



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. lxxix.

An Act for the further Improvement of the Harbour
of *Ayr*. [21st July 1835.]

WHEREAS an Act was made in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for improving and maintaining the Harbour of Ayr, and for regulating Vessels resorting thereto*: And whereas the Term granted by the said recited Act is about to expire, and the said Harbour requires further Improvements by the Construction of Wet Docks and otherwise; and it is expedient that the Provisions of the said recited Act, with the further Powers necessary for its Improvement, should be consolidated in One Act 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 from and after the Expiration of Two Calendar Months from and after the passing of this Act the said recited Act shall be and the same is hereby repealed, save and except as to the Recovery of any Rates or other Monies, Penalties or Forfeitures, remaining due or incurred under the said recited Act, and also save and except as to the Trustees now acting in the Execution of the said recited Act, which Trustees shall act in the Execution of this Act until Trustees shall be appointed for the Execution hereof, in the Manner herein directed.

57 G. 3.
c. 20.

Repeal of
recited Act.

[Local.]

27 N

II. And

Trustees for
executing
this Act.

II. And be it further enacted, That from and after the Expiration of Two Calendar Months from and after the passing of this Act the Provost, Two Baillies, the Treasurer, and Dean of the Guildry of *Ayr*, for the Time being, and Six Councillors of the Burgh of *Ayr*, to be elected in manner herein-after mentioned, Seven Persons Owners of Vessels belonging to the Port of *Ayr*, qualified and elected also in manner after mentioned, One Member of the Sailors Society of *Ayr*, One Member of the Merchants Company of *Ayr*, to be elected by those Bodies respectively also as after mentioned, the Convener of Trades of the Burgh of *Ayr* for the Time being, the Senior Baillie of the Burgh of *Newton-upon-Ayr*, and Two of the Councillors thereof, whom all failing, Three of the Members of the Freemen of *Newton* aforesaid, to be nominated in manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act into execution.

Meetings for
Choice of
Trustees.

III. And be it further enacted, That on the first *Thursday* in the Month of *December* next, and on the first *Thursday* of the Month of *December* in every subsequent Year, a Meeting shall be held at some convenient Place or Places within the Parliamentary Bounds of the said Burgh of *Ayr* for the Purpose of having Trustees chosen by the different Bodies from among whom Trustees are to be nominated and appointed for the Execution of this Act; of every which Meeting Notification of the holding thereof, pursuant to this Act, shall be given by the Clerk to the Trustees by an Advertisement inserted in at least One of the *Ayr* Newspapers Seven Days at least before any such Meetings are hereby directed to be held, requiring the different Bodies or Classes of Persons by and from among whom the said Trustees are to be nominated and appointed to meet on every such *Thursday* at such Place and Hour as shall be settled by and among such Bodies respectively; and at such Meetings respectively Six Councillors shall be nominated and appointed by and from among the Councillors of the Burgh of *Ayr*, Two Councillors or Three Freemen shall be nominated and appointed by and from among the Councillors or Freemen of the Burgh of *Newton-upon-Ayr*, One Member shall be nominated and appointed by and from the Sailors Society, One Member shall be nominated and appointed by and from the Merchants Company of *Ayr*, and Seven Persons Owners of Vessels belonging to the Port of *Ayr*, qualified as after mentioned, shall be nominated and appointed by and from among the Owners of such Vessels; all which Persons so to be nominated and appointed shall be elected by a Majority present at such Meetings of the Votes of these Bodies or Classes of Persons respectively, or, in case of an Equality, by the casting Vote of the Preses of the said respective Meetings; which Meetings are hereby respectively authorized to choose their Preses; and every such Preses shall be entitled to a casting Vote besides his Vote as a Member of the Meeting; and of which respective Elections a Certificate, signed by the Preses of the respective Meetings at which they shall have been made, shall be transmitted to the Clerk of the said Trustees; which Certificate shall be preserved by him as the Evidence of the Persons thereby appearing to have been nominated and appointed by such Bodies respectively to act in the Execution of this Act.

IV. And

IV. And be it further enacted, That at the said Meeting of Ship Owners to be held in manner before mentioned all Persons Owners of Shipping belonging to the Port of *Ayr* to the Extent of Ten registered Tons or upwards, and none others, shall have a Voice or Vote at every such Meeting; and such Ship Owners, being so assembled, shall elect a Preses and Clerk, and those present shall, if required, satisfy the said Preses or Clerk by the Production of the Register of a Vessel, or by the Certificate of the Collector or Comptroller of the Customs of the Port of *Ayr*, that he is Owner of Shipping belonging to the Port of *Ayr* of Ten registered Tons or upwards.

Qualification of Ship Owners.

V. And be it further enacted, That any Person voting at any such Meeting of Ship Owners, or subsequently acting as a Trustee in the Execution of this Act, not having the aforesaid Qualification, shall forfeit the Sum of Twenty Pounds, to be recovered and applied as herein-after mentioned; and if any Ship Owner duly elected a Trustee shall afterwards lose or part with his Qualification of Ten Tons of Shipping, then he shall, *ipso facto*, cease to be a Trustee.

Persons voting without Qualification liable in Penalty of 20*l*.

VI. And be it further enacted, That in the Event of the Death, Refusal to act, or Resignation of any of the said Trustees, to be elected in manner herein directed, or in the Event of any Ship Owner elected a Trustee being disqualified, the respective Body or Bodies above mentioned by whom the said Person so dying, refusing, resigning, or being disqualified had been elected may again meet after at least Seven Days Notice shall have been given by the Clerk to the Trustees in at least some One Newspaper published in the Burgh of *Ayr*, and elect in manner before directed a Trustee or Trustees in the Room of the Vacancies so created.

How Vacancies to be filled up.

VII. And be it further enacted, That although any of the Bodies or Classes of Persons authorized to elect Trustees for the Purposes of this Act shall at any Time or Times fail, neglect, or refuse to make due and proper Elections of Trustees at the respective Periods appointed for such Elections, such Failure, Neglect, or Refusal shall not hinder or prevent the Execution of this Act by the other Trustees who shall have been duly and regularly elected, nor shall the Death, Resignation, Refusal, or Disqualification of any of the said Trustees hinder or prevent the other Trustees from acting in the Execution of this Act; for which Purpose One Third in Number of the Trustees duly appointed and acting for the Time shall always be sufficient.

Majority of Trustees duly elected may always act.

VIII. And be it further enacted, That the said Trustees elected as above directed shall remain in Office only for One Year; but at each succeeding annual Election the same Person, if holding the Qualification required, may be again elected.

Duration of Office for One Year.

IX. And be it further enacted, That for the Purpose of electing Trustees to put this Act into execution, from and after the Expiration of Two Calendar Months from and after the passing thereof, until a Meeting shall be held in manner before directed on the first

First Election of Trustees.

Thursday

Thursday in the Month of *December* next, it shall and may be lawful for the said several Bodies by whom Trustees are directed to be chosen to meet at any Time within Two Calendar Months from and after the passing of this Act; and Notification shall be given by the Clerk of the Trustees acting in the Execution of the said recited Act, by Advertisement inserted in at least One Newspaper published in the Burgh of *Ayr* at least Seven Days previous, requiring the said several Bodies to meet for this Purpose; and it shall and may be lawful for such Bodies, and they are hereby empowered and required, to meet and elect Trustees for putting this Act in execution in the Manner above directed; which Trustees so elected, with the other Trustees hereby appointed, shall proceed to put this Act in execution on the Expiration of said Two Calendar Months, and shall remain in Office until the said first *Thursday* in *December* next.

Time and
Place of
General
Meetings.

X. And be it further enacted, That Four General Meetings of the said Trustees shall be held annually within the ordinary Court House of the Burgh of *Ayr*, namely, upon the second *Wednesday* in the Month of *March*, the second *Wednesday* in the Month of *June*, the second *Wednesday* in the Month of *September*, and the second *Wednesday* in the Month of *December* in every Year during the Continuance of this Act, and that the first of the said General Meetings shall be held upon such One of the said *Wednesdays* as shall occur immediately after the Expiration of Two Calendar Months after the passing of this Act; and the said Trustees shall have Power and are hereby authorized to adjourn to such other Times and Places as to them or to the Majority of them, at such Quarterly Meetings assembled, shall seem meet and expedient; and all Acts, Matters, and Things hereby required to be done, or that in virtue of this Act may be done by the said Trustees at any General Meeting, shall and may be done by the Majority of them assembled at any such adjourned Meeting, the whole Number present not being less than One Third of those duly elected; and in all such Meetings the Provost or Senior Magistrate of the Burgh of *Ayr* present shall preside, and besides his Vote in common with the other Trustees shall, in Cases of Equality, have a casting Vote.

Special
Meetings
may be
called.

XI. And be it further enacted, That Special General Meetings of the said Trustees may be held at any Time on the Requisition of not less than One Third of the Trustees for the Time being acting in the Execution of this Act, whereof Notice shall be given by the Clerk of the Trustees by Advertisement at least Seven Days previous to any such Meeting, in some Newspaper published in the Burgh of *Ayr*: Provided always, that every such Requisition and Notice shall mention the special Purpose of such Meeting.

Trustees to
have Power
to appoint a
Committee
or Com-
mittees of
Manage-
ment.

XII. And be it further enacted, That the said Trustees at any General Quarterly Meeting so assembled shall have Power and they are hereby authorized and required to appoint One or more Committees from among them, and consisting of such Numbers as to the said General Meetings shall seem expedient, to manage, superintend, or direct the Whole or any particular Department of the ordinary Business and Affairs connected with the Execution of this Act; which Committee

or Committees shall be always under the Control of the Trustees, and removable by them, either at the said General Quarterly Meetings assembled or at any Special General Meeting called as before directed; and to any Committee or Committees so appointed the said Trustees so assembled shall be entitled to give and shall give such Instructions, Directions, and Powers as they may think fit, and might themselves exercise under this Act.

XIII. And be it further enacted, That the Right and Property of and in all Lands, Heritages, Buildings, Erections, and the Materials thereof, and of and in all the Piers, Jetties, Lights, Lighthouses, Works, Quays, Walks, Ways, Walls, Matters, and Things acquired, built, or established under the said recited Act, or under any former Act of Parliament, or otherwise, and of all and every Kind of Property, Heritable or Movable, which shall be acquired by the Trustees under this Act, shall belong to, be vested in, and they are hereby vested in the Trustees under this Act; and all the Rates, Duties, and Tonnage hereby authorized to be levied (excepting always the Duties levied by the Magistrates and Town Council of the Burgh of *Ayr* as after mentioned), and all other Monies which shall or may come into the Hands of the Trustees under or by virtue of this Act, shall be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said recited Acts, and of all Interest due or that may become due thereon, as fully and effectually to all Intents and Purposes as if such Money had been borrowed or had become due and owing on the Credit of the Rates and Duties by this Act authorized to be levied and taken.

Vesting Property in Trustees.

XIV. And be it further enacted, That all Persons who have been employed or who shall have received any Rates, Dues, or other Monies by virtue or in pursuance of the said recited Act, or who shall have in their Possession or Custody any Books, Accounts, Papers, Writings, or Things relating to the said Harbour, or who were in any way indebted to the Trustees under the said Act, shall account for, pay, and deliver over the same to the Trustees acting in the Execution of this Act; and all Books, Accounts, Papers, and Writings kept under or by virtue of the said recited Act shall have such and the same Force and Effect, and be received in Evidence in such and the same Manner, as if the said Act had not been repealed.

Officers and Persons under former Acts to account and deliver over Papers, &c.

XV. And be it further enacted, That it shall and may be lawful to and for the Trustees acting in the Execution of this Act to nominate and appoint a Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors, Receiver or Receivers, for levying the Rates or Duties by this Act granted, and such other Officers and Servants as they shall judge necessary to be employed under them for carrying the same into execution, and from Time to Time to remove such Officers and Servants, or any of them, and to appoint others in their Stead, and to settle such reasonable Fees or Salaries for them as to the said Trustees shall appear to be just and proper; and all and every the Collectors and Receivers of the said Rates and Duties shall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act (which Books and Ac-

Officers to be appointed.

counts shall be open and patent to the said Trustees at all Times, when they shall demand Inspection of the same), and shall pay and dispose of such Monies in such Manner as shall be directed by the said Trustees; and the Collector or Collectors, Person or Persons so to be appointed to receive the said Rates and Duties, and all and every of them, shall give good and sufficient Security to the said Trustees for answering and paying the Monies arising from the same, and which shall be by him and them respectively collected or received; and the said Trustees shall be obliged and they are hereby required to take such Security, and failing their doing so the said Trustees themselves shall be personally responsible for the Default of the Persons by them so appointed.

Clerk not to act as Treasurer, and vice versa.

XVI. And be it further enacted, That it shall not be lawful for the said Trustees to appoint any Person who has been or may be appointed their Clerk, or the Partner of any such Clerk, or the Clerk of any Person in the Service or Employ of any such Clerk or the Partner of any such Clerk, to be Treasurer for the Purposes of this Act, or to appoint any Person who has been or may be the appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be their Clerk for the Purposes of this Act; and if any Person shall act both in the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any other Person in the Service or Employ of any such Clerk or the Partner of any such Clerk, shall act as Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, any such Person so offending shall for any such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by ordinary Action before the Court of Session or before the Sheriff Court of *Ayr*.

Power of Trustees with reference to the Harbour.

XVII. And be it enacted, That the said Trustees or a Majority of them shall have Power and are hereby authorized to make and construct, and thereafter to maintain, the Dock or Docks directed to be made by this Act, and to deepen, cleanse, scour, and preserve the said Harbour of *Ayr*, and the Improvements and Additions which shall be made thereto by virtue of this Act, from Dirt, Mud, Gravel, and any other Obstructions whatsoever, and also to heighten, repair, and make sufficient, or cause to be heightened, repaired, and made sufficient, the Dykes, Piers, Quays, and other Works at present appertaining to the said Harbour of *Ayr*, and to alter and extend the same or any Part thereof, as the said Trustees or a Majority of them shall judge to be necessary for the more effectual Improvement of the said Harbour, and for scouring and cleansing the Bed
and

and Channel of the River of *Ayr*, in, through, and from the said Harbour to the Bay of *Ayr*, and likewise to build, erect, or cause to be built or erected, in the said Harbour, Piers, Quays, Jetties, Breasts, Dock or Docks, Lock or Locks, and other necessary Works for the Improvement of the said Harbour, and to fix and maintain such Buoys, Moorings, Lamps, Lighthouses, and other Landmarks on both Sides of the Harbour as shall be judged necessary by the said Trustees or a Majority of them, and to do or cause to be done such other or further Works as shall be proper and necessary for the Safety and Reception of Ships and Vessels resorting to the said Harbour, and for the more convenient lading and unlading of such Ships and Vessels, and also to make, widen, and maintain Roads and Passages on both Sides of the said Harbour for the Use thereof.

XVIII. And whereas a Map or Plan shewing the Situation of the Docks intended to be made by virtue of this Act, together with a Book of Reference thereto containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of the Lands in which the same are situated, has been deposited with the Clerk of the Peace for the County of *Ayr*; be it enacted, That the said Map or Plan and Book of Reference, so deposited, shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner in such Lands shall have Liberty at all reasonable Times to inspect and to take Extracts from or Copies of the said Map or Plan and Book of Reference, paying to the Clerk of the Peace for any Inspection the Sum of One Shilling, and for Copies or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or true Copies thereof, or so much thereof respectively as shall relate to any Matter which shall be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Plan and Book of Reference of Docks to remain with the Clerk of the Peace, and be open to Inspection.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to make the said Docks and other Works upon or in the Lands delineated on the said Map or Plan, although such Lands or any of them, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the Book of Reference to the said Map or Plan, if it shall appear to any Two or more Justices of the Peace for the County of *Ayr* (in case of Dispute about the same), and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of the said County.

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

XX. And be it further enacted, That it shall and may be lawful to and for and the said Trustees are hereby authorized and empowered to erect, build, and make One or both of the Docks as laid down on the Map or Plan which has been deposited with the Clerk of the Peace as aforesaid, and also to make such Roads as may be necessary thereto, and to take and acquire the Land, Tenements, and Heritages necessary for these Purposes, after Three Calendar Months

Trustees empowered to make the Docks.

Months Notice of their Determination to take and acquire the same shall have been given to the Proprietors and Occupiers thereof; and the said Trustees in making or altering said Docks shall not deviate more than One hundred Yards from the Lines described in the said Maps or Plans, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made: Provided always, that it shall not be lawful for the Trustees to enter upon the Possession of such Land, Tenements, and Heritages until they shall have made Payment to the said Proprietors and Occupiers of the Value of the Premises required, and of the Damage and Loss to be sustained by them, according to their respective Interests therein, as the same shall be ascertained in manner after mentioned.

How Satisfaction is to be made if Parties cannot agree.

XXI. And be it further enacted, That in case the said Trustees and the Parties interested in such Lands and Premises cannot come to an Agreement with each other as to the Value thereof, or of the Amount of any Damage to be done to these, or with respect to any other Lands, Tenements, or Heritages necessary for the Purposes of this Act, or with respect to any Act, Neglect, or Default of the said Trustees, or of any Workmen employed by them, then and in every such Case the Amount of such Satisfaction or Damage shall be ascertained by a Jury of Fifteen Persons, to be named by the Sheriff of the County of *Ayr* or his Substitute, in manner herein-after mentioned.

Juries to be summoned to assess Value of Ground and Damages.

XXII. And be it further enacted, That it shall and may be lawful to and for the Sheriff of the County of *Ayr* or his Substitute, and they are hereby authorized and required, upon Application from the said Trustees, or from any other Person or Persons, Bodies Politic or Corporate, interested as Proprietors or Occupiers in any such Land or Tenements or Heritages required for the Purposes of this Act, to make a List of Thirty substantial and disinterested Persons resident within the County; which Thirty Persons are hereby required to come and appear before the said Sheriff or his Substitute at such Times and Places as in his Warrant or Warrants, Precept or Precepts shall be directed or appointed; and then and there, out of the Number of Persons who shall so appear, the Sheriff Clerk of the said County or his Deputy shall, in Presence of the said Sheriff or his Substitute, and of the Parties interested, or their Agents if they attend (due Notice being given them), draw out the Names of Fifteen of the said Persons, who shall form and be impannelled as a Jury for the Purposes herein mentioned; and the said Sheriff or his Substitute is hereby also authorized to issue Warrants or Precepts for citing before him at the same Time and Place such Person or Persons as shall by either Party be thought necessary or proper to be examined upon Oath as Witnesses before the Jury touching or concerning the Value of any Ground, or any Damages which may happen to be claimed under this Act, and shall and may authorize the Jury to view the Place or Places connected with the Matters in question; and the said Jury, upon their Oaths, to be administered by the said Sheriff or his Substitute, shall inquire into the Value of any Ground required for the Purposes

poses of this Act, or how far any of the Operations, Acts, Matters, or Things done, executed, or performed in pursuance of this Act have any way occasioned Damage or been prejudicial to any Land, Tenements, or Heritages; and such Damage, if any, as well as the Value of the said Land, Tenements, or Heritages, as they may appear, the said Jury shall assess the Amount and Value thereof, and the said Sheriff or his Substitute shall pronounce and give Judgment in conformity therewith; and the said Trustees shall be obliged to pay the Amount of any Sum or Sums of Money which shall be so assessed to the Party or Parties interested or found entitled to the same; and the Verdict or Verdicts to be returned by any Jury or Juries impannelled as aforesaid, with the Judgment or Decree to be thereupon pronounced by the said Sheriff or his Substitute, shall be final, binding, and conclusive to all Intents and Purposes, not only against and upon the said Trustees, but also against and upon all and every Person or Persons, Bodies Politic or Corporate, having or claiming any Right, Title, or Interest in or out of the said Lands, Tenements, or Heritages required for, connected with, or affected by any of the Operations, Acts, Matters, or Things executed in pursuance of this Act.

XXIII. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money as the Value of the Lands, Tenements, or Heritages required for the Purposes of this Act, or as the Amount of Damages done or to be done to any Lands, Tenements, or Heritages, than had been previously offered by or on behalf of the said Trustees; or where no Offer of such Value, or the Compensation in Cases of Damages, shall have been previously made and tendered in respect thereof by or on behalf of the said Trustees; or where by reason of Absence in Foreign Countries or other Impediment or Disability there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensation from the said Trustees, as herein-before mentioned; then and in all such Cases all the reasonable Costs and Expences of summoning, returning, and impannelling such Jury and taking such Verdict shall be settled by the said Sheriff and defrayed by the said Trustees; but if any Verdict shall be given for the same Sum as had been previously offered by or on behalf of the said Trustees, or for a less Sum than had been so previously offered, or in case of such Refusal or Neglect to enter into Treaty with, or make Conveyances to, or receive Compensation from the said Trustees by any Body or Bodies Politic or Corporate, or by any Person or Persons whatsoever, then and in all such Cases the Costs and Expences of summoning, returning, and impannelling such Jury and taking such Verdict shall be settled in like Manner by the said Sheriff, and shall be borne and paid by the Party or Parties entitled to receive the said Sums so awarded; which said Costs and Expences, having been so settled, shall and may be deducted out of the Monies so assessed and adjudged as so much Money advanced to and for the Use of such Body or Bodies Politic or Corporate, or other Person or Persons aforesaid; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or

Expences of
Juries, &c.

[Local.]

27 P

Tender

Tender of the whole Sum or Sums of Money so assessed and adjudged; and in case no Compensation shall be given by such Verdict where the Dispute is in regard to Damages only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Trustees by such Ways and Means as are herein provided for the Recovery of any Penalty or Forfeiture incurred by this Act.

Investing
of Purchase
Money
where above
200%.

XXIV. And be it further enacted, That if any Money shall be awarded to be paid for or in respect of any Lands, Tenements, Fishings, or Heritages required for or damnified in the Execution of the Powers of this Act, for the Purposes thereof, which are held under Entail, or are subject to Liferents, Annuities, or other Incumbrances, or shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, under Direction and by Authority of the Court of Session, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the Bank of the *British* Linen Company, the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, 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, Tenements, Fishings, or Heritages, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, Fishings, or Heritages, or affecting other Lands, Tenements, Fishings, or Heritages standing settled therewith to the same or like Uses, Intents, or Purposes; or where such Money shall not be 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, Tenements, Fishings, 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, Tenements, Fishings, and Heritages which shall be so taken or damnified 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 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, Tenements, Fishings, and Heritages so hereby directed to be purchased in case such Purchase or Settlement were made.

Where
under 200%
but above
20%.

XXV. Provided always, and be it further enacted, That if any Money so awarded to be paid for any Lands, Tenements, Fishings, or Heritages taken or damnified as aforesaid, and belonging to any Corporation, or to any Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in such Cases the same shall, at the Option of the Person or Persons for the
Time

Time being entitled to the Rents and Profits of the Lands, Tenements, Fishings, or Heritages so required or damnified, or of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, under the like Direction and Authority, be paid into any of the said Banks, and be placed to his or their Account as aforesaid, in order 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 Two or more of the said Trustees, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating or approving Parties,) in order that such Principal Money, and the Interest arising therefrom, may be applied in manner herein-before directed, as far as the Case may be applicable.

XXVI. Provided also, and be it further enacted, That where such Money so 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 or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, Fishings, or Heritages so taken or damnified as aforesaid, in such Manner as the said Trustees or any Two or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Tutors or Curators, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where
under 20l.

XXVII. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded for the Purchase of any Lands or Heritages to be taken or used under or by virtue of the Powers of this Act, or for Compensation, as aforesaid, shall refuse to accept the same, or cannot be found, or be not known, then and in every such Case it shall be lawful for the said Trustees to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British* Linen Company, the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, to be placed to the Credit of the Parties interested in the said Lands or Heritages, subject to the Control and Disposition of the aforesaid Court; which said Court, on the Application of any Party making claim to such Money or to any Part thereof, by Petition, is hereby empowered, in a summary Way of proceeding or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Party making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank who shall receive such Money is hereby required to give to the said Trustees, or to any Party paying any Money into such Bank under or pursuant to this Act, a Receipt for such Money, mentioning and specifying therein for what and for whose Use the same is received.

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

XXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party to any Money

Persons in
Possession
presump-
to

tively entitled.

to be paid into any such Bank in pursuance of this Act, for the Purchase of any Lands or Heritages to be taken or used in pursuance of this Act for the Purposes thereof, or for Compensation as aforesaid, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands or Heritages at the Time of such Purchase, and all Persons and Corporations claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed 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; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Party was lawfully entitled to all or some Part of such Lands, Rent, or other Charge, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Trustees.

XXIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used, or in respect of which any Satisfaction, Recompence, or Compensation shall be payable under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into any Bank as aforesaid, to be applied in the Purchase of other Lands to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the reasonable Expences of all such Purchases, and of the Reinvestment of the Purchase Money in Land, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, and the said Trustees shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

For getting Materials for building, &c.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay, and Gravel Pits, and to dig, take, gather, and carry away from such Quarries and Pits any Stone, Sand, Gravel, Clay, and other Materials, in or out of any Waste or Common Grounds lying within Three Miles of the said Harbour of *Ayr*, for carrying on, executing, and repairing the several Docks, Piers, Quays, and Breasts and other Works already built in the said Harbour, or authorized to be built by virtue of this Act, without paying any thing for such Waste and Common Ground opened and used as aforesaid, the said Trustees being obliged, at their own Expence and Charge, to fill up and level all such Holes and Pits which shall be made in any Commons and Waste Grounds, by quarrying, digging, and carrying away Stones, Sand, Gravel, Clay, and other Materials aforesaid, as soon as they shall have no farther or immediate Use for the same; and that in case the said Trustees shall judge it improper and inconvenient to open, dig, and carry away Stones and Gravel, Clay, and other Materials from the said Wastes or Common Ground, and that sufficient Materials for the
Purposes

Purposes aforesaid cannot easily be got from the same, then it shall and may be lawful to the said Trustees and their aforesaid to open, quarry, and dig such Stones, Sand, Gravel, Clay, and other Materials aforesaid, and to carry the same in and out of the Grounds of any Person or Persons within Three Miles of the said Harbour of *Ayr*, (there being no Houses on said Ground, nor it being the Whole or any Part of a Garden, Orchard, planted Walk or Walks or Avenue to a House, or Policy Ground,) where such Materials are or may be found, and to cause the same to be carried off as often and to such Extent as the said Trustees shall require for the Purposes aforesaid, with Power to the said Trustees to make, use, and maintain Roads from the said Waste and Common Ground or other Grounds aforesaid whereon Quarries or Pits of Stone, Sand, Gravel, and Clay shall have been opened, directly to the Harbour of *Ayr*, and to make the same through any Grounds belonging to any Person or Persons (with the Exception of the Houses and Pleasure Grounds and others above mentioned): Provided always, that the said Trustees shall make Compensation to the Landed Proprietors and Occupiers of the said Ground in manner before mentioned; and also provided, that the said Trustees shall not enter upon any inclosed Lands (except by the Consent of the Proprietors and Tenants) without Authority of the Sheriff of the said County or his Substitute, which shall be applied for by a Petition to the said Sheriff or his Substitute, who shall ordain the Proprietor and Tenants to appear before him not sooner than Fourteen Days after the Service of the said Petition on the said Parties, to shew Cause why such Materials should not be had from such Lands or Grounds; and in case such Proprietor and Tenant shall attend pursuant to such Order, then the Sheriff or his Substitute shall, if he think it consistent with the Powers granted by this Act, authorize such Materials to be dug, taken, and carried away under such Regulations as they shall order and direct; and in case the said Proprietor and Tenant shall neglect or refuse to appear by themselves or their Agents, the said Sheriff or his Substitute shall and may make such Order therein as they shall think proper, in the same Manner as if the said Proprietor, his Tenant, or their Agents had attended; and the Order of the said Sheriff or his Substitute shall be final and conclusive without being subject to any Stay by Suspension, Reduction, or Advocation, or any other Way whatever; and the Value of such Materials and Compensation for the Damages thereanent shall be adjusted and determined as already regulated by the Terms of this Act in similar Cases.

XXXI. And in order to prevent Encroachments being made by the Sea on the Land forming Part of and immediately adjoining both Sides of the said Harbour of *Ayr*, through the carrying away of Sand, Gravel, Stones, Earth, or Clay from the Shore on each Side of the Harbour, be it enacted, That it shall not be lawful to nor in the Power of any Person or Persons whatever, whether they be Proprietors or Tenants, or have any Servitude or other Right, to dig, sink, take, or carry away any Gravel, Stones, Earth, or Clay, or any other Material whatever, from the Shore or from any Part within High-water Mark and Fifty Yards inland, at any Point within the Distance of Three hundred and fifty Yards on each Side of the Harbour; and if any Person or Per-

[*Local.*]

27 Q

sons

To prevent
Removal of
Sand, &c.
adjoining
the Harbour.

sons shall do to the contrary, every such Person shall forfeit and pay for each Offence any Sum not exceeding Ten Pounds, to be recovered and applied in manner herein-after mentioned, over and above restoring the Materials so taken away to the Place from whence they were taken.

Owners of
Lime Kilns,
&c. near the
Harbour to
shade their
Lights by
Night.

XXXII. And be it further enacted, That it shall and may be lawful to the said Trustees, and they are hereby authorized and empowered, to require all Persons having Coal Pits, Limekilns, Gas Works, of other Works of any Description whatever, and the Occupiers of all private Houses, and the Magistrates of all Towns, so to shade the Lights or Fires at the said Works, or the said Houses or Towns within the Distance of One Mile from either Side of the Harbour, at Night, as to prevent them from being mistaken by the Crews of Vessels at Sea for the Lights of the Lighthouse of the said Harbour of *Ayr*; and if any Person or Persons shall maintain, keep, or allow such Fires or Lights at said Works, or in said Houses, after being required by the said Trustees or their Bailiff or Shore Master so to shade them, each and every such Person or Persons shall forfeit and pay a Sum not exceeding Five Pounds, to be recovered and applied in manner herein-after directed.

For Pro-
tection of
Works.

XXXIII. And be it further enacted, That if any Person or Persons shall knowingly, wilfully, or maliciously demolish, break down, set on fire, cut, or destroy any of the Works already made or which shall hereafter be made in virtue of this Act, or shall maliciously, wilfully, or wantonly extinguish or put out any of the Fires or Lights used in Lighthouses appertaining or which shall appertain to the said Harbour, then every such Offender shall suffer Punishment by Fine or Imprisonment, or both, at the Discretion of the Judge or Judges before whom such Offender shall be tried and convicted.

For Pro-
tection of
Ships.

XXXIV. And be it further enacted, That in case any Person or Persons whatever shall wilfully or 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 shall be moored or fastened, such Person or Persons shall not only make good all Damages thereby occasioned, but shall also for every such Offence be adjudged to be transported for the Term of Seven Years, or, in mitigation of such Sentence, shall and may suffer an arbitrary Punishment, by Fine or Imprisonment, or both, according to the Law and Practice of *Scotland*: Provided always, that nothing herein contained shall hinder or restrain the Berth Master or Harbour Master to be appointed by virtue of this Act, or their Assistants, from exercising in a due and reasonable Manner any of the Powers and Authorities hereby vested in him or them respectively.

Appoint-
ment of
Pilots, &c.

XXXV. And be it further enacted, That it shall be in the Power of the said Trustees and they are hereby authorized and empowered from Time to Time to license, limit, regulate, and appoint such Number of proper Persons to act as Pilots, Captain Pilots, Meters, Weighers, and Keepers of Lighthouses within and about the said Harbour, as they may think necessary, and to remove and displace all and every

such Person or Persons at their Pleasure, and also to settle and establish such Rates and Fees, to be levied and paid for the Risk, Trouble, and Labour of Pilots, Captain Pilots, Meters, Weighers, and Keepers of Lighthouses employed within and about the said Port and Harbour, as the said Trustees shall from Time to Time deem just and reasonable, not exceeding for such Pilots the Rates herein-after mentioned; and if any Person shall act in any of the said Capacities within or about the said Harbour without being licensed and appointed as aforesaid, every Person so offending shall forfeit and pay a Penalty not exceeding Ten Pounds Sterling; and the Trustees shall be entitled to authorize such Person or Persons as they shall think fit to collect from the Vessels the Rates of Pilotage to be settled in Terms of this Act, and the Trustees may make such Allowances to such Pilots as they may think proper, or pay them such weekly, monthly, or annual Wages as they may agree upon.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and required to examine and inquire into the Skill and Ability of any Person who shall tender and offer himself to be admitted as a Pilot for the said Harbour of *Ayr*, as well by the Examination of Witnesses upon Oath as by such other Ways and Means as to them shall seem proper; and if upon such Examination and Inquiry the Person so offering himself as a Pilot shall be approved of by the said Trustees, they the said Trustees may grant a Licence or Warrant certifying that such Person is duly qualified to act as a Pilot to conduct Vessels into and out of the said Harbour of *Ayr*, which Licence or Warrant shall be subscribed with the Handwriting of the Clerk of the said Trustees, and from thenceforth such Person shall be deemed qualified to exercise the Occupation of Pilot within the said Harbour; and every such Licence or Warrant, unless recalled by the Trustees, shall continue in force for Twelve Calendar Months next after granting the same, and no longer; and every Person so appointed as a Pilot shall be subject to the several Regulations and Provisions in this Act contained, and to such Orders, Rules, and Bye Laws as may be made in pursuance hereof.

Trustees to examine and grant Licences to Pilots.

XXXVII. And be it further enacted, That every Vessel registering Fifty Tons or upwards coming into the said Harbour of *Ayr* shall pay in Name of Pilotage Two-pence on each registered Ton, which the Master or Owner or Agent of the Vessel shall pay to the Clerk of the said Trustees or other Person authorized by them to receive the same, as shall be hereafter settled by them; and the said Pilotage shall be paid for and in respect of every such Vessel coming into *Ayr* Harbour, whether a Pilot may have been employed or made use of to bring such Vessel into the said Harbour or not.

Rate of Pilotage.

XXXVIII. And be it further enacted, That the said Trustees shall have full Power and Authority, at their Discretion, to lessen or reduce the said Rate of Pilotage, and again to advance and increase the same, or to levy more or less on different Classes of Vessels, as they shall think fit: Provided always, that any Increase or any Variation of the

Power to reduce Rates of Pilotage.

the said Rate of Pilotage on different Classes of Vessels shall not exceed the Maximum Two-pence *per* Ton on each Vessel.

Power to
make Bye
Laws.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any Time hereafter, in General Meetings assembled, to make, order, and establish such Rules, Orders, and Bye Laws for the Government and Regulation of the Captain Pilot, Pilots, Meters, Weighers, Keepers of Lighthouses, and other Officers and Persons licensed and employed in and about the said Harbour, and for the better regulating, governing, and managing the Piers, Quays, and Breasts and Docks, and every other the Works erected and to be erected in or about the said Harbour, and for the good ordering, Government, Management, and Removal of Ships, Steam Boats, and all other Vessels entering the same, and of the Seamen on board such Vessels, and for the better executing the other Purposes of this Act, and also from Time to Time, as Occasion may require, to abrogate and to amend or alter such Rules, Orders, and Bye Laws, as to them shall seem most fit and requisite, and fix and appoint reasonable pecuniary Penalties, not exceeding Five Pounds Sterling, for the Nonobservance or other Breach of all or any of such Rules, Orders, or Bye Laws, or any Part of them, to be recovered and applied in such Manner as the Fines and Penalties imposed by this Act are ordered to be recovered, levied, and applied; Provided always, that such Rules, Regulations, and Bye Laws, and the Fines and Penalties for the Breach or Non-performance thereof, as the same shall from Time to Time be made, altered, or varied, shall not be repugnant to the Law of *Scotland* or the Provisions of this Act; and the said Trustees shall cause the said Rules, Orders, and Bye Laws to be printed and distributed, and hung up in the most conspicuous Places within the Harbour of *Ayr*, and from Time to Time to renew the same as they become obliterated or defaced; and the said Trustees shall at all Times keep and continue the same so printed and hung up as to give full Publicity thereof to all Persons concerned.

Rates and
Duties on
Goods.

XL. And be it enacted, That from and after the Expiration of Two Calendar Months from and after the passing of this Act it shall and may be lawful for the said Trustees, their Collector or Collectors, or other Person or Persons whom they may appoint in that Behalf, to levy, demand, and receive, from all and every the Owners, Agents, or other Person or Persons having the Charge of Goods, Wares, and Merchandize exported, imported, or carried Coastways to or from the said Harbour, (inclusive of Rafts of Timber brought into said Harbour or landed on the Beach within Two hundred and fifty Yards thereof,) such a Duty on such Goods, Wares, and Merchandize as the said Seven Trustees shall appoint to be levied, agreeably to any Schedule or Bulking Table which shall from Time to Time be by them made out: Provided always, that such Duty shall not at any Time exceed the Sum of One Halfpenny Sterling for each Barrel Bulk; provided also, that nothing herein contained shall authorize any Charge upon Coals and Freestones exported or imported from or into the said Harbour of *Ayr*; provided also, that a printed Copy of every such Schedule or Table shall be hung up
in

in some conspicuous Place in the Office of the said Trustees, and shall also be affixed and continued upon some conspicuous Place near or adjoining to the said Harbour.

XLI. And be it further enacted, That in addition to and over and above the Rates and Duties to be from Time to Time specified in such Schedule, (and also over and above all Anchorage Duties which were levied previous to the passing of the said recited Act, and have since continued to be levied by the Magistrates and Town Council of the Burgh of *Ayr*, on Ships, Vessels, Barks, Lighters, and Boats coming into or going out of the said Harbour of *Ayr*;) it shall and may be lawful for the said Trustees, and such Person or Persons as they shall authorize in that Behalf, to levy, demand, and receive, of and from all and every the Masters and Owners of any Ships, Vessels, Barks, and Lighters belonging to *Great Britain* or *Ireland* or to the *British* Plantations, or to any Foreign Country, Kingdom, State, City, or Town whatever, coming into the Harbour of *Ayr*, with or without Ballast, or whether importing into or exporting from the Harbour of *Ayr* any Kind of Cargo whatever, a Sum not exceeding Five-pence Sterling for *British* Vessels and One Shilling for Foreign Vessels, for each and every Ton which such Ship, Vessel, Bark, and Lighter shall measure.

Tonnage
Duties.

XLII. And be it further enacted, That for and in respect of every Ship or Vessel using the said Docks or any of them it shall and may be lawful for the said Trustees, and such Person or Persons as they shall authorize in that Behalf, to levy, demand, and receive any Sum not exceeding Two-pence *per* Ton of the Register Tonnage of every such Ship or Vessel.

Dock Duties.

XLIII. 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 and by 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 as He or they in their Judgment shall deem expedient, to the same and like Duties as are hereby made payable in respect of *British* Ships or Vessels.

His Majesty
in Council
empowered
to reduce
certain
Duties.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to 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 of or employed by the Board of Ordnance, or any Ship, Transport, or Packet employed in carrying the Mails or Letters and Expresses under the Authority of His Majesty's Postmaster General, or any Vessel employed in or upon His Majesty's Service; and if any Person or Persons shall claim or 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 Sterling over and above the Rates and Duties which he should have paid in virtue of this Act.

Exemption
from Rates.

Tonnage of
British Ships
to be ascer-
tained by
their Re-
gisters.

XLV. And be it further enacted, That in all Cases wherein it shall be necessary to ascertain the Tonnage of any *British* or *Irish* built Ship, Vessel, Bark, Lighter, or Boat having a Register, for the Purposes of this Act, the Production of the Register of such Ship, Vessel, Bark, Lighter, or Boat shall be deemed sufficient for that Purpose, without an actual Admeasurement of such Ship, Vessel, Bark, Lighter, or Boat, and the Master or Owner or other Person having the Command or Management thereof is hereby required to produce and shew such Register accordingly, under a Penalty not exceeding, in case of Refusal, Ten Pounds.

Persons to
be appointed
to measure
Foreign
Vessels.

6 G. 4. c. 110.

XLVI. And be it further enacted, That the said Trustees shall be and are hereby authorized to appoint a proper Person or Persons for the Purpose of ascertaining the Tonnage of any Foreign Ships, Vessels, Barks, Lighters, or Boats, and of all other Ships, Barks, Lighters, or Boats having no Registers, which shall enter the said Harbour, in order to a due Collection of the Duties payable by Ships, Vessels, Barks, Lighters, or Boats; and such Person or Persons is or are hereby empowered and required to admeasure the same according to the Directions of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for registering British Vessels*; and in case the Master or any other Person having the Command of any such Foreign Ship shall obstruct or hinder the said Trustees, or the Person appointed by them, from taking the Admeasurement of any such Vessel, such Master or other Person shall for every such Offence forfeit and pay a Penalty not exceeding Ten Pounds.

Trustees
empowered
to lower
Rates.

XLVII. And be it enacted, That the said Trustees in General Meetings assembled may and they are hereby empowered, with the Consent given in Writing of Four Fifths of the Creditors, if any, upon the Rates and Duties granted by this Act, to lessen, reduce, or discontinue the aforesaid Rates and Duties granted by this Act or any Part thereof, or to vary the same on different Classes of Vessels (always not exceeding the Rates granted by this Act), as they shall judge reasonable and expedient, and as the State of the said Rates and Duties will permit, and also to advance or revive the same again in such Manner as to them shall from Time to Time seem meet and expedient, so as the Rates and Duties, when so advanced or revived, do not exceed the Rates or Duties herein-before granted.

Trustees
empowered
to compound
for Rates.

XLVIII. And be it further enacted, That it shall and may be lawful to and for and the said Trustees are hereby authorized and empowered to enter into Agreements, or to compound for any Period not exceeding Twelve Calendar Months, with the Masters, Owners, or Agents of any Ship, Vessel, or Steam Boat trading to and from the Port of *Ayr*, for the Payment of such Sum as may be agreed upon between the said Trustees and the said Masters, Owners, or Agents, in lieu and place of the Rates and Duties authorized to be levied by this Act: Provided always, that in the Case of such Composition or Agreement the said Trustees shall be bound and they are hereby required to obtain Payment in advance of the said Sum so compounded for or agreed to be paid; and such Agreement or Com-
position

position shall not be binding on them nor acted upon until the said Sum be actually paid to them.

XLIX. And be it enacted, That the said Trustees shall and they are hereby required annually at or previous to a General Meeting which shall be held on the last *Wednesday* of *November* in every Year for that Purpose, make up and prepare a general State and Account of all the Receipts and Payments for the Year immediately preceding, and an Account of all the Debts and Sums of Money which they owe at the Time, and on or before the first *Wednesday* of *December* following affix or cause to be affixed such State and Accounts, signed by the Preses of the aforesaid General Meeting, on one of the most public and accessible Places within the Custom House of *Ayr*, for the Inspection of all Persons having an Interest in the same. Accounts to be made up.

L. And be it further enacted, That it shall and may be lawful for the Collector or other proper Officer of His Majesty's Customs within the said Harbour, and he and they is and are hereby authorized, with the Consent of the Commissioners of His Majesty's Customs, to refuse to receive any Entry or give or make any Cocket or other Discharge or Clearance, or take any Report Inwards or Outwards, for any Ship or other Vessel whatever subject and liable to the Payment of the Duties imposed by this Act, and also of the aforesaid Anchorage Duties, until a Discharge for the said Duties shall be produced to the said Collector or other proper Officer of His Majesty's Customs, and until it shall be proved to his Satisfaction that the said Duties have been paid to the proper Person appointed to receive the same. To secure Payment of Rates.

LI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and such Person or Persons as shall be for that Purpose authorized by them, to go on board any Ship, Bark, Lighter, or Vessel, and to take the Dimensions thereof, and to demand, collect, and receive from any Owner, Master, or other Person having the Charge of any Ship, Bark, Lighter, or Vessel, the Rates and Duties by this Act imposed and made due and payable, and in case of Delay or Refusal of Payment to seize, take, and detain, preferable to and notwithstanding of any Attachment, Arrestment, or other Right whatsoever claimable by or due to any other Person or Persons, any of the Goods, Merchandize, Tackle, Furniture, and Apparel of or belonging to any such Ship, Bark, Lighter, or other Vessel, and the same to detain and keep until the said Rate or Rates, Duty or Duties, be satisfied and paid; and in case of any Neglect or Delay in the Payment of the said Rates and Duties, or any of them, for the Space of Three Days after such taking, seizing, or detaining as aforesaid, it shall and may be then lawful to and for the said Trustees, and to or for such Person or Persons authorized by them as aforesaid, to cause the same to be appraised by Two or more sufficient Persons, and afterwards to sell and dispose of the Goods and other Effects so taken and appraised, and therewith to satisfy the Rate and Rates, Duty and Duties, so neglected or delayed to be paid, together with the Charge of such seizing, taking, detaining, and selling (as the same shall be ascertained by the Sellers upon Oath), Duties to be levied in case of Refusal, or Delay of Payment.
rendering

rendering to the Master or Owner of such Ship, Bark, Lighter, or other Vessel, or Owners of such Goods, the Overplus, if any be, on Demand thereof.

Masters of Vessels to give an Account of their Cargoes.

LII. And be it further enacted, That every Shipmaster, immediately on his Arrival in the said Harbour, or at least before he begins to unload any Part of his Cargo, and every Shipmaster loading and taking in Goods within the said Harbour, after being loaded, is and shall be obliged, if required, to give in to the Collector of the said Duties, or to such other Person as the said Trustees shall appoint, an exact and full Account of his Cargo, by producing either his Bills of Lading or a Copy of his Manifest or Intake Account; and every Person failing so to do, or not delivering a just and true Account of his Cargo, both outwards and inwards, as aforesaid, shall for every such Offence forfeit and pay a Penalty not exceeding Five Pounds Sterling.

Penalty for evading Duties.

LIII. And be it further enacted, That if any Master, Commander, or any other Person taking upon himself the Command, or appearing to be Master or Commander, or any Owner, Factor, or Consignee of any such Ship, Bark, or other Vessel, or any Owner or Proprietor, Factor or Consignee of any Goods, Wares, or Merchandize liable in the Rates and Duties by this Act imposed, shall at any Time from the Commencement of this Act elude or avoid the Payment of any Rates and Duties hereby granted, by any Method whatsoever, every such Master, Commander, or other Person aforesaid shall for every such Offence forfeit unto the said Trustees the Sum of Five Pounds, and shall notwithstanding stand charged with and be liable to the Payment of the said Rates and Duties.

Rates may be leased.

LIV. And be it further enacted, That it shall be in the Power of the said Trustees to let on Lease to the best Bidder or Bidders, at public Roup or Sale for that Purpose assembled, and advertized in some One or more of the *Ayr* Newspapers at least Two several Times, and at least Fourteen Days before such Roup and Sale, the Rates and Duties aforesaid, for any Term or Space not exceeding Three Years.

Trustees empowered to borrow to the Amount of 10,000*l.* including former Debts.

LV. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money, which with those already borrowed and still due on the Credit of any former Act shall not in the whole exceed together at any one Time the Sum of Ten thousand Pounds, and to grant, assign, and set over, for securing the Payment of the same, with Interest thereof respectively, the several Rates and Duties given and granted by this Act, to any Person or Persons who shall be willing to advance and lend Money thereon; and all the Monies so to be borrowed and advanced, as well as all the Rates and Duties hereby authorized to be levied, shall be employed for the Ends and Purposes of this Act, and not otherwise.

Trustees not personally liable.

LVI. Provided always, and be it further enacted, That no Trustee shall be held or adjudged to have rendered himself personally liable

for the Repayment of any Money to be borrowed by virtue of this Act, or any Interest thereof, or for Payment of any Sum which he shall not have bound himself to pay personally as an Individual, independent of his Office as a Trustee under this Act; nor shall any Trustees in the Execution of this Act be personally answerable in any Case unless through the Default of any Officer appointed by such Trustees for the Purposes thereof from whom such Trustees shall have neglected to take Security as herein directed.

LVII. And be it further enacted, That the said Trustees, or a Majority of them, in General Meetings assembled, shall have Power, and they are hereby empowered and authorized from Time to Time, and at all Times as they shall see Occasion, to elect, nominate, and appoint a Bailiff and Shore or Harbour Master for the Care and Superintendence of the said Harbour, and the Docks, Piers, Quays, and other Works within the same, and to change and remove such Bailiff and Shore Master, and to appoint another or others in his and their Stead, under such Orders, Conditions, and Regulations as to the said Trustees, or a Majority of them, at General Meetings assembled as aforesaid, shall seem proper and necessary.

Power to
appoint a
Bailiff and
Shore
Master.

LVIII. And be it further enacted, That any Ship, Bark, Lighter, Boat, or Vessel which shall be laid by as unfit for Sea Service, or which shall be neglected by the Owner or Owners thereof, shall not be permitted to be and remain in or at any of the Piers, Quays, Docks, or other Works erected within the said Harbour, so as to encumber the same; but in every such Case it shall and may be lawful to and for the said Trustees, or for the Water Bailiff or Shore Master appointed by them, immediately to cause such Ships, Vessels, Barks, Lighters, or Boats, and every of them, to be, at the Charges and Expences of the Owner or Owners of the same, removed from the said Piers, Quays, Docks, or other Works, or any of them, and to lay the said Ships, Barks, Lighters, Boats, or Vessels on any Part of the said River of *Ayr*, or any Part of the Strand or Sea Shore within the High-water Mark, or any other Place of Safety within or without the said Harbour, and there to moor such Ship, Bark, Lighter, Boat, or Vessel; and that on or before Demand of Payment is made by such Water Bailiff or Shore Master from the Owner or Owners, Master or Agents of such Ship, Bark, Lighter, Boat, or Vessel, such Charges and Expences shall be first examined and allowed by the Committee appointed by the Trustees pursuant to this Act, or by any other Person authorized by them; and in case of Refusal or Neglect of Payment of such Charges and Expences allowed as aforesaid for the Space of Three Days after a Demand thereof made, then and in every such Case it shall and may be lawful to and for the said Water Bailiff or Shore Master to levy such Expences by Distress and Sale of such Ship, Bark, Lighter, Boat, or other Vessel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, if any be, after deducting a Charge of taking, keeping, and Sale of such Distress, to the Owner or Owners, Master or Agent of such Ship, Bark, Lighter, Boat, or Vessel, whenever the same shall be demanded.

Provision as
to Vessels
unfit for
Sea.

Ships may
be removed
from one
Berth to
another.

LIX. And be it further enacted, That it shall be lawful for the said Trustees, or for the Water Bailiff or Shore Master appointed by them, to remove or cause to be removed, when and so often as they or he shall judge necessary, any Ship, Vessel, Bark, Lighter, or Boat lying in any of the Entrances or Passages of the said Harbour or Docks, or at any Quay, Pier, and Breast, or in any Dock or Docks already built or hereafter to be built by virtue of this Act, or in any other Part of the said Harbour, from the Berth or Lying Place at which they shall respectively happen to be stationed or moored at the Time, to any other Berth or Lying Place, as they or he shall think proper; and the Masters, Commanders, and Owners and Consignees of such Ship, Bark, Lighter, and Boat so to be removed shall respectively pay to the said Trustees all such Costs and Charges as shall be reasonably expended in mooring such Ship, Vessel, Bark, Lighter, or Boat, to be recovered, levied, and applied in like Manner as the Forfeitures and Penalties imposed by this Act are hereafter ordered to be recovered, levied, and applied; and every Master, Commander, Mate, or other Person taking upon himself the Command of any Ship, Vessel, Bark, Lighter, or Boat, or the Owner, Factor, Consignee, or Agent, or other Person or Persons whatsoever, who shall obstruct or hinder the Removal of any such Ship, Vessel, Bark, Lighter, or Boat, shall for every such Offence forfeit the Sum of Ten Pounds Sterling.

Goods to be
removed
from Quays.

LX. And be it further enacted, That it shall not be lawful to nor for any Person or Persons who shall have landed or caused to be landed and laid any Goods or Merchandize, Timber, Wood of any Kind, Masts, Yards, Pumps, Boats, Anchors, Cables, Casks, Guns, Paving Stones, Limestones, Slates, Soapers Waste, Dung, or Manure, or any other Thing, (other than Materials for the necessary Repairs of the Docks, Piers, and Quays before mentioned, and for immediate Use in shipping,) upon any of the Docks, Piers, and Quays or loading Places within the said Harbour, or in any of the adjacent Streets and Avenues leading to the said Docks, Quays, and Piers, or any of them, to continue or permit the same or any Part thereof to remain and lie thereon for any longer Time than Forty-eight Hours; and that in all Cases where the said Goods or others aforesaid shall have so continued beyond the Space of Forty-eight Hours it shall and may be lawful to and for the said Trustees, or for their said Committee, or for the said Water Bailiff or Shore Master for the Time being, to remove or cause to be removed all such Goods and other Things as they or he shall so find lying, continuing, and being on the said Docks, Quays, and Piers and other Places, above the said limited Time, to some Place or Places of Safety, and therein to detain and keep the same till Payment of the Charges of such Removal and Detention, and of such Consideration besides to the said Officers for their Trouble in and about the same, as the said Trustees or their said Committee shall think reasonable; and if such Charges and Expences shall not be paid within the Space of Three Days after Demand made thereof by the said Water Bailiff or Shore Master, then and in every such Case he and they respectively are hereby authorized and required to levy the same by Distress and Sale of the said Goods and Effects so respectively secured, and to render the Overplus, if any be, to the
Owner

Owner or Owners of such Goods, Merchandize, and others aforesaid, (the Charges of taking, keeping, and making the Sale being deducted and allowed,) whenever the same shall be demanded.

LXI. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered, out of any of the Rates and Duties granted by this Act, to rent or hire by the Year or otherwise any convenient Warehouse, Yard, Sheds, or other Place or Places for the receiving and safe keeping or lodging of such Goods and other Things so to be removed from off the Quays or other Places as aforesaid, or to inclose, erect, or build any such Yard, Warehouse, Shed, or other Buildings on their own Ground, or on Ground to be purchased by them, as to them shall seem most meet and fitting.

Warehouses may be hired or built.

LXII. And be it further enacted, That no Gunpowder, Tar, Pitch, Rosin, Hemp, Flax, Faggots, Furze, Brandy or other spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Grease, Shavings of Wood, or other such combustible Things, shall be suffered to be and remain on the Docks, Quays, and Piers aforesaid already constructed or hereafter to be constructed within the said Harbour of *Ayr* or in any Part thereof, or upon the Deck of any Ship or Vessel in the said Docks, Piers, and Quays lying in the Harbour aforesaid, for above the Space of Twenty-four Hours after being passed by the Custom House Officers; and in case such Goods and Things cannot be conveniently removed or got off from such Docks, Quays, Place or Places by Daylight, then and in every such Case the Owners of such Goods and Things shall be obliged and are hereby required to set and maintain, at their own Expence, a sufficient Number of careful and discreet Persons to guard and watch over the same for such and so many Hours, according to the Season of the Year, as the said Water Bailiff or Shore Master shall signify and appoint; and in case the Owner or Owners of such Goods and other Things, or the Master or Masters of Ships, Barks, or other Vessels, shall make default herein, every such Owner or Owners, Master or Mate, shall forfeit and pay for every such Offence the Sum of Ten Pounds Sterling.

Gunpowder and other Combustibles to be removed.

LXIII. And be it further enacted, That it shall not be lawful for any Person or Persons to have or keep any Fire burning on board of any Vessel lying in the said Harbour before Eight of the Clock in the Morning and after Six of the Clock in the Evening in the Months of *October, November, December, January, February, and March*; or before Six of the Clock in the Morning and after Eight of the Clock in the Evening during the other Six Months of the Year; and any Person or Persons offending or doing in the contrary shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

For Prevention of Fire.

LXIV. And be it further enacted, That in case any Ship or Vessel shall arrive or come into the said Harbour of *Ayr* in Distress, or meet with any Misfortune in the Bay of *Ayr* or in the Harbour aforesaid, it shall and may be lawful to and for the said Trustees, or the

Vessels in Distress.

the Committee of Management appointed by them, upon a Petition in Writing by the Master, Commander, or Owner of any such Ship or Vessel, or Owner of any Goods on board of such Ship or Vessel, and upon Proof being made of such Distress, to give to such Ship or Vessel being in Distress as aforesaid, both as to the Berths at the Docks, Piers, and Quays, and as to the Course of discharging, a Preference to any other Ship or Vessel arrived before her in the said Harbour; and every Master or Commander of any Ship or Vessel lying within the said Harbour, who shall refuse or delay to comply with the Order of the said Trustees, or their said Committee, or of their Bailiff, Shore Master, or Harbour Master, in favour of the Ship or Vessel in Distress as aforesaid, shall forfeit the Sum of Twenty Pounds Sterling, to be levied and applied in the Manner hereafter directed.

To prevent the taking of Ballast from within the Harbour, or allowing it to remain in the Quays.

LXV. And be it further enacted, That it shall not be lawful for any Owner or Owners, Master or Commander, Seaman or Servant of or belonging to any Ship, Vessel, Bark, Boat, or Lighter, or any other Person or Persons whatsoever, to dig or take away any Ballast, Shingles, Stones, or other Things from within the said Harbour, or to cast or put away any Ballast into the said Harbour, or into the Bay of *Ayr*, within the Distance of Half a Mile of the Bar, or upon any of the Works already made or hereafter to be made within the said Harbour, or to lay or place the same in any other Place than shall be appointed by the said Trustees, or by the Person or Persons authorized by them, under the Penalty of paying for each Offence any Sum not exceeding Five Pounds Sterling.

Trustees may purchase a Steam Vessel for use in the Harbour.

LXVI. And be it further enacted, That it shall be lawful for the said Trustees, if they shall deem it necessary or expedient, to build, purchase, hire, or otherwise employ One or more Vessel or Vessels to be commanded by a licensed Pilot, and to be propelled by Steam or otherwise, for the Purpose of scouring, cleansing, deepening, and dredging the said Harbour and Bar thereof, or of towing or hauling Ships, Barks, or other Vessels or Rafts of Timber into or out of said Harbour, or for either of such Purposes; and any Person or Persons requiring the Assistance of such Towing Vessel or Vessels shall be obliged to pay to the said Trustees or their Collector or Collectors such reasonable Rates or Compensations for the Use thereof as shall from Time to Time be established by the said Trustees, and which shall be due and payable whether the said Towing Vessel or Vessels shall be actually employed or not, provided the Assistance thereof shall have been required, and shall in consequence of such Requisition have been tendered by the Master or Masters or other Person or Persons commanding such Towing Vessel or Vessels.

Trustees not to be responsible for Damage in towing.

LXVII. And be it further enacted, That the said Trustees shall not be liable or responsible for any Accident, Loss, or Damage which may arise to any Ship or Vessel, or to the Cargo or Cargoes thereof, in consequence of the Employment of such Towing Vessel or Vessels, but the Master or Masters, or other Person or Persons actually on board of and having the immediate Charge of such Towing Vessel

or

or Vessels, shall be answerable for any wilful or culpable Neglect and Mismanagement thereof.

LXVIII. And be it further enacted, That the Master or Owner of any Ship, Bark, Lighter, Boat, or other Vessel being or trading in the Harbour of *Ayr* shall be and he is hereby made answerable for all Damage, Spoil, or Mischief which shall be done by his Ship, Bark, Lighter, Boat, or other Vessel, or by any of his Seamen, Boatmen, Watermen, or others belonging to or employed in or about the same respectively, to any of the Quays, Piers, Breasts, or other Works in, upon, or belonging to the said Harbour, either by loading or unloading any such Ship, Bark, Lighter, Boat, or other Vessel, or by any other Means whatever, and for any Trespass whatsoever, contrary to the several Directions and Restrictions in this Act contained, or any of them, with full Costs of Suit; and such Damages and Costs shall be sued for and recovered in manner hereafter mentioned; but in case the Master or Masters or the Owner or Owners of such Ship, Bark, Lighter, Boat, or other Vessel shall be so compelled to pay any Penalty or make any Satisfaction for any Damages by reason of any Neglect or Default done or committed by his or their Sailors, Servants, Boatmen, or Watermen, or any of them, contrary to the Provisions in this Act contained, such Sailors, Seamen, Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damages, with the Costs thereof, to such Master or Masters, Owner or Owners; and the Amount of such Penalty or Damages shall be recovered in like Manner as is hereafter directed.

Masters of Vessels liable for Damage done by their Ships, &c.

but may recover it from their Servants if occasioned by their Neglect.

LXIX. And be it further enacted, That the Water Bailiff or Shore Master nominated and appointed by the said Trustees for the said Harbour of *Ayr* shall be and he or they is and are hereby authorized and required, from Time to Time and at all Times after the Commencement of this Act, carefully to inspect the State of the said Docks, Piers, Quays, Breasts, and other Places within the said Harbour, and to prevent, as far as his or their Power shall extend, any Offences made punishable by this Act from being committed; and that in case of any wilful Neglect or Default therein the said Water Bailiff or Shore Master respectively shall forfeit and pay Twenty Shillings Sterling for each and every such Offence.

Water Bailiff to inspect Docks, &c.

LXX. And be it further enacted, That the said Trustees may sue or be sued for any Matter or Thing to be done in the Execution of this Act in the Name of their Clerk or their Collector or Receiver for the Time being, or in the Names of any Two or more of the said Trustees; and no Action or Suit wherein the said Trustees shall be concerned as Pursuers or Defenders, in the Name of their Clerk, Collector, Receiver, or any Two of them, by virtue of this Act, shall abate by the Death or Removal of any such Clerk, Collector, or Receiver or Trustees, but the Clerk, Collector, or Receiver to the said Trustees for the Time being, or of any Two of the said Trustees to be for that Purpose nominated, shall be deemed to be the Pursuer or Defender, Pursuers or Defenders, as the Case may be, in every such Action; and every such Clerk, Collector, Receiver, or

Trustees to sue or be sued in Name of their Collector.

Trustees shall be reimbursed and paid all Monies and Expences which he or they shall bear, pay, expend, or be put unto by his or their being so made Pursuer or Defender, Pursuers or Defenders, as aforesaid.

Mode of re-
covering
Penalties,
and Appli-
cation
thereof.

LXXI. And be it further enacted, That all Expences, and also all Penalties, Forfeitures, and Fines by this Act imposed, or by any Bye Law made in pursuance thereof, (the Manner of levying, recovering, and applying thereof not being herein otherwise directed,) shall, on Proof of the Offences respectively before the Sheriff or his Substitute, or any Justice of the Peace for the said County or Town of *Ayr*; either by the Confession of the Party offending or by the Oath of any credible Witness or other competent Evidence, be levied, together with the Expences attending the Information and Conviction, by Poinding and Sale of the Goods and Effects of the Party offending, by a Warrant under the Hand of such Sheriff or his Substitute, or Justice (which Warrant such Sheriff or his Substitute, or Justice, is hereby empowered to grant); and the Surplus, if any, after deducting such Expences, Penalties, Forfeitures, and Fines, and the Charge of such Poinding and Sale, shall be returned unto the Owner of such Goods and Effects; and in case such Expences, Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Sheriff or his Substitute, or Justice, to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made of such Warrant of Poinding, and unless the Offender shall give sufficient Security to the Satisfaction of such Sheriff or his Substitute, or Justice, for his or her Appearance before such Sheriff or his Substitute, or Justice, on such Day as shall be appointed for the Return of such Warrant of Poinding; which Security the said Sheriff or his Substitute, or Justice, is hereby empowered to take by Bond of Caution or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Goods and Effects can be found, then it shall be lawful for the said Sheriff or his Substitute, or Justice, and he is hereby authorized and required, by Warrant under his Hand, to cause such Offender to be committed to the Common Gaol, there to remain for any Time not exceeding Three Calendar Months, unless such Expences, Penalties, Forfeitures, and Fines; and all reasonable Charges attending the same, shall be sooner paid; and the Monies recovered or levied for such Expences shall be applied to the Payment of the same respectively; and the Monies arising by such Penalties and Fines respectively, after defraying the Expences of suing for and recovering the same, shall be applied to the Purposes of this Act: Provided always, that it shall and may be lawful to and for the said Judges or Magistrates aforesaid, or any of them, by whom such Judgment, Sentence, or Determination shall be given, pronounced, or made, from Time to Time, where they see Cause, to mitigate, compound, or lessen any of the Penalties or Forfeitures foresaid, as he or they in his or their Discretion shall think fit; and every such Mitigation or Composition shall be a sufficient Discharge to the Persons offending respectively for the said Penalties or Forfeitures so lessened, mitigated, or remitted.

LXXII. And

LXXII. And in order to prevent Injury arising in the Harbour of *Ayr* from heavy Freshes coming down the River of *Ayr*; be it enacted, That in all Cases where the Bailiff, Shore Master, or Harbour Master shall think it necessary, in order to withstand the Weight and Current of the Fresh Water, he may and is hereby authorized and required to give Directions for additional Moorings to the Vessels in the said Harbour; and every Master, Mate, or Person in charge of any such Vessel shall be bound and he or they are required instantly to comply with such Order; and if he or they fail, neglect, or refuse so to do, on being so required, he or they shall forfeit and pay a Penalty not exceeding Five Pounds, and all Charges and Expences incurred in safely mooring said Vessels, to be recovered as herein provided, over and above being responsible for all Damages done by such Failure, Neglect, or Refusal, and Expences of Suit in recovering the same.

To provide against Damage from Freshes in the River.

LXXIII. And be it further enacted, That any Person or Persons who shall either cast into the River below the *Ayr* Mill Dam, or lay on the Banks of the River, or on the Roads or Footpaths alongside of the Harbour, any Stones, Gravel, Sand, Ashes, or Rubbish, shall for every such Offence forfeit and pay a Fine not exceeding Five Pounds, to be recovered and applied in Terms of this Act.

To prevent Rubbish going into the River.

LXXIV. Provided always, and be it enacted, That no Trustee under this Act shall at any Time hold any Office, Employment, or Emolument under this Act, or be anywise interested or concerned, directly, or indirectly, as Tacksman or Lessee of all or any of the Rates and Duties granted by this Act, or in any Tack or Lease which shall be granted of the same, but every such Tack or Lease in which any such Trustee shall be interested and concerned shall be wholly null and void; and if any such Trustee shall be anywise interested or concerned, directly or indirectly, as such Tacksman or Lessee, or in any such Tack or Lease as aforesaid, every such Person shall for every such Offence forfeit and pay for each Offence a Sum not exceeding Twenty Pounds, to be recovered and applied in manner herein-before pointed out.

No Trustee to hold Office of Emolument, or be concerned in Lease of Duties.

LXXV. And be it further enacted, That no Appeal shall be competent to any Court whatever, against any Sentence or Decree given for any Fine or Penalty awarded under Forty Shillings, but any Person or Persons who shall think himself or themselves aggrieved by any Order or Judgment made or given for any Penalty exceeding such Sum, or by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Trustees, or by any Order, Judgment, or Determination of any Sheriff, or Justice or Justices of the Peace, relating to any Matter or Thing in this Act mentioned or contained (except as aforesaid), such Person or Persons shall and may, within Ten Days after such Order, Judgment, or Determination shall have been made or given, complain to the First Circuit Court of Justiciary to be held at *Ayr*; the Person or Persons so complaining lodging, along with the Appeal, the Fine (if any awarded), and a Bond of Caution for the whole Expences incurred or yet to be incurred in discussing the Appeal, to be paid in case the Sentence complained

Regulation of Appeal.

complained of shall be affirmed, according to the Rules and Practice observed in the said Circuit Court in Cases of Appeal.

Limitation
of Actions.

LXXVI. And be it further enacted, That no Action shall be commenced against the said Trustees or any Person or Persons for any thing done by virtue or in pursuance of this Act, unless Ten Days previous Notice thereof in Writing shall have been given to the Clerk or Collector of the said Trustees, nor after the Expiration of Six Calendar Months next after the Fact is committed; and in case any Action or Suit shall be commenced against the said Trustees, or any other Person or Persons, for any thing done in pursuance of this Act, the Defender or Defenders in such Suit or Action may produce this Act, and plead that the said Things were done in pursuance of and by Authority of the same; and if it shall appear so to have been done, then the Defender or Defenders shall be absolved from such Action or Suit, and shall have Double Costs and Expences in the Defence thereof awarded to them from and against the Prosecutor or Prosecutors of the same.

Commence-
ment of Act.

LXXVII. And be it further enacted, That this Act and all the Powers and Authorities therein contained shall commence and take effect from and after the Expiration of Two Calendar Months from and after the passing of this Act.

Expences
of Act.

LXXVIII. And be it further enacted, That the Expences of this Act shall be defrayed and paid out of the first Monies to be raised by virtue of this Act.

Continuance
of Act.

LXXIX. And be it further enacted, That this Act shall continue in force for the Space of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

Public Act.

LXXX. 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.

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