CHAPTER xxxix.

An Act for providing for the Transfer of the Harbour of Portsoy by the Earl of Seafield for constructing new Harbour Works and for providing for the application of Alexander Rainy's Bequest towards the said Harbour and for other purposes. [19th June 1882.] A.D. 1882.

WHEREAS the West or Old Harbour of Portsoy situated at Portsoy in the parish of Fordyce and county of Banff was constructed many years since by the predecessors of the Right Honourable Sir Ian Charles Grant-Ogilvie of Grant Baronet Earl of Seafield (herein referred to as "the Earl"):

And whereas the East or New Harbour of Portsoy was constructed between the years 1825 and 1829 also by the predecessors of the Earl:

And whereas the said West or Old Harbour is still in use but the works of the said East or New Harbour were destroyed in 1839 and have since been and still are in ruins:

And whereas the said West or Old Harbour and East or New Harbour at present together constitute the existing Harbour of Portsoy and the same belongs or is reputed to belong to the Earl in fee simple:

And whereas Alexander Rainy of Boyne factor to the then Earl of Seafield by his trust disposition and settlement dated the twenty-fifth day of February eighteen hundred and fifty-two appointed John Thomas Bywater and Peter Murray or the acceptor or survivor of them or such other person or persons as shall be assumed in manner provided by his said trust disposition and settlement to be his trustees or trustee and left five shares of the capital stock of the Commercial Bank of Scotland to be expended or allowed for repairs or improvements on the Harbour of Portsoy as a lasting benefit to the town of Portsoy and he declared it to be his wish and directed that the said five shares of said stock should not be disposed of but that the one half of the annual dividends or produce thereof should be allowed by his said trustees in the repairs or improvements of the said Harbour of Portsoy on being satisfied that the amount had annually been expended by the Earl

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of Seafield or his factor and the said capital stock and other half of the annual dividends or produce thereof should be allowed to accumulate until his said trustees should think fit to allow the Earl of Seafield or his heirs a part of the same for being expended in the building of or some permanent repair or improvement upon the said Harbour of Portsoy and that the remainder of what might not be expended (which should never be allowed to fall below one thousand pounds) should be kept up as an accumulating fund and the produce thereof should be from time to time allowed for or expended on repairs or improvements upon the said Harbour of Portsoy by his said trustees as they might think judicious and proper it being his desire that although the town of Portsoy should have the convenience of the bequest that the Earl of Seafield or his heirs should have the benefit of the outlay and that the bequest should always be carried into effect by his said trustees with the consent and approbation of the said Earl or his heirs:

And whereas by a codicil to his said trust disposition and settlement dated the third day of March one thousand eight hundred and fifty-two the said Alexander Rainy did so far revoke and alter that part of his said trust disposition and settlement relative to the bequest for making repairs and improvements upon the Harbour of Portsoy and instead of the trustees under his said trust disposition and settlement carrying out his intentions as therein expressed regarding the said bequest he directed that the five shares of the capital stock of the Commercial Bank of Scotland should be by them laid aside for the purpose of making additions to or improvements upon the said Harbour of Portsoy as follows (namely)—The amount of the said shares should be allowed to accumulate at compound interest until it reached the sum of three thousand pounds when his trustees were authorised and enjoined to expend a sum of two thousand pounds upon additions to or improvements upon the said Harbour of Portsoy according to a plan and specifications to be approved of by the possessor of the Seafield Estates for the time being or his factor and the remaining one thousand pounds were directed to be allowed to go on accumulating as before until it reached the sum of two thousand pounds when or so soon thereafter as demanded by the possessor of the Seafield Estates his said trustees were authorised and enjoined to expend on additions to and improvements on the said Harbour of Portsoy on the approval of a plan and specifications as before any sum not less than one thousand pounds always leaving the said sum of one thousand pounds which he directed should be kept up in all time coming as an accumulating reserved fund:

And whereas the said Alexander Rainy died upon the second day of July one thousand eight hundred and fifty-two and his said

trust disposition and settlement and codicil were duly confirmed by the Commissary of the Commissariot of the county of Banff on the first day of December one thousand eight hundred and fifty-two and the said trustees John Thomas Bywater and Peter Murray nominated by the said Alexander Rainy entered upon the administration of his estate:

And whereas the said John Thomas Bywater died upon the eleventh day of December eighteen hundred and fifty-five:

And whereas the said Peter Murray is the present sole surviving and acting trustee under the said Alexander Rainy's said trust disposition and settlement and relative codicil:

And whereas the said surviving and acting trustee has now in hand a sum of upwards of four thousand pounds over and above the principal sum of one thousand pounds directed to be kept up for future accumulation and no part of such sum has been expended on the Harbour of Portsoy:

And whereas it has hitherto been impossible for the said trustee to expend money upon the said harbour in accordance with the purposes of the said trust owing to the inadequacy of the funds to effect any beneficial operations on the said harbour:

And whereas the said sum now arising from the said bequest is greatly too small to be by itself usefully expended upon the said harbour and there is no prospect of the purposes of the said trust being fulfilled except by the application of the said funds along with moneys to be otherwise raised for the improvement of the said harbour and it is necessary and expedient to raise further capital for making and constructing new works so as to afford an effective and suitable harbour:

And whereas the value of the existing harbour is estimated to be upwards of six thousand pounds and the Earl has agreed to convey subject as herein-after mentioned the existing harbour and the benefit of the outlay to arise from the said present sum now available from the said bequest of the said Alexander Rainy and also the benefit of the future outlay to arise from the said bequest to the Company to be incorporated by this Act (in this Act referred to as the Company) on the terms in this Act mentioned:

And whereas the Earl and the said trustee have approved of the deposited plans and the Earl and the said trustee are willing that the said sum now in hand should be paid to the Company to be expended by them on the works described on the said plans and authorised by this Act being additions to and improvements on the harbour works of Portsoy and that the future sums arising from the said bequest should also be paid to the Company for the purpose of being expended on 'additions to and improvements in the

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Harbour of Portsoy as by the said trust disposition and settlement and codicil and by this Act provided:

And whereas the application of the said trust funds towards the execution of the said works would be consistent with and in fulfilment of the purposes of the said trust:

And whereas such a transfer by the Earl of the existing harbour together with the benefit of the said outlays and the construction of the said new harbour works would be a lasting benefit and of great convenience to the town of Portsoy and likewise of public advantage by affording suitable harbour accommodation for the present and increasing industries connected with the herring and other fisheries and trade and commerce generally of Portsoy and as a harbour of refuge for the fishing and other boats and vessels in the Moray Firth in storms:

And whereas the persons in that behalf in this Act named with others are willing to construct the works by this Act authorised and to carry into execution the other purposes of this Act on being incorporated into a company with adequate powers for that purpose:

And whereas plans describing the lines and situation of the works authorised by this Act and the lands houses and other property which may be taken under the powers of this Act and sections describing the levels of the said intended works together with a book of reference to the said plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands houses and other property have been deposited with the principal sheriff clerk of the county of Banff and are in this Act referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act 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:—

Short title.

1. This Act may be cited as the Portsoy Harbour Act 1882.

Incorporation of Acts.
8 & 9 Vict. c. 17.
26 & 27 Vict. c. 118.
8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.

2. The Companies Clauses Consolidation (Scotland) Act 1845 Part I. (cancellation and surrender of shares) of the Companies Clauses Act 1863 the Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Clauses Consolidation (Scotland) Act 1845 and Part I. (construction of a railway) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 with the

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exception of the clauses in the last-mentioned Act with respect to the following matters (that is to say) with respect to lifeboats with respect to keeping a tide and weather gauge unless the Board of Trade require the same to be kept or provided and with respect to the police of the harbour dock or pier and also with the exception of section 25 "Rates not to be taken until the works shall be completed" and section 26 "Certificate of the magistrate to be "evidence that harbour &c. is completed" are (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act.

8 & 9 Vict. c. 33.
26 & 27 Vict. c. 92.
10 & 11 Vict. c. 27.

Interpretation of words "work" and "railway" in 26 & 27 Vict. c. 92.

3. In construing in connexion with this Act Part I. of the Railways Clauses Act 1863 the words "work" and "railway" shall be taken to mean the whole works authorised by this Act.

Interpretation of terms.

4. The several words and expressions to which by the Acts incorporated with this Act meanings are assigned have in this Act the same respective meanings unless excluded by the subject or context And in this Act unless excluded by the subject or context:—

The expression "the Earl" means the Right Honourable Sir Ian Charles Grant-Ogilvie of Grant Baronet Earl of Seafield and also includes his successor in title in the Earldom of Seafield for the time being and also the heirs or successors of the Earl for the time being and also includes the tutor curator guardian or other party legally acting for the Earl for the time being in case of the Earl being incapacitated from exercising the powers conferred on him by this Act by reason of minority or otherwise as the case may be or require;

The expression "the trustee" means the trustee or trustees or other party or parties as the case may be for the time being acting in execution of the said trust disposition and settlement and relative codicil of the said Alexander Rainy and of this Act with reference to the said Alexander Rainy's bequest relating to the Harbour of Portsoy;

The expression "the Company" means the Company incorporated by this Act;

The expression the "existing harbour" means and includes the West or Old and the East or New Harbours of Portsoy and all the piers buildings works lands and conveniences and property rights powers and privileges connected therewith belonging or reputed to belong to and vested or claimed to be vested in the Earl;

The expression "the harbour" means and includes the port and harbour of Portsoy within the limits thereof as defined by this Act and all the piers buildings works lands and conveniences

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and property rights powers and privileges presently appertaining thereto and the piers works quays wharves warehouses lands and conveniences connected therewith for the time being and also any additions to and improvements in the harbour from time to time made as by this Act authorised.

Company incorporated.

5. The Right Honourable Sir Ian Charles Grant-Ogilvie of Grant Baronet Earl of Seafield and William McRobie John Bremner and William Chivas and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the harbour and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Portsoy Harbour Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Confirmation of agreement in schedule.

6. Subject to the provisions of this Act and except in so far as modified or altered by those provisions the agreement set forth in Schedule A. to this Act annexed is hereby confirmed and made binding on the Earl and on the Company and shall be carried into effect accordingly.

Providing for transfer of existing Harbour of Portsoy by the Earl to the Company.

7. So soon as may be after the passing of this Act the Earl or his heirs or successors shall by deed duly stamped in which the consideration shall be truly stated transfer and convey to the Company the existing harbour free from all encumbrances if any affecting the same and the Company shall at the same time issue and transfer to the Earl or his heirs or successors six hundred shares of ten pounds each of the share capital of the Company authorised by this Act to be raised which shall vest in him or in them and such shares shall be deemed to be fully paid-up shares and registered in the books of the Company accordingly and such shares shall rank for dividend out of the profits of the Company rateably with the amount called up and paid for the time being on the remaining six thousand pounds of the share capital of the Company or such part thereof as shall be issued for the time being when and as the said six thousand pounds or such part thereof as shall be issued for the time being is paid up and so soon as the said deed of transfer shall be executed and delivered to the Company the existing harbour so conveyed by such deed shall from the date of such deed become the property of and be vested in the Company and the period at which the existing harbour shall become and be vested in the Company is in this Act referred to as "the vesting."

As to ground to be taken from the Earl.

8. If the buildings coloured red on the plan or map referred to in the said agreement lying within the boundary mentioned in the said agreement be taken by the Company they shall pay to the Earl such price therefor as shall be fixed in manner in this section provided and the Earl shall sell to the Company such additional ground and buildings belonging to him as provided by the said agreement as the Company may require for the purposes of the harbour by this Act authorised and the price to be paid to the Earl by the Company for all such ground or buildings shall be fixed by arbitrators to be mutually chosen by the Earl and the Company or by an oversman to be nominated by the said arbitrators in case of their differing in opinion.

Limits of harbour defined.

9. The limits of the Harbour of Portsoy shall for the purposes of this Act embrace that part of the Moray Firth within the following limits (that is to say) an imaginary line drawn five hundred and eighty-seven yards due north from the north-east corner of the parapet of the bridge over the Burn of Durn at Backgreen thence due west in a straight line seven hundred and fifty-eight yards and thence due south along another imaginary line two hundred and fifty yards till it reaches high-water mark at a point near the marble quarries situated two hundred and forty yards westward from the north-west corner of the gasworks and shall include the existing harbour and the existing works and the works authorised by this Act and all works accommodations and conveniences connected therewith and all additions to and improvements on the harbour works from time to time to be made by the Company as by this Act authorised.

Power to construct and maintain works &c.

10. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described together with all necessary and proper embankments piers jetties wharves quays walls roads bridges accesses approaches houses buildings warehouses sheds lights cranes machinery moorings shipping stages drains culverts sidings works and conveniences in connexion with the existing harbour and with the intended works by this Act authorised and with the harbour and the traffic thereof and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act.

Description of works.

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

1. An extension of the existing north breakwater or pier of the East Harbour of Portsoy commencing at a point thereon

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seventy yards or thereby from the extreme south-east end of the parapet of said North Pier and proceeding from thence in a north-westerly direction for a length of sixty-three yards or thereby and from thence in a south-westerly direction for a further length of fifty-three yards or thereby and terminating on the foreshore or beach forming the east side of the entrance channel to Portsoy Harbour one hundred and sixty yards or thereby north-eastward from the pierhead of the north pier of the West Harbour there.

2. A jetty or pier commencing from the termination of the breakwater firstly above described and proceeding from thence in a south-easterly direction for a length of thirty yards or thereby and terminating by a junction with the existing middle jetty of the East Harbour fifty yards or thereby from the north gable of the house in Seatown occupied by George Goodbrand fisherman measured in a northerly direction.

3. A jetty or pier in line of the pier secondly above described commencing from a point seventeen yards or thereby from the east point of the middle jetty of the East Harbour measured in a south-easterly direction and proceeding from thence for a distance of forty-five yards or thereby measured in a south-easterly direction and terminating on the sea-beach or shore of the south-east end of the East Harbour seven yards or thereby measured in an easterly direction from the east corner of the north gable of the house in Seatown occupied by John Mair senior fisherman.

4. A quay, commencing from the termination of the proposed pier thirdly above mentioned and proceeding from thence in a north-easterly direction for a length of forty-three yards or thereby and terminating on the shore fifteen yards or thereby from the eastmost end of the North Pier parapet of the aforesaid East Harbour of Portsoy.

5. A quay commencing from the termination of the quay fourthly above described and proceeding in a north-westerly direction for a length of thirty-six yards or thereby and terminating by a junction with the South Quay wall of the North Pier of the East Harbour forty-three yards or thereby westward from the east termination of the parapet of the North Pier aforesaid.

6. An extension of the South Pier or "Inglis Jetty," of the East Harbour of Portsoy commencing at a point thereon eighteen yards or thereby from the north-west corner of the

said house situated at the shore end of said jetty and occupied by the said George Goodbrand and proceeding from thence in a north-westerly direction for a length of thirty-three yards or thereby and terminating on the foreshore or beach forming the east side of the entrance channel fifty yards or thereby measured in a westerly direction from the north-west corner of the house at the shore end of the said jetty occupied as aforesaid.

Improvement of West Harbour of Portsoy &c.

12. The Company may also excavate and deepen or dredge and construct jetties or quays and otherwise improve the West or Old Harbour of Portsoy and the entrance thereto and may lower the whole space enclosed within the works herein-before described and by this Act authorised and may from time to time make additions to and improvements in the harbour.

Existing harbour and new works &c. to form harbour undertaking.

13. The existing harbour when conveyed to the Company and the works authorised to be constructed by this Act and all subsidiary works and houses buildings and other conveniences of any kind to be made and acquired or erected by the Company for the purposes of the harbour and the traffic thereof and in connexion therewith and all lands to be acquired by the Company under the provisions of this Act and any additions to and improvements in the harbour to be made from time to time by the Company shall form part of the harbour and shall be held maintained and used and enjoyed by the Company as their undertaking and the provisions of this Act shall be applicable thereto.

Powers as to deviations.

14. In constructing the works by this Act authorised the Company may deviate laterally from the lines of such works delineated on the deposited plans to any extent not exceeding the limits of deviation marked on the deposited plans and may deviate vertically from the levels of the said works as defined on the deposited sections to any extent not exceeding ten feet.

Provisions as to lights.

15. After the construction of the works by this Act authorised the Company shall at the outer extremity of the harbour works exhibit and keep burning from sunset to sunrise such light or lights (if any) as the Commissioners of Northern Lighthouses may from time to time direct.

Share capital.

16. The share capital of the Company shall be twelve thousand pounds in one thousand two hundred shares of ten pounds each of which six hundred shares amounting to six thousand pounds shall be deemed to be fully paid-up shares, and the said fully paid-up shares shall be issued by the Company to the Earl his heirs or successors and accepted by him or by them for the purposes of and in manner

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provided by this Act Provided that the Company shall not issue more than one half of the remaining six thousand pounds of share capital until they shall have expended on the said works authorised by this Act and described in section 11 hereof the present accumulations available from the bequest of the said Alexander Rainy and the moneys arising from one half of the said remaining six thousand pounds of share capital to be first issued and the moneys authorised by this Act to be borrowed.

Shares not to be issued until one-fifth paid.

17. Except as regards the said six hundred fully paid-up shares of ten pounds each the Company shall not issue any share created under the authority of this Act nor shall any share vest in the person corporation or company accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Receipt clause in case of persons not sui juris.

18. If any money be payable to any shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

Calls.

19. As regards the share capital of the Company other than the said six hundred shares to be issued as fully paid-up shares one-fourth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls to be made in any year upon any share.

Power to borrow.

20. The Company may from time to time borrow and reborrow on mortgage of the tolls rates dues duties and revenues or any of them arising from their undertaking any sum not exceeding in the whole six thousand pounds but no part thereof shall be borrowed until share capital to the extent of nine thousand pounds inclusive of the six thousand pounds to be issued in fully paid-up shares to the Earl is issued and accepted and one-half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that such capital to the extent of nine thousand pounds has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital to the extent of nine thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporation to whom the same was issued or their executors administrators successors or assigns and that such persons or

corporation their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof provided that the said six thousand pounds of paid-up share capital authorised to be issued by the Company to the Earl by this Act shall when issued be taken and deemed to be fully paid-up share capital within the meaning and for the purposes of this section.

For appointment of a judicial factor.

21. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor on the undertaking of the Company In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than five hundred pounds in the whole.

Sums arising from Alexander Rainy's bequest to be paid to the Company.

22. And whereas the Earl and the trustee are willing that the sums arising from the said bequest should be paid to the Company to be expended on the Harbour of Portsoy as by this Act provided Be it enacted that on the passing of this Act the trustee shall subject to the provisions of this Act pay the said sum of money now available from the said bequest of the said Alexander Rainy to the Company who shall expend the same in making and constructing the works by this Act authorised and described in section 11 hereof and the future accumulations of money as the same shall arise from the said bequest in terms of the said codicil shall be paid by the trustee to the Company and the Company shall from time to time and subject to the provisions of this Act expend the same on additions to and improvements in the harbour.

Works how to be carried out.

23. The works authorised by this Act and described in section 11 hereof shall be made and constructed by the Company at the sight and to the satisfaction of the trustee and under the superintendence of an engineer to be mutually approved of by him and by the Company or in case of difference or default for any reason then by an engineer to be appointed by the Board of Trade on the application of the trustee or the Company and there shall be expended upon those works a sum of money not less than the amount of the present accumulations available from the said bequest of Alexander Rainy to be received by the Company within a period of three years from the date of payment of the said present accumulations to the Company And the plans and specifications

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of all future additions to and improvements in the harbour to be constructed by means of the said future accumulations of money arising from the said bequest by the Company shall be submitted to and approved of by the trustee and shall as in the case of the said works authorised by this Act and described in section 11 hereof be made and constructed by the Company at the sight and to the satisfaction of the trustee and under the superintendence of an engineer to be nominated as herein-before provided with reference to the construction of the said works by this Act authorised and described in section 11 hereof and those future additions to and improvements on the harbour works shall be respectively made and completed within one year from the date of payment to the Company of the said future accumulations respectively and the Company shall when required by the trustee produce to him vouchers showing the expenditure made by them out of the moneys paid to them on account of the said bequest.

As to discharge to trustee.

24. A receipt in writing by three of the directors of the Company and the secretary of the Company to the trustee for the present accumulations arising from the said Alexander Rainy's bequest and a receipt in writing by three of the directors of the Company and the said secretary for every future accumulation thereof to be paid to the Company by the trustee as provided by this Act shall form a good and valid discharge and release to the trustee and to his heirs executors and successors for the same and from all liabilities claims and demands in respect thereof.

Application of money raised and received by theCompany.

25. All moneys raised by the Company under this Act by shares or by borrowing and all moneys paid to the Company on account of the said bequest of the said Alexander Rainy shall be applied and expended by the Company in manner and for the purposes specially provided by this Act only.

First and subsequent ordinary meetings.

26. The first ordinary meeting of the Company shall be held within three months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held once in every year in the month of April and all meetings of the Company whether ordinary or extraordinary shall be held in Portsoy and the books of the Company shall be balanced and the profits of the Company ascertained yearly to the thirty-first day of March.

Quorum of meetings.

27. The quorum of every general meeting of the Company shall be five shareholders present personally or by proxy holding in the aggregate not less than three hundred pounds in the capital of the Company.

Number of directors.

28. Subject to the provisions of this Act the number of the directors shall be seven of whom four shall be nominated by the Earl and three shall be elected by the shareholders of the Company in manner provided by this Act.

Quorum of directors.

29. The quorum of a meeting of directors shall be three.

First directors.

30. The Earl and three persons to be nominated by him as directors of the Company and consenting to such nomination together with William McRobie John Bremner and William Chivas shall be the first directors of the Company.

As to directors to be nominated by the Earl.

31. The following provisions shall be applicable to the nomination of directors of the Company by the Earl (that is to say):—

1. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the appointment and rotation of directors of the Company shall not apply to the directors nominated by the Earl.
2. The Earl may by notice in writing addressed to the secretary of the Company nominate four persons to be directors of the Company and he may if he pleases be one of the four directors to be so nominated and it shall not be necessary for any person nominated by the Earl as a director to be a shareholder in the Company.
3. Any director nominated by the Earl may at any time resign by notice in writing to that effect addressed to the Earl and to the secretary of the Company.
4. The Earl may at any time by notice in writing addressed to the secretary of the Company recall the nomination of all or any of the directors made by him and thereupon such person whose nomination is recalled shall cease to be a director and the Earl may subject to the provisions of this Act on any vacancy arising by recall resignation death or otherwise amongst the directors so nominated by him fill up such vacancy by nominating another person or other persons to act as director or directors as the case may be.
5. In the event of the Earl failing to fill up any vacancy or vacancies in the number of directors to be nominated by him within six months after the date of such vacancy or vacancies the shareholders at the first ordinary meeting of the Company which shall be held after the expiration of the said six months shall be entitled to fill up such vacancy or vacancies and thereupon the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 shall apply to the said director or directors so appointed to fill up any vacancy

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or vacancies and the Earl shall cease to have any right to nominate a director or directors in respect of such vacancy or vacancies.

6. The exercise by the directors of the Company of any of their powers and authorities shall not be dependent on the full number or any of the directors authorised to be nominated by the Earl not being so nominated and in office nor shall any act of the directors be void by reason of any informality in the appointment of directors by the Earl or by reason of non-appointment of directors by the Earl.

7. In case the Earl for the time being shall be incapacitated by reason of minority or otherwise from exercising the powers with reference to directors of the Company hereby conferred on him all such powers may during such incapacity be exercised by the tutor curator guardian or other party legally acting for the Earl for the time being.

Election of directors by the shareholders other than the Earl.

32. The following provisions shall be applicable to the election of directors of the Company to be elected by the shareholders (that is to say):—

1. The qualification of a director to be elected by the shareholders shall be the possession in his own right of not less than ten shares in the Company.

2. The three directors appointed by this Act on behalf of the Company other than the Earl and the directors to be nominated by him shall continue in office until the first ordinary meeting of the Company held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the said three directors appointed by this Act on behalf of the Company or any of them or may elect other persons to supply the place of those not continued in office the said three directors appointed by this Act on behalf of the Company being if qualified eligible for re-election and at the ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors to be elected by the shareholders then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 and the persons or person elected at any such meeting being neither removed nor disqualified nor having died nor resigned shall continue to be directors until another or others are elected in their stead in manner provided by the same Act Provided the Earl shall not

vote at any election of directors by the shareholders so long as he shall continue to nominate directors of the Company.

Directors to appoint secretary &c.

33. The powers of appointment and removal of the secretary and treasurer of the Company who may or may not be one person and of the harbour-master and collector of rates who also may or may not be one person and of the auditor of the Company (there only being one auditor to be appointed) and of fixing the remuneration to be paid to these officers respectively shall (notwithstanding anything contained in this Act to the contrary) belong to and be exercised by the directors of the Company.

Domicile of the Company.

34. The domicile of the Company with reference to all judicial proceedings shall be held to be in Portsoy.

Period for compulsory purchase of lands.

35. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of four years from the passing of this Act.

Power to acquire additional lands by agreement.

36. In addition to other lands which the Company are by this Act authorised to take compulsorily they may for the purposes of this Act acquire by agreement any lands or other hereditaments for the purposes of this Act adjoining or near to the harbour not exceeding five acres.

Power to take easements &c. by agreement.

37. The Company may also take by agreement and persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements or servitudes rights and privileges as aforesaid respectively.

Period for completion of works.

38. If the works authorised by this Act and described in section 11 hereof are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Expiration of period not to prevent dredging &c.

39. Provided that notwithstanding the expiration of the period by the immediately preceding section of this Act limited for the completion of the works by this Act authorised and described in

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section 11 hereof the Company from time to time in connexion with the harbour and with such of the said works as are then completed may subject to the provisions of this Act execute all such works of dredging scouring and deepening and may make and maintain all such future additions to and improvements on the works so completed and in the harbour as provided by this Act with reference to Alexander Rainy's bequest and all such accommodations and conveniences connected with the harbour as the Company find requisite.

Power to construct warehouses &c.

40. The Company may for the necessary purposes only of the harbour upon any lands acquired by them under the provisions of this Act construct such warehouses fishermen's houses curing stations storehouses sheds and other buildings and works for the accommodation of goods shipped or unshipped within the harbour and may erect or provide such cranes weighing and other machines and conveniences (including net drying and boat beaching grounds) weights and measures as they think necessary for the purposes of this Act and the Company may dispose of any lands or buildings belonging to them which they may deem unnecessary for the purposes of the harbour and the traffic thereof.

Power to lease wharves &c.

41. The Company may lease or grant the use or occupation of any warehouses buildings wharves yards fishermen's houses net drying and boat beaching grounds cranes machines or other conveniences provided by them for the purposes of this Act at such rents and upon such terms and conditions as shall be agreed upon between the Company and the persons taking the same provided no such lease be granted for a longer term than three years.

Power to divert roads.

42. The Company may in the execution of the works authorised by this Act and for the purposes thereof and so far as necessary therefor and within the limits of deviation shown on the deposited plans temporarily cross alter stop up remove divert or otherwise interfere with all roads highways footpaths streets streams watercourses railways tramways rivers bridges quays landing-places landing-stages sewers drains culverts ways and subject to the provisions of the Telegraph Act 1878 any telegraphs and telegraphic apparatus and any gas water and other pipes which it may be necessary or convenient to cross alter stop up divert or interfere with for the purposes of the works Provided always that in the exercise of the powers by this section granted the Company shall do as little damage as can be and shall make full compensation to all parties interested for all damage by them sustained by reason of the exercise of such powers.

41 & 42 Vict. c. 76.

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Penalty for obstructing construction of works.

43. Every person who shall wilfully obstruct any person acting under the authority of the Company in setting out the lines of the works by this Act authorised or who shall pull up or remove any poles or stakes driven into the ground for the purpose of setting out the lines of the said works or deface or destroy the said works or any part thereof or of the existing works of the harbour shall for every such offence be liable to a penalty not exceeding five pounds.

Rates &c.

44. Except as otherwise provided by this Act as to any rates and charges thereby authorised coming into operation on the vesting the Company may on and from the vesting levy demand and recover rates duties and charges not exceeding the rates duties and charges presently leviable at the existing harbour until they shall have constructed and opened for the accommodation of fishing boats the harbour works described as Nos. 1 and 2 by this Act authorised and thereupon the said existing rates and charges shall cease to be levied and the Company may levy demand and recover new rates and charges as authorised by this Act.

Rates on vessels as in Schedule B.

45. The Company may so soon as they shall have constructed and opened for the accommodation of fishing boats the said harbour works Nos. 1 and 2 by this Act authorised levy on and in respect of all vessels entering or using or departing from the harbour or the precincts thereof any sums not exceeding the rates specified in Schedule B to this Act annexed and the same shall be in addition to any other rates or dues payable on and in respect of such vessel.

Rates on goods as in Schedule C.

46. The Company may so soon as they shall have constructed and opened for the accommodation of fishing boats the said harbour works Nos. 1 and 2 by this Act authorised levy on and in respect of all goods carriages and animals shipped unshipped or transhipped in the harbour or the precincts thereof any sums not exceeding the rates specified in Schedule C to this Act annexed.

Rates on goods not enumerated.

47. All goods carriages and animals shipped unshipped or transhipped in the harbour or the precincts thereof and not particularly enumerated in Schedule C to this Act annexed shall so soon as the rates specified in the said Schedule C shall become leviable be liable to rates equal to the rates specified in the said schedule on such goods carriages and animals as in the judgment of the Company may be nearest in description and value to such unenumerated goods carriages and animals.

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Rates for cranes &c. as in Schedule D.

48. The Company may notwithstanding anything in this Act contained on the vesting levy for and in respect of the use of sheds cranes weighing machines warps and planks at the harbour any sums not exceeding the rates respectively specified in Schedule D to this Act annexed and all such rates shall be paid by the owners or persons in charge of the goods lifted or by the owner agent master consignee or other person in charge of the vessels unless where otherwise stipulated in the said schedule.

Rates for use of warehouses &c.

49. The Company may notwithstanding anything in this Act contained on the vesting levy and receive such rates or other consideration as may be reasonable for the use of any warehouses sheds buildings cranes weighing machines barges works and conveniences belonging to the Company for the use of which rates are not specially fixed in Schedule D to this Act annexed and they may also take any reasonable sum for any services specially performed by them for any vessel or boat entering or using or departing from the harbour.

Rates to be charged equally.

50. The rates by this Act authorised to be levied 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.

As to goods landed or loaded within harbour &c.

51. If any goods wares merchandise or commodities shall be landed or loaded within the harbour without the knowledge of the harbour-master or collector of rates and with the intent to evade the payment of rates such goods wares merchandise or commodities shall be liable to pay double the rates leviable on the same class of goods wares merchandise or commodities for the time being where landed or loaded within the harbour with the knowledge of the harbour-master or collector of rates.

Rates for lights signals &c. as in Schedule E.

52. The Company may notwithstanding anything in this Act contained on the vesting 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 E to this Act annexed for maintaining the establishment of the leading lights and other lights beacons flags and signals required for the purposes of this Act or by the Commissioners of Northern Lighthouses to be maintained by the Company and for pilotage and such rates shall be payable on such vessel entering the harbour.

Rates by whom to be paid.

53. The several rates authorised to be levied for vessels coming into using or going out of the harbour or any part thereof shall be paid by the owners agents masters managers consignees 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 directors of the Company which shall be payable by the owners or the consignees of the fish or other person or persons by or for whom the boat or boats may be engaged who shall report to the harbour-master or collector of rates 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 by this Act authorised to be levied for goods carriages and animals shipped unshipped or transhipped in any part of the harbour shall be paid by the owners consignees or agents of the owners or consignees of such goods carriages and animals respectively who shall be each and all liable in the payment of the said rates.

Consignees and owners of all goods including fresh herrings and fish to give account.

54. 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.

In levying amount of rate fractional part of a penny reckoned one penny.

55. 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.

Company may provide and license steam-tugs.

56. The Company may from time to time build purchase contract or hire and may maintain use and let steam-tugs or other power for the use and accommodation of vessels frequenting the harbour and may also from time to time license such number of steam-tugs or other power belonging to any person for such period and on such terms and conditions as they think fit.

Charges for steam-tugs.

57. The Company may notwithstanding anything in this Act contained on the vesting from time to time fix such rates or charges as may appear to them reasonable for or in respect of the use of such steam-tugs or other power maintained used and let or licensed by them and such rates or charges shall be paid by the owner agent master consignee or other person having charge of the vessel obtaining the assistance of such steam-tug or other power to the Company or to their lessee or to the person with whom they may contract or to the owner of such steam-tug or other power if licensed by the Company as the case may be and such rates and charges shall be due and payable whether such

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steam-tug 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-tug or other power.

Penalty for using or employing steam-tugs *without the* license of the Company.

58. Every person who without the license of the Company first applied for and obtained shall use or employ any steam-tug or other power for towing vessels into within or out of the harbour except such steam-tugs or other power as shall be provided or employed by the Company 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 harbour or in towing a vessel in distress from sea to or beyond the harbour or in towing a vessel from the harbour to any other harbour shall for every such offence be liable to a penalty not exceeding five pounds.

Parties not to lay down at the quays &c. any goods without permission of harbour-master.

59. 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 stones 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 laying down or leaving any goods stones 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 Company or any of their officers may cause to be removed all such goods stones 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 Company or any of their officers may in virtue of this Act and without any further warrant or authority cause to be sold by public roup such goods stones timber logs 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 stones timber logs 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.

Meters and weighers may be licensed.

60. The Company may appoint and license a sufficient number of persons to be meters and weighers at and within the harbour.

Pilots may be licensed.

61. The Company may on the vesting license appoint and regulate a sufficient number of pilots for conducting vessels out of and into the harbour and remove and displace them at pleasure and fix the rate of pilotage to be paid to such pilots not exceeding the rates specified in Schedule E hereunto annexed and such pilots shall before being licensed be examined as to their fitness and capacity to be such pilots by three competent persons being ship masters well acquainted with the coast to be appointed by the directors and shall be certified by such persons to be fully qualified and every person who acts as a pilot within the limits of the harbour without having obtained such certificate or without being licensed and appointed shall for every such offence be liable to a penalty not exceeding twenty pounds Provided that nothing herein contained shall be deemed or construed to exempt the harbour from the provisions of any general Act relating to pilots now in force or which may hereafter pass during the present or any future session of Parliament.

Hiring dredging machines.

62. The Company may for the purposes of this Act from time to time purchase lease provide or hire such steam or other dredgers steam or other vessels diving bells 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 foresaid.

Company may contract for supply of water and gas or other light.

63. The Company may contract with any commissioners corporation company or person for a supply of water to vessels in the harbour and for the extinction of fires in such vessels and for the working of gates locks bridges cranes or other machinery or conveniences at the harbour and also for a supply of gas or other light for the use of the harbour and the quays buildings and property within the limits thereof.

Responsibility of pilots.

64. The Company shall not be liable or responsible for any accident loss or damage which may arise to any vessel or to the cargo thereof in consequence of the employment of any pilot licensed by the Company but the pilot so employed shall be answerable for any wilful or culpable neglect and mismanagement.

Pilotage and local authorities. 17 & 18 Vict. c. 104.

65. For the purposes of this Act the Company shall be deemed "a pilotage authority" and "a local authority" within the meaning of the Merchant Shipping Act 1854 and all the powers by that Act conferred on "pilotage authorities" and on "local authorities" shall be vested in the Company for the purposes of this Act.

Master of vessel to report arrival.

66. Within twelve hours after the arrival within the harbour of any vessel liable to rates the master of such vessel shall report

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

And to give an account of cargo.

67. 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 to give in to the collector of rates or to such person as the directors 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.

68. 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 at Portsoy 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 have not been paid.

69. 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 collector of rates and until he shall have given in an account of his cargo as required by the two immediately preceding sections hereof.

Recovery of rates on fishing boats.

70. The Company 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 And if such rates penalty or penalties and expenses shall not be paid within four days after such seizure removal or retention the Company or any of their officers may in virtue of this Act and without any further warrant or authority cause such boat to be sold by public roup for payment of such rates penalty or penalties and expenses besides the expenses of sale they returning the surplus if any to the owners Provided always that nothing herein contained shall prejudice the right of the Company to sue for and recover such rates and penalties by legal process in common form.

Providing for the making of byelaws for harbour.

71. In addition to the powers of making byelaws contained in the Harbours Docks and Piers Clauses Act 1847 the Company may subject to the provisions of this Act from time to time make alter and repeal 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 in 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.

For regulating the conduct and behaviour of boatmen jobbers stevedores porters carters and others resorting to the harbour basins piers quays or other works and for prohibiting persons from acting as such within the limits of the harbour without previously obtaining a license to that effect.

For regulating the terms and conditions of granting licenses for 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 limits of the harbour.

For regulating the loading and unloading of ballast from vessels in the harbour and preventing the discharge of ballast into the harbour entrances thereof or channel leading thereto.

And the byelaws to be so made by the Company after being

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approved of by a general meeting of the shareholders of the Company specially called to consider the same and confirmed by the Board of Trade shall be published in the manner prescribed by the Harbours Docks and Piers Clauses Act 1847 and shall be observed under such penalties as may be thereby provided not exceeding the sum of five pounds for each offence besides such damages as the case may infer Provided that byelaws so made approved of and confirmed shall not require the confirmation of the sheriff or of any other authority.

Penalty for throwing ballast &c. into harbour.

72. Every person who shall throw or put any ballast earth ashes stones or other thing into the harbour or shall lay any such upon the quays or piers without the permission of the harbour-master shall for every such offence be liable to a penalty not exceeding twenty pounds and the penalty hereby imposed shall be in lieu of the penalty imposed by section 73 of the Harbours Docks and Piers Clauses Act 1847.

Penalties to be paid to Company.

73. All penalties fines forfeitures and damages imposed by this Act or by any byelaw to be made in pursuance of this Act shall when levied be paid to the Company for the purposes of this Act.

Interest not to be paid on calls paid up.

74. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

Provision for Merchant Shipping Act and general Acts.

75. Nothing in this Act contained shall exempt the harbour or the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to 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 harbour rates or duties by this Act authorised.

Saving rights of the Crown in the foreshore.

76. Nothing contained in this Act shall authorise the Company 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 estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown and under the management of 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.

Saving rights of Crown under 29 & 30 Vict. c. 62.

77. 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-one and twenty-two of the Crown Lands Act, 1866 and belonging to or exerciseable on behalf of Her Majesty her heirs or successors.

Saving for general Acts relating to animals. 41 & 42 Vict. c. 74.

78. Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act, 1878, or of any order license or act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the undertaking to which this Act relates or any body or person from the provisions of any general Act relating to animals already passed or to be passed in this or any future session of Parliament.

Expenses of Act.

79. All the costs charges and expenses of and incidental to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company out of the first moneys which shall come to their hands other than moneys bequeathed by the said Alexander Rainy as aforesaid.

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SCHEDULES referred to in this Act.

SCHEDULE A.

AGREEMENT for the construction of Harbour Works transfer of existing Harbours of Portsoy and all rights connected therewith and in regard to funds under the late Mr. Rainy's settlements and other purposes between the Right Honourable Sir Ian Charles Grant-Ogilvie of Grant Baronet Earl of Seafield &c. &c. &c. herein called the first party of the first part and William McRobie merchant in Portsoy John Bremner shipowner in Portsoy and William Chivas residing in Portsoy for themselves and other Promoters of a Company about to be incorporated by Act of Parliament by the name of "The Portsoy Harbour Company" herein called the second parties of the second part.

WHEREAS the harbours constituting the existing Harbour of Portsoy and all rights connected therewith are the property of the first party And whereas the Old Harbour of Portsoy is still in use but the east or new harbour which was built between the years eighteen hundred and twenty-five and eighteen hundred and twenty-nine by a predecessor of the first party was almost wholly destroyed in eighteen hundred and thirty-nine and is now in ruins And whereas the late Alexander Rainy Esquire of Boyne by his trust disposition and settlement and codicil dated the twenty-fifth day of February and the third day of March eighteen hundred and fifty-two directed that five shares of the capital stock of the Commercial Bank of Scotland belonging to him should be held by his trustees and laid aside as provided by his said trust deed and codicil for the purpose of making additions to or improvements upon the said Harbour of Portsoy and he directed the amount of the said shares to be allowed to accumulate at compound interest until it reached the sum of three thousand pounds when his trustees were authorised and enjoined to expend a sum of two thousand pounds upon additions to or improvements upon the said Harbour of Portsoy according to a plan and specifications to be

approved of by the possessor of the Seafield Estates for the time being or his factor and the remaining one thousand pounds sterling should be allowed to go on accumulating as before until it reached the sum of two thousand pounds sterling when or so soon thereafter as demanded by the possessor of the Seafield Estates the said trustees were authorised and enjoined to expend on additions to and improvements on the said Harbour of Portsoy on the approval of plans and specifications as before mentioned any sum not less than one thousand pounds always leaving the said sum of one thousand pounds which shall be kept up in all time coming as an accumulating reserve fund And whereas the total sum of Mr. Rainy's bequest now amounts to about five thousand two hundred and twenty pounds and after leaving a principal sum of not less than one thousand pounds the present accumulations amount to about four thousand two hundred and twenty pounds And whereas no part of Mr. Rainy's bequest has yet been applied to the said harbour of which bequest Mr. Rainy by his settlement desired that although the town of Portsoy should have the convenience thereof the Earl of Seafield or his heirs should have the benefit of the outlay and it has been arranged between the parties hereto that the said present accumulations shall on the conditions herein-after expressed be paid by the said trustees to the said Company And whereas the said sum being insufficient effectually to restore and construct the harbour and works so as to make the harbour suitable the second parties have agreed to raise a joint stock capital and to constitute a Company for that purpose And whereas a plan or map referred to in this agreement has been signed by the parties hereto Now these presents witness as follows :—

First The first party shall in consideration of the shares in the said Company to be allotted to him as after mentioned and on the conditions and stipulations herein-after contained convey to the directors of the said Company so soon as may be after the passing of the said intended Act the existing Harbour of Portsoy with the roadways and quays connected therewith and the stone materials of the East Harbour there all as delineated within the boundary line coloured blue on a plan or map thereof to be signed by the parties as relative hereto together with all his rights connected therewith.

Second The parties hereto agree that the plans and specifications of all works to be executed in all time coming on or in connexion with the Harbour of Portsoy for the time being having been approved of by the directors of the intended Company shall before being contracted for be submitted to and approved of by the trustee or trustees for the time being acting under the said deed of settlement and relative codicil that the works themselves shall be executed at the sight and to the satisfaction of the said trustee or trustees by an engineer to be approved of by him or them and that said works shall in the first instance be completed within a period of three years and thereafter within a period of one year from the respective dates of payment of the accumulations after specified.

Third The first party hereby consents to the said trustee or trustees paying over the present accumulations from the Rainy trust fund to the directors

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of the said Company for behoof of the said Company and agrees to bind himself and his successors to consent to the said trustee or trustees paying over to the directors of the said Company for the time being the future accumulations from said fund as and when the same shall be available under the said deed of settlement and relative codicil.

Fourth The first party shall give over to the said Company such additional ground and buildings belonging to him as the said Company may require for harbour purposes at the valuation of arbitrators to be mutually chosen by the parties hereto or by an oversman to be nominated by the arbitrators in case of their differing in opinion.

Fifth The second parties agree that the directors of the said intended Company on the passing of the intended Act shall in consideration of articles first and third hereof issue to the first party shares fully paid up in the said Company to the amount of six thousand pounds The share capital of the Company to be for the present limited to nine thousand pounds and the right of the first party to draw dividends on his shares to be in the proportion of two-thirds to one-third to be drawn by the remaining shareholders of the Company and that should the buildings coloured red on said plan or map and lying within the said boundary line be taken over by the said Company the Company shall pay therefor according to the valuation of arbitrators to be mutually chosen by the parties or by an oversman to be named by the arbitrators in case of their differing in opinion.

Sixth Both parties hereto agree that the directors of the said Company shall be seven in number four to be named by the said first party and his successors in all time coming and the remaining three by the shareholders of the Company it being conditioned that the directors of the Company so to be appointed by the first party may or may not be shareholders of the Company but that the directors to be appointed by the shareholders must at the date of their appointment and afterwards while they continue as directors be holders of not less than ten shares of ten pounds each in the said Company.

Seventh Both parties agree that the directors to be appointed by the first party or his foresaids shall continue in office while their several appointments are unrecalled in writing by the first party or his foresaids and that they shall have power to resign at any time on giving written intimation thereof to the first party or his foresaids and to the secretary for the time being of the said Company And that on the death or resignation of any or all of such directors the first party or his foresaids shall be entitled to fill up the vacancy or vacancies so caused but that in the event of his or their failing so to do for six months after the occurrence of such vacancy or vacancies the shareholders or their proxies present at the first ordinary meeting of the Company to be held after the expiry of said period shall be entitled to fill up said vacancy or vacancies.

Eighth A Bill shall be promoted for carrying out the objects of this agreement and such clauses shall be included in the Bill as may be necessary for carrying out this agreement.

Ninth This agreement shall be subject to the decision of Parliament and to such modifications if any as Parliament may require and this agreement shall be annexed as a schedule to the Bill.

In witness whereof these presents written upon this and the two preceding pages of stamped paper by Alexander Desson clerk to John Adamson Colville solicitor in Portsoy are together with the said plan or map hereto annexed subscribed by the parties as follows viz.:—By the said Right Honourable Sir Ian Charles Grant-Ogilvie of Grant Baronet Earl of Seafield &c. at Castle Grant Strathspey upon the twenty-fourth day of November eighteen hundred and eighty-one years before these witnesses William Gillespie Bryson his factor residing at Old Cullen and John Smith also his factor residing at Inverallan Strathspey and by the said William McRobie John Bremner and William Chivas all at Portsoy upon the first day of December and year last mentioned before these witnesses the said John Adamson Colville and the said Alexander Desson.

W. G. BRYSON witness. SEAFIELD.
JOHN SMITH witness. WM. McROBIE.
JOHN A. COLVILLE witness. JOHN BREMNER.
ALEXANDER DESSON witness. WM. CHIVAS.

SCHEDULE B.

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 Portsoy 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 windbound 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.

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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 Company 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.

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 vessel 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 directors 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 under 25 tons register whether decked or undecked engaged at Portsoy in the prosecution of the herring fishery for the herring fishing season (the period to be embraced in such season to be determined by the directors in each year) the first cran of herrings caught by each boat on or after a date to be fixed annually by the directors or in the option of the directors to be paid at a date also so fixed by them for each boat - - - - - - -	1	10	0
For all such boats of 25 tons register and upwards - -	2	0	0
For all boats whether decked or undecked not engaged in the herring fishery at Portsoy 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 25 tons or above the same as coasting vessels.			

	£	s.	d.
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 25 tons or above the same as coasting vessels.			
For all boats whether decked or undecked coming into the harbour windbound or on account of stress of weather and whether with or without cargoes:—			
If under 20 tons - - - - - -	0	1	0
If 20 tons and under 30 tons - - - -	0	1	6
For 30 tons or above 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 boat under 25 tons by a payment to the Company 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 fitting out for or returning from other fishing stations including dues of furniture - - - - - -	0	10	0
For all boats beached within the limits of deviation shown on the deposited plans from the close of the herring fishing in one year to the commencement of the herring fishing in the next year or any intermediate period - - - - -	0	10	0

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.

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SCHEDULE C.

Rates on Goods, &c.

Articles of Export and Import.	Weight or Measure.	Rates. £	s.	d.
A				
Ale and beer	per 50 gallons	0	1	0
Alum	per cwt.	0	0	1¾
Anchors	per ton	0	5	0
Ashes	,,	0	2	0
Asphalt and bitumen	,,	0	1	3
B				
Bacon or hams	per ton	0	2	6
Barilla	,,	0	3	0
Bark, oak	,,	0	2	6
Barley and all other groats	,,	0	2	0
Barrels, empty herring	per barrel	0	0	1½
Baskets under 12 inches diameter	per dozen	0	0	6
,, above ,,	,,	0	1	0
Basket rods	per cwt.	0	0	2
Beef or pork (fresh and salted)	per ton	0	3	6
Beer all kinds except black	per 50 gallons	0	1	0
,, black	per keg of 3 gallons	0	0	2
Billiard table	per cwt.	0	0	2
Biscuit	per ton	0	3	0
Blacking	per cwt.	0	0	6
Bleaching salts	,,	0	0	2¼
Blubber	per ton 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 cwt.	0	0	4
Bottles	per ton	0	2	0
,, broken	,,	0	0	6
Boxwood	per cwt.	0	0	1¾
Bran	per ton	0	1	0
Brass	,,	0	2	0
Bricks	per 1000	0	1	0
Brimstone	per ton	0	2	0
Bristles	per cwt.	0	0	9
Brooms common	per dozen	0	0	2
Bullrushes	per cwt.	0	0	8
Butter	,,	0	0	9

Articles of Export and Import.	Weight or Measure.	Rates. £	s.	d.
C				
Calves' velves - - -	per cwt. - - -	0	0	3
Candles - - - -	per ton - - -	0	3	6
Canvas - - - - -	per cwt. - - -	0	0	2
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 „ - -	0	0	4
„ in package - - - -	per cwt. - -	0	0	2
Carriages with springs under 5 cwt. -	each - -	0	3	0
„ 5 cwt. and under 7½ cwt. - -	„ - - -	0	5	6
„ 7½ cwt. and under 10 cwt. -	„ - - -	0	7	6
„ 10 cwt. and above - -	„ - - -	0	10	0
Cărrots - - - - -	per ton - - -	0	1	0
Casks boxes sacks and kits empty except returned empties as provided for in the notes to this Schedule - - -	„ - -	0	3	0
Cattle viz.:—				
Bulls - - - - -	each - -	0	1	6
Cows - - - - -	„ - - -	0	1	6
Calves - - - - -	„ - - -	0	0	6
Horses - - - - -	„ - - -	0	2	0
Ponies under 12 hands - -	„ - - -	0	1	0
Asses or mules - - -	„ - - -	0	1	0
Oxen - - - - -	„ - - -	0	1	6
Pigs - - - - -	„ - - -	0	0	3
Sheep - - - - -	„ - - -	0	0	3
Lambs - - - - -	„ - - -	0	0	2
Bulls cows horses and oxen from Orkney and Shetland - - -	„ - - -	0	0	8
Cement - - - - -	per ton - - -	0	2	0
Chalk - - - - -	„ - - -	0	1	6
Cheese - - - - -	„ - - -	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 - - -	„ - - -	0	1	0
„ pipe - - - -	„ - - -	0	1	0
Clocks - - - - -	each - - -	0	1	0
Clothiery haberdashery silk mercery &c. not otherwise enumerated - -	per ton - - -	0	3	0
Coals - - - - -	„ - - -	0	0	8
Cocoa - - - - -	„ - - -	0	4	0
Cocoanuts - - - -	per 100 - -	0	0	4
Coffee - - - - -	per cwt. - -	0	0	3
Coke - - - - -	per ton - -	0	0	10
Confections of all kinds - - -	per cwt. - -	0	0	2

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Articles of Export and Import.	Weight or Measure.	Rates. £	s.	d.
Copper	per ton	0	5	0
„ old	„	0	3	0
„ ore	„	0	1	0
Copperas	per cwt.	0	0	1¾
Colours	„	0	0	1¾
Cordage	per ton	0	5	0
„ old not in use	„	0	2	0
Cork wood an dcorks	„	0	6	6
Corn and meal viz.:—				
Barley and bigg	„	0	1	4
„ shelled and pearl	„	0	1	4
Bere meal	„	0	1	6
Beans	„	0	1	4
„ French	„	0	1	4
Indian corn	„	0	1	4
„ meal	„	0	1	6
Malt	„	0	2	8
Oats	„	0	1	4
Oatmeal	„	0	1	6
Pease	„	0	1	6
„ split	„	0	1	6
Rye	„	0	1	4
Wheat	„	0	1	6
Cotton wool, &c.	„	0	5	0
Crystal	„	0	5	0
Cutch	„	0	3	4
D				
Dogs	each	0	1	0
Drugs	per cwt.	0	0	4
Dung	per ton	0	0	6
E				
Earthenware	per ton	0	2	6
Eggs	per cwt.	0	0	3
Emery and emery stones	„	0	0	3
F				
Feathers	per ton	0	10	0
Felt	„	0	2	6
Fish salted and dried	per cwt. salted	0	0	2
	per cwt. dry	0	0	3
„ in bulk salted	per £100 value	1	5	0
„ fresh—haddocks cod ling and all fish not enumerated	per £1 value	0	0	4
Flax	per cwt.	0	0	2½
Flour	per ton	0	2	8
Flower roots	per cwt.	0	0	2
Flint stones	per ton	0	0	6

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Fruit viz.:—				
Apples	per cwt.	0	0	3
Pears	,,	0	0	3
Plums	,,	0	0	4
Cherries	,,	0	0	6
Grapes	,,	0	0	3
Nuts (except cocoa)	,,	0	0	2
Melons	,,	0	0	0½
Peaches	per 100	0	0	2
Berries	per cwt.	0	0	3
All not enumerated	per £10 value	0	0	10
Furniture household.	per £10 value	0	1	0
Furriers' waste	per ton	0	0	4
G				
Game viz.:—				
Hares	per score	0	3	4
Rabbits	,,	0	3	4
All others	,,	0	3	4
Ginger	per cwt.	0	0	3
,, preserved	,,	0	0	6
Glass of all descriptions	,,	0	0	2
Glue	,,	0	0	4
Grates stoves &c.	per ton	0	3	6
Grease	,,	0	2	6
Grocery viz.:—				
Almonds	per cwt.	0	0	6
Almonds in shell	,,	0	0	6
Cinnamon	,,	0	0	2
Currants	,,	0	0	2
Figs	,,	0	0	2
Pepper	,,	0	0	2
Pimento	,,	0	0	2
Plums	,,	0	0	2
Prunes	,,	0	0	3
Raisins	,,	0	0	2¼
Gunpowder	,,	0	0	3
Guano	per ton	0	2	0
H				
Hair all kinds	per cwt. baken	0	0	4½
	plasterer's per ton	0	3	9
Hardware	per cwt.	0	0	2
Hats	per dozen	0	0	6
Hay	per ton	0	1	6
Hemp	,,	0	3	6
Herrings imported fresh	per cran	0	0	2
,, ,, and exported cured	per barrel	0	0	5
,, in barrels imported and exported	per barrel	0	0	3
Hides raw	per cwt.	0	0	2

Articles of Export and Import.	Weight or Measure.	Rates. £	s.	d.
Honey	per cwt.	0	0	3
Hooks	per 20 dozen	0	0	4½
Hoops of wood	per 1000	0	0	10
Hops	per cwt.	0	0	6
Horns slugs and tips	per 1000	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	„	0	3	4
Made work	„	0	5	0
Hoops	„	0	3	9
Old	„	0	1	3
Cast iron goods	„	0	2	6
Old and broken goods	„	0	0	6
Pig	„	0	1	0
Wire	per cwt.	0	0	2
K				
Kelp	per ton	0	1	0
Kiln pavement	per 30 feet	0	0	4
L				
Lard	per ton	0	3	0
Lead	„	0	3	0
Black	„	0	3	0
Ore	„	0	3	0
Red and white	„	0	3	0
Shot	„	0	3	6
Sugar of	per cwt.	0	0	2
Leather tanned and dressed	„	0	0	3
Lemons	„	0	0	4
Lignum vitæ	per ton	0	3	0
Lime	per ton	0	0	8
Loam	per ton	0	0	4
M				
Mace	per 100 lbs.	0	0	4½
Machinery	per cwt.	0	0	2
Madder	„	0	0	2
„ roots	„	0	0	2
Manures manufactured and not otherwise enumerated	per ton	0	1	6
Mats or basses	per dozen	0	0	1
Medicines	per cwt.	0	0	4
Mill waste	per ton	0	5	0

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Molasses	per ton	0	3	0
Mustard	per 100 lbs.	0	0	4½
Mussels	per ton	0	1	0
N				
Nutgalls	per cwt.	0	0	4½
Nutmegs	„	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 ton of 252 imperial gallons	0	4	3
Palm	ditto of ditto	0	4	3
Rape	„ „	0	4	3
Turpentine	„ „	0	4	3
Whale and seal (on importation only)	„ „	0	7	6
Cakes	per ton	0	2	0
Not otherwise enumerated	„	0	3	0
Onions	per bushel of 50 lbs.	0	0	2
Oranges	per cwt.	0	0	4
Orchella weed	„	0	0	1½
Oysters	„	0	0	3
P				
Paper	per cwt.	0	0	2
Passenger entering or leaving harbour baggage of	„	0	0	2
Perry	per 50 gallons	0	0	9
Pewter	per ton	0	3	0
„ old	„	0	1	8
Perfumery	per cwt.	0	0	2
Pianoforte	per £10 value	0	1	0
Pictures, under 2 feet square	per picture	0	0	6
„ 2 feet and under 4 feet	„	0	1	0
„ 4 feet and upwards	„	0	2	0
Pig's head	per cwt.	0	0	0¾
Pimento. *See* Grocery.				
Pitch	per cwt.	0	0	2
Plaster of Paris	per ton	0	2	8
Plated goods	per cwt.	0	0	2
Plate silver	„	0	1	0
Porter	per 50 gallons	0	0	9
Potatoes	per ton	0	1	4

Articles of Export and Import.	Weight or Measure.	Rates. £	s.	d.
Poultry viz. :—				
Geese	each	0	0	1½
Turkeys	„	0	0	2
Fowls	per dozen	0	0	6
Ducks	„	0	0	9
Pumice stones	per cwt.	0	0	3
Pipes drain under 3 inches diameter	per 1000	0	0	6
„ above „	„	0	0	9
„ collars	„	0	0	3
„ Spigot and Fawcet clay glazed	per ton	0	1	0
Q				
Quills	per cwt.	0	0	2
R				
Rags	per ton	0	2	6
Rice	per cwt.	0	0	2
Ropes	per ton	0	5	0
Rosin	„	0	3	9
S				
Salt	per ton	0	1	0
„ rock	„	0	1	0
„ saltpetre	„	0	3	4
„ in barrel including dues of barrel	„	0	1	8
Salmon	„	0	10	0
Seal skins	each	0	0	0¼
Seed, viz. :—				
Rapé and flax	per barrel of 32 gallons	0	0	4½
Clover	per cwt.	0	0	3
Rye-grass	per ton	0	3	9
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	„	0	2	0
Soda	„	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	„	0	1	0
Stones, viz. ;—				
Freestone building	„	0	0	5
Polished granite	„	0	1	6
Carriage-way granite	„	0	0	2
Kerb pavement and building	„	0	0	5

Articles of Export and Import.	Weight or Measure.	Rates.		
		£	s.	d.
Stones—cont.				
Rubble and chips	per ton	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	„	0	1	6
Grindstones	„	0	1	6
Millstones	„	0	1	6
All other descriptions	„	0	1	0
Stucco	„	0	1	8
Sugar raw	„	0	2	8
„ refined	„	0	3	4
„ candy	per cwt.	0	0	2¼
T				
Tallow	per ton	0	3	0
Tanners' waste	„	0	1	0
Tar	per cwt.	0	0	2
Tea	„	0	0	4
Thread	„	0	0	2
Tiles	per 1000	0	1	3
Tin of all kinds	per ton	0	3	0
„ plates	„	0	3	0
Tobacco	in leaf per cwt.	0	0	2¼
	manufactured per 100 lbs.	0	0	4½
	stalks per cwt.	0	0	3
Tongues smoked	per dozen	0	0	1½
„ pickled	„	0	0	4
Toys	per cwt.	0	0	2
Treenails	per 1000	0	1	6
Turnery	per £10 value	0	0	10
Turnips	per ton	0	0	6
Twine	per cwt.	0	0	3
V				
Vases or sculptured marble	per cwt.	0	0	3
Vinegar	per 50 gallons	0	0	9
Vitriol	per bottle	0	0	4½
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 cwt.	0	0	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 ton - -	0	1	0
„ staves - -	per 1000 superficial feet - -	0	1	4
All other kinds not enumerated - -	per £1 value -	0	0	4
Wool - - - -	per ton - -	0	5	0
Y				
Yarn viz. :—				
Lint - - - -	per ton - -	0	4	6
Cotton - - - -	„ - - -	0	4	6
Tow - - -	„ - - -	0	3	4
Hemp - - - -	„ - - -	0	3	6
Worsted - - - -	„ - - -	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. 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.
7. 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 D.

RATES FOR THE USE OF SHEDS CRANES AND WEIGHING MACHINES.

(1) SHEDS.

For each ton of goods which shall remain in any shed or on any quay or pier for a longer time than 24 hours the sum of 3*d.* and the sum of 1½*d.* per ton for each day during which such goods shall remain after the first 24 hours.

(2) CRANES.

	s.	*d.*
All goods or packages not exceeding 1 ton - - - -	0	3
Exceeding 1 ton and not exceeding 2 tons - - - -	0	4
„ 2 „ „ 3 „ - - - -	0	6
„ 3 „ „ 4 „ - - - -	0	8
„ 4 „ „ 5 „ - - - -	0	10
„ 5 „ „ 6 „ - - - -	1	0
„ 6 „ „ 7 „ - - - -	1	2
„ 7 „ „ 8 „ - - - -	1	4
„ 8 „ „ 9 „ - - - -	1	8
„ 9 „ „ 10 „ - - - -	2	0
„ 10 - - - - - - -	3	0

(3) WEIGHING MACHINES.

For salt and coals each ton or part of a ton - - - -	0	2
For other goods ditto - - - - - - -	0	4

(4) WARPS AND PLANKS.

Harbour warps all vessels per register ton - - - -	0	0¼
„ planks long per pair - - - -	3	0
„ „ short per pair - - - - - - -	1	0

The long planks to be paid for by vessel and short planks by merchant.

SCHEDULE E.

			s.	d.
Lights flags and signals for all vessels per registered ton	-	-	0	0¼

PILOTAGE.

1. For every ship or vessel piloted into and out of the harbour with a boat and 4 men	-	per reg. ton	0	3½
Laying out a kedge	-	-	5	0
Haulers on board	-	each	1	0
Ditto on the quays or piers	-	„	0	6
2. Tides work—				
For every tides work within the harbour, per man employed	-	each	2	6
3. Berthing master's or captain pilot's fees—				
For all vessels under 40 tons register	-	„	0	6
40 and under 80 „	-	„	1	0
80 „ 120 „	-	„	1	6
120 „ 160 „	-	„	2	0
160 and upwards „	-	„	2	6

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