CHAPTER cii.

An Act for improving and maintaining the Harbour of Fraserburgh. A.D. 1878.

[17th June 1878.]

WHEREAS an Act was passed in the second and third years of the reign of Her present Majesty, intituled "An Act for "further improving and maintaining the harbour of the burgh of "regality of Fraserburgh, in the county of Aberdeen": 2 & 3 Vict. c. lxv.

And whereas another Act was passed in the twentieth and twenty-first years of the reign of Her Majesty, intituled "An Act to enable "the Fraserburgh Harbour Commissioners to purchase lands and to "borrow a further sum of money": 20 & 21 Vict. c. xxxii.

And whereas an Order was made by the Board of Trade for the construction of a breakwater at the harbour, and for the regulation and improvement thereof, which Order is intituled the Fraserburgh Harbour Order, 1873, and was confirmed by the Pier and Harbour Orders Confirmation Act, 1873, and is herein-after called the Order of 1873: 36 & 37 Vict. c. lxiii.

And whereas the Commissioners, acting under the authority of the recited Acts and Order, have from time to time made great improvements in and connected with the harbour, and they have borrowed a considerable sum of money on the credit of the rates and duties thereby granted, and have expended the same in carrying such improvements into effect, and there is now owing by them the principal sum of thirty-eight thousand pounds, whereof ten thousand pounds were borrowed under the authority of the recited Acts, and twenty-eight thousand pounds (being part of a sum of sixty thousand pounds secured to the Public Works Loan Commissioners by an assignment for securing a sum of twenty thousand pounds advanced at the date of the assignment, and further advances up to sixty thousand pounds, and interest thereon) were borrowed under the Order of 1873:

And whereas of late years the traffic at the harbour has much increased, and is still increasing:

A.D. 1878.

And whereas it would be for public advantage, and it is necessary for the development of the harbour and for realising the full benefit of the works now in progress, that the harbour should be deepened, enlarged, and rendered more safe and commodious; and that powers should be granted to erect an additional breakwater on the south side thereof, to alter certain existing works, to construct new works, and to raise further sums of money to defray the cost of such operations, and for other purposes connected with the harbour:

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk of the county of Aberdeen at his offices at Aberdeen and Peterhead, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas it is expedient that the recited Acts and the Order of 1873 should, subject to the provisions of this Act, be repealed, and the provisions thereof consolidated and amended, and that the constitution of the board of management of the harbour, and the rates and duties presently leviable thereat, should be altered and amended, and that further provision should be made for the improvement, extension, maintenance, and management of the harbour:

But these purposes cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I.

Preliminary: Repeal of Acts and Order, and Incorporation of General Acts.

Short title.

1. This Act may be cited as the Fraserburgh Harbour Act, 1878.

Recited Acts and Order repealed, and commencement of this Act.

2. From and after the first day of November one thousand eight hundred and seventy-eight, the recited Acts and the Order of 1873 shall be and, subject to the provisions of this Act, are hereby repealed, and this Act shall thereupon commence and take effect.

8 & 9 Vict. c. 19., and 23 & 24 Vict.

3. The Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, are

(except where expressly varied by this Act) incorporated with and form part of this Act.

c. 106. incorporated.

4. The Commissioners Clauses Act, 1847, is (except where expressly varied by this Act) incorporated with and forms part of this Act, with the exception of the clauses with respect to the qualification of Commissioners, with respect to the election and rotation of the Commissioners where the Commissioners are to be elected by the ratepayers or other like class of electors, with respect to the meetings and other proceedings of the Commissioners and their liabilities, and with respect to the mortgages to be executed by the Commissioners, and also with the exception of sections fifty-seven, ninety-two, ninety-three, and ninety-four.

10 & 11 Vict. c. 16. partially incorporated.

5. The Harbours, Docks, and Piers Clauses Act, 1847, is (except where expressly varied by this Act) incorporated with and forms part of this Act, with the exception of sections twenty-two, twenty-five, and twenty-six: Provided that the clauses with respect to life-boats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as from time to time the Board of Trade, by notice in writing to the Commissioners, may require. The expression "the harbour, dock, or pier," when used in that Act, except in the clauses with respect to the construction of the harbour, dock, or pier, shall, in reference to this Act, mean and include the harbour of Fraserburgh as herein-after defined; the expression "the undertakers," used in that Act, shall, in reference to this Act, mean the Commissioners as herein-after defined; the word "works," used in section twelve of that Act, shall include works to be constructed by the Commissioners within any part of the said harbour, or any part of the shore of the sea, or of any creek, bay, or arm of the sea communicating therewith; and the expression "any packet boat or post office packet," used in section twenty-eight of that Act, and as defined in manner therein specified, shall not, in reference to this Act, extend to or include any packet boat or post office packet conveying goods for hire.

10 & 11 Vict. c. 27. partially incorporated.

Certain clauses of 8 & 9 Vict. c. 33. and of 26 & 27 Vict. c. 92. incorporated.

6. The clauses in the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, and sections thirteen, fourteen, fifteen, eighteen, and nineteen of the Railways Clauses Act, 1863, are incorporated with and form part of this Act; the expression "the Company," used in the said clauses and sections, shall, in reference to this Act, mean the Commissioners as herein-after defined; and the expressions "railway" and "work," used in the said clauses and sections, shall, in reference to this Act, mean the works by this Act authorised to be executed: Provided always,

A.D. 1878.

8 & 9 Vict. c. 33.

that the limits within which the Commissioners may exercise the powers conferred by the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands, shall extend to two hundred yards from any part of their works.

Interpretation of terms.

7. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless as before provided, and unless there be something in the subject or context repugnant to such construction, and the following words and expressions shall have the several meanings hereby assigned to them:

"The Commissioners" means (subject to the provisions contained in section eighteen hereof) the Commissioners hereby incorporated and empowered to carry into effect the provisions of this Act for the time being:

"The existing Commissioners" means the Commissioners acting under the authority of the recited Acts and the Order of 1873:

"The harbour" means the harbour of Fraserburgh, as hereinafter defined:

"The burgh" means the burgh of regality of Fraserburgh:

"The council" means the magistrates and town council of the burgh for the time being:

"The heritable provost of the burgh" means the Right Honourable Alexander Fraser, Baron Saltoun, the superior of the burgh, and his heirs and successors:

"The acting chief magistrate" means the baron bailie of the burgh for the time being:

"The provost of the burgh" means the provost who may be elected by the councillors of the burgh under any Act which may be passed in the present or any future session of Parliament providing for the municipal government of the burgh and the election of councillors by the ratepayers:

"The treasurer" and "the clerk" respectively mean the treasurer and the clerk for the time being of the Commissioners, appointed by them or acting under the provisions of this Act.

II.

Transfer of Harbour Property to the Commissioners, and continuance of existing Rights.

Property of the harbour vested in the Commissioners.

8. All lands, waterways, water channels, buildings, erections, bridges, quays, piers, breakwaters, wharves, sewers, works, plant, debts, moneys, and all property, estate and effects, heritable and movable, real and personal, which shall immediately previous to the commencement of this Act belong to or be vested in the

existing Commissioners, are, subject to the existing debts, liabilities, engagements, contracts, obligations, statutory provisions, and encumbrances affecting the same, hereby transferred to the Commissioners; and all such lands, waterways, water channels, buildings, erections, bridges, quays, piers, breakwaters, wharves, sewers, works, plant, debts, moneys, and property, estate and effects, and all other lands, buildings, plant, debts, moneys, and property, estate and effects, heritable and movable, real and personal, to be acquired by the Commissioners for the purposes of this Act, and all erections, bridges, quays, piers, breakwaters, basins, wharves, sewers, and works to be constructed under the authority of this Act, shall belong to and be vested in the Commissioners for the purposes thereof.

Existing agreements and obligations to remain in force.

9. The Commissioners may enforce against any person, company, or corporation, and any person, company, or corporation may enforce against the Commissioners, to the same extent and effect as might have been enforced by or against the existing Commissioners if this Act had not been passed,—

All Acts of Parliament and provisions of Acts, other than the recited Acts and the Order of 1873, in so far as by this Act repealed, conferring any right on the existing Commissioners, or on such person, company, or corporation, or their predecessors;

All contracts or agreements entered into or adopted by the existing Commissioners, and such person, company, or corporation, or their predecessors; and

All bonds, bills, promissory notes, securities, grants, charters, dispositions, conveyances, instruments, leases, discharges, deeds, obligations, and writings granted to the existing Commissioners by such person, company, or corporation, or their predecessors, or granted by the existing Commissioners to such person, company, or corporation, or their predecessors, or to which any of the said parties have acquired the right;

and all such contracts, agreements, bonds, bills, promissory notes, securities, grants, charters, dispositions, conveyances, instruments, leases, discharges, deeds, obligations, and writings shall remain valid and effectual as if this Act had not been passed.

Rates, &c. under recited Acts and Order to be recovered by Commissioners.

10. All duties, rates, and moneys which before the commencement of this Act shall have become due or payable to the existing Commissioners, or to pilots or meters and weighers licensed or appointed by them, and which shall be then unpaid, and all fines, penalties, and costs which shall have been incurred, under the recited Acts and the Order of 1873, previous to the commencement

A.D. 1878.

of this Act, and which shall be then unpaid, may be levied, collected, sued for, and recovered by the Commissioners, or by such pilots or meters and weighers, in the same way and by the same means as any duties, rates, moneys, fines, penalties, and costs may be levied, collected, sued for, and recovered under the authority of this Act.

Actions, &c. not to abate.

11. Nothing contained in this Act shall abate or affect any action, suit, or other proceeding at law or in equity commenced or instituted previous to the commencement of this Act by or against the existing Commissioners, but such action, suit, or other proceeding shall be carried on and prosecuted by or against the Commissioners, and against the property hereby vested in them, in the like manner and with the like effect as such action, suit, or proceeding might have been continued or carried on if this Act had not been passed, or as if the same had been commenced after the commencement of this Act by or against the Commissioners.

Claims not to be revived.

12. Nothing in this Act contained shall revive, in favour of or against the Commissioners, any claim or cause of action which, at the commencement of this Act, had lapsed or been discharged, or confer any new cause of action, right, privilege, liberty, or exemption which did not exist previously to the commencement of this Act, in favour of or against the existing Commissioners.

Proceedings under recited Acts and Order valid.

13. Notwithstanding the repeal of the recited Acts and the Order of 1873, and except only as is by this Act otherwise expressly provided, everything before the commencement of this Act done or suffered under or confirmed by the recited Acts and the Order of 1873 shall be as valid as if those Acts and that Order were not repealed; and the repeal thereof and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, debts, claims, and demands, both present and future, which, if the recited Acts and the Order of 1873 were not repealed and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered or confirmed; and with respect to all rights, liabilities, debts, claims, and demands which affect or might affect the existing Commissioners, the Commissioners shall to all intents and purposes represent the existing Commissioners, and may enforce and shall be liable in respect of such rights, liabilities, debts, claims, and demands in the same manner and to the same extent as the existing Commissioners could have enforced or been liable to in respect of such rights, liabilities, debts, claims, and demands: Provided that the generality of this enactment shall not be restricted by any of the other clauses or provisions of this Act.

Books, &c. to belong to Commissioners, and to be evidence.

14. The books, documents, and vouchers of the existing Commissioners, and the minutes of their proceedings, and of the proceedings of their committees, shall be deemed the books, documents, vouchers, and minutes of the Commissioners, and shall receive effect and be admitted as evidence in all courts of law and equity and elsewhere in the same way and to the same extent and effect as if this Act had not been passed.

Byelaws, &c. to continue in force.

15. All byelaws, rules, and regulations made by the existing Commissioners in virtue of the recited Acts and the Order of 1873, or one or other of them, and in force immediately previous to the commencement of this Act, and all rates for pilotage, or for weighing or measuring goods, or for towing vessels, exigible under the same, shall, until altered by the Commissioners, continue in full force and effect; and such byelaws, rules, and regulations may be enforced, and all penalties incurred under the same may be sued for and recovered, in the same manner and to the same effect as any penalties may be sued for and recovered under any byelaws made, or made and confirmed, under the authority of this Act.

Officers to be continued.

16. The officers and servants appointed under the recited Acts and the Order of 1873, or employed in the execution thereof, shall hold their offices during the terms of their appointments, or until they resign or be removed, and shall be subject to the provisions of this Act in the same manner as if they had been appointed under this Act; and all bonds or securities granted for their conduct and intromissions shall be and remain valid and may be enforced by the Commissioners to the same extent and effect that such bonds or securities might have been enforced by the existing Commissioners if this Act had not been passed.

III.

Constitution, Qualification, and Election of the Commissioners.

Incorporation of Commissioners.

17. The Right Honourable Alexander Fraser, Baron Saltoun, heritable provost and superior of the burgh, or the superior of the burgh for the time; the acting chief magistrate, while and so long as there is no provost of the burgh, and thereafter the provost of the burgh; the factor for Baron Saltoun on his Lordship's barony of Philorth and others, or the factor for the proprietor of that barony for the time being, such factor being resident within three miles of or having a place of business within the burgh, and not being the acting chief magistrate, but subject to the provision that such factor shall not vote at any meeting at which his principal

A.D. 1878.

is present and votes; and thirteen persons from time to time to be elected in manner after mentioned, and who are herein-after called "the elected Commissioners," viz., one person to be annually elected by the council from their own number, such person not being the baron bailie or the provost of the burgh for the time being, five persons to be elected by the proprietors of lands and heritages, two persons to be elected by the shipowners of Fraserburgh, two persons to be annually elected by the Commissioners of Police of Fraserburgh from their own number, and three persons to be elected by the ratepayers of the harbour under this Act, shall be the Commissioners, and shall carry this Act into execution; and the Commissioners shall be a body corporate under the name and style of "The Fraserburgh Harbour Commissioners," with perpetual succession and a common seal, and shall have power to sue and to be sued, and to purchase, take, hold, lease, and dispose of lands and other property for the purposes of this Act, and shall have all the other powers and privileges of a body corporate; and all deeds and instruments to be made and granted by the Commissioners shall be valid and effectual if subscribed by any two of their number, and sealed with their common seal.

Existing Commissioners to act until first election.

18. The power and duty of carrying into effect the provisions of this Act shall, until the first election of the elected Commissioners is completed, be vested in and performed by the existing Commissioners in office immediately previous to the commencement of this Act, who until such election shall be the Commissioners, with all the duties, powers, rights, and privileges conferred on the Commissioners by this Act.

First and succeeding annual elections of the elected Commissioners.

19. The elected Commissioners shall be elected and retire from office at the times following:

(1.) The first election of the elected Commissioners shall take place upon the first Friday of January one thousand eight hundred and seventy-nine, when thirteen persons shall be elected as such:

(2.) Of the elected Commissioners so elected, the persons to be elected by the council and the commissioners of police respectively shall be of their own number, not being the baron bailie or the provost of the burgh for the time being, and they shall be elected by the council and the commissioners of police respectively upon the first Friday of January one thousand eight hundred and seventy-nine, and shall remain in office until the annual election in the following year:

(3.) Of the five persons to be elected by proprietors of lands and heritages, the two who shall have received the

smallest number of votes shall go out of office on the first Friday of January one thousand eight hundred and eighty, the two who shall have received the next smallest number of votes shall go out of office on the first Friday of January one thousand eight hundred and eighty-one, and the remaining member shall go out of office on the first Friday of January one thousand eight hundred and eighty-two; and in case of equality in the number of votes the Commissioners shall determine by lot which of those persons shall go out of office:

(4.) Of the two persons to be elected by the shipowners of Fraserburgh, the one who shall have received the smallest number of votes shall in like manner go out of office on the first Friday in January one thousand eight hundred and eighty, and the other on the first Friday of January one thousand eight hundred and eighty-one; and in the case of equality in the number of votes the Commissioners shall determine by lot which of those persons shall go out of office:

(5.) Of the three persons to be elected by the ratepayers of the harbour, the one who shall have received the smallest number of votes shall in like manner go out of office on the first Friday of January one thousand eight hundred and eighty, the one who shall have received the next smallest number on the first Friday of January one thousand eight hundred and eighty-one, and the remaining member on the first Friday of January one thousand eight hundred and eighty-two; and in the case of equality in the number of votes the Commissioners shall determine by lot which of those persons shall go out of office:

(6.) On the first Friday of January one thousand eight hundred and eighty, and on the first Friday of January in each succeeding year, the electors shall elect persons to supply the respective places of the elected Commissioners then going out of office in manner herein-before provided:

Provided that any elected Commissioner going out of office may, unless disqualified, be re-elected.

Qualification of electors.

20. The persons (other than the council and the commissioners of police) qualified to be the electors and to be elected shall be as follows:

A.—Proprietors of Lands and Heritages.

Every person residing or having a place of business within the burgh whose name shall appear in the valuation rolls of the

A.D. 1878.

burgh as proprietor in his own right of lands and heritages to the extent of at least ten pounds of annual value for the space of more than twelve calendar months immediately preceding the first day of November one thousand eight hundred and seventy-eight, with respect to the first election of Commissioners by the said proprietors, and immediately preceding the first day of November in each year thereafter with respect to subsequent elections of Commissioners by the said proprietors of lands and heritages within the burgh.

B.—Shipowners of Fraserburgh.

Every person residing or having his place of business within the burgh whose name shall on the first day of November immediately preceding the election appear in the books of the Custom-house at Fraserburgh as owner or part owner to the extent of at least fifty tons of or in any vessel or vessels belonging to Fraserburgh.

C.—Ratepayers of the Harbour.

And every person residing or having his place of business within the burgh who shall have paid, as principal or as agent for any person residing beyond the burgh, or partly as principal and partly as such agent, during the year ending the thirty-first day of October immediately preceding the election, five pounds or upwards of rates leviable in the case of the election to take place on the first Friday of January one thousand eight hundred and seventy-nine under Schedules A. and B. to the secondly-recited Act annexed, or any one of them, and leviable in the case of all subsequent elections under the Schedules A., B., C., and D. to this Act annexed, or any one or more of them.

Commissioners to make a register of the electors.

21. On or before the tenth day of December one thousand eight hundred and seventy-eight, and on or before the tenth day of December in each succeeding year, the Commissioners shall cause a list specifying the names and designations of the electors to be made up and affixed in some place accessible to the public within the office of the Commissioners, or in some conspicuous place on the outside thereof, which list shall distinguish by asterisks or other marks set opposite to their names their respective qualifications, whether in respect of the proprietorship of lands and heritages, the ownership of shipping, or of the payment of rates; and any person claiming to be an elector whose name shall have been omitted from the said list, or who shall not be distinguished therein as qualified in respect either of the proprietorship of lands

A.D. 1878.

and heritages, the ownership of shipping, or of the payment of rates, may at any time before the seventeenth day of the same month of December apply to the Commissioners, who shall thereupon, if they find such person entitled to be an elector, or entitled to be distinguished in such list as qualified in any of such respects, cause the name of such person to be added to the list, or to be distinguished therein in manner before prescribed; and such list, with the additions, if any, so made, shall have the names therein respectively numbered, and shall be certified by the clerk, and shall be deemed to be the register of the electors under this Act: Provided that as regards the list to be made up in the year one thousand eight hundred and seventy-eight, no person claiming to be an elector as qualified in respect of the payment of rates shall be entitled to make such application who shall not have claimed to be an elector in manner herein-after provided.

List of owners of shipping to be prepared preparatory to making up register.

22. For the purpose of making up the register of electors qualified in respect of the ownership of shipping, the clerk shall, on or before the tenth day of November one thousand eight hundred and seventy-eight, and on or before the tenth day of November in each succeeding year, apply to the registrar of shipping at the Custom-house, Fraserburgh, for a list of shipowners registered on the first day of November immediately preceding the election, with the respective names and registered tonnage of the vessels in respect of which they are registered, and the number of shares in each of such vessels held by them; and such registrar shall, within fourteen days after receiving such application as aforesaid, supply such list on payment of any reasonable expense which may be incurred in making up the same.

Electors qualified in respect of rates to give in claims preparatory to making up register for first election.

23. For the purpose of making up the register of the electors in the year one thousand eight hundred and seventy-eight as regards the persons qualified to be electors as herein-before precribed in respect of the payment of rates, the Commissioners shall, by advertisement in at least one newspaper published in Fraserburgh or Aberdeen in the first week of November one thousand eight hundred and seventy-eight, require all persons claiming to be qualified as electors in respect of such payment to send in their claims to the Commissioners in writing on or before the twenty-seventh day of the same month of November, and to specify in such claims the amount of the rates paid by them respectively during the year ending the thirty-first day of October immediately preceding, and the dates of the payment thereof; and the Commissioners shall thereupon consider such claims, and shall enter in

A.D. 1878.

the list of the electors to be made up and affixed within or upon the office of the Commissioners as aforesaid the names and designations of such of the claimants as appear to them to be qualified as electors according to the qualification herein-before prescribed in respect of the payment of rates.

Commissioners to keep list of ratepayers for making up register in succeeding years.

24. For the purpose of making up the register of the electors in the year one thousand eight hundred and seventy-nine, and in each succeeding year, as regards the persons qualified to be electors as herein-before prescribed in respect of the payment of rates, the Commissioners shall cause to be entered in a book or books kept by them the name and designation of every such person, and the total amounts of such rates paid by such persons respectively for the year ending the thirty-first day of October immediately preceding the election, which book or books shall be open to inspection at all times during the hours of business.

Copies of ships manifests and other documents to be furnished to the Commissioners.

25. To enable the Commissioners to prepare and keep such book or books, the owner, agent, or person in charge of every vessel arriving at or departing from the harbour shall furnish to the treasurer a copy of the ship's manifest, and such other documents as will show the names, descriptions, residences, and places of business of all persons who have paid or who are liable in the payment of rates in respect of such vessel, or of the goods therein, under the said Schedules A., B., C., and D. to this Act annexed, and the amount of rates payable by such persons respectively; and every owner, agent, or person in charge of any such vessel who shall refuse on reasonable notice to furnish such ship's manifest or other document shall for every such offence be liable to a penalty not exceeding ten pounds, to be recovered in the same manner as other penalties to be imposed under the provisions of this Act: Provided that nothing contained in this section shall, in reference to this Act, affect, qualify, or restrict sections thirty-seven, thirty-eight, and thirty-nine of the Harbours, Docks, and Piers Clauses Act, 1847.

10 & 11 Vict. c. 27.

Qualification of elected Commissioners.

26. Every person who shall at the time of the first or of any succeeding election be entered on the register of the electors, and who shall be distinguished therein by an asterisk or asterisks or other marks set opposite to his name in manner before prescribed as qualified to be an elector in respect either of the proprietorship of lands and heritages, or the ownership of shipping, or the payment of rates, shall be qualified to be elected one of the elected Commissioners at the election for which the register in which he is so distinguished is made up, or at the filling up thereafter of any vacancy previous to the annual election next following.

A.D. 1878.

Qualification of joint owners of vessels.

27. When two or more persons appear in the books of the Custom-house aforesaid as joint owners of or in any vessel or vessels aforesaid, each of such persons residing in or having his place of business within the burgh whose share in such joint ownership shall amount to fifty tons or more shall be qualified to be one of the electors under this Act: Provided always, that where the amount of tonnage owned by any of such joint owners does not appear in the said books, they shall, before the expiration of the first week of November in each year, intimate to the clerk the amount of tonnage owned by each of them in such joint ownership, and the name and residence and place of business of each of them.

Qualification of members of companies.

28. Where lands or heritages shall be possessed or rates shall be paid by any company consisting of two or more partners having a place of business within the burgh, such company may, before the expiration of the first week of November immediately preceding the election, intimate in writing to the Commissioners the name or names of any one or more, not exceeding three in number, of the partners on whose behalf such lands and heritages shall be deemed to be possessed or such payment shall be deemed to have been made, and such lands and heritages or such payment, as the case may be, shall, for the purposes of the election, be deemed to be possessed or made by the partner or partners so named if resident within the burgh, and each such partner so named shall be qualified to be an elector and to be elected one of the elected Commissioners in respect thereof in the same manner as if such lands and heritages had been possessed or such payment had been made by him as an individual, provided that the lands and heritages possessed or the amount of rates paid, as the case may be, by such Company, be sufficient to afford the qualification herein-before provided in respect of lands and heritages or rates respectively to each of the partners so named.

Mode of conducting election of elected Commissioners.

29. The following rules shall be observed with respect to the election of each class of the elected Commissioners to take place in the month of January one thousand eight hundred and seventy-nine, and in the month of January in succeeding years:

(1.) Eight days at least previous to each election the Commissioners shall cause to be prepared and delivered to every elector applying for it a printed copy of the register of the electors made up in manner herein-before prescribed:

(2.) The acting chief magistrate or the provost of the burgh shall fix the place of the election, which shall be within the burgh:

A.D. 1878.

(3.) The Commissioners shall cause the day and place of the election to be advertised in at least one newspaper published in Fraserbugh or Aberdeen not less than six days previous to the election:

(4.) Any person qualified as an elector may nominate for election as a Commissioner any other person qualified to be elected, and such nomination may be seconded by any other qualified elector: Provided that such elector so nominating shall at once satisfy the returning officer that the person so nominated will accept office if elected, otherwise the nomination shall be invalid:

(5.) If no more candidates are nominated than the number to be elected in the class, the candidates nominated in such class shall be deemed elected, and the returning officer shall sign a declaration of such election, which shall be conclusive evidence thereof, and shall as soon as practicable publish the names of the persons elected in at least one of the newspapers published in Fraserburgh or Aberdeen; but if more candidates are nominated than the number to be elected, the returning officer shall order a poll:

(6.) When a poll is required, the returning officer shall direct the same to be taken at such place within the burgh, and on such day, not more than two clear days from the day of nomination, as he may determine, and the election shall be by open poll, and votes shall be given personally:

(7.) The returning officer or returning officers shall be the acting chief magistrate or the provost of the burgh, or a substitute or substitutes to be appointed by him, and failing him, by the sheriff of the county; and the returning officer or returning officers shall preside at the polling place, or at their respective divisions thereof, and the votes shall be given in his or their presence, as the case may be:

(8.) The acting chief magistrate or the provost of the burgh, whom failing the sheriff, shall appoint such number of poll clerks as he deems sufficient, and cause proper polling books to be provided:

(9.) Each poll clerk shall have with him at the polling place a copy of the register of the electors certified by the clerk, and the votes shall be taken according to such register:

(10.) The poll shall be open at ten o'clock in the forenoon of the day of election, and close at four o'clock in the afternoon of the same day:

(11.) The poll may be closed at any time before four o'clock if one hour has elapsed during which no vote has been tendered:

(12.) The returning officer or returning officers shall cause to be entered in the polling books the name and number of every voter as appearing in the register of electors, and the name and designation of the person or persons for whom he votes:

(13.) No returning officer or poll clerk shall vote at any election at which he officiates:

(14.) At the close of the poll, the returning officer or returning officers shall sum up in the polling books the votes taken by him or by them respectively, as the case may be, and shall thereafter sign the polling books, and shall forthwith transmit them to the clerk:

(15.) The persons who, being not more than the number of elected Commissioners to be elected at any election, shall be found to have the greatest number of valid votes at such election, as appearing from the summation of the returning officer or returning officers in the polling books, which shall be conclusive evidence of the number of votes, shall, if duly qualified according to the provisions of this Act, be deemed to be elected Elected Commissioners:

(16.) Provided that in case of an equality in the number of votes, the Commissioners at their first meeting to be held after such election shall, if necessary to prevent an excess in the number of elected Commissioners, determine by lot which of the persons having such equality of votes shall be the Commissioner or Commissioners.

Persons not to give more than one vote nor to vote without being qualified.

30. Every person entitled to vote in the election of Commissioners shall vote for Commissioners for that class only in respect of which his name appears on the register of electors, and if any person be qualified in more than one class he may vote for Commissioners for any one of such classes, but having so voted he shall not afterwards at the same election vote for a Commissioner for any other class, and any vote so afterwards given by him shall be void; and if any person shall vote without being duly qualified according to the provisions of this Act, or falsely assume to act in the name or on the behalf of any person entitled to vote, he shall for every such offence be liable to a penalty not exceeding twenty pounds: Provided always, that persons being members of the council or commissioners of police shall not be disqualified from voting in the election of Commissioners in respect of their qualification as individuals by reason of their having voted in the election of Commis-

Penalty.

A.D. 1878.

sioners by the council or the commissioners of police, as the case may be.

In case of failure to elect elected Commissioners.

31. In case of the failure at any time of the electors to make a valid election in terms of this Act of persons duly qualified to be elected Commissioners, the Commissioners shall, within six weeks after such failure shall have been ascertained, cause an election of such persons to be made according to the rules herein-before appointed to be observed with respect to the annual elections of the elected Commissioners; and the persons to be so elected shall in respect of continuance in office be on the same footing as if their election had taken place on the first Friday of January immediately preceding the date thereof.

Elected Commissioners may resign office.

32. Any elected Commissioner may resign office at any time upon giving to the Commissioners not less than three weeks written notice of such his intention.

Occasional vacancies, how to be filled up.

33. If any one of the elected Commissioners refuse to accept office, or die or resign, or become disqualified or incompetent to act, or cease to be a Commissioner from any other cause than that of going out of office by rotation or in regular course as aforesaid, every such vacancy shall be filled up in manner following; (that is to say,) the Commissioners shall elect in his stead a person duly qualified in the same class, and in every case the Commissioner so substituted shall continue in office for the same period that the person in whose place he is elected would in ordinary course have continued, when he shall go out of office, but shall be eligible for re-election.

Expenses of elections, how to be defrayed.

34. The expense of making up the several lists and the registers of the electors herein-before directed to be made up for the purposes of elections, and the expense of advertising elections and printing lists and registers, and all other expenses attending elections, shall be defrayed out of the moneys to be raised under this Act.

Disqualification of Commissioners.

35. Every person who, after his becoming or being elected one of the Commissioners, shall accept or hold any office or place of profit under the Commissioners, or participate in the profits of any work done by order of the Commissioners, or be concerned or participate in the profits of any contracts entered into with the Commissioners, shall thenceforth cease to be a Commissioner, and his office shall thereupon become vacant: Provided always, that no Commissioner shall vacate his office by reason of being a shareholder or member of any joint stock company consisting of not fewer than seven shareholders with which the Commissioners may enter into any contract, or by reason of his being interested in any loan of money

to the Commissioners, and no such contract or loan shall be void or voidable by either of such reasons; provided also, that no Commissioner shall be entitled to vote on any question relating to the execution of this Act, or the affairs of the Commissioners, wherein such Company of which he is a shareholder or member is interested, or on any question connected therewith, or on any question relating to any such loan, or on any question in which he is personally concerned, and if he shall so vote his vote shall not be counted, and he shall be liable to a penalty not exceeding twenty pounds.

Commissioners not incapable of acting as magistrates.

36. No Commissioner shall by reason of his holding such office be disqualified from acting as a magistrate, sheriff, justice of the peace, or a magistrate or judge of any police court, with reference to the levying of any penalty under this Act, or in any matter relating to the execution of this Act.

Penalty on Commissioners, not being qualified, acting.

37. Any person being incapacitated or not duly qualified to act, or after having become disqualified, who shall act as one of the Commissioners, shall for every such offence be liable to a penalty not exceeding fifty pounds, and such penalty may be recovered by any person, with full costs of suit, in any competent court; nevertheless all acts done by any person, being incapacitated or not duly qualified as one of the Commissioners, previously to the infliction of the penalty, shall be as valid as if such person had been duly qualified.

IV.

Meetings and other Proceedings, and Accounts of the Commissioners.

First meeting of Commissioners.

38. The Commissioners shall hold their first general meeting on the first day of November one thousand eight hundred and seventy-eight, and proceed to put this Act into execution.

Monthly and annual meetings.

39. Meetings of the Commissioners shall after such first general meeting be held monthly, or oftener, as the Commissioners shall see fit, on such day and at such hour as they shall from time to time appoint, and they shall hold an annual general meeting upon the first Friday of January one thousand eight hundred and seventy-nine, and upon the first Friday of January in each year thereafter.

Special meetings.

40. The Commissioners may hold special meetings, and the acting chief magistrate, or the provost of the burgh, or any three or more of the Commissioners, may require a special meeting to be held, and may call or direct the clerk to call such meeting; but no such meeting shall be held unless twenty-four hours previous notice

A.D. 1878.

thereof be given, and such notice shall specify the objects for which such meeting is called.

How notices of meetings are to be given.

41. All notices of any meeting of the Commissioners shall be in writing or in print, or partly in writing and partly in print, and shall be delivered at or transmitted through the Post Office, addressed to the usual place of abode or place of business of each of the Commissioners, and every notice shall specify the time and place of the meeting.

Quorum of Commissioners.

42. At all meetings of the Commissioners five shall be a quorum, and all powers vested in the Commissioners may be exercised by such quorum.

No business to be transacted without quorum.

43. No business shall be transacted at any meeting of the Commissioners unless the quorum herein-before specified be present.

Places of meetings.

44. The meetings of the Commissioners shall be held within the Town-house of the burgh, or other convenient place within the burgh to be fixed by the acting chief magistrate or the provost of the burgh.

Chairman of meetings.

45. At all meetings of the Commissioners the acting chief magistrate or the provost of the burgh being present shall ex officio be chairman and preside, and in their absence one of the Commissioners shall be chosen by the meeting as chairman and preside, and if there be an equality of votes in the election of the chairman the meeting shall decide by lot which of the Commissioners having an equal number of votes shall be chairman and preside; and all questions considered at any meeting shall be decided by the votes of the majority present, and in case of an equality of votes the chairman for the time being shall, in addition to his own vote, have a second or casting vote.

Adjournment of meetings of Commissioners.

46. The Commissioners (whether more or less than a quorum) present at any meeting of the Commissioners, or the clerk if no Commissioner be present, may adjourn such meeting to another day at the same or any other convenient place within the burgh.

Orders or resolutions not to be altered without notice.

47. No order or resolution of the Commissioners at any meeting shall be altered or revoked unless at some meeting called for that special purpose, and notice of the intention to propose such alteration or revocation shall be given on the card or circular calling such meeting.

Power to appoint committees.

48. The Commissioners may at any meeting from time to time appoint committees for carrying into effect any of the purposes or provisions of this Act; and the Commissioners may appoint the chairman of any such committee, and may fix the quorum thereof, being

not less than half of the whole number, and may continue, alter, or discontinue such committee; and the Commissioners may delegate to any such committee, and such committee may exercise and perform such of the powers and duties competent to or incumbent on the Commissioners in virtue of this Act, except borrowing money, as the Commissioners think fit.

Meetings of committees.

49. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the purposes of their appointment; and at all meetings of the committee the chairman appointed by the Commissioners, and in his absence, or if no chairman has been appointed, one of the members present, to be appointed by the meeting, shall preside; and if there be an equality of votes in the election of the chairman the meeting shall decide by lot which of the Commissioners having an equal number of votes shall be chairman and preside; and all questions shall be determined by a majority of the votes of the members present, and in case of equality of votes the chairman shall have a casting vote in addition to his vote as member of the committee.

Quorum of committees.

50. No business shall be transacted at any meeting of any committee appointed by the Commissioners unless the quorum of members fixed by the Commissioners, or if no quorum be fixed, one half of the members, be present.

Proceedings of the Commissioners not to be invalidated by vacancies.

51. No proceeding of the Commissioners or of any committee shall be invalidated or be illegal by reason of any deficiency at the time of such proceeding in the number of the Commissioners occasioned by any failure to elect the elected Commissioners or any of their number, or by reason of the fact of a vacancy from any other cause in the number of Commissioners, or members of committees, at the time of such proceeding.

Informalities in appointment not to invalidate proceedings.

52. All proceedings of the Commissioners, or of any committee of the Commissioners, or of any person acting as one of the Commissioners, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Commissioners, or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be one of the Commissioners, as the case may be.

Proceedings to be recorded, and when signed to be received as evidence.

53. The Commissioners shall cause records to be kept by the clerk, under their superintendence, of all the proceedings of the Commissioners, and of every committee appointed by them, with the names of the Commissioners, as the case may be, who shall attend

A.D. 1878.

each meeting; and the record of every such proceeding shall be signed by the chairman of the meeting at which the proceeding took place, and the record or minute of such meeting so signed, or an extract thereof certified by the clerk, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being Commissioners or members of committees respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved; and such records shall at all reasonable times be open to the inspection of any of the Commissioners, and of any creditor on the security of the rates or property of the Commissioners.

Penalty on obstructing Commissioners, &c.

54. Every person who shall at any time obstruct the Commissioners, or any person employed by them, in the performance of any work or thing which they are respectively empowered or required to do by this Act, or by any byelaw in force or to be made in virtue thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Officers may be suspended, &c.

55. The Commissioners may at any time suspend any officer in their employment, and may appoint another person temporarily to fill his office, or temporarily to fill any office under them which may be vacant from any cause.

Auditor to be appointed.

56. The Commissioners shall annually appoint an auditor (not being one of the Commissioners or holding other office under them) to audit and docquet the accounts of the Commissioners, and they may suitably remunerate such auditor.

Accounts to be audited.

57. The Commissioners shall, within four weeks after the first day of November in each year, produce and lay before such auditor their accounts, with the statement and account appointed by section ninety of the Commissioners Clauses Act, 1847, to be produced at the annual general meeting of the Commissioners, accompanied with proper vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto; and such auditor shall, within four weeks after receiving the same, examine such accounts, statement, and account and vouchers, and may either make a special report on such accounts, or simply confirm the same; and such report or confirmation shall be printed along with such statement and account, and be produced therewith at the annual general meeting of the Commissioners; and such accounts if confirmed by the auditor and allowed by the Commissioners, and certified accordingly by a certificate annexed to

10 & 11 Vict. c. 16.

such statement and account, or a printed copy thereof, under the hand of the chairman of the meeting at which such accounts are so allowed, shall be final in regard to all persons whomsoever.

V.

Limits of Harbour; New Works; Maintenance and Improvement of Harbour; Lighthouses; Plant; Protection of Works.

Limits of the harbour.

58. The harbour of Fraserburgh shall include the whole waterways, water channels, bridges, quays, piers, basins, breakwaters, and other works, lands, buildings, wharves, and erections by this Act vested in the Commissioners, and shall extend along the shore as far as the regality of Fraserburgh extends, and as far seaward as the extreme easterly and southerly points of the works for the time being of the Commissioners already constructed or to be constructed under the authority of the Order of 1873 and this Act, and shall include the portion of the sea and tidal waters, and the whole tidal lands, now belonging to or to be acquired by the Commissioners under the authority of this Act, and the waterways and channel within such works.

Powers of harbour-master.

59. The powers of the harbour-master may be exercised within the harbour.

Works authorised by Order of 1873 to be carried out.

60. Notwithstanding the repeal by this Act of the Order of 1873, the Commissioners may make and maintain, according to the terms and provisions of that Order, so much of the works authorised by the Order of 1873 as are unexecuted at the passing of this Act, which works are in that Order described as follows: A breakwater, with all proper works and conveniences connected therewith, in continuation of the existing breakwater on the east side of the harbour, commencing at the present termination thereof, and terminating at a point on the outer Bush Rock, situated in the North Sea or German Ocean, two hundred and fifty-seven yards or thereabouts, measuring in a south-easterly direction, from the termination of the existing breakwater.

Powers to construct new works according to deposited plans.

61. Subject to the provisions of this Act, the Commissioners may make and maintain the works herein-after described, with all proper subsidiary works connected therewith, in the lines and situations, and on the levels, and upon the lands, waters, and property delineated on the deposited plans and sections, and described in the deposited book of reference, and may enter upon, take, and use such of the said lands, houses, waters, and property delineated on the said

A.D. 1878.

plans and described in the said book of reference as may be required for that purpose.

Description of works.

62. The works herein-before referred to and authorised by this Act are—

(1.) The improvement and deepening of the existing harbours, known respectively as the North Harbour, South Harbour, and Balaklava Harbour, and also of the harbour to be formed within the area to be enclosed by the South Breakwater authorised to be erected by this Act, and of the Navigation Channel leading into the said harbours, and lying between the area last above mentioned and the extension of the Balaklava Breakwater, authorised by the Order of 1873:

(2.) The erection of a new breakwater, to be called the South Breakwater, commencing at a point on the shore distant eight hundred and eighty feet or thereabouts from the south-west corner of a stone building in the parapet wall of the South Pier, measured in a southward direction, and thence proceeding in a north-easterly direction, and terminating in the sea at a point outside of the Boich Head Rocks, one thousand two hundred and fifty feet or thereabouts distant from the point of commencement:

(3.) The erection of a wall or breastwork, commencing on the south side of the existing South Pier, at the west end of the said stone building in the parapet thereof, thence proceeding in a south-easterly direction, and terminating at the root of the South Breakwater above described:

(4.) The erection of a wall or breastwork, commencing on the south side of the jetty, known as the new Guard Jetty, in Balaklava Harbour, at a point two hundred and eight feet or thereabouts from its present termination, thence proceeding in a southerly direction, and terminating at a point on the north side of the North Pier, one hundred and eighty-one feet west of the stairs therein:

(5.) The extension, by one hundred and thirty feet or thereabouts in a north-easterly direction into Balaklava Harbour, of the said new Guard Jetty:

(6.) The erection within Balaklava Harbour of a jetty, extending from the top of the inclined plane of the Lifeboat Slip three hundred and twenty-five feet or thereabouts in an easterly direction:

All which works will be situate in the parish of Fraserburgh and county of Aberdeen, or in the bed of the sea adjoining thereto.

A.D. 1878.

Deepening of existing harbour to be first carried out.

63. The Commissioners shall, before they commence to execute any of the other works authorised by the immediately preceding section, apply the first moneys borrowed by them under the authority of this Act to the amount of not less than thirty thousand pounds in and towards meeting the cost of deepening the existing harbour and navigation channel, and the execution of the works specified in the fourth, fifth, and sixth sub-sections of the immediately preceding section of this Act, but without prejudice to the application of those moneys, in so far as the same may be required for the completion of the works authorised by the Order of 1873.

Power to maintain and improve harbour and works, and lease and dispose of lands.

64. Subject to the provisions of this Act, the Commissioners may also from time to time, on lands belonging to the Commissioners or to be acquired by them by agreement, execute the works and effect the purposes following, or any of them; (that is to say,)

They may construct all such basins, graving docks, floating docks, timber ponds, locks, gates, bridges, quays, piers, jetties, landing-places, sluices, slips, inclined planes, sewers, drains, cuts, channels, wharves, warehouses, mills, sheds, yards, shear poles, steam, hydraulic, or other cranes and lifts, weighing machines, roads, approaches, streets, and other works, machinery, and conveniences, as the Commissioners may think necessary for the use and accommodation of the harbour, and the shipping and trade thereat:

They may lay down and construct such rails, sidings, and turntables on and along the quays, piers, and other works of the Commissioners, and lands connected therewith, as shall be convenient for the carrying on of the trade and traffic of the harbour:

They may alter, dredge, scour, deepen, widen, enlarge, straighten, improve, and maintain the entrance, and navigation channels, and whole waterways, and water channels of the harbour:

They may alter, enlarge, improve, remove, and maintain the piers, breakwaters, lighthouses, lines of rails, and whole other buildings and works, machinery, and conveniences hereby vested in them:

They may appropriate and adopt such parts as they think fit of the lands vested in them under the provisions of this Act for the purpose of shipbuilding, mills, manufactories, yards, and generally for manufacturing, trading, or commercial purposes, and they may lease such lands and any rights of fishing which may be vested in them, for such periods, and upon such terms, and for such rent or other consideration

A.D. 1878.

as they think fit, or may absolutely sell, feu, or dispose of the same:

They may lease or grant the use or occupation of any graving dock, inclined plane, slip, lines of rails, sidings, turntables, or machinery provided by or belonging to them for the purposes of this Act, at such rent and upon such terms and conditions as shall be agreed upon between them and the persons taking the same; provided that no such lease be granted for a longer period than five years.

Commissioners may set apart quays for discharge of lime, bones, &c.

65. The Commissioners may set apart quays, piers, or wharves, or portions thereof, for the discharge of lime, bones, manure, fish, or other particular class of goods of any other kind; and the harbour-master may give directions that all vessels having a cargo of lime, bones, manure, fish, or other particular class of goods, shall proceed to and lie at such quays, piers, or wharves, or at any portion thereof, for the purpose of unloading.

Powers of deviation.

66. In the execution of the works by this Act authorised, the Commissioners may deviate laterally from the lines of such works within the limits of lateral deviation marked on the deposited plans, on the lands, waters, and property described in the deposited book of reference, and they may deviate from the levels of the said works, as shown on the deposited sections, to any extent not exceeding five feet.

Power to alter plans and sections with sanction of the Board of Trade.

67. The Commissioners, within the limits aforesaid, may make any deviation from or alteration on the deposited plans and sections which to them may appear expedient: Provided always, that they shall, before adopting and carrying the same into execution, submit the plans and sections of such deviation or alteration to the Board of Trade; and no such deviation or alteration shall be adopted or executed by the Commissioners without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade under the hands of the secretary or an assistant secretary of that Board.

Powers for compulsory purchase of lands.

68. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Period for completion of works.

69. The works authorised by this Act shall be completed within fifteen years from the passing of this Act, and if they shall not be completed within that period, the powers by this Act granted to the Commissioners for making and completing the same shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty for obstructing construction of works.

70. Every person who shall wilfully obstruct any person acting under the authority of the Commissioners in setting out the line of the works by this Act authorised, or pull up or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or deface or destroy any works made for the same purpose, shall be liable to a penalty not exceeding five pounds for every such offence.

Power to take additional lands by agreement.

71. In addition to the lands authorised by this Act to be taken by compulsion, the Commissioners may, by agreement, purchase or feu or lease any lands not exceeding in the whole ten acres, or any right therein which shall be deemed proper or expedient for the purposes of the works by this Act authorised, and for other accommodation in connexion with the harbour.

Lighthouses, flags, and beacons to be maintained. 10 & 11 Vict. c. 27. 17 & 18 Vict. c. 104. 25 & 26 Vict. c. 63.

72. Subject to the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, the Merchant Shipping Act, 1854, and the Merchant Shipping Act Amendment Act, 1862, the Commissioners shall keep up and maintain in proper order and repair the lighthouses, leading lights, and other lights, beacons, flags, and signals, established or maintained in virtue of the recited Acts and the Order of 1873, or establish and maintain others in lieu and place thereof or in addition thereto, and may appoint keepers of such lighthouses, leading lights, and other lights, beacons, flags, and signals, as they may think fit.

Commissioners to exhibit lights on works.

73. The Commissioners shall at the outer extremity of the works hereby authorised exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct.

Power to provide dredgers and other plant.

74. The Commissioners may, for the purposes of this Act, from time to time purchase, lease, provide, or hire such steam or other dredgers, steam or other engines, steam or other vessels, diving bells, ballast lighters, rubbish lighters, fire-engines, tools, plant, or other materials, as they think fit; and may from time to time, as they think fit, sell and dispose of or let such dredgers, engines, vessels, diving bells, lighters, tools, plant, and materials aforesaid.

Goods, timber, &c. not to be laid down on quays, &c. of harbour.

75. No person, without the permission of the harbour-master first had and obtained, shall bring to, or lay down at or on the quays or piers of the harbour, any goods intended for shipment, or land, lay down, or leave upon the quays, piers, grounds, or roads of the harbour any goods, timber, logs, floats, or rafts of timber, and any person bringing to, or laying down at or on such quays or piers any goods intended for shipment, or landing,

A.D. 1878.

laying down, or leaving any goods, timber, logs, floats, or rafts of timber upon such quays, piers, grounds, or roads, without such permission, shall for every such offence be liable to a penalty of forty shillings; and the Commissioners, or any of their officers may cause to be removed all such goods, timber, logs, floats, or rafts of timber from such quays, piers, grounds, or roads, and detain, the same till payment of such penalty and the costs of removal; and if such penalty and costs shall not be paid within four days after such removal and detention, the Commissioners, or any of their officers, may, by virtue of this Act, and without any further warrant or authority, cause to be sold by public roup such goods, timber, logs, or floats, or rafts of timber, for payment of such penalty and costs, besides the expenses of sale, they returning the surplus, if any be, to the owner; provided always, that the said penalties, costs, and expenses shall be recoverable either by the sale of the goods, timber, logs, or floats, or rafts of timber, in manner aforesaid, or in the same manner as penalties for offences against the provisions of this Act may be recovered.

Commissioners may allot special shipping berths to certain vessels.

76. The Commissioners may grant and allot to any shipping company, shipowners, or shipmasters whose vessel or vessels regularly sail to and from Fraserburgh, a special or preferable right to the use of any shipping berth and quay, wharf, or shed-space at the harbour for the accommodation of such vessel or vessels, and the passengers or goods carried therein, and that for such time and subject to such conditions, and for such payment in addition to the rates leviable under this Act, as the Commissioners shall from time to time determine.

VI.

Rates.

Rates on vessels.

77. From and after the commencement of this Act, the Commissioners, or such person or persons as they shall appoint, may levy, demand, and take, for every vessel coming into or going out of or using the harbour, or any part thereof, any sums not exceeding the rates specified in the Schedule A. to this Act annexed, with the increase specified in section eighty hereof; and such rates shall be payable on such vessel entering or before its leaving the harbour.

Rates on goods.

78. From and after the commencement of this Act, the Commissioners may levy, demand, and take, for all goods shipped or unshipped, loaded into or unloaded out of any vessel in any part of the harbour, any sums not exceeding the rates specified in the Schedule B. to this Act annexed, with the increase

specified in section eighty hereof; and as to all such goods as are not specified in the said schedule, the Commissioners may demand a rate equal to the rate for the time payable in respect of goods of a similar nature, package, and quality, and such rates, if such goods are to be shipped, shall be payable before the shipment, or if such goods are to be unshipped, shall be payable before the same are unshipped.

Further provision as to rates on goods.

79. Where any goods, wares, merchandise, or commodities shall be landed or loaded within the regality of Fraserburgh or precincts thereof (extending from the Water of Philorth about two miles to the southward to the Watermill Burn about one and a half miles to the westward of the harbour,) with the knowledge of the treasurer or person appointed by the Commissioners to collect the rates and duties, the same rates and duties shall be chargeable as would have been chargeable had the same been landed or loaded within the harbour; and if the same shall be so landed or loaded without his knowledge, such goods shall be liable to pay double the rates and duties aforesaid.

Commissioners may alter rates in schedules.

80. Whereas the amount which will be received by levying the rates in the Schedules A. and B. to this Act annexed cannot be exactly ascertained until experience shall be had of the working thereof, and it is proper that ample security should be provided for repayment, in accordance with the provisions herein contained, of the money which may be borrowed or owing by the Commissioners, by increasing such rates, if necessary, and that provision should also be made for reducing such rates if it appear to the Commissioners that the requirements of the Commissioners for fulfilling the purposes of this Act will permit of such reduction: The Commissioners may from time to time exercise the following powers; (that is to say,)

(1.) They may raise any or all of the rates specified in the Schedules A. and B. to this Act annexed, or in either of such schedules as they may deem reasonable and expedient, provided that such increase shall not at any time exceed one-third part of such rates as specified in such schedules:

(2.) They may in like manner reduce such rates, or such rates as so increased:

(3.) They may advance or revive such rates again in like manner; provided that such rates when so advanced or revived do not exceed the rates specified in such schedules with one-third part more in addition thereto:

Provided also, that public notice shall be given in at least one newspaper published in Fraserburgh or Aberdeen of any resolution

A.D. 1878.

of the Commissioners to make any such increase or reduction or advance or revival of such rates, and that such increase or reduction or advance or revival shall not take effect until from and after the expiration of thirty days after the first publication of such notice.

As to the fractional part of a farthing.

81. If any rate specified in the Schedules A. and B. to this Act annexed shall, when raised or reduced as herein-before authorised, be such as would contain a fractional part of a farthing, such fractional part shall be reckoned one farthing.

Commissioners may levy increased rates.

82. The Commissioners may levy, demand, and take the rates specified in the Schedules A. and B. to this Act annexed, together with such increase thereon, or on the rates specified in either of such schedules, so soon as such increased rates shall become exigible as provided by this Act.

Rates as increased or reduced to be charged equally.

83. The rates specified in such schedules as raised or reduced under the authority of this Act shall at all times be charged equally to all persons in respect of the same class or description of vessel and the same description of goods.

Rates for lighthouses, lights, and signals.

84. From and after the commencement of this Act the Commissioners may levy, demand, and take for every vessel coming into the harbour, or any part thereof, any sums not exceeding the rates specified in the Schedule C. to this Act annexed, for maintaining the establishment of the lighthouses, leading lights, and other lights, beacons, flags, and signals required by this Act, or by the Commissioners of Northern Lighthouses, to be maintained by the Commissioners, and such rates shall be payable on such vessel entering the harbour.

Rates for lifeboats.

85. From and after the commencement of this Act the Commissioners may levy, demand, and take for every vessel coming into the harbour, or any part thereof, any sums not exceeding the rates specified in the Schedule D. to this Act annexed, and such rates shall be payable on such vessel entering the harbour.

Rates by whom to be paid.

86. The several rates herein-before authorised to be levied for vessels coming into or going out of the harbour, or any part thereof, shall be paid by the owners, agents, masters, managers, or other persons having charge of such vessels respectively, except in respect of the tonnage duty and other rates for boats engaged in the herring fishery during the regular season thereof to be defined annually by the Commissioners, which shall be payable by the owners or the consignee of the fish, or other person or persons by or for whom the boat or boats may be engaged, who shall report to the treasurer, when required, the number of boats for

which he is so liable to pay, and shall retain the rate or rates from the owner of the boats; and the rates herein-before authorised to be levied for goods shipped or unshipped in any part of the harbour shall be paid by the owners, consignees, or agents of the owners or consignees of such goods respectively, who shall be each and all liable in the payment of the said rates.

Owners of goods to give account to collector.

87. The owners, agents of owners, managers, or persons in charge of all goods (fresh herrings and all other fresh fish included) imported into or landed in the harbour shall be bound, when required, to give to the collector of rates a true account under their hands of the quantity or value thereof, as the case may be, and to verify the same by the production of their books and all other documents necessary to vouch such account, and every person who shall give or subscribe a false account shall for every such offence be liable to a penalty not exceeding ten pounds.

As to fractional part of a penny.

88. In levying and collecting the amount of any rate payable under the authority of this Act, any fractional part of a penny shall be reckoned one penny.

Rates for sheds, ponds, cranes, and weighing machines.

89. The Commissioners may levy, demand, and take such rates as the Commissioners shall from time to time fix for the use of their warehouses, sheds, timber ponds, shear poles, storage ground, cranes, weighing machines, conveniences, weights, and measures of and from the owner or person having the charge of any goods, articles, or things deposited or placed in such warehouses, sheds, or timber ponds, or shipped or unshipped, loaded or unloaded, weighed or measured by means of such cranes, weighing machines, conveniences, weights, or measures, or from the owner, agent, master, manager, or other person in charge of the vessel using such cranes, weighing machines, conveniences, weights, or measures, and such rates may be recovered by the Commissioners as other rates in respect of vessels or of goods are by this Act recoverable.

Rates for graving docks and slips.

90. The Commissioners may levy, demand, and take from the owner, agent, master, manager, or other person in charge of any vessel taken into or upon or using any graving dock or inclined plane or slip provided by or belonging to the Commissioners for the purposes of this Act, and also subject to the provisions of this Act, from every person using any lines of rails, sidings, or turntables provided by or belonging to them for such purposes, such rates as the Commissioners shall from time to time fix, and which rates may be recovered by the Commissioners as other rates in respect of vessels or of goods are by this Act recoverable.

Master of vessel to report arrival.

91. Within twelve hours after the arrival within the limits of the harbour of any vessel liable to rates the master of such

A.D. 1878.

vessel shall report such arrival to the treasurer or the collector of rates, and if he fail to make such report within the time aforesaid, and after he has been required to do so by the treasurer or collector, he shall be liable to a penalty not exceeding ten pounds.

Master to give an account of cargo.

92. The master of every vessel shall on his arrival in the 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 rates, or to such person as the Commissioners shall appoint, an exact and full account of his cargo by producing his bills of lading or his manifest or intake account, or a true copy thereof, and such other documents as the collector shall deem necessary, and demand for ascertaining the true contents thereof, and every person failing so to do, 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 ten pounds over and above the whole rates and duties payable in respect of such loading and unloading.

Masters of fishing boats to report arrival and give account of take of fish.

93. The master or owner or crew of every boat engaged in the white fishery, and of every boat delivering herrings (except boats engaged at the herring fishing for the regular herring fishing season), shall on arrival in the harbour forthwith report the same to the harbour-master or collector of rates, and shall furnish to the collector a true and accurate statement of his or their take of fish and the names of the persons obtaining delivery of the same and liable for the dues thereon, and he and they shall not leave the harbour without paying to the collector his or their dues, and if he or they fail to do so they shall be liable to a penalty not exceeding ten pounds.

Harbour-master may prevent sailing of vessels when rates not paid.

94. The harbour-master may prevent the removal or sailing out of the harbour of any vessel in respect of which any rates shall have been payable until evidence shall have been produced to him of the payment of such rates to the treasurer or the collector of rates, and until he shall have given in an account of his cargo as required by sections ninety-two and ninety-three hereof.

Recovery of rates on fishing boats.

95. The Commissioners may by their own officers or servants or such persons as they may choose to employ, and without judicial procedure or authority, take possession of any boat for which a rate or rates or penalty or penalties shall have been incurred under this Act, and which shall for the time being remain unpaid, and that wherever such boat may be found within the harbour, and may remove such boat to any part of the harbour and retain the same until the rate or rates and penalty or penalties so incurred, and all

expenses attending the seizure, removal, and retention of such boat, shall have been paid, including in such expenses the wages of the officers, servants, or other persons who may have been employed in connexion therewith for the time of such employment: Provided always, that nothing herein contained shall prejudice the right of the Commissioners to sue for and recover such rates and penalties by legal process in common form.

Application of rates.

96. The rates to be levied and received under the authority of this Act shall be applied by the Commissioners in manner following; (that is to say,)

1. In paying the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto:
2. In paying year by year, according to their priorities, the instalments of principal and interest in respect of advances which have been actually made before the passing of this Act, or which, under the provisions of this Act, are to be treated as being and remaining secured as if they had been actually made before, and had been secured at the time of the passing of this Act:
3. In paying year by year the interest accruing on other moneys borrowed by the Commissioners, having regard to the priority of security fixed by this Act:
4. In paying, subject to the provisions of this Act, the cost of the maintenance, repairs, management, and regulation of the harbour:
5. In payment of principal money borrowed, having regard to the priority of security fixed by this Act, or in creating a sinking fund for that purpose, in the proportions respectively required by this Act:
6. In the further general improvement of the harbour.

VII.

Ballast.

Commissioners may dispose of materials dredged, &c.

97. The Commissioners may use, or sell, or dispose of, in such manner as they think proper, the rock, stones, gravel, sand, clay, soil, and other materials dug or dredged by them within the harbour.

Power to acquire lands for deposit of ballast.

98. The Commissioners may from time to time, by agreement, purchase, feu, or take on lease, for the deposit or obtaining of ballast, any lands and any servitudes, rights, and interests in, over, or affecting the same.

Commissioners to

99. The Commissioners shall have and exercise exclusive control over the supplying of ballast to and removal of ballast from all the

A.D. 1878.

supply, &c. ballast.

vessels within the harbour, and they may levy, demand, and take such reasonable rates therefor as from time to time they shall deem expedient.

Provision in case Commissioners cannot supply demand for ballast.

100. In case the Commissioners cannot supply any demand for ballast in sufficient time for the accommodation of the shipping, they may permit the master or owner of any vessel to lift and convey ballast from such place as they shall from time to time direct, on payment of such reasonable rates as shall from time to time be fixed by them.

Penalty for receiving ballast not supplied by Commissioners, &c.

101. Every master of any vessel within the harbour who shall receive into such vessel any ballast which shall not be supplied by the Commissioners, or which shall have been brought from any place without the permission and direction of the harbour-master, shall for every such offence be liable to a penalty not exceeding five pounds.

No ballast or rubbish to be thrown on quays without permission.

102. No ballast or rubbish shall be thrown out of any vessel upon the quays of the harbour except by permission of the Commissioners, and every master or other person who shall throw out any ballast or rubbish from any vessel on such quays without such permission, and every master, owner, agent, or manager of any vessel who shall fail immediately to remove from such quays any ballast or rubbish thrown out of such vessel to such place as the Commissioners may direct, shall be liable to a penalty not exceeding five pounds for every such offence.

Ballast rates by whom payable.

103. The rates for the supply and removal of ballast payable by virtue of this Act to the Commissioners as herein-before provided, shall be paid by the owner, master, agent, manager, or other person in charge of every vessel which is supplied with or discharges any ballast within the harbour in respect of the vessel to or out of which such ballast is supplied or discharged, and shall be recoverable by the Commissioners as other rates in respect of vessels are by this Act recoverable.

Penalty for selling ballast.

As to removal of ballast from one vessel into another.

104. Every person, not being the Commissioners, or employed by them for the purpose, who shall sell or dispose of any ballast from any vessel within the harbour, shall be liable to a penalty not exceeding five pounds for every such offence: Provided that the master of any vessel may, with the permission of the Commissioners, receive ballast into such vessel out of any other vessel; and in such case the owner, master, agent, manager, or other person in charge of the vessel discharging the ballast shall be at the expense of heaving the same, and the owner, master, agent, manager, or other person in charge of the vessel receiving such

ballast shall pay to the Commissioners in respect thereof such reasonable rates as they shall from time to time fix.

Penalty for delaying ballast lighters, carts, &c.

105. If the master or crew of any vessel neglect (so as to occasion any unnecessary or unreasonable delay) to take in or cast out the ballast or rubbish of or for such vessel from or to any cart, waggon, truck, or other apparatus, or ballast lighter employed to receive or supply ballast or rubbish from or to such vessel, the master of such vessel shall for every such offence forfeit any sum not exceeding five shillings for every hour during which such cart, waggon, truck, or other apparatus, or ballast lighter, is by or in consequence of such neglect so delayed.

Penalty for taking ballast out of harbour.

106. If any person shall dig or take away any ballast, shingle, stones, or other things from within the harbour without leave of the Commissioners in writing for that purpose first had and obtained, he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for casting ballast or rubbish without a portsail.

107. If any person cast or unload into or out of any vessel in the harbour, or if any person having the command of any vessel in the harbour knowingly permit to be cast or unloaded into or out of the same, any ballast or rubbish, and such respective person have not a wooden stage or portsail sufficiently large and properly fastened (during the whole time of such casting or unloading) from the vessel into or out of which such ballast or rubbish is to be cast or unloaded to the upper edge or highest part of the wharf or quay, or to the other vessel into, from, or upon which such ballast or rubbish is to be cast or unloaded, and so as to prevent any such ballast or rubbish from falling into the harbour, every such person so offending shall for every such offence forfeit any sum not exceeding forty shillings for the first offence, and not exceeding ten pounds for every subsequent like offence.

Penalty for casting ballast within certain limits.

108. If any officer of the Commissioners or any other person, under any pretence whatsoever, and without the authority or direction of the Commissioners, save in the execution of works properly authorised, and save also so far as is proper for the execution of such works, shall cast or unload any ballast or rubbish within the harbour, every person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

VIII.

Steam Tugs.

Commissioners may provide and license steam tugs.

109. For the better navigation of the harbour, and for the use and accommodation of vessels frequenting the same, the Commis-

A.D. 1878.

sioners may from time to time build, purchase, contract for, or hire, and may maintain, use, and let, steam tugs or other power; and may also, from time to time, license such number of steam tugs or other power belonging to any person, and for such period, and on such terms and conditions, as they may think fit.

Commissioners to fix rates for steam tugs.

110. The Commissioners may from time to time fix reasonable rates or charges for and in respect of the use of the steam tugs or other power maintained, used, and let, or licensed by them; and such rates or charges shall be paid by the owner, master, agent, manager, or other person having charge of the vessel obtaining the assistance of such steam tugs or other power, to the Commissioners or to their lessee, or to the person with whom they may contract, or to the owner of such steam tugs or other power, if licensed by them, as the case may be; and such rates and charges shall be due and payable whether such steam tugs or other power shall be actually employed or not, provided the assistance thereof shall have been required, and shall, in consequence of such requisition, have been tendered by the master or other person having the command of such steam tugs or other power.

Penalty for using or employing steam tugs without the license of the Commissioners.

111. Every person who, without the license of the Commissioners first applied for and obtained, shall use or employ any steam tug or other power for towing vessels within the harbour, except such as shall be provided or employed by the Commissioners, or by their lessee, contractor, or other person having their authority, and except also any steam tug or other power which is being employed in towing a vessel from any other port or harbour to the harbour, or from the harbour to any other port or harbour, shall for every such offence be liable to a penalty not exceeding five pounds.

IX.

Pilotage.

Pilotage.

112. The Commissioners may from time to time license and appoint such persons as they may think necessary as captain pilots and pilots of and for the harbour, and withdraw or suspend any such license or appointment at their pleasure, and they may from time to time fix the rates and prices or other remuneration to be demanded and received for the time being by all pilots licensed by them, and may from time to time alter the mode of remunerating such pilots, and the Commissioners shall be a pilotage authority and local authority within the meaning of the Merchant Shipping Act, 1854, and the Acts amending the same, and shall have all powers conferred by those Acts on pilotage authorities and on local authorities.

17 & 18 Vict. c. 104.

Existing licenses of pilots to continue in force. 17 & 18 Vict. c. 104.

113. Subject to the provisions of the Merchant Shipping Act, 1854, and the Acts amending the same, all licenses to captain pilots and pilots granted by the existing Commissioners shall continue in force until the annual expiration thereof, or until the same are recalled, or until the suspension or dismissal of such captain pilot or pilots.

Licenses, how to be issued.

114. Every pilot license shall be given under the hand of the clerk, and shall continue in force for such period as the Commissioners shall fix, but not exceeding twelve months after granting the same.

Pilots to be under direction of Commissioners.

115. Every person upon his admission as a pilot shall be subject to the provisions in this Act contained, and to such byelaws, rules, and regulations as shall be in force for the time, for the government and direction of the pilots of the harbour.

Masters of vessels bound to take pilots.

116. Every person acting as master, or having charge of any vessel of thirty tons register and upwards, either going out of or coming into the harbour (but not including steam tugs provided for the use and accommodation of vessels frequenting the harbour as by this Act provided), shall be bound and obliged before leaving or entering the harbour to take on board a pilot licensed as aforesaid, and not being one of the crew of the vessel, for the purpose of piloting such vessel out of or into the harbour; and in the event of such master or other person refusing or neglecting so to do he shall be liable to a penalty not exceeding five pounds.

Masters of vessels inward bound refusing to take pilots to pay full pilotage.

117. In case the master of any vessel inward bound shall in the exercise of his option refuse to take on board and employ the first pilot, licensed or acting under the authority of this Act, who shall offer his service outside of the harbour, or as soon as such pilot can safely come alongside of such vessel, such master shall, in addition to the penalty provided for in the immediately preceding section, pay or cause to be paid to the pilot who first or who only shall offer his service as aforesaid, and shall be so refused, the full pilotage dues, according to the rates payable for the time to pilots at the harbour, as if such pilot had been received and employed in conducting or piloting such vessel into the harbour, and in default of payment such pilotage dues may be recovered in the same manner as any pilotage dues may by law be recovered.

Pilots not to take out any ships until the rates are paid.

118. No pilot licensed or acting under the authority of this Act shall pilot or convey any ship or vessel out of the harbour until the captain pilot shall have been satisfied that the rates directed by this Act to be paid in respect of such vessel have been duly paid to the treasurer or the collector of rates.

A.D. 1878.

Harbour-master may prevent sailing of vessels until pilotage dues paid.

119. The harbour-master may prevent the removal or sailing out of the harbour of any vessel in respect of which any pilotage dues shall have been payable until evidence shall have been produced to him of the payment of such dues.

Commissioners not to be liable for damage by pilots.

120. The Commissioners shall not be liable or answerable to any person whomsoever for any accident, loss, or damage occasioned by the fault or incapacity of any pilot licensed or appointed by them, or happening in any way in consequence of the employment of any such pilot.

X.

Meters and Weighers.

Power to appoint meters and weighers.

121. The Commissioners may appoint and license a sufficient number of persons to be meters and weighers within the harbour, who shall within twelve hours after any vessel is discharged or loaded give an account of the cargo at the collector's office, and any person not complying with this requirement shall be liable in a penalty of twenty shillings for each transgression.

Rates for weighing and measuring goods to be paid either to the meters and weighers or to the treasurer or collector.

122. The rates or other remuneration to be paid for the weighing and measuring of goods at the harbour shall, in the option of the Commissioners, be paid either directly to the meters and weighers themselves or to the treasurer or collector of rates, for the purpose of forming a fund out of which the Commissioners shall pay to the meters and weighers weekly or other wages for their services, of such amount as the Commissioners shall from time to time fix and determine, as also the other necessary and proper charges and expenses connected with the meting and weighing department.

XI.

Supply of Water and Gas.

Commissioners may contract for supply of water and gas.

123. The Commissioners may contract with any body of commissioners, corporation, company, or person for a supply of water to vessels within the harbour, and for the extinction of fires in such vessels, and also for a supply of gas for the use of the harbour, and the streets, buildings, and property within the limits thereof.

Rate for water supplied to vessels.

124. The Commissioners may levy, demand, and take from the owner, master, agent, manager, or other person in charge of any vessel receiving such supply of water, excluding boats engaged in the herring fishing during the season, one farthing per ton register, and for boats engaged in the herring fishing two shillings and sixpence per boat for each season.

XII.

A.D. 1878.

HARBOUR POLICE.

Harbour police to be established.

125. The Commissioners may appoint, during pleasure, a superintendent of police for the harbour, and such number of officers and constables under him as they may from time to time think necessary, and may pay to the persons so appointed such salaries, wages, or allowances as the Commissioners think fit: Provided that instead of making such appointments, the Commissioners may agree with the Commissioners of Police of Fraserburgh or the Commissioners of Supply for the county of Aberdeen with respect to the protection of the harbour and the goods and vessels thereat or the lighting or cleansing of the harbour by the police force or other officers under the charge of such commissioners of police, as hereinafter authorised.

Duties of the police.

126. Such superintendent, officers, and constables to be appointed by the Commissioners shall discharge the following duties; (that is to say,)

They shall guard, patrol, and watch the piers, quays, and other works of the harbour, and the roads and accesses thereof, and the goods thereon or therein, and the vessels of all descriptions within the harbour, and the goods with which such vessels may be loaded:

They shall enforce and obey the byelaws of police of the Commissioners:

They shall apprehend and bring before any of the magistrates of the burgh or justices of peace of the county of Aberdeen all persons committing or charged with committing a breach of this Act or of any of such byelaws, or other byelaws made in pursuance of this Act, or committing or charged with committing any criminal, riotous, or disorderly act within the harbour, to be dealt with, tried, and punished agreeably to the forms established and in use for the time in the police court of the burgh, or under the powers and authorities vested for the time in the magistrates or justices or otherwise in terms of law:

They shall at all times afford to the Commissioners their best aid and assistance in the preservation of peace and good order, and the suppression of nuisances within the harbour, and the removal of obstructions from the piers, quays, jetties, and other works, and the beaches, roads, and accesses of the harbour:

They shall see to the proper lighting and cleansing of the harbour and the works thereof by the officers or servants appointed for that purpose by the Commissioners.

A.D. 1878.

Powers and privileges of police.

127. Such superintendent, officers, and constables shall have all the powers and privileges appertaining for the time being to any constable by the law of Scotland.

Commissioners may agree with Commissioners of Police for watching the harbour.

128. The Commissioners and the Commissioners of Police of Fraserburgh, acting under any Act in force for the time for regulating the police of Fraserburgh, may from time to time agree that all or any of the duties herein-before appointed to be performed by such superintendent, officers, and constables shall be performed by the superintendent of police and officers and constables appointed or acting under any such Acts in force for the time; and during the existence of any such agreement, such last-mentioned superintendent of police and officers and constables shall, for the purposes of this Act, use and exercise the same powers, rights, and privileges within the harbour as they may use or exercise within any part of the territory situate within the limits of police of the burgh, or as if they had been appointed by the Commissioners.

As to number, description, and payment of officers to be employed.

129. The Commissioners and such commissioners of police may from time to time in any such agreement fix the number and description of the officers and constables to be employed in the execution of this Act, and the sum of money or charges to be paid in consideration of their services by the Commissioners to such commissioners of police.

XIII.

Byelaws.

Additional byelaws. 10 & 11 Vict. c. 27.

130. In addition to the powers of making byelaws contained in the Harbours, Docks, and Piers Clauses Act, 1847, the Commissioners may, subject to the provisions of this Act, from time to time make such byelaws as they shall think fit for all or any of the following purposes; (that is to say,)

For preventing and removing obstructions or impediments within the harbour, and at or in or on the basins, piers, quays, and other works and roads and accesses of the harbour;

For berthing or removing vessels lying in any part of the harbour, regulating the wages, conduct, and behaviour of boatmen, lumpers, jobbers, stevedores, and others resorting to the harbour, basins, piers, quays, or other works, and for prohibiting persons from acting as such within the harbour without previously obtaining a license to that effect from the Commissioners;

For regulating the management, superintendence, and police of the harbour, and of the works constructed and to be constructed for the improvement thereof, and of the harbour

lighthouses, leading lights, and other lights, and the palls and landfasts placed on the quays;

For regulating the use of the rails, sidings, and turntables in and along the quays, piers, and other works of the Commissioners, and the moving of carriages, waggons, and trucks along the same;

For regulating the conduct of the owners, masters, and crews of vessels propelled by steam with regard to the rate of speed at which they may proceed within the harbour, the mode of navigating such vessels, the keeping the advertised times of sailing, and the taking on board and landing or putting out passengers;

For regulating the towing of vessels at the harbour, the size and number of vessels towed at one time in one train, the order and manner in which the towage shall be given, and the duties and conduct of all persons employed on the steam tugs or other power used at the harbour for towing vessels, with regard to the rate of speed at which they may proceed within the harbour, or with regard to any other matter or thing;

For regulating the terms and conditions of granting licenses for such steam tugs or other power;

For regulating the conduct of boatmen and others in landing passengers from and putting them on board of all vessels, including vessels propelled by steam, and the sufficiency of the boats employed for that purpose;

For regulating the conveyance to and the laying down at or on the piers or quays of the harbour of all goods intended for shipment;

For regulating the conveyance, landing, laying down, discharge, and removal of timber, logs, floats, or rafts of timber, and other goods within the harbour;

For regulating the ballasting of vessels within the harbour, and the order and manner in which they shall be supplied with ballast, and the discharging, removal, or disposal of ballast;

For regulating the duties and conduct of the crew and the persons employed about the lifeboats or the lifeboat establishment;

and the byelaws to be so made by the Commissioners shall, unless relating solely to the Commissioners or their officers or servants, be confirmed, and shall be published in the manner prescribed by the Harbours, Docks, and Piers Clauses Act, 1847, and shall be observed under penalties not exceeding the sum of five pounds for each offence, besides such damages as the case may infer. 10 & 11 Vict. c. 27.

A.D. 1878.

Byelaws as to pilots to be valid without confirmation by sheriff.
10 & 11 Vict. c. 27.
17 & 18 Vict. c. 104.

131. Notwithstanding the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to the byelaws to be made by the undertakers, all byelaws made by the Commissioners as a pilotage authority, with the consent of Her Majesty in Council, in virtue of the Merchant Shipping Act, 1854, or Acts amending the same, shall be valid without confirmation by the sheriff.

XIV.

Recovery and Application of Penalties, and Punishment of Crimes within the Harbour.

Punishment of crimes within harbour beyond police limits.

132. All persons committing or accused of having committed any crime or riotous or disorderly act within any part of the harbour, although such part may not be within the police limits of the burgh, may be dealt with, tried, and punished in the same manner as if such crime or riotous or disorderly act had been committed or had been charged to be committed within such police limits.

Prosecution of offences and recovery of penalties.

133. All offences committed in contravention of, and all penalties, fines, forfeitures, damages, expenses, and costs imposed by virtue of this Act, or any byelaws made in pursuance of this Act, may be prosecuted or recovered and enforced at the instance of the Commissioners, or the clerk, or the treasurer, or the procurator fiscal of the burgh, in the police court of the burgh established or held under the authority of any Act in force for the time being regulating the police court of the burgh, agreeably to the forms in use for the time being in such police court, or any other forms competent by the law of Scotland; and for that end, and for the dealing with, trial, and punishment of all persons committing or charged with committing any crime or riotous or disorderly act within any part of the harbour beyond the police limits of the burgh, the whole police jurisdiction, powers, and authorities conferred on the magistrates of police and constables of the burgh by any Act for the time regulating such police court shall be held to be jurisdiction, powers, and authorities conferred on them within the harbour under this Act; and for the like ends all the provisions, jurisdiction, and powers for the trial and punishment of crimes and disorderly or riotous acts committed within the police limits of the burgh, and of offences in contravention of such Acts, or any of them, and the recovery of penalties thereby imposed, and the whole mode of procedure for such purposes therein provided, may be exercised and followed by the magistrates and officers of such police court, and by the superintendent, officers, and constables employed or acting at the harbour in virtue of this Act, as fully as if such provisions were embodied in this Act.

A.D. 1878.

For securing transient offenders.

134. Any officer acting under the authority of this Act, and all persons called by him to his assistance, may seize and detain any person who shall be found committing any offence against the provisions of this Act, or any byelaw in force or to be made in pursuance of this Act, and whose name and residence shall be unknown to such officer, and convey him with all convenient despatch before the sheriff, or a justice, or a magistrate, or magistrate or judge of police of the burgh, without any warrant or other authority than this Act, and such sheriff, justice, magistrate, or magistrate or judge of police shall proceed with all convenient despatch in the matter of the complaint against such offender.

Application of penalties.

135. All penalties, fines, forfeitures, and damages imposed by this Act, or by any byelaw in force or to be made in pursuance of this Act, shall, when levied (notwithstanding anything to the contrary in any Act regulating the said police court contained), be paid to the treasurer for the purposes of this Act.

XV.

Borrowing Powers.

Power to borrow on security of rates, &c.

136. The Commissioners may from time to time borrow at interest, on the credit of the rates by this Act granted and the other revenues of the Commissioners, and the lands, works, and property vested in them (other than the area of the harbour covered by water at spring tides, and the quays thereof and the accesses thereto), or on all or any such securities, any sums of money which, including any sums previously borrowed, or which under the provisions of this Act are to be treated as borrowed, in virtue of the recited Acts and the Order of 1873, and remaining due at the commencement of this Act, shall not exceed the sum of two hundred thousand pounds sterling, and in the event of any part of such sum of two hundred thousand pounds sterling being repaid by the Commissioners, except by means of the sinking fund hereinafter provided, they may again borrow the same, and so from time to time, and the Commissioners may grant to the persons advancing or lending the money so to be borrowed bonds therefor, containing an assignation of the said rates, revenues, lands, works, and property (except as aforesaid), and rates, dues, and duties, or any part thereof, to such persons as a security for the payment of the money so to be borrowed, with the interest thereof.

Forms of bonds.

137. Every bond and assignation in security of the rates, revenues, lands, works, and property, and rates, dues, and duties to be granted by the Commissioners shall be by deed duly stamped, in which the consideration shall be truly stated, and all such bonds

A.D. 1878.

and assignations in security may be partly written and partly printed or engraved, and shall be subscribed by any two of the Commissioners and by the treasurer, and be sealed with the seal of the Commissioners, and such bonds and assignations in security may be according to the form in the Schedule E. to this Act annexed, or to the like effect.

Commissioners and treasurer not to be personally liable.

138. The Commissioners and the treasurer shall not be personally liable by reason of having signed such bonds and assignations in security for the repayment of the money borrowed or interest thereon.

Register of bonds to be kept and to be open to inspection.

139. A register of such bonds and assignations in security shall be kept by the treasurer, and within twenty-one days after the date of any such bond and assignation in security an entry or memorial of the number, date, and amount thereof, and of the names of the parties thereto, with their proper designations, shall be made in such register; and every such register may be perused at all reasonable times by any person interested in any such bond and assignation in security without fee or reward.

Transfer of bonds.

140. Any party entitled to any bond and assignation in security heretofore granted by the existing Commissioners, or to be hereafter granted by the Commissioners, may transfer his right and interest therein to any other person by deed duly stamped, wherein the consideration shall be truly stated; and such transfer may be according to the form in the Schedule F. to this Act annexed, or to the like effect.

Register of transfers to be kept.

141. Within twenty-one days after the date of every such transfer it shall be produced to the treasurer, who shall thereupon cause an entry or memorial thereof to be made in the same manner as in the case of the original bond and assignation in security, and for such entry the treasurer may demand a sum not exceeding five shillings; and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assignees, to the full benefit of the original bond and assignation in security in all respects, and no party having made such transfer shall have power to make void, release, or discharge the bond and assignation in security so transferred, or any money thereby secured; and such transferee may in like manner transfer the same toties quoties.

Transmission of bonds, &c. otherwise than by transfer.

142. If the sum contained in any bond and assignation in security to be granted as aforesaid for money borrowed by the Commissioners, or contained in any bond, assignation, bill, promissory note, instrument, or other voucher granted for money borrowed under the authority of the recited Acts and the Order of

1873, or any of them (and which bonds and assignations in security, and bonds, assignations, bills, promissory notes, instruments, or vouchers are herein-after respectively called a "voucher of debt"), become transmitted in consequence of the death, bankruptcy, or insolvency of any creditor, or in consequence of the marriage of a female creditor, or by any other means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration, which may be partly written and partly printed, in the form or as near as may be in the form of the Schedule G. to this Act annexed; and every such declaration shall state the manner in which and the party to whom such voucher of debt shall have been so transmitted, and shall be made and signed by some credible person before a sheriff or justice of the peace; and such declaration shall be left with the treasurer, who, if such voucher of debt shall be a bond and assignation in security, shall thereupon enter the name of the person entitled to such voucher of debt under such transmission in the register of transfers, and for every such entry the treasurer may demand any sum not exceeding two shillings and sixpence; and until such transmission has been so authenticated and left with the treasurer, no person claiming by virtue of any such transmission shall be entitled to receive any portion of the sum contained in any such voucher of debt.

Transmission by marriage and testamentary instruments.

143. If such transmission be by the marriage of a female creditor, such declaration shall contain a copy of the register of such marriage or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of such voucher of debt; and if such transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration, or an official copy thereof obtained from any prerogative court if granted in England, or a testament testamentar or testament dative if expede in Scotland, or an official extract thereof, shall, together with such declaration, be produced to the treasurer; and upon such production in either of the cases aforesaid the treasurer shall make an entry of such declaration in the said register of transfers if such transmission be that of a bond and assignation in security.

Interest to be paid half yearly.

144. The interest of the money borrowed by the existing Commissioners or to be borrowed by the Commissioners shall be paid at the terms or periods appointed in any voucher of debt, and if no term or period be appointed shall be paid half-yearly to the several parties entitled thereto.

A.D. 1878.

Interest warrants may be issued.

145. The Commissioners may issue interest warrants in the form of the Schedule H. to this Act annexed, or to the like effect, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums contained in any voucher of debt during the period for which such voucher of debt is intended to subsist; and the delivery to the Commissioners or the treasurer, or to any other person on their behalf, of any such interest warrant duly stamped shall be a valid and sufficient discharge to the Commissioners for the interest in respect of which the same was issued.

Repayment of money borrowed.

146. The Commissioners may, if they think proper, fix a period for the repayment of all principal moneys to be borrowed by them, with the interest thereof, and in such case the Commissioners shall cause such period to be inserted in the bond and assignation in security to be granted by them as aforesaid; and upon the expiration of such period the principal sum, together with all interest thereon, shall, on demand, be paid to the party entitled to receive the same; and if no other place of payment be inserted in such bond and assignation in security, such principal sum and interest shall be payable at the office of the treasurer.

As to repayment of money borrowed when no time or place has been agreed on.

147. If no time be fixed in the bond and assignation in security to be granted by the Commissioners for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time, being the fifteenth day of May or the eleventh day of November, after the expiration of twelve months from the date of such bond and assignation in security, and upon giving three months previous notice to the treasurer, demand payment of the principal sum thereby secured, with all interest due thereon, and in the like case the Commissioners may at any time pay off the money borrowed on giving the like notice; and every such notice shall be in writing or in print, or partly in both, and if given by a creditor shall be delivered to the treasurer or left at his office, and if given by the Commissioners shall be either delivered personally to such creditor or left at or sent through the post office addressed to his residence or place of business, or if such creditor be unknown to the Commissioners, or cannot be found after diligent inquiry, such notice shall be given by advertisement inserted once in the Edinburgh Gazette, and once in a newspaper published in Fraserburgh or Aberdeen.

Interest to cease at expiration of notice to pay off bond.

148. If the Commissioners shall have given notice as aforesaid of their intention to pay off any such bond and assignation in security at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be

payable thereon, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Commissioners shall fail to pay the principal sum and interest due on such bond and assignation in security at the expiration of such notice.

Discharge of bonds.

149. Any person entitled to any bond and assignation in security to be granted under the authority of this Act may discharge the same, and the sum of money and interest therein contained, and his right and interest therein, in favour of the Commissioners, by a receipt which may be written thereon, and which may be according to the form contained in the Schedule I. to this Act annexed, or to the like effect, and every such receipt, when signed by the granter thereof, shall be a valid and effectual discharge to all intents and purposes.

Commissioners not bound to see to execution of trusts.

150. The Commissioners shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any voucher of debt, or the money, principal or interest, thereby secured, may be subject; and the receipt of the person in whose name any such voucher of debt stands in the books of the Commissioners shall be a sufficient discharge to the Commissioners for any money payable in respect thereof, notwithstanding any trust to which the same or the money thereby secured may then be subject, and the Commissioners shall not be bound to see to the application of the money paid upon such receipt.

Money may be borrowed on cash account.

151. The Commissioners may from time to time accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are by this Act authorised to borrow, or any part thereof, and they may from time to time, by any bond and assignation in security signed and sealed in manner before provided, assign the said rates, revenues, lands, works, and property, in security for the money to be advanced on such cash account, with interest for the same: Provided that the whole sum due and owing by the Commissioners on such cash account, and for any other money borrowed under the authority of the recited Acts and the Order of 1873 and this Act, shall never, when taken together, exceed the said sum of two hundred thousand pounds sterling.

Existing bonds, &c. to have priority.

152. All bonds, assignments, instruments, bills, promissory notes, or other vouchers granted for money borrowed under the authority of the recited Acts and the Order of 1873, and which shall be in force at the time of the commencement of this Act, shall during the

A.D. 1878.

continuance thereof have priority over any bonds and assignations in security to be granted as aforesaid for money borrowed by virtue of this Act; and the several holders of the bonds, assignments, instruments, bills, promissory notes, or other vouchers granted for money borrowed under the authority of the recited Acts and the Order of 1873 shall have the same priority among themselves in respect thereof as they would have had if this Act had not been passed; and where before the passing of this Act any bond, assignment, or other instrument has been granted by way of security for a sum then advanced and further sums to be subsequently advanced, and any further sum or sums shall be accordingly advanced on the security of any such bond, assignment, or other instrument after the passing of this Act, then the entire amount of principal money advanced as well after as before the passing of this Act upon such security, and the interest on such principal money, shall be and remain secured in like manner and with the like priority, force, and effect in all respects as if the entire amount so advanced had been actually advanced before, and had been secured by such bond, assignment, or other instrument at the time of the passing of this Act; and the Commissioners shall have power to accept further advances made upon the security of any bond, assignment, or other instrument granted before the passing of this Act for securing a sum then paid and further advances to be subsequently made in like manner and with the same effect and result as if this Act had not been passed till after the making of such further advances, and as if the Commissioners under this Act had been the same body of persons as the Commissioners under the recited Acts: Provided always, that the total amount borrowed or to be borrowed by the Commissioners, including the amount borrowed or to be borrowed from the Public Works Loan Commissioners, shall never exceed two hundred thousand pounds.

Rights of creditors under this Act.

153. The respective creditors in or holders of bonds and assignations in security to be granted for money to be borrowed under the authority of this Act shall be entitled one with another to their respective proportions of the rates and other revenues of the Commissioners, according to the respective principal sums contained in and due under such bonds and assignations in security, and to be repaid such principal sums, and the interest thereon, without any preference one above another by reason of the priority of advancing such moneys, or of the dates of any such bonds and assignations in security.

Bonds to be personal estate.

154. All bonds and assignations in security to be granted by the Commissioners, and all money to be advanced and lent on the

security of the rates and revenues of the Commissioners, shall be movable or personal estate, and transmissible as such, and shall not be of the nature of heritable or real estate.

Application of money borrowed.

155. All moneys which shall be borrowed by the Commissioners in virtue of this Act, other than the moneys which may be re-borrowed by them in virtue thereof to repay the sums previously borrowed in virtue of the recited Acts and the Order of 1873, or any of them, shall be applied in and for the purchase of the lands and the construction of the works by the Order of 1873 and by this Act authorised respectively to be purchased and constructed, and the conveniences and machinery incidental to such works, and in and for the improving of the harbour and the increasing of the accommodation thereat.

Provision as to loans by Public Works Loan Commissioners.

156. Nothing in this Act shall operate to empower the Commissioners, except under or pursuant to a security granted before the passing of this Act, to borrow any loan from the Public Works Loan Commissioners: Provided that if the Public Works Loan Commissioners advance any loan to the Commissioners under the Harbours and Passing Tolls, &c. Act, 1861, and the Acts amending the same, upon any securities granted after the passing of this Act,—

24 & 25 Vict. c. 47.

(1.) That loan and the security therefor shall not have priority over any loan previously borrowed by the Commissioners or the security therefor, except so far as the creditors consent to such priority under the Public Works Loans Act, 1875, or otherwise, but shall have priority over any loan subsequently borrowed by the Commissioners and the security therefor; and

38 & 39 Vict. c. 89.

(2.) The amount which the Commissioners are authorised to borrow shall be diminished by the amount of any loan to be borrowed from the Public Works Loan Commissioners under the Harbours and Passing Tolls, &c. Act, 1861, and the Acts amending the same.

24 & 25 Vict. c. 47.

XVI.

Sinking Fund.

Sinking fund for moneys borrowed.

157. After the passing of this Act the following provision shall regulate the setting apart by the Commissioners of a sinking fund with respect to moneys borrowed by them before or after the passing of this Act from any bodies or persons other than the Public Works Loan Commissioners; (that is to say,) the Commissioners shall commence and thenceforth continue to set apart and appropriate annually from the rates and rents forming the security a sum equal

A.D. 1878.

to one pound per centum on the aggregate amount of the principal moneys which shall have been borrowed by them other than as aforesaid as a sinking fund for the repayment of those principal moneys, which sinking fund may be accumulated at interest in the hands of the bankers of the Commissioners, and when and so soon as the same shall have amounted to the sum of one thousand pounds shall be invested from time to time and accumulated in the way of compound interest by investing the same respectively on such securities as trustees are by law for the time being authorised to invest trust moneys; and the Commissioners may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys, for the repayment of which such sinking fund was set apart, in such order and manner as they deem proper: Provided always, that whenever any of such principal moneys have been so paid off, the Commissioners shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the other sums herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off: Provided further, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding, the Commissioners may in lieu of investing the said yearly income apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums herein-before required to be paid thereto.

Annual return to Board of Trade with respect to sinking fund.

158. The Commissioners shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act or the recited Acts, transmit to the Board of Trade a return, in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund has been applied during the same period, and the total amount remaining invested at the end of the year; and in the event of any wilful default in making such return the Commissioners shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Board of Trade by such return or otherwise that the Commissioners have failed to set apart the sum required by this Act or the recited Acts for the sinking fund, or have applied any portion of the

moneys set apart for that fund to any purposes other than those authorised by those Acts, the Board of Trade may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland, pronounced in a summary application presented for that purpose.

XVII.

Miscellaneous.

As to rating of harbour.

159. The annual value of the harbour (except as herein-after mentioned) shall, for the purposes of the rates leviable by the Commissioners of Police of Fraserburgh under the General Police and Improvement (Scotland) Act, 1862, the Public Health (Scotland) Act, 1867, and the Public Health (Scotland) Amendment Act, 1871, or any Acts amending those Acts respectively, be held to be the nearest aggregate sum of pounds sterling to one half of the annual value thereof entered in the valuation roll made up and completed in terms of the Acts in force for the valuation of lands and heritages in Scotland: Provided always, that the offices, warehouses, and other buildings belonging to the Commissioners shall be assessable to the same extent as other lands and heritages within the burgh.

Commissioners not exempt from provisions of 17 & 18 Vict. c. 104. and 18 & 19 Vict. c. 91.

160. Nothing contained in this Act shall be deemed to exempt the harbour or the Commissioners from the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Act Amendment Act, 1855, or of any general Act relating to merchant shipping, harbours, or docks, or dues on shipping, or on goods carried in ships, now in force or which shall be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates authorised by this Act.

Saving rights of the Crown.

161. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, or shall divest, alter, or affect any other estate, right, or interest belonging to the Queen's most Excellent Majesty, her heirs or successors.

29 & 30 Vict. c. 62.

Saving rights of the Crown in the foreshore.

162. Nothing contained in this Act shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or

A.D. 1878.

estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, the management of which is vested in the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

I.—Rates for Vessels.

	£	s.	d.
Class I.:			
(1.) For all vessels to or from any port or place in Great Britain or Ireland - - - - per register ton	0	0	4
(2.) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place in Great Britain or Ireland - - - - per register ton	0	0	2
Class II.:			
(1.) For all vessels to or from all other places not in Great Britain or Ireland - - - per register ton	0	0	6
(2.) For all pleasure yachts not carrying goods or passengers for hire to or from any port or place not being in Great Britain or Ireland - - - per register ton	0	0	3

For vessels launched at Fraserburgh half rates shall be paid on the first sailing thereafter outwards, if in ballast only; but if loading goods or passengers full rates shall be paid.

For vessels entering the harbour for safety, or wind-bound, and not breaking bulk, nor taking in goods (stores for their own use excepted), the following rates shall be paid; namely,

Threepence per register ton if on a voyage to or from any port or place in Great Britain or Ireland;

And fourpence per register ton if on a voyage to or from any other port or place;

But in the case of all the classes, if they break bulk, or take in goods (except stores as aforesaid), full rates shall be paid.

The rates above specified shall not be charged both on the arrival of a vessel inwards and on her next following sailing outwards, but shall be charged only on one of them; and it shall be in the option of the Commissioners to charge the said rates according to the class, either on the sailing inwards or on the sailing outwards. If the rates shall be charged on the sailing outwards, there shall be deducted therefrom the amount of rates that may have been previously paid on the sailing inwards; but if any vessel having sailed inwards sail outwards in ballast, the rates shall be charged only on the sailing inwards.

For vessels sailing from the harbour and put back by stress of weather or other cause without having accomplished the voyage no additional rates shall be charged on such return.

A.D. 1878.

For vessels remaining in the harbour there shall be paid in advance a rate of threepence per register ton for each month, or for any period less than a month, in which such vessels shall remain in the harbour after the expiration of six weeks from their arrival, and one penny per register ton for each following month or part of a month after the expiration of any entire month beyond the six weeks above mentioned.

Any period less than a month after the expiration of any entire month shall for the purposes of the above rate be deemed a month, and the rate shall not be chargeable for any vessels while under repair on slips, or in graving or dry docks; and if any vessel or vessels shall be used as a store or stores, or if goods, wares, or merchandise are received into the same for sale or sold out thereof, or if herrings or other fish are cured on board of the same, there shall be paid fourpence per register ton per week or any part of a week after the first two weeks that such vessels have lain in the harbour.

Exemption.—No rate shall be charged for tug steamers plying by the authority or license of the Commissioners while such tug steamers are employed only in towing vessels into or out of the harbour.

II.—Rates for Boats.

	£	s.	d.
For all boats, whether decked or undecked, engaged at Fraserburgh in the prosecution of the herring fishery for season one thousand eight hundred and seventy-nine, and succeeding seasons (the period to be embraced in such seasons to be determined by the Commissioners in each year), the first cran of herrings caught by each boat on or after a date to be fixed annually by the Commissioners, or, in the option of the Commissioners, to be paid at a date also so fixed by them, for each boat - - - - -	1	10	0
For all boats, whether decked or undecked, not engaged in the herring fishery at Fraserburgh for the season, loading or discharging herrings, on entering the harbour, each time	0	2	6
For all boats, whether decked or undecked, loading or discharging fresh fish at any season of the year other than the herring season, to be defined as above mentioned, on entering the harbour, each time—			
If under 25 tons - - - - -	0	1	6
If above 25 tons, same as coasting vessels.			
For all boats, whether decked or undecked, loading or discharging any other article than fish, on entering the harbour, each time—			
If under 25 tons - - - - -	0	3	0
If above 25 tons, the same as coasting vessels.			

	£	s.	d.
For all boats, whether decked or undecked, coming into the harbour wind-bound, or on account of stress of weather, and whether with or without cargoes—			
If under 20 tons - - - -	0	1	0
If above 20 and under 30 tons - - -	0	1	6
For all above 30 tons, the same as coasting vessels.			

NOTE.—The rates on the three last classes for any one year may be compounded for in respect of any boats under 25 tons by a payment to the Commissioners of 25*s.*, and on such payment being made no further rates shall be levied for such boat within the year, so long as employed as described in these three classes.

For all boats remaining in the harbour after the expiration of two weeks from the date of their arrival, for the purpose of being fitted out, or for any purpose whatever, if not engaged in fishing, 2*s.* per boat for each week or part of a week, over and above the dues exigible on arrival.

The foregoing rates shall apply not only to boats belonging to Great Britain and Ireland, but also to luggers and boats belonging to foreign countries.

SCHEDULE B.

Rates on Goods, &c.

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
A.				
Ale and beer - - - - -	per 50 gallons - -	0	0	9
Alum - - - -	per cwt. - -	0	0	1¾
Anchors - - - - - -	per ton - - -	0	5	0
Ashes - - - -	ditto - - -	0	2	0
Asphalt and bitumen - - -	ditto - - -	0	1	3
B.				
Bacon or hams - - -	per ton - - -	0	2	6
Barilla - - - - - -	ditto - - -	0	3	0
Bark, oak - - - -	ditto - - -	0	2	6
Barley and all other grotts - - -	ditto - - -	0	2	0
Barrels, empty herring - -	per barrel - -	0	0	1½
Baskets, under 12 inches diameter -	per dozen - - -	0	0	6
„ above 12 inches diameter -	ditto - - -	0	1	0
Basket rods - - - - -	per barrel bulk - -	0	0	4½
Beef or pork (fresh and salted) - -	per ton - -	0	3	6
Beer, all kinds, except black - -	per 50 gallons - -	0	0	9
„ black - - - -	per keg of 4 gallons -	0	0	2

Articles of Export and Import.	Weight or Measure.	Rates. £	s.	d.
Billiard table	per barrel bulk	0	0	4½
Biscuit	per ton	0	3	0
Blacking	per cwt.	0	0	6
Bleaching salts	ditto	0	0	2¼
Blubber	per tun of 252 imperial gallons.	0	6	6
Boats	each	0	5	0
Bones of cattle, crushed or uncrushed	per ton	0	1	6
Books and stationery	per barrel bulk	0	0	8
Bottles	per ton	0	2	0
„ broken	ditto	0	0	6
Boxwood	per cwt.	0	0	1¾
Bran	per ton	0	1	0
Brass	ditto	0	2	0
Bricks	per 1,000	0	1	0
Brimstone	per ton	0	2	0
Bristles	per cwt.	0	0	9
Brooms, common	per dozen	0	0	2
Bulrushes	per cwt:	0	0	8
Butter	ditto	0	0	9
C.				
Calves velves	per cwt.	0	0	3
Candles	per ton	0	3	6
Canvas	per barrel bulk	0	0	4½
Carpets, rugs, and upholstery articles	per ton	0	2	6
Cane reeds	per 200	0	1	0
Carboys	each	0	0	4
Cards, tow, wool or blackbacks	per 6 dozen	0	0	4
„ small factory	per 8 dozen	0	0	4
„ in package	per barrel bulk	0	0	4½
Carriages, with springs, under 5 cwt.	each	0	3	0
„ 5 cwt. and under 7½ cwt.	ditto	0	5	6
„ 7½ cwt. and under 10 cwt.	ditto	0	7	6
„ 10 cwt. and above	ditto	0	10	0
Carrots	per ton	0	1	0
Casks, boxes, sacks, and kits empty, except returned empties, as provided for in the notes to this schedule	per ton	0	3	0
Cattle, viz.,—				
Bulls	each	0	1	6
Cows	ditto	0	1	6
Calves	ditto	0	0	6
Horses	ditto	0	2	0
Ponies under 12 hands	ditto	0	1	0
Asses or mules	ditto	0	1	0
Oxen	ditto	0	1	6
Pigs	ditto	0	0	3
Sheep	ditto	0	0	3
Lambs	ditto	0	0	2
Bulls, cows, horses, and oxen from Orkney and Shetland	ditto	0	0	8

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Cement - - - -	per ton - -	0	2	0
Chalk - - - -	ditto - -	0	1	6
Cheese - - - -	ditto - -	0	5	0
Chesnuts - - - -	per cwt. - -	0	0	4½
Chimney tops - - -	each - - -	0	0	1
Chocolate - - - -	per cwt. - -	0	1	0
Cider - - - -	per 50 gallons - -	0	0	9
Cinders and charcoal - - -	per ton - -	0	0	9
Clay, viz., china or stone - -	ditto - -	0	1	0
„ pipe - - - -	ditto - -	0	1	0
Clocks - - - -	each - - -	0	1	0
Clothiery, haberdashery, silk mercery, &c., not otherwise enumerated -	per ton - -	0	3	0
Coals - - - -	ditto - -	0	0	8
Cocoa - - - -	ditto - -	0	4	0
Cocoanuts - - - -	per 100 - -	0	0	4
Coffee - - - -	per cwt. - -	0	0	3
Coke - - - -	per ton - -	0	0	10
Confections, all kinds - -	per barrel bulk -	0	0	4
Copper - - - -	per ton - -	0	5	0
„ old - - - -	ditto - -	0	3	0
„ ore - - - -	ditto - -	0	1	0
Copperas - - - -	per cwt. - -	0	0	1¾
Colours - - - -	ditto - -	0	0	1¾
Cordage - - - -	per ton - -	0	5	0
„ old, not in use - - -	ditto - -	0	2	0
Cork wood and corks - -	per ton - -	0	6	6
Corn and meal, viz.,—				
Barley and bigg - -	per quarter - -	0	0	3
„ shelled and pearl -	ditto - -	0	0	3
Bere meal - - -	per ton - -	0	1	6
Beans - - -	per quarter - -	0	0	3
Ditto, French - -	ditto - -	0	0	3
Indian corn - - -	ditto - -	0	0	3
Ditto meal - -	per ton -	0	1	6
Malt - - -	per quarter - -	0	0	6
Oats - - -	ditto - -	0	0	3
Oatmeal - - -	per ton - -	0	1	6
Pease - - -	per quarter - -	0	0	4
Ditto, split - - -	ditto - -	0	0	4
Rye - - - -	ditto - -	0	0	3
Wheat - - -	ditto - -	0	0	4
Cotton wool, &c. - - -	per ton - -	0	5	0
Crystal - - - -	ditto - -	0	5	0
Cutch - - - -	ditto - -	0	3	4

D.

Dogs - - - -	each - - -	0	1	0
Drugs - - - -	per barrel bulk -	0	0	9
Dung - - - -	per ton - -	0	0	6

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	*s.*	*d.*
E.				
Earthenware - - - -	per barrel bulk -	0	0	4
Eggs - - - -	ditto - -	0	0	6
Emery and emery stones - -	per cwt. - -	0	0	3
F.				
Feathers - - - -	per ton - -	0	10	0
Felt - - - - -	per ton - -	0	2	6
Fish, salted and dry - - -	per barrel salted -	0	0	4
	per cwt. dry - -	0	0	3
„ in bulk, salted - - -	per 100*l.* value -	1	5	0
„ fresh—haddocks, cod, ling, and all fish not enumerated - -	per 1*l.* value - -	0	0	4
Flax - - - -	per cwt. - -	0	0	2½
Flour - - - -	per sack - -	0	0	4
Flower roots - - - -	per barrel bulk -	0	0	4½
Flint stones - - - -	per ton - -	0	0	6
Fruit, viz., Apples - -	per bushel 50 lbs. -	0	0	1½
Pears - - -	ditto - -	0	0	1½
Plums - - -	per barrel bulk -	0	0	8
Cherries - - -	per bushel - -	0	0	3
Grapes - - -	per cwt. - -	0	0	3
Nuts (except cocoa) -	per barrel bulk -	0	0	4½
Melons - - -	each - - -	0	0	0½
Peaches - - -	per 100 - -	0	0	2
Berries - - -	per barrel bulk -	0	0	8
All not enumerated -	per 10*l.* value - -	0	0	10
Furniture, household - - -	per barrel bulk -	0	0	4½
Furriers waste - - -	per ton - -	0	0	4
G.				
Game, viz., Hares - - -	per score - -	0	3	4
Rabbits - - -	ditto - -	0	3	4
All others - -	ditto - -	0	3	4
Ginger - - - -	per cwt. - -	0	0	3
„ preserved - - -	ditto - - -	0	0	6
Glass of all descriptions - -	per barrel bulk - -	0	0	4½
Glue - - - -	per cwt. - -	0	0	4
Grates, stoves, &c. - - -	per ton - - -	0	3	6
Grease - - - - -	ditto - - -	0	2	6
Grocery, viz., Almonds - -	per cwt. - -	0	0	6
Almonds in shell -	ditto - - -	0	0	6
Cinnamon - -	per barrel bulk - -	0	0	4½
Currants - -	per cwt. - -	0	0	2
Figs - - -	ditto - -	0	0	2
Pepper - - -	ditto - - -	0	0	2
Pimento - -	ditto - - -	0	0	2
Plums - - -	ditto - - -	0	0	2
Prunes - - -	ditto - -	0	0	3
Raisins - - -	ditto - - -	0	0	2¼
Gunpowder - - -	ditto - -	0	0	3
Guano - - - -	per ton - -	0	1	6

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	*s.*	*d.*
H.				
Hair, all kinds - - -	per cwt. baken -	0	0	4½
	plasterer's, per ton -	0	3	9
Hardware - - -	per barrel bulk - -	0	0	4½
Hats - - - -	per barrel bulk -	0	0	4½
Hay - - - -	per ton - -	0	1	6
Hemp - - - -	ditto - - -	0	3	6
Herrings, imported - - -	per cran - -	0	0	2
Herrings, in barrels, imported and exported.	per barrel - -	0	0	3
Hides, raw - - - -	per barrel bulk - -	0	0	4½
Honey - - - -	per cwt. - -	0	0	3
Hooks - - - -	per 20 dozen - -	0	0	4½
Hoops of wood - - -	per bundle - -	0	0	1
Hops - - - -	per cwt. - -	0	0	6
Horns, slugs, and tips - -	per 1,000 - -	0	1	8
I.				
Indigo - - - -	per 100 lbs. - -	0	0	4½
Ink - - - -	per gallon - -	0	0	0¼
Iron, viz., Bar, plate, bolt, and rod -	per ton - -	0	2	0
Forged - - -	ditto - - -	0	3	4
Made work - - -	ditto - -	0	5	0
Hoops - - - -	ditto - - -	0	3	9
Old - - - -	ditto - -	0	1	3
Cast-iron goods - -	ditto - - -	0	2	6
Old and broken goods -	ditto - -	0	0	6
Pig - - -	ditto - - -	0	1	0
Wire - - -	per cwt. - -	0	0	2
K.				
Kelp - - - -	per ton - -	0	1	0
Kiln pavement - - -	per 30 feet - -	0	0	4½
L.				
Lard - - - -	per ton - -	0	3	0
Lead - - - -	ditto - - -	0	3	0
Black - - -	ditto - -	0	3	0
Ore - - - -	ditto - - -	0	3	0
Red and white - - -	ditto - -	0	3	0
Shot - - - -	ditto - - -	0	3	6
Sugar of - - -	per cwt. - -	0	0	2
Leather, tanned and dressed - -	ditto - - -	0	0	3
Lemons - - - -	per chest - -	0	0	4
Lignum vitæ - - -	per ton - -	0	3	0
Lime - - - -	per boll - -	0	0	1¼
Loam - - - -	per ton - -	0	0	4

A.D. 1878.

Articles of Export and Import.	Weight or Measure.	Rates. £	s.	d.
M.				
Mace	per 100 lbs.	0	0	4½
Machinery	per barrel bulk	0	0	4½
Madder	per cwt.	0	0	2
„ roots	ditto	0	0	2
Manures, manufactured and not otherwise enumerated	per ton	0	1	6
Mats or basses	per dozen	0	0	1
Medicines	per barrel bulk	0	0	9
Mill waste	per ton	0	5	0
Molasses	ditto	0	3	0
Mustard	per 100 lbs.	0	0	4½
Mussels	per ton	0	1	0
N.				
Nutgalls	per cwt.	0	0	4½
Nutmegs	ditto	0	1	4
O.				
Oakum	per ton	0	4	0
Ochre	per cwt.	0	0	1½
Oil, viz., Perfumed	per lb.	0	0	0¼
Linseed	per tun of 252 imperial gallons	0	4	3
Palm	ditto of ditto	0	4	3
Rape	ditto of ditto	0	4	3
Turpentine	ditto of ditto	0	4	3
Whale and seal (on importation only)	ditto of ditto	0	7	6
Cakes	per ton	0	2	0
Not otherwise enumerated	ditto	0	3	0
Onions	per bushel of 50 lbs.	0	0	1
Oranges	per chest	0	0	4
Orchella weed	per cwt.	0	0	1½
Oysters	per bushel	0	0	1½
P.				
Paper	per barrel bulk	0	0	4½
Passenger, entering or leaving harbour, baggage of	per barrel bulk	0	0	4½
Perry	per 50 gallons	0	0	9
Pewter	per ton	0	3	0
„ old	ditto	0	1	8
Perfumery	per barrel bulk	0	0	4½
Pianoforte	ditto	0	0	4½
Pictures, under 2 feet square	per picture	0	0	6
2 and under 4 feet	ditto	0	1	0
4 feet and upwards	ditto	0	2	0
Pig's head	per cwt.	0	0	0¾

Articles of Export and Import.	Weight or Measure.	Rates. £	s.	d.
Pimento. See Grocery.				
Pitch	per barrel	0	0	4½
Plaster of Paris	per ton	0	2	8
Plated goods	per barrel bulk	0	0	4½
Plate, silver	ditto	0	1	0
Porter	per 50 gallons	0	0	9
Potatoes	per ton	0	1	4
Poultry, viz., Geese	each	0	0	1½
Turkeys	ditto	0	0	2
Fowls	per dozen	0	0	6
Ducks	ditto	0	0	9
Pumice stones	per cwt.	0	0	3
Pipes, drain, under 3 inches diameter	per 1,000	0	0	6
Do. above 3 inches do.	ditto	0	0	9
Collars	ditto	0	0	3
Spigot and Faucet clay glazed	per ton	0	1	0
Q.				
Quills	per barrel bulk	0	0	4½
R.				
Rags	per ton	0	2	6
Rice	per cwt.	0	0	2
Ropes	per ton	0	5	0
Rosin	ditto	0	3	9
S.				
Salt	ditto	0	1	0
Rock	ditto	0	1	0
Saltpetre	ditto	0	3	4
Salmon	ditto	0	10	0
Seal skins	per score	0	0	4
Seed, viz., Rape and flax	per barrel of 32 galls.	0	0	4½
Clover	per cwt.	0	0	3
Rye-grass	per 8 bushels	0	0	4½
Carraway	per cwt.	0	0	3½
Shoes, all kinds	per ton	0	3	0
Shumach	per cwt.	0	0	2¼
Slates	per ton	0	1	0
Snuff	per cwt.	0	0	6
Soap	per ton	0	2	0
Soapers waste	ditto	0	2	0
Soda	ditto	0	2	0
Spades or shovels	per 2 dozen	0	0	4½
Spirits, of all kinds	per 50 gallons	0	1	4
Starch	per cwt.	0	0	3
Steel	per ton	0	3	9
Straw	ditto	0	1	0

A.D. 1878.

Articles of Export and Import.	Weight or Measure.	Rates. £	s.	d.
Stones, viz., Freestone building - -	per ton - - -	0	0	5
Polished granite - -	ditto - - -	0	1	6
Carriage-way granite -	ditto - - -	0	0	2
Kerb pavement and building - - -	ditto - - -	0	0	5
Rubble and chips - -	ditto - - -	0	0	2
Rigging stones - -	per 100 running feet -	0	1	6
Flagstones - - -	per ton - -	0	0	9
Gravestones - -	each - - - -	0	5	0
Marble - - - -	per ton - -	0	5	0
Scythe-stones - -	ditto - - -	0	1	6
Grindstones - - -	ditto - - -	0	1	6
Millstones - -	ditto - - -	0	1	6
All other descriptions -	ditto - - -	0	1	0
Stucco - - - -	ditto - - -	0	1	8
Sugar, Raw - - - - -	ditto - - -	0	2	8
Refined - - -	ditto - - -	0	3	4
Candy - - - - -	per cwt. - -	0	0	$2\frac{1}{4}$
T.				
Tallow - - - -	per ton - - -	0	3	0
Tanners waste - - - - -	ditto - - -	0	1	0
Tar - - - - -	per barrel - - -	0	0	4
Tea - - - - - -	per chest - -	0	0	4
Thread - - - -	per barrel bulk - -	0	0	6
Tiles - - - - - -	per 1,000 - -	0	1	3
Tin of all kinds - - -	per ton - - -	0	3	0
Plates - - - - -	ditto - - -	0	3	0
Tobacco - - - -	in leaf, per cwt. -	0	0	$2\frac{1}{4}$
	manufactured, per 100 lbs. - - -	0	0	$4\frac{1}{2}$
	stalks, per cwt. -	0	0	3
Tongues, smoked - - - -	per dozen - - -	0	0	$1\frac{1}{2}$
Pickled - - -	ditto - - -	0	0	4
Toys - - - - - -	per barrel bulk - -	0	0	$4\frac{1}{2}$
Turnery - - - -	per 10*l.* value - -	0	0	10
Turnips - - - - - -	per ton - - -	0	0	6
Twine - - - -	per cwt. - -	0	0	3
V.				
Vases or sculptured marble - -	per barrel bulk - -	0	0	8
Vinegar - - - -	per 50 gallons - -	0	0	9
Vitriol - - - - - -	per bottle - - -	0	0	$4\frac{1}{2}$
W.				
Whalebone or whale fins - -	per ton - - -	2	0	0
Wheels, coach, carriage, or cart - -	per pair - - -	0	0	9
Whitening - - - -	per ton - - -	0	1	0
Willow reeds - - - - -	per barrel bulk - -	0	0	$4\frac{1}{2}$
Wine - - - - -	per 50 gallons - -	0	1	6

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Wood, viz.,—				
Herring barrel billets - -	per load - -	0	1	0
Herring barrel staves - -	per 1,000 superficial feet	0	1	4
All other kinds not enumerated -	per 1*l.* value - -	0	0	4
Wool - - - -	per ton - -	0	5	0
Y.				
Yarn, viz.,—				
Lint - - - -	per ton - -	0	4	6
Cotton - - - -	ditto - - -	0	4	6
Tow - - - -	ditto - -	0	3	4
Hemp - - - -	ditto - - -	0	3	6
Worsted - - -	ditto - -	0	4	6

NOTES WITH REFERENCE TO THE FOREGOING SCHEDULE.

1. All empty boxes, barrels, sacks, and packages returned to the original shipper within three months from date of import are exempted from duties.
2. All goods landed from any vessel, and re-shipped in the same or another vessel in the original packages, and without being transferred from the lander, or if the said goods have been put into other packages from the original packages having been destroyed or damaged, shall only pay duties on landing, and may be re-shipped in the same or another vessel upon her departure outwards without paying duties again.
3. All goods having paid duties, and belonging still to the same person, and under the same voyage, shall not be again liable to duties, though such goods should require to be landed or to be re-shipped by the original proprietor.
4. All empty casks or other stores shipped for or upon being returned from the whale fishing, or from conveying oil to market, shall be exempted from duties; as also ships provisions when taken on board for a voyage outwards or landed from the same ship in consequence of not having been expended during the voyage, provided the said provisions do not exceed what is sufficient for the voyage.
5. The personal luggage of each passenger landing from any vessel within the harbour, not exceeding two hundredweight in weight, shall be exempted from duties.
6. The barrel bulk mentioned in the foregoing schedule shall contain five cubic feet, except when the said measure shall exceed two hundredweight and two quarters in weight, in which case such packages or articles are to be bulked at the rate of two hundredweight and two quarters for the barrel.
7. If any goods for which rates shall have been paid when loaded shall from any accident or otherwise be unloaded, no rates shall be charged a second time for such goods on being reloaded.
8. Goods of all descriptions rated by weight shall be charged according to gross weight. Fractional parts of any weight, measure, number, or value shall be charged proportionally, and the minimum charge for a single package shall be one penny.

SCHEDULE C.

RATES FOR LIGHTS, FLAGS, AND SIGNALS.

	£	s.	d.
For all vessels, per register ton - - - -	0	0	0¼

SCHEDULE D.

RATES FOR THE LIFEBOAT AND THE LIFEBOAT ESTABLISHMENT.

	£	s.	d.
For all vessels from any port or place in Great Britain or Ireland -	0	1	0
For all vessels from any other port or place - - -	0	2	0
For all boats engaged in the prosecution of herring fishing for the season - - - - - - -	0	1	0

SCHEDULE E.

FORM OF BOND AND ASSIGNATION IN SECURITY.

Number . By virtue of the Fraserburgh Harbour Act, 1878, we, the Fraserburgh Harbour Commissioners, in consideration of the sum of [*state the sum in words*] instantly advanced and paid to us for the purposes of the said Act by *A.B.*, do hereby bind us to pay to the said *A.B.*, his executors or assignees, the said sum of [*state the principal sum and the term of payment*], and also the interest thereof, at the rate of [*state the rate of interest*] per centum per annum from the date hereof till payment, payable half-yearly on the [*state the terms of payment*]; and in the event of the said principal sum remaining, with consent of us and the said *A.B.* or his foresaids, unpaid at the said [*state the term of payment*], the same shall thereafter be payable at the like time and subject to the like provisions contained in the said Act, as if it had been advanced without any time being fixed herein for the repayment thereof; and we do hereby assign to the said *A.B.* and his foresaids the lands, works, and property (other than the area of the harbour covered by water at spring tides and the quays thereof and the accesses thereto), and rates and revenues vested in us or arising in virtue of the said Act, in security to the said *A.B.* and his foresaids of the said principal sum and interest thereof, and until payment thereof; and we consent to the registration hereof for preservation and execution. In witness whereof we, *C.D.* and *E.F.*, two of the said Commissioners, and *G.H.*, treasurer of the said Commissioners, have by their authority subscribed these presents, and the seal of the Commissioners is hereto affixed at, &c. [*insert testing clause in the form required by the law of Scotland*].

SCHEDULE F.

Form of Transfer.

I, *A.B.* [*name and designation of grantor*], in consideration of the sum of paid to me by *C.D.* [*name and designation of transferee*], do hereby transfer to the said *C.D.*, his executors or assignees, a bond and assignation in security, number , dated the , granted by the Fraserburgh Harbour Commissioners to *A.B.*, for the sum of , and the interest due thereon since , and all my right and interest therein; and I consent to the registration hereof for preservation and execution. In witness whereof [*insert testing clause in usual form*].

SCHEDULE G.

Form of Declaration.

I, *A.B.* [*name and designation*], do hereby solemnly and sincerely declare that the bond and assignation in security, number [*or other voucher of debt*], dated , granted by the Fraserburgh Harbour Commissioners in favour of *C.D.* [*name and designation of grantee*] [*and if there have been any previous transferences, here add,* "and which was "afterwards transferred by the said *C.D.* to *E.F.* [*name and designation*] by "transfer dated day of ", *or as the case may be*], is now vested in and held by *I.K.* [*name and designation*]: And I further declare that the said bond and assignation in security [*or other voucher of debt*] has become vested in the said *I.K.* in manner following [*here state the mode in which the bond and assignation in security, or other voucher of debt, has been transmitted from the person whose name last appears in the books of the Commissioners as creditor*]. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of Par- "liament, intituled 'An Act for the more effectual abolition of oaths and "'affirmations taken and made in various departments of the State, and to "'substitute declarations in lieu thereof, and for the more entire suppression "'of voluntary and extra-judicial oaths and affidavits;' and to make other "provision for the abolition of unnecessary oaths."

Declared at this day of eighteen hundred and , before me, *L.M.*, Sheriff [Sheriff-substitute, *or* Justice of the Peace, *as the case may be*] of the county of } *A.B.*

SCHEDULE H.

FORM OF INTEREST WARRANT.

Bond and assignation in security, No. [*or other voucher of debt*], per £

Fraserburgh Harbour.

INTEREST WARRANT, No.

Fraserburgh_____ 18 .

For pounds shillings and pence, being half year's interest on the said bond and assignation in security [*or other voucher of debt*], payable to on the day of 18 .

£ „ „

Entered_____,

Treasurer of the Fraserburgh Harbour Commissioners.

This warrant will be paid on presentation at the Bank, Fraserburgh, subject to deduction in respect of income tax.

If this warrant is not presented at the bank within thirty days after date of payment, it can be paid only at the office of the Harbour Treasurer.

SCHEDULE I.

FORM OF RECEIPT.

Received from the Fraserburgh Harbour Commissioners the within sum of [*state the principal sum*].

Dated at the day of 18 .

[*Signature of grantor.*]

LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1878.