



ANNO TRICESIMO OCTAVO

# GEORGII III. REGIS.

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## Cap. 19.

An Act to Amend an Act made in the Twenty-eighth Year of the Reign of His present Majesty, for Enlarging and Improving the Harbour of *Leith*.

[7th May 1798.]

**W**HEREAS by virtue of an Act passed in the Twenty-eighth Year of the Reign of His present Majesty for enlarging and improving the Harbour of *Leith*, for making a New Basin, Quays, Wharfs, or Docks, for building Warehouses, for making New Roads and widening others leading to and from the said Harbour, Power was given to the Lord Provost, Magistrates, and Council of the City of *Edinburgh* to levy and collect the several Rates and Duties therein mentioned on all Ships and Vessels brought into and using the New Basin or Dock to be made at the Port of *Leith*, His Majesty's Ships of War and Yachts only excepted, and Power was also given to borrow a Sum of Money for the Purposes aforesaid not exceeding Thirty Thousand Pounds Sterling: And whereas the said Lord Provost, Magistrates, and Council have, at a considerable Expence, opened a New Street to the Harbour, repaired the Quays, and erected a Drawbridge across the Harbour between *South* and *North Leith*, instead of an Old Bridge

Preamble.  
Act 28 Geo.  
III. recited.

[*Loc. & Per.*]

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now taken away, and have also deepened the Harbour and widened a great Part of the Quay : And whereas, in order to complete a commodious Basin or Wet Dock, it will be necessary to authorize the said Lord Provost, Magistrates, and Council to borrow a further Sum of Money, and to levy certain Rates and Duties on all Ships or Vessels brought into the Harbour of *Leith*, even although they shall not be brought into the said intended Basin or Wet Dock : May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have full Power and Authority, and they are hereby authorized and empowered to make and construct a New Basin or Wet Dock, and New Piers, Quays, and Docks, at the said Port of *Leith*, for the Benefit of Shipping, Trade, and Commerce.

Power to  
make a New  
Dock.

Powers of  
former Act  
extended to  
New Dock.

II. And be it further enacted, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have, exercise, and enjoy the same Powers, Authorities, and Jurisdiction in and over the New Harbour or Wet Dock when made, Grounds and Works to be erected under the Powers of this Act, as they now have and enjoy, or of Right may exercise and enjoy in and over the present Harbour of *Leith*, and that the same Rights and Privileges which belong to the present Harbour of *Leith* shall be extended to the Additions to be made thereto, and all Ships and Vessels entering into, or loading or unloading in the New Harbour or Wet Dock, and all Goods, Merchandise, and other Things which shall be loaded or unloaded, and all Owners and Masters of Ships, Merchants, and others resorting to the said New Harbour or Wet Dock, Wharfs, and Quays, are and shall be subject to the same Regulations, and liable to the same Duties of all Kinds, in the same Manner as they are or have, or of Right might have been subjected in the present Harbour.

Rates.

III. And be it further enacted, in consideration of the great Charges and Expences which the making of the said Basin, Wet Dock, and other Works will amount to, That as soon as the aforesaid Basin or Wet Dock shall be completed for the Reception of Ships and Vessels, and after the Day in which any Ships or Vessels shall be carried into and moored in the said Basin or Wet Dock, the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have full Power, and they are hereby authorized and empowered to levy and collect from the Master or Commander, Owner or Owners of every Ship brought into or using the present Harbour of *Leith*, or brought into or using the said Wet Dock or Basin, His Majesty's Ships of War and Yachts excepted, the several Rates and Duties after specified, agreeable to the Burthen and Tonnage according to which they pay the present Harbour Dues; (to wit)

For every Ship or Vessel coming from any Port between *Peterhead* and *Holy Island*, Two Pence per Ton :

And

And for every Ship or Vessel coming from any other Port in *Great Britain* or *Ireland*, *Norway*, *Sweden*, *Denmark*, *Holftein*, *Hamburg*, *Bremen*, *Holland*, *Flanders*, *France*, *Jersey*, and *Guernsey*, that is to say, without the *Ealtic*, and no further South in *France* than *Ushant*, Four Pence *per Ton* :

For every Ship or Vessel coming from the *Baltic*, all above the *Sound*, *Onega*, *Archangel*, *Portugal*, and *Spain*, without the *Straits of Gibraltar*, *Newfoundland*, *Madeira*, and the *Western Islands*, Six Pence *per Ton* :

For every Ship or Vessel from within the *Straits of Gibraltar*, or from *America*, Eight Pence *per Ton* :

For every Ship or Vessel from the *West Indies*, *Asia*, *Africa*, and the *Cape de Verd Islands*, and from *Greenland* and *Davis's Straits*, Nine Pence *per Ton* :

For all Foreign Ships and Vessels from any of the before-named Ports or Places, to pay the aforefaid respective Rates, and One Half more of them :

For every Ship in Ballast to lay up in Winter, Four Pence *per Ton*, all Sterling Money.

IV. And be it further enacted, That the regular Passage Boats and Coal Vessels which supply the Town of *Leith* and Neighbourhood with Coals, which are hereby debarred from entering or unloading in the said Bafon or Wet Dock, shall not be subjected in Payment of the aforefaid respective Dock Duties. Exempting  
Passage  
Boats, &c.

V. And be it further enacted, That in case any Ship or Vessel shall go from the Port of *Leith* to any Port of the *Firth of Forth* to take in Part of a Cargo and return to *Leith*, she shall be only liable upon such Return to pay at the Rate of One Penny *per Ton* : But it is hereby provided and declared, that Coal Vessels employed to unload their Cargo on board of any other Ship, either in the Dock or present Harbour, such Vessel shall be subjected in the Payment of the full Duties. Ships going  
to the *Firth  
of Forth* to  
take in a  
Cargo to pay  
1 d. *per Ton*.

VI. And be it enacted, That the said Lord Provost, Magistrates, and Council, and their Successors in Office, shall have full Power, and they are hereby authorized and empowered to collect and enforce Payment of the aforefaid respective Rates and Duties, over and above all other Rates and Duties at present payable or exigible at the Port of *Leith* ; and that from every Person or Persons concerned, in a summary Form, by the same Ways, Means, and Methods which they formerly were and now are in use to collect any other Duties at the said Port. Lord Provost,  
&c. to collect  
Rates.

VII. And be it further enacted, That no Ship or Vessel shall be permitted to be or remain in the aforefaid Bafon or Wet Dock, to encumber the same, for above Six Months ; and that every Ship or Vessel in the said Bafon or Wet Dock shall be constantly and sufficiently moored to prevent Damage to any other Ship or Vessel : And in case any Ship or Vessel shall remain in the said Bafon or Wet Dock above Six Months, or shall Preventing  
Vessels en-  
cumbering  
the Harbour

be found loose or unmoored in the same at any Time, it shall be lawful to the said Lord Provost, Magistrates, and Council, and their Successors in Office, or to their Shore Master or Assistants, to cause every such Ship or Vessel to be removed out of the said Basin or Wet Dock, and to lay or moor every such Ship or Vessel in any Part of the Dry Harbour of the Port of *Leith*, at the Expence and Risk of the Masters and Owners of such Ships or Vessels respectively.

Not to extend to Vessels employed in the *Greenland* Fishery. VIII. Provided always, and be it enacted, That Vessels employed in the *Greenland* Fishery shall have full Liberty to remain in the said Basin or Wet Dock from the Time of their Arrival in the Port of *Leith* until the Season thereafter proper for sailing to the said Fishery, although it may happen to exceed the Six Months allowed to other Vessels.

Master made answerable for Damage done by the Crew. IX. And be it further enacted, That the Master or Owner of every Ship or Vessel shall be and is hereby made answerable for the full Amount of any Damage or Mischief which shall be done by him or such Ship or Vessel, or by any of the Servants, Sailors, Boatmen, or others on board the same, to the aforesaid Wet Dock or Basin, Locks, Gates, or other Works so to be made and executed, with full Costs of Suit.

No Part of the Rates to be applied in Payment of Money already borrowed. X. And whereas the said Lord Provost, Magistrates, and Council did, in virtue of the aforesaid Act, borrow a Part of the said Sum of Thirty Thousand Pounds, and, along with Part of the other Funds by the said Act appropriated, did apply the same in opening the aforesaid New Street, repairing the Quays, erecting a Drawbridge, and deepening the aforesaid Old Harbour; be it further enacted, That the said Lord Provost, Magistrates, and Council shall have no Right to apply any Part of the aforesaid Rates and Duties hereinbefore granted in Payment of the Sums of Money borrowed and received in virtue of the aforesaid Act; and that they shall repay the same and reimburse themselves out of the Duties at present payable at the said Port and Harbour of *Leith*; and that the said Lord Provost, Magistrates, and Council shall have no Power to borrow any further Sum or Sums of Money in virtue of the aforesaid Act.

Power to borrow Money. XI. And, in order to enable the said Lord Provost, Magistrates, and Council to complete and execute the aforesaid Wet Dock and Basin, with all other Works necessary; be it further enacted, That they shall have full Power to borrow any Sum or Sums of Money necessary, not exceeding in the Whole the Sum of Forty Thousand Pounds Sterling, and to bind the Community for the Payment of the same; and also to assign and make over the aforesaid Rates and Duties hereby granted to the Person or Persons from whom the Money shall be so borrowed for Repayment of the Sums of Money so to be lent, with the Interest due thereupon.

Application thereof. XII. And be it further enacted, That the Money so to be borrowed shall be applied in Payment of the Expences incurred in passing and obtaining of this

this Act, and for the Purpose of making and completing the aforesaid Bafon or Wet Dock, and Works connected therewith, such as Roads, Bridges, or other Communications necessary, yet to be made, and for no other Purpose whatever; and that the aforesaid Rates and Duties, so to be levied and received, shall be applied solely in keeping in complete Repair the Whole of the aforesaid Works, and the Expence of the Persons necessary to be employed in Payment of the Interest of the aforesaid Debt so to be contracted, and the Remainder in Payment and Extinguishment of the Principal Sums so to be borrowed.

XIII. And be it further enacted, That an Account of all the Borrowings, Accounts to be kept. and also of all the Monies to be expended by the said Lord Provost, Magistrates, and Council, and their Successors in Office, in making and completing the aforesaid Bafon and Wet Dock, and other Works, and also of the Amount of the aforesaid Dock Duties, shall be kept separate and distinct from all other Transactions, Debts, and Revenue belonging to the Community of *Edinburgh*; and that a full and regular State of the Whole shall be made up in each Year, and audited and compared with the Vouchers by a Committee to be appointed by the Council of *Edinburgh*, and a Committee for *Leith*, to wit, the Two resident Magistrates, the Master of the Incorporation of Traffickers, and the Master of the Incorporation of Ship Masters in *Leith*, all for the Time being.

XIV. And be it further enacted, That as soon as One Third Part of the Capital Sum so to be borrowed shall be repaid, and from Time to Time thereafter it shall be in the Power of the aforesaid Joint Committees to reduce and vary the aforesaid Rates and Duties, and again to raise the Rates and Duties, as Circumstances shall require, but in such Manner as never to exceed the Rates and Duties hereinbefore granted; and providing that such Variations shall be impartially made, and affecting equally and proportionally the Whole of the aforesaid respective Rates and Duties; and in the Event of the Joint Committee's differing in Opinion as to the making of such Alterations or Variations at any Time, then and so often as such Differences of Opinion shall happen, the same shall be submitted to Arbitrators, One to be chosen by the Town Council of *Edinburgh*, and the other by the aforesaid Committee for *Leith*, with Power to these Arbitrators, in case of Variance, to name an Umpire, whose Decision shall be final and binding upon the Parties. Power to reduce the Rates.

XV. And be it enacted, That after Payment of the whole Sums so to be borrowed, every Surplus which may remain after Payment of the Year's Expenditure shall be kept and applied as a Sinking Fund for answering Surplus to form a Sinking Fund. Emergencies and Accidents which may happen to the aforesaid Bafon or Wet Dock, and other Works, or for making the same more commodious for the said Trade and Shipping, and to no other Purpose whatsoever.

Publick Act. XVI. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and as such shall be taken Notice of by all Judges, Justices, and others, in all Courts and Places without specially pleading the same.

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