



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. xcix.

An Act for improving the Harbour of the Burgh
of *Montrose* in the County of *Forfar*.

[3d July 1837.]

WHEREAS the Piers, Quays, and other Works of and within the Harbour of *Montrose* in the County of *Forfar* are in their present State insufficient for the Accommodation of the Shipping and Trade of the Burgh, which of late Years have greatly increased, and it would be of great Advantage to the said Burgh if the said Harbour were improved and extended, and a Wet Dock constructed, for the Accommodation and Protection of the Shipping frequenting the said Harbour: And whereas it is desirable to make and establish proper Rules and Regulations for the Protection of the said Harbour, and Works connected therewith, and Ships and Vessels frequenting the same, and to grant Powers for licensing Pilots and establishing Lighthouses upon or near the said Harbour: And whereas the Rates and Duties presently levied at the said Harbour have been found to be partial and unequal in their Operation, and it is necessary, in order to provide Funds for executing the Works and carrying into effect the Purposes foresaid, to alter, amend, and increase the existing Tolls, Rates, or Duties, and to raise and levy other Rates and Duties, and to grant other Powers for the proper Management and Regulation of the said Harbour; but as these Purposes cannot be 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 Queen's most Excellent Majesty, by and with the Advice and Consent of

[*Local.*]

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the

Trustees herein-after appointed to be empowered to improve the Harbour of Montrose.

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Trustees to be named and appointed under this Act, and their Successors in Office, to raise, repair, and make sufficient the present Dykes, Piers, Quays, and other Works of the said Harbour of *Montrose*, and to alter and extend and maintain the same or any Part thereof as the said Trustees shall judge to be necessary for the more effectual Improvement of the said Harbour, and to make, construct, complete, and maintain the Wet Dock and other Works connected therewith for the Improvement of the said Harbour laid down and delineated in the Map or Plan herein-after mentioned, and for those Purposes to take and use the Lands and Heritages described in the said Map or Plan and the Book of Reference thereto herein-after mentioned, or so much of such Lands and Heritages as shall be necessary for these Purposes or any of them.

Rules for Interpretation of this Act.

II. And be it enacted, That where in this Act any Word shall be used importing the Singular Number only, such Word shall extend and be applied to several Persons or Things as well as One Person or Thing; and where any Word importing the Plural Number shall be used, the same shall extend and be applied to One Person or Thing as well as several Persons or Things; and where any Word shall be used importing the Masculine Gender only, such Word shall be understood to include Females as well as Males; and where the Word "Lands" shall be used, the same shall be understood to include Tenements, Buildings, and all Heritages whatsoever; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word "Sheriff" is used, the same shall be understood to include Sheriff Substitute; and where the Word "Month" is used, the same shall be understood to mean Calendar Month; and where the Word "Harbour" is used, the same shall be understood to mean the "Harbour of *Montrose*," and shall include the whole Precincts thereof, and the Piers, Wharfs, and other Works hereby authorized to be made or maintained; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Trustees appointed.

III. And be it enacted, That the Provost and eldest Baillie of the said Burgh of *Montrose*, together with Two other of the Members of the Town Council of the said Burgh for the Time being, to be nominated by the Magistrates and Town Council of the said Burgh as soon as conveniently may be after the passing of this Act, and yearly in all Time coming within Eight Days after the annual Election of the Magistrates of the said Burgh, Eight Merchants or Ship Owners qualified and to be elected in manner after mentioned, and Five Persons named and to be elected as County Trustees as after mentioned, together with Four Persons to be nominated by the Magistrates and Town Council of the City of *Brechin* as soon as conveniently may be after the passing of this Act, and yearly in all Time coming within Eight Days after the annual Election of the Magistrates of the said City of *Brechin*, and the Sheriff of the County of *Forfar* for the Time being, shall be and they are hereby appointed Trustees for executing this Act, and carrying into effect all the Purposes thereof.

IV. And

IV. And be it enacted, That as soon as conveniently may be after the passing of this Act the Persons who are or shall be qualified to vote in the Election of Councillors for the said Burgh of *Montrose* by virtue of an Act passed in the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws for the Election of Magistrates and Councils of the Royal Burghs in Scotland*, and are duly entered in the List or Roll of the Voters of the said Burgh by that Act appointed to be made up, and are duly qualified by the existing Law at the Time to vote in the Election of Councillors for the said Burgh, shall meet in some public Place within the said Burgh (the Time and Place of such Meeting being notified at least Eight Days previous thereto by Advertisement, signed by the acting Chief Magistrate of the said Burgh, inserted in some Newspaper published in the said Burgh, if any such there be, or if there shall be no such Newspaper then in some Newspaper published in the said County of *Forfar*;) and then and there shall proceed to elect Eight of their own Number to be Trustees in the Execution of this Act until the annual Election of Councillors for the said Burgh which shall take place in the Year One thousand eight hundred and thirty-eight, on the Day of which Election the said Trustees shall go out of Office, and the Persons duly qualified and entered as aforesaid shall elect Eight of their own Number to be Trustees under this Act in room of those so going out of Office, until the annual Election of Councillors for the said Burgh for the Year One thousand eight hundred and thirty-nine, when they shall go out of Office, and in like Manner at the annual Election of Councillors for the said Burgh in every subsequent Year the Eight Trustees for the preceding Year shall go out of Office, and Eight new Trustees shall be chosen by the said Persons qualified and entered as aforesaid; and the Election of Trustees by the said Voters shall proceed and be conducted as nearly as possible in the same Manner as the Election of Councillors for the said Burgh is for the Time appointed to proceed and be conducted by the existing Law: Provided always, that it shall not be lawful for the said Voters to elect as such Trustee any Person who is not a Merchant or Ship Owner resident in the said Burgh or within Seven Miles thereof, or who is at the Time a Member of the Town Council of the said Burgh; and in the event of any Person so elected as a Trustee becoming a Member of the said Town Council he shall cease to be qualified to act as Trustee, and shall thereby be held *ipso facto* to have resigned his Office.

First Election
of certain
of the
Trustees.

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c. 76.

V. And be it enacted, That Sir *James Carnegie* of *Southesk*, County Baronet, *David Carnegy* of *Craigo*, *Alexander Renny Tailyour* of *Borrowfield* and *Newmans Walls*, *Horatio Ross* of *Rossie*, and *Patrick Arkley* of *Dunninald*, Esquires, shall be the County Trustees under this Act until the *Michaelmas* Meeting of the County of *Forfar* which shall be in the Year One thousand eight hundred and thirty-eight, when they shall go out of Office, and the said Meeting shall elect Five Persons to be County Trustees in the Execution of this Act, who shall continue in Office until the next *Michaelmas* Meeting of the said County, when Five Persons shall be elected by such Meeting to be County Trustees in the Execution of this Act until the *Michaelmas* Meeting of the said County next ensuing, and in like Manner in every Year thereafter the *Michaelmas* Meeting of the said County

County
Trustees.

County shall elect Five Persons to be County Trustees under this Act for the ensuing Year in the Room of those going out of Office under the Provisions of this Act; but providing always, that no Member of the Town Council of the said Burgh or of the said City shall be eligible to be a County Trustee; and provided further, that no Person shall be entitled to vote at such Election or be qualified to be elected thereat as a County Trustee unless he be possessed, either in his own Right or in that of his Wife, of Land in the County of *Forfar* rated in the Cess Books thereof at One hundred Pounds *Scots* or upwards, or be the eldest Son of such Person.

Act may be carried into execution although all the Trustees are not appointed.

VI. And be it enacted, That although the Town Council of *Montrose*, or the Voters qualified to elect the Councillors for the said Burgh as aforesaid, or the *Michaelmas* Meeting of the said County of *Forfar*, or the Town Council of the said City of *Brechin*, or any of them, shall neglect or refuse to appoint or elect the Trustees or any of them whom they are respectively hereby directed to appoint or elect at the Periods before mentioned, such Neglect or Refusal shall not prevent the Execution of this Act by the other Trustees who shall be appointed or elected under this Act, nor shall the Death, Removal, or Refusal to act of any of the Trustees prevent the other Trustees from acting until the Place of such Trustee is filled up by a new Appointment or Election, it being declared that in all Cases the Trustees appointed or elected and willing to act for the Time shall have full Power to execute this Act and all the Purposes thereof.

Vacancies how to be supplied.

VII. And be it enacted, That in case the Place of any of the Trustees to be elected or appointed under this Act shall become vacant by Death, Refusal to act, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Trustees, elected or appointed by the same Body or Persons who elected the Trustee whose Place has become vacant, if they shall think it necessary, to nominate a Person duly qualified to supply such Vacancy, and the Person so nominated shall have and enjoy the same Powers and Privileges of a Trustee as the Person in whose Stead he is nominated, and shall remain in Office until the Period at which the Person in whose Stead he is nominated would have gone out of Office; but notwithstanding that any such Vacancy shall remain unsupplied the other Trustees shall have full Power to do and perform all Matters necessary for the Execution of this Act.

Person going out of Office eligible to Re-election.

VIII. And be it enacted, That any Person going out of Office in virtue of the Provisions of this Act shall nevertheless be eligible to be re-elected or re-appointed as a Trustee under this Act.

First and other Meetings.

IX. And be it enacted, That the said Trustees shall meet in the Town hall of *Montrose* on the Fourth *Wednesday* after the passing of this Act, or as soon thereafter as conveniently may be, and proceed to the Execution of this Act, with Power to adjourn from Time to Time; and the said Trustees shall also hold an annual General Meeting on the First *Wednesday* of *September* in the Year One thousand eight hundred and thirty-seven, and on the First *Wednesday* of *August* in every Year thereafter, with Power to adjourn from Time to Time; and in all Cases Seven of the said Trustees shall be a Quorum; and at their Meetings the Provost of the said

Burgh,

Burgh, or in his Absence the eldest Baillie thereof who may be present, shall *ex officio* be Preses; and in Absence of the Provost and eldest Baillie the Trustees present at such Meeting shall elect their Preses for the Time; and all Questions shall be decided by a Majority of the Trustees present at the respective Meetings, the Preses, in case of an Equality of Votes, having a casting Vote, besides his Vote as a Member of the Meeting.

X. And be it enacted, That it shall be in the Power of any Three or more of the Trustees acting for the Time to require the Clerk to the Trustees to call a Meeting at any Time, and the said Clerk shall be obliged thereupon to give Notice in Writing of the Time and Place of such Meeting to every one of the Trustees at least Four Days previous to such Meeting; and a Certificate under the Hand of the said Clerk that such Notice has been given, by Letters duly addressed to the Trustees at their usual Places of Residence, and put into the Post Office of *Montrose*, shall be sufficient Proof of such Notice having been given of such Meeting as is required by this Act.

Clerk to call Meetings at the Request of any Three of the Trustees.

XI. And be it enacted, That no Trustee shall hold any Office of Emolument under this Act, either as a Principal or Deputy, nor be directly or indirectly concerned in any Contract under this Act, nor be Surety for any Contractor under this Act, and if any Trustee shall be convicted of contravening this Enactment he shall forfeit and pay the Sum of One hundred Pounds, to be paid to the Treasurer under this Act, and applied for the Purposes thereof, and be incapable of ever afterwards holding the Office of Trustee under this Act.

Trustees not to hold Offices of Emolument or be concerned in Contracts.

XII. And be it enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to appoint a Committee of their Number consisting of not less than Three, with Power to execute any of the Purposes of this Act which it may be deemed expedient to commit to their Charge.

Trustees may appoint Committees of their Number.

XIII. And be it enacted, That the said Trustees shall have Power and they are hereby authorized to adjourn their Meetings from Time to Time, and Place to Place, as they may think proper; and in case a less Number than a Quorum shall attend any Meeting, such Number, though not entitled to act in other Matters, shall have the Power of Adjournment.

Adjournments.

XIV. And be it enacted, That no Trustee under this Act shall vote or otherwise act as a Trustee in any Case wherein he shall be personally concerned, directly or indirectly, under a Penalty of Twenty Pounds.

Trustees not to vote when personally interested.

XV. And be it enacted, That it shall and may be lawful to and for the said Trustees to nominate or appoint a Treasurer, Collector, Clerk, Berthing Master, Superintendent of Works, and such other Officers and Servants as they shall judge necessary to be employed under them for carrying this Act into execution, and from Time to Time to remove such Treasurers, Collectors, Clerks, Berthing Masters, Superintendents, Officers, and Servants, or any of them, and to appoint others in their Stead, and to settle such reasonable Salaries on them as to the said Trustees shall appear to be just and proper; and the said Treasurers, Collectors,

Trustees to appoint Officers.

Accounts to
be kept.

Treasurers
&c. to give
Security.

Collectors, and Receivers of any Money under the Authority of this Act shall keep fair and regular Books and Accounts of all the Monies so received by them (which Books and Accounts shall be open and patent to the said Trustees, or to any Creditor on the Rates and Duties hereby granted, or to any Person having the written Authority of any Three of the Trustees, at all seasonable Times when they shall desire to inspect the same), and shall pay and dispose of the Money collected in such Manner as shall be directed by the said Trustees, according to the Provisions of this Act; and the Treasurers, Collectors, or Persons to be appointed to receive or have the Charge or Custody of any Money to be levied or raised under the Authority of this Act shall give good and sufficient Security to the Satisfaction of the said Trustees for accounting for and paying the Monies which shall be by them respectively collected or received; and the Accounts of the Intromissions of the Trustees under this Act shall be balanced on the Thirty-first Day of *May* in the Year One thousand eight hundred and thirty-eight, and on the Thirty-first Day of *May* annually thereafter.

Accounts to
be audited
annually.

XVI. And be it enacted, That the said Trustees shall within One Month after the Thirty-first Day of *May* in each and every Year make out or cause to be made out, and rendered to the Auditor to be appointed as after mentioned, a clear and distinct Account of their Intromissions and Transactions under the Authority of this Act for the preceding Year, which Account the said Auditor shall and he is hereby authorized and empowered to examine with the Documents or Vouchers instructing the same (which Documents and Vouchers, and all Books and Papers in the Custody or Control of the said Trustees relative to the Business of the said Harbour, the said Trustees shall, upon the Request of the said Auditor to that Effect, produce to the said Auditor, and permit and suffer him to examine), and the said Auditor shall audit and docket the said Account, and report the same, with any Remarks he may have to make thereon, to the next annual General Meeting of the said Trustees to be held on the First *Wednesday* of *August* thereafter; and such General Meeting shall thereupon, or without such Audit and Docket, in case the said Auditor shall have failed to make the same, proceed to consider the said Account, together with the said Audit and Docket, in case the same shall have been made, and shall cause the said Account, or an Abstract thereof, to be printed and published for the Information of all Parties concerned.

An Auditor
to be ap-
pointed.

XVII. And be it enacted, That the Sheriff of the said County of *Forfar* shall and he is hereby authorized and required, some Time during the Month of *May* in the Year One thousand eight hundred and thirty-eight, and some Time during the Month of *May* in each and every Year thereafter, to appoint a fit and proper Person, well skilled as an Accountant, to audit and docket the Accounts of the said Trustees, as before mentioned; and the said Trustees shall pay to the Person so appointed such a Sum for his Trouble in making such Audit as the said Sheriff shall fix and determine, not exceeding the Sum of Ten Guineas for each Audit.

Officers to
account.

XVIII. And be it further enacted, That such Clerks, Treasurers, Collectors, Receivers, and Officers so to be appointed shall under their Hands,
at

at such Time and Times and in such Manner as the said Trustees shall direct, deliver to the said Trustees, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by them received by virtue of and for the Purposes of this Act, and how much thereof had been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due to the said Trustees, or to such Person as they shall appoint to receive the same; and if any such Clerk, Treasurer, Collector, Receiver, or Officer shall neglect or refuse to make and render any such Account, or to produce or deliver up the Vouchers relating to the same in his Possession or Power, or to make Payment as aforesaid, or shall neglect or refuse to deliver up to the said Trustees or to such Person as they shall appoint, within Ten Days next after being thereunto required by the said Trustees by Notice in Writing given to or left at the last or usual Place of Abode of such Collector, Receiver, or Officer, all Books, Accounts, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in any of the Cases aforesaid the said Trustees may and they are hereby authorized and empowered to cause an Action to be brought against the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Trustees, or by such Person as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace in and for the said County of *Forfar*, or in or for any other Place wherein such Officer so neglecting or refusing shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand for the Clerk, Treasurer, Collector, Receiver, or Officer so neglecting or refusing to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon Complaint of the Party or upon the Testimony of One or more credible Witness or Witnesses upon Oath (which Oath the said Justice is hereby empowered to administer), or by Confession of the Party offending, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Clerk, Treasurer, Collector, Receiver, or Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand to cause such Money to be levied by Pounding and Sale of the Goods and Effects of such Clerk, Treasurer, Collector, Receiver, or Officer; and if no Goods or Effects of such Clerk, Treasurer, Collector, Receiver, or Officer can be found sufficient to answer and satisfy the said Monies, and the Charges of pounding and selling the same, or if it shall appear to such Justice that such Clerk, Treasurer, Collector, Receiver, or Officer shall have neglected or refused to render and give such Account, or to produce the Vouchers relating thereto, in his Possession or Power, or that any Books, Accounts, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Clerk, Treasurer, Receiver, or Officer, and he shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall

shall commit such Offender to the Common Jail of the Town of *Montrose* or of any other Place where such Offender shall be or reside, there to remain without Bail until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Trustees are hereby empowered to make and receive, and until he shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Trustees as aforesaid: Provided always, that no Person shall be committed for Want of sufficient Pounding for any longer Space of Time than Six Calendar Months.

Plan and Book of Reference to be deposited with the Clerk of the Peace.

XIX. And whereas a Map or Plan describing the Situation of the Wet Dock and other Works connected therewith to be constructed under the Authority of this Act, with a Book of Reference to the said Map or Plan containing the Names of the Owners and reputed Owners and Occupiers of the Lands or Grounds in or upon which the said Wet Dock and Works are to be constructed have been deposited with the Clerk of the Parliaments; be it enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Parliaments, and a Copy thereof shall be duly certified by him and deposited with the Clerk of the Peace for the County of *Forfar*, with whom the same shall remain for the Inspection of all concerned; and all Persons interested therein shall have Liberty to inspect, peruse, and make Extracts therefrom and Copies thereof, at reasonable Times, on Payment to the said Clerk of One Shilling for each Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the First Hour, and paying for every Copy of One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Copy of the said Map or Plan and Book of Reference so deposited with the said Clerk of the Peace, or true Copies thereof or of so much thereof as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

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

XX. And be it enacted, That it shall be lawful for the said Trustees to take and use, and to construct and complete, the Works and Improvements hereby authorized to be made and constructed in or upon the Lands delineated on the said Map or Plan, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace, or to the Sheriff of the County of *Forfar*, (in case of Dispute about the same,) and be certified by Writing under the Hands of either of them, that such Omission, Mis-statement, or erroneous Description appears to them to have proceeded from Mistake; and the Certificate of the said Justices or of the said Sheriff shall be deposited with and remain in the Custody of the Clerk of the Peace or of the Sheriff Clerk respectively of the said County.

Trustees empowered to deviate

XXI. And be it enacted, That the said Trustees in constructing the said Works and Improvements shall have full Power and Authority to

deviate from the Situation thereof as delineated on the Map or Plan so deposited with the Clerk of the Peace as herein-before is mentioned: Provided always, that no such Deviation shall extend, except towards the River, to a greater Distance than One hundred Yards from the Situation of such Works so delineated upon the said Plan, nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference, unless with the Consent of the Person whose Lands may be affected by such Deviation, or unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

from Plan to
an Extent not
exceeding
One hundred
Yards.

XXII. And be it enacted, That for the Purposes and subject to the Provisions and Restrictions of this Act the said Trustees, their Agents and Workmen, and all other Persons by them authorized, are hereby empowered to enter into and upon the Lands of any Person or Corporation whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are empowered to take or use by or are required for the Purposes of, this Act and in or upon such Lands, and any Lands adjoining thereto, to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture, any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein, or otherwise in the Execution of any of the Powers of this Act, and which may be proper or necessary for improving the said Harbour, and making, maintaining, altering, repairing, or using the Works connected therewith and by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the true Intent and Meaning of this Act; and also, for the Purposes and according to the Provisions and Restrictions of this Act, to make or construct in or upon such Lands the Works and Conveniences which the said Trustees are hereby authorized to construct for the Improvement of the said Harbour, and also from Time to Time to alter, repair, and maintain the before-mentioned Works or any of them, and to do and execute all other Matters and Things necessary or convenient for making, maintaining, altering, or repairing and using the said Works by this Act authorized, they the said Trustees, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Trustees making full Satisfaction in manner herein-after mentioned to all Persons and Corporations interested in any Lands which shall be taken, used, or injured, for all Damages to be by them sustained in or by reason of the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Trustees and all other Persons for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

Power to
enter Lands,
&c.

XXIII. And be it enacted, That if any Person shall obstruct or prevent any Person employed by or acting under the Authority of the said Trustees in setting out the Situation of the said Works, or engaged in the Construction thereof or of any Part thereof, or otherwise in the Execution thereof, he shall be liable to a Penalty of not less than *£*50 and not more than *£*100, to be recovered by the said Trustees, or any of them, in any Court of Law.

Penalty on
obstructing
Persons em-
ployed in
constructing
Works.

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cution of this Act, or shall pull up or remove any Poles or Stakes that may have been driven into the Ground, or shall deface or destroy any Marks which may have been made, for the Purpose of setting out the Situation of the said Works, he shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

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

XXIV. And be it enacted, That it shall be lawful for the said Trustees to treat and agree, and to employ any Person or Persons to treat and agree, for the Purchase of any Lands required by them for the Purposes of this Act, and for the Purchase or Discharge of any subsisting Liferent Rights, or other Rights, Servitudes, and Leases affecting the same, and Estates and Interests therein, and Burdens or Incumbrances constituted thereon, or such of them or such Part thereof as the said Company shall think proper, or for the Acquirement of such Lands in Feu-farm, on the Payment of a perpetual Feu Duty or Ground Rent in respect of the same, and also to submit and refer to Arbitration the Amount to be paid therefor, and in general all Questions arising in the Execution of this Act, as they may think advisable.

Provision for
Deficiencies
of Land Tax.

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

Persons un-
der legal
Disability
empowered
to sell and
convey Lands.

XXVI. And be it enacted, That it shall be lawful for all Corporations, Heirs of Entail, Liferenters, Husbands, Tutors and Curators or other Guardians, Judicial Factors, Trustees for charitable or other Purposes, Executors and Administrators, and all other Persons whomsoever interested in or entitled to any Lands or other Heritages required for the Purposes of this Act, or which may be damaged by the Operations thereof, not only for and on behalf of themselves, their Heirs and Successors in the said Property, but also for and on behalf of those for whom they may act, whether Infants, Minors, Issue unborn, Bankrupts, Lunatics, Idiots, Married Women, or other Persons, and it shall also be lawful for all Married Women who shall have Right to or be possessed of or interested in such Lands, either absolutely or by virtue of any Right of Terce or other Right, and for all and every Person whomsoever who shall have Right to or be interested in any such Lands, to contract for, sell, feu, or

convey,

convey or let to the Trustees all or any Part thereof; and all such Contracts, Sales, Feus, Charters, Conveyances, and Leases shall be valid and effectual, notwithstanding the limited or defeasible Nature of the Right and Title, or the Inability or Incapacity of the Parties so contracting, selling, feuing, conveying, or leasing, any Law or Custom or Prohibition in the Titles of such Property to the contrary notwithstanding; and all such Corporations and Persons aforesaid so contracting, selling, feuing, conveying, or leasing are hereby indemnified from what they shall so do in pursuance of this Act: Provided always, that nothing in this Act contained shall authorize the Proprietors of any entailed Lands to sell or convey the same in Feu Farm to the said Trustees unless the Deed of Entail under which such Lands are held shall authorize such Mode of Sale.

XXVII. And for settling all Differences which may arise between the said Trustees, and the several Owners, Lessees, and Occupiers of or Persons interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it enacted, That if any Person or Corporation, so entitled, interested, or herein capacitated to sell and convey any Lands, shall not agree with the said Trustees as to the Amount of the Purchase Money, Satisfaction, or Compensation due for the same, or if any such Party as aforesaid entitled to receive such Purchase Money, Satisfaction, or Compensation shall refuse to accept the Amount offered by the said Trustees, and shall give Notice of such Refusal in Writing to the said Trustees within Fourteen Days next after such Offer shall have been made, and shall in such written Notice request that the Matter in dispute may be submitted to the Determination of a Jury, or if any such Party as aforesaid shall for the Space of Fourteen Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any such Person, or left at his last or usual Place of Abode, or with some Lessee or Occupier of the Lands to which he is entitled or in which he is interested, neglect or refuse to treat, or shall not agree with the said Trustees for the Sale and Conveyance, or Release and Discharge of his said Estate or Interest, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement and Conveyance, or Release and Discharge, as shall be necessary or expedient for enabling the said Trustees to take such Lands, or to proceed in constructing the Works aforesaid, or if the said Trustees shall, for the Space of Twenty-one Days after Notice in Writing given to them by any Person or Corporation, being an Owner, Lessee, or Occupier, or being interested in any Lands taken, used, damaged, or injuriously affected by the Execution of the Powers hereby granted, neglect or refuse to treat with such Parties, or shall not agree with them, or if in any other Case an Agreement for Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, cannot be made, then and in every such Case the said Trustees, or the said Owner, Lessee, or Occupier, or Person interested in such Lands, shall be and they are hereby respectively empowered to make a summary Application in Writing to the Sheriff of the said County of *Forfar*, in which Application they shall state the Amount of the Purchase Money, Satisfaction, or Compensation as aforesaid

In case the Parties refuse or are incapable to treat, the Value of Land and of Damages to be settled by a Jury.

aforesaid claimed by them, and shall crave that such Amount may be assessed and ascertained by the Verdict of a Jury; and the said Sheriff is thereupon required to summon a Jury of Twenty duly qualified Persons in the Manner in which Juries are in use to be summoned for the Trial of Civil Causes in the Court of Session in *Scotland*, to meet at such Time and Place as such Sheriff shall think fit to appoint, not being less than Six Days after the Date of such Application, out of whom the said Sheriff shall in the usual Way empanel a Jury of Twelve Persons, all Parties concerned having their lawful Challenges or Exceptions against any of the said Jurymen; and the said Sheriff is hereby empowered and required to preside in the said Court, and to summon and call before him, or grant Commission for the Examination of every Person who shall be thought necessary by either Party to be examined as a Haver or Witness touching the Matter in question; and the said Sheriff may order and authorize the said Jury, or any Three or more of them, to view the Land, Place, or Premises in controversy; and the Jury shall inquire of, assess, and fix, by the Verdict of a Majority of their Number, the Sum of Money to be paid for the Purchase of the whole of any such Lands, or for any Interest therein, or for the Release and Discharge of any such Lands from any Burden or Incumbrance thereon, or for Compensation as aforesaid, under Deduction of the Value of any Interest therein which may have been purchased by the said Trustees from any other Person, and also the Sum of Money to be paid by way of Satisfaction or Compensation, either for the Damages which shall before that Time have been done or sustained, or for the future temporary or perpetual or for any recurring Damages to be done or sustained, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Trustees, and which cannot or will not be further obviated, removed, or repaired by them, which Satisfaction or Compensation for Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands to be taken or used as aforesaid; and the said Sheriff shall accordingly give Judgment and Decree for such Purchase Money, Satisfaction, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment and Decree thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Persons and Corporations whatsoever, and shall not only be enforced by every Diligence of the Law competent on any Decree of the Sheriff in a Civil Cause, but shall not be subject to Review or Stay of Execution by Advocation, Suspension, or Reduction, or to any Question or Review in any way whatsoever: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Pursuer, and shall have all such Rights and Privileges as Pursuers in Actions at Law are entitled to: Provided also, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the Party who shall apply to the Sheriff for the same to the Party with whom any such Dispute shall arise, either by delivering such Notice to such Party, or by leaving the same at his Place of Abode, or with the Clerk or Agent or principal Officer of the Corporation, in the Case of a Corporation, or with some Lessee or Occupier of the Lands intended to be valued, or respecting which or any Damage to which any such Question shall arise, a Certificate whereof shall, if called for, be produced under the Hands of the Person giving such Notice before the Jury is empanelled as aforesaid.

XXVIII. And be it enacted, That all Juries summoned under the Powers of this Act for the Purpose of ascertaining and determining the Amount of Satisfaction or Compensation to be made for the taking, using, or prejudicially interfering with any Lands, or for any Injury which may arise thereto by reason of the Construction or Use of any of the said Works, shall (if required) apportion the Amount of such Compensation among the various Parties interested in such Lands, according to their respective Interests therein, and the proportionate Amount of Loss or Damage which they may respectively sustain.

Compensation Money to be apportioned.

XXIX. And be it enacted, That the said Applications, Verdicts, Judgments, and Decrees, being first signed by the said Sheriff, shall be kept by the Sheriff Clerk of the County, and shall be deemed Records to all Intents and Purposes; and the same, or Extracts thereof or of any Part thereof, duly authenticated according to the Forms usual in *Scotland*, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the said Records, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

XXX. And be it enacted, That every Juryman and Witness summoned or cited to attend such Trial shall also be subject to the same Regulations, Pains, and Penalties as if such Juryman and Witness respectively had been summoned or cited to serve upon any Jury or give Evidence in any Civil Cause in *Scotland*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oath, or being Quakers upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury or Sheriff, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall and may by Law be subject.

Jurors to be under the same Regulations as those of the Court of Session. Persons giving false Evidence to be guilty of Perjury.

XXXI. And be it enacted, That in every Case in which the Verdict of a Jury empannelled as aforesaid shall be given for the same or a greater Sum than shall have been previously offered by the said Trustees for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury, and the Expences of Witnesses, and of the Inquisition and Judgment thereon, and of the Bond to be given by the Party requiring such Jury to be summoned, shall be defrayed by the said Trustees, and such Costs, Charges, and Expences shall be taxed and decerned for by the said Sheriff; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Trustees, One Moiety of the said Costs, Charges, and Expences shall be defrayed by the Party with whom the said Trustees shall have such Dispute, and the Remainder shall be defrayed by the said Trustees; and the Remainder of such Costs, Charges, and Expences, having been taxed and decerned for in manner herein-before mentioned, shall and may be deducted out of the Money decerned to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so decerned for shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in

Expences of Jury how to be paid.

Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Trustees.

Persons requesting Juries to enter into Bonds to prosecute their Complaint and to pay Expences.

XXXII. And be it enacted, That all Parties with whom the said Trustees shall have any Dispute respecting Damages, and who shall require a Jury to be summoned as aforesaid, shall, on Tender thereof by the said Trustees, and before the said Sheriff shall issue his Warrant for summoning such Jury, enter into a Bond, with Two sufficient Sureties, to the said Trustees, in a Penalty of One hundred Pounds, to prosecute their Claim, and to bear and pay their Proportion of the Costs, Charges, and Expences attending such Inquiry as herein-before mentioned, in case any Part of such Costs, Charges, or Expences shall fall upon them.

Notice of Injury to be given to the Trustees before Complaint.

XXXIII. And be it enacted, That the said Trustees shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, (without the Consent of the said Trustees,) to receive or take notice of any Claim to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing by or on the Behalf of the Person or Corporation making such Claim, stating the Nature, Extent, and Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Person or Corporation to the said Trustees Ten Days before the summoning of such Jury, and within the Space of Three Months after the Time of such supposed Loss or Injury having been sustained, or after the doing or committing thereof shall have ceased.

Money to be paid into Banks if above 200*l.*

XXXIV. And be it enacted, That the Purchase Money for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person under any other Disability or Incapacity, or the Recompence to be paid for Damages caused thereby, shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British* Linen Company, the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, to the Intent that the same shall be applied, under the Direction of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or other Incumbrance, or Part thereof, as the Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime

meantime and until such Purchases shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so hereby directed to be purchased in case such Purchases or Settlements were made.

XXXV. And be it enacted, That if such Purchase Money or Recompence shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or his Guardian in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into any of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person making such Option, and approved of by the said Trustees of the Harbour of *Montrose*, such Nomination and Approbation to be signified in Writing by the nominating and approving Parties, in order that such Principal Money, and the Interest arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction of the said Court.

If under 200*l.*
and more
than 20*l.*

XXXVI. And be it enacted, That where such Purchase Money or Recompence shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person, for his own Use, who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, or in case of Infancy or Lunacy then to his Guardian, for the Use of such Infant or Lunatic.

If under 20*l.*

XXXVII. And be it enacted, That in case the Person to whom any Sum of Money shall be awarded as aforesaid shall refuse to accept the same, or shall not be able to make good a Title to the Lands or Heritages required for the Purposes of this Act to the Satisfaction of the said Trustees, or in case the Person to whom any such Sum of Money shall be so awarded as aforesaid cannot be found, or if the Person entitled to such Lands or Heritages be not known or cannot be discovered, then and in every such Case it shall and may be lawful to and for the said Trustees to pay the Sum of Money so awarded as aforesaid into any of the said Banks, to the Credit of the Parties interested in the said Lands or Heritages (describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them), subject to the Order, Control, and Disposition of the said Court of Session; which said Court, on the Application of any Person making claim to such Sum of Money or any Part thereof, by Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem just and reasonable, and the Cashiers of the said Banks who shall receive such Sum of Money are hereby required to give a Receipt for the same, specifying for what and for whose Use the same is received, to such Person as shall pay any such Sum of Money into any such Bank.

In case of
not making
out Titles,
the Court
shall order
the Price or
Compensa-
tion to be
deposited.

XXXVIII. And

Any Question
as to Title,
how to be
settled.

XXXVIII. And be it enacted, That where any Question shall arise touching the Title or Interest of any Person to or in any Money to be paid into any such Bank as aforesaid, for the Purchase of any Lands or Heritages, or of any Right or Interest therein, or to any Interest of such Money, the Person who shall have been in Possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages, according to such Possession, till the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the Principal Sums, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful one, and that some other Person was lawfully entitled to such Lands or Heritages, or to some Right or Interest therein.

Court may
order Pay-
ment of Ex-
pences of
Purchases.

XXXIX. And be it enacted, That where by reason of any Disability or Incapacity of the Person entitled to any Lands or Heritages to be taken or used for the Purposes of this Act the Purchase Money for the same shall be required to be paid into any of the said Banks, or to be applied in the Purchase of other Lands or Heritages, in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof, and of the Payment into the said Banks of the said Purchase or Compensation Money, and of the Re-investment of the said Purchase or Compensation Money in Land, or other Disposition of the same, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Payment of the Principal of the same out of the said Banks, to be paid by the said Trustees, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

Trustees may
enter into
Contracts for
Works, &c.

XL. And be it enacted, That the said Trustees shall be and they are hereby authorized, from Time to Time as Occasion shall be, to make Bargains for Materials to be furnished for the Works, and, when it shall appear to be proper, to enter into Contracts in Writing with and give Directions to proper Artificers, Handicraftsmen, and other Workmen, for the Performance and due Execution of the Works which shall from Time to Time be directed by the said Trustees to be done and performed by virtue and in pursuance of this Act, every such Contract in Writing specifying the several Works to be done, the Prices to be paid for the same, and the Time when or within which the said Works are to be completed, and the Forfeitures or Penalties to be borne or suffered for the Non-performance thereof; and in all Cases where any pecuniary Penalties shall be recovered of and from any Contractor the same shall be paid to the Treasurer of the said Trustees, and be applied to the Purposes of this Act, and to no other Use or Purpose whatever.

Trustees may
erect Sheds,
&c.

XLI. And be it enacted, That the said Trustees shall be and they are hereby authorized and empowered to erect and construct upon the said Harbour such and so many Sheds, for the Reception, Deposition, and Protection of the Goods, Wares, or Merchandize loading or unloading thereat, and also such and so many Storehouses, Lofts for Sails

and other Rigging, and other Erections for the Accommodation of the Trade, as may from Time to Time appear to them necessary and expedient, and to remove the same when deemed proper, and erect and construct others in their Stead.

XLII. And be it enacted, That unless the said Trustees shall, within the Space of Five Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purposes of constructing the Works hereby authorized, then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void, save and except with the Consent in Writing of the Owners and Occupiers thereof respectively.

If Land not contracted for within Five Years, Power to take Property on Compulsion to cease.

XLIII. And be it enacted, That on or before the Expiration of Twenty-one Days next after Notice in Writing from the said Trustees, or their Agent duly authorized, of their Intention to take or use any Lands, or any Part thereof, for the Purposes of this Act, shall have been given to any Person or Corporation having Right to or being interested in or authorized by this Act to accept and receive Satisfaction or Compensation for the Value of the same, or any Estate, Share, or Interest therein, or Burden or Incumbrance constituted thereon, or for any Injury or Damage sustained on account of the Execution of this Act, such Person or Corporation shall deliver or cause to be delivered, at the Office of the Clerk of the said Trustees, a Statement in Writing of the Particulars of the Estate, Share, Interest, Burden, or Incumbrance which he or they claim to be entitled to, or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him or them, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in Satisfaction and Compensation for the Value of such Estate, Share, Interest, Burden, or Incumbrance, and for such Injury or Damage respectively.

Parties to deliver a Statement of their Claims within Twenty-one Days after Notice.

XLIV. And be it enacted, That all Persons and Corporations by this Act capacitated to sell, feu, and convey any Lands, or to release and discharge Lands from Feu Duties, Ground Annuals, Casualties of Superiority, or other Real Burdens or Incumbrances secured thereon, and the respective Owners, Lessees, and Occupiers of any Lands through or upon which the Works hereby authorized are intended to be made, may agree to accept and receive, and may, subject to such Restrictions as in this Act are contained as to the Payment thereof, accept and receive Satisfaction or Compensation for the Value of such Lands, or of the Interest therein by them conveyed, and also for and on account of any Loss or Damage which may be sustained by such Persons and Corporations by reason of the taking thereof, or of the Construction of the said Works, in such gross Sums or annual Payments as shall be agreed upon between the said Owners, Lessees (including Persons hereby capacitated as aforesaid), and Occupiers respectively, and the said Trustees; and in case the said Trustees and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, the same respectively, or either of them, concerning which they do not so agree, shall be ascertained and settled, if required, by the Verdict of a Jury, as herein is directed.

Satisfaction to be made for Lands taken for the Harbour.

Compensation to Magistrates of Montrose &c.

XLV. And whereas the Magistrates and Town Council of *Montrose* have by Royal Charter the exclusive Right to the Pier, Port, and Harbour of *Montrose*, with the Pertinents thereof, and have been in use to levy Harbour and other Dues, Tolls, and Rates within the Precincts thereof, which Harbour Dues, Tolls, and Rates have formed Part of the general Revenues of the Burgh, and have been applied indiscriminately to the Purposes of the Burgh, and which Revenue has been relied on by Creditors and others who have treated and transacted with the Magistrates and Town Council for the Time being, and it is just and reasonable that adequate Compensation should be made to the said Magistrates and Town Council for their Rights and Interests in the said Pier, Port, and Harbour, with the Pertinents thereof, and in the Harbour Dues, Tolls, and Rates leviable within the Precincts thereof, upon the Transference of the same to the Trustees under this Act; be it therefore enacted, That before the Trustees to be appointed and elected in virtue of this Act shall proceed to the Execution thereof, or shall levy any of the Rates or Duties hereby authorized to be levied, the said Trustees shall treat, agree, and settle with the Magistrates and Town Council of the said Burgh for the Time being for such fair and reasonable Compensation, not exceeding the Sum of Six hundred Pounds *per Annum*, for the Transference to the said Trustees of the existing Pier, Port, and Harbour, with the Pertinents thereof, and the Harbour and other Dues leviable as aforesaid, as the said Magistrates and Town Council and Trustees shall mutually agree upon; and the said Magistrates and Town Council are hereby authorized and empowered to treat and agree with and convey to the said Trustees all their Right and Interest in the said Pier, Port, and Harbour, and Pertinents thereof, and Dues and Duties leviable as aforesaid, by Royal Charter or otherwise.

Said Compensation to be preferred to Loans.

XLVI. And be it enacted, That the Sum to be agreed upon and accepted by the said Magistrates and Town Council on behalf of the Community of *Montrose* in compensation as aforesaid shall be preferable to the whole Sums to be borrowed in virtue of this Act, and shall be secured upon the Property of the said Harbour and the Rates and Duties granted by this Act, and all the other Funds and Property vested in or belonging to the said Trustees, by an Assignation or Assignations or other valid Deed or Deeds, effectually conveying the same, unless the said Magistrates and Town Council and Trustees shall otherwise consent and agree.

Clerk and Treasurer to be different Persons.

XLVII. And be it enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or if any Person being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy or Deputies of the Treasurer or Treasurers, or in any Manner officiate for the Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or any other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of

this Act, or shall act as Deputy or Deputies of such Clerk or Clerks, or in any Manner officiate for such Clerk or Clerks, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action in the Court of Session in *Scotland*, or in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

XLVIII. And be it enacted, That it shall be in the Power of the said Trustees and they are hereby authorized to license, appoint, and regulate a sufficient Number of Persons who shall be certified to be fully qualified as Pilots for the said Harbour, and also for conducting Vessels out of and into the River *South Esk*, and to fix the Rates of Pilotage to be paid to the said Pilots, and to remove and displace them at pleasure; and if any Person shall act as a Pilot within the Limits of the said Harbour without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty not exceeding Twenty Pounds Sterling.

Trustees may license Pilots.

XLIX. And be it enacted, That it shall be in the Power of the said Trustees and they are hereby authorized and empowered to appoint and regulate a sufficient Number of Persons to be Meters and Weighers of Grain, Lime, and Coals imported into the said Harbour, and to fix the Rates to be paid to the said Meters and Weighers, and to remove and displace them at pleasure; and if any Person, not being a Meter or Weigher appointed by the Commissioners of Customs, shall act as a Meter or Weigher at the said Harbour without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay for each Offence a Penalty not exceeding Twenty Pounds Sterling, and the Measurements of an unlicensed Meter or Weigher, not being a Meter or Weigher appointed by the Commissioners of Customs, shall be deemed illegal; but it shall not be imperative on Importers of Grain, Lime, or Coals to employ Meters or Weighers where the Grain, Lime, or Coals are to be delivered from the Vessels without being measured or weighed.

Trustees may appoint Meters and Weighers.

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

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

LI. And be it enacted, That the Right and Property of and in all Buildings and Erections, and the Materials thereof, and of and in all the Pier Heads, Jetties, Docks, Lights, Lighthouses, Works, Quays, Wharfs, Ways, embanked Ground, Walls, Matters, and Things built, made,

Trustees incorporated.

made, established, purchased, or acquired under or by virtue of this Act, and of and in all and every the Materials, Implements, Tools, Goods, Matters, and Things provided or had for the Purposes of this Act, shall be and the same are hereby vested in the said Trustees and their Successors in Office, as one Body Politic and Corporate, by the Style and Name of "The Trustees of the Harbour of *Montrose*;" and the said Trustees shall by that Name have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and the said Trustees shall have full Power and Authority, and they are hereby required, from Time to Time to sell and dispose of all or any of the said Materials or other Articles and Things, or any Part of the same respectively, and also to sell or feu in Perpetuity, or let or lease, such Part of the Ground or other Heritable Property so vested in them as aforesaid as it shall not be necessary to retain for the proper Purposes of a Harbour, by public Sale, at such fair and reasonable Upset Prices, Feu Duties, or annual Rents as the said Trustees shall fix and determine, the Day of such public Sale or Sales being previously advertised by Hand Bills circulated through the Town of *Montrose*, and in some Newspaper printed and circulated in the said Burgh, if any such there be, Three several Times Ten Days at least before such public Sale; but providing and declaring that in case no Offerer shall appear for the same or for any Part or Portion thereof, then it shall be in the Power of the said Trustees to adjourn from Time to Time the Sale as to the Whole or as to the Part or Portion not disposed of, for such Period not less than Ten Days as they may deem proper, providing such Adjournments be advertised by Handbills, and Twice in such Newspaper aforesaid, at least Ten Days before the Day of Sale; and the whole Sums to be received by the said Trustees for the said Properties, either Moveable or Heritable, after deducting the necessary Expences attending such Sales, shall be applied towards the Purposes of this Act, and to no other Use or Purpose whatever.

Power to
borrow
Money not
exceeding
Forty thou-
sand Pounds.

LII. And be it enacted, That it shall be lawful for the said Trustees, or a Quorum of them, and they are hereby empowered, when they shall judge it necessary, to borrow and take up from Time to Time at Interest any Sum of Money not exceeding the Sum of Forty thousand Pounds in the whole on the Credit of the said Rates and Duties, and other Revenue and Property of the said Harbour, and to grant, assign, and set over the several Rates and Duties granted by this Act to any Persons whomsoever who shall be willing to advance and lend Money thereon, for securing Repayment of the same with Interest respectively; which Sum shall to the Extent of Thirty-five thousand Pounds be exclusively applied to the Construction and Completion of the said new Dock, and the Expences attending the same, including therein the Expences of applying for and obtaining this Act; and after such Application, and the Completion of the said Dock, the Surplus of the said Sum hereby authorized to be borrowed may be applied towards the Extension and Improvement of the other Works of the said Harbour, or any of the other Purposes of this Act: Provided always, that it shall be in the Power of the said Trustees, as often as any Part of the Debt so contracted as aforesaid shall be repaid to the Creditors having Right thereto, and demanding the same, to borrow such Sum as may be necessary to replace the Sum so repaid, but so that the total Sum borrowed and owing shall not exceed in all the said Sum of Forty thousand Pounds; all which Assignments to
the

the Persons lending Money as aforesaid shall be made and granted under the Hands of the said Trustees or any Three or more of them in Form or to the Effect following ; that is to say,

‘ BY virtue of an Act of Parliament made [*here describe this Act*],
 ‘ we of the Trustees of the said Harbour, in
 ‘ consideration of the Sum of advanced and
 ‘ paid by do hereby sell, assign, and make over to the
 ‘ said his [*or her*] Heirs, Executors, and Assignees,
 ‘ the aforesaid Harbour and Works connected therewith, and all and
 ‘ sundry the Rates and Duties payable to us in virtue of the said Act
 ‘ of Parliament, and all our Right, Title, and Interest of, in, and to
 ‘ the same, to be held by the said and his afore-
 ‘ said, until the said Sum of with the legal
 ‘ Interest thereof, shall be fully satisfied and paid. In witness whereof
 ‘ we have subscribed these Presents, written by
 ‘ at the Day of before these
 ‘ Witnesses .’

Form of Assignment.

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Rates and Duties and Property thereby assigned according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority in Date of any such Assignments or on any other Account ; and a Copy of every such Assignment shall, within Twenty-one Days from the Date thereof, be entered in a Book to be kept by the Clerk to the said Trustees, which Book shall and may be perused at all seasonable Times by any of the Trustees or Creditors of the said Harbour under this Act, and any other Persons interested therein, without Fee or Reward ; and the Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer their Right or Interest therein to any Person or Persons by an Instrument in Writing under their Hands in the Form or to the Effect following :

No Preference to be allowed from Priority of Date.

‘ I of in consideration of the Sum of
 ‘ paid by C.D. of do hereby transfer the Assignment made
 ‘ by the Trustees of the Harbour of *Montrose* to me, bearing Date the
 ‘ Day of , and all Interest now due and
 ‘ to become due thereon, and all my Right and Property therein, to the
 ‘ said C.D., his Heirs, Executors, and Assignees. In witness whereof
 ‘ I subscribe these Presents the Day of before these
 ‘ Witnesses .’

Form of Transfer of Assignment.

And such Transfer may be indorsed upon the principal Assignment or on a Paper apart ; and the Person to whom such Transfer shall be made may make another such Transfer thereof in Writing as aforesaid, and so often as such Assignment is meant to be transferred ; and every such Transfer shall, within Twenty-one Days after the Date thereof, be produced to the Clerk to the said Trustees, who shall enter the same, in like Manner as the original Assignment, in the Book to be kept by him for that Purpose ; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee, his Heirs, Executors, and Assignees, to the full Benefit of the original Assignment, and it shall not from thenceforth be in the Power of any Person who shall have made any such Transfer to make

void, release, or discharge the same, or any Money thereby due, or any Part thereof.

Repayment
of Money
borrowed.

LIII. And be it enacted, That if the said Trustees shall by virtue of this Act borrow any Sum or Sums of Money at a Rate of Interest less than *Five per Centum per Annum* it shall be lawful for them to express in the Assignment hereby directed to be granted for the same the Rate agreed on, and also that the Lender or Lenders shall at any Time, upon giving Six Months previous Notice, be entitled to the Repayment of the Sum so lent, or failing such Repayment to Interest for the same at the Rate of *Five per Centum per Annum* from the Expiry of the said Six Months after Notice so given.

Trustees not
to be per-
sonally liable.

LIV. And be it enacted, That the said Trustees shall not be held or adjudged to have rendered themselves personally liable for the Repayment of any Money or Interest thereof by reason of having signed the said Securities, but which Securities are to be held as granted on the sole Credit and Security of the said Harbour and other Works, Rates, and Duties, nor shall any Trustee be held personally liable upon any Pretext for the Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independently of his Office as a Trustee under this Act.

Cash Ac-
count may
be opened.

LV. And be it enacted, That in case any Person or Banking Company shall agree to allow the said Trustees a Credit to the Extent of the Sum which they are authorized to borrow as aforesaid, or any Part thereof, on a Cash Account, according to the Usage of Bankers in *Scotland*, it shall be lawful for the said Trustees to accept of such Credit, and act upon the same, for such Sum or any Part thereof; and the said Trustees are hereby authorized and empowered to assign, by an Instrument in Writing duly stamped, the Rates and Duties or other Revenues of the said Harbour, and the said Harbour and Works, in Security of such Cash Account, to such Person or Banking Company who shall agree to allow the same, but so that the whole Sum due and owing by the said Trustees upon such Cash Account, and for Money borrowed under this Act, shall never, when taken together, exceed the Sum of Forty thousand Pounds.

Sinking Fund
to be estab-
lished.

LVI. And be it enacted, That so soon as the Works authorized by this Act are completed a Sum of Money not exceeding *Five per Centum* of the Monies which shall then be due and owing of the Monies borrowed under the Powers given by this Act, if the said Trustees shall deem it expedient, shall, out of the Rates and Duties to be received by them the said Trustees, be set apart yearly by the said Trustees as a Sinking Fund to be applied in the Repayment of the Sums of Money borrowed and due and owing by the said Trustees as aforesaid.

Rates and
Duties may
be taken.

LVII. And be it enacted, That so soon after the passing of this Act as the said Trustees shall have settled and agreed with the Magistrates and Town Council of the said Burgh for the Compensation to be made to them as aforesaid, and shall have raised, under the Power herein granted to borrow Money for the Purposes of this Act, a Sum of not less than Twenty thousand Pounds, and have contracted for the constructing of Works authorized by this Act under a valid Contract or

Contracts, binding the said Trustees to an Expenditure thereon to that Amount, but not sooner, it shall be lawful to and for the said Trustees, and to and for such Persons as they shall from Time to Time authorize and appoint, to demand, levy, receive, collect, and take for the Purposes of this Act, of and from the Owners and Proprietors of all Goods, Wares, Merchandize, or Commodities whatever which shall be imported into or exported from the said Harbour of *Montrose* and the Precincts thereof to the East of the Chain Bridge and *Inch* Bridge over the said River of *South Esk*, in any Ship, Vessel, Bark, Boat, or Lighter, the Rates and Duties specified in the Schedule (A.) annexed to this Act, and of and from the Owner of every Ship, Vessel, Bark, Boat, or Lighter coming into or going out of the River *South Esk*, or from the Agents or Managers of such Owners, the Rates and Duties specified in the Schedule (B.) annexed to this Act, and which Rates and Duties shall include all Rates, Dues, and Duties of every Kind heretofore leviabie by the said Magistrates and Town Council at the said Port or Harbour in virtue of any Royal Charter, Grant, or otherwise howsoever : Provided always, that until the said Trustees shall have settled and agreed with the said Magistrates and Town Council as to the Compensation to be made to them as aforesaid, the Magistrates and Town Council shall have the same Right to levy Dues and Duties at the said Harbour, and generally the same Powers, Privileges, and Immunities of and in the said Harbour and Precincts thereof, as before the passing of this Act.

LVIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize or be so construed as to authorize the levying or exacting of any Duties, Dues, or Imposts of any Description on Vessels navigating or on Goods or Articles landed in the Basin of *Montrose* to the Westward of the Chain Bridge and *Inch* Bridge across the said River *South Esk*, other than such Duties, Dues, or Imposts as have heretofore been in use to be levied, or which the Magistrates and Town Council of *Montrose* had a Right to levy in the said Basin to the Westward of the said Bridges prior to the passing of this Act ; nor shall any thing in this Act contained authorize the Construction of any Quay, Pier, or other Work, or the carrying on of any Operation whatever, within Flood Mark to the Westward of the said Bridges, or between the Chain Bridge and the most westerly Point of the existing Piers or Quays to the Eastward of the said Chain Bridge : Provided always, that nothing in this Act contained shall confer any Right on or take away any Right which may now exist from any Proprietor or other Person of building, erecting, and using any Piers, Quays, or other Works, or of carrying on any other Operation whatever to the Westward of the said Bridges, or between the Chain Bridge and the most westerly Point of the existing Piers or Quays to the Eastward of the said Chain Bridge : Provided further, that nothing in this Act contained shall authorize the Construction of any Pier or Quay on the South Side of the said River *South Esk*, nor shall any thing in this Act contained confer on or take away from any Corporation, Proprietor, or other Person any legal Right which he or they may now have of erecting any Pier or Quay on the South Side of the said River.

Old Rates only to be levied on Goods landed to the Westward of the Bridge.

No Works to be constructed in the Basin West of the Bridges, &c. Proviso.

LIX. Provided always, and be it enacted, That nothing in this Act contained shall authorize or be so construed as to authorize the levying or exacting of any Duties, Dues, or Imposts of any Description on Goods or Articles landed or shipped at *Ferryden*, other than such

Old Rates only to be levied at *Ferryden*.

Duties,

Duties, Dues, or Imposts as have heretofore been in use to be levied, or which the Magistrates and Town Council of *Montrose* had a Right to levy at the said Pier prior to the passing of this Act.

If Works not completed in Seven Years old Rates to be levied.

LX. And be it enacted, That if within the Space of Seven Years from and after the passing of this Act the Wet Dock hereby authorized to be constructed shall not be completed so as to answer the Purpose for which the same was intended, the Rates and Duties hereby leviabie shall be applied in Payment of the annual Expences of maintaining in repair the Works of the said Harbour, as they shall then exist, the Compensation to be paid to the said Magistrates and Town Council of *Montrose* as aforesaid, the Interest of the Money borrowed and due and owing under his Act, and the Surplus, if any, in Payment of the Debt due by the said Trustees under this Act; and so soon as such Debt shall be extinguished and fully paid the Rates and Duties granted by this Act shall cease and determine, and in lieu thereof it shall be lawful to the said Trustees to levy and exact only the same Rates, Dues, Duties, and Payments which before the passing of this Act the Magistrates and Town Council of *Montrose* were in use or had a Right to levy or exact at the said Harbour or Precincts thereof.

Trustees may compound for Rates.

LXI. And be it enacted, That it shall be lawful for the said Trustees, and they are hereby authorized, as they shall see convenient, to compound for any Time, not exceeding One Year, to and with the Owner, Consignee, or Agent, or other Person having the Charge of any Steam or other Vessel plying to and from the said Harbour of *Montrose* and the Precincts thereof, and any Port or Place in the United Kingdom of *Great Britain* and *Ireland* or entering or going out of the *River South Esk*, which shall make more than One Trip *per Week*, for the Payment of such Sum of Money as they the said Trustees shall think proper, in lieu of the Tonnage, Anchorage, and Beaconage Dues and Plank Money which would be payable on such Vessels, provided such Composition Money be paid in advance at such Periods as the said Trustees shall fix: Provided always, that all Compositions made by the Trustees under this Act shall at all Times be made equally and impartially towards all Persons and Companies, and not in favour of or against any particular Person or Company, and all Persons and Companies whomsoever shall be entitled to compound with the said Trustees on the same Terms as shall have been granted in any similar Compositions which the said Trustees may have at the Time agreed to with any other Person or Company.

Trustees to let the Slips or Rails, and make Rules as to the Use of them.

LXII. And whereas in the course of improving the said Harbour the said Trustees may have Occasion to make or erect One or more Slips or Railways for the repairing of Vessels; be it enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to let the said Slips or Railways at such Rates or Dues, and to make such Rules and Regulations for the Government of Persons using the said Slips or Railways, as to them the said Trustees shall from Time to Time seem fit and proper; and it shall and may be lawful to and for the said Trustees to lay down, complete, and maintain One or more Lines of Rails on or over the Works erected by them, and to charge and receive and recover from all such Persons as shall use the said Rails, either such Rates or Duties as shall be agreed upon between them and the said

Trustees

Trustees for the Use of such Rails, or such Rates or Duties as shall from Time to Time be fixed and declared by the said Trustees as the Rates and Duties to be paid by the Persons using the said Rails.

LXIII. And be it enacted, That the said Trustees shall have Power and they are hereby authorized from Time to Time to make such Rules and Regulations as to them shall seem requisite or necessary for the Government of Persons using the said Rails, and to fix such Fine or Fines not exceeding the Sum of Five Pounds for any One Offence, to be recovered by the said Trustees from the Persons who shall not obey or conform to any such Rule or Regulation.

Trustees may impose Fines for Offences against the Rule respect- the Use of Rails.

LXIV. And be it enacted, That the said Trustees shall be and they are hereby authorized to treat and agree with any Persons, Corporation, or Company, for the necessary Supply of soft fresh Water for the Use of Shipping resorting to the said Harbour, and to give Authority to such Persons, Corporation, or Company to lay Pipes along the Quays and Works, and of making and constructing Wells or Fountains for supplying the Shipping frequenting the said Harbour, and to make Rules and Regulations for the Guidance of all Vessels requiring to use said Water, and to regulate and collect Water Dues from all such Vessels.

For supply- ing Water.

LXV. And whereas in consequence of the Extension of the Harbour of *Montrose*, and the increased Value of Property loaded or unloaded thereat, it may be expedient to establish proper Regulations for the Protection of the same; be it enacted, That the said Trustees shall have Power and they are hereby authorized to appoint during Pleasure a Superintendent for the said Harbour, and from Time to Time to fix the Number of inferior Officers and Watchmen to be appointed by the said Superintendent, and to make such Rules and Regulations for the Conduct of the said Superintendent, Officers, and Watchmen, and the Police of the said Harbour, as they the said Trustees shall think expedient; and all such Salaries and Allowances as the said Trustees shall from Time to Time agree to pay or give to the said Superintendent, Officers, and Watchmen shall be paid out of the Monies to be received by the said Trustees by virtue of this Act.

Power to ap- point Super- intendent and Officers for regulating the Police of the Harbour.

LXVI. And be it enacted, That it shall be the Duty of the said Superintendent, and of the said inferior Officers and Watchmen, to guard, patrol, and watch the Piers, Quays, Jetties, and other Works of the said Harbour, erected and to be erected, and the Goods, Wares, and Merchandize lying thereon or therein, and the Vessels of all Descriptions lying at or in the said Harbour, Piers, Quays, or Jetties, and the Goods, Wares, and Merchandize with which the said Vessels may be loaded, and to enforce the Rules and Regulations made or to be made by the said Trustees, to be observed by all Persons within the Precincts of the said Harbour, and to apprehend all Persons committing or charged with committing a Breach of any of the Rules or Regulations, or committing or charged with committing any criminal, riotous, or disorderly Act within the Precincts of the said Harbour; and it shall also be the Duty of the said Superintendent to afford at all Times to the said Trustees, and the Officers appointed by them, his best Aid and Assistance relative to the Preservation of Peace and

Their Duties.

good Order, the Suppression of Nuisances, and the Removal of Obstructions from the Piers, Quays, and Jetties of the said Harbour; to appoint the requisite Number of efficient and proper Persons to act as inferior Officers and Watchmen, and to dismiss them when he shall see Cause, and in general to aid and assist in the Prevention of Breaches of the said Rules and Regulations, and bringing Offenders to Punishment; to attend to the proper lighting, watching, and cleansing of the said Harbour, and the Piers, Quays, and Jetties thereof: Provided always, that the said Trustees shall have Power and they are hereby authorized to dismiss or order to be dismissed any of the Officers or Watchmen appointed by the said Superintendent at any Time when they shall find it necessary or proper to do so; and any Person so dismissed shall not be again employed in or about the Harbour unless with the written Approbation of the said Trustees.

Penalty on Watchmen retiring from Duty, and supplying them with Spirituous Liquors during Duty.

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

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

LXVIII. And be it enacted, That every Fisherman, Boatman, Pilot, or other Person who shall pick up or obtain Possession of any Anchor or Cable, or any Boat, Rope, or Tackle of any Vessel, or any Log or Logs of Timber, or any other Article or Thing whatever, in the River *South Esk* opposite to and within the Precincts of the said Harbour, shall, within Twenty-four Hours thereafter, give Notice thereof to the said Trustees or any of their Officers or Servants, and shall deposit the same in such Place within such Time as they may direct; and any Fisherman, Boatman, Pilot, or other Person who shall fail to give such Notice and deposit such Articles as aforesaid shall be liable in a Penalty not exceeding Five Pounds; and the said Trustees shall have Power to fix the Amount of Salvage to be paid to Fishermen, Boatmen, Pilots, or other Persons picking up any of the said Articles or Things.

Bail to be taken in certain Cases.

LXIX. And be it enacted, That upon the Apprehension of any Person charged with an Offence of aailable Nature, or with a Breach of the said Rules and Regulations, it shall be lawful to the said Superintendent and he is hereby empowered to accept of sufficient Bail, by Bond or Pledge, and to liberate the Person so apprehended upon Bail being found; it being expressly declared that the Refusal of the said Superintendent to accept of such Bail, and the detaining of the Person so apprehended until he or they can be brought before the said Sheriff Substitute or the Judge to be appointed as after provided, shall not subject such Superintendent or Watchman to any Claim of Damage whatever.

Persons taken into Custody to be taken be-

LXX. And be it enacted, That all Persons taken into Custody, and who shall be detained in Custody, shall be in the course of the Day or the first lawful Day after their Apprehension taken before the Provost or

One of the Baillies of *Montrose*, to be dealt with according to such Order or Sentence as the said Provost or Baillie may judge it expedient to make or pronounce in such Matter.

fore the Provost or One of the Baillies.

LXXI. And be it enacted, That it shall be lawful for the Provost or any of the Baillies of the said Burgh to order any Person charged with an Offence under this Act to be detained for affording Time to find Caution or for further Examination, such Examination always taking place without any unnecessary Delay, and never being longer than Seven Days.

Person charged with an Offence may be detained for Examination.

LXXII. And be it enacted, That where any Person shall have been liberated on Bail and shall fail to appear it shall be competent for the Provost or any of the Baillies of the said Burgh, where such Bail has been by Pledge, to declare the same to be forfeited; and in Cases where Bail shall have been given by Bond of Caution, and in Cases where the Offenders shall have found Caution for good Behaviour or for keeping the Peace, and shall forfeit the Bond, it shall be competent for the Provost or any of the Baillies of the said Burgh to order the Cautioners to be cited to make Payment of the Sum contained in the Bond within the Space of Twenty-four Hours; and in default of such Payment after the Lapse of the said Space of Time the Sum specified in such Bond shall thereupon be recoverable, at the Instance of the said Superintendent, by a Precept issued by the Provost or any of the Baillies of the said Burgh, upon a Charge of Three Days; and upon Failure of Payment Warrant may be granted by the Provost or any of the Baillies of the said Burgh for entering the Ship, House, Shop, Warehouse, Manufactory, or other Place of the Defaulter, and seizing and carrying away, and afterwards selling, so much of the Defaulter's Goods and Effects as may appear sufficient for the Payment of the Sum forfeited, and the Expence of seizing and Sale, as shall be fixed and determined by the said Provost or Baillie; and upon Certification by the seizing Officer of there not being a Sufficiency of such Goods and Effects found attachable, it shall and may be lawful to and for the Sheriff of the County of *Forfar*, or his Substitute, to interpose his Authority for doing the like within their Jurisdiction; and in case of a Sufficiency of such Goods and Effects attachable not being found within the Jurisdiction of the said Sheriff, it shall be lawful for the said Sheriff or his Substitute to grant a Warrant for imprisoning the Cautioner in the Tolbooth of *Montrose* for a Space not exceeding Seven Days; and after such Imprisonment no further Procedure on the Bond shall be competent.

Provision in case Bail has been forfeited.

LXXIII. And be it enacted, That a Book shall be kept by the said Superintendent wherein all Pledges, and the Order regarding and the Manner of disposing of them, shall be entered; and that any Article pledged shall be redeemable within such Time and on such Terms as the said Trustees shall fix; and if not redeemed at the Time and in the Manner prescribed, the same shall be sold or disposed of in such Manner as the said Trustees shall direct, and the Proceeds of such Sales shall be applied towards the Purposes of this Act.

Provision as to Articles pledged as Bail.

LXXIV. And whereas it is expedient that in all Cases of Breach of the Rules and Regulations made or to be made by the said Trustees, and of other petty Offences, the Proceedings under the Authority of this Act shall

Provisions for Breach of the Rules of Police.

shall be attended with as little Delay as possible; be it enacted, That the Provost and Baillies of the said Burgh shall and they are hereby required from Time to Time to adapt the Forms of Proceedings so as to despatch the Business which may come before them or any of them, under the Provisions of this Act, in the easiest and most expeditious Manner: Provided always, that a Record shall be kept of the Charge and of the Judgment or Sentence pronounced, and in all Cases a Copy of the Charge, and Judgment or Sentence pronounced, certified by the Person pronouncing the same, shall be a sufficient Warrant to all and every Person for carrying such Sentence into execution.

Offenders may be bound to find Caution for good Behaviour.

LXXV. And be it enacted, That it shall and may be lawful for the Provost or any One of the Baillies of the said Burgh, in lieu of or in addition to any Punishment to which any Offender may be liable in virtue of this Act, to ordain any Offender to find Caution for good Behaviour or keeping the Peace for any Period not exceeding Six Calendar Months under a Penalty not exceeding Twenty Pounds, and to confine such Offender until Caution be found, but such Confinement shall not exceed in any One Case the Period of Seven Days.

Magistrates and Sheriffs may concur in the Execution of Warrants.

LXXVI. And be it enacted, That it shall be lawful for all Magistrates of Burghs, Sheriffs of Counties, and Justices of the Peace to grant their Concurrence to the Execution of the Warrants to be granted under the Authority of this Act, for searching for or apprehending Offenders, for citing Witnesses, or for any other lawful Purpose; and on such Concurrence being granted it shall be lawful for the said Superintendent, and the said Officers and Watchmen, and all other Officers of the Law, to put such Warrant in execution within the Burgh, County, or Place subject to the Authority of such concurring Magistrate or Sheriff.

Provision as to the Expence of Process.

LXXVII. And be it enacted, That in all Cases the said Judge to be appointed as after provided may decern for Expences of Process, over and above the Amount of any Penalty or Sum of Money awarded as or for Damages against Offenders, or against any private Complainant, in case the Person complained against shall be acquitted.

No Appeal except to Sheriff of Forfarshire.

LXXVIII. And be it enacted, That no Appeal, except to the Sheriff of the County of *Forfar*, shall be competent from any Sentence to be pronounced in virtue of the Provisions of this Act by the said Provost or Baillies, and such Appeal shall only be competent within Ten Days after such Sentence shall have been pronounced, upon Consignation in the Hands of the said Superintendent of the Amount of the Penalty and Expences decerned for, or on sufficient Caution being found for the same; and the Decision of the Sheriff shall be final and conclusive, and not subject to Review or Question by Advocation, Suspension, or otherwise.

Limitation within which Offenders may be punished under this Act.

LXXIX. And be it enacted, That no Complaint arising out of any Breach of the Rules and Regulations to be made by the said Trustees shall be received or entertained as a Matter provided for by this Act, unless the same be presented within Six Calendar Months after the Offence or Offences complained of shall have been committed, except in Cases where

where it can be shown that the Offender or Offenders sailed from the Port of *Montrose* within Twenty-four Hours after the Offence was committed or the Cause of Action occurred, and then such Complaint may be received and entertained at any Time within Twelve Months after the Offence has been committed.

LXXX. And be it enacted, That if the Magistrate before whom any Complaint is made shall think the Case of any Offender brought before him under the Provisions of this Act deserving of and be liable in a higher Punishment or Fine than is authorized by this Act, such Offender may be proceeded against according to Law, and as if this Act had not been passed.

Offender may be proceeded against as if this Act had not been passed

LXXXI. And be it enacted, That nothing in this Act shall extend or be construed to extend to any Ship or other Vessel belonging to or employed in the Service of Her Majesty, Her Heirs and Successors, or in the Service or Employ of the Ordnance, Customs, Excise, or Post Office, coming into or using the said Harbour and Precincts.

Ships in the Service of Her Majesty, &c. to be exempted.

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

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

LXXXIII. And be it enacted, That the Masters and Owners of all Ships, Vessels, Barks, Boats, and Lighters trading to and from the said Harbour and Precincts, and liable to the Payment of the Rates and Duties by this Act imposed, shall be and they are hereby required to produce to the said Trustees, or to the Collector or other Officer appointed by the said Trustees, the Registers of their respective Ships, Vessels, Barks, Boats, or Lighters, in order to ascertain the Tonnage thereof; or otherwise they shall permit and suffer the said Ships, Vessels, Barks, Boats, or Lighters to be measured by the said Trustees, or by such Person as they shall from Time to Time appoint for that Purpose, such Measurement to be made according to the Directions of any Act for the Time being in force for ascertaining the Tonnage of *British* Vessels; and the said Owners and Masters shall pay the Rates and Duties according to such Register or Measurement, besides the Expence of the Measurement; and every Owner or Master aforesaid who shall refuse to produce the Register of his or their Ship, Vessel, Bark, Boat, or Lighter, or to allow the same to be measured as aforesaid, shall for every such Offence forfeit and pay to the said Trustees a Sum, at their Discretion, not exceeding Five Pounds.

Masters of Vessels to produce Registers, or allow Ships to be measured.

Power to demand to see the Register and recover the Rates.

LXXXIV. And be it enacted, That it shall and may be lawful to and for the said Trustees, and to and for such Person as shall be authorized by them for that Purpose, to go on board any Ship, Vessel, Bark, Boat, or Lighter, and to demand to see the Register thereof, and take the Dimension of such Ship, Vessel, Bark, Boat, or Lighter, and to demand, collect, and receive from the Owner, Master, or other Person having the Charge of such Ship, Vessel, Bark, Boat, or Lighter, the Rates and Duties by this Act imposed and made payable; and in case of Delay or Refusal of Payment of such Rates and Duties, either on the Voyage Inwards or Outwards, to seize, take, and detain any of the Goods, Merchandize, Tackle, Furniture, or Apparel of or belonging to any such Ship, Vessel, Bark, Boat, or Lighter, and to keep and detain the same until the said Rates and Duties are paid; and in case of Neglect or Delay in such Payment for the Space of Three Days after such seizing, taking, and detaining as aforesaid, it shall and may be lawful to and for the said Trustees, and to and for such Person authorized by them as aforesaid, to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell and dispose of the Goods or other Effects taken or appraised, and therewith to satisfy the Rates 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 to the Master or Owner of such Ship, Bark, Boat, Lighter, or other Vessel, or to the Owner of such Goods, the Overplus (if any be), on Demand.

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

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

LXXXV. And be it enacted, That it shall and may be lawful for the Collector or other proper Officer of Her Majesty's Customs, and he is hereby authorized, (with the Permission of the Commissioners of Customs,) to refuse to receive any Entry, or give or make any Cocquet or other Discharge or Clearance, or take any Report Inwards or Outwards, for any Ship or other Vessel whatever subject and liable to the Payment of the Rates and Duties imposed by this Act, until the said Rates and Duties shall be paid to the Collector appointed to receive the same, and until a Receipt under the Hand of the said Collector for the said Rates and Duties shall be produced to the said Collector or other proper Officer of Her Majesty's Customs, or a Certificate under the Hand of the Clerk to the Trustees that the Sum demanded on that Account has been consigned and lodged in his Hands, with sufficient Security for the Payment of all Damages, Costs, and Expences which the Collector of the said Rates and Duties may sustain or incur by reason of the Delay or Refusal of Payment, according as the same shall be ascertained and determined by any One or more of the Justices of the Peace in and for the County of *Forfar*, such Justice of the Peace not being a Trustee under this Act; but provided always, that in case it shall be found by the said Justice or Justices, after hearing both Parties, that the Collector of the said Rates and Duties has made a higher Demand than is authorized by this Act, such Collector shall be liable and decreed to pay the Party complaining such a Sum in Name of Damages, not exceeding Five Pounds, as shall be judged adequate by the said Justice or Justices, who are hereby authorized and empowered to hear and decide upon all such Questions and Disputes as shall be brought before them relative to such Matters in a summary Manner.

LXXXVI. And be it enacted, That if any Master, or any Owner, Factor, or Consignee, of any Ship, Vessel, Bark, Boat, or Lighter, or any Owner, Factor, or Consignee of any Goods, Wares, or Merchandize, liable in Payment of any of the Rates or Duties by this Act imposed, shall at any Time wilfully elude or evade the Payment of the said Rates and Duties by any Means whatsoever, every such Master or other Person as aforesaid shall for every such Offence forfeit to the said Trustees a Sum not exceeding Five Pounds, over and above the Payment of the said Rates and Duties, which shall and may be recovered in the Manner provided by this Act.

Penalty on
evading
Duties.

LXXXVII. And be it enacted, That no Rate or Duty shall be chargeable for or in respect of any of Her Majesty's Ships of War, or any Ship, Transport, or Packet or other Craft in the Service of Her Majesty's Customs or Excise, or any Ship or Vessel employed in or upon Her Majesty's Service in the Conveyance of any Ordnance Stores, or Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging, nor in respect of any Ship or Transport or Packet employed exclusively in Her Majesty's Service in carrying the Mails of Letters or Express under the Authority of Her Majesty's Postmaster General; but if any Person or Persons shall claim and take the Benefit of any of the Exemptions aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Forty Shillings, over and above the Rates and Duties imposed by this Act.

Exempting
Soldiers and
Sailors, and
Ships and
Packets in
Her Majesty's
Service.

LXXXVIII. And be it enacted, That it shall and may be lawful to and for the said Trustees, and their Officers, Collectors, or other Persons to be appointed by them, in case of Neglect, Delay, or Refusal to pay the said Rates and Duties, instead of recovering the same by Seizure, Detention, or Pounding in manner aforesaid, or in case the whole thereof shall not be so recovered, to proceed for the Recovery of the same, or so much thereof as shall not be so recovered, if exceeding in Amount the Sum of Twenty Pounds in the whole, by Action of Debt; and in Cases where the said Rates and Duties shall not amount in the whole to the Sum of Twenty Pounds, it shall be lawful for any One or more Justice or Justices of the Peace or for the Sheriff of the said County of *Forfar* to issue a Summons, at the Instance of the said Trustees, or of any Collector or Officer appointed by them, from Time to Time to summon and call before him or them by Summons, at any Time and Place lawful and convenient, all or any Persons, being the Owners, Part Owners, Consignees, or Masters, or having the Rule or Command of any Ship or other Vessel, or any other Persons liable to pay any of the Rates or Duties by this Act imposed, and to examine and inquire of and concerning all and every or any Ships or other Vessels, Goods, Wares, and Merchandize, or other Matters or Things, liable to the Payment of any of the Rates or Duties hereby imposed, and whether all or what Part or Parts of such Rates or Duties shall be legally exigible, and shall have been paid or not paid, and when and by whom, and to whom, and to determine the Amount thereof, and other Matters in dispute between the Parties, and to issue a Decree or Warrant for Payment thereof, if the same shall not exceed in the whole the Sum of Twenty Pounds, and also to award such Costs to be paid by either Party to the other as such Justice or Justices or Sheriff shall see reasonable; all which Rates and Duties for which Decree or

Recovery of
Rates by
Action.

Warrant

Warrant shall be given as aforesaid, and all Costs so awarded, shall and may be recovered by ordinary legal Diligence, or, in the Option of the Pursuers, by a Sale of the Ship or Vessel, or of the Tackle, Apparel, or Furniture thereto belonging, or any Part thereof, or of all or any Part of the Goods, Wares, or Merchandize or others in respect of which the said Rates and Duties shall be exigible, by Warrant or Decree of the said Justices or Sheriff, which Warrant every such Justice or the said Sheriff is hereby empowered to issue; and the Overplus of the Proceeds, if any, shall be returned, upon Demand, to the Proprietor of the Ship or Vessel, Goods, or others so sold.

Penalty for
resisting
Payment of
Rates, &c.

LXXXIX. And be it enacted, That in case any Person or Persons shall resist or make forcible Opposition against any Collector or other Officer appointed by the said Trustees, employed in the due Execution of this Act, or shall assault any Officer, Collector, or other Agent of the said Trustees in the Execution of his Office, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, to be fixed by a Warrant or Decree of any Justice of the Peace or the Sheriff of the County of *Forfar*, to be recovered in manner herein-after mentioned.

Leases may
be granted of
the Rates.

XC. And be it enacted, That it shall and may be lawful for the said Trustees to let on Lease all or any of the Rates and Duties by this Act authorized to be taken for any Term of Years not exceeding Seven Years, and for Payment of any such Rent as they shall think proper, and in the Case of the said Rates and Duties being so let the Tenants shall have the same Powers and Privileges as to levying, recovering, and collecting the said Rates and Duties as are by this Act conferred upon the said Trustees.

Lists of
Rates to be
publicly
exhibited.

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

Rates not to
be again paid
on Vessels
putting back.

XCII. And be it enacted, That no Ship, Vessel, Steam Ship or Steam Boat, or other Craft, for which the Tonnage Duty exigible by this Act shall have been once paid, shall be liable or be obliged to pay the same in case of such Ship, Vessel, or Craft being put back to the said Harbour during the Voyage for which the Tonnage Duty was paid.

Power to
erect Cranes
and Weighing
Machines.

XCIII. And be it enacted, That the said Trustees shall be and they are hereby authorized and empowered to erect such and so many Cranes and Weighing Machines upon the Works of the said Harbour as may appear to be requisite for the loading, unloading, and weighing of such Goods, Wares, and Merchandize as may be imported at and exported from the said Harbour, and to provide all such Weights and Measures as may be necessary for weighing and measuring the said Goods, Wares, and Merchandize; and the said Trustees are hereby authorized and empowered to demand, levy, collect, receive, and take, for the Use of such Cranes

and Weighing Machines, of and from all and every the Owners, Agents, or other Persons having the Charge of such Goods, Wares, and Merchandize, such reasonable Rates and Duties as they shall think proper; and if any Difference shall arise between any Collector of the said Rates and Duties and the Master or any other Person having the Care or Charge of any Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft coming to or departing from the said Harbour, or the Owner, Factor, Consigner, or Consignee of any Goods, Wares, Merchandize, or other Things therein embarked or contained, concerning the Weight or Qualities of the Goods, Wares, Merchandize, or other Things loaded or embarked therein, it shall be lawful for any such Collector to stop and detain any such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, and to weigh or gauge, or cause to be weighed or gauged, the same, and all such Goods, Wares, and Merchandize or other Matters or Things as shall be therein embarked or contained; and in case the same shall upon any such weighing or gauging appear to be of greater Weight or Quantity than the Account given thereof by such Master, Owner, or other Person having the Care or Charge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, then it shall and may be lawful to and for the Trustees or their Collectors, and they are hereby authorized and empowered, to charge for such Goods and Things according to the Weight thereof found upon such weighing, or declared by the Gauge of such Ship, Vessel, or Boat, Steam Ship or Steam Boat, or other Craft, and the Master, Owner, or other Person giving in such Account shall pay the Costs and Charges of such weighing and gauging; all which Costs and Charges, upon Refusal of Payment on Demand, shall and may be recovered and levied in the same Manner as the Rates and Duties imposed by this Act are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, or other Matters or Things shall appear to be of the same or of a less Weight or Quantity than the Account given thereof by the said Master, Owner, or other Person, then the said Trustees and their Collector, as the Case may be, shall pay the Costs and Charges of such weighing and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall have arisen from such Detention.

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

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

Power to
remove
Articles.

XCV. And be it enacted, That the said Trustees, or any Officer or Person employed by them in virtue of this Act, shall have Power and they are hereby authorized, if they shall see Cause, to remove or cause to be removed all such Goods, Wares, Merchandize, Commodities, or other Matters or Things as shall be allowed to remain on the said Piers or Quays, and all Horses and Live Stock shall be immediately removed and be carried to any Warehouse, Yard, or other Place of Safety, and there be detained and kept till Payment of the Charges incurred by such Removal, Keeping, and Detention, together with the Rates and Duties herein-before authorized to be levied on the said Goods, Wares, Merchandize, Commodities, Horses, and Live Stock as aforesaid.

Lighthouses
to be estab-
lished.

XCVI. And whereas certain Lighthouses and Beacons for regulating the Approaches to the said Harbour have been established and maintained by Persons interested in the Trade of the said Burgh, at their own Expence, and have been very useful for that Purpose, but it would be more convenient that the said Lighthouses and Beacons were placed under the Management of the Trustees of this Act; be it therefore enacted, That it shall be lawful to the said Trustees and they are hereby authorized to treat and agree for the Acquisition of and to acquire from the Parties interested therein the said Lighthouses and Beacons, and to establish other Lighthouses and Beacons in such convenient Situations as they shall think proper, for directing the safe Approach to the said Harbour, under such Regulations as they shall from Time to Time make and provide; and in order to enable the said Trustees to acquire and establish such Lighthouses and Beacons, and to maintain the same in proper Order and Repair in all Time coming, it shall be lawful to the said Trustees to levy on all Ships, Vessels, or other Craft entering the said Harbour such Rates and Duties as shall be necessary for that Purpose as they shall annually fix and determine, not exceeding the Rates and Duties specified in the Schedule (C.) to this Act annexed; and a separate Account shall be kept of such Rates and Duties, and of the Application thereof for the Purposes aforesaid: Provided always, that all such Lighthouses and Beacons shall be subject to the Conditions, Provisions, and Declarations of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-nine, intituled *An Act for vesting Lighthouses, Lights, and Sea Marks on the Coasts of England in the Corporation of Trinity House of Deptford Strond; and for making Provisions respecting Lighthouses, Lights, Buoys, Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof.*

6 & 7 W. 4.
c. 79.

Application
of Duties.

XCVII. And be it enacted, That the whole of the Rates and Duties and other Monies levied or received by the said Trustees under the Authority of this Act shall be applied by the said Trustees in manner following; *videlicet*, in the first place, towards Payment of the Expence of the Plans and the other Expences connected with the preparing, procuring, and passing of this Act; in the second place, in Payment of such Sum or Sums of Money as shall be payable to the said Magistrates and Town Council in Name of Compensation or otherwise under this Act; in the third place, towards Payment of the annual Interest of the Monies borrowed and due and owing under the Authority of this Act, for the Purposes thereof, on the Credit of the aforesaid Rates and Duties, in manner herein provided;

in the fourth place, towards the Formation of a Sinking Fund when the same shall be established for the gradual Extinction of the Money borrowed under this Act; and lastly, towards the Expence of enlarging, improving, and deepening the aforesaid Harbour and other Works connected therewith, and of carrying through and finishing the other Improvements to be executed by the Trustees under this Act, in virtue of the Powers hereby committed to them, and of keeping and maintaining in good Order and sufficient Repair, and paving, watching, and lighting, the Piers, Quays, and Jetties, and other Works in and about the said Harbour, and the other Purposes of this Act, and to no other Purpose whatsoever.

XCVIII. And be it enacted, That the said Trustees, or such Person as they shall authorize and appoint, shall and may, and they are hereby authorized and empowered, when and as often as they shall judge necessary, to remove or cause to be removed any Vessel, Bark, Lighter, or Boat lying in any of the Entries or Passages of the said Harbour, or at any Quay, Pier, or Work already built or hereafter to be built in pursuance of this Act, or in any other Part of the said Harbour, from its Berth or Lying Place at which such Vessel respectively may happen to be moored or lying at the Time to any other Berth or Lying Place in the said Harbour; and in case the Master or other Person having the Charge of such Ship, Vessel, Bark, Lighter, or Boat shall neglect or refuse to remove or cause to be removed, upon being required to do so by the said Trustees, or such Person as they shall authorize as aforesaid, as soon after such Requisition as the State of the Tide will permit, such Ship, Vessel, Bark, Boat, or Lighter, from her said Berth or Mooring Place to such other Berth or Mooring Place as shall have been appointed as aforesaid, then and in that Case the said Trustees, or any Person authorized by them as aforesaid, shall be and hereby are empowered immediately on such Refusal or Neglect to remove or cause to be removed such Ship, Vessel, Bark, Lighter, or Boat from its then Berth or Mooring Place to such other Berth or Mooring Place as the said Trustees, or the Person or Persons authorized by them, shall judge proper; and the Master, Owner, or Consignee of such Ship, Vessel, Lighter, Bark, or Boat, so removed, shall be obliged to pay to the said Trustees all the Costs and Charges that shall have been reasonably incurred and expended in accomplishing such Removal; and every Master or other Person having or being in the Command or Charge of any such Vessel, or any other Person or Persons, who shall obstruct or hinder the Removal as aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds Sterling, to the said Trustees or any Person appointed by them.

Power to remove Vessels from one Berth to another.

XCIX And be it enacted, That no Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other Combustibles, shall be suffered to remain on the Quays and Piers aforesaid already constructed or to be constructed within the said Harbour, or any Part thereof, or upon the Deck of any Ship or Vessel lying therein, after being passed by the Officers of the Customs; and in case such Goods and Articles of Trade cannot be removed from such Place or Places by Daylight, then and in every such Case the Owners of such Goods or Articles aforesaid shall be obliged, as

No Combustible to be allowed to remain on the Quays or in Vessels.

as they are hereby required, to set and maintain, at their own Expence, a sufficient Number of sober and careful Persons to guard and watch the same, for so many Hours, according to the Season of the Year, as the said Trustees, or the Berthing Master or Berthing Masters, or other Person authorized by them as aforesaid, shall direct; and in case the Owners of such Goods or other Articles above mentioned, or the Masters of such Ships, Barks, or other Vessels, shall not obey the Directions so given, it shall be in the Power of the Trustees, or the Person authorized by them as aforesaid, to cause the same to be removed or watched at the Expence of such Owners or Masters; and every such Owner or Master shall for every such Default forfeit and pay a Sum not exceeding Five Pounds, besides the said Expence, and any Damage occasioned by their not removing or watching the said Goods or Combustibles as aforesaid.

Gunpowder
not to remain
in Vessels
more than
Six Hours.

C. And be it enacted, That no Gunpowder shall be suffered to be or remain on board any Ship or Vessel, except Ships or Vessels in the Service of Her Majesty's Government, for any longer Time than Six Hours after the Arrival of such Ship or Vessel in the said Harbour upon pain that every Master and Owner of such Ship or Vessel shall forfeit for every such Offence the Sum of Five Pounds Sterling, besides the Damage occasioned by his Default; and in case any Ship or Vessel in which any Gunpowder shall happen to be shall arrive in the said Harbour on a *Sunday*, or any Custom House Holiday, it shall be lawful for the Master or Commander of any such Ship or Vessel to land the same, without a Sufferance or Leave from the Officers of Her Majesty's Customs at the said Port for so doing, provided the same be done in the Presence of a Tide Surveyor or Coast Waiter.

Ballast, &c.
not to be
thrown into
the Harbour.

CI. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Person to throw or empty any Ballast, Dirt, Ashes, Rubbish, Shingle, Stones, or any other Thing into the said Harbour or Entrances thereto, or to dig or take away any Ballast, Shingle, Stones, or other Thing from within the same, without Leave of the Trustees in Writing, under a Penalty not exceeding Twenty Pounds Sterling for every such Offence, over and above the Expence of repairing the Damages; and if any Person shall cast out or deposit any Ballast out of any Ship or Vessel upon any of the Quays, Piers, or Works or in any other Place in or about the said Harbour, such Person shall be obliged immediately to cause the same to be carried off, on pain of forfeiting for every such Offence a Sum not exceeding Five Pounds Sterling, over and above the Expence of removing the same.

Penalty on
destroying
Works.

CII. And be it enacted, That if any Person shall, after the passing of this Act, wilfully and maliciously demolish, break down, or destroy any of the Jetties, Piers, Quays, or other Works in or belonging to the said Harbour, every such Person so offending shall forfeit and pay any Sum not exceeding Twenty Pounds, over and above making good the Damage thereby done.

Recovery of
Penalties.

CIII. And be it enacted, That all Forfeitures and Penalties imposed by this Act shall and may, except in Cases herein otherwise specially directed,
be

be sued for by the said Trustees or any Person aggrieved, and be adjudged and recovered by and under the Authority of the Burgh Court of the said Burgh; and it shall be lawful for such Court, on Complaint made by the said Trustees or Person aforesaid of every Offence against this Act, to grant Warrant to summon the offending Party to appear before such Court, and upon Proof of such Offence, by voluntary Confession or by the Oath of One or more credible Witnesses, or other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or closed Record or Minutes of Evidence; and where such Court shall find the Complaint relevant and proven, it shall find the Penalty due, and so soon as the Penalty has been found due and its Amount fixed, a Decerniture shall be given for the Amount, with the Expences of Suit, in favour of the said Trustees or Person to whom the same is or shall be payable: Provided always, that where there is no special Provision in this Act as to the Person to whom any such Penalty shall be due and payable, such Court shall have Power to find the Whole or any Part thereof due to the said Trustees or Persons suing for the same, or the Whole or any Part thereof due to any other Person aggrieved; and such Court shall at the same Time grant Warrant for the Recovery thereof, failing Payment, within Eight Days from the Date of such Decree and Warrant, by Poinding and Sale of the Goods and Effects of the Offender, or by Imprisonment in the House of Correction, Bridewell, or Common Gaol wherein such Court is authorized by Law to incarcerate Offenders for a Period at the Discretion of such Court, but not exceeding Three Months, it being hereby provided that a Record shall be kept of the Complaint, and of the Judgment and Warrant thereon.

CIV. And be it enacted, That if any Person shall think himself, Appeal. aggrieved by any Decision, Warrant, or Order of any Justice or Justices of the Peace in the Execution of this Act, or by any Bye Law or Regulation made by the Trustees under this Act, or in pursuance thereof, it shall be competent for such Person to apply for Redress by way of Appeal to the Justices at the next Quarter Sessions of the Peace for the County of *Forfar*; providing that such Appeals or Applications for Redress shall be entered within Eight Days after the Decision of the said Justice or Justices shall have been given, and Security for the Payment of the Costs and Issue of Suit being given by the Party appealing or applying for Redress; and the said Justices in their Quarter Sessions shall in all Cases proceed and determine summarily; and their Decision shall be final, and not subject to Review of any Superior Court, by Suspension, Advocation, or Reduction.

CV. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Officers or Persons acting under the Authority of this Act; be it further enacted, That it shall and may be lawful to and for the said Officers or Persons respectively to seize and detain any such unknown Persons guilty of any Offence against this Act, and to convey them before any One or more of the Justices of the Peace for the said County of *Forfar*, without any other Warrant than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby empowered and directed to proceed immediately to the Conviction or Acquittal of such Offenders in a summary Way. For apprehending transient Offenders.

[*Local.*]

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CVI. And

Trustees or
Officers not
incompetent
Witnesses.

CVI. And be it enacted, That no Person shall be deemed incompetent to give Evidence, in any Cases and Matters which shall be heard and determined relative to this Act, by reason only or on account of such Person being a Trustee under this Act, or acting under the Appointment of the said Trustees.

Limitation of
Actions.

CVII. And be it enacted, That no Suit or Action shall be commenced against the said Trustees, or any Person employed by them in the Execution of this Act, for any thing done in pursuance thereof, after Six Calendar Months after the Fact committed or Cause of Action occurred for which such Suit or Action shall be brought; and the Defender or Defenders in such Suit or Action may produce and plead this Act in Justification; and if it shall appear that they have acted agreeably thereto, they shall be assoilzied or acquitted, and Treble Costs shall be awarded to be paid to them by the Prosecutor of such Suit or Action.

Notices on
Trustees
how to be
served.

CVIII. And be it enacted, That in all Cases where any Person or Party has to serve any Notice upon the said Trustees, or any Citation or Summonses, or other legal Proceedings, the Service upon the Clerk, Treasurer, or any other Officer of the said Trustees personally, or at his Abode or Place of Business, shall be deemed good and sufficient Service of the same on the said Trustees.

Power to
make Bye
Laws.

CIX. And be it enacted, That it shall and may be lawful to and for the said Trustees, at any Time or Times, to make, ordain, and establish such Orders, Rules, and Bye Laws, for the deepening, cleaning, and keeping in repair the said Harbour, for the managing of the Piers, Quays, Jetties, and other Works connected with the said Harbour, and for accomplishing the other Purposes of this Act; and from Time to Time, as Occasion shall require, to repeal, amend, or alter such Rules, Orders, and Bye Laws, in such Way as shall appear most proper, according to the Spirit of this Act; and to fix and declare reasonable pecuniary Penalties, not exceeding Ten Pounds Sterling, for each Default in Observance or Breach of the said Regulations and Bye Laws, or any of them, to be recovered and applied in the same Way as Penalties imposed by this Act are ordered to be recovered and applied: Provided always, that such Rules, Regulations, and Bye Laws shall not be repugnant to the Laws in that Part of the United Kingdom of *Great Britain and Ireland* called *Scotland*, or to any thing in this Act contained; and the said Orders and Bye Laws shall be printed and distributed, and Copies thereof painted on Boards affixed on Two or more of the most conspicuous Places at and near the said Harbour; and which Boards shall from Time to Time be renewed by the said Trustees when in any way defaced or destroyed; which Rules, Orders, and Bye Laws shall be subject to be appealed from by any Person thereby affected, in manner herein-before mentioned.

Bye Laws to
be painted
on Boards,
and affixed on
conspicuous,
Places.

Penalty on
defacing
such Boards.

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

CXI. And

CXI. And be it enacted, That if any Person, not being qualified in Terms of the Provisions of this Act to vote in the Election of any Trustee under this Act, shall nevertheless vote in such Election, such Person shall forfeit and pay the Sum of Five Pounds *toties quoties*, or if any Person appointed or elected as a Trustee under this Act shall act as such Trustee without being qualified as provided by this Act, such Person shall forfeit and pay the Sum of Twenty Pounds *toties quoties*.

Penalty on Persons voting for or acting as Trustees without being qualified.

CXII. Provided always, and be it enacted, That nothing herein contained shall extend or be so construed as to extend to take away, or to diminish, alter, or affect any Rights, Titles, Dues, Duties, Payments, Powers, Privileges, Jurisdictions, or Authorities of the Magistrates and Town Council of *Montrose* belonging or in any way competent to them in virtue of any Royal Charters or otherwise, excepting only in so far as the same are by this Act expressly taken away, varied, altered, or restrained.

Reserving the Rights of Magistrates and Town Council of Montrose.

CXIII. And be it enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid and discharged by and out of any Money to arise by virtue of this Act.

Expences of Act how to be paid.

CXIV. And be it enacted, That this Act, and all the Powers and Authorities of the same, shall commence and take place after the passing thereof; and that it shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

SCHEDULE (A.) to which this Act refers.

Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Acorns - - - -	0	0	3	per Quarter.
Alabaster - - - -	0	2	0	per Ton.
Ale, Strong - - - -	0	0	2	per Barrel Bulk.
Almonds. <i>See</i> Grocery.				
Alum, Rock - - - -	0	1	0	per Ton.
Apples - - - -	0	0	1	per Bushel.
Argol - - - -	0	2	0	per Ton.
Ashes, viz.				
Pot or Pearl - - - -	0	1	6	Ditto.
Weed and Wood - - - -	0	1	6	Ditto.
Bacon or Hams - - - -	0	0	3	per Barrel Bulk.
Barilla - - - -	0	1	6	per Ton.
Bar Iron. <i>See</i> Iron.				
Bark, viz.				
Oak - - - -	0	1	6	Ditto
Quercitron - - - -	0	2	0	Ditto.
Barley. <i>See</i> Corn.				
Shelled or Pearl ditto - - - -	0	0	1	per Cwt.
Basket Rods - - - -	0	0	1	per Bundle.
Baskets, viz.				
Under 12 Inches in Diameter - - - -	0	0	1	per Dozen.
Above 12 Inches in Diameter - - - -	0	0	2	Ditto.
Bay Berries. <i>See</i> Berries.				
Beans. <i>See</i> Corn.				
Beef or Pork - - - -	0	0	3	per Barrel Bulk.
Beer, Spruce - - - -	0	0	2	Ditto.
Berries, viz.				
Bay - - - -	0	0	6	Ditto.
Juniper - - - -	0	0	6	Ditto.
Yellow - - - -	0	0	6	Ditto.
Cran - - - -	0	0	6	Ditto.
Biscuit - - - -	0	1	0	per Ton.
Blacking - - - -	0	0	4	per Barrel Bulk.
Black Lead. <i>See</i> Lead.				
Bleaching Powder - - - -	0	1	6	per Ton.
Bones of Cattle - - - -	0	0	3	Ditto.
Bone Dust - - - -	0	0	6	per Ton of 40 Bushels.
Books - - - -	0	0	6	per Barrel Bulk.
Bottles, of Green or common Glass, not less than Pints - - - -	0	0	2	per Gross.
Bottles, Broken - - - -	0	0	3	per Ton.
Bran - - - -	0	0	8	per Chaldron.
Brandy. <i>See</i> Spirits.				
Brass - - - -	0	0	2	per Cwt.

Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Bricks	0	1	0	per 1,200.
Brimstone	0	1	6	per Ton.
Bristles	0	0	6	per Cwt.
Bulrushes	0	1	0	per Load.
Bulls. <i>See Cattle.</i>				
Butter	0	0	4	per Barrel Bulk.
Blubber	0	1	0	per 252 Imp. Gallons.
Barrels, empty Herring	0	0	3	per Dozen.
Calves Velves	0	0	2	per Cwt.
Candles	0	0	4	per Barrel Bulk.
Cane Reeds	0	0	6	per 1,200.
Carpets. <i>See Cloth.</i>				
Casks, empty, not being returned				
Packages	0	0	3	per Puncheon.
Other Casks in proportion.				
Cattle, viz.				
Bulls	0	0	6	each.
Cows and Oxen	0	0	6	Ditto.
Calves	0	0	3	Ditto.
Horses	0	1	0	Ditto.
Pigs	0	0	2	Ditto.
Sheep	0	0	2	Ditto.
Lambs	0	0	1	Ditto.
Caviare	0	0	6	per Barrel Bulk.
Chalk	0	0	3	per Ton.
Cheese	0	2	0	Ditto.
Chesnuts	0	0	6	per Barrel Bulk.
Cider	0	0	2	Ditto.
Cinnamon. <i>See Grocery.</i>				
Clay, viz.				
China Clay or Stone Clay	0	0	6	per Ton.
Pipe Clay	0	0	6	Ditto.
Cochineal	0	1	0	per Cwt.
Cocoa	0	3	0	per Ton.
Coffee	0	0	4	per Barrel Bulk.
Cocoa Nuts	0	0	3	per 100.
Copper	0	3	0	per Ton.
Old	0	1	6	Ditto.
Ore	0	0	6	Ditto.
Copperas	0	0	6	Ditto.
Coral	0	0	6	per Cwt.
Cordage	0	1	6	per Ton.
Corks	0	0	3	per Barrel Bulk.
Corkwood	0	2	0	per Ton.
Corn, viz.				
Barley	0	0	1½	per Quarter.
Beans	0	0	1½	Ditto.
Indian Corn	0	0	1½	Ditto.
Malt	0	0	2	Ditto.
Oats	0	0	1½	Ditto.
Pease	0	0	1	Ditto.
Rye	0	0	1½	Ditto.
Wheat	0	0	2	Ditto.

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Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Carrots - - - - -	0	0	4	per Ton.
Cow, Ox, or Bull Hair. <i>See</i> Hair.				
Cows. <i>See</i> Cattle.				
Cranberries. <i>See</i> Berries.				
Crystal - - - - -	0	0	6	per Barrel Bulk.
Culm - - - - -	0	0	4	per Ton.
Currants. <i>See</i> Grocery.				
Coals, Scots, English, and Smithy -	0	0	2 $\frac{3}{4}$	Ditto.
Cinders - - - - -	0	0	8	per Chaldron.
Codilla - - - - -	0	1	0	per Ton.
Cloth, Brown or Bleached Linens, viz.				
Osnaburgs - - - - -	0	0	1	per Piece.
Sheeting - - - - -	0	0	1	Ditto.
Dowlas - - - - -	0	0	1	Ditto.
Ducks - - - - -	0	0	1	Ditto.
Ravenducks - - - - -	0	0	1	Ditto.
Ticklenburgs - - - - -	0	0	1	Ditto.
Drillings - - - - -	0	0	1	Ditto.
Shirtings - - - - -	0	0	1	Ditto.
Siliesias - - - - -	0	0	1	Ditto.
Hessians, or Wrappering, 40 Inches and under - - - - -	0	0	1	Ditto.
Hessians, or Wrappering, for every 10 Inches above 40 - - - - -	0	0	0 $\frac{1}{4}$	Ditto.
Sailcloth - - - - -	0	0	0 $\frac{1}{2}$	Ditto.
Bagging and Sacking of all Kinds, under 34 Inches - - - - -	0	0	0 $\frac{1}{2}$	Ditto.
Above 34 Inches and under 44 Inches - - - - -	0	0	0 $\frac{3}{4}$	Ditto.
Pimento Bagging - - - - -	0	0	0 $\frac{3}{4}$	Ditto.
Tarpaulings - - - - -	0	0	0 $\frac{3}{4}$	Ditto.
Browns - - - - -	0	0	0 $\frac{3}{4}$	Ditto.
Linen Cloth, when cut down into shorter Lengths, to pay according as the original Piece would have been rated.				
Sacks, made - - - - -	0	0	0 $\frac{1}{2}$	per 25.
All Linen Cloth imported for the Purpose of being bleached - - - - -	0	0	2	per Barrel Bulk.
Carpeting, Jute - - - - -	0	0	1	per Piece.
Rugs - - - - -	0	0	6	per Barrel Bulk.
Canvass, broad - - - - -	0	0	2	Ditto.
Clothiery - - - - -	0	0	6	Ditto.
Haberdashery, comprehending Cotton and Silk Goods - - - - -	0	0	6	Ditto.
Hosiery - - - - -	0	0	6	Ditto.
Cement - - - - -	0	1	0	per Ton.
Coaches, Chaises, Gigs, and other si- milar Carriages - - - - -	0	0	4	per Barrel Bulk.
Chimney Cans - - - - -	0	1	0	per 100.
China Ware - - - - -	0	1	0	per Hhd.
Cotton Wool - - - - -	0	1	6	per Ton.
Dogs, Sporting only - - - - -	0	0	6	each.

Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Drugs, and all Merchandize for Drug- gists - - - -	0	0	6	per Barrel Bulk.
Earthenware - - - -	0	0	6	per Crate.
Ditto, in bulk - - - -	0	2	6	per 100 Dozen.
Eggs - - - -	0	0	3	per Barrel Bulk.
Elephants Teeth - - - -	0	0	6	per Cwt.
Emery Stones - - - -	0	0	1	Ditto.
Feathers - - - -	0	0	6	Ditto.
Figs. <i>See</i> Grocery.				
Fish Oil. <i>See</i> Oil.				
Flint Stones - - - -	0	0	4	per Ton.
Flower Roots - - - -	0	0	3	per Barrel Bulk.
Furriers Waste - - - -	0	0	3	per Ton.
Flax - - - -	0	1	6	Ditto.
Flour - - - -	0	0	2	per Sack.
Fish, salted dry - - - -	0	5	0	per Boat.
Ditto - - - -	0	1	0	per Ton.
Garden Seeds. <i>See</i> Seeds.				
Geneva. <i>See</i> Spirits.				
Ginger - - - -	0	0	6	per Barrel Bulk.
Preserved - - - -	0	0	3	per Cwt.
Glass - - - -	0	0	6	per Crate.
Broken - - - -	0	0	4	per Ton.
Glue - - - -	0	0	3	per Barrel Bulk.
Goats Hair. <i>See</i> Hair.				
Grapes - - - -	0	0	1	per Jar.
Grease - - - -	0	1	0	per Ton.
Grocery, viz.				
Almonds - - - -	0	0	6	per Barrel Bulk.
Cinnamon - - - -	0	0	6	Ditto.
Currants - - - -	0	0	6	Ditto.
Figs - - - -	0	0	6	Ditto.
Pepper - - - -	0	0	6	Ditto.
Pimento - - - -	0	0	6	Ditto.
Plums - - - -	0	0	6	Ditto.
Prunes - - - -	0	0	6	Ditto.
Raisins - - - -	0	0	6	Ditto.
Gunpowder - - - -	0	0	3	per Cwt.
Ginseng - - - -	0	0	6	Ditto.
Hair, viz.				
Cow, Ox, or Bull - - - -	0	0	2	Ditto.
Goats Hair or Wool - - - -	0	0	2	Ditto.
Horse - - - -	0	0	2	Ditto.
Hair Powder - - - -	0	0	6	Ditto.
Hardware - - - -	0	0	4	per Barrel Bulk.
Hats - - - -	0	0	4	Ditto.
Hay - - - -	0	1	0	per Ton.
Hemp, Rough - - - -	0	1	6	Ditto.
Herrings - - - -	0	0	1½	per Barrel.
Hides - - - -	0	2	0	per 100.

Articles of Import and Export.	Rates.	Per Weight or Measure.
	£ s. d.	
Honey	0 0 2	per Cwt.
Hoops of Wood, all of the Size of Puncheon Hoops, and under	0 0 9	per 1,200.
All above	0 1 0	Ditto.
Iron	0 1 0	per Ton.
Hops	0 0 4	per Cwt.
Horns, Slugs and Tips	0 2 6	per Ton.
Horse. <i>See Cattle.</i>		
Household Furniture	0 0 2	per Barrel Bulk.
Husbandry Utensils	0 0 2	Ditto.
Indian Corn. <i>See Corn.</i>		
Indigo	0 1 0	Ditto.
Iron, viz.		
Bar, Bolt, and Rod	0 0 6	per Ton.
Plate Sheet, and Forged	0 1 0	Ditto.
Made Work	0 1 6	Ditto.
Hoops. <i>See Hoops.</i>		
Old Iron	0 0 6	Ditto.
Cast Iron Goods	0 0 9	Ditto.
Ditto, commonly called Ironmongery	0 1 6	Ditto.
Old or Broken Cast Iron	0 0 4	Ditto.
Pig	0 0 4	Ditto.
Ink	0 0 2	per Barrel Bulk.
Ivory	0 0 6	per Cwt.
Juniper Berries. <i>See Berries.</i>		
Junk, Old	0 0 6	per Ton.
Kelp	0 0 6	Ditto.
Lard	0 2 0	Ditto.
Latten Black	0 2 0	Ditto.
Lead	0 0 9	Ditto.
Black	0 2 0	Ditto.
Ore	0 1 0	Ditto.
Red and White	0 2 0	Ditto.
Shot	0 1 0	Ditto.
Leather, tanned and dressed	0 2 0	Ditto.
Lemons	0 0 3	per Chest.
Limes	0 0 3	per Cask.
Linseed. <i>See Seed.</i>		
Oil. <i>See Oil.</i>		
Lime	0 0 6	per Chaldron.
Loam	0 0 1	per Ton.
Machinery	0 0 2	per Barrel Bulk.
Madder	0 2 0	per Ton.
Madder Roots	0 1 6	Ditto.
Malt. <i>See Corn.</i>		
Manganese	0 1 0	Ditto.
Marble	0 1 0	Ditto.
Matts, Bass	0 0 3	per 120.

Articles of Import and Export.	Rates.	Per Weight or Measure.
	£ s. d.	
Medicines. <i>See Drugs.</i>		
Mill Waste - - - -	0 0 3	per Ton.
Mohair Yarn - - - -	0 0 2	per Cwt.
Molasses - - - -	0 0 9	per Ton.
Morels - - - -	0 0 4	per Cwt.
Moss Rock - - - -	0 1 6	per Ton.
Mum - - - -	0 2 0	Ditto.
Manure - - - -	0 0 1	Ditto.
Meal - - - -	0 0 1½	per Boll.
Musical Instruments - - - -	0 0 6	per Barrel Bulk.
Nuts - - - -	0 0 4	Ditto.
Nutmegs - - - -	0 1 0	per Cwt.
Oakum - - - -	0 1 0	per Ton.
Oats. <i>See Corn.</i>		
Oils, Linseed, Palm, Rape, Turpentine, and Sperm - - - -	0 0 3	per Barrel Bulk.
Whale or Train - - - -	0 1 6	per Tun of 252 Gallons.
Ochre - - - -	0 1 0	per Ton.
Onions - - - -	0 0 1	per Bushel.
Oranges - - - -	0 0 3	per Chest.
Orchella Weed - - - -	0 2 0	per Ton.
Ore of Iron. <i>See Iron.</i>		
Ore of Lead. <i>See Lead.</i>		
Paper, viz.		
Writing and Printing Paper - - - -	0 0 6	per Barrel Bulk.
Packing Paper - - - -	0 0 2	Ditto.
Pease. <i>See Corn.</i>		
Pelts - - - -	0 2 0	per Ton.
Pepper. <i>See Grocery.</i>		
Perry - - - -	0 0 2	per Barrel
Pig Iron. <i>See Iron.</i>		
Pigs. <i>See Cattle.</i>		
Pigs Heads - - - -	0 0 3	per Barrel Bulk.
Pimento. <i>See Grocery.</i>		
Pitch - - - -	0 0 2	per Barrel.
Plants of Trees or Shrubs - - - -	0 0 1½	per Barrel Bulk.
Plaster of Paris - - - -	0 1 0	per Ton.
Plums. <i>See Grocery.</i>		
Pumice Stones - - - -	0 1 0	per Ton.
Pork. <i>See Beef.</i>		
Porter, in Casks - - - -	0 0 2	per Barrel Bulk.
in Bottles - - - -	0 0 1	Ditto.
Potatoes - - - -	0 0 4	per Ton.
Powder of Lead. <i>See Lead.</i>		
Prunelloes - - - -	0 0 6	per Barrel Bulk.
Prunes. <i>See Grocery.</i>		
Peats - - - -	0 0 1	per 100.
Passengers Luggage, if under 2 Barrel Bulk free; all above - - - -	0 0 6	per Barrel Bulk.
Quercitron Bark. <i>See Bark.</i>		

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Articles of Import and Export.	Rates.	Per Weight or Measure.
	£ s. d.	
Quills, undressed - - -	0 0 1	per 1,000
Rags, viz.		
Linen - - -	0 0 6	per Ton.
other Rags, old Ropes, and old Leather - - -	0 0 3	Ditto.
Raisins. See Grocery.		
Rape Cakes - - -	0 1 6	Ditto.
Rape Seeds. See Seed.		
Red Lead. See Lead.		
Rice - - -	0 2 0	Ditto.
Rock Moss. See Moss.		
Rosin - - -	0 0 2	per Barrel Bulk.
Rum. See Spirits.		
Rye. See Corn.		
Salt - - -	0 0 8	per Ton of 40 Bushels.
Salt, Rock, in Lump - - -	0 0 6	per Ton.
Saltpetre - - -	0 2 6	Ditto.
Seed, viz.		
Flax and Rape - - -	0 0 6	per Hogshead.
Ditto - - -	0 0 3	per Barrel.
Ditto, in Bulk - - -	0 0 2	Ditto.
Clover - - -	0 0 6	per Bag of 3 Cwt.
Garden Seeds - - -	0 0 6	per Barrel Bulk.
Hemp and Canary - - -	0 0 3	Ditto.
Rye Grass - - -	0 0 3	per 8 Bushels.
Sheep. See Cattle.		
Shumach - - -	0 1 6	per Ton.
Skins, viz.		
Calf - - -	0 0 3	per Score.
Sheep - - -	0 0 3	Ditto.
Deer - - -	0 0 3	Ditto.
Kid - - -	0 0 3	Ditto.
Lamb - - -	0 0 3	Ditto.
Seal - - -	0 0 3	Ditto.
Sheep, dressed - - -	0 0 3	per Barrel Bulk.
Hare and Rabbit - - -	0 0 1	per Score.
Slates, viz.		
Undersize - - -	0 0 8	per 1,200.
Sizeable - - -	0 1 3	Ditto.
Oversize - - -	0 2 0	Ditto.
Slate Pencils and Slates - - -	0 0 4	per Barrel Bulk.
Smelts - - -	0 0 2	per Cwt.
Snuff - - -	0 0 6	per Barrel Bulk.
Soap - - -	0 1 6	per Ton.
Soapers Waste - - -	0 0 3	Ditto.
Salts - - -	0 0 6	Ditto.
Spermaceti - - -	0 2 0	Ditto.
Stones, viz.		
Rubble Freestone - - -	0 0 0 $\frac{1}{4}$	Ditto.
Hewn Ashlar Freestone - - -	0 0 1	Ditto.
Rough Ashlar Freestone - - -	0 0 0 $\frac{1}{2}$	Ditto.
Rubble Causeway - - -	0 0 0 $\frac{1}{4}$	Ditto.

Articles of Import and Export.	Rates.			Per Weight or Measure.
	£	s.	d.	
Stones, viz.				
Causeway Stones, dressed - -	0	0	0½	per Ton.
Pavement - - - - -	0	0	0	Ditto.
Curb - - - - -	0	0	0	Ditto.
Foreign Grave Stones - -	0	5	0	each.
Home ditto - - - - -	0	2	6	Ditto.
Scythe Stones - - - - -	0	0	0½	per Score.
Grind Stones - - - - -	0	0	1	each.
Mill Stones - - - - -	0	1	0	Ditto.
Spirits, viz.				
Foreign - - - - -	0	0	6	per Barrel Bulk.
British - - - - -	0	0	4	Ditto.
Starch - - - - -	0	0	3	Ditto.
Steel - - - - -	0	1	6	per Ton.
Sugar, raw - - - - -	0	1	6	Ditto.
refined - - - - -	0	2	0	Ditto.
Soda - - - - -	0	1	6	Ditto.
Stucco - - - - -	0	0	6	Ditto.
Smalts - - - - -	0	2	6	Ditto.
Salmon - - - - -	0	0	3	per Box of 4 Kits.
Sugar Moulds - - - - -	0	0	9	per 100,
Tallow - - - - -	0	1	6	per Ton.
Tamarinds - - - - -	0	0	3	per Cwt.
Tanners Waste - - - - -	0	0	3	per Ton.
Tar - - - - -	0	0	2	per Barrel.
Tares - - - - -	0	0	2	per Quarter.
Tea - - - - -	0	0	8	per Barrel Bulk.
Thread - - - - -	0	0	4	Ditto.
Tin of all Kinds - - - - -	0	2	0	per Ton.
Tobacco - - - - -	0	0	6	per Barrel Bulk.
Tongues, Smoked - - - - -	0	0	1	per Dozen.
Tongues, Pickled - - - - -	0	0	3	per Barrel.
Tortoiseshell - - - - -	0	0	6	per Cwt.
Tow - - - - -	0	1	3	per Ton.
Toys - - - - -	0	0	3	per Barrel Bulk.
Tree Nails - - - - -	0	0	6	per 1,200.
Turmerick - - - - -	0	0	1	per Cwt.
Twine and Twisted Yarn - - - - -	0	2	6	per Ton.
Tiles - - - - -	0	1	0	per 1,200.
Turnips - - - - -	0	0	4	per Ton.
Valonia - - - - -	0	2	0	Ditto.
Vases or sculptured Marble - - - - -	0	0	6	per Barrel Bulk.
Verdigris - - - - -	0	2	0	per Ton.
Vermillion - - - - -	0	0	6	per Cwt.
Vinegar - - - - -	0	0	2	per Barrel Bulk.
Vitriol - - - - -	0	0	2	per Bottle.
Water, Soda - - - - -	0	0	2	per Barrel Bulk.
Willow Reeds - - - - -	0	0	0½	per Bundle.
Wine, in Casks - - - - -	0	0	6	per Barrel Bulk.
in Bottles - - - - -	0	0	3	Ditto.
Whalebone, dressed or undressed - - - - -	0	1	6	per Ton.

Articles of Import and Export.	Rates.	Per Weight or Measure.
	£ s. d.	
Wood, Foreign —		
Calliper Measure, viz.		
Batons - - - - -	0 0 9	per 50 Cubic Feet.
Boards, Oak or Wainscot - - - - -	0 1 0	Ditto.
Boards, Paling - - - - -	0 0 4	per 120.
Deals - - - - -	0 0 9	per 50 Cubic Feet.
Deal Ends - - - - -	0 0 9	Ditto.
Firewood - - - - -	0 0 4	per Fathom.
Handspikes - - - - -	0 0 3	per 120.
Laths - - - - -	0 0 6	per Fathom.
Masts, Yards, or Bowsprit Wood, viz.		
6 Inches in Diameter and under 8 Inches - - - - -	0 0 6	per 50 Cubic Feet.
8 Inches, and under 12 Inches - - - - -	0 0 9	Ditto.
12 Inches and upwards - - - - -	0 1 0	Ditto.
Oak Planks - - - - -	0 1 0	Ditto.
Oars and Oar Rafters - - - - -	0 1 0	per 120.
Rickers, Boat Hooks, and Hoops - - - - -	0 0 9	Ditto.
Spars - - - - -	0 0 9	per 50 Cubic Feet.
Cart-Wheel Spokes - - - - -	0 0 2	per 60 Pieces.
Staves, Pipe, from any Port in Europe or the United States of America, above 50 Inches long - - - - -	0 0 10	per 120.
Under 50 Inches long - - - - -	0 0 6	Ditto.
Pipe, from any of the British Colonies or Plantations, above 50 Inches long - - - - -	0 0 8	Ditto.
All under 50 Inches long - - - - -	0 0 5	Ditto.
Fir - - - - -	0 0 9	per 50 Cubic Feet.
Oak - - - - -	0 1 0	Ditto.
Pine - - - - -	0 0 9	Ditto.
Hard Wood - - - - -	0 1 0	Ditto.
Ufers - - - - -	0 0 9	Ditto.
Wainscot Logs - - - - -	0 1 6	Ditto.
Delivered by Weight, viz.		
Barwood - - - - -	0 1 6	per Ton.
Boxwood - - - - -	0 1 6	Ditto.
Brazilwood - - - - -	0 2 0	Ditto.
Camwood - - - - -	0 2 0	Ditto.
Ebony - - - - -	0 1 6	Ditto.
Fustic - - - - -	0 1 6	Ditto.
Lignumvitæ - - - - -	0 1 6	Ditto.
Logwood - - - - -	0 1 6	Ditto.
Mahogany - - - - -	0 1 6	Ditto.
Nicaragua Wood - - - - -	0 2 0	Ditto.
Red Wood - - - - -	0 1 6	Ditto.
Sassafras - - - - -	0 1 6	Ditto.
Wood, Home, viz.		
Fir - - - - -	0 0 6	per 50 Cubic Feet.
Hard Wood - - - - -	0 0 8	Ditto.

Articles of Import and Export.	Rates.	Per Weight or Measure.
	£ s. d.	
Wood, Home, viz.		
Planks and Deals } - -	0 0 6	per 50 Cubic Feet.
Fir } - -		
Planks and Deals } - -	0 0 8	Ditto.
Hard Wood } - -		
Cart-Wheel Spokes - -	0 0 1	per 60 Pieces.
Hogshead Staves - -	0 0 2	per 120.
Barrel Staves - -	0 0 1	Ditto.
Wool - - - -	0 0 2	per Cwt.
Worsted Yarn. See Yarn.		
Whitening - - - -	0 0 6	per Ton.
Yarn, viz.		
Cotton, Tow, or Hemp - -	0 1 6	Ditto.
Lint - - - -	0 2 0	Ditto.
Worsted - - - -	0 0 2	per Cwt.
Yeast - - - -	0 0 2	per Barrel Bulk.

All Goods shipped overside, or sent direct from one Vessel to another, for the Purpose of being exported, to pay One Half Dues only; but no Goods landed and deposited in the Sheds belonging to the Trustees, or remaining on the Quays over-night, shall be entitled to this Exemption.

All Goods having paid Shore Dues inwards shall be exempted from paying Shore Dues outwards if they be in the original State and in the original Packages; or if at the Time when the Goods are landed it be reported to the Collector that they are imported for the Purpose of being packed, press-packed, or cylindered, they shall be allowed to be exported free of Dues within One Month from the Date of such Report. Herrings imported to be cured, packed, and exported, and which shall have paid Shore Dues inwards, shall on Exportation, if such take place within Four Months of the Date of Importation, be exempted from all Shore Dues, provided it be reported to the Collector at the Time of their Importation that they are imported for the Purpose of being cured, packed, and exported.

All Goods having paid Shore Dues outwards are exempted from Dues when brought inwards if they be returned Goods to the original Shipper and in the original State.

All returned empty Boxes, Barrels, Bags, Sacks, and Pack Sheets are exempted from Dues.

All Goods not enumerated in the above Schedule to be charged by the Trustees in proportion to other Goods of similar Bulk and Value specified in the above Schedule.

Five Cubic Feet, not exceeding Two and a Half Hundred Weight, to be rated a Barrel Bulk; but when the Weight of Five Cubic Feet is greater than Two and a Half Hundred Weight, then Two and a Half Hundred Weight to be rated a Barrel Bulk.

In weighing and measuring Goods, for ascertaining the Shore Dues payable, the Weight or Measurement of the Packages is to be included.

SCHEDULE (B.) referred to in the Act.

	£	s.	d.
I. For all Vessels navigating to the Southward of the Tropic of Capricorn, per Register Ton - - -	0	1	6
II. Between the Equator and the Tropic of Capricorn -	0	1	3
III. Between the Tropic of Cancer and the Equator -	0	1	0
IV. To or from any Port in North America, Greenland, Davis Straits Fisheries, and all within the Straits of Gibraltar -	0	0	8
V. To or from any Port to the North of Dronthiem in Norway, or from Azores, Madeira, or Teneriffe Islands -	0	0	7
VI. To or from any Port between Gibraltar and Dunkirk, including Dunkirk, and from any Port in the Baltic -	0	0	5
VII. To or from any Port in Great Britain or Ireland, including the Islands of Guernsey, Jersey, Alderney, Sark, Man, the Shetland Islands and Orkneys - - -	0	0	3
VIII. All Vessels loaded with Coals or Lime only from any Port in Great Britain, &c. excepting Scotland - - -	0	0	2
IX. All Vessels loaded with Coals or Lime only from any Port in Scotland, and all Vessels while engaged in the Herring Trade - - - - -	0	0	1½
X. All Steam Vessels from any Port in Great Britain or Places enumerated in No. VII. carrying Passengers and their Luggage exclusively - - - - -	0	0	2
XI. All Steam Vessels carrying Goods and Passengers to pay the same Rates as Sailing Vessels.			

It shall be in the Option of the Trustees to charge either the Tonnage Dues on the Voyage inwards or on the Voyage outwards, at the Rates specified in the above Schedule, according to the Distance; and if the Charge be made on the Voyage outward there shall be deducted from it the Amount of the Dues that may have been previously paid on the Voyage inwards; but if such Vessels sail in Ballast they shall be charged with Dues on the inward Voyage only.

All Vessels launched at the Port of Montrose to pay Half Tonnage Dues on the Voyage outwards, according to the Distance of the Port to which such Vessels sail, provided they take Goods on board; but if they sail in Ballast, no Dues shall be charged.

All Vessels with Cargoes to be permitted to enter the Harbour of Montrose, for Safety or Convenience, by Payment of One Half of the Tonnage Dues; but if they shall take Goods on board (Stores for their own Use excepted), or break Bulk, they shall be liable in the full Tonnage Dues.

All Vessels remaining in Harbour to pay after Two Months One Penny per Register Ton per Month in advance.

Each Vessel entering the Harbour, and loading or unloading Goods or Ballast within the same, or performing both Operations before leaving the Harbour, to

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to pay in Name of Plank Money (whether a Plank be used or not) as follows:—

		£	s.	d.
Vessels amounting to and not exceeding 20 Tons	-	0	1	0
exceeding 20 Tons and not exceeding 50 Tons	-	0	1	6
50	100	0	2	0
100	150	0	2	6
150	200	0	3	0
200	250	0	3	6
250	300	0	4	0
300	350	0	4	6
350	400	0	5	6
400 and upwards	-	0	6	6

All Vessels leaving the Harbour for the Purpose of taking on board Ballast in any Part of the River South Esk, and returning to the said Harbour with Ballast, shall not be liable in Shore Dues for such Return.

All Vessels sailing from the Port, and put back by Stress of Weather or any other Cause, without having accomplished her Voyage, shall not be liable in additional Dues for such Return.

All Vessels arriving in Ballast for the Purpose of being repaired and departing in Ballast shall be exempted from Shore Dues.

SCHEDULE (C.) referred to in the Act.

LIGHTAGE DUES ON Vessels.

	£	s.	d.
On each Vessel	0	0	0 $\frac{3}{4}$ per Ton.

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