ANNO TERTIO

VICTORIÆ REGINÆ.

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Cap. lxxiii.

An Act for improving, enlarging, and maintaining the Harbour of *Fisherrow* in the County of *Edinburgh*. [19th *June* 1840.]

WHEREAS by an Act of the Parliament of *Scotland* made in the Year One thousand six hundred and forty-one, intituled *Ratification in favours of the Burgh of* Musselburgh, *et cet.*, His Majesty King *Charles* the First and the Estates of Parliament ratified, approved, and perpetually confirmed a Charter and Infeftment made and granted by His said Majesty under His Highness Great Seal of the Date the last Day of *November* One thousand six hundred and thirty-two Years, to and in favour of the Baillies, Council, and Community of the Burgh of *Musselburgh*, and, among other things, granted and disponed to the said Burgh and Baillies thereof Power to exact and levy certain Tolls and Dues for the Purpose of sustaining and upholding certain Bridges therein mentioned, with Ports, Harbours, Anchorages, and Shore Silver within the whole Bounds of the said Burgh and Territory thereof: And whereas by another Act of the Parliament of *Scotland*, made in the Year One thousand six hundred and sixty-one, intituled *Ratification in favours of the Town of* Mussilburgh, the said first-mentioned Act, and all Charters, and other Rights, Titles, and Securities of the said Town of *Musselburgh*, were ratified and con-

firmed, and further Powers were given to the said Burgh and Bailies thereof in relation to the Ports, Harbours, and Anchorages of the said Burgh and Territory thereof: And whereas since the passing of the said recited Acts the Trade and Shipping of the Port and Harbour of *Fisherrow* belonging to the said Burgh of *Musselburgh* have materially increased, and the Powers and Authorities given and granted by the said recited Acts have been found insufficient to provide the necessary Accommodation for such increasing Trade of the said Port and Harbour; and it is expedient, and would be of Advantage to the Trade and Shipping thereof, and the Public at large, if the said recited Acts were altered and amended, and if further and more effectual Powers were given for repairing, improving, altering, enlarging, extending, and maintaining the said Harbour, and the Works and Buildings connected therewith: And whereas the Rates and Duties presently levied at the said Harbour are insufficient for carrying into effect the foresaid Purposes, and it is necessary to alter and increase the said Rates and Duties, and to raise and levy other Rates and Duties, and to grant other Powers for the proper Management and Regulation of the said Harbour: But as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence and take effect from and after the passing thereof: Provided always, that all and every the Powers, Provisions, Authorities, Regulations, Matters, and Things whatsoever contained in the said Two herein-before recited Acts or either of them (save and except such Parts thereof as are hereby varied, altered, or repealed,) shall remain in full Force and Effect, as if this Act had not been passed.

Commencement of Act.

Former Acts reserved, except as hereby altered.

Rules for Interpretation of this Act.

II. And be it enacted, That where in this Act any Word shall be used importing the Singular Number only such Word shall extend and be applied to several Persons or Things as well as one Person or Thing; and where any Word importing the Plural Number shall be used the same shall extend and be applied to one Person or Thing as well as several Persons or Things; and where any Word shall be used importing the Masculine Gender only such Word shall be understood to include Females as well as Males; and where the Word "Lands" shall be used the same shall be understood to include Tenements, Buildings, and all Heritages and Premises whatsoever; and where the Word "Corporation" shall be used the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Month" is used the same shall be understood to mean Calendar Month; and where the Word "Harbour" is used the same shall be understood to mean the "Harbour of *Fisherrow*," and shall include the whole Precincts thereof as after specified, and the Piers, Quays, Wharfs, and other Works presently existing or which are hereby authorized to be made or maintained; and where the Word "Ship" or "Vessel" shall be used the same shall be understood to include Steam Vessels, Steam Boats, Barks, Boats, Lighters, and

Vessels

Vessels and Boats of whatever Description; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Appointment of Commissioners.

III. And be it enacted, That the Provost, Magistrates, and Town Council of the said Burgh of *Musselburgh*, and their Successors in Office, shall be and they are hereby appointed Commissioners for carrying into effect all and every the Powers and Authorities given and granted by this Act, with Power to the said Provost, Magistrates, Council, and their Successors in Office, as such Commissioners as aforesaid, to remove the existing Breakwater within the said Harbour, and to deepen, cleanse, scour, improve, and preserve the said Harbour, and to make, build, construct, complete, and maintain, in and about the said Harbour, a new or additional Pier, as laid down on the Map or Plan herein-after mentioned, with all proper and sufficient Quays, Staiths, Landing Places, Jetties, Basins, Scouring Basins, Breakwater, Docks, Locks, Wharfs, Bridges, Lighthouses, Lamp Posts, Warehouses, Slips, and such other Works and Conveniences in and adjoining to the said Harbour as the said Provost, Magistrates, and Town Council, as such Commissioners aforesaid, shall consider to be necessary for the Purposes of the said Harbour, and proper for the Safety and easy Reception of the Ships resorting thereto, and to make, alter, extend, improve, and maintain all necessary and proper Roads and Communications thereto or connected therewith, both by Sea and Land, and to alter and divert such Roads, Streets, Passages, Conduits, and Watercourses as they shall consider necessary or desirable for the said Purposes.

Their First and other Meetings.

IV. And be it further enacted, That the said Provost, Magistrates, and Town Council, as Commissioners aforesaid, shall hold their First General Meeting under this Act on the Third *Tuesday* after the passing thereof, and shall yearly thereafter hold an Annual General Meeting on the First *Tuesday* of *December* at the usual Place of Meeting of the said Provost, Magistrates, and Council within the Town Hall of *Musselburgh*, and Four Quarterly Meetings shall be held every Year during the Continuance of this Act, in any Place which the said Commissioners shall from Time to Time appoint, *viz.* upon the First *Tuesday* in each of the Months of *Februrary*, *May*, *August*, and *November*, for the Purpose of putting this Act into execution; and the Clerk to the said Commissioners shall cause the whole of the said Commissioners to be summoned to attend the said Quarterly Meetings, by written or printed Notices, to be delivered to each of them personally, or left at their respective Places of Abode, or sent to them by Post, free of Expence, at least Three Days previous to such Meetings; and the said Clerk shall also, upon Requisition made to him under the Hands of any Two of the said Commissioners, call occasional Meetings, previous Notice of such occasional Meetings being always given by the Clerk to the said Commissioners as before directed with respect to the Quarterly Meetings: Provided always, that in all Cases of Emergency it shall be in the Power of the said Clerk, either in his own Discretion or on a Requisition by Two of the Commissioners, to call a Meeting on Three Hours Notice given to the said Commissioners personally

personally or by a written Intimation left at their Places of Abode, but that at such Meetings no Business shall be transacted except that of the Emergency on account of which it was called: Provided also, that at or in reference to all Meetings the Commissioners shall defray their own Expences.

Quorum and Adjournments.

V. And be it further enacted, That at all Meetings of the said Commissioners Five shall be a Quorum, and the Powers by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part or Quorum of the Commissioners present, the Number present being not less at any Time than Five, and the Provost, or in his Absence the senior Magistrate of the said Burgh who may be present, or if no Magistrate shall be present the senior Member of Council present, shall be Preses; and in all Cases where there is an Equality of Votes the Preses shall, besides his own original Vote, have a decisive or casting Vote; and the said Commissioners shall have Power and they are hereby authorized to adjourn the Meeting from Time to Time; and in case a less Number than a Quorum shall attend any Meeting, such Number, though not entitled to act to any further or other Effect, shall have Power to adjourn to such other Day as they may judge fit.

Orders made at Meetings not to be altered at future Meetings without Notice.

VI. And be it further enacted, That no Order made by the said Commissioners at any of their Meetings shall be altered unless at some Meeting called by the Clerk for that special Purpose in manner before directed, by written or printed Notices, specifying the Time and Place for holding such Meeting, and the Object thereof.

No Persons holding a Place of Profit to be a Commissioner.

VII. And be it further enacted, That no Person holding any Place of Profit, or anywise deriving personal Emolument or Benefit, directly or indirectly, under this Act, shall be eligible to act or vote as a Commissioner under this Act; and every such Person who shall so act or vote shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, and such Person shall be disqualified from acting or voting as a Commissioner so long as he shall hold such Place of Profit or derive such Emolument or Benefit.

Harbour and Works vested in Provost, Magistrates, and Town Council.

VIII. And be it further enacted, That the said Harbour of *Fisherrow*, and the Piers, Quays, Breasts, and other Works already made, built, and erected, or to be made, built, and erected in and about the said Harbour, shall be and the same are hereby vested in the said Provost, Magistrates, and Council, as Commissioners, to and for the Uses, Ends, and Purposes of this Act; and all the Rates and Duties levied or to be levied, and all Monies arising from the said Harbour, or any Part thereof, which shall or may come into the Hands of the said Commissioners, shall be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the Rates and Duties granted by the before-recited Acts, and of all Interest due or that may become due thereon, as fully and effectually as if borrowed on the Credit of the Rates and Duties granted by this Act; and all Persons indebted to the

Rates and Duties to be subject to the Payment of Monies now due thereon.

the said Provost, Magistrates, and Town Council, under the said recited Acts, in so far as the same relate to the said Harbour, shall be and continue liable in the Payment of their respective Debts to the said Provost, Magistrates, and Town Council, as Commissioners under this Act; and all Covenants, Agreements, Conveyances, or Securities entered into or made by any Person or Persons with or to the said Provost, Magistrates, and Town Council, under the said recited Acts, shall remain in full Force, and be and continue available in all Courts of Law, until the same shall be fully satisfied and performed; and all Assignments and Conveyances of Rates and Duties, Contracts and Agreements, duly made or entered into by or under the Authority of the said Provost, Magistrates, and Town Council, in virtue of the said recited Acts, shall remain in full Force and Effect, and be observed and kept by the Commissioners acting under this Act, under the Terms and Stipulations thereof respectively; and all Rates and Duties, Penalties and Forfeitures, due or incurred in virtue of the said recited Acts, shall be held to be due and incurred to and shall be exigible by the Commissioners under this Act; any thing herein contained to the contrary notwithstanding.

Officers under former Acts to continue.

IX. And be it further enacted, That each and every Clerk, Receiver of the Duties, Harbour Master, Berth Master, Pilot, and other Officer appointed under the said recited Acts, shall continue to hold and exercise their respective Offices until they shall be displaced or removed by the Commissioners hereby appointed, or shall have resigned; and every such Clerk, Receiver, Harbour Master, Berth Master, Pilot, and other Officer shall have the same Powers, and be subject to the like Regulations, Pains, and Penalties, as if they had been severally appointed by the Commissioners acting under this Act.

Appointment of Officers.

X. And be it further enacted, That it shall be lawful to and for the said Commissioners to nominate and appoint Clerks, Treasurers, Surveyors, Collectors, Receivers, and such other Officers and Servants as they shall judge necessary to be employed under them, and to remove such Officers and Servants at any Time, and to appoint others in their Stead, and to settle such reasonable Remuneration for them and each of them as to the said Commissioners may appear just and proper; and the Treasurer or Person appointed to receive the Rates and Duties or other Monies to be raised or levied under the Authority of this Act shall give good and sufficient Security to the Satisfaction of the said Commissioners for accounting for and paying the Monies which shall be by them respectively collected or received.

Clerk and Treasurer to be different Persons.

XI. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks or his or their Partner or Partners, the

Treasurer or Treasurers for the Purposes of this Act; and if any Person being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy or Deputies of the Treasurer or Treasurers, or in any Manner officiate for the Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks of any other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy or Deputies of such Clerk or Clerks, or in any Manner officiate for such Clerk or Clerks, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action in the Court of Session in *Scotland*, or in any of Her Majesty's Courts of Record at *Westminster*.

Books to be kept of Accounts and Proceedings.

XII. And be it further enacted, That the said Commissioners shall direct a Book or Books to be provided and kept by their Clerk for the Time being, in which he shall enter true and regular Accounts of all Sums of Money received and paid out, and also a Minute Book, wherein shall be entered as they occur, daily and regularly, all the Resolutions of the said Commissioners, and Copies of all Assignments; and which Books shall at all seasonable Times be open to the Inspection of the said Commissioners or any Creditor or Creditors on the Rates and Duties, without Fee or Reward.

Officers to account.

XIII. And be it further enacted, That such Clerks, Treasurers, Collectors, Receivers, and Officers so to be appointed shall, under their Hands, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by them received by virtue of and for the Purposes of this Act, and how much thereof had been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due to the said Commissioners, or to such Person as they shall appoint to receive the same; and if any such Clerk, Treasurer, Collector, Receiver, or Officer shall neglect or refuse to make and render any such Account, or to produce or deliver up the Vouchers relating to the same in his Possession or Power, or to make Payment as aforesaid, or shall neglect or refuse to deliver up to the said Commissioners, or to such Person as they shall appoint, within Ten Days next after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of such Clerk, Treasurer, Collector, Receiver, or Officer, all Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act,

or give Satisfaction to the said Commissioners respecting the same then and in any of the Cases aforesaid the said Commissioners may and they are hereby authorized and empowered to cause an Action to be brought against the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing as aforesaid, and the Cautioner or Cautioners of the said Officers respectively, for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Commissioners, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace in and for the County of *Edinburgh*, or in or for any other Place wherein such Officer so neglecting or refusing shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand for the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon Complaint of the Party, and upon the Testimony of One or more credible Witness or Witnesses upon Oath, (which Oath the said Justice is hereby empowered to administer,) or on the simple Affirmation of such Persons as by Law are entitled to depone on their simple Affirmation, or by other competent Evidence, or by Confession of the Party offending, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Clerk, Treasurer, Collector, Receiver, or Officer, such Justice may and he is hereby authorized, upon Nonpayment thereof, by Warrant under his Hand to cause such Money to be levied by Poinding and Sale of the Goods and Effects of such Clerk, Treasurer, Collector, Receiver, or Officer; and if no Goods or Effects of such Clerk, Treasurer, Collector, Receiver, or Officer can be found sufficient to answer and satisfy the said Monies, and the Charges of poinding and selling the same, or if it shall appear to such Justice that such Clerk, Treasurer, Collector, Receiver, or Officer shall have neglected or refused to render and give such Account, or to produce the Vouchers relating thereto in his Possession or Power, or that any Books, Accounts, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Clerk, Treasurer, Receiver, or Officer, and he shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol of the said Borough of *Musselburgh* or of any other Place where such Offender shall be or reside, there to remain without Bail until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the Commissioners for such Money and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners are hereby empowered to make and receive, and until he shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners as aforesaid: Provided always, that no Person shall be committed for Want of sufficient Poinding for any longer Space of Time than Three Months.

XIV. And

Plan and Book of Reference.

XIV. And whereas a Plan and Section describing the Situation of the said Harbour, and the Line or Situation of the intended new Pier and other Works and Improvements connected therewith, to be constructed and made under the Authority of this Act, with a Book of Reference to the said Plan containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands and Premises in or upon which the said Works and Improvements are to be constructed and made, have been deposited with the Clerk of the Peace of the County of *Edinburgh*; be it enacted, That the said Plan and Section and Book of Reference so deposited shall remain in the Custody of the said Clerk of the Peace of the said County, for the Inspection of all concerned; and all Persons interested therein shall have Liberty to inspect, peruse, and make Extracts therefrom and Copies thereof, at reasonable Times, on Payment to the said Clerk of One Shilling for each Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy of One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Plan and Section and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, certified by the said Clerk of the Peace, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Unintentional Errors in Map or Plan or Book of Reference not to prevent Execution of Act.

XV. And be it further enacted, That it shall be lawful for the said Commissioners to construct and complete the Works and Improvements hereby authorized to be made and constructed, with the Approaches thereto, in or upon the Lands and Premises delineated on the said Map or Plan, although such Lands and Premises, or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted or mis-stated or erroneously described in the said Book of Reference, if it shall appear to any One or more Justices of the Peace of the County of *Edinburgh* (in case of Dispute about the same), and be certified by Writing under his or their Hands, that such Omission, Mis-statement, or erroneous Description appears to them to have proceed from Mistake.

Not to deviate more than One hundred Yards.

XVI. And be it further enacted, That the said Commissioners in constructing the said Works and Improvements shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan.

Power to treat for the Purchase of Lands, &c.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners to treat and agree, and to employ any Person to treat and agree, for the Purchase of any Lands and Premises required by them for the Purposes of this Act, and for the Purchase or Discharge of any subsisting Life-rent Rights, or other Rights, Servitudes, and Leases affecting the same, and Estates and Interests therein, and Burdens or Incumbrances constituted thereon, or such of them or such Part thereof as the said Commissioners shall think proper, or for the Acquirement of such Lands in Feu-farm, on the Payment of a perpetual Feu Duty or Ground Rent in respect of the same,

same, and also to submit and refer to Arbitration the Amount to be paid therefore, and in general all Questions arising in the Execution of this Act, as they may think advisable.

Provision for Deficiencies of Land Tax.

XVIII. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax; be it therefore enacted, That the said Commissioners shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said Assessments for Land Tax by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Persons under legal Disability empowered to sell and convey Lands.

XIX. And be it further enacted, That it shall be lawful for all Corporations, Heirs of Entail, Life-renters, Husbands, Tutors and Curators, or other Guardians, Judicial Factors, Trustees for charitable or other Purposes, Executors and Administrators, and all other Persons whomsoever interested in or entitled to any Lands or other Heritages required for the Purposes of this Act, or which may be damaged by the Operations thereof, not only for and on behalf of themselves, their Heirs and Successors in the said Property, but also for and on behalf of those for whom they may act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, Married Women, or other Persons; and it shall also be lawful for all Married Women who shall have Right to or be possessed of or interested in such Lands, either absolutely or by virtue of any Right of Terce or other Right, and for all and every Person whomsoever who shall have Right to or be interested in any such Lands or Heritages, to contract for, sell, feu, subfeu, or convey or let to the said Commissioners all or any Part thereof; and all such Contracts, Sales, Feus, Subfeus, Charters, Conveyances, and Leases shall be valid and effectual notwithstanding the limited or defeasible Nature of the Right and Title, or the Inability or Incapacity of the Parties so contracting, selling, feuing, subfeuing, conveying, or leasing, any Law or Custom or Prohibition in the Titles of such Property to the contrary notwithstanding; and all such Corporations and Persons aforesaid so contracting, selling, feuing, subfeuing, conveying, or leasing are hereby indemnified for what they shall so do in pursuance of this Act: Provided always, that nothing in this Act contained shall authorize the Proprietors of any entailed Lands to sell or convey the same in Feu Farm to the said Commissioners, or to grant Leases for a longer Period than Twenty-one Years, unless the Deed of Entail under which such

Lands are held shall authorize such Mode of Sale and Conveyance and such Leases.

How Notices, &c. to be served on Commissioners.

XX. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons to serve upon the said Commissioners any Citation or Summons, Protest or Charge, or other legal or equitable Proceedings, the Service or Intimation upon the Clerk of the said Commissioners, or left at the Office of the said Clerk or at his last or usual Place of Abode, or at the Office of the said Commissioners, shall be deemed good and sufficient Service and Intimation of the same on the said Commissioners.

How Commissioners to sue and be sued.

XXI. And be it further enacted, That the said Commissioners may sue and be sued for any Matter or Thing to be done in the Execution of this Act in the Name of any One of the said Commissioners or of their Treasurer or their Clerk for the Time being; and no Action or Suit wherein the said Commissioners shall be concerned as Pursuers or Defenders in the Name of any Commissioner, or the Treasurer or Clerk, by virtue of this Act, shall abate by the Death or Removal of any such Commissioner, Treasurer, or Clerk, but any Commissioner, or the Treasurer or Clerk, for the Time being, shall be deemed to be the Pursuer or Defender (as the Case may be) in every such Action; and the said Commissioner, Treasurer, or Clerk shall, out of the Monies arising by virtue of this Act, be reimbursed and paid all Monies, Charges, and Expences which he shall pay, expend, or be put unto by his or their being so made Pursuer or Defender as aforesaid.

Commissioners may sell Lands and Premises not wanted.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to lay out, improve, sell, feu, or otherwise dispose of any Part or Parts of the Lands and Premises already acquired, embanked, and reclaimed under Authority of the said recited Acts, or which may be acquired, embanked, or reclaimed under Authority of the said recited Acts and this Act, as may not be necessary to be retained for the Purposes of this Act, either by public Auction or private Contract, and in such Manner as the said Commissioners shall find most convenient and advantageous.

Commissioners may enter into Contracts for Works, &c.

XXIII. And be it further enacted, That the said Commissioners shall be and they are hereby authorized, from Time to Time as Occasion shall be, to make Bargains for Materials to be furnished for the Works, and when it shall appear to them proper to enter into written Contracts with proper Artificers, Handicraftsmen, and other Workmen, for the Performance and due Execution of the Works and Improvements which shall from Time to Time be resolved on by the said Commissioners by virtue and in pursuance of this Act, every such Contract in Writing specifying the several Works to be done, the Prices to be paid for the same, and the Time when or within which the said Works are to be completed, and the Forfeitures or Penalties to be borne or suffered for the Non-performance thereof;

thereof; and in all Cases where any pecuniary Penalties shall be recovered of and from any Contractor, the same shall be paid to the Treasurer of the said Commissioners, and be applied to the Purposes of this Act, and to no other Use or Purpose whatever.

Commissioners may rent Storehouses, &c.

XXIV. And be it further enacted, That the said Commissioners shall be and they are hereby empowered, out of any of the Rates and Duties hereby granted, to rent or hire, by the Year or otherwise, any convenient Storehouse, Yard, or other Place, for the receiving and safe keeping or lodging of Goods, Wares, Merchandize, and other Things loading or unloading at the said Harbour.

Commissioners may erect Sheds, &c.

XXV. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered to erect and construct, in or about the said Harbour, such and so many Sheds, Yards, Storehouses, Lofts, and other Erections and Conveniences, for the Reception, Depositation, and Protection of the Goods, Wares, or Merchandize loading or unloading thereat, and 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.

For punishing Persons destroying the Works.

XXVI. And be it further enacted, That if any Person shall knowingly, wilfully, or maliciously demolish, break down, set on fire, cut, or destroy in any manner of way any of the Works already made in and about the said Harbour, or which shall hereafter be made by virtue of this Act, or shall maliciously, wilfully, or wantonly put out any of the Lights to be used on the Piers or Jetties belonging to the said Harbour, or in any way injure the same, or shall cut or destroy or injure any Rope or Chain or other Holdfast by which any Ship or Vessel shall be moored or fastened, every such Person so offending shall forfeit and pay any Sum not exceeding Twenty Pounds, over and above making good the Damage thereby done.

Power to take Tonnage Duties.

XXVII. And be it further enacted, That from and after the passing of this Act, instead of the Rates and Duties heretofore leviable at the said Harbour, the Commissioners hereby appointed, or the Collector, Receiver, or other Officer employed by them, shall be and they are hereby authorized and empowered to ask, demand, take, receive, collect, levy, and recover, for the Purposes of this Act, from all and every the Owner, Consignee, Commander, Mate, or Master of any Ship or Vessel or Boat, of whatever Description, which shall come into or use the said Harbour, or shall enter within the Piers of the said Harbour, the several Rates and Duties on Tonnage specified in the Schedule (A.) hereunto annexed: Provided always, that no Ship, Vessel, or Boat for which such Tonnage Duty shall have been once paid shall be liable to pay the same a Second Time, in case of such Ship or Vessel being, without any Change in her Cargo, put back to the said Harbour during the Voyage for which the Tonnage Duty was paid.

Rates and Duties on Goods, &c.

XXVIII. And be it further enacted, That from and after the passing of this Act the said Commissioners, or Persons appointed by them as aforesaid,

aforesaid, shall be and they are hereby authorized and empowered, instead of the Rates and Duties heretofore payable, to demand and take, of and from every Owner, Factor or Agent for Owners, of Goods, Merchandize, Wares, Horses or other Bestial, Fish, or other Things or Commodities whatsoever, which shall be imported into or exported out of the said Harbour of *Fisherrow* or its Precincts in any Ship, Vessel, or Boat, or that shall be loaded into or unloaded out of any Ship, Vessel, or Boat coming into or going out of the said Harbour, the several Rates and Duties specified and contained in the Schedule (B.) hereunto annexed: Provided always, that where such Rates and Duties shall have been once paid on Goods, Wares, Merchandize, Horses or other Bestial, Fish, or other Things or Commodities, on being loaded or unloaded, One Half of the said Duties only shall be again paid thereon in the event of the same being subsequently loaded or unloaded in the said Harbour or its Precincts, if still the Property of the Owner or Owners by or on behalf of whom the Duties were previously paid; but the whole or full Amount of the said Duties shall in the said Events be again paid if the said Goods, Wares, Merchandize, Horses or other Bestial, Fish, or other Things or Commodities in the original Packages shall have been changed to another Owner or Owners, or the Goods packed in other Packages, or otherwise changed in Form.

Rates and Duties may be lessened by the Commissioners.

XXIX. And be it further enacted, That the said Commissioners in General Meeting assembled may and they are hereby empowered to lessen, reduce, or discontinue any of the aforesaid Rates and Duties granted by this Act, as they shall judge reasonable and expedient, and as the State of the said Rates and Duties, and Debts due thereon, will permit, and 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, shall not exceed the Rates and Duties herein-before granted: Provided always, that the said Rates and Duties shall be so fixed as that the same shall be taken from all Persons alike under the same or similar Circumstances.

Vessels not to be cleared till Duties are paid, or the Amount consigned;

XXX. And be it further enacted, That it shall and may be lawful for the Collector or other proper Officer of Her Majesty's Customs and he is hereby authorized (with the Permission of the Commissioners of Customs) to refuse to receive any Entry, or give or make any Cocquet or other Discharge or Clearance, or take any Report, Inwards or Outwards, for any Ship or other Vessel whatever subject and liable to the Payment of the Rates and Duties imposed by this Act, until the said Rates and Duties shall be paid to the Collector appointed to receive the same, and until a Receipt under the Hand of the said Collector of the said Rates and Duties shall be produced to the said Collector or other proper Officer of Her Majesty's Customs, or a Certificate under the Hand of the Clerk to the Commissioners, that the Sum demanded on that Account has been consigned and lodged in his Hands, with sufficient Security for the Payment of all Damages, Costs, and Expences which the Collector of the said Rates and Duties may sustain or incur by reason of the Delay or Refusal

Refusal of Payment, according as the same shall be ascertained and determined by One or more of the Justices of the Peace for the County of *Edinburgh*, or the Provost or Magistrates of *Musselburgh* for the Time being; but provided always, that in case it shall be found by such Justice or Provost or Magistrates as aforesaid, after hearing both Parties, that the Collector of the said Rates and Duties has made a higher Demand than is authorized by this Act, such Collector shall be liable for and decreed to pay to the Party complaining such Damages as shall be judged adequate by the said Justice or Provost or Magistrates, who are hereby authorized and empowered to hear and decide upon all such Questions and Disputes as shall be brought before them relative to such Matters in a summary Manner.

and if Sum demanded be higher than authorized by this Act, Damages may be recovered.

XXXI. And be it further enacted, That Her Majesty's Ships of War, or any other Ship, Transport, or Packet of Her Majesty, Her Heirs and Successors, or any Vessel employed in Her Majesty's Revenues of Customs or Excise, or in the Service of the Board of Ordnance, or employed in carrying the Mails of Letters and Expresses under the Authority of Her Majesty's Postmaster General, or in any other Way employed in Her Majesty's Service, shall be exempted from the Payment of the Rates and Duties hereby granted: Provided always, that if any Person shall take the Benefit of any such Exemption, not being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Vessels in HerMajesty's Service to be exempted.

XXXII. And be it further enacted, That it shall and may be lawful to and for Her Majesty, in and by an Order in Council, or to and for the Lords Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times when and so often as She or they shall deem fit so to do, in and by Her or their Order in Writing, to reduce the Duties and all other Charges, Fees, and Rates hereby made payable on all or on such or so many of the Foreign Ships or Vessels, and on all or on such or so many of the Goods and Merchandizes imported or exported in Foreign Bottoms, as She or they in their Judgment shall deem expedient, to the same and the like Duties as are hereby and hereafter shall, in pursuance of the Powers herein contained, be made payable in respect of the *British* Ships or Vessels, or the Goods and Merchandizes imported or exported in or by them.

Power reserved to Her Majesty and Lords of the Treasury to reduceDuties on Foreign Ships and Goods.

XXXIII. And be it further enacted, That in all Cases wherein it shall be necessary to ascertain the Tonnage of any *British* or *Irish* built Ship or Vessel having a Register for the Purposes of this Act, the Production of the Register shall be deemed sufficient for that Purpose, without an actual Admeasurement, and the Master, Owner, or other Person having the Command, Management, or Possession thereof is hereby required to produce such Register to the said Commissioners or Persons appointed by them.

Tonnage Duty to be ascertained by the Register of British Vessels.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized to appoint a proper Person to ascertain the Tonnage of any Foreign or other Ship or Vessel having no

Persons to be appointed by the Commissioners to measure

Ships having no Register.

no Register which may enter the said Harbour, and such Person shall and he is hereby empowered and required to admeasure the same according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels; and the Owners, Consignees, Commanders, or Masters of all such Ships or Vessels shall pay the Expence of such Measurement, besides the Rates and Duties to which they may be liable in Terms of this Act.

For enforcing Payment of Duties.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or such Person as shall be authorized by them for that Purpose, to go on board any Ship or Vessel within the Precincts of the said Harbour, and to demand to see the Register thereof, and to take the Dimensions of such Ship or Vessel, and to demand, collect, and receive, from any Owner, Master, or other Person having the Charge of any such Ship or Vessel, for any Goods, Merchandize, or Commodities on board of the same, the Rates and Duties by this Act imposed and made due and payable, and in case of Delay or Refusal of Payment to seize, take, and detain, preferable to and notwithstanding of any Attachment, Arrestment, or other Right whatsoever claimable by or due to any other Person, any of the Goods, Merchandize, Things, Commodities, Tackle, Furniture, Apparel, Boats, or Spars of or belonging to or on board of any such Ship or Vessel, and the same to detain and keep until the said Rates and Duties respectively shall be satisfied and paid; and in case of any Neglect or Delay in the Payment of the said Rates and Duties, or any of them, for the Space of Three Days after such taking, seizing, or detaining as aforesaid, it shall then be lawful to the said Commissioners, or Person authorized by them as aforesaid, to cause the same to be appraised by Two or more licensed Appraisers, and afterwards to sell and dispose of the same by public Auction or private Bargain at such Price as can be got for the same, and therewith to satisfy the Rates and Duties so neglected or delayed to be paid, together with the Charges of such seizing, taking, detaining, appraising, and selling, as the same shall be ascertained by the Sellers upon Oath, rendering to the Master or Owner of such Ship or Vessel, or to the Owners of such Goods or Commodities, or to the Agents or Factors of the said Owners or Masters, the Surplus (if any be), on Demand.

Penalty on Persons obstructing the Admeasurement of Ships or the Collector of the Duties.

XXXVI. And be it further enacted, That in case the Master or other Person having the Command of any Ship or Vessel liable to any of the Duties imposed by this Act shall refuse to produce his Register, or in case the Master or other Person having such Command as aforesaid, or any other Person whomsoever, shall obstruct or hinder, by Threats or otherwise, the said Commissioners or Person appointed to collect the Rates and Duties hereby authorized to be levied, or the Person appointed to admeasure any such Ship or Vessel, from entering on board, or taking, seizing, or carrying away the Tackling or other Articles, for Payment of such Rates and Duties or any of them, or taking the Admeasurement of any Ship or Vessel, or exercising any of the other Powers by this Act granted, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

XXXVII. And

Settling the Amount of Rates, &c. in case of Dispute.

XXXVII. And be it further enacted, That in case any Dispute shall arise regarding the Amount of the Rates or Duties hereby granted, or the Charges of recovering the same, such Dispute shall be submitted by Petition to the Sheriff or any One or more of the Justices of the Peace of the said County of *Edinburgh*, who, upon Application made to them for that Purpose, shall, sitting in open Court, examine into the Matter in a summary Way, without written Evidence, and determine the Rates and Charges due and incurred, and shall award such Expences of Plea to either Party as to them shall appear right and proper; and such Rates and Charges may be recovered summarily by poinding and distraining by Warrant under the Hand of such Sheriff or Justice of the Peace, which Warrant such Sheriff or Justice of the Peace is hereby authorized and required to grant.

Shipmasters to give an Account of loading and unloading.

XXXVIII. And be it further enacted, That every Shipmaster shall, on his Arrival in the said Harbour, and before unloading any Part of his Cargo, and immediately after being loaded, be obliged, if required, to give in to the Collector of the said Duties, or to such Person as the said Commissioners shall appoint, an exact and full Account of his Cargo, by producing either his Bills of Lading, or a Copy of his Manifest or Intake Account; and every Person failing so to do, after Demand made, or not delivering a just and true Account of his Cargo, both Outwards and Inwards, as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the whole Rates and Duties payable in respect of such loading and unloading.

Commissioners may let the Rates and Duties.

XXXIX. And be it further enacted, That it shall be in the Power of the said Commissioners to let on Lease, either by private Contract for Payment of such Rent as they shall think proper, or to the best Bidder or Bidders by public Auction for that Purpose appointed and advertised in some Newspaper or Newspapers published in *Edinburgh* Three several Times Fourteen Days at least before such Auction, all or any of the Rates and Duties by this Act granted, for any Time or Space not exceeding Three Years, as the said Commissioners may determine; and in case the said Rates and Duties shall be so let the Tenants shall have the same Powers and Privileges as to levying, recovering, and collecting the said Rates and Duties as are by this Act conferred upon the said Commissioners.

Old Ships, &c. not to remain in the Harbour.

XL. And be it further enacted, That no Ship, Vessel, or Boat which may be laid up as unfit for Sea, or neglected by the Owner thereof, shall be permitted to be and remain at any of the Piers, Quays, or other Works erected or to be erected at the said Harbour so as to incumber the same; and the Commissioners may immediately cause such Ship or Vessel to be, at the Charges of the Owner thereof, removed and laid on any Part of the Strand or Sea Shore above the High-water Mark, or any other Place of Safety without the said Harbour, the Expence of all which shall be first examined and allowed by the Provost or Magistrates of the said Burgh of *Musselburgh* before Payment shall be demanded from the Owners; and in case of Refusal or Neglect of Payment of such Charges allowed as aforesaid for the Space of Three Days after Demand made,

made, then and in every such Case the Commissioners shall cause the same to be levied by Distress and Sale of such Ship or Vessel, or any of the Tackle or Furniture of the same, rendering the Overplus, if any be, after deducting the Charges of taking, keeping, and Sale, to the Owners, whenever the same shall be demanded.

Additional Rates for Articles remaining above a certain Time on the Quays.

XLI. And be it further enacted, That if any Goods, Wares, Merchandize, or Commodities, or other Matters or Things whatsoever, shall remain upon any of the Piers or Quays of the said Harbour for a longer Period than Twenty-four Hours from the Time when such Goods, Wares, Merchandize, or Commodities, or other Matters or Things, shall have been placed thereupon, then and in every such Case it shall be lawful for the said Commissioners, or for the Collector or other Person appointed by them, to levy a Sum not exceeding the Amount of the Rates and Duties by this Act imposed upon the said Commodities, and that over and above the said Rates and Duties; and it shall be lawful to exact the said additional Rates and Duties for each and every successive Period of Twenty-four Hours during which such Goods, Wares, Merchandize, or Commodities, or other Matters or Things, shall remain on the said Piers or Quays.

Goods not to remain on the Piers or Quays, &c. beyond a certain Time.

XLII. And be it further enacted, That it shall not be lawful for any Person who shall have placed any Goods, Wares, Merchandize, Timber, Wood, or any other Thing, for the Purpose of being immediately shipped or landed, upon any of the Piers, Quays, or Jetties already constructed or to be constructed within the said Harbour, or on any Street or Avenue leading to the same, to keep such Goods, Wares, Merchandize, or other Things, or any Part thereof, thereon for a longer Period than Forty-eight Hours, unless for the Purpose of being immediately shipped from the Place where they are so deposited; and in all Cases where such Goods, Wares, Merchandize, or other Things shall have so continued beyond that Time it shall be lawful to the said Commissioners, or Person authorized by them, to remove or cause to be removed such Goods, Wares, Merchandize, or other Things found lying on the said Piers, Quays, Landing Places, Streets, or Avenues leading to the same above the said limited Time, to some Place of Safety, and to retain and keep the same until Payment of the Charges of such Removal and Detention, and also of such Remuneration to the Person authorized to remove them, for Trouble in and about such Removal and Detention, as the said Provost or Magistrate shall award to be reasonable; and it shall not be lawful for any Person to permit any Live Stock to remain in or upon any Part of the said Harbour, but the same shall be immediately removed; and the said Commissioners, or Person authorized by them, shall remove all such Live Stock, so permitted to remain, to any Warehouse, Yard, or other Place of Safety and to retain and keep the same until Payment of the Charges of such Removal and Detention; and if such Charges, Expences, and Remuneration for Removal shall not be paid within the Space of Three Days after Demand made thereof, then and in that Case the said Commissioners are hereby authorized and required to levy the same by Distress and Sale of the said Goods, Wares, Merchandize,

Live Stock, or other Things removed and detained, and to render the Overplus, if any be, after deducting the Expences of Sale and other Charges, to the Owner or Owners thereof, whenever the same shall be demanded.

Gunpowder, &c. not to be left on the Quays, &c.

XLIII. And be it further enacted, That no Gunpowder, Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy or other spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other combustible Things, shall be suffered to be or remain in or upon the Piers, Quays, or Landing Places already constructed or hereafter to be constructed, or in or upon any of the adjacent Streets and Avenues leading to or from the same, or upon the Deck of any Ship, Vessel, or Boat lying in the said Harbour for more than Twenty-four Hours after the same shall be passed by the Officers of Her Majesty's Revenue; and in case the same cannot be conveniently removed or got off by Daylight, then and in every such Case the Owner or Owners thereof shall be obliged and are hereby required to set and maintain, at his, her, or their Expence, a sufficient Number of careful, discreet, and sober Persons, to guard and watch over the same for such or so many Hours, according to the Season of the Year, as the said Commissioners, or the Person authorized by them as aforesaid, shall direct and appoint; and in case such Owner or Owners of the Articles before mentioned, or the Master or Masters or Persons having or taking the Command or Charge of such Ships or Vessels, shall make default in the Premises, the said Commissioners, or their Harbour Master or Clerk or other Officer to be appointed by them, shall, at the Expence of the Owners or Masters aforesaid, employ such Persons to guard and watch the said Articles; and further such Owners or Masters shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds Sterling: Provided always, that nothing herein contained shall extend or be construed to extend to Gunpowder belonging to Her Majesty, Her Heirs and Successors.

Fires not to be lighted in Ships, &c. in the Harbour without Permission.

XLIV. And be it further enacted, That no Person whatsoever shall have or keep, or cause to be had or kept, any Fire, or shall heat or boil any Tar, Pitch, Rosin, or other similar Composition on board of any Ship or Vessel lying in the said Harbour at any Time whatsoever, except only with Permission of the said Commissioners, upon pain of forfeiting for every such Offence any Sum not exceeding Five Pounds.

For removing Vessels.

XLV. And be it further enacted, That the said Commissioners, or such Persons as they shall authorize and appoint, shall and may and they are hereby authorized to remove or cause to be removed, when and so often as he or they shall judge to be necessary, any Ship or Vessel lying in any of the Entrances or Passages of the said Harbour, or at any Quay, Pier, Breast, or other Place already built or hereafter to be built, or in any Part of the said Harbour, from the Berth or Lying Place at which they shall respectively happen to be stationed or moored at the Time to any other Berth or Lying Place, as they or he shall think proper; and for the more speedy Removal of any such Ship or Vessel, on the Master refusing

refusing or delaying to remove the same on being required so to do, the said Commissioners, or Persons authorized by them, may cut or order to be cut the Cables, Chains, or other Moorings of such Ship or Vessel, when and so often as may be thought necessary; and the Masters, Commanders, Owners, and Consignees of any such Ship or Vessel so removed shall respectively pay to the said Commissioners all such Costs and Charges as shall be reasonably expended in the Removal thereof, to be recovered, levied, and applied in like Manner as the Forfeitures and Penalties imposed by this Act are ordered to be recovered, levied, and applied; and every Master, Commander, Mate, or other Person taking upon himself the Command, or who shall be on board of any Ship or Vessel, or other Person whatsoever who shall obstruct or hinder the Removal thereof, shall for every such Offence forfeit any Sum not exceeding the Sum of Ten Pounds Sterling.

Vessels in Distress to be preferred.

XLVI. And be it further enacted, That in case any Ship or Vessel shall arrive or come into the said Harbour of *Fisherrow* in Distress, or meet with any Misfortune in or without the Harbour, it shall and may be lawful to and for the Provost or Magistrates of the said Borough of *Musselburgh*, upon Request made to him in Writing by the Master, Commander, or Owner thereof, or the Owner of any Goods aboard the said Ship or Vessel, and upon Proof being made before him of such Distress, to give an Order of Preference to such Ship or Vessel both as to the Berth and as to the Course of discharging to any other Ship or Vessel; and the Master or Commander of every Ship or Vessel lying within the said Harbour who shall refuse or delay to comply with the Order of the said Magistrate in favour of such Ship or Vessel in Distress as aforesaid shall for every such Offence forfeit any Sum not exceeding the Sum of Ten Pounds, besides the Expence of removing his Vessel.

Lime to be discharged where the Commissioners shall direct.

XLVII. And be it further enacted, That the said Commissioners may cause any Ship or Vessel having a Cargo of Lime to load or unload to proceed to and lie at such Quay, Pier, Breast, or Wharf, and in such Parts thereof as they shall think proper, for the Purpose of loading or unloading.

Commissioners to have the Superintendence of Ballast.

XLVIII. And be it further enacted, That the said Commissioners shall have the immediate Superintendence, Direction, and Management of the ballasting of all Ships and Vessels within the said Harbour, and all and every Person shall take his Directions from the said Commissioners, or Person to be appointed by them for superintending the ballasting or outputting of Ballast, and all Carters employed thereat; and in case any Person shall refuse or neglect to obey any of the Directions issued or given in virtue hereof, or shall act contrary thereto, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Ballast, &c. not to be thrown into the Harbour, nor to re-

XLIX. And be it further enacted, That it shall not be lawful for any Person to throw or allow to be thrown any Ballast, Dirt, Ashes, Rubbish, Shingle, Sand, Stones, or other Things into the said Harbour, or to do any other Act, Matter, or Thing to prejudice

prejudice or injure the same or any Part thereof; nor shall any Person keep or suffer Ballast to remain on any of the Piers, Quays, Breasts, or other Works, except during the Time necessary for putting it on board, but shall immediately remove the same to such Place or Places as the said Commissioners, or Person authorized by them, shall for that Purpose provide and appoint; nor shall it be lawful for any Person to dig or take away from the said Harbour or its Precincts any Sand, Gravel, Shingle, or Stones for Ballast or any other Purpose, except from such Place or Places as shall from Time to Time be appointed for that Purpose under the Authority of the said Commissioners; and if any Person shall offend in the Premises he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

main on the Piers.

L. And be it further enacted, That the Master or Owner of every Ship, Vessel, or Boat coming into or using the said Harbour shall be and he is hereby made answerable to the said Commissioners for any Damage or Mischief that shall be done by his Ship, Vessel, or Boat, or by any of the Seamen or Servants, Boatmen or others, on board of or belonging to the same, to any of the Piers, Quays, Breasts, or other Works already erected or to be erected, or to any other Ship, Vessel, or Boat, with full Costs and Expences of suing for and recovering the same.

Masters answerable for Damage done by their Crews.

LI. And be it further enacted, That in case the Master or Owner of any Ship, Vessel, or Boat coming into or using the said Harbour shall be compelled to pay any Penalty or to make any Satisfaction for any Damages, by reason of any Neglect or Default done or committed by any of his Seamen or Servants, Boatmen or others, contrary to the Provisions in this Act contained, such Seamen, Servants, Boatmen, or others shall be respectively liable to repay such Penalty or Damages, with the Costs thereof, to such Master or Owner; and in case of Nonpayment, upon Demand thereof, and Oath made by such Master or Owner of the Payment made by him or them of such Penalty, Satisfaction, or Damages, and that the same, and the Costs thereof, have not been repaid to him by such Seamen, Servants, Boatmen, or others, although demanded, (such Oath to be made before any Justice of the Peace for the said County of *Edinburgh* or Magistrate of the said Burgh of *Musselburgh*,) the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

Masters or Owners may recover from their Servants any Sums for their Default.

LII. And be it further enacted, That it shall be lawful to and for the said Commissioners from Time to Time to license, limit, regulate, and appoint, and to displace at pleasure, such Number of proper Persons to act as Pilots within and about the said Harbour as they may think proper: Provided always, that every Person who shall offer himself to be admitted as a Pilot shall, before being licensed by the said Commissioners, produce a Certificate from the *Trinity House* of *Leith* that he is duly qualified to act as a Pilot, and upon Production of such Certificate of Qualification the said Commissioners may grant a Licence certifying that such Person is duly qualified to act as a Pilot in conducting Vessels into and out of the said

Appointment of Pilots.

said Harbour, which Licences shall be subscribed by the Clerk to the said Commissioners, who shall receive for every First Licence a Fee of Five Shillings, and for every subsequent Licence a Fee of Two Shillings; and the said Commissioners shall have Power to compel all Persons professing to be Pilots under such Licences to find Security to the Extent of Twenty Pounds, or such other less Sum as the said Commissioners may think proper, for the due Discharge of their Duty, and also to settle and establish from Time to Time such Rates of Fees to be paid and levied for the Risk, Labour, and Trouble of such Pilots and others employed within and about the said Harbour as the said Commissioners shall 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, or after any such Licence shall have been declared by a Minute of the Commissioners to be suspended or forfeited, and it shall have been intimated to such Person that he has been suspended or dismissed as a Pilot, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds.

Masters of Vessels refusing to take Pilots.

LIII. 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 the first licensed Pilot licensed by the said Commissioners who shall offer his Service outside the Harbour, or as soon as such Pilot can safely come alongside of such Ship or Vessel, such Master or Commander shall pay to such Pilot the full Rates of Pilotage, as if the said Pilot had been received and employed in conducting or piloting such Ship or Vessel into the said Harbour of *Fisherrow*, together with full Costs of suing for and recovering the same, the Mode of suing in such Cases to be the same as herein directed in regard to Fines and Penalties under this Act.

Pilots not to take out any Ship or Vessel until the Duties are paid.

LIV. And be it further enacted, That no Pilot shall be at liberty to pilot or convey any Ship or Vessel from the said Harbour or its Precincts until the Superintendent or other Officer appointed by the said Commissioners shall have declared himself satisfied that the Rates and Duties herein-before directed to be paid in respect of such Ship or Vessel have been duly paid to the Collector appointed to receive the same; and every Pilot so offending shall forfeit and pay the Sum of Two Pounds, besides the Expence of suing for and recovering the same.

Commissioners may appoint Meters and Weighers.

LV. And be it further enacted, That it shall be in the Power of the said Commissioners and they are hereby authorized and empowered to license, appoint, and regulate a sufficient Number of Persons to be Meters and Weighers in the said Harbour, and to fix the Rates to be paid to the said Meters and Weighers, and to remove and displace them at pleasure; and if any Person, not being a Meter or Weigher appointed by the Commissioners of Her Majesty's Customs, shall act as a 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 Twenty Pounds; and the Measurements of an unlicensed Meter or Weigher, not being a Meter or Weigher appointed by the Commissioners of Her Majesty's Customs, shall be deemed illegal; but it shall not be imperative on Importers of

Grain, Lime, or Coals to employ Meters or Weighers where the Grain, Lime, or Coals are to be delivered from the Vessels without being measured or weighed.

The Owners or Commanders of all Ships to employ a licensed Meter.

LVI. And be it further enacted, That the Owners and Commanders of all Ships or Vessels entering the said Harbour with Coals, Lime, Cinders, Salt, Bark, Potatoes, Grain, or any other Commodity requiring meting, weighing, or measuring, or the Owners or Consignees of such Goods or Commodities, shall employ a licensed Meter for the Purpose of measuring, weighing, or meting the same; and every Commander, Owner, or Consignee of such Vessel, or Goods or Commodities, who shall fail to employ such licensed Meter, shall for every such Offence forfeit any Sum not exceeding Five Pounds; and such Meter so employed shall receive from the Persons so employing him such Rates as shall be from Time to Time fixed by the said Commissioners.

Power to erect Cranes and Weighing Machines.

LVII. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and empowered to erect such and so many Cranes and Weighing Machines upon the Works of the said Harbour as may appear to be requisite for the loading, unloading, and weighing of such Goods, Wares, and Merchandize as may be imported at and exported from the said Harbour, and to provide all such Weights and Measures as may be necessary for weighing and measuring the said Goods, Wares, and Merchandize; and the said Commissioners are hereby authorized and empowered to demand, levy, collect, receive, and take, for the Use of such Cranes and Weighing Machines, of and from all and every the Owners, Agents, or other Persons having the Charge of such Goods, Wares, and Merchandize, such reasonable Rates and Duties as they shall think proper; and if any Difference shall arise between any Collector of the said Rates and Duties and the Master or any other Person having the Care or Charge of any Ship or Vessel coming to or departing from the said Harbour, or the Owner, Factor, Consigner or Consignee of any Goods, Wares, Merchandize, or other Things therein embarked or contained, concerning the Weight or Qualities of the Goods, Wares, Merchandize, or other Things loaded or embarked therein, it shall be lawful for any such Collector to stop and detain any such Ship or Vessel, and to weigh or gauge, or cause to be weighed or gauged, the same, and all such Goods, Wares, and Merchandize, or other Matters and Things, as shall be therein embarked or contained; and in case the same shall upon any such weighing or gauging appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship or Vessel, then it shall and may be lawful to and for the said Commissioners or their Collectors, and they are hereby authorized and empowered, to charge for such Goods and Things according to the Weight thereof found upon such weighing, or declared by the Gauge of such Ship or Vessel; and the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing and gauging; all which Costs and Charges, upon Refusal of Payment on Demand, shall and may be recovered and levied in the same Manner as the Rates and

Duties imposed by this Act are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, or other Matters or Things shall appear to be of the same or of a less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Commissioners and their Collector, as the Case may be, shall pay the Costs and Charges of such weighing and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention.

Powers to erect Slips, &c., and to let the same.

LVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized to erect and maintain Inclined Planes or Slips upon any Part of the Beach of the said Harbour or Precincts of the same, for the Purpose of hauling up Ships or Vessels for Repair, and also to enclose Building Yards or other Conveniences within the said Harbour, and from Time to Time to let such Slips, Inclined Planes, or Building Yards, by private Agreement or public Auction, for any Period not exceeding Seven Years, at such Rents, Rates, and Duties, and to make such Rules and Regulations for the Government of Persons using the same, as to the said Commissioners shall from Time to Time seem fit and proper.

Lists of Rates to be publicly exhibited.

LIX. And be it further enacted, That the said Commissioners shall from Time to Time cause to be printed and affixed and stuck up, and continued, and renewed as often as the same shall be obliterated and defaced, upon Two or more of the most conspicuous Places in or near the said Harbour, in large and legible Characters, a List of the several Rates and Duties for the Time being by this Act authorized to be taken, and it shall not be lawful to demand and take or cause to be demanded and taken any of the said Rates or Duties but during such Time as the List shall remain affixed and stuck up as aforesaid.

Application of the Rates and Duties.

LX. And be it further enacted, That all and every Sum and Sums of Money which shall be levied and received from or on account of the Rates and Duties granted by this Act, or the Rents thereof, or from the Sale of any Lands or Premises, or the Rents thereof, shall, after paying the Expences of preparing, applying for, and obtaining and passing this Act, be applied by the said Commissioners for and towards the Expence of deepening, cleansing, enlarging, and improving the said Harbour, for keeping in repair and maintaining the Piers, Quays, Breasts, and other Works already built or which may be built, for making Roads and Approaches to the said Piers and Quays, and keeping the same in good Order and Repair, and also towards making, erecting, building, and finishing such other Piers, Quays, Breasts, and other Works as shall be necessary or expedient for the Improvement of the said Harbour, and for the Erection of Warehouses, Storehouses, Lofts, Sheds, Yards, or other Places for receiving and safe keeping of Goods removed from the Quays, or which may be allowed to be bonded, or for storing or keeping Sails, Rigging, or other Articles, for lighting the Piers and

Quays, and for paying the Officers and Servants to be employed in and about or concerning the same, and for paying the Interest and repaying the Principal of such Sum and Sums of Money as are now due and owing in respect of the said Harbour, or which shall hereafter be borrowed by the said Commissioners under this Act, under such Regulations and Conditions as the said Commissioners from Time to Time may think reasonable.

Power to borrow Money.

LXI. And be it further enacted, That the said Commissioners, or a Quorum of them, shall and may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest, and to repay and borrow again, as often as they shall see fit so to do, any Sum or Sums of Money not exceeding in the whole at any One Time the Sum of Fifteen thousand Pounds, and to grant, assign, and set over, for securing the Payment of the same, with the Interest thereof respectively, the several Rates and Duties given and granted by this Act, to any Persons who shall be willing to advance and lend Money thereon; and all the Monies so to be borrowed and advanced shall be applied to and for the Ends and Purposes of this Act; and the Assignments to be executed thereupon shall be made and granted under the Hands of the said Commissioners or any Five or more of them by Deed or Writing duly stamped, in which the Consideration shall be duly set forth, and shall be in the Form or to the Effect following; that is to say,

Form of Assignment.

'BY virtue of an Act of Parliament made in the
' Year of the Reign of Her Majesty Queen *Victoria*, intituled
' [*here insert the Title of this Act*], We Commissioners
' thereby appointed, in consideration of the Sum of
' advanced and paid to us by do hereby sell, assign,
' and make over to the said his Heirs, Executors,
' Administrators, and Assignees, the aforesaid Harbour, Docks, and
' other Works therein, and all and sundry the Rates and Duties
' payable to us by virtue of the said Act in relation thereto, and
' all our Right, Title, and Interest of, in, and to the same, to be
' held by the said and his foresaids until the said
' Sum of with the legal Interest thereof, [*or such*
' *Interest as may be agreed on, if less than Five Pounds per Centum,*]
' shall be fully satisfied and paid. In witness whereof we the under-
' signed Commissioners have subscribed these Presents, written by
' at the Day of
' before these Witnesses.'

And the said Commissioners shall not be personally liable, by reason of having signed such Assignments, for the Repayment of the Money borrowed, or Interest thereon, or for Payment of any Sum which they shall not have bound themselves personally to pay as Individuals independent of their Office as Commissioners under this Act; and all Persons to whom such Assignments shall be made shall be equally entitled, one with the other, to their Proportion of the said Rates and Duties, according to their respective Sums in such Assignments, without any Preference by reason of Priority of any such Assignments, or on any other Account; and a Copy of every such Assignment shall, within Twenty-one Days from the Date thereof, be

be entered in a Book or Books to be kept by the Clerk to the said Commissioners, which may be perused at all reasonable Times by any of the said Commissioners or Persons lending Money as aforesaid, without Fee or Reward; and the Person or Persons to whom such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer the Right or Interest therein by an Instrument in Writing under their Hands duly stamped, in which the Consideration shall be duly set forth in the Form or to the Effect following; that is to say,

Assignments may be transferred.

Form of Transfer.

'I *A. B.* of in consideration of the Sum of
'paid to me by *C.D.* of do hereby transfer a
'certain Assignment made by the Commissioners of the Harbour
'of *Fisherrow* to me, bearing Date the Day of
' for securing the Sum of and Interest,
'and all Interest now due and to become due thereon, and all my
'Right and Property therein, to the said *C.D.*, his Heirs, Executors,
'Administrators, and Assignees. In witness whereof I subscribe
'these Presents, written by at the Day
'of before these Witnesses.'

And such Transfer may be indorsed upon the principal Assignment or on a Paper apart, and the Person to whom such Transfer shall be made may make another such Transfer thereof, and so as often as such Assignment is meant to be transferred; and every such Transfer shall within Thirty Days after the Date thereof be produced to the Clerk of the said Commissioners, who shall enter the same in like Manner as the original Assignment in the Book or Books to be kept by him for that Purpose; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assignees, to the full Benefit of the original Assignment; and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Transfer to make void, release, or discharge the same, or any Money thereby due, or any Part thereof.

Power to appoint Superintendents and Officers for regulating the Police of the Harbour.

LXII. And whereas in consequence of the Extension of the said Harbour, and the increased Value of Property loaded or unloaded thereat, it may be expedient to establish proper Regulations for the Protection of the same; be it enacted, That the said Commissioners shall have Power and they are hereby authorized to appoint during Pleasure a Superintendent or Harbour Master for the said Harbour, and from Time to Time to fix the Number of inferior Officers and Watchmen to be appointed by the said Superintendent, 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 all such Salaries and Allowances as 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 this Monies to be received by the said Commissioners by virtue of the Act.

LXIII. And

Duties of Superintendents, &c.

LXIII. And be it further enacted, That it shall be the Duty of the said Superintendent, and of the said inferior Officers and Watchmen, to 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 lying thereon or therein, and the Ships and Vessels of all Descriptions lying at or in the said Harbour, Piers, Quays, or Jetties, and the Goods, Wares, and Merchandize with which the said Vessels may be loaded, and to enforce the Rules and Regulations made or to be made by the said Commissioners, to be observed by all Persons within the Precincts of the said Harbour, and to apprehend all Persons committing or charged with committing a Breach of any of the Rules or Regulations which the said Commissioners are hereby authorized to make, and for which any Offender may be liable to be apprehended, or committing or charged with committing any criminal, riotous, or disorderly Act within the Precincts of the said Harbour; and it shall also be the Duty of the said Superintendent to afford at all Times to the said Commissioners, and the Officers appointed by them, his 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, Quays, and Jetties of the said Harbour; to appoint the requisite Number of efficient and proper Persons to act as inferior Officers and Watchmen, and to dismiss them when he shall see Cause, and in general to aid and assist in the Prevention of Breaches of the said Rules and Regulations, and bringing Offenders to Punishment; and to attend to the proper lighting, watching, and cleansing of the said Harbour, and the Piers, Quays, and Jetties thereof: Provided always, that the said Commissioners shall have Power and they are hereby authorized to dismiss or order to be dismissed any of the Officers or Watchmen appointed by the said Superintendent at any Time when they shall find it necessary or proper so to do; and any Person so dismissed shall not be again employed in or about the Harbour unless with the written Approbation of a Majority of the said Commissioners.

Penalty on Watchmen retiring from Duty, and on Persons supplying them with spirituous Liquors whilst on Duty.

LXIV. And be it further enacted, That if any Person employed as one of the said Officers or Watchmen shall retire from his Duty during the Time he ought to have been on Duty, or if any Person shall knowingly or wittingly entertain, or permit or suffer to be entertained, in his or her House, any such Person during his Time of Duty, or shall furnish or supply any such Person employed as aforesaid, or any Person for his Use, with spirituous Liquors during his Time of Duty, every Person so offending shall forfeit a Sum not exceeding Five Pounds for each Offence.

Anchors, Cables, &c. found in the Sea to be deposited.

LXV. And be it further enacted, That every Fisherman, Boatman, Pilot, or other Person who shall pick up or obtain Possession of any Anchor or Cable, or any Boat, Rope, or Tackle of any Ship or Vessel, or any Log or Logs of Timber, or any other Article or Thing whatever, within the Limits of the said Harbour, shall, within Twenty-four Hours thereafter, give Notice thereof to the said Commissioners or any of their Officers or Servants, and shall deposit the same in such Place within such Time as they may direct; and any Fisherman,

Boatman, Pilot, or other Person, who shall fail to give such Notice and deposit such Articles as aforesaid, shall be liable in a Penalty not exceeding Forty Shillings; and the said Commissioners shall have Power to affix the Amount of Salvage to be paid to Fishermen, Boatmen, Pilots, or other Persons picking up any of the said Articles or Things.

No Officer to take any Fee other than what is provided by this Act.

LXVI. And be it further enacted, That no Officer or other Person who shall be employed in the Execution of the Powers of this Act shall take or accept from any Person whomsoever any Fee or Perquisite, Gratuity or Reward, for or in respect of any Matter to be done by him in execution of this Act, save what is provided by this Act, and such as shall be ordered and directed by the said Commissioners to be paid to such Officer or other Person; and if any such Officer or other Person shall offend herein he shall be thereupon dismissed from such Employment or Office, and be for ever afterwards rendered incapable of holding or executing any Office or Employment under the said Commissioners.

Power to make Bye Laws.

LXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners at any Time hereafter to make, order, and establish such Rules, Orders, and Bye Laws, for the Government and Regulation of the Pilots, Meters, and other Officers and Persons licensed and employed in and about the said Harbour, and for the better regulating, governing, and managing the Piers, Quays, Breasts, and other Works erected or to be erected in or about the said Harbour, and for the good Order, Government, Management, and Removal of Ships or Vessels entering the same, and of the Seamen and Fishermen on board thereof, and for the better Government and Regulation of Porters, Carters, and others, and for the better executing the other Powers of this Act, and also from Time to Time, as Occasion may require, to repeal and amend or alter such Rules, Orders, and Regulations, or Bye Laws, as to them shall seem fit and requisite, and to fix and appoint reasonable pecuniary Penalties for the Non-observance or Breach of them, not exceeding Five Pounds, to be recovered and applied in such Manner as the Fines and Penalties imposed by this Act are ordered to be recovered, levied, and applied; which Penalties so fixed and appointed may be awarded either in whole or in part, or wholly reduced, according to the Discretion of the Magistrate or Justice before whom the same may be sued for: Provided always, that such Rules, Orders, Regulations, and Bye Laws, and the Fines and Penalties for the Breach or Nonperformance thereof, as the same shall from Time to Time be made, altered, or varied, shall not be repugnant to the Law of *Scotland*, or to the Provisions in this Act contained; and that no such Rule, Order, Regulation, or Bye Law to which a Penalty shall be attached shall come into operation until it shall have been confirmed by the Sheriff of the County of *Edinburgh*; and the said Sheriff shall not confirm any such Rule, Order, Regulation, or Bye Law unless Notice of the Application for such Confirmation shall have been given in One or more Newspaper or Newspapers circulating in the said County of *Edinburgh* at least One Calendar Month before Confirmation, which Notice shall specify the Day and Hour when such

such Confirmation is to be given, and shall also intimate that a Copy of the proposed Rules, Orders, Regulations, or Bye Laws is hung up in the Office of the Town Clerk of *Musselburgh*, open to the Inspection of all Persons without the Payment of any Fees; and any Person conceiving that he will be aggrieved by any such Rule, Order, Regulation, or Bye Law, may be heard thereon before such Sheriff, but not so as to allow of more than One Party present being heard on the same Matter of Objection, nor shall any Party be entitled to be heard unless Notice in Writing shall have been lodged with the said Town Clerk at least Three Days previous to the Day appointed for taking such Rule, Order, Regulation, or Bye Law into consideration; and the said Commissioners shall cause the said Rules, Orders, Regulations, and Bye Laws to be printed, distributed, and Copies thereof painted on Boards and hung up at Two or more of the most conspicuous Places within or near the said Harbour, and which Boards shall from Time to Time be renewed by the said Commissioners when they become obliterated or defaced; and the Expences and Charges thereof shall be paid out of the said Rates and Duties.

Penalty on defacing Boards.

LXVIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously deface, pull down, or destroy any Board whereon the said Lists of Rates, Orders, or Bye Laws shall be painted, and which shall be affixed by the said Commissioners as aforesaid, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied as any other Penalty by this Act imposed is directed to be recovered and applied.

Recovery of Forfeitures, Fines, Damages, &c.

LXIX. And be it further enacted, That all Expences, Penalties, Forfeitures, and Fines imposed by this Act, or by any Bye Law made in pursuance hereof, (the Manner of levying, recovering, and applying whereof is not herein otherwise directed,) shall, upon Proof in open Court of the Offences respectively before the Bailie Court of the Burgh of *Musselburgh*, or any One Justice of the Peace for the County where the Offender shall be apprehended, either by the Confession of the Party offending or other competent Evidence, be levied, together with the Expences attending the Information and Conviction, by Poinding and Sale of the Goods and Effects of the Party offending, by Warrant under the Hand of the Provost or any One of the Magistrates of *Musselburgh* or Justice of the Peace, which any of them is hereby empowered to grant, upon the Application of the said Commissioners, or of any Collector or Receiver appointed by them; and the Surplus, if any be, after deducting such Expences, Penalties, Forfeitures, and Fines, and the Charges of such Poinding and Sale, shall be returned to the Owner of such Goods and Effects; and in case such Expences, Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Provost or Magistrate or Justice to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Poinding, unless the Offender shall give sufficient Security to the Satisfaction of such Provost or Magistrate or Justice for his Appearance before such acting Magistrate or Justice on such Day and at such Hour as shall be appointed

appointed for the Return of the Warrant of Poinding, which Security any of them is hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, or if it shall appear to the Satisfaction of the Provost, Magistrate, or Justice, that the Offender has not sufficient Goods or Effects, no Warrant of Distress need be issued, and then it shall be lawful for the said Provost, Magistrate, or Justice, and he is hereby authorized and required, by Warrant under his Hand, to cause such Offender to be committed to the Common Gaol, there to remain for any Time not exceeding Three Months, unless such Expences, Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid; and the Monies recovered or levied for such Expences shall be applied to the Payment of the same respectively; and the Monies arising by such Penalties, Forfeitures, and Fines respectively, after defraying the Expence of suing for and recovering the same, shall be applied to the Purposes of this Act.

Appeal.

LXX. And be it further enacted, That if any Person shall think himself aggrieved by any Decision, Warrant, or Order of the Provost or Magistrates of *Musselburgh*, or of any Justice or Magistrate, in the Execution of this Act, or in pursuance of any Rule, Order, or Bye Law to be made by the Commissioners under this Act, it shall and may be lawful to and for such Person to appeal therefrom to the Sheriff of the County of *Edinburgh*, provided that such Appeal be lodged with the Sheriff Clerk within Four Months after the Decision of the said Provost, Magistrates, or Justice shall have been given, and not afterwards, or in case of any such Order or Bye Law, within Four Months after any Judgment shall be given by such Provost, Magistrate, or Justice, against the Person offending in respect of such Rule, Order, or Bye Law, of which Appeal Notice shall be given to the opposite Party or Parties within the like Space of Four Months after such Decision: Provided also, that in every such Appeal a Bond of Caution shall be lodged with the Appeal for the Payment of the whole Costs incurred and that may be incurred, and the Sufficiency of the Cautioner in such Bond shall be judged of and determined by the Sheriff Clerk; and the said Sheriff shall in all Cases proceed and determine summarily, and his Decision shall be final and conclusive, without being subject to Review, by Advocation, Suspension, Reduction, or otherwise.

For apprehending transient Offenders.

LXXI. 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 further enacted, That it shall and may be lawful to and for the Officers, Watchmen, and other Persons authorized and appointed by the said Commissioners to seize and detain any such unknown Persons guilty of any Offence against this Act, and to convey them before any One or more of the nearest resident Justices of the Peace for the said County of *Edinburgh*, or the Provost or Magistrates of *Musselburgh*, without any other Warrant than this Act for so doing; and such Justice, Provost, or Magistrates respectively is and are hereby empowered and directed to

proceed immediately to the Conviction or Acquittal of such Offenders in a summary Way.

Warrants to be executed in any County.

LXXII. And be it further enacted, That all Warrants granted by the Sheriff or any Justice of the Peace of the said County of *Edinburgh*, under this Act, shall and may be executed and enforced in any other County, upon such Warrants being endorsed by the Sheriff or any Justice of the Peace of such other County; and all Sheriffs and Justices are hereby required, to endorse such Warrants, on the same being presented to them for that Purpose.

Commissioners may act as Justices.

LXXIII. And be it further enacted, That no Commissioner appointed by or in virtue of this Act shall be disqualified from acting as a Justice of the Peace or Magistrate in the Execution of this Act by reason of his being such Commissioner, except where it shall appear that such Commissioner is personally or individually interested in the particular Question or Matter brought before him as a Justice of the Peace or Magistrate.

For compelling Witnesses to give Evidence.

LXXIV. And be it further enacted, That if any Person shall refuse to appear and give Evidence in regard to any Matter or Thing under this Act, after having been cited for that Purpose, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Rights of Commissioners for Northern Lighthouses reserved.

LXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, diminish, or abridge any of the Rights and Powers of the Commissioners for Northern Lighthouses in regard to the Exhibition of Lights or Beacons for the Guidance of Vessels resorting to the said Harbour.

Boundaries of Harbour.

LXXVI. And be it further enacted, That for the Purposes of this Act, and for no other Purposes whatever, the said Harbour shall be deemed to extend along the Shore from the *Magdalena Burn* on the West to the *Ravenshaugh Burn* on the East, and to Seaward to the Extent of One hundred Yards beyond Low-water Mark opposite to the Shore between the aforesaid Burns.

Expences of this Act how to be defrayed.

LXXVII. And be it further enacted, That the Expence of this Act, and other necessary Expences incurred preparatory thereto and in the Execution thereof, shall be paid and defrayed out of the first and readiest of the Monies which now are or shall come into the Hands of the said Commissioners by virtue of the said recited Acts and this Act.

Public Act.

LXXVIII. 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.

SCHEDULE (A.) to which this Act refers.

TONNAGE DUES.

	s.	*d.*
For all Vessels from any Port of Britain, per Ton Register - -	0	3
For all Vessels from Foreign Ports not within the Sound or Baltic, or from any Ports of British America or United States, per Ton Register - - - - - - -	0	4
For all Vessels from any Port in the Baltic within the Sound, British America, and United States, per Ton Register - -	0	4
For all Vessels from the other Foreign Ports, per Ton Register -	0	4
For all open Boats for each Time entering the Harbour, each -	1	0
For all Fishing and open Boats without a Deck, per Annum, as follows:		
First Class - - - - -	7	6
Second Do. - - - - - -	5	0
Third Do. - - - - -	2	6
All Vessels entering the Port, but not discharging nor taking in a Cargo, Half Dues.		
Plankage, for each Time a Plank is used - - - -	1	6
Crane Dues for landing or loading a Cargo - - -	5	0
For all Vessels laying up or wintering in the Harbour for any Period not exceeding Six Months, per Ton Register - -	0	3
For all Foreign Ships and Vessels using or entering the said Harbour of Fisherrow, Double the above Duties.		

SCHEDULE (B.) to which this Act refers.

RATES AND DUTIES ON GOODS.

		s.	*d.*
Acorns - - - - -	per Bushel	0	1
Alabaster - - - - -	per Cwt.	0	1
Aquafortis - - - - -	per Carboy	0	2
Apples and other Fruit - -	per Chest, 4 Bushels	0	4
Do. - - Do. - - -	per Bushel	0	1
Ashes, Pot or Pearl - - - -	per Cwt.	0	2
—— Soap - - - -	per Cwt.	0	2
—— Fern or Wood - - - -	per Cwt.	0	1
Bacon - - - - -	per Cwt.	0	1
Barilla - - - - -	per Ton	1	0

		s.	d.
Bark, Oak and other	per Ton	1	0
—— Jesuits	per lb.	1	2
Barrel Staves. (*See* Staves.)			
Barley	per Quarter	0	2
—— Pearl or Pot	per 20 Stone	0	2
Baskets	per 100*l.* Value.	£2	
Battens and Ends. (*See* Wood.)			
Beef, Mutton, Veal, and Pork	per Cwt.	0	1
Beer, Porter, Ale, Mum, Cyder, Perry, Vinegar, and all Malt Liquors	per Hhd.	0	4½
Do. Do.	per Barrel	0	3
—— bottled	per Dozen Bottles	1	2
Bees Wax	per Cwt.	0	3
Bell Metal	per Cwt.	0	1
Bells	per Ton	2	0
Bellows	per Barrel Bulk	0	2
Blankets	per Dozen	0	4
Blubber	per Ton	0	9
Bones	per Ton	0	9
Bone Dust	per Ton	1	0
Bottles, Glass	per Cwt.	0	1
—— Stone	per Cwt.	0	1
Bran	per Quarter	0	1
Brandy	per Gallon	0	1
Bricks	per 1,000	0	6
—— Stock Fire	per 1,000	0	9
Brimstone	per Cwt.	0	2
Bullrushes	per Barrel Bulk	0	2
Butter	per Firkin	0	4½
Calicoes and other Cotton Goods	per Barrel Bulk	0	4
Calves	per Head	0	3
Candles	per Cwt.	1	0
—— Wax	per Cwt.	2	0
Canvass or Sailcloth	per Bolt	0	1
Carpets	per Barrel Bulk	0	4
Carriages, Two Wheels	each	1	6
—— Four Wheels	each	3	0
Carts	each	1	0
Carrots	per Ton	0	6
Casks, empty, or the Size of a Barrel	each	0	1½
—— empty, and below the Size of a Barrel	each	0	1
Cement	per small Barrel	0	1
Cheese	per Cwt.	0	2
Cinders	per Ton	0	4
Clay	per Ton	0	2
—— Fire	per Ton	0	4
Chalk	per Ton	0	4
Cloth, Hair	per Barrel Bulk	0	4
—— Linen	per Barrel Bulk	0	4
—— Sack	per 12 Pieces	0	2
—— Woollen, and Woollen Goods or Clothing	per Barrel Bulk	0	4
Coals	per Ton	0	3
Coffee or Cocoa	per Cwt.	0	4
Corf Rods	per Barrel Bulk	0	1
Cordage, Twine, and Netting, or Rope	per Cwt.	0	1
Cork or Corks	per Cwt.	0	2

		s.	*d.*
Corn and Grain. (*See* Wheat.)			
Copper and Brass - - - -	per Ton	1	0
Cotton, raw - - - - -	per Cwt.	0	2
Cows and other Cattle - - - -	each	1	0
Cream of Tartar - - - -	per Cwt.	0	4
Crockery - - - -	per Barrel Bulk	0	2
——— coarse Brown - - -	per Barrel Bulk	0	1
Currants and other Fruit (dried) - -	per Cwt.	0	3
Cyder. (*See* Beer.)			
Dates or Figs - - - -	per Cwt.	0	3
Deals and Deal Ends. (*See* Wood.)			
Dimities - - - -	per Barrel Bulk	0	4
Dogs - - - - -	each	0	2
Drugs - - - - -	per lb.	0	0½
Dusters - - - - -	per Dozen	0	1
Dyeing Stuffs not otherwise charged - -	per Cwt.	0	2
Earthenware (*See* Crockery.)			
Eggs - - - -	per Cwt. of 1,600	1	0
—— - - - - -	per 120	0	1
Feathers - - - - -	per Cwt.	0	2
Fish, Salmon, salted - - -	per Barrel	0	6
——— dried kippered - -	per Cwt.	0	6
——— fresh (exported) - -	per Cwt.	0	6
——— pickled - - -	per Kit	0	1
—— dried, smoked, or salted (except Salmon) -	per Cwt.	0	1
—— Herrings, red or cured - -	per Barrel	0	1
Fish, imported by Strangers not belonging to the Port, or purchased at other Ports by Traders belonging to the Port of Fisherrow - -	per Cwt.	0	0½
Flax or Cordilla - - - -	per Ton	1	8
Flour or Meal - - -	per Sack, 2½ Cwt.	0	2
Flint and Pipe Clay - - - -	per Ton	0	4
Fullers Earth - - - -	per Ton	0	10
Ginger - - - - -	per Cwt.	0	2
Glass, Window - - - -	per Crate	0	4
—— broken - - - -	per Barrel Bulk	0	2
Glasses, Decanters, and other White Glass -	per Barrel Bulk	0	6
Glue - - - - -	per Cwt.	0	2
Groceries not otherwise charged - -	per Cwt.	0	3
Gunpowder - - - -	per Cwt.	0	3
Haberdashery and Millinery Goods - -	per Barrel Bulk	0	6
Haddock and other fresh Fish (exported) - -	per Cwt.	0	1
Hair (Horse or Cattle) - - -	per Barrel Bulk	0	4
Harness and Saddlery - - -	per Barrel Bulk	0	4
Hames - - - - -	per Cwt.	0	1
Handscoops - - - -	per Dozen	0	1
Handspikes, dressed - - -	per Dozen	0	6
Hats, Caps, or Bonnets - -	per Barrel Bulk	0	6
Hay and Straw - - - -	per Ton	1	0
Hemp or Tow - - - -	per Ton	1	8
Hogs or Pigs - - - -	each	0	3
Hides - - - - -	per Cwt.	0	2

		s.	*d.*
Horses	each	1	6
Hoops, Wood	per 12 Bundles	0	1
Hops	per Bag	1	0
——	per Pocket	0	6
Household Furniture	per Barrel Bulk	0	2
Husbandry Implements	per Cwt.	0	4
Indigo	per Cwt.	0	6
Iron, Pig	per Ton	0	6
—— Cast	per Ton	0	9
—— Hoop	per Ton	1	0
—— Wrought	per Ton	1	0
—— Bar	per Ton	1	0
—— Broken or Bushel	per Ton	0	6
—— Stone	per Ton	0	6
Ironmongers Goods	per Cwt.	0	6
Isinglass	per Cwt.	1	0
Junk	per Ton	0	6
Kelp	per Ton	0	6
Kits, empty Salmon	per 20	0	2
Laths. (*See* Wood.)			
Lathwood. (*See* Wood.)			
Lead	per Ton	1	0
—— White, Red, or Black, and Paint	per Cwt.	0	1
—— Shot	per Cwt.	0	1
Leather	per Cwt.	0	2
Lemons or Oranges	per Chest	0	6
Lime	per Ton	0	2
Limestone	per Ton	0	1
Malt	per Qr.	0	3
Manure (Bone Manure excepted)	per Ton	0	2
Marble	per Ton	1	6
Mats (Basses)	per 120	0	2
Machinery	per Ton	1	0
Molasses	per Cwt.	0	1
Mules and Ponies	each	1	0
Mustard	per Cwt.	0	3
Nails, Iron	per Cwt.	0	2
—— Copper or Brass	per Cwt.	0	6
Nuts, Filberts, &c.	per Barrel Bulk	0	3
Oaker	per Cwt.	0	1
Oakum	per Cwt.	0	0½
Oil	per Tun	1	0
—— Cake	per Ton	1	0
Oats	per Quarter	0	1½
—— Meal, and all other Meal	per Bag of 280 lbs.	0	1½
—— Shuland or Groats	per 20 Stone of 14 lbs.	0	1½
Onions	per Bushel	0	3
Oysters, imported by Strangers not belonging to the Port, or purchased at other Ports by Traders belonging to the Port	per Barrel of 1,200	0	1

		s.	*d.*
Oysters, exported	per Barrel of 1,200	0	1
Paper or Pasteboard	per Cwt.	0	1
Passengers	each	0	0½
Pepper	per Cwt.	0	2
Pewter	per Ton	1	0
Peats	per Ton	0	4
Pease and Beans	per Qr.	0	2½
Pipes, Tobacco	per Chest	0	3
Pitch	per Barrel	0	2
Provisions	per Cwt.	0	2
Plaster of Paris	per Cwt.	0	2
Potatoes, and other Roots not enumerated	per Ton	0	6
Poultry	per Dozen	0	2
Prunes	per Cwt.	0	3
Quicks or Twigs	per Barrel Bulk	0	2
Rags	per Ton	1	0
Rape Cake	per Ton	0	9
Rosin	per Cwt.	0	1
Rotten Stone. (*See* Fullers Earth.)			
Rugs	per Barrel Bulk	0	4
Rum. (*See* Spirits.)			
Rice	per Cwt.	0	1
Rye	per Qr.	0	2
Sails	per 50 Square Yds.	0	2
Salt	per Ton	0	8
Salt, Rock	per Ton	0	6
Salts, Glauber	per Cwt.	1	0
Saltpetre	per Cwt.	1	0
Sand (not being Ballast)	per Ton	0	6
Seeds, Clover	per Cwt.	0	6
—— Hemp	per Cwt.	0	4
—— Flax	per Cwt.	0	3
—— Mustard	per Cwt.	0	4
—— Rape	per Cwt.	0	2
—— Rye Grass	per Qr.	0	2
—— Turnip	per Bushel	0	1
—— Garden, and all others not enumerated	per Cwt.	0	4
Sheep or Goats	each	0	3
Screws	per Cwt.	0	1
Sheep Flakes	per Dozen	0	1
Sickles	per Barrel Bulk	0	2
Sieves	per Barrel Bulk	0	2
Silk, wrought or unwrought	per Barrel Bulk	1	0
Skins or Furs	per £100 Value	£1	
Slates	per 1,000	0	6
Smalts	per Cwt.	0	2
Snuff	per Cwt.	0	2
Soap	per Cwt.	0	2
Soot	per Ton	0	1
Spades and Shovels. (*See* Husbandry Implements.)			
Soda	per Cwt.	0	2
Spirits, Foreign	per Gallon	0	1

		s.	d.
Spirits, British	per Gallon	0	0½
Spokes, Carriage, Waggon, or Cart	per 120	0	2
Starch	per Cwt.	0	2
Staves, Barrel	per 120	0	2
—— Hogshead	per 120	0	3
—— Pipe	per 120	0	4
—— Cutting or Board Ends	per 1,000	0	4
Steel	per Cwt.	2	0
Stone, Ashler	per Ton	0	3
—— Burrs	per Dozen	0	4
—— Filtering	per Dozen	0	6
—— Grind	per Cwt.	0	0½
—— Mill, Barley, &c.	per Cwt.	0	0½
—— Pavement, wrought	per Ton	0	6
—— —— unwrought	per Ton	0	4
—— Rag	per 120	0	1
—— Ruble and Round Metal	per Ton	0	2
—— Whet or Scyth	per 120	0	1
Sugar	per Cwt.	0	1
—— Refined or Candy	per Cwt.	0	1
Tallow	per Cwt.	0	1
Tar	per Barrel	0	1½
Tea	per Common Chest	0	3
——	per Double Chest	0	6
Tiles, Drain, small	per 1,000	0	6
—— Soles	per 1,000	0	3
—— —— large	per 1,000	0	8
—— Soles	per 1,000	0	4
Tiles, Pan	per 1,000	0	6
—— Maltsters	per 1,000	0	8
Tobacco, unmanufactured	per Cwt.	0	1
—— manufactured	per Cwt.	0	2
Treenails. (*See* Wood.)			
Trees and Shrubs or Flowers	per Barrel Bulk	0	2
Turnips	per Ton	0	3
Turpentine	per Carboy	0	3
——	per Barrel	0	3
Varnish	per Cwt.	0	1
Vitriol	per Carboy	0	3
Wheat, and other Grain not enumerated	per Qr.	0	3
Whalebone	per Cwt.	0	1
Wheels, Carriage or Cart	per Pair	0	3
Whitening	per Ton	0	6
Wine, Foreign	per Gal.	0	1
—— British	per Gal.	0	0½
Wire, Iron	per Cwt.	0	1
—— Copper and Brass	per Cwt.	0	1½
Wood, Battens and Deals	per Load of 50 Cubic Feet	0	8
—— Oak	per Load of 50 Cubic Feet	0	9
—— Beech, Birch, and Yellow Pine,	per Load of 50 Cubic Feet	0	8
—— Memel, Red Pine, and Norway Timber	per Load of 50 Cubic Feet	0	8
—— Lathwood,	per Fathom of 6 Feet wide and 6 Feet high	1	6

		s.	*d.*
Wood, Laths	per 100*l.* Value	£1	
—— Treenails	per 1,000	0	8
—— Mahogany and other Fine Woods	per 100*l.* Value	£1	
—— Scotch Fir, Larch, and other Woods not enumerated,	per Load of 50 Cubic Feet	0	6
—— Pit Wood under $3\frac{1}{2}$ Inches at small End	per 1,000 Feet	0	6
—— —— above $3\frac{1}{2}$ Inches at small End	per 1,000 Feet	0	8
Wool	per Pack	0	6
Yarn, Cotton	per Barrel Bulk	0	3
—— Linen	per Barrel Bulk	0	3
—— Wick for Candles	per Barrel Bulk	0	3
—— Woollen	per Barrel Bulk	0	3
Yeast	per Puncheon	0	4
Zinc	per Ton	0	8
All Goods or Articles not enumerated, for every 100*l.* of Value 1*l.*, or per Barrel Bulk 4*d.* to 6*d.*			
Goods imported, and afterwards exported without being manufactured, to pay only Half Dues.			
Goods shifted from one Vessel to another to pay only Half Dues.			
Ballast, Inwards or Outwards	per Ton	1	0

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