ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. XXIX.

An Act for deepening, cleanſing, and making more commodious, the Harbour of *Aberdeen*; for erecting new Piers and Quays therein; and for regulating Ships and Veſſels trading into, and going out of, the ſaid Harbour.

WHEREAS the Entrance to the Harbour of Aberdeen, in the County of Aberdeen, is greatly obſtructed by a Bar or large Bank of Sand, which runs acroſs the ſame, hinders Veſſels of Burthen from getting into the Piers and Quays, and expoſes the Shipping lying in the Bay of Aberdeen to many Dangers and Inconveniencies; and the Piers, Quays, and other Works within the ſaid Harbour, are, in their preſent State, inſufficient for the Accommodation of the Trade of the ſaid City of Aberdeen, which, of late Years hath greatly increaſed: And whereas the Navigation Preamble.

of the said Harbour, and the Harbour itself, may be greatly improved by running out a Pier into the Sea on the North Side of the said Harbour, and by cleansing, deepening, and widening the same, and the Entrance thereto, by erecting proper Piers, Quays, and other Works, for the Accommodation of Trade and Shipping within the said Harbour; and by making and establishing proper Rules and Regulations for all Ships and Vessels trading into, and going out of, the said Harbour: But as these salutary Purposes (for want of proper Powers, and of a sufficient Fund to defray the Expence thereof) cannot be accomplished without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Magistrates and City Council of Aberdeen, and their Successors in Office, and to and for such other Person or Persons as they shall, from Time to Time, for the Purposes herein-after mentioned, nominate and appoint, to deepen, cleanse, scour, and preserve the said Harbour of Aberdeen, and the Improvements and Additions which shall be made thereto by virtue of this present Act, from Sand, Shingle, Dirt, Mud, and other Obstructions whatsoever; and also to raise, repair, and make, or cause to be raised, repaired, and made sufficient the Dykes, Piers, Quays, and other Works, at present belonging to the said Harbour of Aberdeen; and to alter and extend the same, or any Part thereof, as the said Magistrates and City Council, or any Five or more of them, to be named and appointed by themselves, (whereof the Provost or senior Magistrate of the said City for the Time being shall always be One), shall judge to be necessary for the more effectual Improvement of the said Harbour, and for scouring and cleansing the Bed and Channel of the River of Dee, from the said Harbour to the Bay of Aberdeen; and likewise to build and erect, or cause to be built and erected in the said Harbour, Piers, Quays, Jetties, Breasts, Docks,

Magistrates of *Aberdeen* may deepen and scour the Harbour, and build Piers, &c.

Works, and other necessary Works, for the Improvement of the said Harbour, particularly a Quay or Pier upon the North Side of the Entry of the said Harbour, extending from the Point of Sandness into the Sea, so far, and of such Dimensions, as shall be found necessary; and to fix and maintain such Buoys, Moorings, Lamps, Light-houses, and other Land-marks, as shall be judged necessary by the said Trustees, or any Five or more of them, to be named as aforesaid; and to do, or cause to be done, such other and further Works as shall be deemed by them proper and necessary for the Improvement of the said Harbour, and for the more safe and easy Reception of Ships and Vessels resorting thereto, and for the more convenient lading and unlading of such Ships and Vessels.

Trustees. And be it further enacted by the Authority aforesaid, That the said Magistrates and City Council of Aberdeen, and their Successors in Office, or any Five or more of them to be named as aforesaid, shall be, and they are hereby appointed Trustees for putting this Act in Execution, and for the better effecting the Ends and Purposes of the same, and that the Fee and Property of the Quays, Piers, Breasts, and other Works to be made, built, and erected, by virtue of this Act, shall be, and the same are hereby vested in the said Trustees, to and for the Ends and Purposes aforesaid; and that the said Trustees are and shall be bound to apply the Rates and Duties hereinafter mentioned (after paying the Expences of this present Act) in improving and repairing the said Harbour, and in keeping and maintaining the same in good Order and Repair, and in preserving the said Harbour clean and free from Sand, Shingle, Mud, Dirt, and other Obstructions whatsoever.

Harbour Duties. And be it further enacted by the Authority aforesaid, That from and after the First Day of June, in the Year of our Lord One thousand seven hundred and seventy-three, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to be named as aforesaid, and to and for such Person or Persons as they shall appoint, to demand, collect, receive, and take over and above the present Harbour Dues of One Penny Sterling for every Barrel

Bulk, and all other Rates, Dues, and Duties, which at present subsist, and are levied within the said Harbour) of and from all and every the Owners and Proprietors, being Burgesses of Guild of the said City of Aberdeen, of all Goods, Merchandise, Wares, and Commodities whatsoever, which shall be imported or exported in any Ship, Vessel, Bark, or Lighter, or that shall be loaded into, or unloaded out of, any Ship, Vessel, Bark, Boat, or Lighter, coming into, or going out of, the said Harbour of Aberdeen; or from their Agents, Factors, or Managers, the additional Sum of One Penny Sterling for each and every Barrel Bulk of such Goods, Wares, and Commodities aforesaid, which shall be so imported and exported by Burgesses of Guild as aforesaid; and of and from all and every other Person or Persons, (not being Burgesses of Guild of the said City), Owners and Proprietors of Goods, Merchandise, Wares, and Commodities, as aforesaid, which shall be imported or exported in any Ship, Vessel, Boat, or Lighter, coming into, or going out of, the said Harbour of Aberdeen, or from their Agents, Factors, or Managers, the additional Sum of Two-pence Sterling for each and every Barrel Bulk of such Goods, Merchandise, Wares, and Commodities, that shall be so imported and exported as aforesaid, by Unfreemen, or Persons not being Burgesses of Guild of the said City of Aberdeen; and, in like Manner, (over and above the Rates and Duties which at present subsist and are levied within the said Harbour), to demand, receive, collect, and take, of and from all and every the Masters and Owners of such Ships, Vessels, Barks, and Lighters, coming into, or going of, the said Harbour of Aberdeen, and of and from the Owners and Proprietors of all Goods, Merchandise, Wares, and Commodities whatsoever, which shall be loaded or unloaded within the said Harbour of Aberdeen, and which, by the present Usage and Custom of the said Harbour, are not chargeable for Shore or Harbour Dues by the Barrel Bulk, or from their Agents and Managers, a further additional Sum, which shall be, and is hereby declared to be the same with the Sum which, by the present Custom and Usage of the said Harbour and Port

of

of Aberdeen, is and shall be chargeable upon and paid by the said Masters, Owners, or other Persons concerned, for Anchorage, Lastage, Balast Money, and other Shore and Harbour Dues, of the Ships and other Vessels, Goods, Merchandise, Wares, and Commodities aforesaid, which shall be so loaded and unloaded within the said Harbour of Aberdeen; and also, to demand, collect, and receive, of and from the Masters and Owners of all Ships, Barks, and Lighters, arriving in the said Harbour of Aberdeen, or which shall put into the same by Streis of Weather, or otherwise, the Sum of Two-pence Sterling for each and every Ton which such Ship, Vessel, Bark, and Lighter, shall respectively measure: Provided always, That every such Ship, Vessel, Bark, or Lighter, which shall have Once paid the said Tonnage Duty of Two-pence Sterling, shall not be liable or obliged to pay the same again, notwithstanding that she may be put back, and return into the said Harbour, upon and during the same Voyage for which she had before paid the Tonnage Duty aforesaid.

Ships coming into or going out of the Harbour to pay Double Tonnage Duty.

Provided also, and be it further enacted by the Authority aforesaid, That every Ship, Vessel, Boat, or Lighter, coming into or going out of the said Harbour, and all Goods, Merchandise, Wares, and Commodities, which shall be loaded or unloaded within the said Harbour, shall in all Cases pay a Tonnage Duty, for the Uses and Purposes of this present Act, at least equal to Double the Sum which such Ship, Vessel, Boat, or Lighter, and Goods, Merchandise, Wares, and Commodities aforesaid, are liable for, and do and shall actually pay, on account of Shore and Harbour Dues, according to the present Custom and Usage of the said Harbour and Port of Aberdeen; and that the said Magistrates and City Council, as Trustees aforesaid, and such Person or Persons as they shall appoint for that Purpose, shall have full Power and Authority, and are hereby impowered and authorized, (in all Cases wherever any Doubt or Difficulty shall arise respecting the Amount of the Tonnage, and other Duties by this Act intended to be imposed), to demand, collect, and receive, of and from all and every Person

Person or Persons concerned in the shipping Goods, Merchandise, Wares, and Commodities aforesaid, Double the Sum and Sums of Money which, by the present Custom and Usage of the Harbour and Port of Aberdeen, is and are now exigible by, and in use to be paid, as Shore and Harbour Dues for such Ships and other Vessels, Goods, Wares, and Commodities, to the said Magistrates and City Council, and their Collectors or Tacksmen of the Shore Dues of the said City.

Ships, &c. formerly free, now to pay certain Dues.

Provided nevertheless, and be it also further enacted, That all such Ships, Vessels, Barks, and Lighters, as are not at present chargeable with, or liable in the Payment of any Dues within the said Harbour, shall only be, and they are hereby chargeable (to the Uses and Purposes of this present Act) with the respective Rates and Duties following, which the Masters and Owners of all such Ships and Vessels shall be obliged, and are hereby required, to pay to the said Trustees, or the Collector or Collectors, to be appointed by them for that Purpose;

The Duties.

videlicet, For each and every such Ship or Vessel, under the Burthen of Fifty Tons, the Sum of Two Shillings and Sixpence Sterling; for every Ship or Vessel from Fifty to One hundred Tons Burthen, the Sum of Five Shillings Sterling; and for each and every Ship above One hundred Tons Burthen, the Sum of Seven Shillings and Sixpence Sterling.

Exemption.

Provided also, That all open Boats under the Burthen of Twenty Tons, coming into the said Harbour, (except such Boats as shall be employed in unloading of Ships and Vessels in the Bay of Aberdeen), shall be, and are hereby declared to be, exempted from the Rates and Duties by this Act imposed.

Ships, &c. to be measured

And be it also further enacted, That the Masters and Owners of all Ships, Vessels, Barks, and Lighters, trading to and from the said Harbour, and liable to the Payment of the Rates and Duties by this Act imposed, shall permit and suffer the said Ships, Vessels, Barks, and Lighters, to be measured by the said Trustees, or by such Person or Persons as they shall from Time to Time appoint for that Purpose, and shall pay the Rates and Duties aforesaid according to such

Measurement; and that every Owner or Master aforesaid who shall refuse to have his or their Ship, Vessel, Bark, or Lighter, measured as aforesaid, shall, for every such Offence respectively, forfeit and pay to the said Trustees the Sum of Five Pounds Sterling.

Collectors and other Officers to be appointed by Trustees.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and such other Officers and Servants as they shall judge necessary to be employed under them for carrying the same into Execution; and from Time to Time to remove such Officers and Servants, or any of them, and to appoint others in their Stead, and to settle such reasonable Fees or Salaries for them as to the said Trustees shall appear to be just and proper; and that all and every the Collectors and Receivers of the said Rates and Duties shall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act, (which Books and Accounts shall be open and patent to the said Trustees, at all Times when they shall demand Inspection of the same), and shall pay and dispose thereof in such Manner as by the said Trustees shall be directed: And that the Collector and Collectors, Person or Persons, so to be appointed to receive the said Rates and Duties, and all and every of them, shall give good and sufficient Security to the said Trustees for answering and paying the Monies arising from the same, and which shall be by him or them respectively collected or received, and shall make Oath to the Truth of his or their Accounts, so often as required; and that it shall be in the Power of the said Trustees to let in Lease to the best Bidder or Bidders, at publick Roup or Sale for that Purpose appointed, and advertised in the Aberdeen Journal Two several Times, Fourteen Days at least before such Roup or Sale, the Rates and Duties aforesaid, for any Time or Space not exceeding Three Years.

To prevent evading the Payment of the Duties.

And, to prevent any Delay or Evasion in the Payment of the Rates and Duties aforesaid, be it further enacted by the Authority aforesaid, That from and after

the said First Day of June, One thousand seven hundred and seventy-three, there shall be produced to the Collector, or other Officers of his Majesty's Customs at Aberdeen, by the Master or Owner of every Ship, Vessel, Bark, or Lighter, coming into or sailing out of the said Harbour of Aberdeen, or liable in the Rates and Duties by this Act granted, a Receipt, or other sufficient Voucher, of the Payment of the said Rates and Duties; and that until such Production be made, and the Collector or other Officers aforesaid shall be satisfied with the same, the said Collector and other Officers shall not take or receive any Entry or Cocket, or other Discharge or Clearance, or take any Report outward, of any Ship, Vessel, Bark, or Lighter, Foreign or British, liable or subject to the Payment of the said Rates and Duties, under the Penalty of Twenty Pounds Sterling.

Duties to be levied in case of Refusal.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and to such Person or Persons as shall be for that Purpose authorised by them, to go on board any Ship, Bark, Boat, Lighter, or Vessel, and to take the Dimensions thereof, and to demand, collect, and receive from any Owner, Master, or other Person, having the Charge of any Ship, Bark, Lighter, or Vessel, the Rates and Duties by this Act imposed, and made due and payable; and in case of Delay or Refusal of Payment, to seize, take, and detain, preferable to, and notwithstanding of an Attachment, Arrestment, or other Right whatsoever, claimable by, or due to any other Person or Persons, any of the Goods, Merchandise, Tackle, Furniture, and Apparel of or belonging to any such Ship, Bark, Lighter, or other Vessel, and the same to detain and keep until the said Duty and Duties be satisfied and paid; and that in case of any Neglect or Delay in the Payment of the said Rates and Duties, or any of them, for the Space of Three Days after such taking, seizing, or detaining as aforesaid, it shall and may be then lawful to and for the said Trustees, and to and for such Person and Persons authorised by them, as aforesaid, to cause the

same to be appraised by Two or more sufficient Persons, and afterwards to sell and dispose the of Goods and other Effects taken and appraised, and therewith to satisfy the Duty and Duties so neglected or delayed to be paid, together with the Charge of such seizing, taking, detaining, and selling, (as the same shall be ascertained by the Sellers upon Oath), rendering the Master or Owner of such Ship, Bark, Boat, Lighter, or other Vessel, or to the Owners of such Goods, the Overplus (if any be) on Demand.

Penalty on Shipmasters, &c. evading the Payment of the Duties.

And be it further enacted by the Authority aforesaid, That if any Master, Commander, or other Person taking upon himself the Command, or appearing to be Master or Commander, or any Owner, Factor, or Consignee of any Ship, Bark, or other Vessel, or any Owner or Proprietor of any Goods, Wares, or Merchandise, liable in the Rates and Duties by this Act imposed, shall, at any Time from the Commencement of this Act, elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatsoever, every such Master, Commander, or other Person aforesaid, shall, for every such Offence, forfeit unto the said Trustees the Sum of Five Pounds Sterling, and shall, notwithstanding, stand charged with and be liable to the Payment of the said Rates and Duties.

Rates, &c. to be applied to the Repair of the Works of the Harbour.

And be it further enacted by the Authority aforesaid, That all and every Sum and Sums of Money which shall be levied and received from the Rates and Duties aforesaid, and which shall be recovered for Forfeitures incurred under and by virtue of this Act, shall, by the said Trustees, (after paying the Expences of this Act), be applied for and towards the deepening, scouring, enlarging, and improving, maintaining and cleansing, the said Harbour of Aberdeen, from all Sand, Shingle, Dirt and Mud, and other Obstructions whatsoever, and for keeping and preserving the same clean, and for and towards making, erecting, building, and finishing such Docks, Piers, Quays, and Jettees, and other Works, in Manner directed, appointed, and provided

vided by this Act, and for the executing and performing of all necessary Works, and paying the Officers and Servants to be employed in and about or concerning the same; and towards the Payment and Discharge of such Sum and Sums of Money as shall be borrowed by the said Trustees upon the Credit of the said Rates and Duties, in Manner as herein-before mentioned; and to no other Use or Purpose whatsoever.

Trustees impowered to borrow Money.

And be it further enacted by the Authority aforesaid, That the said Trustees shall and may, and they are hereby authorised and impowered, from Time to Time, to borrow and take up at Interest any Sum or Sums of Money, not exceeding at any One Time the Sum of Twenty thousand Pounds Sterling, and to grant, assign, and set over the several Rates, Duties, and Tonnage, given and granted by this Act, to any Person or Persons whatsoever, who shall be willing to advance and lend Money thereon, for securing the Payment of the same, with Interest respectively; and that the Money so to be borrowed and advanced shall be employed for the Ends and Purposes of this Act, and not otherwise.

Proper Pilots to be appointed by Trustees.

And whereas the said Magistrates and City Council of Aberdeen have already a Jurisdiction within and over the whole Limits of the said Harbour of Aberdeen, and also have the Nomination and Appointment of, and do yearly name and appoint a Shoremaster, and other proper Persons, for superintending and taking care of the said Harbour of Aberdeen, and of the Quays, Piers, and other Works belonging to the same; and that it will tend greatly to the Improvement of the said Harbour, and to the Accommodation of the Publick, as well as to the more effectual executing the Purposes of this Act, that the said Magistrates and City Council had Power and Authority to appoint Pilots for the said Harbour; and by themselves, their Deputies, and other Officers and Servants, to remove (after reasonable Notice to the Person or Persons immediately interested) all unnecessary Obstructions within the said Harbour of Aberdeen, and upon the

Docks, Quays, and Piers belonging to the same; and to order and regulate, with respect to the Stations and Places of Mooring of the Ships and other Vessels within the said Harbour and Docks, and with respect to the Time of Continuance upon the said Docks, Piers, Quays, and others aforesaid, of Goods and Merchandise, or other Things whatsoever; and to make such other Bye-laws, Orders, and Regulations, for the better Government and Management of the said Harbour, as to them the said Magistrates and Council shall seem meet and expedient: Be it therefore further enacted by the Authority aforesaid, That it shall be in the Power of the said Magistrates and City Council of Aberdeen, and they and their Successors in Office are hereby authorised and impowered to license, limit, regulate, and appoint proper Persons for piloting all Ships and Vessels coming into and going out of the said Harbour of Aberdeen; and that all Ships, Barks, Lighters, Boats, or Vessels, which shall be laid by as unfit for Sea Service, or neglected by the Owner, shall not be permitted to be and remain in any of the Docks, Piers, or Quays, erected, or to be erected, within the said Harbour of Aberdeen, so as to incumber the same; but that in every such Case, it shall and may be lawful to and for the said Magistrates and Town Council, and their Successors in Office, or any Person or Persons whom they shall authorise for that Purpose, immediately to cause such Ship, Bark, Lighter, Boat, or Vessel, so unserviceable or neglected, to be, at the Expence of the Owner or Owners of the same, removed from the said Docks, Quays, and Piers, or any of them, and to lay the said Ship or other Vessel on any Part of the Strand or Sea-shore within the High-water Mark, or any other Place of Safety without the said Harbour, and there to moor such Ship or other Vessel; and that, on or before Demand of Payment is made by the said Trustees, or the Person authorised by them, as aforesaid, from the Owner or Owners, Master or Agents, of such Ship, Bark, or other Vessel, as aforesaid, such Charges and

Expences shall be first seen and allowed by One of the Magistrates of Aberdeen for the Time being: And that in case of Refusal or Neglect of Payment of such Charges and Expences allowed as aforesaid for the Space of Five Days after Demand shall be made; then, and in every such Case, it shall and may be lawful to and for the said Trustees, or the Person so authorised as aforesaid, to levy such Expences by Distress and Sale of such Ship, Bark, Lighter, Boat, or other Vessel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, (if any be) after deducting the Charge of taking, keeping, and Sale of such Distress, to the Owner or Owners, Master, Factor, or Agent, of such Ship, Bark, Lighter, Boat, or Vessel, whenever the same shall be demanded.

Goods to be removed from the Quays.

And be it also enacted by the Authority aforesaid, That it shall not be lawful to, and in the Power of, any Person or Persons who shall have landed, or caused to be landed and laid, any Goods or Merchandise, Timber, Wood of any Kind, Masts, Yards, Pumps, Boats, Anchors, Cables, Casks, Guns, Ballast, paving or other Stones, Lime-stones, Lime, Chalk, Slates, Dung, or Manure, or any other Thing, (other than Materials for the necessary Repair of the Docks, Piers, and Quays, before mentioned, or for immediate Use in Shipping), upon any of the Docks, Piers, and Quays, or Landing-places, within the said Harbour, or on any of the adjacent Streets and Avenues leading to the said Docks, Piers, and Quays, or any of them, to continue or permit the same, or any Part thereof, to remain and lie thereon, for any longer Time than Forty-eight Hours: And that in all Cases where the said Goods, or others aforesaid, shall have so continued beyond the Space of Forty-eight Hours, it shall and may be lawful to and for the said Trustees, or any Person or Persons authorised and appointed by them, as aforesaid, to remove, or cause to be removed, all such Goods and other Things as shall be so found lying, continuing, and being on the said Docks, Quays, and Piers, and other Places, above the

said limited Time, to some Place or Places of Safety, and therein to detain and keep the same till Payment of the Charges of such Removal and Detention, and of such Consideration besides to the said Person or Persons authorised as aforesaid, for their Trouble in and about the same, as the Provost, or any One of the Bailies of the said City of Aberdeen shall think reasonable: And if such Charges and Expences shall not be paid within the Space of Five Days after Demand made thereof, by the said Person or Persons authorised as aforesaid by the said Trustees; then, and in that Case, they are hereby authorised and required to levy the same by Distress and Sale of the said Goods and Chattels so respectively secured, and to render the Overplus (if any be) to the Owner or Owners of such Goods, Merchandise, and others aforesaid, (the Charges of taking, keeping, and making the Sale being deducted and allowed) whenever the same shall be demanded.

Warehouses, &c. may be hired.

And be it further enacted by the Authority aforesaid, That the said Trustees shall and may, and they are hereby authorised and impowered, out of any of the Rates and Duties aforesaid, to rent or hire by the Year, or otherwise, any convenient Warehouse, Yard, or other Place, for the receiving and safe-keeping or lodging of such Goods and other Things so to be removed from off the Quays and other Places as aforesaid, or to inclose, erect, or build, any such Yard, Warehouse, or other Building, on their own Ground, or on Ground to be purchased by them, as to them shall seem most meet and fitting.

Gunpowder and other Combustibles to be removed after a certain Space.

And be it further enacted by the Authority aforesaid, That no Gunpowder, Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy, or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other such combustible Things, shall be suffered to be and remain on the Docks, Quays, and Piers aforesaid, already constructed, or hereafter to be constructed, within the said Harbour of Aberdeen, or in any Part thereof, or upon the Deck of any Ship or Vessel in the said Docks, Piers, and Quays, lying in the Harbour

Harbour aforesaid, for above the Space of Twenty-four Hours after passing the Custom-house Officers; and that in case such Goods and Things cannot be conveniently removed, or got off from such Docks, Quays, Place or Places, by Day-light, that then, and in every such Case, the Owner of such Goods and Things shall be obliged, and are hereby required to set and maintain, at their own Expence, a sufficient Number of careful, discreet, and sober Persons to guard and watch over the same for such and so many Hours, according to the Season of the Year, as the said Trustees, or the Person or Persons authorised as aforesaid, shall signify and appoint; and in case the Owner or Owners of such Goods and other Things, or the Master or Masters of Ships, Barks, or other Vessels, shall make Default herein, every such Owner or Owners, Master or Mate, shall forfeit and pay, for every such Offence, the Sum of Ten Pounds Sterling.

Ships may be removed from one Birth to another.

And be it also enacted by the Authority aforesaid, That the said Trustees, or such Person or Persons as they shall authorise and appoint, shall and may, and he or they are hereby authorised and impowered, when and so often as he or they shall judge necessary, to remove, or cause to be removed, any Ship, Vessel, Bark, Lighter, or Boat, lying in any of the Entrances or Passages of the said Harbour of Aberdeen, or at any Dock, Quay, Pier, and Breast, already built, or hereafter to be built, by virtue of this Act, or in any other Part of the said Harbour, from the Birth or Lying-place, at which they shall respectively happen to be stationed or moored at the Time, to any other Birth or Lying-place as he or they shall think proper: And in case the Master, Mate, or any other Person having and taking the Command and Charge of the said Ship, Vessel, Bark, Lighter, or Boat, shall, after Notice given him in Writing, or left in Writing aboard the Ship or Vessel intended to be moved, Twelve Hours before the Time of Removal, by the said Trustees, or such Person or Persons as the said Trustees shall appoint, neglect, or refuse to move, or cause to be removed, during

during the first High Water or Tide after such Notice, such Ship, Vessel, Bark, Lighter, or Boat, from her said Birth, to such other Birth or Mooring-places as are or shall be appointed unto them by the said Trustees, or any Person authorised as aforesaid, that then the said Trustees, or any Person or Persons they shall order or appoint, shall have Power, and are hereby directed and impowered, immediately after such Notice, Neglect, or Refusal, to remove, or cause to be removed, such Ship, Vessel, Bark, Lighter, or Boat, lying as aforesaid, from their present Birth and Mooring-place, to such other Birth or Mooring-place, as the said Trustees, or any Person or Persons authorised as aforesaid, shall judge proper; and that the Masters, Commanders, Owners, and Consignees, of such Ship, Vessel, Bark, Lighter, and Boat, so to be removed, shall respectively pay to the said Trustees all such Costs and Charges as shall be reasonably expended in removing such Ship, Vessel, Bark, Lighter, or Boat; to be recovered, levied, and applied, in like Manner as the Forfeitures and Penalties imposed by this Act are herein-after ordered to be recovered, levied, and applied; and that every Master, Commander, Mate, or other Person taking upon himself the Command of any Ship, Vessel, Bark, Lighter, or Boat, or the Owner, Factor, Consignee, or Agent, or other Person or Persons whatsoever, who shall obstruct or hinder the Removal of any such Ship, Vessel, Bark, Lighter, or Boat, shall, for every such Offence, forfeit the Sum of Twenty Pounds Sterling.

Vessels in Distress to be preferred.

And be it further enacted by the Authority aforesaid, That in case any Ship or Vessel shall arrive or come into the said Harbour of Aberdeen in Distress, or meet with any Misfortune in the Bay of Aberdeen, or in the Harbour aforesaid, it shall and may be lawful to and for the Provost, or any One of the Bailies of the said City of Aberdeen, upon Request made to him in Writing by the Master, Commander, or Owner of any such Ship or Vessel, or Owner of any Goods aboard such Ship or Vessel, and upon Proof being made before him

him of such Distress, to give a Preference to such Ship or Vessel being in Distress as aforesaid, both as to the Births at the Docks, Piers, and Quays, and as to the Course of discharging, to any other Ship or Vessel arrived before her in the Harbour aforesaid; and that every Master or Commander of any Ship or Vessel lying within the Harbour of Aberdeen, who shall refuse or delay to comply with the Order of the said Provost or Bailie, in favour of the Ship or Vessel in Distress as aforesaid, shall forfeit the Sum of Twenty Pounds Sterling; to be levied and applied in Manner herein-after directed.

Ballast, &c. not to be thrown, under Penalty of 40 s.

And be it further enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and seventy-three, it shall not be lawful to any Person or Persons to throw or empty any Ballast, Dirt, Ashes, or Rubbish, Shingle, Stones, or other Things, into the said Harbour, or to dig and take away any Ballast, Shingle, Stones, or other Things, from within the same, to the Hurt and Prejudice of the said Harbour, or of the Works erected, or to be erected, for the Security and Accommodation of the same, or to do any other Act or Deed to prejudice or annoy the same, or any Part thereof, under the Penalty of Forty Shillings Sterling for every such Offence.

and no such to to be suffered to remain on the Quays.

And be it further enacted by the Authority aforesaid, That such Person or Persons who shall or may hereafter have Occasion to throw or cast out any Ballast from out of any Ship or other Vessel upon any Dock, Quay, Pier, or Breast, or other Place in or about the said Docks, Quays, Piers, Breasts, or other Works, made or to be made, as before mentioned, belonging to the said Harbour, shall not suffer the same to be and remain on the said Docks, Quays, Piers, Breasts, or other Places, but shall immediately after cart and carry away, or cause the same to be carted and carried away, to such Place or Places as the said Trustees shall, for such Purpose, provide and appoint, on Pain of for-

feiting, for every such Offence, Forty Shillings Sterling.

Shipmasters answerable for Damages done by their Crews.

And be it enacted by the Authority aforesaid, That the Master or Owner of every Ship, Bark, Lighter, Boat, or other Vessel, lying or trading in the Harbour of Aberdeen, shall be and is hereby made answerable to the said Trustees for the Amount or Value of any Damage or Mischief that shall be done by any of the Servants, Boatmen, Bargemen, or Watermen, on Board the same, to any of the Docks, Quays, Piers, Breasts, or other Works already constructed, or that shall be constructed by virtue of this Act, with full Costs of Suit; and that such Damages and Costs shall be sued for, and recovered in Manner herein-after directed.

Fines and Forfeitures, &c. how to be sued for and recovered.

And be it enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Collector to be appointed by them, for receiving any Part of the Rates and Duties granted by this Act, to prosecute and recover the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit, by this present Act imposed, by Action, Bill, Complaint, or Information, within Six Months after such Offence is committed, before the Provost or any One of the Bailies of Aberdeen, or any other Judge competent for civil Actions, within whose Jurisdiction the Offender or Offenders shall reside, or be apprehended; and that the said Magistrates, or other Judges aforesaid, shall, and they are hereby impowered and required to proceed to the Trial of such Offences in a summary Way; and upon Conviction of the Offender or Offenders, by their own Confession, or by the Oath of One or more credible Witness or Witnesses, to award and give such Orders, Judgements, and Decrees, as to them shall seem most agreeable to the true Intent and Meaning of this Act; and that in Default of Payment of the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit, herein-before enacted, which shall be awarded and ordered by the said Magistrates or other Judges, the Person or Persons which shall be convicted of any of the Offences before described shall and may be sent by them to the Prison or House of

Correction

Correction nearest to the Place where the Offender or Offenders shall be apprehended, and there to be kept to hard Labour for such Time, not exceeding Six Months, as such Magistrate or Magistrates shall direct; and that the whole Fines, Penalties, and Forfeitures aforesaid, which shall be recovered by the said Trustees, or their Collectors, as aforesaid, after Deduction of the necessary Charges of recovering the same, shall be applied for and towards the building, making, erecting, maintaining, and repairing the Work or Works aforesaid, and to no other Use or Purpose whatsoever.

Penalties may be mitigated.

Provided always, That it shall and may be lawful to and for the said Magistrates, and other Judges aforesaid, or any of them, by whom such Judgement, Sentence, or Determination shall be given, pronounced, or made, from Time to Time, where they see Cause, to mitigate, compound, or lessen any of the Penalties or Forfeitures aforesaid, as he or they in his or their Discretion shall think fit, so as such Mitigation or Composition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every such Mitigation or Composition shall be a sufficient Discharge for the Persons offending respectively for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted.

Trustees, &c. impowered to dig Gravel, &c. out of Waste or Common Grounds.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, take, gather, and carry away from such Quarries and Pits any Stone, Sand, Gravel, Clay, and other Materials, in and out of any Waste or Common Grounds lying within Two Miles of the said Harbour of Aberdeen, for carrying on, executing, and repairing, the several Docks, Piers, Quays, and Breasts, and other Works already built in the said Harbour, or authorised to be built by virtue of this Act: And that in case the said Trustees shall judge it improper and inconvenient to open, dig, and carry away, Stones and Gravel, Clay,

and other Materials, from the said Waste or Common Ground, and that sufficient Materials for the Purposes aforesaid cannot be easily got from the same; that then it shall and may be lawful to, and in the Option of, the said Trustees, their Deputies, Agents, Officers, or Servants, to open, quarry, and dig such Stones, Sand, Gravel, Clay, and other Materials aforesaid, and to carry the same in and out of the Grounds of any Person or Persons within Two Miles of the said Harbour of Aberdeen, (not being Ground on which stands any Houses, Garden, Orchard, planted Walk or Walks, or Avenue to a House), where such Materials are or may be found, and from Time to Time to cause the same to be carried off, or so much thereof, as the said Trustees and their Deputies, Agents, Officers, and Servants, shall judge necessary for the Purposes aforesaid, and for keeping the said Works in good Order and Repair; the said Trustees making a reasonable Satisfaction for the Damage done to the Surface of the said Grounds, and for the Value of the said Stones, Sand, Gravel, Clay, and other Materials, which shall be so carried out of the said Waste and Common, or other Grounds, to the Proprietors, Life-renters, Tacksmen, Possessors, and other Parties, interested in such Grounds, to which such Damage shall be done or occasioned, or Materials taken away in Manner aforesaid; which Damage or Damages shall be ascertained, in case of Difference of Opinion between the Parties, by Reference to the Sheriff-depute of the County of Aberdeen, and Sheriff-depute of the County of Kincardine, jointly, with Power to them, in case of any Difference of Opinion between them, to name and appoint an Umpire or Overman, and with Power to the said Sheriffs-deputes, or Umpire or Overman, so to be chosen by them, to take and receive such Evidence as shall be offered to them or him for either of the said Parties, and thereupon to settle and determine the Amount of such Damage or Satisfaction to be paid or made; and that the Award of such Sheriffs or Umpire shall, in respect of the Amount and

Value aforesaid, be final and conclusive; and such Sheriffs or Umpire shall, and they are hereby required to ascertain and award by whom the Costs of such Reference shall be paid.

And it is hereby further enacted, That the said Trustees, their Agents and Servants, shall, and they are hereby required, at their own Costs and Charges, within Ten Days next and immediately after the first breaking of the Ground for the opening of such Quarries or Pits, or the working of any such Quarries or Pits as are already opened for getting Materials as aforesaid, either in Common and Waste, or in any other Grounds whatever, rail in or fence off the same in a sufficient Manner, and afterwards keep in Repair, and maintain such Rails and Fences, so long as they the said Trustees, their Agents or Servants, shall work and use such Quarries or Pits for the Purposes aforesaid; and that within Six Months after the said Trustees, their Agents or Servants, shall desert, abandon, or give up the working of such Quarries or Pits, for such Materials as aforesaid, they shall, and are hereby required, at their own Costs and Charges, to fill up and level such Quarries or Pits in a sufficient and lasting Manner.

Roads to the Harbour.

And be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, and their Deputies, Agents, Officers, and Servants, to make, use, and maintain, Roads from the said Waste and Common Ground, or other Grounds aforesaid, opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials, from the said Pits and Quarries so to be opened as aforesaid, directly to the Harbour of Aberdeen, and to make the same through any Grounds belonging to any Person or Persons whatsoever, (not being the Grounds on which stands any House, or any Garden, Orchard, Walk or Walks planted, or Avenue to any House), the said Trustees making reasonable Satisfaction for the Damage done to the Ground through which the said Road or Roads pass to the Proprietor, Liferenter, Tacksman, and other Parties concerned and interested in such Grounds,

Grounds, to which such Damage shall be done or occasioned, to be ascertained and awarded in Manner above directed.

Penalty on Persons destroying the Works.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall, after the passing of this Act, maliciously, wilfully, or wantonly demolish, break down, destroy, or set on fire, any of the Docks, Jettees, Piers, Quays, Breasts, Land-marks, or Buoys, or any Lights or Light-houses, or other Works, constructed or to be constructed, in or belonging to the said Harbour of Aberdeen, or shall maliciously, wilfully, or wantonly, extinguish or put out any of the Fires or Lights used in the said Light-houses, and others aforesaid, every such Person or Persons so offending shall be adjudged guilty of Felony; and the Court and Courts by and before whom such Person or Persons shall be indicted and tried, shall, and have hereby Power and Authority to transport such Felon or Felons, for the Space of Seven Years, in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm.

Bye-laws.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, at any Time or Times hereafter, in General Meetings assembled, to make, ordain, and establish, such Orders, Rules, and Bye-laws, for the better deepening, cleansing, and keeping in Repair the said Harbour of Aberdeen, and piloting of the Ships, and other Vessels, going in and coming out of the said Harbour, and for the better regulating, governing, and managing, the Docks, Piers, Quays, and Jettees, and every other the Works erected, and to be erected, made, or set up, in the Harbour aforesaid, and for the better executing the other Purposes of this Act; and also from Time to Time, as Occasion may require, to repeal, add to, amend, or alter, such Rules, Orders, and Bye-laws, as to them shall seem most fitting and requisite, and to fix and appoint reasonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Nonobservance, or other Breach, of all or any such Rules or Bye-laws, or any Part of them, to be recovered

vered and applied in such Manner as the Fines and Penalties imposed by this Act are ordered to be recovered, levied, and applied; and the said Trustees shall cause the said Rules, Orders, and Bye-laws, to be printed and distributed, and hung up at the most conspicuous Places within the Harbour of Aberdeen, and to pay the Expence and Charge thereof out of the Rates and Duties aforesaid.

Time and Place of General Meetings.

And be it also enacted by the Authority aforesaid, That there shall be held Four General Meetings of the said Trustees within the Town-house of the said City of Aberdeen, upon every First Tuesday of January, First Tuesday of April, First Tuesday of July, and First Tuesday of October, during the Continuance of this present Act; and that the First of the said General Meetings shall be held upon the First Tuesday of July, One thousand seven hundred and seventy-three; and that the said Trustees shall have Power, and are hereby impowered, to adjourn to such other Times and Places as to them, or to the Majority of them, at such Quarterly Meetings assembled, shall seem meet and expedient; and in all such Meetings the Provost, or Senior Magistrate of the City of Aberdeen, present for the Time being, shall preside; and besides his Vote in common with the other Trustees, shall, in Cases of Equality, have a casting or decisive Voice.

Duties may be lessened.

And be it enacted by the Authority aforesaid, That the said Magistrates and City Council, as Trustees aforesaid, in General Meetings aforesaid, may, and they are hereby impowered, to lessen and reduce the aforesaid Rates and Duties granted by this Act, as they shall judge reasonable and expedient, and the State of the said Rates and Duties will permit.

Commencement and Expiry of the Act.

And be it further enacted by the Authority aforesaid, That this Act, and all the Powers and Authorities of the same, and the Rates and Duties thereby granted, shall commence and take place from and after the First Tuesday of June, One thousand seven hundred and seventy-three, and shall continue for the Space of Twenty-one

Years, and from thence to the End of the then next Seſſion of Parliament.

Jurisdiction of the City of *Aberdeen*, &c. ſaved.

Provided always, and be it enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, alter, abridge, leſſen, change, or intrude upon any Juriſdiction, Power, or Authority, of the Magiſtrates and Council of the City of Aberdeen, and Community thereof, in and about or concerning the ſaid Harbour of Aberdeen, or the Piers, Quays, and other Works, built or to be built, as aforeſaid; nor to take away, abridge, leſſen, or intrude upon, the private Rights, Privileges, and Property, of any Perſon or Perſons whatſoever, but that the ſame ſhall remain as entire and effectual, to all Intents and Purpoſes, as if this preſent Act had not been made; and alſo ſaving and reſerving to the ſaid Magiſtrates and City Council, and other Perſon or Perſons, all their legal Rights and Intereſts in the Premiſes aforeſaid.

Act may be pleaded, &c.

And be it further enacted by the Authority aforeſaid, That in caſe any Suit or Action ſhall be commenced againſt the ſaid Magiſtrates and Council, or their Succeſſors, or any other Perſon or Perſons, for any Thing done in purſuance of this Act, the Defendant or Defendants, in ſuch Suit or Action, may produce this Act, and plead, that the ſaid Things were done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to be done, that then the Defendant or Defendants ſhall be abſolved from every ſuch Suit, Action, or Actions, and ſhall have Treble Coſts and Expences in the Defence thereof awarded to them from and againſt the Proſecutor or Proſecutors of the ſame.

Sheriff, &c. to aſſiſt.

And be it further enacted by the Authority aforeſaid, That all Sheriffs, Juſtices of the Peace, Judges, and Magiſtrates, with their Officers, Meſſengers at Arms, and all other Officers and Executioners of the Law whatſoever, and every of them, are hereby required to be aiding and aſſiſting in putting this Act

into due and effectual Execution: And that this Act shall be deemed, taken, and allowed, in all the Courts of Law and Equity as a Publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same.

Publick Act.

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FINIS.