ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 70.

An Act to amend several Acts of the Thirteenth, Thirty-fifth and Thirty-seventh Years of His present Majesty for deepening and making more commodious the Harbour of *Aberdeen*.

[18th *May* 1810.]

WHEREAS an Act was made in the Thirteenth Year of the Reign of His present Majesty, 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:* And whereas another Act was passed in the Thirty-fifth Year of His said Majesty's Reign, intituled *An Act to continue the Term, and alter and enlarge the Powers of an Act made in the Thirteenth Year of the Reign of His present Majesty*, intituled '*An Act for deepening, cleansing and making more 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:*' And whereas another Act was made in the Thirty-seventh Year of the Reign of His present Majesty, intituled *An Act for enlarging and improving the Harbour of* Aberdeen; *for building new Quays, Wharfs and Docks, and for making new Roads and Passages, and widening others leading to and from the said Harbour:* And whereas considerable Progress has been made in executing the said Works by the said several Acts directed, and in carrying into Effect the Powers contained therein; but the Trade and Shipping of the said Port of *Aberdeen* having of late very much increased, great additional Accommodation, particularly in constructing Wet Docks and Graving or Dry

13 G. 3. c. 29.

35 G. 3. c. 41.

37 G. 3. c. 101.

Docks, is required for the same; and for the Purpose of obtaining such Accommodation it will be expedient that the Magistrates and City Council of *Aberdeen* should be empowered to borrow a larger Sum of Money than is mentioned in any of the said Acts; that the Rates and Duties thereby granted should be increased, and that the Powers and Terms of the said Acts should be extended and enlarged, and that further Powers should be granted to the said Magistrates and City Council: And whereas a Map or Plan of the said intended Docks and other Improvements hath been prepared by Mr. *Thomas Telford*, Civil Engineer, One Copy of which Map or Plan, after being duly certified by the Right Honourable the Speaker of the House of Commons, is to be deposited in the Office of the Sheriff Clerk of the County of *Aberdeen*; and another Copy thereof with the said Magistrates and City Council: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, in addition to the Powers given and granted by the said recited Acts, the said Magistrates and City Council of *Aberdeen*, and their Successors in Office, or any Committee of their Number, consisting of not less than Five, to be named by them, shall be, and they are hereby authorized and empowered by themselves, their Agents, Workmen and Servants, to extend further into the Sea the present Piers on the North and South Sides of the Entry to the said Harbour of *Aberdeen*; and to make, erect and construct a Tide-Lock, and to convert a Part of the Interior of the said Harbour into a navigable Dock, and to make, erect, construct and maintain the same, and also such and so many Dry Docks or Graving Docks, and additional Piers, Quays, Bridges and Capstans, as may be found necessary: Provided always, that the said Magistrates and City Council, or their Successors, in making the said Piers, Docks, Bridges, Capstans and other Improvements, shall not deviate from the said Map or Plan herein-before mentioned, unless in so far as such Deviation shall be recommended by the said *Thomas Telford*, or some other Engineer of eminence, as an evident Improvement of, or advantageous Deviation from the said Plan, and shall also be approved of by the Committee of Auditors after-mentioned.

Magistrates and City Council to make new Piers, Docks, and other Improvements.

Map to remain in the Office of the Sheriff Clerk, and with the Magistrates and City Council.

II. And be it further enacted, That Two Copies of the said Map or Plan shall be duly certified by the Right Honourable the Speaker of the House of Commons, and One Copy thereof shall be deposited and remain in the Custody of the Sheriff Clerk of the County of *Aberdeen*, and the other Copy thereof with the said Magistrates and City-Council; and all Persons shall, at any seasonable Times, have Liberty to inspect and peruse the same in the Office of the said Sheriff Clerk, and to make Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying the said Sheriff Clerk the Sum of One Shilling Sterling for every such Inspection.

Trustees empowered to collect new Duties upon Goods belonging to Burgesses of Guild.

III. And be it enacted, That from and after the First Day of *July* One thousand eight hundred and ten, the several Rates, Dues and Duties leviable under the said Two first recited Acts shall cease, and that in Place of the present Rates, Dues and Duties, and including the original or former Harbour Dues of One Penny Sterling *per* Barrel-bulk, which subsisted and were in use to be levied within the said Harbour before the

Commencement of the said first recited Act, it shall be lawful to and for the said Magistrates and City Council, and their Successors in Office, or a Committee of their Number named as aforesaid, or such Person or Persons as they from Time to Time shall appoint, to demand, collect, receive and take of and from all and every the Owners and Proprietors (being Burgesses of Guild of the City of *Aberdeen*) of all Goods, Merchandize, Wares and Commodities whatsoever, which shall be imported or exported in any Ship, Vessel, Bark, Boat or Lighter, or shall be loaded into or unloaded out of any Ship, Vessel, Bark, Boat or Lighter coming into or going out of the said Harbour of *Aberdeen*, or from their Agents, Factors or Managers, the Sum of Three-pence Sterling for each and every Barrel-bulk of such Goods, Merchandize, Wares and Commodities aforesaid, which shall be so imported, exported, loaded or unloaded, belonging to Burgesses of Guild of the said City, and so in Proportion for any less Quantity; and in like Manner for all and every such Goods, Merchandize, Wares and Commodities which shall be so loaded or unloaded within the said Harbour, and belonging to Burgesses of Guild of the said City, and which by the present Usage and Custom of the said Harbour are not chargeable for Shore and Harbour Dues by the Barrel-bulk; the several Rates, Dues and Duties specified in the Schedule marked (A.) hereunto annexed.

Duties on Goods belonging to Persons not Burgesses of Guild.

IV. And be it further enacted, That it shall be lawful to and for the said Magistrates and City Council, and their Successors in Office, or a Committee of their Number named as aforesaid, or such Person or Persons as they from Time to Time shall appoint, to ask, demand, collect, receive and take of and from all and every the Owners and Proprietors (not being Burgesses of Guild of the said City,) of all Goods, Merchandize, Wares and Commodities whatsoever, whether in Use to be charged by the Barrel-bulk or otherwise, which shall be imported or exported in any Ship, Vessel, Bark, Boat or Lighter, or shall be loaded into or unloaded out of any Ship, Vessel, Bark, Boat or Lighter coming into or going out of the said Harbour of *Aberdeen*, or from their Agents, Factors or Managers, including therein the Rates, Dues and Duties leviable within the said Harbour before the Commencement of the said first recited Act, One Third Part more than is herein-before authorized to be collected, levied and taken for Goods, Merchandize, Wares and Commodities belonging to Burgesses of Guild, imported, exported, loaded or unloaded within the said Harbour.

Freemen of Incorporated Trades not liable to more Shore Dues than Burgesses of Guild.

V. Provided always, That the Freemen of the Incorporated Trades of *Aberdeen* shall not be liable or obliged, by virtue of this Act, to pay any more or further Shore and Harbour Dues than Burgesses of Guild, for whatever Goods or Commodities the Incorporated Trades are entitled to deal and traffic in, by virtue of the Common Indenture passed between them and the Burgesses of Guild of the said City, in the Month of *July* One thousand five hundred and eighty-seven, and of a Decree of the Court of Session pronounced in an Action of Declarator, at the Instance of the said Incorporated Trades, against the Magistrates and City Council of *Aberdeen*, bearing Date the Sixteenth Day of *January*, in the Year One thousand seven hundred and ninety-three.

VI. And

Tonnage Duties.

VI. And be it further enacted, That in place of all former Rates, Dues and Duties leviable within the aforesaid Harbour, and including those which were in Use to be levied within the same before the Commencement of the said first recited Act, under the Denomination of Anchorage, Tonnage and Lastage, all Ships, Vessels, Barks, Boats or Lighters arriving in the said Harbour, shall, from and after the said First Day of *July* One thousand eight hundred and ten, be chargeable with, and pay, and it shall be lawful to and for the said Magistrates and City Council, and their Successors in Office, or a Committee of their Number named as aforesaid, or such Person or Persons as they from Time to Time shall appoint, to ask, demand, receive and take the Rates, Dues and Duties following upon each and every Ton which such Ships and other Vessels shall respectively measure; (*videlicet*),

All Ships, Vessels, Barks, Boats and Lighters registered at the Port of *Aberdeen*, One Penny *per* Ton:

All Ships and other Vessels belonging to *British* Subjects, not registered at the Port of *Aberdeen*, One Penny and One Third Part of a Penny *per* Ton:

And all Ships and other Vessels belonging to Aliens, or Persons who are not *British* Subjects, and loading or unloading within the said Harbour, One Shilling and Two-pence *per* Ton.

Anchorage or Harbour Dues.

VII. Provided always, and be it further enacted, That all Ships, Vessels, Barks, Boats or Lighters arriving in the said Harbour, either by Stress of Weather, Wind-bound or otherwise, and not loading or unloading, and whether belonging to or registered at the Port of *Aberdeen* or not, shall be chargeable with, and pay One Penny Sterling *per* Ton for each Ton of their respective Admeasurements, for Anchorage or Harbour Dues: And provided always, that every Ship or other Vessel which shall have once paid the Tonnage Duties hereby authorized to be imposed, shall not be liable or obliged to pay the same again, notwithstanding that such Ship or Vessel may put back and return into the said Harbour, upon and during the same Voyage for which the Tonnage Duties aforesaid had been paid.

Vessels belonging to His Majesty, or the Customs, Excise, or Post Office not liable to Duties.

VIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to charge any of the Ships or Vessels belonging to or employed in the Service of His Majesty, His Heirs or Successors, or of the Customs, Excise, or Post Office, with any of the Duties of Tonnage granted by this Act.

To levy Rates for the Use of Dry Docks.

IX. And be it further enacted, That it shall and may be lawful to and for the said Magistrates and City Council, and their Successors in Office, or a Committee of their Number named as aforesaid, or such Person or Persons as they shall from Time to Time appoint, to ask, demand, collect, receive and take, in Addition to all other Rates, Dues and Duties hereby imposed, of and from all and every Person and Persons who shall use the aforesaid Dry Docks or Graving Docks, any or either of them, or any other Dry Dock or Graving Dock hereafter to be made, the several Rates and Duties which are contained in the Schedule hereunto annexed, marked (B), and from Time to Time to reduce the said Rates and Duties, in such Manner as they the said Magistrates and City

Council

Council, and their Successors, shall think fit; and again to raise the same, so as not to exceed the Sums in the said Schedule specified and contained.

Duties to be liable to Payment of all Money owing on the Credit of the former Acts.

X. And be it further enacted, That the Rates, Duties, and Tonnage hereby granted shall be subject and liable to the Payment of all Money now due and owing on the Credit of the said former Acts, and of the Interest due or to grow due for the same respectively.

Trustees empowered to borrow Money, not exceeding 140,000*l.*

XI. And be it further enacted and declared, That the said Magistrates and Council, and their Successors in Office, or any Committee to be named by them as aforesaid, shall and may, and they are hereby authorized and empowered from Time to Time, to borrow and take up at Interest any Sum or Sums of Money which, with those already borrowed and still due by the said Magistrates and Council on the Credit of the said recited Acts, shall not in the whole exceed together, at any one Time, the Sum of One hundred and forty thousand Pounds Sterling, and to grant, assign, and set over, for securing the Payment of the same, with the Interest thereof respectively, the several Rates, Duties, and Tonnage given and granted by this Act, to any Person or Persons who shall be willing to advance and lend Money thereon; and that all the Monies so to be borrowed and advanced, as well as all the Rates, Dues, and Duties hereby authorized to be levied, shall be employed for the Ends and Purposes of this Act, and not otherwise.

Old Harbour Dues and Produce of reclaimed Land to be applied to the Purposes of this Act.

XII. And be it further enacted, That the said Magistrates and Council, and their Successors, shall be bound, and are hereby required to account for and apply to the Uses and Purposes of this Act, not only the original or former Harbour Dues in use to be levied and paid within the said Harbour of *Aberdeen*, in virtue of the ancient Rights and Charters granted in favour of the said Magistrates and Council, and which shall be levied and paid to the said Magistrates and Council during the Continuance of this Act, but also the whole annual or gross Sums which they shall at any Time or Times hereafter make or receive from the Land in the said Harbour, which shall be embanked and reclaimed between the said intended Floating Dock and the River *Dee*, by means of the Improvements authorized by this Act.

Distinct Accounts to be kept by the Trustees, and audited annually by a Committee.

XIII. And be it further enacted, That an Account of all the Monies which shall be borrowed, and Duties and other Funds which shall be levied or raised under or by virtue of this Act, and also of all the Monies which shall be expended by the said Magistrates and City Council of *Aberdeen*, and their Successors in Office, in making Purchases, and in making and completing the aforesaid Docks, Locks, Piers and Quays, including Bridges and other Works, with the Expences of Management and Repairs, and all other Expences under or by virtue of this Act, shall be kept separate and distinct from all other Transactions, Debts, and Revenues belonging to the City of *Aberdeen*; and that a full and regular State shall be made at *Michaelmas* yearly, and audited and compared with the Vouchers by a Committee of Seven Persons, consisting of the Sheriff-Depute of the County of *Aberdeen*, the Conveener of the County of *Aberdeen*, the President of the Society of Advocates in *Aberdeen*, the President of the Society of Ship-Masters in

Aberdeen, the President of the Commissioners acting under the present or any future Act of Parliament for the paving, lighting and cleansing the Streets, Lanes, and other public Passages of the City of *Aberdeen*, all for the Time being, and of Two Burgesses of Guild of the said City, to be elected and chosen during the First Week of *October* annually, to serve for the ensuing Year, by the said Sheriff Depute, Conveener of the County, President of the Society of Advocates, President of the Society of Ship-Masters, and President of the said Commissioners; and the Sheriff, or in his Absence the Conveener of the County, shall be Præses of the said Committee, and shall have a deliberative and casting Vote.

Committee to attend to Application of Money borrowed, &c.

XIV. And be it further enacted, That the said Committee shall be, and they are hereby authorized to attend to the Application of the Sums to be borrowed as aforesaid, and of the aforesaid Rates and Duties and other Funds to be levied or raised under or by virtue of this Act, and to challenge and object to any Article of Expenditure for any Purpose whatsoever not herein authorized and appointed, which Article or Articles so challenged, shall not afterwards be brought forward in the said Accounts.

Trustees to levy a Proportion of the Duties, notwithstanding the existing Lease.

XV. And be it enacted, That the said Magistrates and City Council shall have Right, and they are hereby authorized and empowered, during the Continuance of a Lease granted by them, and which will expire on the First Day of *June* One thousand eight hundred and eleven, to collect and receive or cause to be collected and received, to and for the Purposes of this Act, such Part or Share of the said Rates, Dues, and Duties hereby granted, as shall exceed the Rates and Duties at present payable within the said Harbour, it being hereby expressly provided and declared, that in ascertaining such Excess, to be collected and received by the said Magistrates and City Council, due Regard shall be had to the Rights and Interests of the said Lessee, in virtue of the present Tables of the said Rates and Duties and the said subsisting Lease thereof; and the said Lessee shall continue to collect and receive for his own Use, during the Currency of the said Lease, his Proportion of the said Rates and Duties.

Rates and Duties may be lessened.

XVI. And be it enacted, That the said Magistrates and City Council, in General Meetings assembled, may, and they are hereby empowered to lessen, reduce, or discontinue the aforesaid Rates and Duties granted by this Act, or any Part thereof, as they shall judge reasonable and expedient, and as the State of the said Rates and Duties will permit; and also to advance or revive the same again, in such Manner as to them shall from Time to Time seem meet and expedient, so as the Rates or Duties when so advanced or revived again, do not exceed the Rates or Duties hereinbefore granted: Provided always, that every such Diminution of the said Rates and Duties shall be approved of by the Persons entitled to Five-Sixth Parts of the Money then due and owing on the said Rates and Duties; and the Rates or Duties so reduced or revived, shall and may from Time to Time be collected, received, and recovered by such Ways and Means as the original Rates and Duties hereby granted are authorized to be collected, received, and recovered.

Servitude of the Salmon Fishers over the Inches to cease.

XVII. 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 hitherto enjoyed in and over the Grounds, commonly

monly called the *Inches*, lying within the Limits of the said Harbour, betwixt the North Side of the said River and the *Footdee Burn*, for building Fishing Huts and Shiels, drawing and drying their Nets, and otherwise accommodating their said Fishings, shall from and after the passing of this Act cease and determine, and in lieu thereof that the Proprietors or Owners, and the Lessee or Lessees of the aforesaid Salmon Fishings on the Raik and Stells, and their Servants, Workmen, or others employed by them, shall, from thenceforth, be entitled to and possess in all Time thereafter a Right of Servitude and Privilege of erecting Huts or Shiels, of drawing their Nets, of putting up a railed Inclosure, of Fifty Yards square, for making, mending, and 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 and over the North Bank of the said River, to the Extent of Fifty Yards in Breadth from the Edge thereof, and all along the same from that Part of the *Inch Dyke*, which was built by the Trustees under the said recited Acts, to the Point where the said River will join the Shipping Track below the Lower Lock of the Wet Dock to be made in virtue of this present Act, being Part of and comprized within the Limits of the Servitude or Privilege before mentioned, and which Space or Margin of Ground of Fifty Yards in Breadth from the Edge of the said River, and extending in Length as above mentioned, shall be banked up by the said Magistrates and City Council so as to form a gentle Slope or inclined Plane towards the River fit for the Purposes of the said Fishings, and to the Satisfaction of the Proprietors or Owners thereof; and the Bank of the River shall be kept in Repair by the said Magistrates and City Council 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 is to extend; nor shall it be lawful to the said Magistrates and City Council to erect or cause to be erected any Houses, Buildings, or Works upon or within 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 in lieu thereof a like Servitude over Part of the North Bank to be granted.

XVIII. And whereas, by reason of the Embankment to be made, pursuant to this Act, upon the North Side of the River *Dee*, it may happen that the Tide, being thereby driven upon the opposite Bank of the River, may overflow the Land on the South Side thereof more than heretofore: Be it therefore enacted, That in such Event it shall and may be lawful for the Proprietor or Proprietors of such Land so overflowed to make an Embankment for the Purpose of protecting such Land, in such Manner as shall be settled and agreed upon by and between such Proprietor or Proprietors and the Magistrates and City Council of *Aberdeen*, and so as not to injure any Rights or Privileges which the Owners or Proprietors of the aforesaid Salmon Fishings of the Raik and Stells at present possess or enjoy; and in case such Proprietor or Proprietors and Magistrates and Council cannot agree, then in such Manner as shall be ordered by the Sheriff Depute of the County of *Kincardine*, upon the Application of either Party; and the Sentence or Decree of such Sheriff Depute shall be final and conclusive, without being subject to Review by Suspension, Advocation or Reduction, or in any Way whatsoever; and every such Embankment shall be made at the Expence of the said Magistrates

For protecting the Land on the South Side of the Harbour.

gistrates and City Council; and the said Sheriff Depute shall direct the Expence of any Application to be made to him as aforesaid to be paid or defrayed in such Manner as to him shall seem proper, and his Sentence or Decree therefor, or for the Expence of making such Embankment, shall not be stayed or delayed in its Execution in any Way, or upon any Account whatsoever.

New Shots to be made by Magistrates and City Council,

XIX. And whereas in the Course of carrying on the different Works authorized to be executed by this and the said recited Acts, most of the present Shots or Stations for fishing upon the Raik and Stells aforesaid, and also the Stone Bulwark called the *Raik Dyke* will be removed; be it enacted, That in lieu and place thereof the said Magistrates and City Council shall be authorized, and they are hereby authorized and required to make out to the Satisfaction of the said Proprietors or Owners of said Fishings, such Number of new Shots or Stations for fishing as the said Proprietors or Owners may think necessary, and in such Situations on either Side of the said River as they may find convenient, and, if required by the said Proprietors or Owners, the Fishing Grounds of such new Shots shall be raised to the same Heighth as the Fishing Grounds of the Shots which may be removed in Manner above-mentioned; but after such new Shots shall be so made out and raised, the same shall be kept in Repair and maintained by the said Proprietors or Owners themselves in all Time thereafter; and further the said Magistrates and City Council shall be and they are hereby directed, when required by the Proprietors or Owners of the said Fishings, to rebuild the said Stone Bulwark called the *Raik Dyke*, of the same Dimensions as the present Dyke, to the Satisfaction of the said Proprietors or Owners, and in such Situation along the South Bank of the said River as they shall find necessary.

and Raik Dyke to be rebuilt.

Fishing Ground to be extended, corresponding with the South Pier.

XX. And be it enacted, That in the Event of the Pier at the South Side of the Entry to the said Harbour being extended by the said Magistrates and City Council farther into the Sea than it is at present, it shall be lawful to and for the Proprietors or Owners of the Salmon Fisheries in the Sea at the Mouth of the said River *Dee* to extend their Fishing Ground in that Direction; and for that Purpose to remove and clear away the Rocks and Stones along the Sea Coast Eastward or South-Eastward on the neutral Ground, as far beyond where they fish at present as the additional Length of the said South Pier shall happen to extend and be carried.

To make a new Cut for discharging Flood Water.

XXI. And whereas the Tracks or Channels leading from the North Side of the said River *Dee*, along the present Old or Upper Quay, within the said Harbour, and what is called *Footdee Burn*, (by which the Flood or Speat Water of the said River has hitherto been in Use of being discharged,) will be shut up by the Works hereby authorized to be executed: Be it enacted, that the said Magistrates and City Council shall be authorized, and they are hereby required to make a new Cut or Channel on the South Side of the said River, of such Form and Dimensions as shall be settled by Three Engineers, one of whom shall be appointed by the said Magistrates and City Council, another by the Proprietors of the said Fishings of the Raik and Stells, and the Third by the Proprietors of the Mid-Chingle Fishings, or any Two of such Engineers, for discharging or spending the Flood or Speat Water of the said River, and to prevent the same from uniting with the River; which new Cut

or

or Channel shall be taken off or commence at the March or Boundary between the said Fishings of the said Raik and Stells and those of the Mid-Chingle, upon the said River, and shall lead from thence into the Torry Burn and along the Torry Quay, until it again join the main Stream of the River, as shewn upon the Map or Plan hereinbefore referred to; and shall be kept and maintained at the Expence of the said Magistrates and City Council at such a Distance from the South Side of the said River at Low Water as to preserve a Space of Ground necessary for the Purposes of the Fishing: But provided always, that the said new Cut or Channel shall be made to admit or carry off a Quantity of Water equal as near as may be practicable, but not greater than is at present conveyed from the main Body of the River on both Sides thereof, by the different Tracks or Channels which at present lead from the same, any thing herein contained to the contrary notwithstanding: And in case the said Magistrates and City Council shall neglect to maintain the said South Channel for carrying off the Speat Water from the main River, or to keep in Repair the North Banks of the said River as before expressed, they shall be liable to the Proprietors, Owners and Occupiers of the said Fishings, in any Damage that may be occasioned to these Fishings by such Failure.

Trustees liable in Damages.

XXII. And be it further enacted, That the said Magistrates and City Council shall be obliged either to convey into the Wet Dock hereby authorized to be executed, the Water issuing from the Streams or Burns, called the *Denburn* and *Milburn*, (which at present are discharged along the said Upper Quay at *Footdee Burn*), or to carry off the said Water in some other Manner, so as the same shall not enter the River *Dee* above the Lower Lock of the said Dock: But provided always, that in case it shall be found that the Speat or Flood-Water of the said *Denburn* shall be injurious to the said Dock, then the same may in Speats or Floods only be carried directly into the said River.

The Water of the Denburn and Milburn to be carried off.

XXIII. And be it enacted, That the Proprietors or Owners of the Salmon Fishings upon the said Raik and Stells, and the Lessees, Tenants or Occupiers of the same, shall be entitled to Indemnification for any Loss or Damage which their said Fishings may suffer in consequence of any of the Operations authorized by this Act, which may prevent the Proprietors of the said Fishing from working the same in such Manner as to enable them to catch the same Proportion which they now do of the whole Salmon or Grilse which may be caught or taken in the River, the Amount of which Loss or Damage shall be ascertained by a Jury of Fifteen Persons to be named by the Sheriff of the County of *Aberdeen* as hereinafter mentioned, at the Distance of not less than Ten Years, nor more than Fifteen Years after the Commencement of the Operations for effecting the intended Alterations on the said River, and the particular Time of ascertaining such Loss or Damage within the Periods aforesaid shall be fixed, at the Option of a Majority in Value of the Proprietors or Owners of the said Fishery, and declaring that such Loss or Damage shall apply to the Fishings in the River only, and that in ascertaining the same, the Fishing in the Sea, at the Mouth of the said River, although belonging to the same Proprietors or Owners, shall not be taken into Consideration.

Owners of the Raik and Stells Fishings, to be indemnified.

Other Persons to be indemnified.

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

Juries to be summoned to assess Damages under this Act.

XXV. And be it enacted, That it shall and may be lawful to and for the Sheriff Depute of the County wherein such Lands, Tenements, Fishings, or Heritages shall be situate, or his Substitute, and they are hereby authorized and required, upon Application from the said Magistrates and City Council, or from any other Person or Persons, Bodies Politic or Corporate, interested as Proprietors or Occupiers of any Lands, Tenements, Fishings, or Heritages alledged to be affected by any of the Operations under this Act, to make out a List of Thirty substantial and disinterested Persons resident within such County, which Thirty Persons are hereby required to come and appear before the said Sheriff Depute or his Substitute, at such Times and Places as in his Warrant or Warrants, Precept or Precepts, shall be directed and appointed; and then and there, out of the Number of Persons who shall so appear, the Sheriff-Clerk of the said County or his Deputy shall, in Presence of the said Sheriff Depute or his Substitute, and of the Parties interested, or their Agents, if they attend (due Notice being given to them), draw out the Names of Fifteen of the said Persons, who shall form and be impannelled as a Jury for the Purposes before and after mentioned; and the said Sheriff Depute or his Substitute is hereby also authorized to issue Warrants or Precepts for citing before him at same Time and Place such Person or Persons as shall by either Party be thought necessary or proper to be examined upon Oath as Witnesses before the Jury touching or concerning any Damages which may happen to be claimed under this Act; or for the Recovery and Production of any Books, Papers, Deeds, or other Writings relating thereto; and shall and may authorize the Jury to view the Place or Places connected with the Matters in question, as the said Sheriff Depute or his Substitute may think fit; and the said Jury upon their Oaths, to be administered by the said Sheriff Depute or his Substitute, shall inquire how far any of the Operations, Acts, Matters or Things done, executed or performed in pursuance of this present Act, have any wise occasioned such Damage as hereinbefore particularly mentioned to the said Salmon Fishings hereinbefore mentioned, or have any way occasioned Damage or been prejudicial to any other Lands, Tenements, Fishings, or Heritages; and if any Damage shall appear, the said Jury shall assess the Amount and Value thereof, and the said Sheriff Depute or his Substitute shall and may pronounce and give Judgement or Decreet thereon; and the said Magistrates and City Council shall be obliged to pay the Amount of any Sum or Sums of Money which shall be so assessed, to the Party or Parties interested in and found entitled to the same; and the Verdict or Verdicts to be returned by any Jury or Juries to be named as aforesaid, authenticated by the Subscriptions of the several Persons composing the same, or of a Majority of them, and the Judgement or Judgements, Decreet or Decreets, to be thereupon declared

clared and pronounced by the said Sheriff Depute or his Substitute, shall be final, binding, and conclusive to all Intents and Purposes, against and upon the said Magistrates and City Council, and upon all and every Person or Persons, Bodies Politic or Corporate, having or claiming any Right, Title, or Interest in or out of the said Salmon Fishings hereinbefore mentioned, or any other Lands, Tenements, Fishings, or Hereditaments, which may be any wise connected with or affected by any of the Operations, Acts, Matters or Things done, executed or performed in pursuance of this present Act, and upon their Heirs, Executors, Administrators, and Successors whatsoever; and the said Verdict or Verdicts and the Judgement or Judgements of the said Sheriff Depute or Substitute to follow on the same, shall be entered and kept among the Records of the Sheriff-Court of the said County; and the same or true Copies or Extracts thereof shall be deemed and taken as good and sufficient Evidence and Proof in any Court of Law and Equity whatsoever.

Reinvesting Purchase Monies if amounting to 200*l.*

XXVI. And be it further enacted, That if any Money shall be awarded to be paid for or in respect of any Lands, Tenements, Fishings, or Heritages taken or damnified under or by virtue of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Life Rents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under the Direction and by the Authority of the Court of Session, be, with all convenient Speed, paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, Fishings or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, Fishings or Heritages, or affecting other Lands, Tenements, Fishings or Heritages standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, Fishings, or Heritages which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, Fishings and Heritages which shall be so taken or damnified as aforesaid stood settled or limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing undetermined, and capable of taking effect; and in the mean time, and until such Purchase shall be made, the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Fishings, and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXVII. Pro-

If less than 200l. and exceeding 20*l.*

XXVII. Provided always, and be it further enacted, That if any Money so awarded to be paid for any Lands, Tenements, Fishings or Heritages taken or damnified as aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, Fishings, or Heritages so taken or damnified, or of his, her, or their Tutors or Curators, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into either of the Banks, and be placed to his or their Account as aforesaid, in order to be applied in Manner hereinbefore directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Magistrates and City Council, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising therefrom may be applied in any Manner hereinbefore directed, as far as the Case may be applicable.

Under 20*l.*

XXVIII. Provided also, and be it further enacted, That where such Money so awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Fishings or Heritages so taken or damnified as aforesaid, in such Manner as the said Magistrates and City Council, or any Five or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Title.

XXIX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded in respect of any Lands, Tenements, Fishings or Heritages taken or damnified by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Magistrates and City Council, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, Fishings or Heritages be not known or discovered, then and in every such Case it shall and may be lawful for the said Magistrates and City Council to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties interested in the said Lands, Tenements, Fishings or Heritages, (describing them), subject to the Order, Controul and Disposition of the Court of Session; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person

or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where Questions arise touching the Title.

XXX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the said Banks in pursuance of this Act, for or in respect of any Lands, Tenements, Fishings or Heritages, or of any Estate, Right or Interest in any Lands, Tenements, Fishings or Heritages, to be taken or damnified as aforesaid, the Person or Persons who shall have been in Possession of such Lands, Tenements, Fishings, or Heritages at the Time, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, Fishings, or Heritages according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session, and such Money and the Interest thereof shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, Fishings or Heritages, or to some Estate or Interest therein.

Expences in case of Disability.

XXXI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, Fishings or Heritages as aforesaid, the Purchase Money for the same shall be required to be paid into the said Bank, and to be applied in the Purchase of other Lands, Tenements, Fishings or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Magistrates and City Council, who shall from Time to Time pay such Sum of Money for such Purposes as the said Court shall direct.

Court to fix Proportion of Damages, payable to the Heir in Possession during the Ten Years.

XXXII. Provided always, and be it further enacted, That in respect any Loss or Damage arising to the said Fishings, called the Raik and Stells, in consequence of the Operations authorized by this Act, cannot be ascertained in less than Ten Years at least after the Commencement of the said Operations, the said Court is hereby authorized and empowered to fix and direct to be paid such Proportion as the said Court shall think fit of the Amount of the said Damage ascertained in Manner aforesaid, and which shall be found by the said Court to be applicable to any Part or Parts of the said Fishings which are held under Entail, to the Heir or Heirs in Possession for the Time being of the said entailed Fishing, his, her, or their Heirs, Executors or Assignees, so that such Heir or Heirs in Possession for the Time being may thereby receive out of the said Amount of Damages, to be ascertained in Manner aforesaid, a reasonable Indemnification for the annual Loss which he or they may have suffered by the said

said Operations, previous to the Period when the Damages shall be finally paid in Terms of this Act.

Gunpowder to be removed after a certain Space of Time.

XXXIII. And be it further enacted, That no Gunpowder shall be suffered to be or remain in the Docks or upon the Quays or Piers aforesaid, already constructed or hereafter to be constructed within the said Harbour of *Aberdeen*, or in any Part thereof, or upon the Deck of or on board any Ship or Vessel in the said Docks, Piers and Quays or Harbour aforesaid, for above the Space of Twelve Hours after Entry of such Ship or Vessel at the Custom House; and in case the Owner or Owners of such Gunpowder, or the Owner or Master of such Ship or Vessel, shall make Default herein, he or they respectively shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds Sterling.

Fire, Candles or Lamps not to be lighted in the Harbour or Docks, or Ships therein.

XXXIV. And be it further enacted, That no Person whatsoever shall have or keep, or cause to be had or kept, any Fire, Candle or Lamp lighted in the said Harbour, or any of the said Docks, or the Quays or other Works which shall belong thereto, or on board of any Ship, Boat or other Vessel lying in the same, at any Time or Times whatsoever (except only with the Permission of the said Magistrates and City Council as hereinafter mentioned), upon Pain of forfeiting for every such Offence any Sum not exceeding Ten Pounds Sterling.

The Magistrates and Council empowered to permit Fires, Candles or Lamps to be used within the Docks, Harbour and other Works, as and when they shall especially direct.

XXXV. And be it further enacted, That in case it shall appear to the said Magistrates and City Council necessary and proper to permit any Fires, Candles or Lamps to be lighted or used within the said Harbour, or in any of the said Docks, or the Quays or other Works which shall belong thereto, or on board of any Ship, Boat or other Vessel lying within the same, it shall be lawful for the said Magistrates and City Council, from Time to Time, to authorize and permit the same to be lighted and used in such Part or Parts thereof, or on board of such Ships, Boats or other Vessels, and during such Times and Hours, and under such Regulations only as they shall order and direct in that Behalf.

Ships to be removed without the Notice mentioned in the former Act.

XXXVI. And be it further enacted, That so much of the said recited Acts as requires Notice in Writing to be given to the Master, Mate or other Person having and taking the Command and Charge of any Ship, Vessel, Bark, Lighter or Boat, which the said Magistrates and City Council, or the Person or Persons to be named by them, shall judge necessary to remove from one Birth or Mooring Place to another, Twelve Hours before the Time of Removal, shall be and the same is hereby repealed; and it shall be lawful for the said Magistrates and City Council, or any Person appointed by them, to remove, or cause to be removed, such Ship, Vessel, Bark, Lighter or Boat in the Manner mentioned in the said Acts, and at the Expence of the Masters, Commanders, Owners and Consignees thereof, as in the said Acts mentioned, without any such previous Notice as is therein required; any thing therein contained to the contrary notwithstanding.

Vessels to unload, and then to be removed.

XXXVII. And be it further enacted, That all loaded Vessels which shall go into the said Docks shall unload and discharge their respective Cargoes as soon as conveniently may be after entering therein, and shall then,

without Loss of Time, be removed into such Part of the said Docks and other Works as shall be set apart for light Vessels.

To prevent Injury by Ballast.

XXXVIII. And be it further enacted, That if any Owner or Owners, Master or Commander, Seaman or Servant, of or belonging to any Ship, Vessel, Bark, Boat or Lighter, or any other Person or Persons whatsoever, shall throw, cast or put away any Ballast into or upon any of the Works already made, or hereafter to be made, in pursuance of this Act, or into the said Harbour, or shall lay or place the same in any other Place than shall be directed by the said Magistrates and City Council, or by the Person or Persons appointed by them as aforesaid, such Owner or Owners, Master or Commander, or other Person whatsoever, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds Sterling.

Magistrates and Council empowered to licence and regulate Pilots, Meters and Weighers.

XXXIX. And be it enacted, That it shall be in the Power of the said Magistrates and City Council of *Aberdeen*, and they and their Successors in Office are hereby authorized and empowered to licence, limit, regulate and appoint such further and additional Number of proper Persons to act as Pilots, Meters and Weighers within and about the said Port and Harbour, as they may find necessary, and also a Person to act as a Captain-Pilot, and have the Management and Direction of the said Pilots, and to remove and displace such Person and Persons at their Pleasure, and also to settle and establish such Rates and Fees, for the Risk, Trouble and Labour of the Pilots, Captain-Pilot, Meters and Weighers employed within and about the said Port and Harbour, as the said Magistrates and City Council shall from Time to Time deem just and reasonable, not exceeding for such Pilots the Rates herein-after mentioned; and if any Person shall act as a Meter or Weigher within the Limits of the said Harbour or Port, without being licensed as aforesaid, or if any such Meter or Weigher shall ask, demand, take or receive any higher Rates or Fees than shall be appointed by the said Magistrates and City Council, every Person so offending shall forfeit and pay a Penalty not exceeding Ten Pounds Sterling.

Magistrates to examine and grant Licences to Pilots.

XL. And be it further enacted, That it shall be lawful for the said Magistrates and City Council, and they are hereby authorized and required to examine and enquire into the Skill and Ability of any Person who shall tender or offer himself to be admitted as a Pilot for the said Harbour of *Aberdeen*, as well by Examination of Witnesses upon Oath, as by such other Ways and Means as to them shall seem proper; and if upon such Examination and Enquiry the Person so offering himself as a Pilot shall be approved of by the said Magistrates and City Council, they the said Magistrates and City Council may, at any Meeting within Three Calendar Months after the passing of this Act, and annually thereafter in the Month of *January* in each Year, grant a Licence or Warrant, certifying that such Person is duly qualified to act as a Pilot to conduct Vessels into and out of the said Harbour of *Aberdeen*, which Licence or Warrant shall be subscribed with the Hand Writing of the Town Clerk of the City of *Aberdeen*, and from thenceforth such Person shall be deemed qualified to exercise the Occupation of Pilot within the Harbour of *Aberdeen* aforesaid.

XLI. And

Pilots to pay for their first Licence 5s., and afterwards 2s. 6d.; and the Licence to be in Force for one Year, and to be subject to the Orders of the Magistrates and City Council.

XLI. And be it further enacted, That every Person who shall upon his first Admission as a Pilot after the passing of this Act receive such Licence or Warrant, shall for his first Licence or Warrant pay to the Clerk of the said Magistrates and City Council the Sum of Five Shillings, and for every subsequent Licence or Warrant the Sum of Two Shillings and Sixpence, and shall be subject to the several Clauses, Regulations and Provisions in this Act contained, and to such Orders, Rules and Bye-Laws as shall be made in pursuance hereof, and every such Licence or Warrant shall continue in Force until the First Day of *February* next after granting the same and no longer.

Persons acting without Licence to forfeit 10l. or be imprisoned Six Calendar Months.

XLII. And be it further enacted, That if any Person shall, from and after the Expiration of Three Calendar Months from the passing of this Act, take upon himself to conduct or pilot any Ship or Vessel into or out of the said Harbour of *Aberdeen*, before he shall be first examined, approved and admitted as a Pilot by the said Magistrates and City Council, and shall have received such Licence or Warrant as aforesaid for that Purpose, or shall after the Expiration of such Licence or Warrant continue to act as a Pilot without Renewal of the same, every Person shall, for each and every such Offence, forfeit any Sum not exceeding Ten Pounds, or be imprisoned for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Person shall be thereof convicted.

Pilots misbehaving to have Licences recalled.

XLIII. And be it further enacted, That in case any such Pilot who shall receive a Licence or Warrant as aforesaid, shall refuse to take the Charge or Conduct of any of His Majesty's Ships, or any Ship or Vessel in the Merchant Service, upon a proper Signal being made, or a Gun or Guns fired by any Ship or Vessel inward-bound, or upon the Application of the Master, Commander, Owner, Agent, or Consignee of any Ship or Vessel outward-bound, or of any one of the said Magistrates or City Council, or shall refuse on such Signal or such Application to lead the Way of any Vessel which cannot be boarded without imminent Danger, or shall refuse to assist any Vessel in Distress, or in case it shall appear to the said Magistrates and City Council, that such Pilot hath misbehaved himself in the Conduct of any Ship or Vessel, or in the Execution of any Part of his Duty as a Pilot, or if any such Pilot shall refuse to obey any Summons of such Magistrates and City Council, requiring his Appearance before them, or shall refuse to obey such Order as the said Magistrates and City Council shall make, or shall take or receive any higher Rates of Pilotage than shall be directed by the said Magistrates and City Council, or shall in any wise offend against this Act, then the said Magistrates and City Council, upon Examination and Proof thereof, are hereby required to recal the Licence granted to such Pilot, and to declare the same to be thenceforth utterly void, and if any such Person so offending shall, after such Declaration and Notice thereof given to him in Person, or left at his usual Place of Abode, act as a Pilot in conducting any Ship or Vessel into or out of the said Harbour of *Aberdeen*, he shall be subject to all the Penalties and Punishments inflicted by this Act on Persons acting as Pilots without Licence or Warrant.

XLIV. And

Rates of Pilotage.

XLIV. And be it further enacted, That from and after the Expiration of Three Calendar Months from the passing of this Act, all Pilots licensed by the said Magistrates and City Council shall be entitled to the Rates of Pilotage for a Boat and Five Men besides the Pilot, and so in Proportion for a smaller Number of Men herein-after mentioned, until the same shall be altered by the said Magistrates and City Council; (that is to say),

For every Ship or Vessel under Fifty Tons, Seven Shillings for the First Boat, Six Shillings for the Second Boat, and Five Shillings for the Third and every other Boat:

For every Ship or Vessel of Fifty Tons and under Sixty Tons Burthen, Eight Shillings for the First Boat, Seven Shillings for the Second Boat, and Six Shillings for the Third and every other Boat:

For every Ship or Vessel of Sixty Tons and under Eighty-five Tons Burthen, Nine Shillings for the First Boat, Seven Shillings and Sixpence for the Second Boat, and Six Shillings and Sixpence for the Third and every other Boat:

For every Ship or Vessel of Eighty-five Tons and under One hundred and ten Tons Burthen, Ten Shillings for the First Boat, Eight Shillings for the Second Boat, and Seven Shillings for the Third and every other Boat:

For every Ship or Vessel of One hundred and ten Tons and under One hundred and fifty Tons Burthen, Eleven Shillings for the First Boat, Eight Shillings and Sixpence for the Second Boat, and Seven Shillings and Sixpence for the Third and every other Boat:

For every Ship or Vessel of One hundred and fifty Tons and under Two hundred Tons Burthen, Twelve Shillings for the First Boat, Nine Shillings for the Second Boat, and Eight Shillings for the Third and every other Boat:

For every Ship or Vessel of Two hundred Tons and under Two hundred and fifty Tons Burthen, Fourteen Shillings for the First Boat, Ten Shillings for the Second Boat, and Nine Shillings for the Third and every other Boat:

For every Ship or Vessel of Two hundred and fifty Tons and upwards, Fifteen Shillings for the First Boat, Eleven Shillings for the Second Boat, and Ten Shillings for the Third and every other Boat:

For each Tide's Work with a Boat and Five Men, besides the Pilot for Service within the Harbour, Six Shillings for every Description of Vessels, being One Shilling for each Man in the Boat:

For towing a loaded Lighter from the lower to the upper Part of the Harbour, Two Shillings and Sixpence:

For an empty Lighter, One Shilling and Sixpence.

Magistrates may alter the Rates of Pilotage.

XLV. And be it further enacted, That the said Magistrates and City Council shall have full Power and Authority at their Discretion to lessen or reduce all or any of the said Rates of Pilotage, and again to advance and increase the same, and also to fix and determine the Compensation to be made for extraordinary Attendances or Labour at any Ship or Vessel: Provided always, that any Increase of the said Rates do not exceed the Amount of the Rates before mentioned.

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

XLVI. And be it further enacted, That in case the Master or Commander of any Ship or Vessel inward bound shall refuse to take on board and employ any Pilot, so to be licensed as aforesaid, who shall offer his Service, 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 different Rates and Prices so to be settled by the said Magistrates and City Council, to be paid as if the said Pilot had been received and employed in conducting or piloting the said Ship or Vessel into the said Harbour of *Aberdeen*.

Compensation to Pilots or extraordinary Assistance, to be settled by Magistrates.

XLVII. Provided always, and be it further 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 that 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 void and null.

Bye-Laws to be made for Regulation of the Pilots, Meters and Weighers.

XLVIII. And be it further enacted, That the said Magistrates and City Council shall have full Power and Authority, and they are hereby authorized and empowered to make, ordain and establish such Orders, Rules and Bye-Laws for the Government and Regulation of the said Pilots, Captain-Pilot, Meters and Weighers, and for the better executing the other Purposes of this Act, as to them may seem necessary; and also as Occasion shall require to amend or alter such Rules, Orders and Bye-Laws, and to fix and appoint reasonable pecuniary Penalties, not exceeding Five Pounds Sterling for Non-observance, or other Breach thereof, to be recovered by such Ways and Means as are directed by the said Acts, but so as such Rules, Orders or Bye-Laws shall not be repugnant to the Laws of this Kingdom, or to any thing in the said recited Acts or this Act contained.

Which shall be printed.

XLIX. And be it further enacted, That the said Magistrates and City Council shall cause the said Orders, Rules and Bye-Laws, and also a List of the Pilots, Meters and Weighers, so to be licensed as aforesaid, to be from Time to Time printed and distributed, and likewise to be hung up at such conspicuous Places as they shall think fit, and to pay the Expences thereof out of the Money to be collected and raised by virtue of the said Acts and this Act, which Orders, Rules, and Bye-Laws shall be subject to Appeal in Manner herein-after mentioned.

Persons destroying the Works, &c. to be punished by Fine, Imprisonment or Transportation.

L. And be it further enacted, That if any Person or Persons shall knowingly, wilfully or maliciously, demolish, break down, cut or destroy any of the Works already made, or which shall hereafter be made by virtue of this Act, then every such Offender shall suffer Punishment by Fine, Imprisonment or Transportation for the Term of Seven Years, at the Discretion of the Judge or Judges before whom such Offender shall be tried and convicted.

LI. And

Persons destroying Mooring Ropes, &c. to forfeit 10*l.*

LI. And be it further enacted, That in case any Person or Persons whatsoever shall wilfully or maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any Ship or other Vessel lying in the said Harbour or Docks shall be moored or fastened, such Person or Persons shall make good all Damages thereby occasioned, and also shall, for every such Offence, forfeit and pay a Sum not exceeding Ten Pounds Sterling: Provided always, that nothing herein contained shall hinder or restrain the Birth-Masters or Harbour-Masters already appointed or to be appointed by virtue of this Act, or any of them, or their or his Assistant, from exercising, in a due and reasonable Manner, any of the Powers and Authorities hereby vested in them or him respectively.

Jurisdiction of the City of Aberdeen saved.

LII. 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 Jurisdiction, Power or Authority of the Magistrates and Council of the City of *Aberdeen* and Community thereof, in and about or concerning the said Harbour of *Aberdeen*, or the Piers, Docks, Quays and other Works built or to be built as aforesaid.

Powers of the former Acts continued.

LIII. And be it further enacted, That all and every the Clauses, Powers, Authorities, Provisions, Articles, Punishments, Penalties, Conditions, Limitations, Matters and Things whatsoever in the said several recited Acts, or any or either of them, contained, shall (except in so far as the same are varied, altered or repealed by this present Act, and also save and except such Parts thereof as relate to any Exemption from Stamp Duties,) be and continue in full Force and Effect, and be equally applicable to and have the same Operation for the several Purposes therein and herein mentioned, for and during the Continuance of this Act, as if the same were again repeated and re-enacted in the Body of this present Act.

No Member of Council to hold Office, or be concerned in Lease of the Duties.

LIV. Provided always, and be it enacted, That no Person, being a Member of the said City Council, shall at any Time after the First Day of *June* One thousand eight hundred and eleven, hold any Office or Employment of Emolument under this Act, or be any ways interested or concerned, directly or indirectly, as Tacksman or Lessee of all or any of the Rates, Dues and Duties granted by this Act, or in any Tack or Lease which shall be granted of the same; but every Tack or Lease in which any Person being a Member of the said City Council shall be so interested or concerned, shall be wholly null and void: And if any such Person shall be any ways interested or concerned directly or indirectly as such Tacksman or Lessee, or in any such Tack or Lease as aforesaid, every such Person shall for every such Offence forfeit and pay the Sum of Five hundred Pounds Sterling.

Application of Penalties.

LV. And be it further enacted, That the whole Fines, Penalties and Forfeitures incurred under the present or the said recited Acts, shall be recovered by the said Magistrates and City Council, or the Collectors appointed by them in such Manner as is prescribed by the aforesaid Act of the Thirteenth Year of His present Majesty's Reign, and shall, after Deduction of the necessary Charges of recovering the same, be applied for and towards the building, making, erecting, maintaining and repairing the Work or Works aforesaid, and to no other Use or Purpose whatsoever.

LVI. And

The Duties which existed before the First Act to continue after the Expiration of this Act.

LVI. And be it further enacted, That notwithstanding the Rates, Dues and Duties which, previous to the said first recited Act, were in use to be levied and paid within the said Harbour of *Aberdeen* in virtue of the ancient Rights and Charters granted in Favour of the said Magistrates and City Council, and ratified by different Acts of the Parliament of *Scotland*, are, during the Continuance of this Act, to be included in and to form Part of the Rates, Dues and Duties to be levied under this present Act; all the said Rates, Dues and Duties which were in use to be levied in virtue of the said Rights, Charters and Acts of Parliament previous to the said first recited Act, shall, after the Expiration of this present Act, remain, continue and be payable to and leviable by the said Magistrates and City Council, in the same Manner as if this Act, or any of the said recited Acts, had never been made.

Appeal.

LVII. And be it enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any thing done in pursuance of the said recited Acts, or of this Act, or by any Rule, Order or Bye-Law to be made in pursuance thereof, it shall and may be lawful to and for such Person or Persons to appeal therefrom to the Circuit Court of Justiciary in *Scotland* held at *Aberdeen*: Provided that such Appeal be lodged with the proper Officer of the said Court within Thirty Days after the Matter thereof shall have arisen, of which legal Notice shall be given to the Defender or Defenders, and the Judgment of the said Court, upon such Appeals, shall be final and conclusive, without being subject to Advocation, Suspension or Reduction, or to any Stay or Challenge by other Process of the Law whatsoever.

Expences of the Act to be paid.

LVIII. And be it further enacted, That the Charges and Expences of passing this Act shall be paid and defrayed out of the first Monies to be raised by virtue of this Act.

Public Act.

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

Commencement and Continuance of the Act.

LX. And be it further enacted, That this Act, and all the Powers and Authorities of the same, and the Rates and Duties hereby granted, shall commence and take effect from and after the First Day of *July* One thousand eight hundred and ten, and shall continue for the Space of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

SCHEDULE

SCHEDULE (A.) referred to in the foregoing Act

	£	s.	d.
LIME and Coals per Chalder, Eight-pence - - -	0	0	8
Bear, Malt, Oats, Wheat, Rye, and all other Kinds of Grain per Chalder, One Shilling and Four-pence - - - - - -	0	1	4
Salt per 20 Bolls, Two Shillings - - - - -	0	2	0
Onions and Apples in Bulk per 4 Bushels, Four-pence Halfpenny -	0	0	4½
Bark per Chalder, One Shilling and Four-pence - - -	0	1	4
Meal per Ditto, One Shilling - - - - -	0	1	0
The above Articles, which were formerly liable in Payment either of Syce Bolls or Saint Nicholas Metts, are to pay in place thereof, during the Continuance of this Act, as follows, (besides the above Shore Dues)			
Lime per Boll, Two Fifths of a Penny.			
Coal per Boll - - - - - - -	0	0	0½
Bear, Malt, Oats, Wheat, Rye, and all other Kinds of Grain per Boll, Two Thirds of a Penny.			
Salt per Boll - - - - - - -	0	0	1
Onions and Apples per Four Bushels - - - - -	0	0	3
Bark per Boll - - - - - - -	0	0	1
Meal per Boll, Two Thirds of a Penny.			
Pantiles per 1000, One Shilling - - - - -	0	1	0
Bricks per 1000, Six-pence - - - - - -	0	0	6
Iron per Ton, One Shilling and Six-pence - - - -	0	1	6
Salmon and Herring Barrels, empty, per 32 Gallons English, One Penny Halfpenny - - - - - - -	0	0	1½
Salmon Barrels packed, and Herring Barrels packed with Pork, Beef or Fish, per Ditto Ditto, Three-pence - - - -	0	0	3
Slates per 1000, One Shilling and Four-pence - - -	0	1	4
All Stones (except as under) per 100*l.* Sterling of the Value at shipping and unshipping, Three Pounds - - - - -	3	0	0
Causeway or Carriageway Stones per Ton (except Pebble Stones), Two-pence Halfpenny - - - - - -	0	0	2½
Causeway Pebble Stones per Ton, Two-pence - - - -	0	0	2
Pavement, Crib and Building Stones per Ton, Five-pence - -	0	0	5
Foreign Grave Stones, each Nine Shillings - - - -	0	9	0
Scots, Do. each Six Shillings - - - - -	0	6	0
Grind Stones per Ton, Six Shillings - - - - -	0	6	0
Turin or other Flag Stones per 20 Square Feet, Four-pence - -	0	0	4
Mill Stones, each Two Shillings - - - - -	0	2	0
Wald per Last of 1000 Weight, Three Shillings - - -	0	3	0
Horns in Bulk per 1000, One Shilling and Eight-pence - -	0	1	8
Plaister Hair per Ton, Three Shillings and Four-pence - -	0	3	4
Ox, Cow and Horse Hides in the Hair, whether wet or dry, each One Halfpenny - - - - - -	0	0	0½
Screws of Ox and Cow or other Hides per Ton, Four Shillings -	0	4	0
Potters Clay and Fire Clay, and Dung per Ton, Four-pence - -	0	0	4
Coopers Staves, Five per Cent. of the Value, as hitherto in Use to be ascertained within the Harbour.			

SCHEDULE (B.) t

	Vessels under 50 Tons.	50 and not exceeding 100.	100 and not exceeding 150.	150 and not exceeding 200.	200 and not exceeding 250.	250 and not exceeding 300.	300 and not exceeding 350.	350 and not exceeding 400.	400 and not exceeding 450.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For 2 Tides, the Tide in and the next Tide out	1 16 0	2 2 0	2 8 0	2 14 0	3 0 0	3 6 0	3 12 0	3 18 0	4 4 0
Three Do. including going in and coming out -	2 2 0	2 9 0	2 16 0	3 3 0	3 10 0	3 17 0	4 4 0	4 11 0	4 18 0
Four Ditto -	2 8 0	2 16 0	3 4 0	3 12 0	4 0 0	4 8 0	4 16 0	5 4 0	5 12 0
Five Ditto -	2 14 0	3 3 0	3 12 0	4 1 0	4 10 0	4 19 0	5 8 0	5 17 0	6 6 0
Six Ditto -	3 0 0	3 10 0	4 0 0	4 10 0	5 0 0	5 10 0	6 0 0	6 10 0	7 0 0
Seven Ditto -	3 6 0	3 17 0	4 8 0	4 19 0	5 10 0	6 1 0	6 12 0	7 3 0	7 14 0
Eight Ditto -	3 12 0	4 4 0	4 16 0	5 8 0	6 0 0	6 12 0	7 4 0	7 16 0	8 8 0
Above eight and not exceeding 24 Tides -	6 0 0	8 0 0	9 0 0	10 0 0	11 0 0	12 0 0	13 0 0	14 0 0	15 0 0
Two Neaps -	12 0 0	16 0 0	18 0 0	20 0 0	22 0 0	24 0 0	26 0 0	28 0 0	30 0 0
Three Ditto -	18 0 0	24 0 0	27 0 0	30 0 0	33 0 0	36 0 0	39 0 0	42 0 0	45 0 0
Four Ditto -	24 0 0	32 0 0	36 0 0	40 0 0	44 0 0	48 0 0	52 0 0	56 0 0	60 0 0
Five Ditto -	30 0 0	40 0 0	45 0 0	50 0 0	55 0 0	60 0 0	65 0 0	70 0 0	75 0 0
Six Ditto -	36 0 0	48 0 0	54 0 0	60 0 0	66 0 0	72 0 0	78 0 0	84 0 0	90 0 0
Seven Ditto -	42 0 0	56 0 0	63 0 0	70 0 0	77 0 0	84 0 0	91 0 0	98 0 0	105 0 0
Eight Ditto -	44 0 0	64 0 0	72 0 0	80 0 0	88 0 0	96 0 0	104 0 0	112 0 0	120 0 0

ich this Act refers.

nd not ceeding 0.	500 and not exceeding 550.	550 and not exceeding 600.	600 and not exceeding 650.	650 and not exceeding 700.	700 and not exceeding 750.	750 and not exceeding 800.	800 and not exceeding 850.	850 and not exceeding 900.	900 and not exceeding 950.	950 and not exceeding 1000.
s. d.	£ *s. d.*	£ *s. d.*	£ *s. d.*	£ *s. d.*	£ *s. d.*	£ *s. d.*	£ *s. d.*	£ *s. d.*	£ *s. d.*	£ *s. d.*
10 0	4 16 0	5 2 0	5 8 0	5 14 0	6 0 0	6 6 0	6 12 0	6 18 0	7 4 0	7 10 0
5 0	5 12 0	5 19 0	6 6 0	6 13 0	7 0 0	7 7 0	7 14 0	8 1 0	8 8 0	8 15 0
0 0	6 8 0	6 16 0	7 4 0	7 12 0	8 0 0	8 8 0	8 16 0	9 4 0	9 12 0	10 0 0
15 0	7 4 0	7 13 0	8 2 0	8 11 0	9 0 0	9 9 0	9 18 0	10 7 0	10 16 0	11 5 0
10 0	8 0 0	8 10 0	9 0 0	9 10 0	10 0 0	10 10 0	11 0 0	11 10 0	12 0 0	12 10 0
5 0	8 16 0	9 7 0	9 18 0	10 9 0	11 0 0	11 11 0	12 2 0	12 13 0	13 4 0	13 15 0
0 0	9 12 0	10 4 0	10 16 0	11 8 0	12 0 0	12 12 0	13 4 0	13 16 0	14 8 0	15 0 0
0 0	17 0 0	18 0 0	19 0 0	20 0 0	21 0 0	22 0 0	23 0 0	24 0 0	25 0 0	26 0 0
0 0	34 0 0	36 0 0	38 0 0	40 0 0	42 0 0	44 0 0	46 0 0	48 0 0	50 0 0	52 0 0
0 0	51 0 0	54 0 0	57 0 0	60 0 0	63 0 0	66 0 0	69 0 0	72 0 0	75 0 0	78 0 0
0 0	68 0 0	72 0 0	76 0 0	80 0 0	84 0 0	88 0 0	92 0 0	96 0 0	100 0 0	104 0 0
0 0	85 0 0	90 0 0	95 0 0	100 0 0	105 0 0	110 0 0	115 0 0	120 0 0	125 0 0	130 0 0
0 0	102 0 0	108 0 0	114 0 0	120 0 0	126 0 0	132 0 0	138 0 0	144 0 0	150 0 0	156 0 0
0 0	119 0 0	126 0 0	133 0 0	140 0 0	147 0 0	154 0 0	161 0 0	168 0 0	175 0 0	182 0 0
0 0	136 0 0	144 0 0	152 0 0	160 0 0	168 0 0	176 0 0	184 0 0	192 0 0	200 0 0	208 0 0

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