



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. cxxiii.

An Act for improving the Harbour of *Port Glasgow*, constructing a Wet Dock or Wet Docks adjacent thereto, and for altering the Road leading from *Port Glasgow* to *Glasgow* near the said Harbour. [17th June 1830.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of His late Majesty, intituled *An Act for deepening, cleansing, scouring, preserving, and maintaining the Harbour of Port Glasgow; for enlarging and improving the Quays and Piers, for erecting new Breasts, Jetties, and Piers, and for regulating Ships, Lighters, and other Vessels trading into and going out of the said Harbour; and for other Purposes therein mentioned*: And whereas another Act was passed in the Forty-first Year of the Reign of His late Majesty, intituled *An Act for explaining, altering, and amending an Act made in the Twelfth Year of the Reign of His present Majesty, for deepening, cleansing, scouring, preserving, and maintaining the Harbour of Port Glasgow, and for other Purposes mentioned in the said Act*: And whereas, by virtue of the Powers conferred by the said recited Acts, the Magistrates and Council of the City of *Glasgow*, as Trustees under the same, have enlarged, deepened, and otherwise improved the Harbour of *Port Glasgow*: And whereas it is expedient still further to enlarge and improve the said Harbour, and to form and construct a Wet Dock or Wet Docks adjacent

[Local.] 36 E adjacent

12 G. 3. c. 16.

41 G. 3. c. 52.

adjacent to the said Harbour, and particularly in the Bay of *Newark*: And whereas an Act was passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Term and Powers of several Acts for making and repairing certain Roads in the County of Renfrew, building a Bridge or Bridges at Inchinnon, and regulating the Statute Labour of the said County, and for other Purposes relative thereto*: And whereas it is expedient that the said Act, and the Acts therein recited, so far as they relate to the Road between *Port Glasgow* and *Glasgow*, should be amended; and that the Line of the said Road should be altered so as to pass through the Garden of *Newark*, and the Fore-shore and other Lands to the East thereof; and that Power should be given to continue the Road presently leading from the *Kilmalcom* Road to the present Road to *Glasgow*, joining the same with the new Line of Road to be made through *Newark* Garden; but 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 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 recited Acts and all and every the Powers, Regulations, Provisions, Penalties, Forfeitures, Matters, and Things whatsoever therein contained, save and except such as are hereby varied, altered, or repealed, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act.

Recited Acts continued in force, except as hereby altered.

Nomination of Trustees.

II. And be it further enacted, That from and after the passing of this Act the Lord Provost, Magistrates, and Council of the City of *Glasgow* for the Time being, and their Successors in Office, and also the Two Baillies or Magistrates of *Port Glasgow* and *Newark* for the Time being, and the Three senior Trustees elected and chosen from the Feuars of the said Towns for the Time being, and their Successors in Office, together with Five other Persons who shall have paid the Harbour or Dock Duties exigible under the said recited Acts or the present Act, interested in the Trade and Navigation of the River and Frith of *Clyde*, whom the said Lord Provost, Magistrates, and Council, the said Two Baillies or Magistrates, and the Three senior Trustees as aforesaid, are hereby authorized to nominate and appoint within Six Months after the passing of this Act, and thereafter annually at General Meetings to be called of the Trustees under this Act for that Purpose, shall be and are hereby declared to be Trustees for carrying into effect the Purposes and Provisions of the present and of the said Two first-recited Acts.

Times and Places of Meetings of Trustees.

III. And be it further enacted, That there shall be an Annual Meeting of the said Trustees held within the Council Chambers of the City of *Glasgow*, besides the ordinary Meetings for the Dispatch of Business of the Trust, which Meetings shall be called by the Lord Provost of *Glasgow*, or in his Absence by the acting Chief Magistrate of the said City: Provided always, that upon a Requisition signed by Five of the Trustees requiring a Special Meeting, in which shall be stated the special Business for which the Meeting is called,

Special Meetings.

the said Lord Provost, and in his Absence the said acting Chief Magistrate, shall and he is hereby required, within Fourteen Days after such Requisition is delivered to him, to call a Special Meeting of the said Trustees, by a written or printed Notice, to be delivered or sent through the Post Office to each Trustee; and at all such Special Meetings it shall be competent to the said Trustees to consider and transact the special Business only for which such Special Meeting shall have been called.

IV. And be it further enacted, That the Majority of the said Trustees present at any of the said Stated or Special Meetings shall be a Quorum, and be entitled to act in all Matters and Things submitted to the said Meeting, and may adjourn the same to any such Day or Hour as to them may seem expedient, Notice of such Adjournment being always given in manner before mentioned to each of the said Trustees; and at the said Meetings the Trustees shall defray their own Expences.

Meetings may be adjourned.

V. And be it further enacted, That the said Trustees shall have Power to appoint Committees of their Number to sign Bonds, Bills, and other Obligations for Money borrowed on account of the said Dock or Docks, Harbour, and other Works, and to grant Orders for Payment of Debts due; and with Power also to the said Trustees to appoint a Committee or Committees of their Number, to have the immediate Superintendence, Direction, and Management of any general or particular Matter, Transaction, or Thing arising out of or relating to the said Dock or Docks, Harbour, Sheds, Warehouses, and other Works connected therewith; which Committees shall have Power, if necessary, for the same Purposes, to appoint Sub-Committees of their own Number, with all the Powers and Authorities committed to such Committees; and at all the Meetings of such Committees and Sub-Committees a Majority of the Persons present, the Number not being less than Three, shall be a Quorum, and be entitled to act in all Matters and Things committed to their Charge.

Power to appoint Committees and Sub-Committees.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee, or in any Committee or Sub-Committees, in the Execution of this Act, during such Time as he shall hold any Office or Place of Profit, or have any Share or Interest either directly or indirectly in the furnishing, supplying, or selling any Article, Matter, or Thing to be used for the Purposes of the said recited Acts, so far as the same relate to the said Dock or Docks, Harbour, and other Works, or of this Act.

Trustees, &c. not to hold Places of Profit.

VII. Provided also, and be it further enacted, That if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall nevertheless act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall prosecute for the same, to be recovered, with Expences, by summary Action, before the Sheriff Depute of the County of *Renfrew*, or his Substitute, or the Magistrates of the said Towns of *Port Glasgow* or *Newark*; and the Person so prosecuted shall prove that he is qualified as aforesaid,

Persons acting, not being qualified, to forfeit 50*l.*

said, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that no Act or Proceeding touching the Execution of this Act, which shall be done or performed by such unqualified or disqualified Person previously to his being convicted of the Offence before mentioned, shall be thereby impeached or rendered nugatory, but all such Proceedings shall be as valid and effectual as if such Person had been duly qualified.

Same Person
not to be
Clerk and
Treasurer.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person or Persons who 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 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, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or any 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 of such Treasurer or Treasurers, or in any Manner officiate for such Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or 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 of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of 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, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Power to
deepen and
enlarge the
present Har-
bour.

IX. And be it further enacted, That the said Trustees shall be and they are hereby empowered and authorized, by themselves, their Agents, Workmen, and Servants, from Time to Time and at all Times hereafter, not only to deepen, cleanse, and scour by Dredging Machines worked by the Power of Steam or otherwise, the said Harbour of *Port Glasgow*, and to repair, preserve, and maintain the said Harbour, and the additional Piers and Quays which have been erected and constructed by virtue of the said recited Acts or of this Act, but also to build and construct or cause to be built and constructed such additional Piers or Quays, of proper Dimensions, as may to the said

Trustees

Trustees appear expedient, for the Reception and more safe and easy Accommodation of Vessels resorting to the said Harbour, between the Western Extremity of the present West Quay of the said Harbour on the West and the Eastern Boundary of the Lands of *Laigh Auchinleck*, belonging to Miss *Margaret Dougall*, or the Heirs of the late Wife of *James Dougall*, on the East.

X. And be it further enacted, That the said Trustees shall be and they are hereby empowered and required, after the Construction of the Wet Dock or Wet Docks herein-after authorized, to preserve and maintain the present Tide Harbour of *Port Glasgow* of its present Depth and Dimensions, or at least of such Depth and Dimensions as may, in the Opinion of the said Trustees, be sufficient for the Accommodation of all Coasting and other Vessels that may resort thereto in preference to the said Wet Dock or Wet Docks, at the Rates of Harbour Duties herein-after authorized and established.

Trustees to maintain the present Harbour of sufficient Dimensions for Coasting and other Vessels resorting thereto.

XI. And be it further enacted, That the said Trustees shall be and they are hereby authorized and empowered, by themselves, their Agents, Workmen, and Servants, to design, lay out, construct, and complete, in such Manner and Form as they shall deem expedient, One or more Wet or Navigable Dock or Docks, Bason or Basins, Cut or Cuts, Piers or Quays, Locks, Sluices, Flood Gates, Draw Bridges, Swivel Bridges, and other Works to be situated on the Ground forming or adjacent to the Bay of *Newark*, or in the said River, with Entrances into or from the same, between the present Harbour of *Port Glasgow* on the West and the Boundary before mentioned on the East.

Power to construct Wet Docks, Locks, and other Works.

XII. And be it further enacted, That the said Trustees shall be and they are hereby authorized, by themselves, their Agents, Workmen, or Servants, to build, erect, and construct, upon or near the Banks of the said Dock or Docks, such Quays or Wharfs for the loading or unloading of Goods, and such Sheds, Warehouses, or Storehouses adjoining or attached to the said Dock or Docks, as may be requisite for the Accommodation of the Shipping resorting thereto, and their Cargoes; to surround and inclose the said Dock or Docks, Quays, Wharfs, Sheds, Warehouses, and other Buildings, or such of them as they shall think proper, by a strong and durable Stone or Brick Wall or Walls, or Railing, of suitable Height on all Sides, leaving only proper Spaces in such Wall or Walls, or Railing, for the necessary Cuts, and proper Entrances and Gateways through the said Wall or Walls, or Railing.

Power to construct Wharfs and Warehouses, and to inclose the Dock Premises.

XIII. And be it further enacted, That the said Trustees shall be and they are hereby empowered, on Ground adjacent to the said Harbour or Docks, to form or construct a Slip Dock or Slip Docks, and Graving Dock or Graving Docks, of such Dimensions as may be found requisite for building, cleaning, or repairing of Ships or other Vessels resorting to the said Harbour or Docks.

Power to construct Slip Dock and Graving Docks.

XIV. And be it further enacted, That as soon as the said Quays are completed, and approved of by the Officers of His Majesty's
 [Local.] 36 F Customs, Quays, when approved of, to be Legal Quays; and

Warehouses, when so approved of, to be Bonded Warehouses.

Customs, or other competent Authorities, the same shall be and are hereby declared Legal Quays; and the said Warehouses, when completed, and approved of by the Officers of His Majesty's Customs, or other competent Authorities, shall be deemed Bonded Warehouses.

Power to excavate the Ground, and to remove Obstructions from the navigable Channel opposite to the Harbour and Docks.

XV. And be it further enacted, That the said Trustees shall be and they are hereby empowered, by themselves, their Agents, Workmen, Servants, and Assigns, not only to enter upon, dig, and excavate the Ground forming the Bottom of the Bay of *Newark*, and the adjacent Beach, or Shore Ground, and other Ground, so far as may be necessary for the proper Construction of the said Dock or Docks, Basons, Locks, Quays, Wharfs, and other Works, but also to enter upon, to scour by Dredging Machines or otherwise, and to deepen the Beach and Bed of the River and Frith of *Clyde*, and Sand Banks or other Banks opposite or adjacent to the present Harbour of *Port Glasgow*, and opposite to and along or adjacent to the Grounds comprehended within the Boundaries before mentioned, and for ever after to maintain and preserve the Depth so made, from the Locks, Piers, or other Works at the Entrance from the said River or Frith to the said Dock or Docks or other Works, so as to admit Vessels navigating or entering into the said Basons and Docks from the River and Frith of *Clyde* with the same or a greater Depth of Water than is on the Sills of the Locks or Entrances to the said Basons and Docks and other Works, but so as not to obstruct or injure in any respect the general Navigation of the said River and Frith.

Power to stop up Streets and Ways within Limits of Dock Premises, and to use the Ground thereof.

XVI. And be it further enacted, That it shall be lawful for the said Trustees to stop up, use, inclose, and alter such Streets, Courts, Alleys, Ways, and Passages as are situated and lie within the Limits of the Lands which shall be taken or used under the Authority of this Act for the Dock or Docks and Works hereby authorized to be made; and the Ground or Soil of such Streets, Courts, Alleys, Ways, and Passages shall be and hereby is vested in the said Trustees for the Purposes of this Act.

Trustees, with Consent, may make Roads.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, with the Consent in Writing of the Owner or Owners of the Lands, Tenements, or other Hereditaments which shall be wanted for the Purpose of setting out or making any Road or Roads other than those specially authorized by the present Act, or of the respective Husbands, Guardians, Committees, or Trustees of such Owner or Owners being under Disability or Incapacity to act, to set out and make any Road or Roads communicating with the said Docks, and to purchase any Lands, Tenements, or Hereditaments for that Purpose, and the same may be conveyed to the said Trustees accordingly.

For supplying the Docks with Water.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered, to supply the said Docks and Basons whilst making, and at all Times afterwards, with Water from the River *Clyde*, and all such Brooks, Rivulets, Springs, Waters, and Watercourses as shall be found in digging and making the said Works respectively, and to make, repair,

and maintain such and so many Sluices, Tunnels, Pipes, Feeders, Aqueducts, and Channels, upon or through the Lands or Grounds adjoining to the said intended Works or any of them, or any of such Brooks, Rivulets, Springs, Waters, or Watercourses as aforesaid, for conveying Water to or from the said Works, as the said Trustees shall think fit.

XIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to make, ordain, and establish such Orders, Rules, and Regulations for the good Government and Police of the said Harbour, Dock or Docks, and other Works, and for the proper Conduct of the Collectors, Engineers, Surveyors, Workmen, Watchmen, Lightermen, and Labourers, and other Persons appointed or employed under or by virtue of this Act, and for the better regulating, governing, and managing the several Works, Matters, Accounts, and Things by this Act authorized to be made and done, as well whilst the same are doing as after the same shall be completed, and in respect of the unshipping, shipping, lading, loading and discharging, carrying and conveying, laying and depositing, and warehousing and removing, of Goods, Merchandize, and Things, upon, to, in, or from the said Harbour, Dock or Docks, Quays, Wharfs, Sheds, Warehouses, and Premises, and also in respect of the Hours during which the Gates and Entrances of the said Docks, Cuts, and Premises shall be open, and in respect of the Persons who shall be so permitted to be so employed in or about the Harbour, Dock or Docks, Quays, Wharfs, Sheds, Warehouses, and Premises of the said Trustees, and as to the lighting or using of Candles, Fires, and Lamps within the said Docks or Premises of the said Trustees, and for the better regulating Porters, Carters, and Carmen, and others carrying Goods, or using or driving Horses, Trucks, Carts, Sledges, or other Carriages to or from the said Harbour, Dock or Docks, Quays, Wharfs, Sheds, and Warehouses, and of all Masters of Vessels, Pilots, Lightermen, Jobbers, Riggers, and others within the said Docks and Premises, and for preventing Damage being done to Shipping, Lighters, and Craft, or to any Goods, Merchandize, or Things within the Premises of the said Trustees, and also to repeal, annul, amend, add to, or alter such Rules, Orders, or Regulations as to them the said Trustees shall seem meet, and to affix and appoint reasonable Penalties, not exceeding Five Pounds for any one Offence, for the Nonobservance, Non-performance, or other Breach of all or any of such Rules, Orders, and Regulations, or any Part of them, and also to make such other Rules, Orders, and Regulations as shall be expedient for the Execution of this Act; and the said Trustees shall cause such Rules, Orders, and Regulations to be painted on Boards and affixed on conspicuous Places about the said Harbour and Docks, which shall from Time to Time be renewed when pulled down, defaced, or obliterated, and as Occasion shall require; and all such Rules, Orders, and Regulations so published shall thereupon bind and be observed by all Parties concerned, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided that the same be not repugnant to the Laws of that Part of the United Kingdom

Trustees empowered to make Rules and Regulations for the Government of the Harbour.

Rules, &c. to be painted on Boards, and affixed on conspicuous Places.

dom of *Great Britain* and *Ireland* called *Scotland*, or to the Provisions and Directions contained in this Act or any of them.

Penalty on defacing Boards on which Rules, &c. are painted.

XX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Boards whereon any such Rules, Orders, or Regulations shall be painted, such Person or Persons shall, upon Conviction before any One of the Magistrates of the said Towns of *Port Glasgow* and *Newark*, or other Judge, for each Offence forfeit and pay a Sum not exceeding Five Pounds.

For appointing a Dock Master.

XXI. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, as Occasion shall require, to appoint a proper Person or Persons to be Harbour Master and Dock Master or Masters, and from Time to Time to remove, suspend, or dismiss him or them; and such Harbour Master and Dock Master or Masters shall (subject nevertheless to the Controul of the Trustees,) have full Power and Authority to direct the mooring, unmooring, moving, or removing of all Ships and Vessels, Lighters, and Craft coming into, lying, or being in the said Dock or Docks, Bason or Basons, Lock or Locks, or Cuts, or any of them, either as to the Time or Times and Manner of their Entrance into, lying in, or going out of the same, and their Position, loading, and discharging therein, and the Time or Times of opening or shutting the several Gates thereof; and in case the Owner, Master, Pilot, Servant, or other Person having the Care of any Ship or Lighter, Craft, or other Vessel, shall refuse or neglect to obey any such Order or Direction, after Notice to him or them given, or if any Ship, Lighter, Craft, or other Vessel shall (without the previous Permission of such Harbour or Dock Master or Masters) be left without any Person or Persons on board, it shall be lawful for the said Harbour Master or Dock Master or Masters, and his or their Assistants, to moor, unmoor, move, or remove such Ship, Lighter, Craft, or Vessel; and the Charges and Expences thereof respectively shall be repaid, together with the Sum of Five Pounds for each Offence, by the Master or Owner of such Ship, Lighter, Craft, or other Vessel, and may be recovered from the Master or Owner of such Ship, Lighter, Craft, or Vessel as herein provided.

Penalty on obstructing Moorings.

XXII. And be it further enacted, That in case any Master, Commander, Mate, Pilot, or other Person having the Command or Charge of any Ship, Lighter, Craft, or Vessel, or the Owner, Agent, or any other Person or Persons whomsoever, shall obstruct or hinder the mooring, unmooring, moving, or removing of any Ship, Lighter, Craft, or other Vessel, such Person or Persons shall for every such Offence forfeit respectively any Sum not exceeding Five Pounds.

Dockmaster may order the dismantling, &c. of Ships entering the Harbour.

XXIII. And be it further enacted, That every such Harbour or Dock Master or Masters shall have full Power and Authority to order all Ships and Vessels entering the said Harbour, Dock or Docks, Cuts, and Basons, or any of them, to be dismantled in such Manner as he may think proper and safe for the Vessels entering the said Harbour,

Harbour, Dock or Docks, Cuts, and Basons, or any of them, and for the Prevention of Accident or Mischief to other Ships, Lighters, Craft, or other Vessels, or the said Harbour, Dock or Docks, and Basons, and during the Time of every Ship's Delivery or when discharged of her Cargo to have such Quantity of Ballast on board or dead Weight in her Hold as he may judge requisite for such Ship or Vessel; and no Ship or Vessel shall be allowed to enter the said Harbour, Dock or Docks, Basons, or any of them, unless she shall be so dismantled, and shall not be unladen so far as to render her insecure through the Want of Weight in her Hold or such Quantity of Ballast on board as the said Harbour Master or Dock Master or Masters may think expedient; and every such Harbour Master or Dock Master or Masters shall also have full Power and Authority to give Directions for topping, bracing, or striking Yards and Masts, taking in running Bowsprits, and to have substantial Hawsers and Towlines and Fasts to the mooring Posts, and also to regulate the Equipment, rigging, and lading of all Ships and Vessels in the said Docks, or either of them, as he shall think necessary; and in case he shall judge any Act or Proceeding in the rigging, lading, or Equipment of any Ship or Vessel injurious to the Safety of any Ship or Vessel, or to other Ships or Vessels in or entering the said Harbour, Dock or Docks, or to the said Harbour, Dock or Docks, or Works, to give Notice to the Master, or other Person having the Charge or Command of such Ship or Vessel, to discontinue and alter the same; and in case such Master or other Person shall not, according to such Direction, suspend or alter such Act or Proceeding immediately after Notice given to him or them, or some Person or Persons on board the said Ship or Vessel, for that Purpose, or if any Ship, Lighter, Craft, or Vessel shall (without the previous Permission of the Harbour Master or Dock Master or Masters) be left in the said Harbour, Dock or Docks, Bason or Basons, Lock or Locks, or Cuts, or any of them, without any Person or Persons on board, every such Master or other Person having the Command of such Ship or Vessel, or the Owner or Owners thereof, shall for every Offence forfeit and pay any Sum not exceeding Five Pounds; and the Owner or Owners of such Ship or Vessel shall also be answerable for all the Injury that may be sustained by any other Ships or Vessels, or by the said Trustees, through Neglect thereof.

XXIV. And for the better making and preserving a free and clear Passage and Entrance from the River *Clyde* into and out of the said Harbour, Dock or Docks, for all Ships, Vessels, Lighters, Barges, Craft, and Boats of every Description, be it further enacted, That if any Master, or other Person having the Charge or Command of any Ship, Lighter, Barge, Craft, Boat, or Vessel of any Description whatsoever, shall place, or permit or suffer the same to remain in the River *Clyde*, within Two hundred Yards of any Entrance to the said Harbour, Dock or Docks, Basons, or Cuts, or any of them, or such reasonable Distance as the said Harbour or Dock Master or Masters may appoint, and shall not immediately, on being thereunto required by the said Dock Master or Dock Masters, remove such Ship, Lighter, Barge, Craft, Boat, or other Vessel, every such Master and other Person so offending shall for every such Offence forfeit and pay any

For preventing Obstructions to the Entrance of the Harbour, &c.

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Sum not exceeding Five Pounds, and also any Sum not exceeding Two Pounds for every Hour that such Obstruction shall remain after every such Notice; and in case the Master or other Person having the Command of such Ship, Lighter, Barge, Craft, Boat, or Vessel shall not remove such Ship, Barge, Craft, Boat, or Vessel immediately upon being required so to do, it shall be lawful for the said Dock Master or Dock Masters, and his or their Assistants, to remove the same.

No Vessel to enter the Docks under Sail.

XXV. And for the Security and Preservation of the said Works, be it further enacted, That before any Ship or other Vessel shall enter or pass into the said Docks or Basons, or any of them, such Ship or Vessel shall have her Sails lowered, so that she may not enter or navigate in any of the said Docks under Sail; and in case any Master or Pilot, or other Person having the Charge or Command of any Ship or Vessel, shall enter or navigate, or cause or permit or suffer to enter or to be navigated, such Ship or Vessel under Sail into or in the said Docks or Basons, or any of them, every such Master, Pilot, and other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Vessels to be unloaded as soon as may be, and then removed.

XXVI. And be it further enacted, That every Ship and other Vessel having a Cargo on board thereof, which shall go into any of the said Harbour, Dock or Docks, or of the Basons belonging thereto, shall be unloaded and discharged of the Cargo on board thereof as soon as conveniently may be after entering therein, and if there shall be any unreasonable Delay in the Delivery of the Cargo thereof, it shall be lawful for the said Harbour or Dock Master or Masters to cause such Cargo to be forthwith delivered, and to send such Person or Persons as he or they shall think fit on board of such Ship or Vessel to deliver or assist in the Delivery of such Cargo; and the Costs and Expences thereof shall be paid by the Owner or Owners, Master or other Person having the Charge or Command of such Ship or Vessel, and be recovered in like Manner as Penalties are by this Act to be recovered; and after the Delivery of such Cargo such Ship or Vessel shall then without Loss of Time be removed into such Part of the said Harbour, Dock or Docks, and Basons, as shall be set apart for light Vessels, and the said Harbour or Dock Master or Masters is and are respectively hereby authorized to order and cause to be removed all light Ships or Vessels accordingly; and in case any Master, Owner or Owners, or other Person having the Charge or Command of any light Ship or Vessel, shall refuse or neglect to remove such Ship or Vessel from such Part of the said Harbour, Dock or Docks, and other Works, as shall be set apart for light Vessels, within Six Hours after Notice in Writing shall have been given to such Master, Owner or Owners, or other Persons respectively, signed by any such Harbour or Dock Master or Masters, then and in every such Case he or they respectively shall forfeit and pay any Sum not exceeding Five Pounds, and the said Harbour or Dock Master or Masters, or his or their Assistant or Assistants, may remove or cause to be removed such Ship or Vessel, or any of them; and the Costs, Charges, and Expences of removing such Ship or Vessel shall be paid to such Harbour or Dock Master or Masters, Assistant or Assistants,

by the Owner or Owners, Master or other Person having the Charge or Command of such Ship or other Vessel, on Demand.

XXVII. And be it further enacted, That if the Owner or Owners of, or the Person or Persons in or to whose Custody or Charge any Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other combustible Matter or Thing whatsoever shall be intrusted, shall permit or suffer the same, or any of them, or any Part thereof respectively, to remain on the Quays and Wharfs aforesaid, or any Part thereof, or upon the Deck of any Ship, Lighter, Barge, Boat, or other Vessel in the said Harbour, Basons, Dock or Docks, Cuts, or other Works, or any of them, above the Space of One Hour after he or they shall have been required by the Harbour or Dock Master or Masters to take away or remove the same therefrom, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Hour such Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or any other combustible Matter or Thing, or any of them, or any Part thereof, shall be or remain in the Place or Situation aforesaid after the Expiration of One Hour, to be computed from the Time of such Requisition; and in every such Case the Owner or Owners of, or other Person or Persons in or to whose Custody or Charge any such combustible Matter or Thing shall be intrusted, if the same respectively shall be lying on the said Quays or Wharfs, or any of them, or the Master or other Person having the Charge or Command of the Ship, Lighter, Barge, Boat, or other Vessel, on the Deck of which the same shall respectively be, shall at their own Costs and Charges respectively maintain a sufficient Number of careful and sober Persons, to be in that Behalf appointed by the said Harbour or Dock Master or Masters, to guard and watch over such several Articles or other combustible Matters or Things as aforesaid, from or after the making of such Requisition until the same respectively shall be removed; and in case any such Owner, Master, or other Person or Persons as aforesaid, shall refuse or neglect to pay such Costs and Charges on Demand, then and in such Case such Costs and Charges shall and may be ascertained and recovered in manner herein-after provided.

For removing
Combustibles from
Quays, &c.

XXVIII. And be it further enacted, That no Pitch, Tar, Rosin, Turpentine, Oil, or other combustible Matter shall at any Time hereafter be boiled or heated by any Device or Means whatsoever on board any Ship or other Vessel, Lighter, Craft, or Boat lying in the said Harbour, Dock or Docks, Bason or Basons, or Cuts, or other Works, or any of them, nor in any Place or Places within the said Harbour, Dock or Docks, Basons, Cuts, Works, or Premises, except in such Place or Places and in such Manner as shall be specially appointed by the said Trustees, or any Two or more of them, for that Purpose, nor shall any Gunpowder or loaded Gun whatever be brought into the said Harbour, Dock or Docks, Basons, or Cuts, or be suffered to remain on board any Ship or Vessel, upon pain that

No combustible Matter
to be melted
on board any
Vessel within
the Docks.

every

every Master, Commander, or Owner of every Ship or Vessel so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Fire, Candles,
or Lamps
not to be
lighted in the
Docks.

Exception.

XXIX. And for more effectually preventing Accidents by Fire in the said Harbour, Dock or Docks, and Dock Premises, be it further enacted, That if any Person whosoever shall have or keep or cause to be had or kept any Fire, Candle, or Lamp lighted within the said Harbour or Dock, or any of the said Docks, or of the Basons or other Works which shall belong thereto, or on board any Ship or Vessel in such Harbour, Dock or Docks, or Basons, or other Works respectively, at any Time or Times whatsoever; save and except such Fires or lighted Candles or Lamps as shall be necessary to be used in the making, building, finishing, repairing, altering, or improving of the said Harbour, Dock or Docks, Basons, or other Works, or any of them, and save and except such and at such Times as shall be permitted by the special Orders and Regulations of the said Trustees, given in Writing in that Behalf; the Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

To prevent
Nuisances.

XXX. And be it further enacted, That if any Person or Persons whomsoever shall throw, cast, or put away any Ballast, Earth, Dust, Ashes, Stones, or other Things into the said Harbour or Dock, or any of the said Docks, Basons, or Entrances, or into or upon any of the Works to be made in pursuance of this Act, to the Injury or Prejudice thereof, or do any other Annoyance to the same respectively, or any Part thereof, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Punishment
for destroy-
ing the
Works.

XXXI. And be it further enacted, That if any Person or Persons shall wilfully and maliciously demolish, break down, cut, or injure any of the Works to be made by virtue of this Act, or any Ship or Vessel lying in the said Harbour or Dock, or in any of the said Docks, Basons, or other Works, then and in every such Case every such Person, being convicted thereof, shall be deemed guilty of a Misdemeanor, and shall suffer Punishment by Fine, Imprisonment, or Transportation, in the Discretion of the Court before whom such Persons shall be convicted.

Penalty on
destroying
Ropes of
Vessels.

XXXII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully and maliciously cut, break, or in any Manner destroy any Rope or other Thing by which any Ship or other Vessel lying in the said Harbour or Dock, or in any of the said Docks or Basons, shall be moored and fastened, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall hinder or restrain the said Harbour or Dock Master or Masters to be appointed in pursuance of this Act, or any of them, or their or his Assistant or Assistants, from exercising, in a due and reasonable Manner, any of the Authorities hereby vested in him or them respectively.

XXXIII. And

XXXIII. And be it further enacted, That if any Person or Persons shall damage, break, demolish, or throw down any Lamp or Lamps, Lamp Iron or Lamp Irons, Post or Posts, which shall or may be set up near unto or about the said Docks and Basons respectively, or any of them, or near unto and about any Buildings which shall in pursuance of this Act be erected in or near the said Harbour, Dock or Docks, or Basons, or any of them, or shall wilfully extinguish the Light or Lights within any such Lamp or Lamps, or damage the Post, Pillar, Pipe, Cover, Iron, or other Furniture thereof, it shall be lawful for any Person or Persons whomsoever who shall see such Offence committed, and also for any other Person or Persons, to arrest the Offender or Offenders by Authority of this Act, and without any other Warrant or Authority to convey him, her, or them into the Custody of a Peace Officer, in order to be taken before some Magistrate of the Towns of *Port Glasgow* and *Newark*, or Justice or Justices of the Peace for the County; and it shall be lawful for the said Magistrates, Justice or Justices, or any of them, upon Oath made of the Commission of any such Offence, to issue a Warrant for apprehending the Party or Parties accused, and upon the Party or Parties accused being brought before such Magistrate, Justice or Justices, or any of them, or upon Oath made that such Party or Parties cannot be found or apprehended, such Magistrate, Justice or Justices, shall proceed to Examination upon Oath of any Witness or Witnesses who shall appear to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either upon Confession of such Party or Parties if apprehended, or upon such Evidence as aforesaid, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, and moreover shall make full Satisfaction to the said Trustees, (as the Case may be,) or to such Person as shall be duly appointed to receive the same, for the Damage so done; and such Damages, being ascertained by such Magistrate, Justice or Justices, may be levied and recovered from such Offender or Offenders in manner herein-after directed for Recovery of Penalties incurred by virtue of this Act.

Penalty on breaking or extinguishing Lamps.

XXXIV. And whereas it is expedient that Vessels resorting to the said Harbour and Wet Dock or Docks of *Port Glasgow* should have a plentiful Supply of Ballast at reasonable Rates; be it further enacted, That the said Trustees shall be and they are hereby empowered to treat for, purchase, and acquire the adjacent Whin Stone or Ballast Quarries in the Lands of *Clunebrae*, belonging to the Right Honourable Lord *Belhaven* and *Stenton*, extending to Ten Acres or thereby, at such Price as may be agreed upon, and to quarry Stones, Gravel, Sand, Earth, or other Materials in the said Lands for the Supply of the said Vessels with Ballast, and to convey the same to the said Harbour or Wet Docks, and for that Purpose to form a Tram or Railway or other Road on the Line delineated in the Plan herein mentioned, and to purchase and acquire from the Proprietors and Occupiers such Ground as may be found requisite for the Formation of the said Railway as herein-after provided.

Power to purchase Ballast and Quarries, and form Railway.

XXXV. And in consideration of the great Expences which will be incurred, not only in enlarging, deepening, improving, main-
 [Local.] 36 H taining,

Power to levy additional Harbour Rates.

taining, and repairing the present Tide Harbour of *Port Glasgow*, but also in constructing, erecting, repairing, and maintaining the said Wet Dock or Docks, Basons, Cuts, Quays, or Wharfs, Sheds, Warehouses, Sluices, Bridges, Roads, and other Works, be it enacted, That from and after the passing of this Act the said Trustees shall be and are hereby empowered to demand, exact, levy, and collect, over and above all other Harbour Rates and Duties which subsisted before the passing of the said first-recited Act; the Harbour Rates and Duties specified in Schedule (A.) annexed to this Act, from all Ships, Lighters, Steam Boats, and other Vessels entering or using the said Harbour or Quays; besides such reasonable Rents or Dues for the Use of the said Sheds or Warehouses as they shall think proper.

Additional Harbour Rates not to be levied until certain Sums are expended on the Works.

XXXVI. Provided always, and be it further enacted, That it shall not be lawful to nor in the Power of the said Trustees to exact or levy the foresaid Harbour Duties hereby imposed beyond or to a greater Extent than the Rates and Duties granted by the said recited Act of the Forty-first Year of the Reign of His late Majesty, until they shall have laid out and expended at least the Sum of Twenty thousand Pounds in the Formation or Construction of the new Works hereby authorized to be executed, or the Sum of Ten thousand Pounds on the Improvement or Enlargement of the existing Harbour.

Dock Duties may be levied.

XXXVII. And be it further enacted, That as soon as the said Dock or Docks shall be completed and fit for the Reception and Use of Vessels, the said Trustees shall be and they are hereby empowered to demand, levy, and collect the Dock Rates and Duties specified in Schedule (B.) annexed to this Act.

Power to erect Cranes and Weighing Machines.

XXXVIII. And be it further enacted, That the said Trustees shall have full Power and Authority to erect such and so many Cranes and Weighing Machines, and other Machines and Conveniences, upon the said Quays, Breasts, or Piers, or at the said Dock or Docks, as may appear to be requisite for the loading, unloading, and weighing of such Goods, Wares, and Merchandizes as may be imported to or exported from the said Harbour or Docks; and it shall be lawful to and for the said Trustees, and to and for such Persons as they may from Time to Time appoint, and they and their foresaids 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 Merchandizes, such reasonable Rates or Duties as they shall think proper.

For Recovery of Rates.

XXXIX. And be it further enacted, That the said Harbour and Dock Rates and other Rates and Duties payable to the said Trustees in respect of any Ship or Vessel shall be payable and paid, if required by the said Trustees, at or before the Expiration of Twenty-four Hours next after such Ship or Vessel shall enter the said Harbour, Dock or Docks, Basons, Locks, or Cuts, or before leaving the same, which shall first happen; and in case any Owner or Owners, Con-
signee,

signee, Master, or other Person having the Charge or Command of any Ship or Vessel in respect of which any Rates are payable to the said Trustees, shall refuse or neglect to pay the same, then and in every such Case it shall from Time to Time be lawful for the Collector or Collectors of the said Trustees to go on board of such Ship or other Vessel to demand, collect, and receive such Rate, and on Nonpayment thereof to take and distrain such Ship or other Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and the same to detain until such Rate shall be paid and satisfied; and in case of Neglect or Default in Payment of any of the said Rates for the Space of Fourteen Days next after any Distress so made or taken, then and in such Case it shall be lawful for the said Collector or Collectors to cause such Distress to be appraised by Two or more sworn Appraisers, or other competent Person or Persons, not interested therein, and afterwards to sell the said Distress, and therewith to satisfy himself or themselves, as well for and in respect of the Rates so neglected or refused to be paid, as for and in respect of his or their reasonable Costs and Charges in taking, keeping, appraising, and selling the same, rendering the Overplus (if any) to the Owner or Owners, Consignee, Master, or other Person having the Charge or Command of such Ship or Vessel, upon Demand.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall extend to charge His Majesty, or any other Person on His Behalf, with the Payment of any Rates or Duties under this Act in respect of any of His Majesty's Ships of War, or any other Ship, Transport, or Packet of His Majesty, His Heirs and Successors, or any Vessel employed in His Majesty's Revenues of Customs or Excise, or in the Service or Employ of the Ordnance, or any Ship or Transport wholly in the Service of the Post Office, or any Vessel employed in or upon His Majesty's Service, or in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging; and if any Person or Persons shall claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Exempting
Vessels in His
Majesty's
Service from
Payment of
Rates.

XLI. Provided also, and be it further enacted, That it shall and may be lawful to and for His Majesty in and by an Order in Council, or to and for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, from Time to Time and at all Times when and so often as He or they shall deem fit so to do, in or by His 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 He 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 the same.

Power re-
served to His
Majesty and
Lords of the
Treasury to
reduce Duties
on Foreign
Ships and
Goods.

XLII. And

For ascertain-
ing the Ton-
nage of Ves-
sels.

6 G. 4. c.110.

Officers to be
appointed by
the Trustees
to admeasure
Foreign
Vessels.

Penalty on
Persons ob-
structing
such measur-
ing.

Damages to
the Quays,
&c. to be
paid for or
made good.

XLII. And be it further enacted, That the Tonnage or Admeas-
urement of all Ships and Vessels which shall be liable to the Payment
of any Tonnage Rates for the Use of the said Harbour, Dock or Docks,
and Works, shall be ascertained according to the certified Tonnage in
the Ship's Register, and the Master or other Person having the
Command of each and every such Ship or Vessel is hereby required
to produce such Certificate of Registry, at the Time of Payment of
the said Rates, to the Person or Persons who shall be duly authorized
to collect and receive such Rates; and in case of any Dispute in or
about the same, then and in such Case the Tonnage of such Ship or
Vessel shall be ascertained in the Manner and according to the Direc-
tions of an Act passed in the Sixth Year of the Reign of His Majesty
King George the Fourth, intituled *An Act for the registering of British
Vessels*: Provided always, that in ascertaining the Admeasurement of
Steam Vessels no Allowance shall be made for the Space occupied by
the Machinery on board of the said Vessels.

XLIII. And be it further enacted, That the said Harbour or
Dock Trustees shall be and they are hereby authorized to appoint a
proper Person or Persons for the Purpose of ascertaining the Tonnage
of any Foreign Vessel which shall enter the said Harbour, in order to
a due Collection of the Duties payable by such Vessels; and such
Person or Persons is or are hereby empowered and required to ad-
measure such Ships or Vessels according to the Directions of an Act
passed in the Sixth Year of the Reign of His present Majesty, inti-
tuled *An Act for the Registry of British Vessels*; and if any Master,
Commander, or other Officer of any Ship or Vessel, or any other
Person or Persons whomsoever, shall obstruct or hinder any Person
or Persons so employed from measuring or gauging any Ship or
Vessel in pursuance of this Act, every such Master, Commander, or
other Person shall for every such Offence forfeit and pay any Sum not
exceeding Five Pounds.

XLIV. And be it further enacted, That every Master, Mate, Pilot,
or other Person having the Command, Care, or Charge of any Ship
or other Vessel, who shall by any Neglect or Mismanagement thereof
damage any of the Piers, Quays, Walls, Docks, Wharfs, Gates,
Bridges, or any Cranes or Hoisting Machines, or other Works, made
in pursuance of this Act, shall pay for or make good all such Damage,
and all such Damage shall be recoverable before any Two or more
Justices of the Peace for the County of *Renfrew*, who are hereby
authorized and empowered to summon such Master or other Persons
having or taking the Command or Care or Charge of such Ships
or other Vessels doing such Damage as aforesaid, and to hear and
determine the same, and ascertain such Damage; and if Judgment
shall be given by them against such Master or other Person, then it
shall be lawful for such Justice, or any other Justices of the Peace
for the said County, and they are hereby authorized, by Warrant
under their Hands to levy or cause to be levied the Sum or Sums
awarded by them as the Amount of such Damage, and for that Pur-
pose to seize and distrain the Ship or other Vessel doing such Damage
as aforesaid, and all the Tackle, Apparel, and Furniture thereto be-
longing,

longing, or any Part thereof, and the same to detain until the Sum of Money so awarded as aforesaid shall be paid; and in case the same shall not be paid for the Space of Fourteen Days after any Distress so made or taken, that then it shall be lawful to sell the same, or any Stores, Articles, or Things belonging to the same, which may be sufficient in Value, and therewith to pay and satisfy the Money so awarded, together with the reasonable Costs and Charges in taking, keeping, and selling the same, rendering the Overplus (if any) to the Master or other Person entitled to the same, on Demand; and in case the Money cannot be levied as aforesaid, then by Warrant to cause or commit such Master or other Person as aforesaid to be imprisoned in any Gaol or House of Correction of the said County of *Renfrew*, there to remain for any Time not exceeding Three Months, unless the Sum of Money so awarded shall be sooner paid; and the same, when levied in manner aforesaid, shall go and be paid to the Treasurer of the said Trustees, to be applied to the Purposes of this Act.

XLV. And be it further enacted, That the Master of every Ship, Vessel, Boat, or Lighter lying or trading in the said Harbour or Docks shall be and he is hereby made answerable to the said Trustees for the Amount or Value of any Damage or Mischief that shall be done by any of the Seamen, Servants, Boatmen, or Watermen, or others on board the same, to any of the Quays, Wharfs, Piers, or other Works in or about the said Harbour and Docks, either by the loading or unloading of any Ship, Vessel, Boat, or Lighter, or by any other Means whatsoever; and the Master or Owner of every such Ship, Vessel, or Boat shall for every such Trespass, Damage, or Mischief, upon Conviction before any Justice of the Peace for the County of *Renfrew*, on the Oath of any One or more credible Witness or Witnesses, which Oath such Justice is hereby authorized and required to administer, or on the Confession of the Party or Parties offending, forfeit and pay all such Damages, Satisfaction, or Compensation as shall be ascertained, fixed, and determined by such Justice, provided that no such Damages, Satisfaction, or Compensation shall exceed the Sum of Twenty Pounds; but in case such Damages, Satisfaction, or Compensation shall exceed the Sum of Twenty Pounds, then and in such Case such Master or Owner of such Ship, Vessel, Boat or Lighter may be sued and prosecuted for such Damages, Satisfaction, and Compensation in the Court of Session if the Defender shall reside in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster* if the Defendant shall reside in *England*, or in the Court of the King's Bench or Common Pleas at *Dublin* if the Defendant shall reside in *Ireland*; and if a Verdict of Judgment shall be given against him or her, either on Proof made, or by Default or upon Demand, the Pursuer or Plaintiff in every such Case shall recover the Damages thereby sustained, with full Costs.

Masters to be answerable for Damages done by their Servants.

XLVI. And be it further enacted, That in case the Master or Masters, Owner or Owners of any Ship, Vessel, Boat, or Lighter as aforesaid, shall be compelled to pay any Penalty or to make Satisfaction for any Damage or Trespass by reason of any such Damage or Mischief done or committed by his or their Mariners, Boatmen,

Masters to recover Damages from their Servants.

[*Local.*]

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Servants,

Servants, or other Persons employed by him, her, or them, such Mariners, Boatmen, Servants, or other Persons, and each and every of them, shall be liable to pay such Penalty or Damages, with the Costs thereof, to such Master or Masters, Owner or Owners; and in case of Nonpayment thereof upon Demand, on Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them of such Penalty or Satisfaction for Damages, and that the same and the Costs thereof have or hath not been repaid to him or her or them by such Mariners, Boatmen, Servants, or other Persons, or any of them, although demanded, (such Oath to be made before any Justice of the Peace for the County or Place where such Penalty or Satisfaction shall have been incurred as aforesaid,) or where such Mariner, Servant, or other Person can be found, the Amount thereof shall be recovered by such Master or Masters, Owner or Owners, as any other Penalty is by this Act directed to be recovered.

Penalty for obstructing Execution of the Act.

XLVII. And be it further enacted, That if any Person or Persons shall obstruct, hinder, molest, or interrupt any of the said Trustees, or any Treasurer, Clerk, Assessor, Collector, Engineer, Surveyor, or other Officer or Officers, Workmen or Agent, Persons or Person whomsoever, who is or shall be employed by virtue of this Act, or any Bye Law, Rule, or Order made in pursuance thereof, in the Performance of his or their Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue of or under the Authority of the same respectively, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to let or farm the Rates and Duties.

XLVIII. And be it further enacted, That it shall and may be lawful for the said Trustees, if they think fit, to let or farm out by Public Auction the whole Rates and Duties authorized to be levied by this Act, or such Descriptions and Parts thereof as may appear proper: Provided always, that the Period for which the said Rates and Duties shall be so let or farmed out shall not exceed Three Years at One Time.

Power to borrow Money.

XLIX. And whereas it is necessary, for carrying into effect the additional Works and Operations authorized by this present Act, to borrow a farther Sum of Money; be it therefore enacted, That from and after the passing of this Act, and in addition to the Debt already contracted under the Authority of the said recited Acts, amounting to Four thousand four hundred and sixty-four Pounds Nineteen Shillings and Seven-pence on the Second Day of *February* last, the said Trustees shall and may, and they are hereby authorized and empowered, for the Purpose of constructing, completing, repairing, and maintaining the said Wet Dock or Wet Docks, and Works connected therewith, and of carrying on, completing, and maintaining the said other additional Works and Operations, and for the other Purposes of the said recited Acts and of the present Act, to borrow and take up at Interest from Time to Time, on the Credit and Security of the Harbour, Dock or Docks, and other Property, Rates, and Duties aforesaid, any farther Sum or Sums of Money not exceeding Seventy thousand Pounds Sterling, and to assign and make over the said

Harbour, and Dock or Docks, Property, and the several Rates and Duties granted and authorized to be levied by the said recited Acts and by this Act, or such Parts or Portions thereof as they may think proper, in Security for the Repayment of the said Sums of Money with Interest: Provided always, that it shall be in the Power of the said Trustees, as often as any Part of the Debt contracted as aforesaid shall be repaid to the Creditor or Creditors having Right thereto, to borrow, over and besides the said Seventy thousand Pounds Sterling, such Sum or Sums as may be necessary to replace the said Sum or Sums so repaid, but so that the total Sum borrowed shall at no one Time exceed the Amount of the Debt already contracted as aforesaid, and the said Sum of Seventy thousand Pounds.

L. Provided always, and be it further enacted, That the said Sum or Sums which the said Trustees are hereby authorized to borrow for carrying into effect the Purposes of the said recited Acts and of the present Act shall be borrowed solely on the Credit of the said Harbour, Dock or Docks, or other Property, Rates, and Duties, and shall not give or be construed to give the Lenders or Creditors any legal Claim or Right whatever, primary or subsidiary, to Payment out of the Personal Funds or Estate of the said Harbour and Dock Trustees, or any of them, or out of the Funds or Estate of the Corporation of the City of *Glasgow*, or out of the Funds or Estate under the Management of the Magistrates and Trustees for the Towns of *Port Glasgow* and *Newark*.

Sums to be borrowed solely on the Credit of the Rates and Duties.

LI. And be it further enacted, That the said Trustees shall be, and they are hereby empowered to apply the said Rates and Duties in repaying the Balance still undischarged of the Debt contracted under the said last-recited Act, to the Corporation of the City of *Glasgow* and others, Principal and Interest; in enlarging, deepening, improving, watching, and lighting the present Harbour, so far as may appear requisite and proper, in contemplation of the Construction of Wet Docks adjacent thereto, or otherwise; in forming, erecting, constructing, maintaining, repairing, watching, and lighting the said Wet Dock or Docks, Slips, Graving Docks, and other Works; in purchasing and acquiring the Grounds necessary for the Construction and Completion of the said Works; in purchasing and acquiring the Whin Stone Quarries of *Clune Brae* before mentioned, for securing a sufficient Supply of Ballast for Vessels resorting to the said Harbour and Wet Dock or Docks at moderate Rates or Prices, which the said Trustees are hereby authorized to fix and demand; and in paying the Interest and Principal of the Sum or Sums herein authorized to be borrowed or contracted for the Purposes and in the Manner before mentioned; and in otherwise carrying the present and the said recited Acts into execution.

Application of Rates and Duties.

LII. And be it further enacted, That the said Trustees at General Meetings assembled may and they are hereby empowered, by and with the Consent of Five Sixths of the Persons advancing and lending Money on the Security of the said Rates and Duties, to lessen and reduce the same, so far as they shall judge reasonable and expedient, consistently

Power to reduce Rates and Duties.

consistently with the annual Amount of the said Rates and Duties, and the State of the Debt due by the said Trustees.

Shore Ground, when filled up, may be let or feued for any lawful Purpose.

LIII. And be it further enacted, That the Ground upon the Shore between the Houses and Warehouses situated Westward from the old West Quay of *Port Glasgow* Harbour and the new Quay authorized by the last-recited Act, and since built and completed, and which Shore Ground the Magistrates and Council of the City of *Glasgow* were by the said last-recited Act empowered and authorized to fill up, and to feu or let, when so filled up, for the Purpose of building Cellars and Warehouses thereon, the Feu Duties or Rents obtained for the same belonging to and making Part of the common Funds of the said City, may be feued, either for the said Purpose of building Cellars and Warehouses, or for any other lawful Purpose whatever to which it may be applicable.

Power to alter *Glasgow* and *Port Glasgow* Road at *Newark*.

LIV. And be it further enacted, That it shall be lawful to the said Trustees to alter the Line of the said Road leading from *Port Glasgow* so as to pass through the Garden of *Newark* and the Foreshore and other Lands to the East thereof, and to continue the Road presently leading from the *Kilmalcolm* Road to the present Road to *Glasgow*, joining the same with the new Line of Road to be made through *Newark* Garden.

Map or Plan deposited with the Clerk of the Peace may be inspected.

LV. And whereas a Survey has been made of the said intended Docks, and of the said intended Alteration of the Line of Road near the said Harbour, and a Map or Plan, with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Lands in or through which the same are to be made and carried, has been deposited at the Office of the Clerk of the Peace for the County of *Renfrew* at *Port Glasgow*; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the said County, to the end that all Persons shall have Liberty at all reasonable Times to resort to and examine or make Extracts from or Copies of the same, as Occasion shall require, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and for Copies or Extracts from the said Book of Reference at the Rate of Sixpence for every One hundred Words; and the said Trustees, in making the said intended Alteration on the said Road, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, and set forth in the said Book of Reference.

Trustees not to deviate more than 100 Yards from Plan.

Lands of Persons omitted may be taken if Omission proceeded from Mistake.

LVI. Provided always, and be it further enacted, That the said Trustees may make the said Wet Dock or Wet Docks, Road, and other Works into, through, or across or over the Lands or Grounds of any Person or Persons who is or are or may be the Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously set forth or omitted in the said Book of Reference, in case it shall appear to any Two or more

more of the Justices of the Peace for the said County of *Renfrew*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

LVII. Provided also, and be it enacted, That the said Trustees shall not be entitled to take, use, injure, or damage, for the Purposes of this Act, any House or other Building erected before the passing of this Act, or any Land or Ground set apart and used as and for a Garden, Orchard, Yard, Policies, Paddock, planted Walk, or Avenue to a Mansion House, without the Consent in Writing of the Owners thereof, other than and except those specified in Schedule (C.) hereunto annexed.

No House, &c. to be removed except those in Schedule (C), without Consent.

LVIII. And be it further enacted, That in case the said Trustees shall not purchase such Lands, Houses, or Heritages as are necessary towards the Purposes of this Act within the Space of Seven Years from the passing thereof, then and in such Case it shall not be lawful to purchase any such Lands, Houses, or Heritages so remaining unpurchased without the Consent in Writing of the Owners thereof first had and obtained.

Lands, &c. to be purchased within Seven Years.

LIX. And be it further enacted, That after any Lands, Grounds, or Heritages shall be set out and ascertained for making the said Wet Dock or Wet Docks, Harbour, Road, and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-before authorized to be made, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Life-renters, Husbands, Tutors and Curators, or other Guardians, Trustees for charitable and other Purposes, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of those for whom they are Guardians or Trustees, whether Infants, Minors, Issue unborn, Lunatics, Idiots, Married Women, or other Person or Persons, and to and for all Married Women who are or shall be seised, possessed of, or interested in their own Right, or entitled to Terce or other Interest therein, and to and for all and every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any such Lands, Grounds, or Heritages as last aforesaid, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, feu, and convey the same and every Part thereof to and in favour of the said Trustees; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue or in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances so to be made as aforesaid shall be made at the Expence of the said Trustees.

Incapacitated Persons and others may convey.

LX. And be it further enacted, That the Rights and Titles to be granted in manner above mentioned to the said Trustees to the Pre-

Superiority not to be diminished.

mises therein described shall not in any measure affect or diminish the Right of Superiority of the same, but notwithstanding the said Conveyances the Rights of Superiority shall remain, as before, entire in the Persons granting the said Conveyances; and the Grounds so conveyed to the said Trustees shall not be liable for any Duties or Casualties to the Superiors.

Satisfaction to be made to Owners for Lands taken or Damage sustained.

LXI. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons herein-before capacitated to sell or convey Lands or other Heritages, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Heritages through, in, or upon which the said Wet Dock or Wet Docks, and Harbour, or Roads of Communication, or other Works hereby authorized, shall be made, may accept and receive Satisfaction for the Value of such Lands and Heritages, and for the Damages to be sustained by making and completing the said Works, in gross Sums or in Feu Duties; and in case the said Trustees and the said Parties interested in such Lands or other Heritages cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled in such Manner, and subject to such Verdict of a Jury, if required, as herein-after directed.

In case of Disagreement as to the Price of Lands, &c. the same to be settled by a Jury to be impanelled by the Sheriff.

LXII. And be it further enacted, That in case of any Difference of Opinion between the said Trustees or their Agents and any Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or other Person or Persons interested or entitled to any Lands or Heritages, relative to the Price or Value, Damages, or Recompence to be given for any Lands or Heritages to be taken or used for the Purposes of this Act, and in case such Price or Value, Damages, or Recompence cannot be settled, adjusted, and agreed for by and between the said Trustees or their Agents and such Proprietors of and Persons interested in the said Lands or Heritages, or if any such Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or such Recompence as shall be offered to be paid by such Trustees, or shall, upon Notice in Writing given to the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to such Guardian or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Heritages, for the Space of Fourteen Days next after such Notice neglect or refuse to treat, or shall not agree with the said Trustees, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises of which they are or shall be in Possession, or to the Interest which they claim therein, then and in every such Case the said Trustees, or the said Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or other Person or Persons interested in or entitled to such Lands or Heritages, shall be and they are hereby respectively empowered and required from Time to Time to make

Application

Application in Writing to the Sheriff Depute or Substitute of the said County of *Renfrew* to proceed therein as herein-after mentioned; and the said Sheriff Depute or Substitute is thereupon accordingly hereby required to impanel, summon, and return a Jury of Twenty-four Persons, in the Manner in which Juries are impanelled, summoned, and returned in *Scotland*, to meet at such Time and Place as in the Warrant or Warrants to be issued in that Behalf shall be appointed, not being less than Nine nor more than Twenty Days after such Application or Applications shall be made to the said Sheriff Depute or Substitute; and out of such Persons so to be summoned and returned a Jury of Twelve Persons shall be drawn by Ballot by such Officer, and in such Manner as is usually done by the said Sheriff, and each Party shall have it in his Power to challenge Three of the Jurors so drawn, without being obliged to assign any Reason therefor; which Challenge shall disqualify the Person or Persons so challenged from serving as a Juror or Jurors in such Trial; provided always, that such Challenge or Challenges without Reason assigned shall nowise deprive either Party of the Right competent to challenge or object to any other Juror or Jurors on Cause shown; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff Depute or Substitute shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend the Service, to make up the said Jury to the Number of Twelve; and the said Sheriff Depute or Substitute is hereby empowered and obliged to summon and call before him all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in question by or before any Jury or Juries as aforesaid; and the said Sheriff Depute or Substitute may order and authorize the said Jury, or any Three or more of them, to view the Place or Places or Matters in controversy; which Jury, upon their Oaths, (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff Depute or Substitute is hereby empowered to administer,) shall enquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or Heritages, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff Depute or Substitute shall give Judgment for such Purchase Monies or Recompence to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff Depute or Substitute, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, without being subject to Reduction, Advocation, or Suspension, or to any Question or Review in any way whatsoever; and if such Sheriff Depute or Substitute shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give in his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence,

Penalty on
Sheriffs,
Jurors, or
Witnesses for
Default.

Evidence, after having been paid or tendered, if required, a reasonable Sum for his, her, or their Costs, Charges, and Expences, shall not appear, or appearing shall refuse to be sworn and examined or give Evidence; every Person so offending, having no reasonable Excuse, to be allowed by the said Sheriff Depute or Substitute, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Expences of
Juries by
whom to be
paid.

LXIII. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies, as a Recompence or Satisfaction for any Lands or Heritages of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Heritages of any Person or Persons, than had been previously offered by or on behalf of the said Trustees, then all the Expences of summoning such Jury and taking such Inquest shall be defrayed by the said Trustees; and such Expences shall and may be recoverable from and out of the Effects of the said Trustees, or of their Treasurer, by Distress and Sale, and by the like summary Process by which the said Trustees are authorized to recover Damages or Penalties by this Act; but if any Verdict shall be given or made for the same or for a less Sum than had been previously offered by or on behalf of the said Trustees, or if a Verdict shall be given for a nominal or elusory Sum only, or if the Jury shall find that Costs ought so to be awarded, or in case no Damage shall be given by the Verdict where the Dispute is for Damages only, then and in every such Case the Costs and Expences of summoning such Jury and taking Inquest shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute, and the said Trustees, in Moieties; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Trustees in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that whenever any Person or Persons shall, by reason of Absence or otherwise, have been prevented from treating with the said Trustees, such Costs, Charges, and Expences shall be borne and defrayed by the said Trustees in manner aforesaid.

Persons de-
siring a Jury
to give
Security.

LXIV. And be it further enacted, That all and every Person or Persons making Application for or requesting such Jury shall enter into a Bond, with sufficient Sureties, to the Clerk or Treasurer for the Time being of the said Trustees, in the Penalty of One hundred Pounds, or in such other Penalty as the Sheriff of the said County shall appoint not exceeding the Sum of One hundred Pounds, to prosecute such his, her, or their Application, and to bear and pay the Costs, or his, her, or their Proportion of the Costs and Expences, of summoning

summoning such Jury and taking such Inquest, in the Proportion and Manner herein-before mentioned : Provided always, that the said Sheriff Depute or Substitute shall not be obliged by virtue of this Act to receive or take notice of any Application or Applications to be made by any Person or Persons whomsoever, for any Damage or Injury by him, her, or them sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing hath been or shall be given in relation thereto, by or on behalf of such Person or Persons, to the said Trustees, or to their Clerk, within the Space of Six Calendar Months next after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

LXV. And be it further enacted, That every such Jury and Juryman as aforesaid shall, besides the Provisions of the present Act, be under and subject to the same Regulations, Pains, and Penalties as if such Jury or Juryman had been returned to pass upon any Justiciary Trial in *Scotland* ; and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury by the Laws and Statutes of that Part of the United Kingdom called *Scotland*.

Persons giving false Evidence to be prosecuted.

LXVI. And be it further enacted, That all the Verdicts of the Juries, and the Judgments of the said Sheriff Depute or Substitute thereon as aforesaid, shall be transmitted to and be kept by the Sheriff Clerk of the County of *Renfrew*, and shall be deemed Records to all Intents and Purposes ; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever ; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling, and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

LXVII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed for by a Jury in the Manner herein-before provided, for the Purchase of any Lands or Heritages to be taken for the Purposes of this Act, or as Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors, or reputed Proprietor of such Lands or Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time within Thirty Days after the same shall have been actually so agreed for, determined, or assessed ; or if the Person or Persons so entitled or interested, or any of them, shall not be able to make a good Title thereto to the Satisfaction of the said Trustees, or cannot be found,

Upon legal Tender or Payment, the Lands, &c. to vest in Trustees.

or shall refuse to receive the same or execute such Conveyance, then, upon the Payment of the said Sum or Sums of Money into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British Linen Company*, as the Case may be, in the Manner by this Act directed, for the Use of such Person or Persons so interested or entitled as aforesaid, then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Trustees, and their Agents, Workmen, and Servants, immediately to enter upon such Lands or Heritages respectively; and then and thereupon such Lands or Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Trustees and their Successors to and for the Purposes of this Act for ever; and such Payment, Tender, Investment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Terce of the Wife of every such Person, and all Estates Tail and other Estates of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, Investment, or Deposit aforesaid shall have been made, it shall not be lawful for the said Trustees, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment, for the Purpose of making the said Harbour, Docks, or other Works, without the Consent in Writing of such Person or Persons respectively.

Application
of Compensation Money
when exceeding 200*l.*

LXVIII. And be it further enacted, That if any Monies shall be agreed or awarded to be paid 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 or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid, under the Direction and by the Authority of the Court of Session, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the *British Linen Company*, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons 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 Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the said 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 and Approbation 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, and in the same Manner, 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 and capable of taking effect; and in the meantime and until such Purchase shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

LXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, 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 or Persons for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into One 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 or Persons making such Option, and approved of by the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Interest arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application when less than 200*l.* and exceeding 20*l.*

LXX. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person 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, in such Manner as the said Trustees shall think fit; or, in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application where less than 20*l.*

LXXI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Heritages to be purchased by virtue of this Act for the Purposes aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every

In case of not making out Titles, &c. the Money to be paid into a Bank.

every such Case it shall and may be lawful to and for the said Trustees to order the Sum and Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company respectively, as the Case may be, in manner as respectively before directed, 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, Controul, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Petition, shall be and they are hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

Where Questions arise touching the Title to any Money, the Person in Possession presumptively entitled.

LXXII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages, to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons 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 Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages, according to such Possession, until 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 be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

Court may order Payment of Expences in certain Cases.

LXXIII. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, and to be applied in the Purchase of other Lands or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Session to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the

the said Trustees, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

LXXIV. And be it further enacted, That in case any Lands or Heritages to be taken or used for the Purposes of this Act shall happen to be burthened with any Heritable Debt to any Person or Persons, it shall be lawful for the said Trustees, upon Application made to them by such Heritable Creditors, and the said Trustees are hereby authorized and required, to pay such Sum or Sums of Money agreed for and adjusted or assessed in manner aforesaid, for such Lands burthened with Heritable Debts, to such Heritable Creditors, in part of the Principal Money due on such Heritable Debts: Provided always, that upon Receipt of such Sum or Sums such Heritable Creditors shall acknowledge the Receipt of such Sum or Sums of Money, either by Indorsement to be made upon the Security for such Heritable Debts, and signed by such Heritable Creditors in the Presence of Two or more credible Witnesses, in Satisfaction of so much of the Principal Money due upon such Heritable Debts, or otherwise by such other Receipt, Acknowledgment, or Discharge for such Payment as shall by the Law of *Scotland* be good and effectual to the Debtor.

For paying off Incumbrances on Lands taken by the Trustees.

LXXV. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid in pursuance of the Directions of this Act, as or by Way of Compensation or Satisfaction for any Lands, Houses, Materials, or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Trustees, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Trustees to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made to the said Trustees or their Treasurer, in which Demand the Orders of the Sheriff or Justice making the same shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Trustees by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any such Sheriff or Justice under his Hand or their Hands, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by Way of Compensation or Satisfaction for any such Lands, Houses, Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Trustees, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain, out of the Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall

Satisfaction for Damages, &c. may be recovered from the Treasurer, &c.

[*Local.*]

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have

have sustained or be put unto by virtue of any such Warrant as aforesaid.

Notices,
how to be
served on the
Trustees.

LXXVI. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons or Party or Parties to serve any Notice or Notices upon the said Trustees, or any Citation or Summons or other legal Proceedings, the Service upon the Clerk of the said Trustees, or at the Office of the said Clerk, or left at his last or usual Place of Abode, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Trustees, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Trustees.

Recovery and
Application
of Penalties.

LXXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Collector or other Person appointed by them, to prosecute for and receive all such Fines, Penalties, Forfeitures, Expences, Charges, Damages, and Costs of Suit by the said recited Acts and this Act imposed, as relate to the said Harbours, Quays, Dock or Docks, Sheds, and other Works therewith connected, (the Manner of levying and recovering whereof, or Punishment to be inflicted, is not hereby particularly directed and provided for,) by Action or Complaint, within Six Months after the Offence is committed, before any one of the Baillies of *Port Glasgow*, or any one or more Justice or Justices of the Peace for the County of *Renfrew*, or before the Sheriff Substitute of the said County, who shall proceed to the Trial of such Offence in a summary Way, and upon Conviction of the Offenders by their own Confession, or by the Oath of one or more credible Witnesses, shall award and give such Orders, Judgments, and Decrees as to them shall seem most agreeable to the true Intent and Meaning of the said recited Acts and this Act; and in default of Payment of such Fines, Forfeitures, Expences, Charges, Damages, and Costs, if such are awarded, the Person or Persons shall and may be committed to any Gaol or Bridewell in the said County, there to be detained for a Period not exceeding Three Months; and the whole Fines, Penalties, and Forfeitures received, after deducting the necessary Charges of recovering the same, shall be applied to the Purposes of this Act.

Appeal al-
lowed to
Justices at
Quarter
Sessions.

LXXVIII. Provided further, and be it enacted, That if any Person or Persons should think himself or themselves aggrieved by any Decision, Warrant, or Order of the said Baillies, Justices of the Peace, or Sheriff Substitute, or either of them, in the Execution of the said recited Acts and this Act, or of any Act, Rule, Order, or Regulation of the said Trustees, it shall be competent to such Person or Persons to apply for Redress by way of Appeal from the Decision, Warrant, or Order of the said Baillies or Justices of the Peace in all Cases where the Damages and Expences when awarded shall exceed Five Pounds, and against all Bye Laws, Orders, or Regulations, and Acts of the said Trustees, to the Justices at the next Quarter Sessions of the Peace for the County of *Renfrew*, and from the Decision, Warrant, or Order of the said Sheriff Substitute to the said Sheriff Depute; provided

provided that such Appeal or Application for Redress shall be entered within Eight Days after the Decision of the said Baillies, Justices, or Sheriff Substitute, or after the Act done in execution of any Bye Law or any Act of the said Trustees as aforesaid, Security for the Payment of the Costs and Issue of such being given by the Party appealing or applying for Redress; and the said Justices in their Quarter Sessions, or Sheriff Depute, 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 Redemption.

LXXIX. Provided also, and be it further enacted, That the Magistrates, Town Council, and Burgesses, Inhabitants of the Burgh of *Dumbarton*, shall have and enjoy all Privileges, Immunities, and Exemptions at the Port and in the Harbour of *Port Glasgow* to which they were entitled before the passing of this Act, by virtue of any Contracts or Agreements between the said City of *Glasgow* and the said Burgh of *Dumbarton*, or any Act or Acts of the Parliament of *Scotland* or *Great Britain*, in the same Manner and as fully and effectually as the said Magistrates, Town Council, and Burgesses, Inhabitants of the said Burgh of *Dumbarton*, were before the passing of the said recited Acts or this Act entitled to at the aforesaid Port and Harbour, any thing in this Act contained to the contrary notwithstanding; reserving always to the said Trustees all their legal Rights or Claims to levy all such Rates or Dues at the said Port or Harbour as they or their Predecessors are or were entitled to claim or levy: Provided nevertheless, that nothing herein contained shall prevent the said Trustees from levying at the Dock or Docks hereby authorized to be constructed all or any Part of the Rates or Duties hereby granted, without any Allowance or Deduction in respect of such Privilege, Immunity, or Exemption.

Reservation
in favour of
Dumbarton.

LXXX. And be it further enacted, That the Expences of the passing of this Act shall be paid by the said Trustees from the Rates and Duties herein-before granted, or from the Sums authorized to be borrowed for the Purposes of this Act.

Expences of
this Act.

LXXXI. And be it further enacted, That this Act 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, without being specially pleaded.

Public Act.

SCHEDULE (A.)

Class First.

For every Ship, Bark, Lighter, Yacht, Steam Boat, or other Boat and Vessel whatever, entering or arriving at the Harbour of Port Glasgow, or touching at any of the Quays of the said Harbour, from any Port in the United Kingdom of Great Britain and Ireland, or from the Islands of Guernsey, Jersey, Alderney, Sark, or the Isle of Man, any Sum not exceeding Sixpence per Ton.

And for every such Ship, Steam Boat, or other Boat or Vessel departing from the said Harbour to any of the Countries, Parts, or Places before mentioned, the like Sum, not exceeding Sixpence per Ton.

Class Second.

For every Ship, Bark, Lighter, Yacht, Steam Boat, or other Boat and Vessel entering or arriving at the said Port from any Country, Island, or Place whatever not before named in this Schedule, any Sum not exceeding Nine-pence per Ton.

And for every such Ship, Steam Boat, or other Boat or Vessel departing from the said Port to any one of the said Countries, Islands, or Places not included in Class First, the like Sum, not exceeding Nine-pence per Ton.

SCHEDULE (B.)

Class First.

For every Ship, Bark, Lighter, Yacht, Steam Boat, or other Boat and Vessel whatever, entering or arriving at the Wet Dock or Wet Docks, Bason or Basons, Lock or Locks, Cut or Cuts, authorized to be constructed by the present Act, or lying along the Outside thereof, from any Port in the United Kingdom of Great Britain and Ireland, or from the Islands of Guernsey, Jersey, Alderney, Sark, or the Isle of Man, any Sum not exceeding Nine-pence per Ton.

And for every such Ship, Steam Boat, or other Boat and Vessel departing from the said Wet Dock or Wet Docks, Bason or Basons, Lock or Locks, Cut or Cuts, to any of the Countries, Parts, or Places before mentioned, the like Sum, not exceeding Nine-pence per Ton.

Class Second.

For every Ship, Bark, Lighter, Yacht, Steam Boat, or other Boat and Vessel entering or arriving at the said Wet Dock or Wet Docks, Bason or Basons, Lock or Locks, Cut or Cuts, or lying along the Outside thereof, from any Country, Island, or Place whatever not before named in this Schedule, any Sum not exceeding One Shilling and Three-pence per Ton.

And for every such Ship, Boat, or other Vessel departing from the said Dock or Docks, or other Works, to any one of the said Countries, Islands, or Places not included in Class First of this Schedule, the like Sum not exceeding One Shilling and Three-pence per Ton.

Class Third.

For every Ship, Bark, Lighter, Yacht, Steam Boat, or other Boat and Vessel from any Country, Island, or Place whatsoever, remaining in any of the said Docks or other Works beyond the Period of Four Months, any Sum not exceeding Three-pence per Ton for each Month they shall so remain beyond the said Period; and that over and besides the Rates and Duties mentioned in Class First and Class Second of this Schedule.

SCHEDULE (C.)

Description of Property.	Owners.	Occupiers.
Shipbuilding Yard - - - }	Mrs. Anny Boyd or Martin, and Children; viz. James, John, and Jean Martin - - }	James and George M'Donald.
Newark Castle, Garden, and Foreshore	Lord Belhaven -	Lord Belhaven.
Ballast Quarry - - - }	Lord Belhaven - - }	Harbour Trustees of Port Glasgow, and Lord Belhaven.
Newark Upper Garden - -	Lord Belhaven - -	William Law.
Turnpike House, Gate, and Line of Road to be altered - - }	Greenock Road Trustees - - - }	Greenock Road Trustees.
Dry Dock of Port Glasgow, the Engine House connected therewith, Warehouses, and vacant Ground to the South of said Dock }	Town of Port Glasgow -	Town of Port Glasgow.

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