



ANNO SECUNDO

# VICTORIÆ REGINÆ.

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## Cap. xxi.

An Act to alter, amend, and enlarge the Powers and Provisions of Two several Acts, of the Eleventh Year of the Reign of King *George* the Fourth and First Year of the Reign of King *William* the Fourth, and Fourth and Fifth Year of the Reign of King *William* the Fourth, for improving the Port and Harbour of *Perth*, and the Navigation of the River *Tay* to the said City. [4th June 1839.]

**W**HEREAS an Act was passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth and First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enlarging, improving, and maintaining the Port and Harbour of Perth, for improving the Navigation of the River Tay to the said City, and for other Purposes therewith connected*: And whereas another Act was passed in the Fourth and Fifth Year of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to alter and amend an Act passed in the Eleventh Year of the Reign of His late Majesty and First Year of the Reign of His* [Local.] 5 P present

11 G. 4. & 1 W. 4. c. 121.

4 & 5 W. 4. c. 67.

*present Majesty, intituled 'An Act for enlarging, improving, and maintaining the Port and Harbour of Perth, for improving the Navigation of the River Tay to the said City, and for other Purposes therewith connected:'* And whereas by the said first-recited Act the Commissioners thereby appointed to carry the Powers and Provisions thereof into execution were, *inter alia*, authorized and empowered, by themselves, their Deputies, Agents, Servants, and others, to cleanse, scour, cut, and deepen the said River *Tay* from the Ford or Shallow called the *Town's Ford* to the *Friartoun*, in manner therein particularly specified and set forth; and the said Commissioners were thereby authorized and empowered to borrow and take up at Interest from Time to Time, upon the Credit of the Rates and Duties thereby granted, any Sum or Sums of Money not exceeding Sixteen thousand Pounds Sterling; and it was thereby further enacted, that in case the several Works therein specially described, and intended to be carried into effect under the Authority thereof, should not have been completed within the Space of Five Years from the passing of the said Act, then and from thenceforth the special Powers and Authorities thereby given, granted, and conferred should cease and determine as to all and such and so much of such Works as should not have been completed within such Time: And whereas by the said second-recited Act the Commissioners thereby appointed to carry the Powers and Provisions thereof into execution were specially authorized and empowered to cause to be done, performed, and executed the several Works and Operations in the said first-recited Act mentioned, and also certain other Works and Operations in the said second-recited Act specified and described, and also to borrow and take up at Interest, and apply to the Works and Operations authorized by the said recited Acts, any Sum or Sums of Money not exceeding the additional Sum of Thirty-four thousand Pounds Sterling, upon the Credit and Security of the Rates and Duties imposed by the said first-recited Act as altered and explained by the said second-recited Act, upon the Terms and Conditions therein mentioned; and it was thereby further enacted and declared, that in carrying into execution the Works thereby authorized it should not be competent to nor in the Power of the said Commissioners to proceed further in the Execution of the same than to deepen and improve the Navigation of the said River *Tay*, and to form and complete the Tide Harbour therein authorized to be made, formed, and erected, nor for these Purposes to expend, borrow, or take up at Interest any Sum exceeding the Sum of Fifteen thousand Pounds Sterling beyond the Debt then incurred under the Authority of the said first-recited Act, until Compensation should be made or provided in Terms of the Directions contained in the said second-recited Act for that Purpose to the Proprietors of Salmon Fishings in the said River *Tay*, to be ascertained and settled as therein mentioned; and it was thereby further enacted, that

that the Time and Period for the Execution of the Works and Operations by the said Two recited Acts authorized to be made, done, and performed should be and the same was thereby extended, so far as regarded the deepening and improving the Navigation of the said River beyond the Bounds to which the said first-recited Act applied, to the Period of Five Years from and after the passing of the said second-recited Act: And whereas, in virtue of the Powers contained in the said Two recited Acts, the Commissioners appointed and acting under the Authority of the same have made considerable Progress in the Execution of the Works thereby authorized to be made and completed, and particularly in deepening and improving the Navigation of the said River *Tay*, which has been found to be of great Advantage to the Public; but the Period allowed by the said second-recited Act for deepening and improving the Navigation of the said River has been found insufficient for the Completion of the Operations therewith connected, and the Sum of Money thereby authorized to be borrowed and expended has been found insufficient to carry the said intended Works and Operations into full and complete Execution; and it would be of much additional Advantage if the Period allowed for deepening and improving the Navigation of the said River *Tay* were extended, and if the said Commissioners were empowered to borrow and expend a further Sum of Money for the Purposes aforesaid, and if certain other Powers and Provisions of the said recited Acts were altered and extended in manner and to the Effect herein-after mentioned; but as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Time allowed by the said Two recited Acts, or either of them, for the Execution of the Works and Operations connected with the deepening and improving the Navigation of the said River *Tay*, authorized to be made, done, and performed, shall be and the same is hereby extended and enlarged from and after the passing of this Act to the Thirty-first Day of *December* in the Year One thousand eight hundred and forty-one: Provided always, that in no Case shall the said Commissioners do or cause to be done any Work or Operation which was not authorized by the said Two recited Acts or either of them.

Time for  
executing  
the Works  
extended.

. II. And be it further enacted, That the Commissioners acting in virtue of the said second-recited Act shall be and they are hereby authorized and empowered to borrow and take up at Interest, before Compensation be made or provided to the Proprietors of Salmon Fishings in manner directed by the said second-recited Act, any  
Sum

Power to  
borrow a  
further Sum  
of Money.

Sum or Sums of Money not exceeding Six thousand Pounds Sterling in the whole, over and above the foresaid Sum of Fifteen thousand Pounds which by the said second-recited Act the said Commissioners were authorized to expend, borrow, and take up at Interest beyond the Debt authorized to be borrowed under the Authority of the said first-recited Act, and to which they were restricted until Compensation should be made or provided to the Proprietors of Salmon Fishings in manner directed by the said second-recited Act as aforesaid; which additional Sum of Six thousand Pounds hereby authorized to be borrowed shall be taken up on the Credit and Security of the Rates and Duties imposed by the said recited Acts, or either of them, and that in the same Manner and upon the same Security in every respect as the Commissioners under the said recited Acts were thereby authorized to borrow and take up the foresaid Sums of Sixteen thousand Pounds and Thirty-four thousand Pounds respectively.

How the Sum to be borrowed shall be applied.

III. And be it further enacted, That the said additional Sum of Six thousand Pounds Sterling hereby authorized to be borrowed shall be applied to the Operations authorized by the said recited Acts and this Act, with full Power also to the said Commissioners to pay off the Whole or any Part or Parts of the Sum or Sums so borrowed or to be borrowed, either from the Proceeds of the said Rates or Duties or otherwise, and again to borrow and take up on the same Security such other Sum or Sums as may from Time to Time be necessary either to pay off the previously existing Debt, or any Part thereof, or to complete the aforesaid Works and Operations: Provided always, that the Amount of the Sums of Money borrowed and to be borrowed upon the Security of the said Rates and Duties shall not exceed the Sum of Twenty-one thousand Pounds Sterling in the whole (beyond the Amount of the Debt authorized to be borrowed under the Authority of the said first-recited Act), until Compensation shall be made and provided for to the Proprietors of Salmon Fishings in Terms of the Provisions of the said second-recited Act: Provided also, that the whole Sum to be borrowed by the said Commissioners by virtue of the Provisions contained in the said recited Acts and in this Act shall not ultimately exceed in the whole the Sum of Fifty thousand Pounds Sterling.

Powers for ascertaining and settling the Compensation to Proprietors of Salmon Fishings continued.

IV. And be it further enacted, That the Provisions contained in the said last-recited Act in regard to the Ascertainment of the whole Number of Salmon and Grilses taken in the said River *Tay*, and the Proportion thereof taken on the Fishing or aggregate Fishings of individual Proprietors during the Continuance of the said Operations, and the Obligations thereby imposed upon the Commissioners to make good the Loss or Damage arising from any ascertained Deficiency, shall be in full Force during the Continuance of the said Operations

Operations carried on in virtue of the Powers herein contained, and shall be held, deemed, and taken to be applicable to the additional Period for completing the said Operations hereby allowed; and the Provisions contained in the said second-recited Act as to the Ascertainment of the whole Number of Salmon and Grilse taken in the said River *Tay*, and the Proportion thereof taken on the Fishing or aggregate Fishings of individual Proprietors during the Five Years or fishing Seasons immediately succeeding the Termination of the said Operations, and the Obligations upon the Commissioners to make good the Damages arising from Deficiencies during such Years, shall be in force during and held to apply to the Five Years immediately succeeding the Termination of the said Operations to be carried on in virtue of the additional Time hereby allowed for completing the same, at the Expiration of which last-mentioned Period of Five Years the Count and Reckoning provided by the said last-recited Act shall take place; but in respect that the Period for ascertaining the Numbers of Salmon and Grilse, which by the said last-recited Act is limited to not less than Twenty nor more than Sixty Days, has been found in Practice to be too short, the said Period shall be and the same is hereby altered and prolonged to a Period not exceeding Six Calendar Months from and after the Termination of each fishing Season; and in general the whole other Powers, Provisions, Regulations, and Enactments contained in the said second-recited Act in regard to the same shall remain in full Force, and receive the same Effect as if the Time thereby allowed for completing the said Operations connected with the deepening and improving of the said River had extended to the said Thirty-first Day of *December* in the Year One thousand eight hundred and forty one, and as if the Sum authorized to be immediately borrowed for the Purpose of deepening and improving the Navigation of the said River, and forming and completing the Tide Harbour and other Works as therein mentioned, had been Twenty-one thousand Pounds beyond the Debt authorized to be borrowed under the Authority of the said first-recited Act, instead of Fifteen thousand Pounds beyond such Debt.

V. And be it enacted, That the Expences of preparing, applying for, and obtaining this Act shall be chargeable and charged upon and defrayed out of the first and readiest of the Rates and Duties levied by the said Commissioners under the Authority of the said recited Acts. Expences of the Act.

VI. And be it further enacted, That all and every the Powers, Provisions, Authorities, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said recited Acts or either of them contained (save and except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual for Powers of recited Acts extended to this Act.

[*Local.*] 5 Q carrying

carrying this Act into execution as if the same had been repeated and re-enacted in this Act.

Public Act.

VII. 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 by all Judges, Justices, and others.

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