ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. XLI.

An Act to continue the Term, and alter and enlarge the Powers, of an Act, made in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for deepening, cleansing, and making more commodious, the Harbour of* Aberdeen; *for erecting New Piers and Quays therein; and for regulating Ships and Vessels trading into, and going out of, the said Harbour.* [28th *April* 1795.]

WHEREAS, by an Act, made in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for deepening, cleansing, and making more commodious, the Harbour of* Aberdeen; *for erecting new Piers and Quays therein; and for regulating Ships and Vessels trading into, and going out of, the said Harbour*; the Magistrates and City Council of *Aberdeen* were empowered to deepen, cleanse, scour, and preserve, the said Harbour, and to build and erect Piers, Quays, Jetties, Docks, Locks, and other necessary Works for the Improvement of the said Harbour; and certain Duties, Powers, and Authorities were thereby given and granted for carrying into Execution the Purposes in the said Act mentioned; and which Act was to take place from

Preamble.

13 *Geo.* III, Cap. 29, recited;

from and after the First *Tuesday* of *June* One thousand seven hundred and seventy-three, and to continue for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament: And whereas considerable Progress has been made in making the Works and executing the Powers by the said Act given and granted, more particularly in building at a great Expence a principal North Pier at the Entrance of the said Harbour, and other smaller Piers adjacent, and sundry Sums of Money have been borrowed and expended for those Purposes; but the said Harbour and Piers cannot be kept in Repair, nor many useful and essential Improvements in the said Harbour completed, unless the Term of the said Act be further continued, and the Powers and Authorities thereby given continued and enlarged, and some Alterations made in the said Act: 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 the said Act and the Term thereby granted shall be, and the same is hereby continued from the Expiration thereof, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, subject to the Alterations herein-after contained.

and further continued for 21 Years.

Duties to be collected.

II. And be it further enacted by the Authority aforesaid, That, from and after the First Day of *July* in the Year One thousand seven hundred and ninety-five, it shall and may be lawful to and for the Magistrates and City Council of *Aberdeen*, and their Successors in Office, or any Five or more of them, and to and for such other Person or Persons as they shall from Time to Time appoint, instead of the Duties authorized to be taken by the said recited Act, to demand, collect, receive, and take, (over and above the original or former Harbour Dues of One Penny Sterling for every Barrel-bulk, and all other Rates, Dues, and Duties payable, and which subsisted and were levied within the said Harbour before the Commencement of the said Act), of and from all and every the Owners and Proprietors, (being Burgesses of Guild of the said City of *Aberdeen*), of all Goods, Merchandize, Wares, and Commodities whatsoever, which shall be imported or exported in any Ship, Vessel, Bark, or Lighter, or shall be loaded into or unloaded out of any Ship, Vessel, Bark, Boat, or Lighter, coming into or going out of the said Harbour of *Aberdeen*, or from their Agents, Factors, or Managers, the additional Sum of One Halfpenny Sterling for each and every Barrel-bulk of such Goods, Wares, and Commodities aforesaid, (and for a lesser Quantity in Proportion), which shall be so imported and exported by Burgesses of Guild as aforesaid; and also (over and above the original or former Harbour Dues of Two-pence Sterling for every Barrel-bulk, and other Rates and Duties payable before the Commencement of the said recited Act), of and from all and every other Person or Persons, (not being Burgesses of Guild of the said City), Owners and Proprietors of Goods, Merchandize, 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 One Penny Sterling for each and every Barrel-bulk of such Goods, Merchandize, Wares, and Commodities, that shall be so

imported

imported and exported as aforeſaid, by Unfreemen or Perſons not being Burgeſſes of Guild of the ſaid City of *Aberdeen*, and for a leſſer Quantity in Proportion: Provided always, that the Freemen of the Incorporated Trades of *Aberdeen* ſhall not be liable or obliged, by virtue of this Act, to pay any more or further Shore and Harbour Dues than Burgeſſes of Guild, for whatever Goods or Commodities the ſaid Incorporated Trades are entitled to deal and traffick in by virtue of the Common Indenture paſſed between them and the Burgeſſes of Guild of the ſaid City, in the Month of *July* One thouſand five hundred and eighty-ſeven, and of a Decree of the Court of Seſſions pronounced in an Action of Declarator, at the Inſtance of the ſaid Incorporated Trades, againſt the Magiſtrates and Town Council of *Aberdeen*, bearing Date the Sixteenth Day of *January* in the Year One thouſand ſeven hundred and ninety-three; and in like Manner (over and above the Rates and Duties which ſubſiſted and were levied within the ſaid Harbour beforethe Commencement of the ſaid Act) to demand, receive, collect, and take, of and from all and every the Maſters and Owners of ſuch Ships, Veſſels, Barks, or Lighters, coming into or going out of the ſaid Harbour of *Aberdeen*, and of and from the Owners and Proprietors of all Goods, Merchandize, Wares, and Commodities whatſoever, which ſhall be loaded or unloaded within the ſaid Harbour of *Aberdeen*, and which, by the Uſage and Cuſtom of the ſaid Harbour prior to the Commencement of the ſaid Act, were not chargeable for Shore or Harbour Dues by the Barrel-bulk, or from their Agents or Managers, a further additional Sum, which ſhall be and is hereby declared to be the ſame with the Sum which, by the Cuſtom and Uſage of the ſaid Harbour of *Aberdeen* prior to the Commencement of the ſaid Act, was chargeable upon and paid by the ſaid Maſters, Owners, or other Perſons concerned, for Anchorage, Laſtage, Ballaſt Money, and other Shore and Harbour Dues of the Ships and other Veſſels, Goods, Merchandize, 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 Streſs 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 returned into the ſaid Harbour, upon and during the ſame Voyage for which ſhe had before paid the Tonnage Duty aforeſaid.

Ships, &c. to pay a Harbour Duty at leaſt Double the Sum which they were uſed to pay.

III. Provided alſo, and be it enacted by the Authority aforeſaid, That every Ship, Veſſel, Boat, or Lighter, coming into or going out of the ſaid Harbour, and all Goods, Merchandize, 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, Goods, Merchandize, Wares, and Commodities aforeſaid, were liable for and did actually pay on account of Shore and Harbour Dues, according to the Cuſtom and Uſage of the ſaid Harbour and Port of *Aberdeen* before the Commencement of

the ſaid Act; and that the ſaid Magiſtrates and City Council, and ſuch Perſon and Perſons as they ſhall appoint for that Purpoſe, ſhall have full Power and Authority, and are hereby empowered and authorized, (in all Caſes wherever any Doubt or Difficulty ſhall ariſe reſpecting the Amount of the ſaid Tonnage Duty), to demand, collect, and receive, of and from all and every Perſon or Perſons concerned in the ſhipping Goods, Merchandize, Wares, and Commodities aforeſaid, Double the Sum and Sums of Money which, by the Cuſtom and Uſage of the ſaid Harbour and Port of *Aberdeen* before the Commencement of the ſaid Act, were 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.

Veſſels not heretofore uſed to pay Duties, ſhall pay the Rates herein mentioned.

IV. Provided nevertheleſs, and be it alſo further enacted, That all ſuch Ships, Veſſels, Barks, and Lighters, as were not, before the Commencement of the ſaid Act, chargeable with or liable to the Payment of any Duties 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 their Collector or Collectors to be appointed by them for that Purpoſe; *videlicet*,

For each and every Ship or Veſſel of the Burthen of Fifty Tons and under, the Sum of One Shilling and Three-pence Sterling:

For every Ship or Veſſel above Fifty and under One hundred Tons Burthen, the Sum of Two Shillings and Sixpence Sterling:

For every Ship or Veſſel from One hundred to One hundred and Fifty Tons Burthen inclusive, the Sum of Five Shillings Sterling:

And, for each and every Ship or Veſſel above One hundred and Fifty Tons Burthen, the Sum of Seven Shillings and Sixpence Sterling.

Open Boats under 20 Tons, except employed in unloading Ships, exempted.

V. Provided alſo, That all Open Boats under the Burthen of Twenty Tons, coming into the ſaid Harbour, excepting 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.

Repealing Part of former Act.

VI. And whereas it is neceſſary that ſo much of the ſaid Act as relates to the preventing Delay or Evaſion in the Payment of the Rates and Duties, by requiring the Production to the Collector of the Cuſtoms of a Receipt or other Voucher of the Payment of the Duties, before the Entry or Diſcharge of any Veſſel, ſhould be repealed; be it therefore enacted, That ſo much of the ſaid former Act as relates thereto ſhall be, and the ſame is hereby repealed.

Officers of Cuſtoms not to clear out Ships until a Voucher is ſhewn of the Payment of the Duties.

VII. And, the more effectually to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid; be it enacted, That it ſhall not be lawful for the Collector or other Officers of His Majeſty's Cuſtoms at the Port of *Aberdeen*, to clear any Ship or Veſſel, outward or inward, under a Penalty of Twenty Pounds Sterling, to be forfeited and paid by them, until there ſhall be produced and ſhewn to them, by the Perſon or Perſons liable in the Payment of the Rates and Duties by

this Act granted, either a ſufficient Voucher of the Payment of the ſaid Rates and Duties, or a Certificate under the Hand of the Town Clerk of *Aberdeen*, that the Sum demanded on that Account has been conſigned and lodged in his Hands, with ſufficient Security by the Conſignor for the Payment of all Damages, Coſts, and Expences, which the Tackſman or Collector of the ſaid Shore and Harbour Dues may ſuſtain or incur in conſequence of a Delay or Refuſal of Payment, according as the ſame ſhall be aſcertained and determined by the Magiſtrates of *Aberdeen*: But provided always, that in caſe it ſhall be found by the ſaid Magiſtrates, after a full Hearing of both Parties, that the Tackſman or Collector of the ſaid Shore and Harbour Dues has made any further or higher Demand therefore than what he is warranted to do by this Act, in that Event he ſhall be found liable in, and decreed to pay to the Party complaining thereof, ſuch a Sum, in Name of Damages and Expence, as ſhall be judged reaſonable and adequate by the ſaid Magiſtrates, who are hereby authorized and empowered to hear, determine, and finally decide, upon all ſuch Queſtions and Diſputes as may happen to be brought before them by any of the Parties before named, in a ſummary Manner, without being obliged to obſerve or abide by the ordinary Forms of the Court; and their Deciſion in all ſuch Caſes is hereby declared to be final, and not to be ſubject to the Review of any other Court, at the Inſtance of either of the Parties concerned.

Birthmaſter to keep a Book to enter a Liſt of Ships coming into and ſailing out of the Harbour.

VIII. And, in order to enable the ſaid Truſtees to aſcertain as nearly as poſſible the true Annual Amount and Produce of the ſaid Shore and Harbour Dues, be it further enacted by the Authority aforeſaid, That the Birthmaſter, or other Perſon to be appointed for that Purpoſe by the ſaid Truſtees, ſhall be, and is hereby obliged and required, under the Penalty of Twenty Pounds Sterling to be forfeited and paid by him, to keep a Book, ſubject to the Inſpection and Examination of the ſaid Truſtees, wherein, within Two Hours after every Ebb, he ſhall cauſe to be regularly entered and inſerted a Liſt of all the Ships, Barks, and Veſſels, that have come into and ſailed out of the ſaid Harbour the Tide preceding, with a diſtinct and accurate Deſcription of the ſeveral Ships and Maſter's Names, the Places from whence they came, and where they are bound, and their Tonnage and Cargoes; and that every Shipmaſter, immediately after his Arrival in the ſaid Harbour, or at leaſt before he begins to unload any Part of his Cargo, is and ſhall be obliged to give the ſaid Birthmaſter, or other Perſon to be appointed by the ſaid Truſtees, an exact and full Account of his Cargo, by producing either his Bills of Lading, or a Copy of his Manifeſt or Intake Account; and the ſaid Books ſo to be kept by the ſaid Birthmaſter ſhall alſo be ſubject to the Examination and Inſpection of all Burgeſſes, Ship Owners, and others intereſted therein, upon Payment of One Penny Sterling for each Examination thereof.

Shipmaſters to give to the Birthmaſter an Account of their Cargoes.

IX. And be it further enacted, That every Shipmaſter loading and taking in Goods in the ſaid Harbour, after being loaded and cleared at the Cuſtomhouſe, is and ſhall be obliged in like Manner to give in to the ſaid Birthmaſter, or other Perſon appointed to receive the ſame, a full and exact Account of his Cargo ſo loaded, if required; and that every Perſon failing ſo to do, or in not delivering a juſt and true Account of his

his Cargo both outwards and inwards as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay a Penalty not exceeding Three Pounds Sterling.

Rates of Tonnage ſubject to the Payment of the Money due on Credit of the former Act.

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

Truſtees enabled to borrow Money.

XI. Provided always, and be it further enabled and declared by the Authority aforeſaid, That the ſaid Truſtees ſhall and may, and they are hereby authorized and empowered, from Time to Time, to borrow and take up at Intereſt any Sum or Sums of Money, which, with thoſe already borrowed and ſtill due by the ſaid Truſtees on the Credit of the ſaid recited Act, ſhall not in the Whole exceed together at any one Time the Sum of Twenty thouſand Pounds Sterling; and to grant, aſſign, and ſet over, for ſecuring the Payment of the ſame with the Intereſt thereof reſpectively, the ſeveral Rates, Duties, and Tonnage, given and granted by this Act, to any Perſon or Perſons who ſhall be willing to advance and lend Money thereon; and that all the Monies ſo to be borrowed and advanced, ſhall be employed for the Ends and Purpoſes of this Act, and not otherwiſe.

Rates and Duties may be leſſened.

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

Expences of the Act to be paid.

XIII. And be it further enacted by the Authority aforeſaid, That the Charges and Expences of paſſing this Act ſhall be paid and defrayed out of the firſt Monies raiſed or to be raiſed by virtue and in purſuance of the ſaid former or this preſent Act.

Powers of the former Act extended to this Act.

XIV. And be it further enacted by the Authority aforeſaid, That all and every the Clauſes, Authorities, Powers, Proviſions, Articles, Puniſhments, Penalties, Rules for the Recovery and Application of Penalties, Conditions, and Limitations, in the ſaid recited Act contained, ſhall (except in ſo far as the ſame are varied or altered by this preſent Act) be equally applicable to, and have the ſame Operation for the Purpoſe of extending and keeping in Repair the preſent Quays, Piers, and Jetties, and building new and additional Quays, Jetties, Breaſts, Docks, Locks, and other neceſſary Works for the Improvement of the ſaid Harbour, and for deepening, cleanſing, and ſcouring the Navigation Channel and all the interior Parts of the Harbour, and in all Matters and Things relative thereto, as if the ſame were again repeated and re-enacted in the Body of the preſent Act.

Publick Act.

XV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, taken, and allowed, in all 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.

FINIS.