Absence,

Compensation to absent Parties to be

ascertained  
by Valuation.

Absence, or from any other Incapacity or Accident, is prevented from treating, or cannot be found, and the Compensation Money to be paid for any permanent Injury to such Lands, be it enacted, That such Consideration or Compensation shall not be less than shall be determined by the Valuation of such able practical Surveyor as the said Sheriff or Sheriff Substitute shall nominate for that Purpose, and such Surveyor shall annex to the Valuation a Declaration of the Correctness thereof.

Costs of  
Conveyances.

LXIX. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners, and such Costs shall include the Charges and Expences of all Conveyances, incurred on the Part as well of the Seller as of the Purchaser, of any such Lands, and of deducing and verifying the Title to such Lands, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into Possession of the Lands so purchased or taken they shall pay the Amount of such Costs, and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after mentioned: Provided nevertheless, that if, within Seven Days after Notice in Writing from the Commissioners, the Parties from whom such Lands shall have been purchased do not deliver an Account of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

Taxation of  
Costs.

LXX. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Sheriff of the County of *Aberdeen* or his Substitute, and for that Purpose either Party may apply to the Sheriff by Petition, and thereupon the Sheriff shall order such Costs to be referred to the Sheriff Clerk to be taxed in the usual Manner, and the Sheriff Clerk shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful to the Sheriff to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Purchase  
Money pay-  
able to Parties  
under Disa-  
bility,  
amounting to  
200*l.*, to be

LXXI. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Life-renters, or Heir of Entail,

Entail, Husband seised by the Courtesy or for any other partial, limited, or qualified Estate or Interest, Married Women having Right to Lands or entitled to Terce or other Right or Interest therein, Tutor or Curator for a Minor or for any fatuous or furious Person, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid, under the Direction and by the Authority of the Court of Session, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, and without Fee or Reward, to an Account to be opened in such Bank in the Name of "The Commissioners of the Harbour of *Aberdeen*;" and such Money shall remain so deposited until the same be applied to some One or more of the following Purposes; that is to say,

In the Purchase or Redemption of the Land Tax or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same Uses, Trusts, or Purposes; or

In the Purchase of other Lands to be conveyed, limited, and settled upon the same Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Money shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the said Court of Session shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

LXXII. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Session made on the Petition, to be preferred in a summary Way, by the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied the Interest or annual Produce of such Money may, upon the like Order, be paid to such Party who would have been entitled to the Rents and Profits of the said Lands.

LXXIII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into any of the said Banks, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Three Trustees, to be nominated by the Parties entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Disability or Incapacity of the Parties entitled to such Moneys, such Nomination may lawfully be made by the respective Husbands,

[Local.]

25 F

Tutors,

deposited in  
Bank.

Application  
thereof.

Order for  
Application.

Sums from  
20l. to 200l.  
to be deposit-  
ed, or invested  
in Trustees.

Tutors, or Curators, or other Persons authorized to act for such incapacitated Parties; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the said Banks, but it shall not be necessary to obtain any Order of the Court of Session for that Purpose; but such last-mentioned Application of the Moneys shall not be made unless the Commissioners acting under the Authority of this Act approve thereof, such Approval to be signified in Writing under the Hands of any One of them, and of their Clerk.

Sums not exceeding 20*l.* to be paid to Parties.

LXXIV. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Disability or Incapacity of any such Parties, then such Moneys shall be paid, for their Use, to the respective Husbands, Tutors, or Curators, or other Persons authorized to act for such incapacitated Parties.

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

LXXV. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money or Compensation to be paid in respect of any such Lands not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Lands, or of any Interest therein, on Tender of the Purchase Money or Compensation, either agreed or awarded to be paid, shall refuse to accept the same, or if any such Person fail to make out a Title to the Lands in respect whereof such Purchase Money or Compensation shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Commissioners, or if such Person be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey or renounce such Lands or Interest therein as directed by the Commissioners, it shall be lawful for the Commissioners to deposit the Purchase Money or Compensation payable in respect of such Lands, or any Interest therein, in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, as the Case may be, in manner as before directed, to the Credit of the Parties interested in the said Lands (describing them so far as the Commissioners can do), subject to the Control and Disposition of the said Court of Session; and upon Receipt of such Money the Cashier or other proper Officer of such Banks respectively shall give to the Commissioners or to the Party paying in such Money a Receipt for the same, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in, and thereupon all the Interest in such Lands in respect whereof such Purchase Money or Compensation shall have been deposited shall vest absolutely in the Commissioners.

LXXVI. And

LXXVI. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, or to the Lands purchased or taken by the Commissioners, or any Part thereof, or any Interest in the same, the said Court of Session may, in a summary Way as to such Court shall seem fit, order such Money to be laid out or invested, or may order Distribution thereof, or Payment of the Interest thereof, according to the respective Estates, Titles, or Interests of the Parties making claim to such Money or Lands, or any Part thereof, and may make such other Order in the Premises as to such Court shall seem fit.

Application  
of Money so  
deposited.

LXXVII. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Money shall have been so paid as aforesaid, the Parties respectively in the Receipt of the Rents of such Lands at the Time of such Lands being purchased or taken shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the said Court of Session; and unless the contrary be shown as aforesaid, the Parties so in Possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited and to the Interest thereof, and the same shall be paid and applied accordingly.

Party in  
Possession  
deemed to be  
the Owner.

LXXVIII. And with respect to Costs in Cases of Money deposited in Bank as aforesaid, be it enacted, That the Court of Session may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Lands in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Re-investment thereof in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Interest of such Moneys, and for the Payment out of Court of the Principal of such Moneys, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Costs in Cases  
of Money de-  
posited.

LXXIX. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Lands which shall be required to be purchased or permanently used for the Purposes of this Act until they shall either have paid to every Party having any Interest in such Lands, or deposited in Bank in the Manner herein mentioned, the Purchase Money or Compensation agreed or awarded to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purposes merely of surveying and taking Levels of such Lands it shall be lawful for the Commissioners to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage

Payment of  
Price to be  
made pre-  
vious to  
Entry, except  
to survey,  
&c.

Damage thereby occasioned to the Owners or Occupiers of such Lands.

Penalty on Commissioners entering upon Lands without Consent before Payment of the Purchase Money.

LXXX. And be it enacted, That if the Commissioners or any of their Contractors shall, except as aforesaid, wilfully enter upon and take possession of any Lands which shall be required to be purchased or permanently used for the Purposes of this Act, without such Consent as aforesaid, or without having made such Payment or Deposit as aforesaid, the Commissioners shall forfeit to the Party in Possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before the Sheriff at *Aberdeen* in a summary Manner; and if the Commissioners or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Possession of such Lands, continue in unlawful Possession of any such Lands, the Commissioners shall be liable to forfeit the Sum of Twenty-five Pounds for every Day they or their Contractors shall so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession of such Lands, with full Costs of Suit, in any competent Court: Provided always, that nothing herein contained shall be held to subject the Commissioners to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the Commissioners may have reasonably believed to be entitled thereto, although such Person may not have been legally entitled thereto,

Decision of Sheriff not conclusive as to Commissioners Right.

LXXXI. And be it enacted, That on the Trial of any Action for any such Penalty as aforesaid the Decision of the said Sheriff under the Provision herein-before contained shall not be held conclusive as to the Right of Entry to any such Lands by the Commissioners.

Notice of Intention to take Lands.

LXXXII. And be it enacted, That when the Commissioners shall require to purchase any of the Land which by this Act they are authorized to purchase or take, they shall give Notice thereof to all the Parties interested in such Lands, or enabled by this Act to sell and convey or release the same, or such of them as shall be known to the Commissioners, and by such Notice shall demand from such Parties the Particulars of their Estate and Interest in such Lands, and of the Claims made by them in respect thereof; and every such Notice shall be in Writing, and shall state the Particulars of the Lands so required, and shall state that the Commissioners are willing to treat for the Purchase of the Interest of such Party in such Lands, and as to the Compensation to be made for the Damage that may be sustained by him by reason of the Execution of the Works by this Act authorized.

Parties interested in Lands to state their Claims.

LXXXIII. And be it enacted, That if for One Month after Notice any such Party shall fail to state the Particulars of his Claim in respect of any such Land, or to treat with the Commissioners in respect of his Interest therein, or if such Party and the Commissioners



sioners shall differ as to the Amount of the Compensation to be paid to such Party for any such Interest, or for any Damage that may be sustained by him by reason of the Execution of the Works authorized by this Act, the Amount of such Compensation shall be settled in manner herein-after provided for settling Cases of disputed Compensation.

LXXXIV. And be it enacted, That where, according to the Provisions of this Act, the Commissioners are authorized to enter upon and take possession of any Lands required for the Purposes of this Act, if the Owner or Occupier of any such Lands, or any other Person, refuse to give up the Possession thereof, or hinder the Commissioners from entering upon or taking possession of the same, it shall be lawful for the Commissioners to apply to the Sheriff of the County of *Aberdeen* requiring Possession, and the said Sheriff shall forthwith issue his Precept to his Officers to deliver Possession to the Person appointed by the Commissioners to receive the same, and such Officers shall deliver Possession of any such Lands accordingly; and the Costs arising by reason of the applying for, issuing, and Execution of such Precept and Warrant respectively, to be settled by the Sheriff, shall be paid by the Persons refusing to give Possession; and such Costs, if not paid on Demand, shall be levied by Pounding and Sale of such Persons Effects, and the Sheriff shall issue his Warrant accordingly.

Proceedings  
in case of  
Refusal to  
deliver Pos-  
session of  
Lands.

LXXXV. And for the Purpose of making Provision for settling Cases of disputed Compensation arising under this Act, be it enacted, That if any Difference shall arise, or if no Agreement can be come to, between the Commissioners and the Owners of any Lands, or of any Interest in any such Lands, taken or required for or injuriously affected by the Execution of the Powers of this Act (including among such Owners all Parties by this Act enabled to sell and convey Lands), as to the Value of such Lands, or of any Interest therein, or as to the Compensation to be made in respect thereof, or if by reason of Absence any such Owner be prevented from treating, or if any such Owner fail to disclose or prove his Title to any such Lands or any Interest therein, or if by reason of any Impediment or Disability any such Owner be incapable of making any Agreement, Conveyance, or Return necessary for enabling the Commissioners to take such Lands, or to proceed in making and constructing the Harbour or other Works, or if any such Difference arise as to the Amount of the Damages occasioned to any Lands by the temporary Occupation thereof in the making of the Harbour or other Works, or otherwise in the Exercise of the Powers given by this Act, and for which any Party may be entitled to demand Compensation according to the Provisions of this Act, the Amount of the Compensation to be paid by the Commissioners in every such Case shall be settled by the Verdict of a Jury in manner herein-after mentioned.

Disputes as  
to Compens-  
ation to be  
settled by a  
Jury.

LXXXVI. Provided always, and be it enacted, That if the Compensation claimed in any of the Cases mentioned in the preceding Enactment shall not exceed Fifty Pounds the same shall be settled in

Claims not  
exceeding  
50*l.* to be  
settled sum-

[*Local.*]

25 G

a summary

marily by the Sheriff. a summary Manner, without written Pleadings, and without a Jury, by the said Sheriff or his Substitute.

Notice by Commissioners of Intention to have a Jury summoned.

LXXXVII. And be it enacted, That where it shall be necessary to refer any such Question to the Determination of a Jury by reason of any such Difference as aforesaid, then, One Month at the least before issuing their Requisition for summoning a Jury as herein-after provided, the Commissioners shall give Notice in Writing to the Party with whom such Difference shall have arisen of their Intention to cause such Jury to be summoned; and in such Notice the Commissioners shall state what Sum of Money they are willing to give such Party for his Interest in such Lands, and for the Damage to be sustained by him by the Execution of the said Works.

Requisition by Party claiming Compensation to have a Jury summoned.

LXXXVIII. And be it enacted, That if any Party who shall be entitled to any Compensation in respect of any Lands, or of any Interest therein, taken for or injuriously affected by the Execution of the said Works, shall desire the Amount of such Compensation to be determined by a Jury, it shall be lawful for such Party to give Notice in Writing to the Commissioners of such his Desire, and he shall in such Notice state the Nature of the Interest claimed by him in such Lands, and the Amount of the Compensation claimed by him in respect thereof; and unless the Commissioners be willing to pay the Amount of Compensation so claimed, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any such Notice from any Party so entitled, they shall issue their Requisition to the Sheriff to summon a Jury accordingly in the Manner herein mentioned.

Requisition for summoning Jury to be addressed to the Sheriff.

LXXXIX. And be it enacted, That in every Case in which any such Question of disputed Compensation shall be required to be determined by the Verdict of a Jury the Commissioners shall issue their Requisition to the said Sheriff or Sheriff Substitute for the said County of *Aberdeen*, under the Hands of any Two of them, and of the Clerk, requiring him to summon a Jury for that Purpose.

Summoning of Jurymen.

XC. And be it enacted, That upon the Receipt of such Requisition the Sheriff shall summon a Jury of Thirty Persons, duly qualified to act as Jurymen in the Trial of Civil Causes in *Scotland*, to meet at the Time and Place named in the Requisition for that Purpose.

Impannelling of Jury.

XCI. And be it enacted, That out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff in such Manner as Juries for Trials of Civil Causes in *Scotland* are by Law required to be drawn; and if a sufficient Number of Jurymen do not appear in obedience to such Summons, the Sheriff shall return other Persons, duly qualified as aforesaid, of the By-standers, or others that can speedily be procured, to make up the Jury to the Number aforesaid; and all Parties concerned may have their lawful Challenges against any of the Jurymen.

Notice of Trial.

XCII. And be it enacted, That Fourteen Days Notice of the Time and Place of the Trial shall be given in Writing by the Commissioners to the other Party.

XCIII. And be it enacted, That the said Sheriff shall preside on the said Trial, that the Proceedings shall take place without written Pleadings, and the Party claiming Compensation shall be deemed the Pursuer, and shall have all such Rights and Privileges as the Pursuer is entitled to in the Trial of Actions at Law; and, if either Party so request in Writing, the Sheriff shall summon before him any Person considered necessary to be examined as a Witness touching the Matters in question; and on the like Request the Sheriff shall order the Jury, or any Seven or more of them, to view the Place or Matter in controversy in like Manner as Views may be had in the Trial of Civil Causes in *Scotland*.

Sheriff to  
preside.

Witnesses to  
be summon-  
ed.

XCIV. And be it enacted, That before the Jury proceed to inquire into and assess the Compensation or Damage in respect of which their Verdict is to be given they shall make Oath that they will truly and faithfully inquire into and assess such Compensation or Damage; and the Sheriff shall administer such Oaths, as well as the Oaths of all Persons called upon to give Evidence.

Jurymen to  
make Oath.

XCV. And be it enacted, That such Jury shall deliver their Verdict for the Sum of Money to be paid for the Purchase of the Lands required for the said Works, or of any Interest therein belonging to the Party with whom such Questions of disputed Compensation shall so have arisen, and also the Sum of Money to be paid for the Injury done to the Lands of any such Party by the Severance from such Lands of the Lands required by the Commissioners, and also the Sum of Money to be paid by way of Compensation for the Damage occasioned to any such Lands by the Execution of the Works, whether it be for Damage sustained before the Time of the Inquiry, or for future Damage, either temporary or permanent, or for any recurring Damage, of which the Cause is then only in Part obviated, and which cannot or will not be further obviated by the Commissioners; and the Sums of Money to be paid for the Injury done by any such Severance as aforesaid, or by way of Compensation for any such Damage as aforesaid, shall in every Case be assessed separately from the Value of the Lands, or the Sum to be paid for the Purchase thereof, or of any Interest therein.

Verdict of  
Jury to be  
for Purchase  
of Lands and  
for Damages,  
assessed sepa-  
rately.

XCVI. And be it enacted, That in assessing the Sum of Money to be paid for the Purchase of any such Lands the Value of any Interest in such Lands as shall have been heretofore rightfully purchased by the Commissioners shall be first deducted.

Value of In-  
terests pre-  
viously pur-  
chased to be  
deducted.

XCVII. And be it enacted, That the Sheriff before whom such Trial shall take place shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and the said Verdict and Judgment shall be signed by the Sheriff, and being so signed shall be transmitted to and kept by the Sheriff Clerk at *Aberdeen* among the Records of the County; and such Verdicts and Judgments shall be deemed Records, and the same, or true Copies or Extracts thereof, shall be good Evidence in all Courts and elsewhere; and all Persons may inspect the said Verdicts and Judgments, and may have Copies thereof or Extracts therefrom on paying for each Inspection thereof

Verdict and  
Judgment to  
be recorded.

One

One Shilling, and for every One hundred Words copied or extracted therefrom Sixpence.

Costs of the Trial.

XCVIII. And be it enacted, That on every such Trial before a Jury, where the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the Commissioners, all the Costs of such Trial shall be borne by the Commissioners; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the Commissioners, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the Commissioners: Provided always, that in every Case where, by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Land shall have been prevented from treating with the Commissioners, all the Costs shall be borne by the Commissioners.

Particulars of the Costs.

XCIX. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, the Attendance of Witnesses, the Employment of Counsel at such Trial, recording the Verdict and Judgment thereon, and otherwise incident to such Trial, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken for prosecuting his Claim and securing the Costs of such Trial; and with respect to any such Costs payable by the Commissioners, if within Seven Days after Demand such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Poinding or Distress, and on summary Application to the Sheriff he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands, or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

Penalty on Sheriff and Jury for Default.

C. And be it enacted, That if the Sheriff make default in any of the Matters herein-before required to be done by him in relation to any such Trial he shall forfeit Fifty Pounds for every such Offence; and if any Person summoned and returned upon any Jury under this Act do not appear, or appear but refuse to make Oath, or in any other Manner unlawfully neglect his Duty, he shall, unless he show reasonable Excuse to the Satisfaction of the Sheriff, forfeit a Sum not exceeding Ten Pounds; and every such Penalty payable by a Sheriff or Juryman shall be applied in satisfaction of the Costs of the Trial, so far as the same will extend; and in addition to the Penalty hereby imposed every such Juryman shall be subject to the same Regulations, Pains, and Penalties as if such Jury had been returned for the Trial of any Cause in the Court of Session or Jury Court in *Scotland*.

Penalty on Witnesses making default.

CI. And be it enacted, That if any Person duly summoned to give Evidence upon any such Trial, and to whom a Tender of his reasonable Expences shall have been made, fail to appear at the Time and Place specified in the Summons, without sufficient Cause, or if any Person, whether summoned or not, who shall appear as a Witness, refuse

refuse to be examined on Oath touching the Subject Matter in question, every Person so offending shall forfeit a Sum not exceeding Ten Pounds.

CII. And be it enacted, That if either Party desire any such Question of disputed Compensation as aforesaid to be tried before a Special Jury, and before the Commissioners have issued their Requisition to the Sheriff give Notice in Writing of such Desire, such Question shall be so tried; and for that Purpose the Commissioners shall, by their Requisition to the Sheriff, require him to nominate a Special Jury for such Trial; and thereupon the Sheriff shall, as soon as conveniently may be after the Receipt by him of such Requisition, summon both the Parties to appear before him, by themselves or their Agents, at some convenient Time and Place (not being less than Five Days from the Service of such Summons) appointed by him for the Purpose of nominating a Special Jury; and at the Place and Time so appointed the Sheriff shall proceed to nominate and strike a Special Jury in the Manner in which such Juries shall be required by the Laws for the Time being in force to be nominated or struck by the proper Officers of the Court of Session or Court of Justiciary in *Scotland*; and the Sheriff shall appoint a Day for the Parties or their Agents to appear before him to reduce the Number of such Jury, and thereof shall give Four Days Notice to the Parties, and on the Day so appointed the Sheriff shall proceed to reduce the said Special Jury to the Number of Thirty in the Manner used and accustomed by the proper Officers of the said Court of Session or Court of Justiciary in *Scotland*.

Special Jury to be summoned at the Request of either Party.

CIII. And be it enacted, That the Special Jury on such Trial shall consist of Fifteen of the said Thirty who shall first appear on the Names being called over, the Parties having their lawful Challenges against any of the said Jurymen; and if a full Jury do not appear, or if after such Challenges a full Jury do not remain, then, upon the Application of either Party, the Sheriff shall add to the List of such Jury the Names of any other disinterested Persons, qualified to act as Jurymen, who shall not have been previously struck off the aforesaid List, and who may then be attending the Court, or can speedily be procured, so as to complete such Jury, all Parties having their lawful Challenges against such Persons; and the Sheriff shall proceed to the Trial and Adjudication of the Matters in question by such Jury, and such Trial shall be attended in all respects with the like Incidents and Consequences as herein-before provided in the Case of a Trial by Jury.

Deficiency of Jurymen.

CIV. And be it enacted, That any other Trial than that for the Trial of which such Special Jury may have been struck and reduced as aforesaid may be tried by such Jury, provided the Parties thereto respectively shall give their Consent to such Trial.

Other Trial before same Special Jury by Consent.

CV. And be it enacted, That every Person making Application for or requesting a Jury shall enter into a Bond, with sufficient Surety, to the Clerk or Treasurer for the Time being of the said Commissioner, in the Penalty of One hundred Pounds Sterling, or

Persons desiring a Jury to give Security.

[Local.]

25 H

in

in such other Penalty as the Sheriff shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his Application, and to bear and pay such Costs as may be awarded against him.

Reference of  
Dispute as to  
Compen-  
sation.

CVI. And with respect to any such Question of disputed Compensation, or other Matter of Difference by this Act authorized to be referred to the Determination of the Sheriff, be it enacted, That either Party may apply to such Sheriff in respect to any such Matter, and thereupon such Sheriff, in Presence of the Parties, or such of them as shall appear, being duly summoned for that Purpose, shall examine into the Matter in dispute, without written Pleadings, and without a Jury, and shall award such an Amount of Compensation, or shall make such Determination in respect of the Matter so referred to him, as to him shall seem fit; and the Costs of every such Inquiry shall be in the Discretion of such Sheriff, and he shall settle the Amount thereof, and in default of Payment of such Costs as directed by such Sheriff the same shall be levied by Pounding and Sale of the Party's Effects, and the said Sheriff shall issue his Warrant accordingly.

Commis-  
sioners em-  
powered to  
purchase the  
Interest in  
Lands, the  
Purchase  
whereof may  
have been  
omitted by  
Mistake.

CVII. And be it enacted, That if at any Time after the Commissioners shall have entered upon any Lands which under the Provisions of this Act they were authorized to purchase, and which shall be permanently required for the Purposes of this Act, any Party shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which the Commissioners shall have failed or omitted duly to purchase or to pay Compensation for, then, whether the Period granted for the Purchase of Lands shall have expired or not, the Commissioners shall remain in the undisturbed Possession of such Lands, provided, within Six Calendar Months after Notice of such Estate, Right, Interest or Charge, in case the same shall not be disputed by the Commissioners, or in case the same shall be disputed, then within Six Calendar Months after the Right thereto shall have been finally established by Law in favour of the Party claiming the same, the Commissioners shall purchase or pay Compensation for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Profits or Interest which would have accrued to such Parties respectively in respect thereof during the Interval between the Entry of the Commissioners thereon and the Time of the Payment of such Purchase Money or Compensation by the Commissioners, so far as such Mesne Profits or Interest may be recoverable by Law; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions of this Act the same respectively would have been agreed on or awarded and paid in case the Commissioners had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

How Value  
of such  
Lands to be  
estimated.

CVIII. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value  
of

of such Lands, Estate or Interest, and Profits, without regard to any Improvements or Works made in the said Lands by the Commissioners, and as though the Works hereby authorized had not been constructed.

CIX. And be it enacted, That in addition to the said Purchase Money, Compensation, or Satisfaction, and before the Commissioners shall become absolutely entitled to any such Estate, Interest, or Charge, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed, pay the full Costs and Expences of any Proceedings at Law for the Recovery of the same to the Parties with whom any Litigation in respect thereof shall have taken place; and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Commis-  
sioners to  
pay the  
Costs of  
Litigation as  
to such  
Lands.

CX. And be it enacted, That no Party shall at any Time be required to sell or convey to the Commissioners a Part only of any House or other Building or Manufactory if such Party be willing to sell and convey the whole thereof.

Parties not  
to be re-  
quired to  
sell Part of  
a House.

CXI. And with respect to any such Lands which shall be subject to any heritable Debt, be it enacted, That the Commissioners may pay such Sum as may be agreed upon or assessed in manner aforesaid as the Price or Compensation in respect of such Lands or Part thereof to the Creditor in such heritable Debt, in extinction of the Principal and Interest due on such heritable Debt; and if such Price or Compensation be not sufficient to pay off such Principal and Interest in full, then the Commissioners may apply the whole thereof towards Payment of such heritable Debt and Interest: Provided always, that upon making any such Payment the heritable Creditor shall discharge his Debt, or assign and convey his Interest in the Lands subject thereto, or so much thereof as may apply to the Payment made to the Commissioners, or as they shall direct.

Power to  
pay off  
heritable  
Debts.

CXII. And be it enacted, That, notwithstanding of any Conditions, Restrictions, or Clauses, prohibitory, irritant, and resolute, contained in any existing Entail, it shall be lawful for all Heirs of Entail in Possession of entailed Estates in or through which the said Harbours or other Works may be or pass, on the Price or Compensation being deposited or paid according to the Provisions of this Act, to renounce and discharge for themselves, and the Heirs succeeding to them in such Estates, all Claims for Price, Compensation, or other Claims which may be competent to such Heirs for or in respect of any Lands which may be occupied or damaged by the said Harbours or other Works; and a Discharge or Renunciation to that Effect granted by the Heir of Entail in Possession shall have the same Force and Effect in Law as any Conveyance granted as aforesaid.

Heirs of En-  
tail on re-  
ceiving Pay-  
ment to  
renounce and  
discharge the  
Price.

CXIII. And with respect to any such Lands which shall be in the Possession of any Person having no greater Interest therein than as Tenants under any Lease for a Term of Years unexpired, be it enacted, That at the Expiration of Three Months after receiving

Tenants to  
quit after  
Notice.

Notice

Notice to that Effect from the Commissioners, or at any other Time when required after the Expiration of such Period, all such Persons shall respectively deliver to the Commissioners, or to such Person as they shall appoint to take possession thereof, any such Lands in their Possession required for the Purposes of this Act; and any such Notice shall be effectual, whether it be given with reference to the Time of the Commencement of such Tenants' holding or not, and whether such Notice be given before or after the Purchase of such Lands by the said Commissioners.

Compensation to such Tenants.

CXIV. Provided always, and be it enacted, That if any such Person as last aforesaid be required to give up Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, he shall be entitled to Compensation for the Value of his unexpired Term or Interest in such Lands, and the Amount of such Compensation shall be determined in a summary Manner by the Sheriff of *Aberdeenshire* or his Substitute, in case the Parties differ about the same.

Persons holding under a Lease to produce the same.

CXV. And be it enacted, That if any Party claim Compensation in respect of any unexpired Term or Interest under any Lease or Agreement for a Lease, the Commissioners may require such Party to produce the Lease or Agreement for a Lease in respect of which such Claim shall be made; and if such Lease or Agreement for a Lease shall not be produced within Fourteen Days after Demand made by the Commissioners, or any Person by them authorized, the Party so claiming Compensation shall be considered as holding only from Year to Year, and be entitled to Compensation accordingly.

Conveyance of Land, &c. after Compensation ascertained.

CXVI. And be it enacted, That upon the Amount of Compensation to be paid by the said Commissioners on account of any Lands or Interest in Lands being ascertained by the Verdict of a Jury, or by the Award of the Sheriff as herein-before directed, the said Commissioners shall be entitled to demand and obtain, but at their own Expence, from the Owners or Proprietors thereof, or Persons having Right or Interest therein, all necessary Deeds or Conveyances for vesting in the said Commissioners such Lands or Interest in Lands respectively according to the Forms of the Law of *Scotland*.

Compulsory Purchase limited for Five Years.

CXVII. And be it enacted, That the Powers of the Commissioners for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing thereof.

Lands not wanted to be sold.

CXVIII. And for the Purpose of making Provision respecting the Sale of Lands purchased by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by such Deed and in such Form as is usual and competent by the Law of *Scotland*; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act.

CXIX. And



CXIX. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands not so sold to vest in Owners of adjoining Lands.

CXX. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed; or if such Person refuse to purchase the same, or cannot be found, or be incapacitated from so purchasing, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Person being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons in succession one after another in such Order as the Commissioners shall think fit.

Lands to be offered to adjoining Owners.

CXXI. And be it enacted, That if such respective Persons be desirous of purchasing such Land, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf to the Commissioners, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting in respect of the Lands included in such Offer shall cease; and thereupon a Declaration in Writing, made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Right of Pre-emption to be claimed within Sixty Days.

CXXII. Provided always, and be it enacted, That in any Case in which the Commissioners shall have purchased or acquired any House or Land within any Town it shall be lawful for the Commissioners absolutely to sell and dispose of all or any Part of such House or Land to such Person and in such Manner as the Commissioners shall think proper, without being required previously to offer to sell the same to the Persons whose Lands adjoin thereto.

Proviso as to Sale of Lands within a Town.

CXXIII. And be it enacted, That if any Person entitled to such Pre-emption be desirous of purchasing any such Lands, and such Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained as in other Cases of disputed Compensation, and upon Payment or Tender to the Commissioners of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the

Differences as to Price to be settled as in other Cases.

Lands comprised therein in the Purchaser thereof, for the Estate which shall so have been purchased by him; and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of the Works.

Power to purchase Lands required for the Formation or Use of Harbour by Consent.

CXXIV. And be it enacted, That for any Purpose which may be requisite or convenient for the Formation or Use of the said Harbour and Docks it shall be lawful for the Commissioners, in addition to the Lands authorized to be compulsorily taken by them in virtue hereof, to contract with any Party willing to sell or feu the same for the Purchase or Acquisition of any Land or other Property adjoining or near to the said Harbour and Docks; and it shall be lawful for all Parties who, under the Provisions herein-before contained, would be enabled to sell or feu and convey such Lands or other Property considered necessary or required for the said Harbour and Docks to sell or feu and convey such Lands or other Property required for any such additional Purposes as aforesaid.

Restraint on Purchase from incapacitated Persons.

CXXV. And be it enacted, That the Commissioners shall not, by virtue of the Power to purchase Land for additional Purposes, purchase more than Fifty Acres from any Party under legal Disability, or who would not be able to sell and convey such Lands except under the Powers of this Act; and if the Commissioners purchase the said Quantity of Land from any Party under such legal Disability, and afterwards sell the Whole or any Part of the Land so purchased, it shall not be lawful for any Party being under legal Disability to sell to the Commissioners any other Lands in lieu of the Land so sold or disposed of by the Commissioners.

Servitude of Proprietors of Raik and Stell Salmon Fisheries over Part of the Inches.

CXXVI. And be it enacted, That the Servitude or Privilege which the Proprietors or Owners of the Salmon Fishings upon the Raik and Stells of the River *Dee* have (in lieu of former Servitudes) acquired by the said recited Act, and subsequent Agreements, over that Part of the Ground commonly called the *Inches*, lying on the Left Bank of the said River, extending Eastward along the same, from that Part of the *Inch Dyke* which was built by the Trustees under former Harbour Acts to the West End of the Building or Pier called the *Capstan Head*, and measuring backwards or in Breadth and all along the said Space from a Line being the Medium between High-water Mark at Spring Tides and ordinary Low-water Mark, Fifty Yards, shall in all Time coming remain and continue to belong to the said Proprietors or Owners of the said Fishings as provided to them by the said recited Act, and subsequent Agreements between them and the Harbour Trustees.

Proprietors may have the Privilege of erecting Huts or Shiels, and drawing their Nets, &c., within a certain Space, for their Accommodation.

CXXVII. And be it enacted, That the said Proprietors or Owners, and the Lessee or Lessees, of the said Salmon Fishings, and the Servants, Workmen, or others employed by them, shall, under the Provisions lastly herein-before contained, have a Right of Servitude and Privilege of erecting Huts or Shiels, of drawing their Nets, of putting and keeping up a railed Inclosure of One hundred and twenty-five Yards in Length and Fifty Yards in Breadth, measuring from

from the foresaid Line, for making, mending, or drying their Nets, and laying up their Cobles for Preservation during Winter, and of otherwise accommodating themselves in regard to the Exercise of the said Fishings upon the left Bank of the said River, to the Extent of Fifty Yards in Breadth from the foresaid Line, and which Space or Margin of Ground Fifty Yards in Breadth from the foresaid Line, and extending in Length as above mentioned, having been embanked and made up by the Trustees under the said recited Act, for the Purposes of the said Fishing, shall be kept in repair by the said Commissioners in all Time coming, so as to prevent the River from encroaching on the said Space or Margin of Ground over which the aforesaid Servitude extends; and it shall not be lawful for the said Commissioners to erect or cause to be erected any Houses, Buildings, or Works upon or within the the aforesaid Space or Margin of Ground, but they shall be obliged at all Times to keep and preserve the same clear of all and every Obstruction which may tend in any respect to interfere with the free Exercise of the aforesaid Fishings, or to cause or occasion any Hindrance or Damage thereto; and the said Commissioners shall preserve the Rights and Interests of the said Heritors, in regard to their Right of Servitude over the said Piece of Ground, in the same Manner as the said Rights and Interests are preserved by the Provisions of the said recited Act.

CXXVIII. And be it enacted, That for any Purpose which may be requisite or convenient for the said Harbour and Works it shall be lawful for the said Commissioners to treat, contract, and agree with the Proprietors of the Raik and Stell Salmon Fishings in the River *Dee* for the Purchase of the foresaid Right of Servitude and Privilege of erecting Huts or Shiels, of drawing Nets, and of putting up a railed Inclosure upon and over Part of the Left Bank of the said River *Dee*, belonging to the said Proprietors, or for such Part of said Right of Servitude and Privileges as might be agreed on between the Parties; and also to contract, treat, and agree with the said Proprietors as to altering the Channel of the River *Dee*, by making the said River enter the *Spill Water* Channel, and take a more Southerly Direction than it does at present.

Commissioners may contract with Proprietors of Raik and Stell Fishings as to certain Privileges, and altering Channel of River *Dee* by Consent.

CXXIX. And be it enacted, That it shall not be lawful to nor in the Power of the said Commissioners to execute all or any Part of the Works (shown on the Plans and Sections of the Works hereby authorized to be executed) situated on the South Side of the Harbour Entrance, and at *Point Law*, without the Consent of the Proprietors of the Raik and Stell Salmon Fishings in the River *Dee* being first had and obtained thereto.

Consent of Proprietors of Raik and Stell Fishings to be obtained to the Execution of certain Works.

CXXX. And be it enacted, That the Commissioners are hereby empowered to convey the Water issuing from the Streams or Burns called the *Den Burn* and *Mill Burn* into the Sewers authorized to be made by virtue of the Powers herein contained, but declaring that it shall be lawful for the Commissioners and they are hereby authorized to carry off and discharge the Speat or Flood Water of the said Burns into the Dock hereby authorized to be made.

Flood Waters of Den Burn and Mill Burn may be carried into the Dock or River *Dee* in Time of Speats.

CXXXI. Pro-

If Flood Waters be injurious to the Dock, Commissioners may carry off the same into the Dee.

CXXXI. Provided always, and be it enacted, That in case it shall be found that the Speat or Flood Water of the said Burns shall be injurious to the said Dock then it shall be lawful to the Commissioners to carry off and discharge the Speat or Flood Water of the said Burns directly into the River *Dee*, by means of Culverts, Archways, or otherwise as they may see most convenient, and so as not to be injurious to the said Salmon Fishings.

Land Tax to be made good.

CXXXII. And for the Purpose of providing against Deficiencies in the Assessments for Land Tax occasioned by the making of the Harbour and Works as hereby authorized, be it enacted, That if the Commissioners become possessed by virtue of this Act of any Lands charged with the Land Tax the Commissioners shall from Time to Time, until the said Harbour and Works shall be completed and assessed to such Land Tax, be liable to make good the Deficiency in the several Assessments for Land Tax by reason of such Lands having been taken or used for the Purposes of this Act, and such Deficiency shall be computed according to the Rental at which such Lands, with any Building thereon, were valued or rated at the Time of the passing of this Act, and on Demand of such Deficiency the Treasurer of the Commissioners shall pay all such Deficiencies to the Collector of such Assessment; nevertheless, if at any Time the Commissioners think fit to redeem such Land Tax, they may do so, in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

Plans and Books of Reference to remain with the Sheriff Clerks, and be open to Inspection.

CXXXIII. And whereas Plans and Sections describing the Lines, Levels, and Situations of the proposed Improvements 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, or Occupiers, of such Lands, have been deposited at the Offices of the Sheriff Clerks of the Counties of *Aberdeen* and *Kincardine* respectively; be it enacted, That the Sheriff Clerks of the Counties of *Aberdeen* and *Kincardine* respectively for the Time being shall keep the said Plans, Sections, and Books of Reference, and shall permit all Persons to inspect the same at seasonable Times, and shall make out Copies or Extracts therefrom for all Persons requiring the same, on being paid One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of any such Copy or Extract; and a Copy or Extract from any such Plan, Section, or Book of Reference, certified by either of the said Sheriff Clerks, shall be received in Evidence in all Courts of Law; and if any such Sheriff Clerk shall fail to comply with any of the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Errors and Omissions to be corrected.

CXXXIV. And for the Purpose of making a Provision for correcting any Omission, Mis-statement, or erroneous Description of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans, or in the said Books of Reference, be it enacted, That the Correction of any such Matter may be referred by the Commissioners to the Determination of the Sheriff of *Aber-*

*deenshire at Aberdeen*; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly; and he shall on such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited at the Office of the Sheriff Clerk of the County of *Aberdeen* and Town Clerk of *Aberdeen* respectively; and such Certificate shall be kept by such Sheriff Clerk and Town Clerk respectively along with the Documents to which they relate, and thereupon such Document shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Commissioners to make and construct the Works and Improvements in accordance with such Certificate.

CXXXV. And be it enacted, That, subject to the Provisions and Restrictions contained in this Act, it shall be lawful for the Commissioners and they are hereby authorized to maintain, manage, and superintend the said Harbour, and whole Works and Property thereof, for the Purposes of this Act, and according to the Provisions herein contained; and they are further authorized and empowered, by themselves, their Agents, Workmen, and Servants, to make, erect, and construct all necessary Basins, Locks, Wet Docks, Docks, Bridges, Quays, Piers, Sluices, Drains, Sewers, Cuts, Channels, Feeders, Wharfs, Warehouses, Sheds, Roads, Streets, Avenues, Approaches, and other Works and Conveniences connected with the said Harbour, and to alter, extend, and maintain the same, or any Part thereof, according to the Plan and Sections herein-before mentioned, and to deepen, cleanse, scour, enlarge, or otherwise improve the said Harbour, and the Entrance thereto, as the said Commissioners shall from Time to Time judge to be necessary for the more effectual Improvement and Use of the said Harbour.

Works to be executed.

CXXXVI. And be it enacted, That it shall be lawful for the Commissioners to enter upon, take, and use such of the Lands delineated and described on the Plans and in the Books of Reference herein-before mentioned as may be necessary to make, erect, and construct all the said several Works and Improvements hereby authorized to be made and executed.

Commissioners empowered to take and use Lands for Works.

CXXXVII. And for preventing any Obstructions to the Harbour and other Works hereby authorized to be constructed, be it enacted, That if any Person wilfully obstruct any Person acting under the Authority of the Commissioners in setting out the Line of the Works, or engaged in the Construction thereof, or shall pull up, cut down, damage, or remove any Stakes driven in the Ground for the Purpose of setting out the Line of the said Works, or deface or destroy any Marks made for the same Purpose, he shall forfeit Five Pounds for every Offence.

Penalty for obstructing Execution of the Works.

CXXXVIII. And be it enacted, That the said Commissioners shall not deviate from the Line of the said Works and Improvements as delineated on the Plan thereof so deposited as aforesaid.

Not to deviate from Plan.

No Works below High-water Mark without the Consent of the Admiralty.

CXXXIX. Provided always, and be it enacted, That it shall not be lawful for the said Commissioners, or any Person acting under their Authority or on their Behalf, to make, or begin to make, construct, or carry on any Pier, Quay, or other Work below the Line of High-water Mark at ordinary Spring Tides, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Warehouses and other Works.

CXL. And be it enacted, That it shall be lawful for the Commissioners upon the said Lands, and according to the Provisions herein contained, to make, build, alter, and maintain such Warehouses, Storehouses, Sheds, Timber Yards, Offices, and other Buildings and Works as they may deem necessary for the Use of the said Harbour, or for the Security and Accommodation of any Goods, Merchandize, or Things shipped or unshipped within the said Port and Harbour, or any of the Docks, Quays, or other Works made under the Authority of this Act or of the herein-before recited Act.

Commissioners to erect Sheds, Cranes, and Weighing Machines.

CXLI. And be it enacted, That the said Commissioners may, in addition to the Offices and Sheds already erected, build and erect such Offices, and such and so many Sheds, upon the Quays or Wharfs within the said Harbour, and to remove the same when built, and build and erect others in their Stead, as may from Time to Time be deemed necessary for the said Harbour, and for the Protection of Goods, Wares, and Merchandize when loading or unloading within the said Harbour; and also such and so many Storehouses, Lofts for Sails, and other Rigging for the Accommodation of the Trade as may from Time to Time appear to them necessary and expedient, and to remove the same when deemed proper, and erect and construct others in their Stead; as also to erect and construct such and so many Cranes, Weighing and other Machines, Conveniences, Weights, and Measures upon the said Quays and Grounds adjacent as may be required for the loading, unloading, measuring, and weighing of such Goods, Wares, and Merchandize.

Commissioners to erect Slips and Graving Docks.

CXLII. And be it enacted, That it shall be lawful for the said Commissioners, in addition to the Slip or Slips already erected, to build, construct, and erect as many other Inclined Planes, Slips, or Railways, and Graving Docks, as may be deemed necessary, upon any Part of the Beach of the said Harbour, for the repairing of Vessels, and to charge such Rates and Dues for the Use of, and make such Rules and Regulations for the Government of, Persons using the said Inclined Planes, Slips, or Railways, and Graving Docks, as to the said Commissioners shall from Time to Time seem fit and proper.

Power to let the same.

CXLIII. And be it enacted, That the said Commissioners may from Time to Time let such Slips or Inclined Planes or Railways, and Graving Docks, by public Roup, for any Period not exceeding Three Years, at such Rent or Rents as can be procured for the same.

CXLIV. And

CXLIV. And be it enacted, That it shall and may be lawful to and for the said Commissioners to lay down, complete, and maintain One or more Lines of Rails on or over the Works erected or to be erected by them, and to charge, receive, and recover from all such Persons as shall use the said Rails either such Rates or Duties as shall be agreed upon between them and the said Commissioners for the Use of such Rails, or such Rates or Duties as shall from Time to Time be fixed and declared by the said Commissioners as the Rates and Duties to be paid by the Persons using the said Rails.

Commissioners to lay down Rails.

CXLV. And be it enacted, That from and after the Twenty-first Day of *November* One thousand eight hundred and forty-three, and thereafter during the Continuance of this Act, it shall be lawful for the Commissioners from Time to Time to demand and receive of and from the Owners of every Vessel coming into or going out of the said Harbour or Precincts thereof, or from the Agents or Managers of such Owners, any Sums not exceeding the Rates and Duties specified in Schedule A. to this Act annexed, and which Rates and Duties shall include all Rates, Dues, and Duties of every Kind heretofore leviable on Vessels by the Magistrates and City Council of *Aberdeen* at the said Harbour in virtue of any Royal Charter, Grant, or otherwise.

Tonnage Duty on Ships.

CXLVI. Provided always, and be it enacted, That if any Vessel for which the Rates herein-before mentioned shall have been paid shall, after leaving the said Harbour, be obliged, from Stress of Weather or other Cause, to return with the same Cargo, the Rates so paid shall not again be payable in respect of such Vessel.

Exemption for Vessels returning from Stress of Weather, &c.

CXLVII. And be it enacted, That the Tonnage of every *British* Vessel liable to the Payment of any Tonnage Rate under this Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register; and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burden of the Merchant Shipping of the United Kingdom*, or any Law for the Time being regulating such Admeasurement.

Tonnage of British registered Vessels to be ascertained by the Register; that of other Vessels by Measurement, according to 5 & 6 W. 4. c. 56.

CXLVIII. And be it enacted, That from and after the Twenty-first Day of *November* One thousand eight hundred and forty-three, and thereafter during the Continuance of this Act, it shall be lawful for the Commissioners from Time to Time to demand and receive for all Goods, Articles, or Things in the Schedule B. to this Act annexed, which shall be shipped or unshipped, received or delivered, within the said Harbour or Docks, any Sums not exceeding the several Rates in the said Schedule specified, and which Rates and Duties shall include all Rates, Dues, and Duties of every Kind leviable on Goods by the Magistrates and City Council of *Aberdeen* at the said Harbour in virtue of any Royal Charter, Grant, or otherwise.

Rates on Goods shipped or unshipped within the Harbour.

CXLIX. And

Rates for  
Cranes and  
Weighing  
Machines.

CXLIX. And be it enacted, That it shall be lawful for the Commissioners and they are hereby authorized and empowered to levy for the Use of the Sheds, Cranes, and Weighing Machines, Conveniences, Weights, and Measures, erected or to be erected in and about the said Harbour as aforesaid, such Dues as the said Commissioners under this Act shall from Time to Time fix to be just and reasonable.

Rates on  
Foreign Ves-  
sels to be  
reduced  
where Reci-  
procity Trea-  
ties shall be  
entered into  
with Foreign  
Countries.

CL. Provided always, and be it enacted, That any Duties, Rates, or Charges chargeable by this Act upon Vessels not entitled to the Privileges of a *British Ship*, or upon Goods imported or exported in such Vessels, shall not be applicable to Vessels belonging to Countries with which Treaties of Reciprocity have been concluded, or may hereafter be concluded, so long as such Treaties shall continue in force, nor to the Goods imported or exported therein, but the same Duties, Rates, or Charges shall be levied upon the Vessels of such Countries during such Period as aforesaid, and upon the Goods imported or exported therein, as may be from Time to Time payable by this Act upon Vessels entitled to the Privileges of *British Ships*, or upon Goods imported or exported in such Vessels.

Rates to be  
charged  
equally.

CLI. Provided always, and be it enacted, That the several Rates authorized to be taken by the said recited Act and this Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessel and Goods.

Special Com-  
missioners  
appointed to  
alter Rates.

CLII. And whereas the Amount which may be drawn by levying the Rates and Duties in the foresaid Schedules A. and B. cannot be exactly ascertained until Experience shall be had of the working thereof, and it is proper and requisite that ample Security should be provided for the Sums of Money which the said Commissioners are hereby authorized to borrow for the Improvement of the Harbour; be it enacted, That the Commissioners for executing this Act, together with the following Persons, the Sheriff of the County of *Aberdeen*, the Convener of the said County, the Convener of the incorporated Trades of the City of *Aberdeen*, all for the Time being, and Five Merchants, Burgesses, Inhabitants of *Aberdeen*, to be chosen annually by the Magistrates and Council thereof, shall be Special Commissioners to the Effect and for the Purposes hereinafter mentioned only.

Powers of  
Special Com-  
missioners.

CLIII. And be it enacted, That the said Special Commissioners shall have the following Powers: they may add One Fifth Part, but never more, to the Rates and Duties specified in the said Schedules A. and B. by an equally proportional Increase on each and all of the Items of the said Rates and Duties specified in the said Schedules A. and B. or such Part of the said One Fifth Part as shall appear to them to be necessary for fulfilling the Purposes of this Act, according to the State of the Works and Funds of the said Harbour; they may from Time to Time lessen or abate (but always by an equally proportional Decrease on each and every Item) the aforesaid Rates and Duties as they shall judge reasonable and expedient, and as the Liabilities of the said Commissioners, and the Income from the said

Rates



Rates and Duties, and the other Revenues of the Harbour, will permit; and also advance or revive the same again in like Manner, so as the Rates and Duties when so advanced or revived do not exceed the Rates and Duties in the said Schedules A. and B. with One Fifth Part more in addition as before mentioned.

CLIV. Provided always, and be it enacted, That the said Addition of One Fifth Part (or a Portion of One Fifth Part, as the Case may be,) to the said Rates and Duties, or any Reduction or Abatement, or any Advance or Revival of the Rates and Duties by the said Special Commissioners, shall not take effect until from and after the Expiration of Sixty Days after public Notice shall be given of a Resolution to such Effect having been adopted by the said Special Commissioners at a Meeting specially called for the Business of such Resolution.

Notice to be given of Reduction or Advance of Rates.

CLV. And be it enacted, That the said Special Commissioners shall for the said Purposes be convened in General Meetings by the Provost of *Aberdeen*, by Advertisement in at least Two of the *Aberdeen* Newspapers Two Weeks before such Meetings, upon a Requisition signed by any Ten of their Number, or when Occasion shall require.

Special Commissioners how to be convened.

CLVI. And be it enacted, That a Majority of the said Special Commissioners shall be a Quorum.

Quorum of Special Commissioners.

CLVII. And be it enacted, That it shall be lawful for the Commissioners for executing this Act and they are hereby authorized and empowered to levy the several Rates and Duties specified in Schedules A. and B. to this Act annexed, together with the aforesaid Addition thereto as soon so such Addition shall become exigible as aforesaid.

Commissioners may levy the increased Rates.

CLVIII. And be it enacted, That the said several Rates as lessened or increased as aforesaid shall be exigible equally from all the Parties liable to pay the same respectively.

Rates as lessened or increased to be charged equally.

CLIX. And be it enacted, That the whole of the Rates and Duties to be taken and received under the Authority of this Act shall be applied by the said Commissioners in manner following; that is to say, in the first place, in paying and discharging all the Costs, Expences, and Charges incurred in preparing, applying, and obtaining the passing of this Act, and all other necessary and proper Expences relating thereto; in the second place, in Payment of the Interest of the Money already borrowed and due under the said recited Act, and to be borrowed under the Authority of this Act, for the Purposes of the Harbour; in the third place, in maintaining the Harbour and Works thereof, in defraying the ordinary Outgoings and Expences of the Commission, and in executing the Improvements hereby authorized; in the fourth place, in the Formation of a Sinking Fund, and in the Repayment of the Monies due and owing by the Harbour, as the same may from Time to Time be demanded or be deemed advisable.

Application of Rates and Duties.

[*Local.*]

25 L

CLX. And

Exemptions  
from Dues.

CLX. And be it enacted, That all Exemptions from Payment of the Rates and Duties on Goods, and on Shipping, leviabie in virtue of this Act, shall be regulated as in the Schedules C. and D. hereunto annexed.

Masters to  
report Arrival  
of Vessels  
within the  
Harbour.

CLXI. And be it enacted, That the Master or Commander of any Vessel liable to any of the said Rates shall, within Twelve Hours after the Arrival of such Vessel within the said Harbour, report to the Harbour Master or Treasurer for the Time being the Arrival of such Vessel, and the Place from whence it came; and any Master or Commander of any such Vessel who shall fail to make such Report within the Time aforesaid shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Master of  
Vessel to pro-  
duce Certifi-  
cate of Regis-  
try.

CLXII. And be it enacted, That the Master or Commander of every registered Vessel shall, on Demand, produce the Certificate of the Registry of such Vessel to any Person authorized by the Commissioners to collect the Rates in respect of such Vessel; and if any such Master or Commander shall refuse or neglect to produce such Certificate to any such Person, on Demand, he shall forfeit any Sum not exceeding Five Pounds.

Recovery of  
Rates by  
Distress of  
Ship and  
Tackle.

CLXIII. And be it enacted, That if any Master or other Person having Command of any Vessel in respect of which any Rates shall be payable to the Commissioners shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed by the Commissioners to collect such Rates to go on board of such Vessel and demand such Rates, and on Nonpayment thereof, or any Part thereof, to seize, take, and detain, preferably to and notwithstanding of any Attachment, Arrestment, or other Right whatsoever claimable by or due to any other Person or Persons, such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, until the Rates shall be satisfied or paid; and in case any of the said Rates shall remain unpaid for the Space of Four Days next after such taking, seizing, and detaining as aforesaid, then it shall be lawful for the said Collector to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell the same, either by public Roup or private Sale, and out of the Proceeds of such Sale to satisfy the Rates so unpaid, and all the Expences of taking, detaining, appraising, and selling as aforesaid, the said Person so appointed as aforesaid rendering the Overplus (if any) to the Master or other Person having the Command of such Vessel, upon Demand.

Masters of  
Vessels to  
give Account  
of Goods in-  
tended to be  
unshipped  
within the  
Harbour, &c.

CLXIV. And be it enacted, That when the Cargo of any Vessel arriving within the said Harbour, or any Part of such Cargo, shall be intended to be unshipped within the said Port and Harbour, the Master or Commander of such Vessel shall, within Twelve Hours after the Arrival of such Vessel within the said Harbour, deliver to the Person for the Time being appointed to collect the Rates and Duties aforesaid the following Particulars; (that is to say,)

The Name of the Consignee or Agent of the Cargo, or Part of the Cargo, of such Vessel intended to be unshipped within the said Harbour;

And

And if the whole Cargo of such Vessel shall be intended to be unshipped within the said Harbour, a Copy of the Bill of Lading or Manifest of the Cargo of such Vessel ;

Or if Part only of the Cargo of such Vessel is intended to be so unshipped, a true Account in Writing of the Kinds, Weights, and Quantities of the several Goods, Articles, and Things intended to be so unshipped :

And every such Master or Commander shall, if required by the Person appointed to collect the Rates aforesaid, give to such Person Twelve Hours Notice of the Time at which the Cargo of such Vessel, or any Part of the same, is intended to be unshipped.

CLXV. And be it enacted, That any Master or Commander of any Vessel, the Cargo or Part of the Cargo of which shall be intended to be unshipped within the said Harbour, who shall fail to deliver or give any of the Particulars or the Notice herein-before required to be delivered or given by such Master or Commander, or shall deliver or give any false Particular or Notice, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on Masters not giving an Account, or a false Account.

CLXVI. And be it enacted, That the Master or Commander of any Vessel within the said Harbour, on board of which any Goods, Articles, or Things shall be shipped, shall give to the Person for the Time being appointed by the Commissioners to collect the Rates aforesaid a true Account, signed by the Consignor or Agent, of the Kinds, Quantities, and Weights of the Goods, Articles, or Things before the same shall be shipped in such Vessel ; and any Master or Commander who shall fail to give such Account, or shall give a false Account, and any Consignor or Agent who shall sign a false Account of any such Goods, Articles, or Things, shall respectively for every such Offence be liable to a Penalty not exceeding Five Pounds.

Master of Vessel to give an Account of Goods intended to be shipped.

CLXVII. And be it enacted, That the Rates and Duties payable to the Commissioners in respect of any Goods, Articles, or Things shipped or unshipped within the said Harbour shall be paid as follows ; (that is to say,) if such Goods, Articles, or Things shall be shipped, such Rates and Duties shall be paid by the Owner or Consignor or Agent of such Goods, Articles, or Things previous to the Shipment of the same ; or if such Goods, Articles, or Things shall have to be unshipped, such Rates shall be paid by the Owner, Agent, or Consignee of such Goods before the same shall be unshipped ; and such Goods, Articles, or Things shall not be allowed to be unshipped until the said Rates are paid, or until satisfactory Security shall be given to the Collector of the Commissioners for the Payment of the said Rates within Two Days after the said Goods, Articles, or Things shall be unshipped.

Rates on Goods, by whom and when payable.

CLXVIII. And to the end that the said Rates and Duties may be effectually levied, be it enacted, That it shall be lawful for any Person appointed to collect any such Rates and Duties to enter, either alone or with any other Persons, into any Vessel within the said Harbour, and to ascertain the Rates and Duties payable in respect

Collector of Rates may enter Vessels.

respect of any such Vessel, or of any Goods, Articles, or Things therein.

Penalty on evading Payment of Rates.

CLXIX. And be it enacted, That if any Master or Commander of any Vessel, or Person liable to the Payment of the Rates and Duties imposed by this Act, shall evade the Payment of any Rates and Duties payable to the Commissioners, he shall pay to them Three Times the Amount of such Rates; and the same shall be recovered from such Master or Commander or other Person in the same Manner as Penalties imposed by this Act are directed to be recovered, or by Action in any competent Court.

Recovery of Rates on Goods.

CLXX. And be it enacted, That if Default be made in the Payment of any Rates and Duties payable under this Act in respect of any Goods, Articles, or Things, it shall be lawful for the Person for the Time being appointed by the Commissioners to collect such Rates and Duties to seize, take, and detain such Goods, Articles, or Things, or, if the same shall be removed without the Limits of the Harbour or other Premises of the Commissioners, to seize, take, and detain any other Goods, Articles, or Things within the Limits of the Harbour or other Premises of the Commissioners belonging to the Person liable to pay such Rates until such Rates and Duties shall be satisfied or paid; and in case any of the said Rates shall remain unpaid for the Space of Three Days next after such taking, seizing, and detaining as aforesaid, then it shall be lawful for the said Collector to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell the same either by public Roup or private Bargain, and out of the Proceeds of such Sale to satisfy and pay the Rates due to the Commissioners; or it shall be lawful for the Commissioners to recover such Rates and Duties by Action in common Form: Provided that the Person collecting any such Rates shall, before carrying through any such Sale as aforesaid, pay all Duties which may be payable to Her Majesty in respect of the Goods, Articles, or Things so taken, seized, and detained, and he shall be entitled to retain the Amount of Duties so paid out of the first and readiest of the Proceeds arising from such Sale.

Collector of Customs may withhold a Discharge to any Vessel until Rates paid.

CLXXI. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs within the said Harbour, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive the Entry, or give any Coquet, Discharge, or Clearance, or to make any Report inwards or outwards, for any Vessel liable to the Rates and Duties imposed by this Act, until the Master or Commander of such Vessel shall produce to such Collector or Officer a Certificate under the Hand of the Person appointed by the Commissioners to collect such Rates and Duties that the Rates and Duties payable under this Act in respect of such Vessel, and any Goods, Articles, or Things imported or exported by such Vessel, have been paid.

For settling Disputes as to Amount of

CLXXII. And be it enacted, That if any Dispute shall arise regarding the Amount of the Rates and Duties, or the Charges of recovering the same, it shall be lawful for the Commissioners, or

the Persons seizing or selling such Goods and Effects as aforesaid, to retain the same, or the Money arising from the Sale thereof, as the Case may happen, until the Amount of the Rates and Duties, and the Charges of recovering the same, shall be ascertained by the Sheriff of the County of *Aberdeen*, who, upon Application made to him for that Purpose, shall in a summary Way determine the Amount of the Rates and Duties and Charges due and incurred, and shall award such Expences of Plea to either Party as to him shall appear right and proper, which Expences of Plea shall and may be recovered summarily by Pounding and Sale, under Warrant of the said Sheriff, in case of Nonpayment, and which Warrant such Sheriff is hereby authorized and required to grant.

Rates and Charges when Effects detained or sold.

CLXXIII. And be it enacted, That the Commissioners shall from Time to Time cause to be printed in distinct Type, and to be affixed in the public or principal Office of Business of the Commissioners, or on some conspicuous Part of the Quays of the said Harbour, a List of the several Rates which shall be from Time to Time payable in respect of the said Harbour and Docks; and no Rates shall be payable in respect of the said Harbour or Docks during such Time as such List shall not continue so affixed, or for any Matter or Thing not specified in such List: Provided always, that if any such List shall be destroyed, injured, or obliterated, the Rates shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such List had continued affixed, and in the State required by this Act.

List of Rates to be set up.

CLXXIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to appoint such Harbour Masters and Dock Masters as they shall think necessary, and at Pleasure to remove such Harbour Masters and Dock Masters.

Power to appoint Harbour Master and Dock Master

CLXXV. And be it enacted, That it shall be lawful for the Harbour Master and Dock Master for the Time being to give Directions for all or any of the following Purposes; (that is to say,)

Powers of Harbour Master and Dock Master.

For regulating the Time and Manner in which any Vessel shall enter into, go out of, or lie in the said Harbour or Docks, and the Position, mooring or unmooring, placing or removing, of any Vessel within the said Harbour and Docks:

For regulating the Manner in which any Vessel shall take in or discharge its Cargo, or any Part thereof, or shall take in or deliver Ballast within the said Harbour:

For regulating the Government of any Vessel within the said Harbour:

For regulating the Time and Manner of any Vessels coming into or going out of the said Docks, and of their Position while loading or discharging Cargoes therein:

For regulating the Manner in which any Vessels entering the said Docks shall be dismantled for Safety of such Vessels, and for preventing Injury to other Vessels, and to the said Docks and Moorings:

For regulating the Quantity of Ballast or Dead Weight in the Hold each Vessel shall have during the Delivery of her Cargo in the said Docks, or when discharged therein.

[Local.]

25 M

CLXXVI. And

Penalty on Harbour Master or Dock Master exercising Powers unreasonably.

CLXXVI. And be it enacted, That in case any Harbour Master or Dock Master appointed under this Act shall, without reasonable Cause, exercise any of the Powers or Authorities vested in them by this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty on not complying with Directions of Harbour Master.

CLXXVII. And be it enacted, That the Master or Commander of every Vessel within any Part of the said Harbour shall regulate such Vessel according to the Directions of the Harbour Master for the Time being made in conformity with this Act; and any Master or Commander of any Vessel who, after Notice in Writing signed by the said Harbour Master of any such Direction, shall not forthwith regulate such Vessel according to such Direction, shall be liable to a Penalty not exceeding Five Pounds.

Power of Harbour Master to remove Vessels.

CLXXVIII. And be it enacted, That if the Master, Commander, or other Person having the Charge of any Vessel within any Part of the said Harbour shall not moor, unmoor, place, or remove such Vessel according to the Direction of the said Harbour Master for the Time being, in Writing given to the said Master, Commander, or other Person, it shall be lawful for the said Harbour Master to cause such Vessel to be moored, unmoored, placed, or removed according to the Directions aforesaid, and to employ a sufficient Number of Persons for that Purpose; and the Expence of such mooring, unmooring, placing, or removing shall be paid by such Master, Commander, or other Person, and shall, together with the Costs of ascertaining and recovering the same, be ascertained and recovered from any such Master, Commander, or other Person in the same Manner as any Damages for the ascertaining and recovering of which no special Provision is contained in this Act are hereby directed to be ascertained and recovered.

Penalty for obstructing Harbour Master.

CLXXIX. And be it enacted, That if any Master or Commander of any Vessel within the said Harbour, or any Person on board such Vessel, shall hinder the said Harbour Master, or any Person employed by him, in mooring, unmooring, placing, or removing such Vessel in Manner aforesaid, such Master or Commander or other Person shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Harbour Master may cut Ropes.

CLXXX. And be it enacted, That if any Master or Commander or other Person on board of any Vessel which shall be moored or fastened within the said Harbour, except as aforesaid, shall not, upon Demand of the said Harbour Master, unloose or slacken the Rope or Chain by which such Vessel shall be moored or fastened, or if there shall be no Person on board of any such Vessel so moored or fastened, it shall be lawful for the said Harbour Master to cut the Rope or slacken the Chain by which such Vessel shall be so moored or fastened as aforesaid: Provided always, that before the Harbour Master shall cut any Rope or slacken any Chain by which any Vessel without any Person on board shall be moored or fastened he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel, and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel.

CLXXXI. And

CLXXXI. And be it enacted, That it shall be lawful for the Harbour Master for the Time being to remove any Wreck or old Vessel and other Obstructions to the said Harbour and the Approaches thereof, and also any floating Timber which may impede the Navigation thereof; and the Expence of removing any such Wreck, old Vessel, Obstruction, or floating Timber shall be immediately repaid by the Owner of the same.

Harbour  
Master may  
remove  
Wrecks.

CLXXXII. And be it enacted, That the Master or Commander of every Vessel within the said Docks shall regulate such Vessel according to the Directions of the Dock Master for the Time being made in pursuance of this Act; and every such Master or Commander who, after Notice of any such Direction signed by such Dock Master for the Time being, shall not regulate such Vessel according to the Direction aforesaid shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Penalty on  
Masters not  
complying  
with Direc-  
tions of  
Dock Master.

CLXXXIII. And be it enacted, That if any Master or Commander of any Vessel in the said Docks shall not moor, unmoor, place, or remove the same according to the Directions of the Dock Master for the Time being appointed under this Act, or if there shall be no Person on board of any such Vessel, it shall be lawful for such Dock Master to cause such Vessel to be moored, unmoored, placed, or removed, as he shall think fit, within the said Docks; and the Expences attending the mooring, unmooring, placing, or removing such Vessel shall be paid to the said Dock Master by the Master or Commander of the same.

Dock Master  
may remove  
Vessels with-  
in Docks.

CLXXXIV. And be it enacted, That if any Master or Commander or other Person on board of any Vessel which shall be moored or fastened within the said Docks shall not, on Demand of the said Dock Master, unloose or slacken the Rope or Chain by which such Vessel shall be fastened, or if there be no Person on board such Vessel so moored or fastened, it shall be lawful for the Dock Master to cut the Rope or slacken the Chain by which such Vessel shall be moored or fastened: Provided always, that before the Dock Master shall cut the Rope or slacken any Chain by which any Vessel without any Person on board shall be moored or fastened he shall cause a sufficient Number of Persons for the Protection of the same to be put on board such Vessel, and all Expences thereby incurred shall be paid by the Master or Commander of such Vessel.

Dock Master  
may cut  
Ropes.

CLXXXV. And be it enacted, That no Vessels shall enter the said Docks except the same shall be dismantled as shall be directed by the Dock Master for the Time being appointed under this Act; and if any Vessel shall enter the said Docks without being dismantled in the Manner required by such Dock Master, after Notice in Writing signed by such Dock Master shall have been served on the Master or Commander of such Vessel to dismantle the same in the Manner aforesaid, such Master or Commander shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Vessels en-  
tering Docks  
to be dis-  
mantled as  
Dock Master  
shall direct.

CLXXXVI. And

Vessels to have Haw-sers, &c. fixed to Moorings.

CLXXXVI. And be it enacted, That every Vessel in the said Docks shall have substantial Haw-sers, Tow Lines, and Fasts fixed to the Dolphins, Moorings, Booms, Buoys, or Mooring Posts, when required by the said Dock Master; and if any Vessel shall be in the said Docks without such substantial Hawser, Tow Lines, or Fasts fixed as aforesaid, after Notice from the said Dock Master to the Master or Commander of such Vessel to furnish or fix the same, such Master or Commander shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Dock Master to regulate Equipment, &c. of Vessels in Dock.

CLXXXVII. And be it enacted, That it shall be lawful for the Dock Master for the Time being appointed under this Act to regulate the Equipment, Rigging, and Lading of all Vessels in the said Docks as he shall think proper; and if he shall judge any Act or Proceeding in the Equipment, Rigging, or Lading of any Vessels entering or departing from the said Docks unsafe for such Vessel, or likely to produce Injury to other Vessels, or to the said Docks, it shall be lawful for him to give Notice in Writing signed by him to the Master or Commander of such Ship to discontinue or alter the same, and if such Master or Commander shall not, according to such Notice, discontinue or alter such Act or Proceeding immediately after such Notice every such Master or Commander shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Vessels to have their Sails lowered when entering and navigating Docks.

CLXXXVIII. And be it enacted, That before any Vessel shall enter into the said Docks such Vessel shall have her Sails lowered or furled, and in case any Master or Commander of any Vessel shall navigate the same under Sail into or in the said Docks every such Master or other Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds,

Delivery of Cargoes in Docks, and placing of discharged Vessels.

CLXXXIX. And be it enacted, That every Vessel having a Cargo on board thereof which shall go into the said Docks shall be discharged of her Cargo as soon as conveniently may be after entering therein, and after the Delivery of such Cargo such Vessel shall without Loss of Time be removed into such Part of the said Docks as shall be set apart for light Vessels, and the said Dock Master for the Time being shall cause to be removed all light Vessels accordingly; and if the Master or Commander of any such Vessel shall not remove the same into such Part of the said Docks as shall be set apart for light Vessels, within Twenty-four Hours after Notice in Writing signed by the said Dock Master shall have been served on him, then he shall forfeit a Sum not exceeding Five Pounds; and it shall be lawful for the said Dock Master to cause such Vessel to be removed into the Part of the said Docks set apart for light Vessels, and the Expences of removing the same shall be paid to such Dock Master by the Master or Commander of such Vessel.

The Master or other authorized Person to be on board

CXC. And be it enacted, That the Master or Mate or some authorized competent Officer of every Vessel which shall load or unload in the said Harbour or Docks, or some Person appointed by him or by the Owner of such Vessel for that Purpose, shall, during all



all the Time such Vessel is employed in loading or unloading, actually when loading or unloading. remain on board, and superintend, aid, and assist in such loading or unloading; and every such Master or Mate or other Officer as aforesaid who shall neglect or refuse to superintend, aid, and assist in the loading or unloading of such Vessel shall for every such Neglect or Refusal forfeit a Sum not exceeding Five Pounds.

CXCI. And be it enacted, That if any Person shall throw or put any Ballast, Earth, Dust, Ashes, Stones, or other Thing into the said Harbour or Docks, or into or upon any of the said Works, to the Injury or Prejudice thereof, or do any other Injury to the same, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings. Penalty for throwing Ballast, &c. into Harbour.

CXCII. And be it enacted, That if any Tar, Pitch, Resin, Spirituous Liquors, Turpentine, Oil, or combustible Thing being on any Quay or Wharf belonging to the Commissioners, or on the Deck of any Vessel within the said Harbour or Docks, shall not be removed from the Place where the same may be to a Place of Safety within Two Hours after Notice in Writing for that Purpose signed by the said Harbour Master or Dock Master for the Time being shall have been served on the Owner or Person having the Charge of the same, or to the Master or other Person in charge of the Vessel, every such Owner, Master, or other Person shall for every such Offence forfeit a Sum not exceeding Twenty Shillings for every Hour such combustible Thing shall remain in any such Place as aforesaid after the Expiration of Two Hours from the Service of the said Notice. Combustible Matter on Quays, &c. to be removed. Penalty.

CXCIII. And be it enacted, That if any such combustible Thing as aforesaid shall remain on any of the said Quays, Docks, or other Works, or on the Deck of any Vessel within the said Harbour, after Daylight, the Owner or Person having charge of the same, or in his Default the Commissioners, at the Expence of such Owner or Person, shall provide a sufficient Number of Persons to guard the same from One Hour before Sunset to One Hour after Sunrise; and such Expence, if not paid to the Commissioners on Demand, shall be ascertained and recovered in the same Manner as Damages for the Recovery of which no special Provision is herein contained are by this Act directed to be ascertained and recovered. Combustibles to be guarded during the Night.

CXCIV. And be it enacted, That it shall not be lawful to any Person to land, lay down, or leave upon the Quays, Inches, Grounds, or Precincts of the Harbour any Timber, Logs, or Floats of Timber without the Permission of the Commissioners first had; and if any Person landing, laying down, or leaving Timber, Logs, or Floats of Timber upon the said Quays, Inches, Grounds, or Precincts without such Permission shall for every such Offence forfeit any Sum not exceeding Five Pounds; and it shall be lawful for the Commissioners to remove all such Timber, Logs, or Floats 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 Timber not to be laid down on Quays, &c.

[Local.]

25 N

the

the Commissioners to sell, by public Roup, such Timber, Logs, or Floats of Timber for Payment of such Penalty and Costs, besides the Expences of Sale, without Prejudice to the Commissioners recovering such Penalty and Costs by the other Remedies herein provided for the Recovery of Penalties.

Commissioners to regulate Cranes and Weighing Machines.

CXCV. And be it enacted, That it shall be lawful for the Commissioners to make and establish such Rules and Regulations as they shall deem expedient regarding the Use of the Sheds, Cranes, and Weighing Machines, Conveniences, Weights, and Measures, erected or to be erected in and about the said Harbour.

Power to let the same.

CXCVI. And be it enacted, That it shall be lawful for the Commissioners to let the said Sheds, Cranes, Weighing Machines, and others, by public Roup, for any Period not exceeding Three Years, at such Rent or Rents as can be procured for the same.

Commissioners to set apart Quays for Discharge of Lime, Bones, or Manure.

CXCVII. And be it enacted, That it shall be lawful for the said Commissioners to cause any Ship or Vessel having a Cargo of Lime, Bones, or Manure to proceed to and lie at such Quays, Piers, or Wharfs, and at such Parts thereof as they shall think proper, for the Purpose of unloading.

Penalty for Offences respecting Fire.

CXCVIII. And be it enacted, That any Person who shall commit any of the following Offences shall be liable to a Penalty not exceeding Five Pounds; (that is to say,)

Every Person who shall boil or heat any Pitch, Tar, Resin, Turpentine, Oil, or other combustible Matter in any Vessel lying in any Place within the said Harbour, Docks, or Works, except in such Place and in such Manner as shall be specially appointed by the Commissioners for that Purpose:

Every Person who shall have or cause to be had any Fire, or lighted Candle or Lamp, or lighted Pipe, Cigar, or other lighted Substance, which may be likely to cause Damage, in any Vessel within the said Harbour, Docks, or other Works, except with the Permission of the Commissioners:

Every Person who shall have or cause to be had any Fire, Candle, or Lamp lighted within the said Harbour, except at such Times as shall be permitted by the Bye Laws of the Commissioners:

Every Person who shall bring any loaded Gun on the Piers, Quays, or Works of the said Harbour, or into any of the said Docks, or into any of the Works of the same, or shall have or suffer to remain any loaded Gun in any Vessel in the said Docks, or within Twenty Yards of the Piers, Quays, or Works of the said Harbour:

Every Person who shall, without the Permission of the Commissioners, bring or suffer to remain any Gunpowder on the Quays, Piers, or Works of the said Harbour, or within the said Harbour or Docks, or any Vessel within the said Harbour or Docks.

Commissioners to have the Superin-

CXCIX. And be it enacted, That the said Commissioners shall have the sole supplying and immediate Superintendence, Direction, and Management of the ballasting of all the Ships and Vessels within the

the said Harbour and Docks, and they are hereby authorized and empowered to levy such Rates and Dues, and to make and establish such Rules and Regulations respecting the same, as from Time to Time they shall deem expedient.

tendency of ballasting of Vessels.

CC. And be it enacted, That if any Person shall dig or take away any Ballast, Shingle, Stones, or other Things from within the said Harbour and Docks without Leave of the Commissioners in Writing for that Purpose first had and obtained, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Penalty for taking Ballast out of Harbour.

CCI. And be it enacted, That if any Person, other than the Harbour Master or Dock Master in execution of the Powers of this Act, shall wilfully cut, break, or destroy any Rope or other Thing by which any Vessel lying in the said Harbour or other Works shall be moored or fastened, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for cutting Ropes.

CCII. And be it enacted, That in case any Person shall cut, break, or in any Manner destroy any Rope, Chain, or other Thing by which any Ship or other Vessel lying in the said Harbour or Docks shall be moored or fastened, such Person shall make good all Damages thereby occasioned, and also shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Penalty on Persons destroying Moorings.

CCIII. And be it enacted, That the Owner or Master or Commander or other Person in charge of every Vessel or Float of Timber shall be answerable to the Commissioners for any Damage done by such Vessel or Float of Timber to the said Harbour, or any Quays, Piers, Docks, Wharfs, Machinery, or other Works or Property of the Commissioners; and all such Damage, in case the Amount claimed thereof shall not exceed Fifty Pounds, shall be ascertained by and recovered before the said Sheriff, or any Judge of Police, in a summary Way; and it shall be lawful for the Harbour Master or Dock Master for the Time being appointed under this Act to detain any such Vessel or Float of Timber, or both, until sufficient Security shall have been given for the Amount of the Damage done by the same, or by any Person employed therein.

Owner or Master of Vessel answerable for Servants.

CCIV. And be it enacted, That if the Owner, Master, Commander, or any other Person in charge of any Vessel shall make Satisfaction for any such Damage as aforesaid done by any Person employed in such Vessel, the Person doing such Damage shall repay to the said Owner, Master, Commander, or other Person in charge of such Vessel the Amount of the Damage so paid, together with the Costs (if any) incurred by him in respect of such Damage; and the Amount of such Damage, together with the Costs, shall, if such Damage does not exceed Fifty Pounds, be ascertained by and recovered in the same Way as Penalties under this Act are herein-after directed to be recovered.

Masters may recover from Servants.

CCV. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to license, regulate, and appoint such Number of proper Persons to act as Captain Pilots and Pilots

Commissioners empowered to license and regulate of Pilots.

of and for the said Harbour, as they may think necessary, and to remove and displace every such Person at their Pleasure, and also to fix, settle, and establish the Rates of Pilotage to be paid to the said Captain Pilots and Pilots as the said Commissioners shall from Time to Time deem just and reasonable; and if any Person shall act as a Pilot within or about the said Harbour without being licensed and appointed as aforesaid, every Person so offending shall forfeit for such Offence a Penalty not exceeding Twenty Pounds.

Commissioners to examine Persons offering themselves for Pilots.

CCVI. Provided always, and be it enacted, That before appointing or licensing any such Pilot the Commissioners shall examine and inquire into, or cause to be examined and inquired into, the Skill and Ability of any Person who shall tender or offer himself to be admitted as a Pilot for the said Harbour, by Examination, and by such other Ways and Means as to them shall seem proper.

Licences, how to be issued.

CCVII. And be it enacted, That every Licence shall be given under the Hand of the Clerk of the said Commissioners, and from thenceforth such Persons shall be deemed qualified to exercise the Occupation of Pilot within the said Harbour, and every such Licence shall continue in force for such Periods as the said Commissioners shall fix, but not exceeding Twelve Months after granting the same.

Pilots to be under Direction of Commissioners.

CCVIII. And be it enacted, That every Person upon his Admission as a Pilot shall be subject to the several Regulations and Provisions in this Act contained, and to such Orders, Rules, and Regulations as shall be made from Time to Time by the said Commissioners, for the Government and Direction of the Pilots of the Port.

Masters of Vessels inward bound refusing to take Pilots to pay full Pilotage.

CCIX. And be it enacted, That in case the Master or Commander of any Ship or Vessel inward bound shall refuse to take on board and employ the first Pilot, so to be licensed as aforesaid, who shall offer his Service outside of the said Harbour, or as soon as such Pilot can safely come alongside of such Ship or Vessel, such Master or Commander shall pay or cause to be paid to the Pilot who first or who only shall offer his Service as aforesaid, and shall be so refused, the full Pilotage, according to the Rates and Prices to be settled by the said Commissioners, to be paid as if the said Pilot had been received and employed in conducting or piloting such Ship or Vessel into the said Harbour, such Pilotage to be recoverable, with the Expences, at the Instance of the Captain Pilot of the Port, or any One or more of the said Pilots, in and agreeably to the Forms of the Police Court of *Aberdeen* for the Time.

Compensation to Pilots for extraordinary Assistance.

CCX. And be it enacted, That in case any Ship or Vessel shall be met with in Distress by any Pilot or Pilots so licensed or to be licensed as aforesaid, and shall stand in need of and receive from him or them any extraordinary Assistance, then the Compensation to be made to the said Pilot or Pilots shall be settled and determined upon, according to the Circumstances of the Case, by any One or more of the Magistrates of the said City of *Aberdeen*; and if any Agreement or Agreements for such extraordinary Assistance shall

at any Time be made between the Master or Commander of such Vessel and such Pilot or Pilots, such Agreement or Agreements shall be null and void.

CCXI. And be it enacted, That no such Pilot or Pilots shall be at liberty to pilot or convey any Ship or Vessel out of the said Harbour until the Captain Pilot shall have been satisfied that the Rates and Duties herein-before directed to be paid in respect of such Ship or Vessel have been duly paid and satisfied to the Collector appointed to receive the same.

Pilots not to take out any Ships until the Duties are paid.

CCXII. And be it enacted, That it shall be lawful for the said Commissioners to provide such and so many Life Boats and other Vessels and Implements and Materials to be used, with suitable Establishments, for the Purpose of rendering Assistance to Vessels in Distress within or near to the said Harbour, as they may from Time to Time think necessary or expedient, and to defray the Expences of providing, maintaining, establishing, and using the same out of the Rates and Duties by this Act authorized to be taken.

Power to provide Life Boats.

CCXIII. And whereas it is expedient to establish proper Regulations for the Protection of the Shipping, and of Property loaded and unloaded, in the said Harbour; be it enacted, That the said Commissioners shall have Power and they are hereby authorized to appoint, during Pleasure, a Superintendent of Police for the said Harbour, and such Number of Officers and Watchmen under the said Superintendent as they shall from Time to Time think necessary, and to make such Rules and Regulations for the Conduct of the said Superintendent, Officers, and Watchmen, and the Police of the said Harbour, as they the said Commissioners shall think expedient; and the Wages and Allowances which the said Commissioners shall from Time to Time agree to pay or give to the said Superintendent, Officers, and Watchmen shall be paid out of the Moneys to be received by the said Commissioners by virtue of this Act.

Power to establish and regulate a Harbour Police.

CCXIV. And be it enacted, That the said Superintendent and Officers and Watchmen shall discharge the following Duties: they shall guard, patrol, and watch the Piers, Quays, Jetties, and other Works of the said Harbour erected and to be erected, and the Goods, Wares, and Merchandize thereon or therein, and the Vessels of all Descriptions lying at the said Piers, Quays, or Jetties, or within the said Harbour and Docks, and the Goods, Wares, and Merchandize with which the said Vessels may be loaded; enforce the Rules and Regulations of Police made or to be made by the said Commissioners, to be observed by all Persons within the Precincts of the said Harbour; and apprehend and bring before any of the Magistrates, Justices of the Peace, or Judges of Police of the City of *Aberdeen* all Persons committing or charged with committing a Breach of any of the said Rules and Regulations, or committing or charged with committing any criminal, riotous, or disorderly Act within the Precincts of the said Harbour, to be dealt with, tried, and punished agreeably to the Forms prescribed, and the Powers and Authorities vested for the Time in the Judges of the Police

Duties of Police.

Court of the said City of *Aberdeen*; they shall at all Times afford to the said Commissioners their best Aid and Assistance relative to the Preservation of Peace and good Order, the Suppression of Nuisances, and the Removal of Obstructions from the Piers, Docks, Quays, and Jetties of the said Harbour; they shall attend to the proper lighting, watching, and cleansing of the said Harbour, and the Piers, Quays, and Jetties thereof.

Commissioners may appoint Meters and Weighers.

CCXV. And be it enacted, That it shall be in the Power of the said Commissioners, and they are hereby authorized and empowered, from Time to Time to license, appoint, and regulate a sufficient Number of Persons to be Meters and Weighers of Grain, Lime, and Coals, and such like Goods and Commodities imported into the said Harbour, and to fix the Rates to be paid to said Meters and Weighers, and to remove and displace all or any of them at Pleasure; and if any Person (not being a Meter or Weigher appointed by the Commissioners of Customs) shall act as Meter or Weigher at the said Harbour without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty not exceeding Ten Pounds.

Licensed Meters and Weighers only to be employed.

CCXVI. And be it enacted, That the Commanders of all Ships, Lighters, or other Vessels entering the said Harbour with Lime, Coals, Cinders, Culm, Salt, Bark, Potatoes, Grain, or such other Commodities, or the Owners or Consignees of such Goods or Commodities, shall, previous to unloading, employ a licensed Meter or Weigher for the Purpose of measuring or weighing such Goods or Commodities respectively; and every Commander of any such Ship, Lighter, or other Vessel, or the Owners or Consignees of such Goods or Commodities, who shall fail to employ such licensed Meter or Weigher shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Power to establish and maintain Lighthouses, Flags, and Beacons.

CCXVII. And whereas certain Lighthouses, Lights, Flags, and Signals for regulating the Approaches to the said Harbour have been established under and in virtue of the said recited Act and prior Acts; be it enacted, That it shall be lawful for the Commissioners under this Act, and they are hereby authorized and required, to keep up and maintain in proper Order and Repair the said Lighthouses, Lights, Flags, and Signals, or others in lieu and place thereof, subject always to the Instructions and Approval of the Commissioners of Northern Lighthouses; and the said Commissioners under this Act are hereby further empowered to nominate, regulate, and appoint Keepers of said Lighthouses, Lights, Flags, and Signals as may be necessary and proper, and to levy on all Ships entering the said Harbour Rates and Duties for maintaining the Establishment of the said Lighthouses and others according to Schedule E. to this Act annexed.

Lights, Beacons, or Sea Marks not to be exhibited without the

CCXVIII. And be it enacted, That it shall not be lawful for the Commissioners to exhibit or alter, or to permit to be exhibited or altered, any Light, Beacon, or Sea Mark without the Sanction in Writing of the Commissioners of Northern Lighthouses, signified  
under

under the Hand of their Secretary, first having been obtained in that Behalf; and if any such Light, Beacon, or Sea Mark shall be exhibited or altered with such Sanction as aforesaid, the same shall be of such Power, Description, and Character, and shall be from Time to Time discontinued or altered, as the Commissioners of Northern Lighthouses shall from Time to Time direct by due Notice to the Commissioners.

Sanction of the Commissioners of Northern Lighthouses.

CCXIX. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to contract and agree with the Companies or Commissioners established or to be established in *Aberdeen* for supplying the Inhabitants of the said City and Suburbs with Water, for the Supply by the said Companies or Commissioners of the Ships resorting to the said Harbour, Docks, Quays, and other Works with Water, and for the special Appropriation for the Use of Ships lying in the said Harbour, Docks, Quays, or other Works, and for the Extinction of Fires on board of such Ships, of Pipes, Fire Plugs, and other Utensils and Apparatus necessary for that Purpose: Provided always, that the said Commissioners shall be entitled and they are hereby authorized to exact such Remuneration from the Masters or Owners of such Ships as may defray the Expence of providing and furnishing such Supply, and affording Protection to the Ships against the Risk of Fire while lying in the said Harbour or Dock, not exceeding the Sum of Ten Shillings in respect of each such Vessel.

Commissioners authorized to contract for Supply of Water to Shipping.

CCXX. And be it enacted, That it shall not be lawful for the said Commissioners to exact any Remuneration for supplying Water from the Masters or Owners of any Ship or Vessel unless such Supply shall be required by such Master or Owner, and actually furnished to such Ship or Vessel.

Vessels only using Water to pay.

CCXXI. And be it enacted, That it shall be lawful for the said Commissioners, if they shall deem it necessary or expedient, to build, purchase, contract for, hire, or otherwise employ One or more Vessel or Vessels to be commanded by a licensed Pilot, and to be propelled by Steam or otherwise, for the Purpose of towing or hauling Ships or other Vessels into and out of the said Harbour; and any Person or Persons requiring the Assistance of such Towing Vessel or Vessels shall be obliged to pay to the said Commissioners or their Collector or Collectors, or to any other Person or Persons with whom the said Commissioners may contract for supplying such Towing or Hauling Ship or Ships, such reasonable Rates or Compensation for the Use thereof as shall from Time to Time be established by the said Commissioners, and which shall be due and payable whether the said Towing Vessel or Vessels shall be actually employed or not, provided the Assistance thereof shall have been required, and shall in consequence of such Requisition have been tendered by the Master or Masters, or other Person or Persons, commanding such Towing Vessel or Vessels: Provided always, that it shall not be lawful for any Person or Persons, without the Leave and Authority of the said Commissioners first applied for and obtained, to use or employ any Towing Vessel or Vessels within the Boundary of the said

Power to employ Towing Vessels.

said Harbour, except those to be provided for, employed, contracted for, hired, or used by or by Authority of the said Commissioners as herein-before mentioned, upon pain of Forfeiture to the said Commissioners for every Offence of any Sum not exceeding Ten Pounds.

## Bye Laws.

CCXXII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to make such Bye Laws as they shall think fit for the proper Government and Regulation of the Port and Harbour of *Aberdeen*, and for all and any of the following Purposes; (that is to say,)

For regulating the Use of the Harbour, Piers, Quays, Docks, and other Works already made and hereby authorized to be made:

For regulating the placing and removing of Vessels entering in, lying in, or going out of the said Harbour or Docks, and for the good Order and Government of all such Vessels:

For regulating the Exercise of the several Powers hereby vested in the Harbour Master and Dock Master to be appointed by the Commissioners respectively:

For regulating the Admission of Vessels into the said Harbour and Docks, and their Removal out of the same:

For regulating the shipping, unshipping, landing, warehousing, housing, stowing, depositing, and removing of all Goods, Articles, or Things from, in, or on the Piers, Quays, Wharfs, Docks, Sheds, or Warehouses of the Commissioners:

For regulating the Duties and Conduct of all Persons, as well the Servants of the Commissioners as others, who shall be employed at or about the Quays, Docks, and Premises of the Commissioners:

For regulating the Use of Fires, Candles, Lamps, and other Lights or lighted Substances within the said Harbour, Docks, and the other Premises belonging thereto, and within any Vessel anchored within the said Harbour and Docks, or within One hundred Yards of the Piers, Quays, or Works of the Commissioners:

For preventing Damage or Injury to any Vessel, Goods, Articles, or Things in or on the Premises belonging to the Commissioners:

For regulating the Police of the said Harbour and Docks, and the Times and Manner in which the Police Officers and Watchmen shall perform their Duties:

For regulating the Use of the Cranes, Weighing Machines, Weights, and Measures belonging to the Commissioners, and the Duties and Conduct of all Weighers and Meters appointed by them:

And it shall be lawful for the Commissioners, from Time to Time as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Alteration be not repugnant to the Law of *Scotland*, or the Provisions of this Act, and be reduced into Writing, and be signed by any One or more of the said Commissioners and their Clerk.

Enforcing  
Bye Laws.

CCXXIII. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws so to be made by them, to impose such reasonable Penalties as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Law be



so framed as to allow the Judge before whom any Penalty imposed thereby is sought to be recovered to modify the said Fine or Penalty as he may see fit.

CCXXIV. And be it enacted, That no Bye Law which shall be made by the Commissioners under the Authority of this Act, except such as may relate solely to the Commissioners, or their Officers or Servants, shall be valid or binding unless the same shall be allowed, approved of, and confirmed by the Sheriff of the County of *Aberdeen*.

Bye Laws to be confirmed.

CCXXV. And be it enacted, That it shall be incumbent on such Sheriff, on the Request of the Commissioners, to inquire into any Bye Laws which may be tendered to him for that Purpose, and to allow or disallow of the same as he shall think meet.

Sheriff to inquire into Bye Laws.

CCXXVI. Provided always, and be it enacted, That no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Aberdeen* Ten Days at least before the hearing of such Application; and any Person aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the hearing of such Application, may, by himself or his Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Matter of Objection.

Notice of confirming Bye Laws.

CCXXVII. Provided always, and be it enacted, That for Ten Days at least previous to any such Application a Copy of such proposed Bye Laws shall be kept at the principal Office of the Commissioners, and it shall be lawful for all Persons at all seasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words.

A Copy of proposed Bye Laws to be open to Inspection.

CCXXVIII. And be it enacted, That such Bye Laws, when confirmed, shall be printed and affixed to Boards, and hung up, fixed, and continued on the Front or some conspicuous Part of the principal Office of the Commissioners, and also on some conspicuous Part of the Works of the said Harbour, or of the Docks, according as such Bye Laws may relate to the Harbour or Docks; and such Boards shall be from Time to Time renewed as often as the same or any Part thereof may be obliterated or destroyed.

Publication of Bye Laws.

CCXXIX. And be it enacted, That such Bye Laws, when so confirmed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same.

Bye Laws to be binding on all Parties.

CCXXX. And be it enacted, That the Production of a written or printed Copy of the Bye Laws of the Commissioners, authenticated by the Signature of the Clerk to the Commissioners for the Time being, shall be Evidence of the Existence and of the due making of such Bye Laws in all Prosecutions under the same; and with respect to the Proof of the Publication thereof, it shall be sufficient that

Evidence Bye Laws.

printed Copies affixed to Boards containing a Copy thereof were affixed or continued in the Manner in this Act directed; and in case of any of such Boards being afterwards destroyed or obliterated, it shall be sufficient to prove that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such printed Copies did not contain a Copy of the Bye Law under which he shall be prosecuted, or that printed Copies affixed to Boards were not affixed, or continued to be affixed, as required by this Act.

Penalty for pulling down Boards on which Bye Laws are affixed.

CCXXXI. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board on the Premises of the Commissioners, on which any printed Copy of any Bye Law of the Commissioners, or of any Rate to be taken under this Act, shall be affixed, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Mode of Recovery of Penalties, and Provisions for Damages not otherwise provided for.

10 G. 4. c. 41.

CCXXXII. And be it enacted, That it shall be lawful for the said Commissioners or any One of them, in their own Names, or in the Name of their Clerk, Treasurer, or Collector, or to or for the Procurator Fiscal for the said City of *Aberdeen*, to prosecute for and recover the several Fines, Penalties, Forfeitures, Damages, Expences, and Costs of Suit by this Act imposed, or by any Bye Law, Rule, or Order to be made in pursuance hereof, the particular Mode for Recovery whereof is not otherwise herein provided for, by Information, Action, or Complaint within Six Months after the Offence is committed, before any of the Judges of Police of the City of *Aberdeen*, who shall proceed in the Matter of such Information, Action, or Complaint agreeably to the Forms established and in use for the Time in the Police Court of the said City under the Act of the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for better paving, cleansing, lighting, watching, and improving the Streets, Lanes, and other public Places and Passages within the City of Aberdeen, and certain Grounds adjacent, for regulating the Police thereof, and for supplying the Inhabitants with Water*, or agreeably to the Forms of any Police Act for the said City for the Time being, or in any other competent Form in a summary Way; and in case, upon Conviction of the Offenders, either by the Confession of the Parties offending, or by the Oath of One or more credible Witness or Witnesses, or other competent Evidence, the several Fines, Penalties, Forfeitures, Damages, Expences, and Costs of Suit awarded shall not be forthwith paid, then it shall be lawful for any of the said Judges of Police, and he is hereby authorized and required, by Warrant under his Hand to cause such Offender to be committed to the Prison of *Aberdeen*, there to remain for any Time not exceeding Three Months, unless such Fines, Penalties, Forfeitures, Damages, Expences, and Costs of Suit shall be sooner paid; and the Moneys recovered or levied for such Expences and Costs of Suit shall be applied to the Payment of the same respectively, and the Moneys arising by such Fines, Penalties, Forfeitures, and Damages respectively, after defraying the Expences of suing for and recovering the same, shall be applied to the Purposes of this Act: Provided always, that it shall and may be lawful to the Judge of the Police by whom such

Penalties may be mitigated.

such Judgment, Sentence, or Determination shall be given, pronounced, or made to mitigate, compound, or lessen any of the Fines, Penalties, Forfeitures, or Damages aforesaid as he in his Discretion shall think fit; and that every such Mitigation or Composition shall be a sufficient Discharge to the Persons offending respectively for so much of the said Fines, Penalties, Forfeitures, and Damages as shall be so mitigated, lessened, or remitted, excepting always from the Provisions contained in this Section such Damages as may be assessed by a Jury in manner herein-before mentioned.

CCXXXIII. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Officers or Persons acting under the Authority of this Act; be it therefore enacted, That it shall and may be lawful to and for the said Officers and Persons respectively to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and to convey him, her, or them before any of the Judges of Police as aforesaid, to be dealt with, tried, and punished agreeably to the Forms prescribed by, and the Power and Authority vested for the Time in, the Judges of the Police Court of the said City of *Aberdeen*.

For apprehending transient Offenders.

CCXXXIV. And be it enacted, That all Fines, Forfeitures, and Penalties imposed by or under the Authority of the said recited Act or of this Act, or any of them, or by any Bye Law, Rule, or Order to be made in pursuance thereof, shall, when levied, be paid over to the said Commissioners or their Treasurer, to be applied for the Purposes of this Act.

Application of Penalties.

CCXXXV. And be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War, or any Vessel exclusively employed in the Service of Her Majesty, or of the Ordnance, Customs, Excise, or of Her Majesty's Postmaster General, of the Commissioners of the Northern Lighthouses, or of the Corporation of *Trinity House of Deptford Strond*: Provided always, that if any Person shall take the Benefit of any such Exemption not being entitled thereto he shall for every such Offence forfeit the Sum of Five Pounds.

Not to extend to Ships of War, &c.

CCXXXVI. And be it enacted, That nothing in this Act contained shall extend to prejudice or derogate from the Jurisdiction or Authority or any of the Rights or Privileges of the Commissioners of the Northern Lighthouses, or of the Corporation of *Trinity House of Deptford Strond*.

Saving of Rights.

CCXXXVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, alter, abridge, lessen, change, or infringe any Rights, Privileges, Jurisdiction, Power, Property, or Authority of the Magistrates and Council of the said City of *Aberdeen* and Community thereof in and about or concerning the said Harbour, or the Piers, Quays, and other Works built or to be built as aforesaid, unless in so far as the same are hereby specially altered or abridged or restrained during the Continuance of this Act.

Jurisdiction of the City of Aberdeen not to be affected by this Act.

CCXXXVIII. And

Harbour  
Duties which  
existed before  
the first  
Harbour Act  
to continue  
after the  
Expiration of  
this Act.  
13 G. 3, c. 29.

CCXXXVIII. And whereas prior to an Act of the Thirteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for deepening, cleansing, and making more commodious 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*, the Magistrates and Council of the said City of *Aberdeen*, for behoof of the Community thereof, in virtue of the ancient Grants and Charters in favour of the Burgh of *Aberdeen*, and Ratifications thereof by the Parliament of *Scotland*, were in use to levy certain Rates, Dues, and Duties at and within the said Harbour, and which Rates, Dues, and Duties are for the Time incorporated with and form Part of the Rates and Duties by this Act authorized to be levied; be it enacted, That upon the Expiration of this Act, when the Rates and Duties hereby granted shall cease and determine, the Provost, Magistrates, and Council of the said City, for behoof of the Community thereof, shall be entitled to revert to and levy at and within the said Harbour all Rates, Dues, and Duties which they were in use to levy at and within the same prior to the said Act of the Thirteenth Year of King *George* the Third, in the same Manner and as fully and freely as if the said Act and the several subsequent Acts relating to the said Harbour had never been passed.

Rights of the  
Magistrates  
and Council  
of Aberdeen  
reserved.

CCXXXIX. And be it enacted, That upon the Expiration of this Act the whole Property of the said Harbour, with the Piers, Quays, Docks, Sewers, and Works built or to be built as aforesaid, shall revert to and become the Property of the Provost, Magistrates, and Council of the said City of *Aberdeen* for behoof of the Community thereof, subject to all the Debts, Charges, and Liabilities that may then affect the same.

Interpreta-  
tion of Act.

CCXL. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Party" shall include Corporation, public Body, Company, Society, and every Person whatever:

The Word "Month" shall mean Calendar Month:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Persons exempted by Law from the Necessity of taking an Oath:

The Word "Lands" shall extend to Lands, Tenements, Buildings, and all Heritages and Buildings whatsoever:

The Word "Sheriff" shall include Sheriff Substitute, and shall mean the Sheriff or Sheriff Substitute of the County of *Aberdeen*:

The Words "Ship" and "Vessel" shall include every Description of sea-going Craft, whether propelled by Steam or otherwise, Lighter, Barge, and Boat.

CCXLI. And

CCXLI. And be it enacted, That all the Costs, Charges, and Expences incurred in applying for, obtaining, and of passing this Act, and all other necessary and proper Expences relating thereto, shall be paid and defrayed out of the first Moneys to be raised by virtue of this Act. Expences of the Act to be paid.

CCXLII. And be it enacted, That this Act shall commence and take effect from and after the Twenty-first Day of *November* One thousand eight hundred and forty-three, and shall continue for the Space of Thirty-one Years, and from thence to the End of the then next Session of Parliament. Commence-ment and Continuance of Act.

CCXLIII. 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. Public Act

SCHEDULES referred to in this Act.

---

SCHEDULE (A.)

RATES FOR SHIPPING.

	<i>£</i>	<i>s.</i>	<i>d.</i>
<i>Class First.</i> —For all Vessels to or from any Port or Place between Flamborough Head on the South and Cape Wrath on the North, excepting Vessels passing through the Caledonian and Forth and Clyde Canals, but including the Orkney and Shetland Isles, per Register Ton - - - - -	0	0	2
<i>Class Second.</i> —To or from all other Ports or Places in Great Britain and Ireland, per Register Ton - - - - -	0	0	4
<i>Class Third.</i> —All Parts of Europe to the Northward of Gibraltar, including the Canaries, Western Islands, Madeira, Azores, Guernsey, Jersey, Alderney, Sark, the Faro Isles, and Iceland, also the whole of the Baltic and White Seas, per Register Ton -	0	0	9
<i>Class Fourth.</i> —All Parts on the Eastern Coast of North America, including Greenland and Davis' Straits Fisheries, all Parts within the Straits of Gibraltar and West Coast of Africa, as far South as the Tropic of Cancer, per Register Ton - - - - -	0	1	0
<i>Class Fifth.</i> —The West Indies and all Parts within the Tropics of Capricorn and Cancer, per Register Ton - - - - -	0	1	6
<i>Class Sixth.</i> —For all Vessels navigating to the Southward of the Tropic of Capricorn, and all other Parts of the World, per Register Ton	0	2	0

Vessels launched at the Port of Aberdeen to pay half Dues on First Voyage, if sailing in Ballast, but if loading Goods to pay full Dues.

Vessels entering the Harbour for Safety, or Wind-bound, and not breaking Bulk, to pay half Dues, but if they break Bulk or take in Goods (Stores for their own Use excepted), to pay full Dues.

Foreign Vessels to pay One Half more Dues than British Vessels.

One Arrival and One Sailing to constitute a Voyage.

Vessels remaining in the Harbour after Three Calendar Months (and Fourteen Days allowed for loading and discharging) to pay One Penny per Register Ton per Calendar Month and for each Part of a Month in advance.

It shall be in the Option of the Trustees to charge either the Dues on the Voyage inwards or on the Voyage outwards, at the Rates specified in the above Schedule, according to the Distance; and if the Charge be made on the Voyage outwards there shall be deducted from it the Amount of Dues that may have been previously paid on the Voyage inward; but if such Vessels sail in Ballast they shall be charged with Dues on the inward Voyage only.

## SCHEDULE (B.)

## RATES FOR GOODS.

N.B.—The Letters B. B. signify Barrel Bulk.

Description of Goods.	Quantity.	Rate.	
		s.	d.
Acorns	B. B.	0	3
Alabaster	B. B.	0	3
Ale and Beer	Hhd.	0	6
Ditto in Bottles	B. B.	0	3
Almonds	B. B.	0	3
Alkali Black	Ton	2	0
Alum	Ton	2	0
Animalized Carbon for Manure	Ton	1	6
Aniseeds	B. B.	0	3
Anvils	Ton	2	0
Apples	Bushel	0	2
Argol	Ton	2	0
Ashes, Pot and Pearl	Ton	2	0
Ditto Weed	Ton	2	0
Ammonia Water	Ton	1	0
Bacon	B. B. of 200 lbs.	0	3
Bagging	B. B.	0	3
Barilla	Ton	1	6
Bark for Tanners	Ton	1	8
Barley, Hulled	Ton	2	0
Barrels, empty Herring	Each	0	1
Baskets	B. B.	0	3
Ditto Rods	B. B.	0	3
Biscuit, Ship's	Cwt.	0	2
Beef	B. B. of 200 lbs.	0	3
Beer, Spruce or Black	6 Kegs	0	3
Blacking, not otherwise enumerated	B. B.	0	3
Bellows	B. B.	0	3
Bleaching Salts and Powder	Ton	2	0
Blubber	B. B. of 27 Gallons	0	3
Boats exported, viz.—12 to 14 Feet Keel	Each	2	6
14 to 16 —	Each	3	0
16 to 18 —	Each	3	6
18 to 20 —	Each	4	0
20 and above	Each	5	0
Cobles, viz.—12 to 14 Feet long	Each	2	0
14 to 16 —	Each	2	6
16 to 18 —	Each	3	0
18 to 20 —	Each	3	6
All other Boats and Cobles in proportion.			
Bones of Cattle	Ton	1	0
Ditto Ground	Ton of 48 Bushels	1	0
Books, and all Articles of Stationery not otherwise enumerated.	B. B.	0	3
Bottles, empty, Wine Size, and others in proportion	Gross	0	4

Description of Goods.	Quantity.	Rate.	
		s.	d.
Bottles, smaller Size, and Phials	B. B.	0	3
Ditto broken, and Cullet	Ton	0	6
Bran	Boll of 80 lbs.	0	1
Brass	Ton	2	0
Bricks, common Size	1,000	0	6
Ditto double, treble, and other Sizes in proportion.			
Brimstone, rough	Ton	2	0
Ditto in Roll or Flour	B. B.	0	3
Bristles	B. B.	0	3
Brooms	Dozen	0	3
Broom and Brush Handles, Heads and Stocks	B. B.	0	3
Brushes	B. B.	0	3
Butter	Cwt.	0	1½
Boxes, Salmon, empty	Each	0	1
Candles	B. B.	0	3
Ditto Wicks	B. B.	0	3
Cakes of Lint and Rape Seed	Ton	2	0
Ditto Ground	Ton	2	6
Cane Reeds	120	0	3
Carpets, Rugs, and Upholstery Articles	B. B.	0	3
Carboys of Vitriol and Acids, usual Size	Average 160 lbs. each	0	1½
Cards, Tow and Wool	B. B.	0	3
Carraway Seeds	B. B.	0	3
Carriages, viz.—Mail and Stage Coaches	Each	15	0
Chariot	Each	15	0
Post Chaise	Each	15	0
Britska	Each	12	0
Phaeton	Each	7	6
Gig	Each	5	0
Other Carriages in proportion.			
Carrots	Ton	1	0
Casks, Boxes, and Kits, empty, excepting returned Packages.	B. B.	0	1½
Cement	Ton	1	6
Chalk	Ton	0	9
Charcoal	Ton	5	0
Ditto Blacking	B. B.	0	3
Cattle and Live Animals, viz.—			
Asses and Mules	Each	2	0
Bulls, Cows, and Oxen	Each	1	1
Calves	Each	0	6
Sheep and Lambs	Each	0	4½
Swine and Pigs	Each	0	4½
Horses	Each	4	0
Cattle and Horses from Orkney and Shetland	Each	0	9
Sheep and Lambs from ditto ditto	Each	0	4½
Dogs, Foxes, and smaller Animals	Each	1	0
Other Kinds of Animals in proportion.			
Cheese	Cwt.	0	1½
Chesnuts	P. B.	0	3
Chimney Tops or Cans (Composition), 3 Feet high	Each	0	1
Ditto ditto (of Clay), 2¼ Feet high	Each	0	0½
Others in proportion.			
China	B. B.	0	3



Description of Goods.	Quantity.	Rate.	
		s.	d.
Chocolate	B. B.	0	3
Cider	B. B. of 27 Gallons	0	3
Cinders	Barrel of 128 lbs.	0	0½
Cinnamon and Cassia	B. B.	0	3
Clay, viz.—China or Stone Clay	Ton	0	4
Pipe Clay	Ton	1	0
Fire Clay	Ton	0	4
Loam Clay	Ton	0	4
Clocks	B. B.	0	3
Clothiery, Haberdashery, Silk Mercery, and all Articles for Clothiers and Haberdashers	B. B.	0	3
Coals	5½ Cwt.	0	1
Ditto	Ton	0	3¾
Coal Dust for Founders, &c.	Ton	1	6
Clover Seeds	Ton	2	0
Cocoa Nuts	B. B.	0	3
Coffee	B. B.	0	3
Confections	B. B.	0	3
Copper	Ton	2	0
Ditto Utensils for Distilleries and other Purposes	Cwt.	0	3
Ditto Old	Ton	2	0
Ditto Ore	Ton	1	0
Copperas	Ton	1	6
Cordage, White and Tarred	Ton	2	0
Corks	B. B.	0	3
Corkwood	Ton	4	0
Corn, viz.—Barley, Bear, or Big	Quarter	0	2
Malt	Quarter	0	2
Oats	Quarter	0	2
Wheat	Quarter	0	3
Rye	Quarter	0	3
Beans	Quarter	0	3
Peas, Grey	Quarter	0	3
Ditto White, Split, or Boilers	Ton	2	0
Flour	Sack or Barrel	0	3
Oatmeal	Ton	1	8
Corn Hooks or Sickles	B. B.	0	3
Cotton Wool	Ton	2	6
Ditto Manufactured	B. B.	0	3
Crystal	B. B.	0	3
Currants	B. B.	0	3
Cloth, not enumerated	B. B.	0	3
Drugs, Medicines, and all Articles for Druggists not otherwise enumerated	B. B.	0	3
Dung	Ton	0	4
Earthenware	B. B.	0	2
Eggs	B. B.	0	3
Feathers	B. B. of 80 lbs.	0	3
Felt	B. B.	0	3
Figs	B. B.	0	3
Fish, viz.—Salmon, Iced	B. B.	0	3
Ditto Pickled in Kits	B. B. of 6 Kits	0	3

[Local.]

25 R

Description of Goods.	Quantity.	Rate.
<i>Fish—continued.</i>		
Salmon, Preserved	B. B.	0 3
White Fish, Salted	Ton	2 6
Haddocks, Dried or Smoked	B. B.	0 3
Cod, Pickled	Barrel	0 3
Flax	Ton	2 6
Ditto Codilla	Ton	1 6
Ditto Manufactured	B. B.	0 3
Flint for Potters	Ton	0 4
Furniture	B. B.	0 3
Gingerbread	B. B.	0 3
Ginger	B. B.	0 3
Glass	B. B.	0 3
Glue	B. B.	0 3
Grapes	B. B.	0 3
Grease	Ton	2 0
Gum, Senegal, and other Kinds	B. B.	0 3
Gypsum	Ton	1 6
Gunpowder	100 lbs.	0 3
Guano	Ton	2 0
Hair of Ox, Cow, or Horse, Dry	Cwt.	0 3
Ditto Wet	Cwt.	0 2
Ditto Plaster	Ton	4 0
Hams	B. B. of 200 lbs.	0 3
Hats	B. B.	0 3
Hay and Straw	Ton	1 8
Hemp, Rough	Ton	2 6
Ditto Codilla	Ton	1 6
Ditto Dressed	B. B.	0 3
Honey	Cwt.	0 1½
Herrings	Barrel	0 2
Hides, viz.—Ox, Cow, Buffalo, or Horse	Each	0 0½
Kips	Each	0 0¼
Calf and Seal Skins	Dozen	0 1½
Sheep Skins and Pelts	Dozen	0 1
Hoops of Wood, viz.—Barrel and Half Barrel	1,200	0 6
Pink and Half Pink	1,200	0 4
Others in proportion.		
Hops	Cwt.	0 4
Horns, viz.—Of Ox or Cow	1,000	1 8
Tips	Ton	2 0
Sloughs	Ton	2 0
Hoofs	Ton	2 0
Shavings or Waste	Ton	2 0
Husbandry Implements, viz.—Waggon with Four Wheels	Each	5 0
Box Cart	Each	2 6
Plough	Each	0 9
Harrows	Pair	0 9
Wheelbarrow	Each	0 4
Other Implements	B. B.	0 3
Hardware, and all Articles for Hardware Merchants not enumerated	B. B.	0 3
Ice	Ton	0 6

Description of Goods.	Quantity.	Rate.	
		s.	d.
Indigo	B. B.	0	3
Iron, viz.—Bar and Bolt	Ton	1	3
Rod, Plate, Sheet, and Hoops	Ton	2	0
Girdles, Nails, and Wire	Ton	2	0
Forged Ironwork	Ton	2	0
Steam Boilers, in Pieces	Ton	2	0
Ditto whole	B. B.	0	3
Grates, Stoves, and Tinned Work	Ton	3	0
Pots, and other hollow Cast-iron Work	Ton	2	6
All other Castings	Ton	2	0
Pig	Ton	1	0
Old	Ton	1	0
Ore	Ton	1	0
Ivory	B. B.	0	3
Ditto Black	Ton	1	6
Junk or old Ropes	Ton	1	0
Kelp	Ton	1	6
Kiln Pavement	30 superficial Feet	0	3
Lamp Black	B. B.	0	2
Lard	Cwt.	0	1 $\frac{1}{2}$
Lead, viz.—Sheet, Pig, Pipes, and Shot	Ton	2	0
Red, White, and Black	Ton	2	0
Ore	Ton	1	0
Leather, dressed	Cwt.	0	2
Ditto all other Sorts	Cwt.	0	2
all Articles for Leather Merchants not enumerated	B. B.	0	3
Lemons	B. B.	0	3
Lime	Boll of 5 Bushels	0	0 $\frac{3}{4}$
Linen Yarn, in Bulk or Loose Bundles	Ton	3	0
Linen Yarn, in Bales or other Packages	B. B.	0	3
Linseed, in Casks or Bags	B. B.	0	3
Liquids, in Casks, not otherwise enumerated	B. B. of 27 Gallons	0	3
Liquorice Root	B. B.	0	3
Madder, Ground	Ton	2	6
Ditto Root	Ton	5	0
Machinery	B. B.	0	3
Manganese	Ton	2	0
Mats, Russian	100	1	0
Mill Waste, all Kinds	Ton	1	6
Molasses	Ton	1	8
Moss Rock	Ton	2	0
Mustard	B. B.	0	3
Musical Instruments	B. B.	0	3
Nutgalls	B. B.	0	3
Nutmegs	B. B.	0	3
Nuts	B. B.	0	3
Oakum	Cwt.	0	2
Ochre	Ton	2	0
Oil of all Kinds	B. B. of 27 Gallons	0	3
Onions	Bush.	0	2

Description of Goods.	Quantity.	Rate.	
		s.	d.
Oranges	B. B.	0	3
Orchella Weed	Cwt.	0	3
Oysters, and other Shell Fish	B. B.	0	3
Pack Thread and Twine	B. B.	0	3
Paper of all Kinds, and all Articles for Papermakers not otherwise enumerated	B. B.	0	3
Ditto Shavings	Ton	1	6
Paste or Mill Boards.	B. B.	0	3
Peats	Load of 800	0	4
Pepper and Pimento	B. B.	0	3
Perry	B. B. of 27 Gallons	0	3
Pitch	Barrel	0	2
Pewter	Ton	2	0
Plants of Trees and Shrubs	B. B.	0	3
Plaster of Paris	Ton	2	0
Pork	B. B. of 200 lbs.	0	3
Plums	B. B.	0	3
Porter	Hhd.	0	6
Ditto in Bottles	B. B.	0	3
Potatoes	Ton	1	0
Preserved Provisions	B. B.	0	3
Prunellas	B. B.	0	3
Prunes	B. B.	0	3
Pipes, Tobacco	B. B.	0	3
Paretis, Refuse of	Ton	1	0
Quills, undressed	B. B. of 16 M.	0	3
Ditto dressed	B. B.	0	3
Rags, Linen	Ton	1	6
Rags, Woollen	Ton	1	0
Raisins	B. B.	0	3
Rice	Ton	2	0
Rosin	Ton	1	8
Rye Grass Seeds	8 Bushels	0	3
Sago	B. B.	0	3
Sail Cloth in Bolts	5 Bolts	0	3
Ditto in Package	B. B.	0	3
Salt, Rock and White	Ton	1	0
Ditto Refined, in Package	B. B.	0	3
Salts, Glauber and Epsom	Cwt.	0	1½
Saltpetre	Ton	2	6
Scythes	Dozen	0	0½
Sand, for Founders	Ton	0	4
Scrows of Hides	Ton	2	0
Scrows, Jelatine of	Ton	1	6
Shakes of Casks, Pipe or Puncheon	Each	0	2
Others in proportion.			
Shumac	Ton	2	6
Slates, viz. Easdale, Ballahulish, and Ballahuie, sizeable	1,200	1	4
Ditto Ditto Ditto under Size	1,200	0	6
Ditto Duchesses, from England	1,200	1	8
Ditto Countesses, from Ditto	1,200	2	6
Ditto Imperial, from Ditto	1,200	3	0

Description of Goods.	Quantity.	Rate.	
		s.	d.
Smalts	Cwt.	0	1½
Snuff	B. B.	0	3
Soap, Hard and Soft	Ton	2	0
Soapers Salts and Muriatic Residuum	Ton	1	6
Soda	Ton	2	0
Soda and Seltzer Water	B. B.	0	3
Spades and Shovels	Doz.	0	1
Spanish or Italian Juice	B. B.	0	3
Spirits, Home and Foreign, and all Articles for Spirit Dealers not otherwise enumerated	B. B.	0	3
Starch	B. B.	0	3
Steel	Ton	2	0
Stones, viz.—Carriageway Granite	Ton	0	2
Curb Pavement Steps	Ton	0	5
Landings and Building Ditto			
Rubble and Chips, Ditto	Ton	0	2
Freestone, Building	Ton	0	5
Rigging Stones	100 running Feet	1	6
Millstones	Ton	2	0
Grindstones	Ton	2	0
Scythestones	Gross	0	4
Gravestones, Foreign	Each	5	0
Turin or Flagstones under Three Inches thick	20 sup. Feet	0	3
Ditto extra Thickness in proportion.			
Ditto from Caithness	20 sup. Feet	0	2½
Chimney Jambs	Set	0	2
Stair Steps.	20 running Feet	1	6
Stairhead Landings, Cistern, and other large Stones not exceeding Five Inches thick	Sup. Foot	0	1
Do. above Five Inches	Sup. Foot	0	1½
Marble Stones	100%. Value	20	0
Polished Granite Stones	Ton	3	0
All other Description of Stones	100%. Value	20	0
Cliff and Cement Stone	Ton	0	6
Stucco	Ton	1	6
Stoneware	B. B.	0	3
Sugar, viz.—Candy	B. B.	0	3
Loaf and Lump	Ton	3	0
Powder and Raw	Ton	2	0
Of Lead	Ton	2	0
Sheffield and Birmingham Wares	B. B.	0	3
Skins, not otherwise enumerated	B. B.	0	3
Seeds, all Sorts, and all Articles for Seedsmen and Fruit-ers not otherwise enumerated	B. B.	0	3
Saddlery Articles not otherwise enumerated	B. B.	0	3
Tallow	Ton	2	0
Tar	Barrel	0	2
Tares	Quarter	0	3
Teas, and all Articles for Grocers not otherwise enumerated	B. B.	0	3
Tiles	1,000	1	0
Tin	Ton	2	0
Tin Plates	Ton	2	0

[Local.]

25 S

Description of Goods.	Quantity.	Rate.	
		s.	d.
Tobacco	Cwt.	0	1½
Toys	B. B.	0	3
Tow, all Kinds	Ton	1	6
Turnips	Ton	1	0
Tanners Waste	Ton	0	6
Teazels	B. B.	0	3
Varnish, all Kinds	B. B.	0	3
Vinegar	B. B. of 27 Gallons	0	3
Veneers, all Kinds	B. B.	0	3
Walnuts	B. B.	0	3
Whalebone	Ton	2	0
Whitening	Ton	0	9
Wine, in Casks	B. B. of 27 Gallons	0	3
Ditto in Bottles	B. B.	0	3
Wood, Foreign and American (Calliper Measure) viz.—			
Pine and Fir Timber, Oak, Elm, Ash, Birch, and all other Descriptions of hard Wood, in Log or Plank	Load	1	0
Masts and Spars	Load	1	0
Fir Deals, Planks, and Battens	Load	1	0
Lathwood, Four Feet Lengths	Fathom	2	0
Ditto other Lengths in proportion.			
Rickers, under 30 Feet Length, and under 4 Inch Diameter	Doz.	0	3
Oars	Doz.	0	4
Handspikes	Doz.	0	4
Treenails	1,000 Feet lineal	0	6
Wainscot	Load	1	3
Wood, British, viz.—			
Fir, Larch, Beech, Oak, Ash, Elm, and all other Hardwoods, rough or round (Calliper Measure)	Load	0	9
Ditto Ditto (String Measure)	Load	1	0
Masts and Spars (Calliper Measure)	Load	0	9
Masts and Spars (String Measure)	Load	1	0
Oak, Ash, Beech, Elm, and all other Hardwoods, in Plank or sided	Load	1	0
Fir Deals, Planks, and Boards	Load	1	0
Railway Sleepers	Load	1	0
Lathwood, sawn	1,000 sup. Feet	1	0
Pit Props, 6 Feet long 3 Inches Diameter	Doz.	0	2
Ditto other Sizes in proportion.			
Cartwheel Spokes	40 Pieces	0	3
Cartwheel Felloes	40 Pieces	0	3
Wedges	1,000 Pieces	1	0
Wood, by Weight, viz.—			
Barwood, Boxwood, Brazil Wood, Camwood, Ebony, Fustic, Lignumvitæ, Logwood, Nicara- guawood, Redwood, Sassafras, &c. &c.	Ton	2	0
Mahogany	40 Feet or Ton	2	0
Staves, viz.—			
American Pipe	Standard Thousand	15	0
Ditto single Hogshead	1,200	6	0
Ditto single Barrel	1,200	3	0

Description of Goods.	Quantity.	Rate.
Wood, Staves— <i>continued.</i>		s. d.
American Hogshead Billets	1,200	10 0
Ditto Barrel Billets	1,200	8 0
Baltic and Hamburg Pipe	1,200	30 0
Ditto Ditto Hogshead	1,200	20 0
Ditto Ditto best Barrel	1,200	10 0
Ditto Ditto inferior Quality	1,200	5 0
British Barrel	1,200	3 0
Ditto Ditto of Fir	1,200	1 6
Woad	Ton	2 0
Wool, Sheep's	Ton	2 6
Ditto manufactured	B. B.	0 3
Yeast	B. B.	0 3
Zinc	Ton	2 0
All Goods not otherwise enumerated in the foregoing Schedule	B. B.	0 4

The Barrel Bulk of all Articles not otherwise rated to be Five Cubical Feet, excepting when the said Measure shall exceed Two and Half Hundred Weight, in which Case Two and a Half Hundred Weight is 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; and in all Cases where a Fourth is chargeable, to pay One Penny.

Goods bonâ fide in transitu under Address of any Person North or South of Aberdeen, having paid Shore Dues on Importation, and being reshipped in the original Packages without changing Hands, to be exempted, during the Pleasure of the Commissioners, from the Payment of Shore Dues on Exportation.

When Herring Barrels are exported empty, and return to the Harbour packed with Herrings, the Owners (if the Exporters of the Barrels) shall be entitled to an Allowance or Drawback of the Amount paid on Exportation for such Barrels out of the Importation Dues of said Herrings.

Shore Dues at the above Rates to be paid on all Goods loaded or unloaded, or otherwise arriving or leaving the Port or District, as herein described, viz. the Harbour, the Rivers Dee and Don, upon both Sides thereof, the Coast between these Rivers, and the Coast Southward from the Mouth of the River Dee to the Extremity of the Town of Aberdeen's Precincts or Boundary on the Torry or South Side of the River Dee, which District is the Port and Harbour of Aberdeen.

## SCHEDULE (C.)

## EXEMPTIONS FOR SHIPPING.

All open Boats under the Burden of Ten Tons to be exempted from Dues.

All Ships, Steamers, or Vessels, having made Fifty Voyages in any One Year, from January to December inclusive, shall pay no Harbour Dues for any additional Voyages made by them within the said Year.

Vessels sailing from the Harbour, and put back by Stress of Weather, or other Cause, without having accomplished the Voyage, shall not be liable in additional Dues for such Returns.

All Ships or Vessels belonging to or exclusively employed in the Service of Her Majesty, the Customs, Excise, or Post Office, or of the Commissioners of the Northern Lighthouses, or of the Corporation of Trinity House of Deptford Strond, to be exempted from Dues.

British Vessels *bonâ fide* employed in the White Fishery to be exempted from the Payment of Harbour Dues, provided they have no Cargo on board but the Fish caught, and their Stores and Fishery Implements.

## SCHEDULE (D.)

## EXEMPTIONS FOR GOODS.

Fresh Fish imported in Bulk.

Salmon, Herrings, and other Fish, paying Shore Dues inwards, to be exempted from the Payment of Dues outwards, if in the same Packages, and belonging to the same Owners, as when imported.

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 on being reloaded.

All returned empty Boxes, Casks, Bags, and Pack Sheets, and all Goods returned to the original Shipper and in the original State, to be exempted from the Payment of Dues.

Passenger's Luggage not exceeding Two Barrel Bulk; all above to pay the ordinary Dues.

## SCHEDULE (E.)

## LEADING LIGHTS, TIDAL PIER LIGHT, AND FLAG DUES.

	<i>s.</i>	<i>d.</i>
All Vessels under 40 Tons	-	1 0
„ of 40 and under 50	-	1 6
„ of 50 and under 80	-	2 0
„ of 80 and under 100	-	2 6
„ of 100 and under 120	-	3 0
„ of 120 and under 200	-	3 6
„ of 200 Tons and upwards	-	4 0

The above Rates to be payable for all Vessels entering the Harbour.