

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. CXIV.

An Act for improving the Harbour and Docks of *Leith*. [23d *July* 1847.]

WHEREAS by an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act to regulate and secure the Debt due by the City of* Edinburgh *to the Public; to confirm an Agreement between the said City and its Creditors; and to effect a Settlement of the Affairs of the said City and the Town of* Leith, it was provided, that the Commissioners acting under the Authority of that Act, afterwards incorporated by the Style of "The Commissioners of the Harbour and Docks of *Leith*," should pay annually, out of the Revenues of the said Harbour, in preference to all other Payments, the Sum of Seven thousand six hundred and eighty Pounds, to be applied in the Manner therein mentioned; and it was also provided, that the annual Sums for defraying the Expence of the Maintenance and Repairs of the said Harbour and Docks, the Expence of dredging the said Harbour, and every other Item of Expence known or which could be anticipated as in anywise necessary to be incurred or paid by the said Commissioners in relation to the said Harbour and Docks, should not exceed such Sums as should be considered and approved of by the Commissioners of Her Majesty's Treasury, except in the event of any unforeseen Damage arising to the Works of the said Harbour or Docks through Storm or Accident, for the Repair 1 & 2 Vict. c. 55.

of which special Provision was therein made: And whereas the said Commissioners were thereby authorized, with the Consent and Approbation of the said Commissioners of the Treasury, to borrow, upon the Security of the said Harbour and Docks, and Revenue thereof, and Property therewith connected, any Sum or Sums of Money necessary to be expended on the Improvement, Alteration, or Enlargement of the said Harbour or Docks, or for the Accommodation of the Shipping resorting to the same, not exceeding in all the Sum of One hundred and twenty-five thousand Pounds, and to grant Securities therefor over the whole Rates, Duties, and Revenues of the said Harbour and Docks and other Property therewith connected, which, being sanctioned by the Commissioners of the Treasury as aforesaid, should be preferable and have Priority over all other Debts and Securities affecting the said Harbour and Docks, Revenue and Property, excepting the said annual Sum of Seven thousand six hundred and eighty Pounds, and the said annual Sums for Repairs and Expences of Management to be sanctioned and allowed as aforesaid; and it was thereby further provided, that after the Payment of the said Sum of Seven thousand six hundred and eighty Pounds, and the Amount of the Expences of the Establishment to be allowed by the said Commissioners of Her Majesty's Treasury as aforesaid, and the Interest of any Sum which might be borrowed with the Approbation of the said last-mentioned Commissioners as aforesaid, the whole surplus Revenue arising from the said Harbour and Docks should annually, within Twenty-one Days after the Term of *Whitsunday* in each Year, be by the said Harbour and Dock Commissioners paid to the Remembrancer of Her Majesty's Court of Exchequer in *Scotland*, to be remitted to Her Majesty's Treasury; and if the Sum so remitted should exceed in Amount the Sum necessary to pay the Interest of the said Debt due to Her Majesty, so far as not postponed, the Excess should go and be imputed *pro tanto* in extinction of the Principal of the said Debt: And whereas the Commissioners of Her Majesty's Treasury were thereby also empowered to forego, for such Time as they should think fit, the Exaction, in whole or in part, of the Interest to become due upon the Amount of the Debt which should remain owing after Deduction of the Charges or Burdens thereby rendered preferable to the said Debt due to Her Majesty: And whereas since the passing of the said Act the Revenue arising from the said Harbour and Docks has been more than sufficient to defray the said annual Charge of Seven thousand six hundred and eighty Pounds, and the Amount of the Expences of the Establishment annually allowed by the Commissioners of Her Majesty's Treasury, but no Part of such surplus Revenue has been paid to the Remembrancer of Her Majesty's Court of Exchequer in *Scotland*, as provided by the said Act, but the same has been allowed to accumulate in the Hands of the Commissioners of the said Harbour and Docks, with the Exception of a Sum of Sixteen thousand and seventy-seven Pounds, which, under the Sanction of the Commissioners of Her Majesty's Treasury, has been applied to the Completion of the Eastern Pier, which was in an imperfect and dangerous Condition, upon the Understanding that the Sum so expended should be deemed Part of the Sum

of One hundred and twenty-five thousand Pounds which the Commissioners of the said Harbour and Docks were empowered by the said Act to borrow, and should be replaced out of the First Instalment of the Loan: And whereas a Plan has been prepared, and approved by the Commissioners of Her Majesty's Treasury, for the Improvement of the said Harbour and Docks, at an estimated Cost of One hundred and thirty-five thousand Pounds; and it is expedient, for the better Security of the Debt due to Her Majesty from the said Commissioners, that the said Commissioners for the Harbour and Docks of *Leith* should be empowered, with the Approval of the Commissioners of Her Majesty's Treasury, to appropriate the surplus Revenue which may remain after Payment of the said annual Sum of Seven thousand six hundred and eighty Pounds, and the Amount of the Expences of the Establishment, to be allowed as aforesaid, toward the Expence of executing such Improvements in the said Harbour and Docks as have been or shall be sanctioned by the Commissioners of Her Majesty's Treasury, and that during the Execution of the said Works and Improvements; and that, until Repayment of any Monies which may be borrowed for the Purpose, and under the Power herein-before recited, no Claim be made on the Part of Her Majesty for the Principal Sum or Interest accruing due upon the Debt now due to Her Majesty, and preferably secured on the Revenues and Property of the said Harbour and Docks; and that the Amount at which the said Debt is to be henceforth taken be declared in this Act: 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 Debt to Her Majesty from the Commissioners for the Harbour and Docks of *Leith* at the Term of *Whitsunday* in the Year One thousand eight hundred and forty-seven, including all Arrears of Interest due to that Term, shall be taken at the Sum of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eight-pence, which was declared by the said Act to be the Amount of the Debt due to Her Majesty by the said Commissioners at the Time of the passing of the said Act.

Debt of the Commissioners of Leith Harbour to be taken at 228,374*l.* 9*s.* 8*d.*

II. And be it enacted, That the Expenditure of the said Sum of Sixteen thousand and seventy-seven Pounds upon the Improvement of the East Pier of the said Harbour, out of the surplus Profits of the said Harbour and Docks, heretofore made as aforesaid, with the Approval of the Commissioners of Her Majesty's Treasury, shall be ratified and declared lawful; and the Commissioners for the Harbour and Docks of *Leith* shall not be required to give any further Account of the same, or to replace the Monies so expended out of any Monies which shall be hereafter borrowed, under the Power for that Purpose contained in the said Act, for or toward the Expence of the said Improvements, and that all Persons shall be indemnified and held harmless against all Proceedings, at the Suit of Her Majesty or otherwise, for or on account of such Expenditure.

Expenditure of 16,077*l.* on the East Pier ratified.

III. And

Treasury may allow Commissioners of Harbour and Docks to apply surplus Profits to improving the same.

III. And be it enacted, That the Commissioners of Her Majesty's Treasury shall be empowered to allow the Commissioners of the Harbour and Docks at *Leith* to appropriate the whole Monies now in the Hands of the last-mentioned Commissioners, or which may hereafter accrue to them, from the surplus Revenue of the said Harbour and Docks, or such Part thereof as the Commissioners of Her Majesty's Treasury from Time to Time shall think fit to allow for that Purpose (after Payment of the said annual Sum of Seven thousand six hundred and eighty Pounds, and the Expence of the Establishment, and any extraordinary Expence which may be necessary in the event of any unforeseen Damage arising to the Works of the said Harbour or Docks through Storm or Accident), toward the Expence of carrying into execution the said Plan, with such Alterations, Additions, or Omissions as shall be from Time to Time sanctioned by the Commissioners of Her Majesty's Treasury.

Certain Clauses of 8 & 9 Vict. c. 17. as to borrowing Money incorporated with this Act.

IV. And be it enacted, That when any Money shall have been borrowed by the said Commissioners for the Harbour and Docks of *Leith*, on Bond, as aforesaid, with the Approval of the Commissioners of Her Majesty's Treasury, the Clauses of the Companies Clauses Consolidation (*Scotland*) Act, 1845, with respect to the borrowing of Money by the Company on Mortgage or Bond, so far as applicable to such Bonds, shall be incorporated with this Act, and the said Commissioners for the Harbour and Docks of *Leith* shall be deemed the Company referred to by the last-mentioned Act, and the said Clauses shall be otherwise interpreted as in and by the last-mentioned Act is provided.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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