ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 30.

An Act for erecting and maintaining a Harbour, Docks, and other Works, at *Ardroſſan*, in the County of *Ayr*. [17th *May* 1805.]

WHEREAS there is a Promontory or Point, called *Ardroſſan*, in the Pariſh of *Ardroſſan*, in the County of *Ayr*, terminated by a Ridge of Rocks, ſtretching for a conſiderable Way into the Sea in a North-weſt Direction, immediately oppoſite to which, at the Diſtance of about Half a Mile to the North-weſt, there is an Iſland called *The Horſe Iſle*, ſtretching nearly in a North and South Direction, which Promontory and Ridge of Rocks on the one Side, and the ſaid Iſland on the other, completely protect a capacious Bay formed between them from the Winds and Storms: And whereas there is a Depth of Water to the Extent of about Thirty Feet at low Water in ordinary Spring Tides, between the Extremity of the ſaid Ridge of Rocks towards the Sea and the ſaid Iſland being the Entrance to the ſaid Bay, and within the ſame there is a Depth of from Twelve to Eighteen Feet at low Water in ordinary Spring Tides, with good Anchorage Ground, and the Tide riſes to the Height of about Ten Feet in ordinary Spring Tides, and Seven Feet at Neap Tides: And whereas the ſaid Bay may be formed into a ſafe and commodious Harbour, which may be entered at all Times of the Tide, and with any Wind, by Veſſels of the largeſt Burthen, by conſtructing Piers upon the ſaid Ridge of Rocks, whereby a ſafe and commodious

Station may be afforded to Ships of War on that Part of the Coaſt, and the Trade of that Part of the United Kingdom, and the Intercourſe between *Ireland* and *Scotland* may be greatly promoted, and the Shipping reſorting thereto may be further accommodated, by the Erection of Wet Docks and Baſons, and the conſtructing of other Works for that Purpoſe, for which the Situation of the Place is peculiarly favourable: And whereas ſeveral Perſons have entered into a Subſcription towards raiſing a Capital or Joint Stock or Fund for making and completing ſuch Harbour, Wet Docks, Baſons, and other Works; but the ſame cannot be made and completed without the Aid and Authority of Parliament: may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, the Right Honourable *Hugh* Earl of *Eglinton*, *Archibald Montgomerie* Eſquire, commonly called Lord *Montgomerie*, *Jane Montgomerie* Spinſter, commonly called Lady *Jane Montgomerie*, Sir *Hew Dalrymple Hamilton* Baronet, *William Blair*, *John Boyle*, *Hugh Hamilton*, *Alexander Hamilton*, *James Millar*, *John Jack*, *John Anderſon*, *James Ferguſſon*, *Alexander Mundell*, *George Cadell*, *James Monteith*, *William Lindſay*, *Charles Shaw*, *Adam Whyte*, *Robert Montgomerie*, *James Crichton*, *Patrick Maxwell*, *George Reid*, *John Dunlop*, *John Bryce*, *Alexander M'Gown*, *James Alexander De Garden*, *Charles Crookſhanks*, *William Boyle*, *John Brown*, *William Brown*, *George Service*, *James Macdonald*, *George Erſkine*, *Daniel Dow*, *Robert Campbell*, *Francis Ruſſell*, *Thomas Telford*, *John Simſon*, *John Howell*, *William Parker*, *John Barr*, *John Hendrie*, and *Hugh Brown*, and all ſuch Perſons as ſhall after the paſſing of this Act agree and be permitted by the ſeveral Perſons herein-before named, or the major Part of them, to become and be Members of a Company, to be called *The Ardroſſan Harbour Company*, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, and all and every other Perſon and Perſons, Body and Bodies Politic, Corporate, and Collegiate, who ſhall, according to the Conditions and Reſtrictions herein-after ſet forth, be poſſeſſed of any Part or Share of the joint Stock of the ſaid Company, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall (ſo long as they ſhall hold the ſame and no longer) be, and they and their Succeſſors, Executors, Adminiſtrators, and Aſſigns (holding for the Time being any Share or Shares in the ſaid Stock as aforeſaid), are hereby declared to be united into a Company or Aſſociation of Proprietors of the Harbour hereby authorized and directed to be made, and of the Docks, Baſons, Entrances, and other Works and Premiſes which ſhall belong thereto or be held therewith; which Company ſhall be known by and ſhall uſe the Style and Firm of *The Ardroſſan Harbour Company*, and by that Name ſhall have perpetual Succeſſion and a Common Seal, and by that Name ſhall and may ſue and be ſued; and alſo ſhall and may have Power and Authority from and after the paſſing of this Act, to purchaſe Lands, Tenements, and Hereditages to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Undertaking, and the ſeveral Works hereby authorized to be made, and for the ſeveral Purpoſes herein mentioned, and alſo to ſell any of the ſaid Lands, Tenements, or Heritages purchaſed for the Purpoſes aforeſaid.

Name: of Subſcribers;

who, with the Perſons hereafter to become Subſcribers, are to be united into a Company of Proprietors.

II. And

Proprietors to raiſe Money among themſelves for making the Harbour, &c.

II. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves a competent Sum of Money for making and maintaining the ſaid Harbour, Docks, Baſons, Quays, Wharfs, and all other Works and Conveniencies belonging or requiſite thereto, not exceeding in the Whole the Sum of Forty thouſand Pounds (ſave and except as herein mentioned); which ſaid Sum of Money ſhall be laid out and applied in the Firſt Place in diſcharging the Charges and Expences of obtaining and paſſing this Act, and the making the proper Surveys, Plans, and Eſtimates, and the doing and providing of all the Matters and Things preparatory and previous thereto, and then in the making, completing, and maintaining the ſaid Harbour, Docks, and other requiſite Works and Conveniencies for putting this Act into Execution; and that the ſame Sum of Forty thouſand Pounds ſhall be divided into Shares of Fifty Pounds each, and that the ſaid Shares ſhall be and are hereby veſted in the ſeveral Perſons ſo raiſing and contributing the ſame, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sums they ſhall ſeverally raiſe and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe for One or more Share or Shares ſuch Sum or Sums as ſhall be demanded in lieu thereof towards carrying on and completing the ſaid Undertaking and other Purpoſes of the ſaid Subſcription, ſhall be entitled to and receive, after the ſaid Harbour, Docks, and other Works ſhall be completed, the entire and net Diſtribution of an equal proportionable Part, according to the Money ſo by them reſpectively paid, of the Profits and Advantages that ſhall and may ariſe and accrue from the Rates and other Sums of Money to be raiſed, recovered, or received by the ſaid Company of Proprietors by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, Perſon and Perſons having ſuch Property in the ſaid Undertaking as aforeſaid, ſhall bear and pay a proportionable Sum towards carrying on the ſame in Manner herein directed and appointed.

Shares to be Perſonal Eſtates.

III. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Perſon and Perſons of and in the ſaid Harbour, Docks, Baſons, and other Works, or the Joint Stock or Fund of the ſaid Company of Proprietors, ſhall be deemed Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property.

The Proprietors empowered to ſell and transfer their Shares.

IV. And be it further enacted, That it ſhall be lawful for the ſeveral Proprietors of the ſaid Shares to ſell, transfer, and diſpoſe of his, her, or their Shares reſpectively, ſubject to the Rules and Conditions herein-after mentioned, the Conveyance of which Shares ſhall be in the Form, or to the Effect following;

Form of the Transfer.

'I *A. B.* in Conſideration of paid to me by *C. D.* do hereby bargain, ſell, and transfer to the ſaid *C. D.*, his Executors, Adminiſtrators, and Aſſigns, One Share [*or*, more Shares, *as the Caſe may be*], in the joint Stock of *the Ardroſſan Harbour Company*, to hold to him the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, in

‘ in the ſame Manner, and ſubject to the ſame Rules and Conditions, that ‘ I held the ſame before the Execution hereof. And the ſaid *C. D.* doth ‘ hereby agree to accept the ſaid One Share, [*or* more Shares, *as the* ‘ *Caſe may be*], ſubject to ſuch Conditions. And both Parties conſent, ‘ that an Entry of this Transfer ſhall be made in the Book or Books to be ‘ kept by the Clerk or Clerks of the ſaid Company for that Purpoſe, and ‘ hereby authoriſe ſuch Clerk or Clerks to make ſuch Entry accordingly. ‘ In Witneſs whereof, theſe Preſents written on ſtamped Paper by ‘ are ſubſcribed by the ſaid Parties at the ‘ Day of before theſe Witneſſes, ‘ and .’

And on every ſuch Sale the ſaid Deed of Conveyance ſhall be kept by the Purchaſer or Purchaſers, for his, her, or their Security, after the Clerk to the ſaid Company ſhall have entered in the Book to be kept for that Purpoſe, a Memorial or Entry of ſuch Transfer and Sale, for the Uſe of the ſaid Company, and have teſtified or indorſed the Entry of ſuch Memorial on the ſaid Deed of Transfer, and the ſaid Clerk is hereby directed to make ſuch Entry or Memorial accordingly; and until the ſame ſhall have been ſo made ſuch Purchaſer or Purchaſers ſhall have no Part, Intereſt, or Share in the capital Stock or Profits of the ſaid Undertaking, nor any Vote in reſpect thereof, as a Proprietor or Proprietors of the ſaid Harbour, Docks, or Baſons.

After a Call, no Shares to be ſold until the Money is paid.

V. Provided always, and be it further enacted, That after any Call of Money ſhall be made upon the Proprietor or Proprietors of any ſuch Share or Shares, in Manner herein directed, it ſhall not be in the Power of ſuch Proprietor or Proprietors to ſell or transfer any Share which he, ſhe, or they may have in the joint Stock of the ſaid Company, until the Monies called for upon ſuch Share or Shares ſhall be paid; and any Proprietor or Proprietors attempting to make ſuch Sale or Transfer before paying ſuch Monies ſo called for, ſhall forfeit every ſuch Share or Shares, and all the Benefit and Profits thereof, and all ſuch Shares ſo forfeited ſhall be veſted in the ſaid Company of Proprietors, in Truſt for and for the Benefit of the reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Undertaking.

Names of Proprietors to be entered, and Certificates of their Shares delivered to them.

VI. And be it further enacted, That the ſaid Company of Proprietors ſhall and they are hereby required to cauſe the Names and Deſignations of the ſeveral Perſons who ſhall be entitled to the Shares in the ſaid Undertaking, with the Number of the Shares, and alſo the proper Number by which every Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Book to be kept by their Clerk, and after ſuch Entry to cauſe the ſame to be ſigned by their Preſes; and they ſhall alſo cauſe a Certificate ſo ſigned by the Preſes and Clerk to be delivered to every Proprietor upon Demand, ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, and ſuch Certificate ſhall be admitted in all Courts whatever as Evidence of the Title of ſuch Proprietor, his or her Executors, Adminiſtrators, and Aſſigns, to the Share or Shares therein ſpecified; but the Want of ſuch Certificate ſhall not hinder or prevent the Owner of any of the ſaid Shares from ſelling or diſpoſing thereof.

VII. Provided

No Perſons anſwerable for more than their reſpective Stock.

VII. Provided always, and be it enacted, That nothing herein contained ſhall extend or be conſtrued to extend to charge or make liable any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or ſhall be Proprietor or Proprietors of the Stock of the ſaid Company, or Contributor or Contributors thereto, or his, her, or their Real or Perſonal Eſtate, with any Debt or Demand whatſoever, due or to become due from the ſaid Company, beyond the Extent of his, her, or their reſpective capital Stock, or Share or Shares in the Stock of the ſaid Company; any Law, Cuſtom, or Uſage to the contrary thereof in anywiſe notwithſtanding.

How the Right of voting is to be regulated.

VIII. And be it further enacted, That every Perſon, Body Politic, Corporate, and Collegiate, who ſhall by virtue of this Act have ſubſcribed or purchaſed One Share of the Capital Stock of the ſaid Company, ſhall at every Meeting of the ſaid Company of Proprietors, have One Vote; if Four Shares, Two Votes; if Eight Shares, Three Votes; if Twelve Shares, Four Votes; if Sixteen Shares, Five Votes; if Twenty Shares, Six Votes; if Twenty-five Shares, Seven Votes; if Thirty Shares, Eight Votes; if Thirty-five Shares, Nine Votes; if Forty Shares, Ten Votes; if Forty-five Shares, Eleven Votes; and, if Fifty Shares, Twelve Votes, and no more, whatever Number of Shares he, ſhe, or they, may hold in the ſaid joint Stock; which Vote or Votes may be given by him, her, or them, or by his, her, or their Proxy or Proxies, conſtituted under the Hand of ſuch Perſon or Perſons, or under the Seal of ſuch Body Politic, Corporate, or Collegiate, every ſuch Proxy being a Proprietor in the ſaid Undertaking; and every ſuch Vote by Proxy ſhall be as good and ſufficient to all Intents and Purpoſes as if ſuch Principal had voted in Perſon; and every Queſtion, Matter, or Thing, which ſhall be propoſed, diſcuſſed, or conſidered in any general or ſpecial Meeting of the ſaid Company of Proprietors ſhall be determined by the Majority of Votes and Proxies then preſent: Provided nevertheleſs, that no Perſon ſhall give or deliver in Proxies for more than Twenty-five Shares, the Appointment of which Proxies may be made according to the following Form:

Form of Appointment of Proxy.

'I *A. B.* of One of the Proprietors of *Ardroſſan* Harbour, do hereby nominate, conſtitute, and appoint *C. D.* of to be my Proxy, in my Name, and in my Abſence, to vote or give my Aſſent or Diſſent to any Buſineſs, Matter, or Thing, relating to the ſaid Harbour, that ſhall be mentioned or propoſed at any Meeting of Proprietors of the ſaid Harbour, in ſuch Manner as he the ſaid *C. D.* ſhall think proper, according to his Opinion and Judgment, for the Benefit of the ſaid Harbour, or any Thing appertaining thereto. In Witneſs whereof I have ſubſcribed theſe Preſents at the Day of

Proprietors may raiſe an additional Sum if neceſſary.

IX. And be it further enacted, That in caſe the Money herein-before authorized to be raiſed, ſhall be found inſufficient for the making, completing, and maintaining of the ſaid Harbour, Docks, Baſons, and other Works, which the ſaid Company of Proprietors are hereby authorized to make, and all neceſſary Charges and Expences relating thereto, then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves in Manner and Form

Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or to raise by the Admission of new Subscribers any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding in the Whole the Sum of Ten thousand Pounds; and every Person, Body Politic, Corporate, or Collegiate, subscribing towards raising such further or other Sums of Money, shall be a Proprietor in the said Undertaking, and shall have a like Vote by himself, herself, or themselves, or his, her, or their Proxy or Proxies, in respect of every Fifty Pounds of the said additional Sum so to be raised, and shall stand interested in all the Profits of the said Harbour, Docks, and Basons, in Proportion to the Sum he, she, or they, shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Forty thousand Pounds.

Power to borrow Money.

X. Provided always, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Ten thousand Pounds, or any Part thereof, by borrowing Money upon the Credit of the said Undertaking, it shall and may be lawful to and for the said Company of Proprietors to borrow and take up at Interest, all or any Part of the said Sum of Ten thousand Pounds on the Credit of the Rates and Duties of the said Harbour, Docks, Basons, and other Premises, and to assign the Property of the said Harbour, Docks, Basons, and other Premises, and the Rates and Duties arising or to arise to the said Company of Proprietors by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates and Duties) as a Security for any Sum or Sums of Money so to be borrowed, with Interest to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Assignments shall be made and granted under the Hands of the Committee of Managers of the said Company of Proprietors for the Time being, or any Three or more of them, in Form or to the Effect following; that is to say,

Form of Security by Assignment.

'BY virtue of an Act of Parliament made in the Forty-fifth Year of the Reign of King *George* the Third, intituled, [*Here insert the Title of this Act*] We the Company of Proprietors of the said Harbour, incorporated by and under the said Act, in Consideration of the Sum of advanced and paid to us by *A. B.* of do hereby sell, assign, and make over to the said *A. B.* his Heirs, Executors, Administrators, and Assigns, the aforesaid Harbour, Docks, and other Works erected pursuant thereto, and all and sundry the Rates and Duties payable to us by virtue of the said Act, and all our Right, Title, and Interest, of, in, and to the same, to be held by the said *A. B.* and his aforesaids, until the said Sum of with the legal Interest thereof, shall be fully satisfied and paid. In Witness whereof We, the undersigned Managers of the said Company of Proprietors, have subscribed these Presents at the Day of before these Witnesses

And all Persons to whom such Assignments shall be made shall be equally entitled one with the other to their Proportion of the said Rates and Duties,

Duties, according to their respective Sums in such Assignments mentioned to be advanced without any Preference by reason of Priority of any such Assignments, or on any other Account; and a Copy of every such Assignment shall, within Thirty Days from the Date thereof, be entered in a Book, to be kept by the Clerk to the said Company of Proprietors, which Book shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Harbour, Docks, and Basons, and any other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons by a Writing under his, her, or their Hands, in the Form or to the Effect following:

Form of Transfer.

'I *A. B.* of in Consideration of the Sum of
'I paid by *C. D.* of do hereby
'transfer the Assignment made by the Company of Proprietors of the
'Harbour of *Ardrossan*, to bearing Date the
'Day of for securing the Sum of and all In-
'terest now due and to become due thereon, and all my Right and
'Property therein to the said *C. D.* his Heirs, Executors, Administrators,
'and Assigns. In Witness whereof I subscribe these Presents at
'the Day of .'

And such Transfer may be indorsed upon the principal Assignment, or on a Paper apart, and the Person to whom such Transfer shall be made may make another such Transfer thereof, and so as often as such Assignment is meant to be transferred; and every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk of the said Company of Proprietors, who shall enter the same in like Manner as the original Assignment in the Book to be kept by him for that Purpose; and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Assignment, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made any such Transfer to make void, release, or discharge the same, or any Money thereby due, or any Part thereof; and the Interest of the Money which shall be borrowed as aforesaid shall be provided for and paid yearly or half-yearly to the several Persons entitled thereto, before any Interest or Dividends due to the said Company of Proprietors, or any of them, shall be paid, made, or divided.

Interest of Money borrowed to be paid in Preference of Dividends.

XI. Provided always, and be it enacted, That no Sum or Sums of Money so lent and advanced on Assignment, shall be paid off and discharged (save and except with the Consent or Consents of the Person or Persons so lending or advancing or intitled to such Sum or Sums of Money), unless Six Months previous Notice, under the Hands of Three or more of the Managers of the said Company of Proprietors, shall have been given to the Person or Persons lending and advancing or intitled to such Sum or Sums of Money, or left at his, her, or their last or usual Place or Places of Residence, of such their Intention to pay off and discharge the same.

Six Months Notice to be given of paying off Monies.

XII. Provided also, and be it enacted, That no Person to whom any such Assignment shall be made or transferred as aforesaid, shall be capable of acting

Assignees not to vote on account of having lent Money.

acting or voting by virtue of such Assignment, either as Principal or by Proxy, at any Meeting of the said Company of Proprietors, for or on account of his or her having lent or advanced any Money on the Credit of any such Assignment.

First and General Meeting of the Proprietors.

XIII. And be it further enacted, That the said Company of Proprietors shall assemble on the Twenty-first Day of *June* One thousand eight hundred and five, at *Saltcoats*, between the Hours of Twelve and One for the Purpose of putting this Act in Execution; and shall afterwards, on the First *Friday* in the Month of *July* in each and every Year, assemble at such Place and at such Hour within Ten Miles of the said Harbour as the said Company of Proprietors shall at any General Meeting appoint; and in case no Place or Hour shall have been so appointed, then such General Meeting shall be holden where the last General Meeting was holden; and such General Meetings shall have Power to adjourn themselves from Time to Time, as to the Majority of Proprietors present at such Meetings shall appear proper and convenient.

Power to adjourn.

Accounts shall be laid before General Meetings, who shall appoint a Committee to audit and settle them.

XIV. And be it further enacted, That all Accounts of Money received, laid out, and disbursed on account of the said Undertaking, by the Treasurers, Receivers, or Collectors of the Rates and Duties, and other Officers of the said Company of Proprietors, or by any other Person or Persons whomsoever by, or concerned for, or under them in or about the said Undertaking, shall be laid before the said General Meetings, who shall appoint a Committee of their Number, not exceeding Five Persons, to audit and settle the same, which Committee, or a Majority of them, shall make their Report upon the said Accounts to the next General Meeting following that on which they were appointed, or at such Time and in such Manner as the said General Meeting at which they were appointed shall direct.

Preses to be appointed.

XV. And be it further enacted, That the said Company of Proprietors at their respective Meetings shall and may appoint a Preses or Chairman, and such Preses or Chairman shall not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive or casting Vote.

A Committee to be appointed.

XVI. And be it further enacted, That the said Company shall at their First General Meeting nominate and appoint by Ballot or otherwise, as to them shall appear fit, Five or more Persons of and out of the Proprietors of the said Company to be a Committee for the Management of the Concerns of the said Company, until the next General Meeting, to be holden on the First *Friday* in the Month of *July*, and the Powers of the said Committee shall then cease and determine; and the said Company of Proprietors assembled at such General Meeting shall proceed to the Nomination and Appointment of another Committee, or may reappoint the said Committee, or any Member or Members thereof, and so in like Manner at every ensuing General Meeting; and the Powers of such Committee shall continue until another Committee shall be appointed, in Manner herein directed, whereupon the Powers of such Committee shall cease and determine; but no Person holding any Place, Office, Employment, or Contract under the said Company shall be capable of being One of the said Committee during the Time of his Continuance in such Place

Place, Office, or Employment, or holding such Contract: Provided always, That it shall and may be lawful to and for the said Company of Proprietors, at any special Meeting to be convened in Manner herein directed, to remove any Member of the said Committee, and to nominate another Person, qualified as aforesaid, in the Room or Stead of every Member of the said Committee who shall die, be so removed, refuse to act, or shall hold any Place, Office, Employment, or Contract under the said Company, or shall cease to be a Proprietor in the said Harbour; and every Person so nominated by the said special Meeting shall have the like Power and Authority as if he had been nominated by the said annual Meeting; and any Three Members of the said Committee of Managers shall constitute a *Quorum*, and shall have the same Powers to act as if all the Members thereof were present.

Proprietors may make Bye Laws.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, at any General Meeting, to make such Rules, Bye-laws, and Orders for the good Government of the said Company, and of the said Committee, and of their Servants, Agents, or Workmen, and for the whole, complete, and total Superintendance and Management of the said Harbour, and the well and orderly using and preserving the same, and the Docks, Basons, and other Works thereunto appertaining, and for regulating the Entrance, Mooring, and Accommodation of Vessels resorting to the said Harbour, or using the said Docks; and for the orderly Behaviour of all Seamen, Boatmen, Watermen, and others who shall belong to such Vessels, or be employed in the said Harbour, Docks, or other Works, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye-laws, or Orders, as to them shall seem meet, not exceeding the Sum of Five Pounds Sterling for any Offence; which said Rules, Bye-laws, and Orders, being reduced into Writing, and subscribed by the Press or Chairman of such General Meeting, by Authority and in the Presence of the other constituent Members thereof, shall be binding upon and observed by all Parties using or in any Way concerned in the said Harbour, Docks, Basons, and other Works aforesaid, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that they be not inconsistent with or repugnant to the Laws of *Scotland*, or to the Provisions and Directions in this Act contained, or to any of them; and provided that such Rules, Bye-laws, and Orders shall be notified to the Person or Persons who are required to conform to them, and hung up in the Office of the said Company of Proprietors, and Copies of such of them as relate to the well and orderly using and preserving of the said Harbour, and the Docks, Basons, and other Works thereunto appertaining, and for regulating the Entrance, Mooring, and Accommodation of Vessels resorting to the said Harbour, or using the said Docks, and for the orderly Behaviour of Seamen, Boatmen, Watermen, and others who shall belong to such Vessels, or be employed in the said Harbour, Docks, and other Works, shall be written or printed in large Characters, and be affixed and continued in some conspicuous Place or Places at the said Harbour, Docks, Basons, and other Works, and the same shall be subject to appeal in Manner herein directed.

General Meetings for choosing Committees, to consist of 100 Shares.

XVIII. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Persons present, either as Principals or Proxies

Proxies, who shall be poſſeſſed of or entitled to at leaſt One hundred Shares in the ſaid Undertaking; no Choice of any Committee ſhall be made at that Time; but in ſuch Caſe there ſhall be another General Meeting of the ſaid Company of Proprietors at the ſame Place upon that Day Fortnight and ſo from Time to Time until there ſhall be ſuch Perſons preſent at ſuch General Meeting having ſuch Number of Shares as aforeſaid, and the Choice of ſuch Committee ſhall then take place, and not before; and of every ſuch adjourned Meeting Eight Days Notice ſhall be given by Letters from the Clerk of the ſaid Company to the ſeveral Proprietors thereof at their uſual Places of Reſidence, and by Advertiſement in at leaſt Two of the Newſpapers publiſhed for the Time in the Cities of *Edinburgh* and *Glaſgow* reſpectively, and alſo in ſome Newſpaper publiſhed in the Town of *Ayr*, if any Newſpaper ſhall be publiſhed there; and the Perſons then choſen to be of ſuch Committee ſhall have the ſame Powers which they would have had, and ſhall continue in Office until ſuch Time as they would have done, had they been choſen by ſuch General Meeting on the Day firſt appointed for holding the ſame.

Meetings of Proprietors may be ſpecially convened.

XIX. And be it further enacted, That if it ſhall at any Time appear, that, for the more effectually putting this Act into Execution, a ſpecial Meeting of the ſaid Company of Proprietors is neceſſary to be holden, it ſhall and may be lawful to and for any Five or more of the ſaid Proprietors who may collectively be poſſeſſed of or intitled to Ten Shares at the leaſt in the ſaid Undertaking, upon ſpecifying the Purpoſe thereof, to require the Clerk of the ſaid Company of Proprietors to call ſuch Meeting; and the ſaid Clerk ſhall thereupon convene ſuch Meeting by giving at leaſt Three Weeks Notice thereof, by an Advertiſement to be inſerted Three ſeveral Times in ſome Two Newſpapers publiſhed at *Edinburgh*, and alſo in ſome Two Newſpapers publiſhed at *Glaſgow*, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Meeting direct or appoint, ſpecifying in ſuch Notice the Reaſon and Intention of requeſting ſuch ſpecial Meeting, and the Time when and Place where the ſame ſhall be holden; and the ſaid Proprietors are hereby authorized to meet purſuant to ſuch Notice, and ſuch of them as ſhall be preſent perſonally or by Proxy ſhall proceed to the Execution of the Powers by this Act given to the ſaid Company of Proprietors with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Proprietors, or of the major Part of them, met together at ſuch ſpecial Meeting (provided ſuch major Part ſhall be poſſeſſed of at leaſt One hundred Shares in the ſaid Undertaking, either as Principals or Proxies) ſhall be as valid with reſpect to the Matters ſpecified in ſuch Notice, as if the ſame had been done at any General Meeting.

General Meetings to elect and appoint Officers.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors at any General Meeting, and they are hereby authorized and empowered from Time to Time to nominate and appoint an Engineer or Engineers, a Surveyor or Surveyors, a Treaſurer or Treaſurers, and a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and alſo a Clerk to the ſaid Company of Proprietors, and ſuch other Officers as they ſhall judge neceſſary to be employed under them, for carrying the ſame into Execution, granting to them reſpectively ſuch Salary, and taking ſuch Security for the due Execution of their reſpective Offices as the ſaid Company

pany of Proprietors ſhall think proper; and ſuch Clerk ſhall, in a proper Book or Books to be provided for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Undertaking, and of the ſeveral Perſons and Bodies Politic, Corporate, and Collegiate, who ſhall from Time to Time become Owners and Proprietors of, or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Tranſactions of the ſaid Company of Proprietors, and their Committees reſpectively, to which Book or Books each of the ſaid Proprietors ſhall have ready Acceſs at all reaſonable Times, to peruſe and inſpect the ſame; and in caſe by reaſon of any Negligence, Miſconduct, or Inability, in any Engineer, Surveyor, Treaſurer, Collector, or Clerk, or other Officer, to execute ſuch Office or Offices, of which the ſaid Company of Proprietors ſhall be the ſole Judges, it ſhall be requiſite to diſplace or remove any ſuch Officer, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Proprietors aſſembled at any ſuch General or Special Meeting as aforeſaid, or for the Committee of the ſaid Proprietors, to remove any ſuch Engineer, Surveyor, Treaſurer, Collector, Clerk, or other Officer, and to appoint another in his Place; but in caſe any ſuch Vacancies, whether occaſioned by Diſmiſſion, Death, or otherwiſe, ſhall be filled up by the ſaid Committee, their Appointment ſhall only continue until the next General or Special Meeting of the ſaid Proprietors, when the ſame ſhall either be confirmed, or ſuch other fit Perſon or Perſons appointed to ſucceed to ſuch Office or Offices as the ſaid Proprietors at ſuch General or Special Meeting may think proper.

Officers, etc. to account.

XXI And be it further enacted, That all ſuch Officers and Perſons ſo to be appointed as aforeſaid, ſhall, at ſuch Time and as often as the ſaid Company of Proprietors or their Committee ſhall direct, render to them, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and alſo of all the Monies which ſhall have been by ſuch Officer or Officers reſpectively received, by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts and Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Company of Proprietors, or to ſuch Committee, or to ſuch Perſon or Perſons as they reſpectively ſhall appoint; and if any ſuch Officer or Officers ſhall refuſe to produce or deliver up ſuch Receipts or Vouchers, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Company of Proprietors, or to ſuch Committee, or to ſuch Perſon or Perſons as they reſpectively appoint, within Thirty Days after being thereunto required by the ſaid Company or Committee, all Books, Papers, and Writings in his or their Cuſtody or Power, relating to the Execution of this Act; or ſhall refuſe or neglect to pay ſuch Monies as, upon the Balance of any Account or Accounts, ſhall appear to be in their reſpective Hands, to the ſaid Company or Committee, or as they reſpectively ſhall direct and appoint; then and in either of the Caſes aforeſaid, the ſaid Company of Proprietors may, and are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions againſt the Officer or Officers, Perſon or Perſons, ſo neglecting or refuſing as aforeſaid, in Order for Recovery of the Monies, Books, Papers, and Writings that ſhall be in his or their Hands reſpectively; or if Complaint ſhall be made by the ſaid Company of Proprietors, or by ſuch Committee,

or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting and refusing, shall be and reside, such Justices may and are hereby authorized and required to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before them; and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justices that any of the Monies that shall have been collected and raised in virtue of this Act shall be in the Hands of any such Officer or Officers, Person or Persons, such Justices may, and they are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Effects of such Officer or Officers, Person or Persons respectively; and if no Goods or Effects of such Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Demand, and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid, then and in any or either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol for the County, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors, or to such Committee.

Powers of the Committee.

XXII. And be it further enacted, That no Member of the said Committee shall have more than One Vote in any Committee, and at every Meeting a Chairman shall be chosen by and out of the said Committee, who in case of an Equality of Votes upon any Question which may be agitated in the said Committee, shall have the casting Vote, otherwise such Chairman shall not have or be deemed to have any Vote; and all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Three; and every such Committee shall from Time to Time make Reports of their Proceedings to the said General Meetings, and, if required, to the said Special Meetings of the Proprietors, and shall obey their Orders and Directions; and the said Committee shall meet at such Times and Places, and shall from Time to Time adjourn themselves to such other Times and Places as they shall think fit; and, in order to defray the Expences of their Meetings, the said Committee shall from Time to Time receive out of the Capital Stock of the said Company of Proprietors such Sum or Sums of Money as shall be directed, adjusted, and settled by the said Company of Proprietors; and the said Committee shall and may contract for and agree for the Purchase of the Lands, Tenements, and Heritages that may be taken or used for the Purposes of the said Harbour, and the Works thereunto belonging, and shall and may

settle

ſettle, determine, and adjuſt all Matters, Queſtions, and Differences which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Owners of and Perſons intereſted in any Lands, Tenements, or other Heritages which ſhall or may be taken, uſed, damaged, and affected by the Execution of any of the Powers hereby granted; and ſhall and may make Agreements; Contracts, and Bargains with the Workmen, Agents, Undertakers, and other Perſons employed or concerned in making and completing the ſaid Harbour and all and every Part or Parts thereof; and the ſaid Committee ſhall (ſubject nevertheleſs to the Orders and Directions of ſuch Meetings as aforeſaid), have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors; and the ſaid Committee ſhall, by themſelves or their Clerk, keep a full and true Account of all Money diſburſed and Payments made by the ſaid Committee, and by all and every Perſon and Perſons employed by or under them; and of all and every Sum or Sums of Money which they ſhall receive on Behalf or in reſpect of the ſaid Harbour from any Collector or Collectors of the ſaid Rates and Duties, or other Officer or Officers, or from any other Perſon or Perſons whomſoever employed in or having any Concerns, Dealings, or Tranſactions with the ſaid Harbour and Undertaking; and ſhall regularly, by themſelves or their Clerk, write, inſert, and enter in a Book or Books, to be from Time to Time provided at the Expence of the ſaid Company of Proprietors for that Purpoſe, Notes, Minutes, or Copies (as the Caſe ſhall require) of every ſuch Contract, Bargain, Receipt, or Diſburſement, and of all other their Orders and Proceedings, which Book or Books ſhall be depoſited with and kept under the Care and Direction of the ſaid Committee: Provided always, that every Proprietor ſhall have free Acceſs thereto, as herein-before mentioned, for his or her Inſpection; and the ſaid Committee ſhall have Power from Time to Time to make ſuch Call or Calls of Money from the Subſcribers to and Proprietors of the ſaid Undertaking, to defray the Expence of, or to carry on the ſame; as they ſhall from Time to Time find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Ten Pounds for every One hundred Pounds, and ſo in Proportion for any greater or leſs Share or Intereſt which any Perſon or Perſons ſhall and may be poſſeſſed of or entitled unto in the ſaid Undertaking; and ſuch Calls ſhall not be made oftener than at the Diſtance of Two Calendar Months from each other, and Fourteen Days Notice at the leaſt ſhall be given of all ſuch Calls as aforeſaid, by Advertiſement to be inſerted Three ſeveral Times in ſome Two Newſpapers publiſhed at *Edinburgh*, and likewiſe in ſome Two Newſpapers publiſhed at *Glaſgow*; and every Owner or Owners of any Share or Shares in the ſaid Undertaking ſhall pay his, her, or their rateable Proportions of the Monies to be called for as aforeſaid to ſuch Perſon or Perſons, and at ſuch Time and Place as the ſaid Committee ſhall from Time to Time appoint and direct; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part of the ſaid Money ſo called for as aforeſaid, at the Time and Place appointed by ſuch Committee, or within Twenty-one Days thereafter, he ſhe, or they, ſo neglecting or refuſing, ſhall forfeit and pay a Sum not exceeding Five Pounds *per Centum* for every Share; and in caſe ſuch Perſon or Perſons ſhall continue to neglect or refuſe to pay his, her, or their rateable Calls as aforeſaid, for the Space of Three Calendar Months next after the Time ſo appointed for Payment thereof, then he, ſhe, or they

Committee to make Calls of Money from Subſcribers.

they so neglecting or refusing, shall forfeit his, her, or their respective Share or Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall be vested in the said Company of Proprietors, in Trust for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking: Provided nevertheless, that no such Forfeiture of any Share or Shares in the said Harbour shall be or be deemed to be incurred, unless personal Notice of such Call or Calls in Writing, signed by the Clerk of the said Committee, shall have been given to or left at the usual Place of Residence of the Owner or Owners of such Share or Shares respectively; and unless the same Share or Shares shall likewise be declared to be forfeited at the next General or Special Meeting of the Company.

Shares may be forfeited, but not without personal Notice.

Power to construct Harbour, Docks, and Works.

XXIII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to make, construct, and maintain a Harbour between the said Promontory or Point, called *Ardrossan*, and the said Island, called *The Horse Isle*, by erecting and preserving One Pier or Breast Work on the said Ridge of Rocks, not exceeding Eight hundred Yards in Length, and Thirty-five Yards in Breadth, in a curved Direction, according to the Course of the Rocks, and another Pier or Breast Work not exceeding Five hundred Yards in Length, and Thirty-five Yards in Breadth, in a straight, or nearly in a straight Direction to the North of the said First Pier, at such Distance therefrom as to include a Space for Vessels to lie in not exceeding Eight Acres, whereby a Wet Dock or Inner Harbour will be formed within the said Piers, and a Tide or Outer Harbour will be formed without the said Second Pier, and to build the said Piers and excavate the said Space within the said Wet Dock or Inner Harbour in such Manner as to enable Vessels not drawing more than Twenty Feet of Water when loaded to lie in the same, and to excavate the said Outer Harbour to the North-west of the said Second Pier, so as to make the Bottom thereof as low as low Water Mark in Spring Tides, and to construct and preserve an Entrance or Sea Lock within the Extremity of the said First Pier, and the End of the said Second Pier, towards the Sea, in such Manner and of such Dimensions as to enable Vessels not drawing more than Twenty Feet of Water when loaded to pass and repass with Ease and Safety from the said Outer or Tide Harbour to the said Wet Dock or Inner Harbour, and to make and construct a Graving Dock, which may communicate with the said Wet Dock nearly in the Middle thereof, in a convenient Situation, to the South of the said First Pier, and to inclose for the Purposes of such Graving Dock, and such Timber Yards, Sheds, Workshops, and Storehouses as may be necessary thereto, a Space, not exceeding Two hundred Yards in Length, and Eighty Yards in Breadth, and to erect and build upon the said Space of Ground all such Sheds, Workshops, and Storehouses, and to erect upon the said Two Piers, or either of them, Warehouses and all other necessary Buildings, for receiving and preserving Goods, Wares, and Merchandize, and to inclose the same with Walls of sufficient Height and Dimensions for insuring the Safety thereof, and preventing Depredations thereupon, and to make upon the said Two Piers, or either of them, a Street or Streets of such Breadth as the said Company of Proprietors, or such fit Person or Persons as they shall appoint, shall judge to be necessary and expedient, so as that the said Street, Warehouses, and other Buildings shall not altogether exceed the aforesaid Breadth of Thirty-five Yards, hereby allowed

for

for the ſaid Piers, and to make and erect all ſuch other Piers, Quays, Jetties, Mooring Chains, Light Houſes, and other Works, of proper Dimenſions, within the ſaid Inner and Outer Harbour, extending from the ſaid Point of *Ardroſſan* to the ſaid *Horſe Iſle*, which may be neceſſary for the Reception and more convenient lading and unlading of Ships and Veſſels reſorting thereto, and for the better enabling ſuch Ships and Veſſels to come into and go out of the ſame, and to make all ſuch convenient Roads, Ways, and Paſſages of Communication with all Turnpike Roads or Highways already made or to be made, within Five thouſand Yards of the ſaid Harbour, as may be requiſite for giving neceſſary Acceſs to the ſaid Harbour, Docks, Wharfs, and Warehouſes, and the Carriage of Goods to and from the ſame.

Power to divert Water for cleanſing the Harbour and Docks.

XXIV. And, for the better deepening and cleanſing the ſaid Wet Docks and Harbour, it is hereby enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors to ſupply the ſame with Water from any Loch, Lake, Pool, River, Brook, Spring, Stream, Rivulet, or Watercourſe which ſhall be found within the Diſtance of Five thouſand Yards from the ſame, and to make and maintain ſuch and ſo many Wears, Soughs, Tunnels, Feeders, Aqueducts, and Channels, Baſons and Reſervoirs, as they may think neceſſary for the more effectually preſerving and conveying ſuch Water to the ſaid Wet Docks and Harbour: Provided always, that Compenſation ſhall be made in the Manner directed by this Act, for any Damages which may be done by diverting any ſuch Water, or from the making and maintaining of ſuch Wears, Soughs, Tunnels, Feeders, Aqueducts, Channels, Baſons, and Reſervoirs.

Power to make and repair Sluices, Bridges, Roads, etc.

XXV. And be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors to make or cauſe to be made and provided ſuch Sluices, Locks, Flood Gates, Engines, Machines, Pipes, Bridges, Roads, and other Works, Requiſites, Matters, and Things, in or upon or leading to or communicating with the ſaid intended Harbour, Docks, and Baſons, or any of them, as they ſhall from Time to Time deem neceſſary for the more convenient Uſe thereof, and of the other Works appertaining thereto, and from Time to Time, and at all Times hereafter, to amend, repair, maintain, ſupport, and cleanſe the ſame Harbour, Docks, Baſons, Sluices, Locks, Flood Gates, Engines, Machines, Pipes, Bridges, and other Works, Matters, and Things reſpectively.

Drains to be made to carry off Water from private Property.

XXVI. And to the End that the ſaid intended Harbour, Docks, and Baſons hereby authorized to be made, may be carried on and maintained with as little Damage to private Property as poſſible, be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby authorized and required from Time to Time, and at all Times hereafter, to make or cauſe to be made ſuch Arches, Tunnels, Valves, Culverts, Drains, and other Paſſages, over, under, or adjoining, or by the Side of or into the ſaid Harbour, Docks, and Baſons, and the Trenches, Streams, and Watercourſes communicating therewith reſpectively, and of ſuch Depth, Breadth, and Dimenſion as ſhall be ſufficient to convey the Water clear from the Lands, Tenements, and Herirages adjoining, or lying near to the ſaid Works or any of them, without obſtructing or impounding the ſame; and likewiſe to make or cauſe to be made any ſuch Back Drain

Drain or Back Drains as may be neceſſary, and ſhall be ſufficient to carry off the Water which may ooze or paſs through any of the Banks of the ſaid Harbour, Docks, Baſons, and other Works, or any of them, to the Prejudice of any of the Lands, Grounds, Houſes, and Tenements adjoining or contiguous thereto, making Satisfaction for the Land taken and uſed for making ſuch Back Drain or Back Drains, and for the Damages borne and ſuffered thereby; and alſo to make proper Watering Places for Cattle, where any ancient Watering Places for Cattle ſhall be deſtroyed or rendered inacceſſible; and alſo in like Manner to ſupply the ſame at all Times with Water, for the Uſe of the Owners and Occupiers of the Lands and Heritages adjoining the ſaid Works; and that all ſuch Arches, Bridges, Tunnels, Valves, Culverts, Drains, and other Paſſages, ſhall from Time to Time be ſupported, maintained, ſcoured, and kept in good and ſufficient Repair, by the ſaid Company, and if at any Time or Times after One Calendar Month's Notice, in Writing, ſhall have been given to, or left for the Clerk of the ſaid Company, or ſome known Agent of the ſaid Works, by or on Behalf of any of the ſaid Owners or Occupiers of Lands or Premiſes adjoining or near the ſaid Works, or any of them, that the Arches, Tunnels, Valves, Culverts, Drains, Back Drains, or other Paſſages, or any of them, are not, or is not made, cleanſed, and repaired, according to the true Intent and Meaning of this Act, and the ſame ſhall not be forthwith made, cleanſed, and deepened accordingly, it ſhall and may be lawful to and for any Perſon or Perſons to appeal and to apply for an Order, in Writing, from any Two or more of His Majeſty's Juſtices of the Peace for the County of *Ayr*, who are hereby authorized to give ſuch Order from Time to Time, as often as there ſhall be Occaſion, enabling ſuch Perſon or Perſons to make, cleanſe, and repair ſuch Arches, Tunnels, Valves, Culverts, Drains, Back Drains, or other Paſſages, accordingly, and the reaſonable Expences thereof ſhall be borne and defrayed by the ſaid Company, out of the Money to ariſe by virtue of this Act; or in caſe of Refuſal or Neglect to ſatisfy and defray ſuch Expence, for the Space of Thirty Days after Demand thereof made upon the ſaid Company, or on their Clerk, or ſome known Agent of the ſaid Company, in Writing, ſuch Expences ſhall and may be ſettled and aſcertained by Two or more of the ſaid Juſtices, and the ſame ſhall and may be recovered, and levied in ſuch Manner as any other Money is by this Act directed to be recovered from the ſaid Company.

Power to alter and divert Highways.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, by and with the Conſent of any Two or more Juſtices of the Peace for the ſaid County of *Ayr*, to alter, turn, divert, widen, improve or croſs ſuch public Roads and Highways as ſhall or may interfere with the Harbour, Docks, and Baſons hereby authorized to be made, or any of them, or with any of the Works belonging thereto, or with the intended Situations thereof reſpectively, and the ſaid Company ſhall and they are hereby required to make ſuch other Roads and Highways in the Stead of ſuch Roads and Highways ſo altered, turned or diverted, widened, improved, or croſſed, and in ſuch Manner and Form as the ſaid Juſtices ſhall direct and appoint, ſubject always to Appeal in the Manner herein directed.

XXVIII. And

Power to make Drains and remove Obstructions in adjoining Lands,

XXVIII. And be it further enacted, That it shall be lawful for the said Company, their Servants, Agents, and Workmen, to bore, dig, trench, remove, take and carry away, in, upon, through, from, and out of the Lands or Grounds of any Person or Persons adjoining or lying convenient for that Purpose, (not being a Garden, Yard, Park, Paddock, planted Walk or Walks, Pleasure Grounds, Lawn or Lawns, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees), any Earth, Clay, Stones, Gravel, Sand, Rubbish, Roots of Trees, or other Matters or Things which may be proper or necessary for making, carrying on, extending, completing, maintaining, or repairing any Sluices, Valves, Tunnels, Feeders, Aqueducts, and Channels for conveying Water to or from such Harbour, Docks, Basons, and other Works to be made by virtue of this Act, or any of them, through such Lands and Grounds; or which may hinder, obstruct, or prevent the making, using, completing, extending, or maintaining the said Works respectively, and to lay any Stones, Timber, Iron, Earth, Bricks, Clay, or any other Materials, Matters, or Things to be used in or about the same upon any of the adjoining Lands, making Satisfaction and Compensation to the Owners or Occupiers of all such Lands or Grounds respectively for all Damages done thereto, in such Manner as shall be agreed upon between the said Company and the respective Owners or Occupiers; and in case of Disagreement between such Owners or Occupiers respectively and the said Company, respecting the Amount of such Satisfaction and Compensation, then and in every such Case such Satisfaction and Compensation shall be settled, and determined, and recovered, and applied in such and the like Manner as other Satisfaction and Compensation to be made for the Purchase of any Lands, Tenements, or Heritages to be taken or used for the Purposes of this Act are directed to be settled and determined.

and to lay Materials on the adjoining Premises, satisfying the Owners.

Power to get Materials for the Harbour, etc.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Company, and to and for all such Persons as they shall appoint, to search for, cut, dig, get, gather, and take away any Stones, Gravel, Sand, Rubbish, Clay, or other Materials for making, completing, maintaining, or repairing the said Harbour and the several Docks, Basons, Sluices, Piers, Tunnels, and other Works to be made by virtue of this Act, in, from, and out of any Lands or Grounds adjoining or lying convenient for that Purpose, where the same may be had or found (such Lands or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Walk or Walks, or Avenue to a House or any Piece of Ground planted and set apart as a Nursery for Trees), making or tendering such Satisfaction for the Damages done thereby to the respective Owners and Occupiers of such Lands and Grounds where and from whence the same or any of them shall be cut, dug, gotten, gathered, or carried away, or over which the same shall be carried, according to their respective Rights and Interests in such Lands and Grounds as the said Company shall adjudge reasonable; and in case of any Difference between the said Company, or other Person or Persons employed as aforesaid, and the said respective Owners or Occupiers, or any of them, concerning such Damages, it shall and may be lawful to and for any Two or more Justices of the Peace of the County or Place where such Materials shall be so cut, dug, gotten, gathered, taken or carried away, on Fourteen Days Notice thereof in Writing being given by the said Company to such Owners and Occupiers respectively, or left

at their reſpective Places of Abode, or by ſuch Owners and Occupiers reſpectively, to the Clerk of the ſaid Company, or left at his laſt or uſual Place of Abode, to hear, ſettle, and determine the Matters of ſuch Payment and Damages.

Notice to be given to Occupiers of Lands before Materials are taken.

XXX. Provided nevertheleſs, and be it further enacted, That it ſhall not be lawful for any Surveyor, or any other Perſon or Perſons under the Authority of this Act, to dig, gather, take, and carry away Materials for making and ſupporting the ſaid Harbour and other Works, from any incloſed Lands or Grounds, until either the Conſent of the Proprietor is obtained, or Notice in Writing ſhall have been given to the Occupier of the Premiſes from which ſuch Materials are intended to be taken, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Committee of Management, or any Three or more of them, or Two Juſtices of the Peace acting for the ſaid County of *Ayr*, to ſhew Cauſe why ſuch Materials ſhould not be had from ſuch Lands or Grounds; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, the ſaid Committee, or any Three or more of them, or ſuch Juſtices, ſhall, if they think proper, authorize ſuch Surveyor or other Perſon to dig, take, and carry away ſuch Materials at ſuch Time or Times as to ſuch Committee, or any Three or more of them, or to ſuch Juſtices, ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear, by himſelf or his Agent, the ſaid Committee, or Three or more of them, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually to all Intents and Purpoſes as if ſuch Occupier or his Agent had attended.

Penalty for taking away Materials got by Order of the Committee.

XXXI. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall take away any Stones, Gravel, Sand, Clay, Rubbiſh, or other Materials which ſhall have been dug, got, or gathered by, or by the Order of the ſaid Company in any Lands, Fields, Waſte or Grounds, River or Brook, for the ſeveral Purpoſes of this Act, or ſhall get or take away any Stones, Gravel, Sand, Clay, or other Materials, out of any Pit or Quarry which ſhall have been made for the Purpoſe of getting ſuch Materials for the ſeveral Purpoſes of this Act, before the Perſon or Perſons ſo appointed or acting by or under the Authority of the ſaid Company, or his or their Workmen, ſhall have diſcontinued working therein, for the Space of Four Weeks (except the Owner or Occupier of any ſuch Lands or Grounds, and Perſons authorized by ſuch Owner or Occupier to get Materials therein for his or her own private Uſe only, and not for Sale), every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings Sterling.

Power to repair Works damaged by Floods.

XXXII. And whereas the ſaid Harbour, Docks, and Baſons hereby authorized to be made, or the Locks, Flood Gates, Embankments, or other Works which may belong thereto reſpectively, may be ſuddenly injured or deſtroyed by Floods and other Cauſes, and the adjacent Lands and Premiſes thereby ſuffer Damage, and it may be neceſſary that the ſame ſhould be immediately repaired or rebuilt, to prevent further Damage; be it therefore further enacted, That when and as often as any ſuch Caſe ſhall happen, it ſhall and may be lawful to and for the ſaid Company, their Servants, Agents, or Workmen, without Delay or Interruption from any Perſon or Perſons, to enter into any Lands adjoining

joining or near the ſaid intended Works, or any of them (not being Land whereon any Houſe or other Building ſhall ſtand, or any Orchard, Garden, Park, Paddock, planted Walk, Nurſery for Trees, or Avenue to a Houſe), and to dig for, work, get, carry away, and uſe all ſuch Stones, Gravel, Clay, and other Materials, as may be neceſſary for the Purpoſes aforeſaid, without any Notice given to the Owner or Occupier of, or any other Perſon intereſted in ſuch Lands, doing as little Damage thereby as the Nature of the Caſe will admit, and making Recompence and Satisfaction for the ſame to the Owner or Occupier, Owners or Occupiers of, and all other Perſons intereſted in ſuch Lands, within the Space of Three Calendar Months next after the Injury ſhall be done, and the Recompence and Satisfaction demanded; which Damages, and the Recompence and Satisfaction to be made in reſpect thereof, in caſe the Parties do not agree among themſelves, ſhall be ſettled and determined, or aſſeſſed, by a Jury, by ſuch Ways and Means as other Damages which may be done by making and completing the ſaid Works are hereby directed to be ſettled and determined.

Damages how to be aſcertained and ſettled.

XXXIII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall ſuſtain any Damage in his, her, or their Lands, Tenements, or other Heritages, by reaſon of the Execution of any of the Powers given by this Act, then and in every ſuch Caſe Satisfaction and Compenſation ſhall be made by the ſaid Company to ſuch Perſons reſpectively; and in caſe of any Diſagreement, Difference, or Diſpute between ſuch reſpective Perſons and the ſaid Company reſpecting the Amount of ſuch Damages, ſuch Amount ſhall be ſettled and aſcertained by a Jury, in ſuch and the like Manner as any Sum or Sums of Money to be paid by the ſaid Company for the Purchaſe of any Lands, Tenements, or Heritages, taken or uſed for the Purpoſes of this Act, is or are herein directed to be ſettled and aſcertained, in caſe of any Diſagreement, Difference, or Diſpute about the ſame; and the ſame ſhall be recovered, levied, and applied in ſuch and the like Manner.

Power to ſcower the Harbour, etc.

XXXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company, their Agents, Servants, or Workmen, as often as Occaſion may require, to cleanſe, ſcour, open, deepen, widen, or cut through, and take away any Rocks, Banks, Hills, Earth, Soil, Gravel, Sand, or Rubbiſh, in the ſaid intended Harbour, Docks, and Baſons, herein-before authorized to be made, or any of them, or near the Entrances thereto, in ſuch Manner as the ſaid Company ſhall think proper for the convenient Entrance of Shipping into the ſaid Harbour, Docks, and Baſons, and their Security and Accommodation therein; and alſo to remove and take away any Wrecks of Ships or Veſſels, or any Ship or Veſſel that ſhall be ſunk therein, reſpectively, or any Wood, Timber, Anchors, or other Obſtructions or Impediments that may be found or ariſe thereon reſpectively; and in caſe the Owner or Owners of any ſuch Ship or Veſſel, or the Perſon or Perſons cauſing or making any ſuch Obſtruction or Impediment, ſo removed by the ſaid Company, their Agents, Servants, or Workmen, ſhall refuſe or neglect to pay the Coſts or Charges of removing the ſame, for the Space of Seven Days after Demand thereof made by any Clerk, Collector, or other Officer of and for the ſaid Works, the ſame ſhall and may be recovered in ſuch and the like Manner as any Penalties and Forfeitures are by this Act directed to be recovered.

Power to cleanse adjoining Watercourses at the Land Owners Expence.

XXXV. And be it further enacted, That if at any Time or Times any Ditch or Ditches, Drain or Drains, belonging to any Owner or Occupier, Owners or Occupiers of any Lands or Grounds adjoining or lying near to the said Harbour, Docks, and Basons, and other Works hereby authorised to be made, or any of them, shall not be sufficiently open for the free Passage of the Water through such Ditch or Ditches, Drain or Drains, from any Drain, Wear, Culvert, or Passage to be made, maintained and repaired by virtue of this Act, or any of them, and the same shall not be remedied within Ten Days after Notice in Writing for that Purpose given to or left at the last or usual Place of Abode of such Owner or Occupier, Owners or Occupiers, by the Clerk or other Officer of the said Company, then and in every such Case it shall and may be lawful to and for the said Company, as often as there shall be Occasion, to cause to be opened, cleansed, and repaired such Ditch and Ditches, Drain and Drains, and the reasonable Charges and Expences thereof shall be repaid to the said Company, or their Successors, by such Owner or Occupier, Owners or Occupiers; and in case of Refusal to satisfy the same for the Space of Ten Days after Demand thereof, the same shall and may be recovered in such and the like Manner as any Penalties or Forfeitures may be recovered by virtue of this Act.

Bodies Politic empowered to sell and convey Lands

XXXVI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Tutors and Curators for Lunatics and furious Persons, Executors and Administrators, and all other Tutors and Curators, Trustees, and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, or those for whom they are Trustees or Guardians, whether Infants, Issue unborn, Lunatics, Ideots, married Women, or other Person or Persons, and to and for all married Women who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or Terce, Fine, or other Interest therein, and for every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, Tenements, or Heritages which shall be necessary for any of the Purposes of this Act to contract for, sell, and convey the same, and every Part thereof, unto the said Company; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever are hereby authorised and required to convey the same, and are hereby indemnified for what they shall respectively do in relation to any such Sale, which he, she, they, or any of them, shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be defrayed out of the joint Stock of the said Company, and such of them as shall be made of any Lands, Tenements, or other Heritages to the said Company, shall be made according to the following Form; *videlicet*,

Contracts and Sales to be defrayed out of the Monies granted for the Purposes of the Harbour, etc.

Form of Conveyance to the Company.

'I *A. B.* of in Consideration of the Sum of
'to me paid [*or*, in Consideration of the annual Rent of
'to be hereafter yielded and paid by yearly or Half-yearly Payments, as
'may be agreed upon], by *the Ardrossan Harbour Company*, pursuant
'to an Act, passed in the Forty-fifth Year of the Reign of His present
'Majesty, intituled, [*here insert the Title of this Act*], do hereby grant,
'convey, and dispose to the said Company, all [*describing the Premises to*
'*be*

'*be conveyed*], and all my Right, Title, and Intereſt to and in the ſame, 'and every Part thereof, to hold to the ſaid Company in the ſame Man-'ner as I hold or might have held the ſame for ever, by virtue and ac-'cording to the true Intent and Meaning of the ſaid Act of Parliament. 'In Witneſs whereof I have hereunto ſet my Hand, this Day 'of in the Year of our Lord .'

Which ſaid Conveyance being regiſtered in the Regiſter of Seiſines of the County of *Ayr*, and which the Keeper of the Regiſter of ſuch County is hereby authorized and required to regiſter, ſhall receive the ſame Effect, and be as valid and effectual, to all Intents and Purpoſes, as if a formal Diſpoſition had been granted, and followed by Charter and Seiſine according to the Form of the Law of *Scotland*, any Law, Statute, Uſage, or Cuſtom, to the contrary notwithſtanding; and the Original of all ſuch Conveyances ſhall be kept by the Clerk or Clerks to the ſaid Company, who, and the Keeper of the Regiſter of Seiſines, where the ſame ſhall be regiſtered, ſhall from Time to Time, when requeſted, deliver atteſted Copies thereof to any Perſon or Perſons requiring the ſame, and ſhall have and receive Sixpence for every One hundred Words of each ſuch atteſted Copy, and ſo in Proportion for any leſs Number of Words.

Satisfaction to be made.

XXXVII. Provided always, and be it enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Truſtees or other Perſons herein before enabled to ſell or convey Lands, Tenements, and other Heritages, or any other Owner or Owners, and the Occupier and Occupiers of any ſuch Lands, Tenements, or other Heritages, may and ſhall accept and receive Satisfaction for the Value of ſuch Lands, Grounds, Tenements, and Heritages, and for the Damages to be ſuſtained by making and complet-ing, maintaining, and ſupporting the ſaid Works herein-before directed, in ſuch Manner as ſhall be agreed upon by and between the ſaid Parties inte-reſted reſpectively, or any of them, and the ſaid Company or ſome Perſon or Perſons authorized by them for that Purpoſe; and in caſe the ſaid Company or ſuch Perſon or Perſons, and the ſaid Parties intereſted in ſuch Lands, Grounds, Tenements, Waters, or other Heritages, cannot agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſet-tled by the Verdict of a Jury of Fifteen Perſons to be ſummoned and choſen by the Sheriff of the ſaid County of *Ayr*, and which ſuch Sheriff is hereby required to ſummon and chooſe in the Manner in which Juries are or may be ſummoned and choſen by Sheriffs of Counties in *Scotland*, and the ſaid Sheriff may order and authorize the ſaid Jury, or any Five or more of them, to view the Place or Places, or Matter or Matters in Queſtion, which Jury upon their Oaths (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Sheriff is hereby required to adminiſter) ſhall inquire of, aſſeſs, and aſcertain the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Te-nements, or other Heritages, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame, and the ſaid Sheriff ſhall give Judgement for ſuch Purchaſe Monies or Recompence ſo to be aſſeſſed by ſuch Jury; which ſaid Verdict, and the Judgement thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Sheriff, and ſhall be binding and concluſive to all Intents and Purpoſes, againſt all Bodies Politick and Corporate, or Collegiate, and all other Perſons, and ſhall not be liable to Review by

If Parties can not agree, Price to be ſettled by a Jury.

Advocation, Suſpenſion, Reduction, or otherwiſe, any Law or Statute to the contrary notwithſtanding.

Expences of Witneſſes and Jury by whom to be paid.

XXXVIII. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Sheriff as aforeſaid, or any Witneſs or Witneſſes is, are, or ſhall be examined by and before the ſaid Sheriff and Jury as herein directed, the ſaid Sheriff ſhall, and he is hereby required, according to his Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes, in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money, as ſhall be a reaſonable Recompence for the Expence and Trouble of their Journey and Attendance, and in each and every Caſe where a Verdict ſhall be given for more Money, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, Waters, Tenements, or other Heritages, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damage done or to be done, to ſuch Lands, Tenements, or other Heritages, or other Property, where ſuch Sum ſo awarded ſhall be more than had been previouſly offered by or on Behalf of the ſaid Company or where any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof, by and on Behalf of the ſaid Company, or where, by reaſon of Abſence in Foreign Countries, or other Impediments and Diſability as aforeſaid, 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 Company, as herein-before mentioned, then and in all ſuch Caſes, all the Expences of ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled by the ſaid Sheriff, and be defrayed by the ſaid Company; but if any Verdict ſhall be given for the Sum that had been previouſly offered by or on Behalf of the ſaid Company, or for a leſs Sum than had been ſo previouſly offered, or in caſe no Damages ſhall be given by the Verdict where the Diſpute is for Damages only, or in caſe of ſuch Refuſal to enter into Treaty with, or make Conveyances to, or receive Compenſations from, the ſaid Company, by any Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever, who is or are by the Proviſions of this Act, or otherwiſe, enabled to treat and convey, or receive ſuch Compenſations as aforeſaid, then, and in all ſuch Caſes (except where by reaſon of Abſence or otherwiſe, any Perſon ſhall have been prevented from treating and agreeing as aforeſaid) the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, ſhall be ſettled in like Manner by the ſaid Sheriff, and be borne and paid by the Perſon or Perſons with whom the ſaid Company, or thoſe acting in their Behalf, ſhall have ſuch Concerns, Controverſies, or Diſputes, which ſaid Coſts and Expences having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, as ſo much Money advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Sum or Sums of Money ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed and adjudged.

Perſons requeſting Juries to enter into Bonds to proſecute.

XXXIX. And be it further enacted, That all and every Perſon or Perſons making Complaint, and requeſting a Jury to be ſummoned, ſhall (before the ſaid Sheriff ſhall iſſue out his Warrant for that Purpoſe) enter into a Bond, with Two Sureties, to the ſaid Company, in a Penalty of Double

Double the Sum demanded by ſuch Perſon or Perſons, with Condition to proſecute his, her, or their ſaid Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Verdict, in caſe the ſame ſhall be given for no greater Sum, or for a leſs Sum than had been offered by and on Behalf of the ſaid Company, for the Purchaſe of or as a Recompence for any Lands, Grounds, Tenements, Waters, or Heritages, or as a Compenſation for any Damages; or in caſe no Verdict ſhall be found for Damages, where the whole Diſpute was whether any Damage was or was not done as aforeſaid.

Notice of Inquiry to be given to the Company before Complaint made to the Sheriff.

XL. And be it further enacted, That no Sheriff ſhall be obliged or allowed, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Perſon or Perſons whomſoever for any Injury or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained, by virtue or in conſequence of this Act, unleſs Application ſhall have been made in relation thereto by or on Behalf of ſuch Perſon or Perſons to the ſaid Company, or to their Clerk, or to their known Agent or Agents reſiding neareſt to the Place where the Cauſe of Complaint ſhall ariſe, Ten Days at the leaſt before ſuch Complaint ſhall be made to the ſaid Sheriff within the Space of Two Calendar Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Verdict as to Value of Lands, and Damages, to be aſcertained ſeparately.

XLI. And be it further enacted, That the ſaid Juries reſpectively ſhall award all Determinations, Judgements, and Verdicts which they ſhall reſpectively make and give in the Execution of the Powers hereby veſted in them concerning the Value of Lands, Tenements, and other Heritages ſeparately and diſtinctly from the Conſideration of any other Damage ſuſtained or to be ſuſtained by any Perſon or Perſons in conſequence of the Execution of any of the Powers of this Act, and ſhall diſtinguiſh the Value ſet upon the Lands, Tenements, and other Heritages, and the Money aſſeſſed for ſuch Damages as aforeſaid ſeparately and apart from each other.

Verdict to be recorded.

XLII. And be it further enacted, That each and every Verdict ſhall be kept by the Sheriff Clerk, or other Perſon having the Cuſtody of the Records of the Sheriff Court of the County of *Ayr*, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of Sixpence, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and ſo in Proportion for a leſs Number of Words.

Application of Compenſation Money when exceeding 200*l.*

XLIII. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Heritages, purchaſed, taken, or uſed by virtue of the Powers of this Act, for the Purpoſes thereof, which are held under Entail, or are ſubject to Life Rents, 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 the Direction and by the Authority of the Court of Seſſion, be with all convenient Speed paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Intent that ſuch Money

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, or Heritages in the Purchaſe or Redemption of the Land Tax, or Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands, Tenements, or Heritages, or affecting other Lands, Tenements, or Heritages, ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes, or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Meſſuages, Lands, Tenements, 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 Meſſuages, Lands, Tenements, or Heritages, which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined, and capable of taking Effect, and in the mean Time 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, and Heritages, ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

If under 200*l* and above 20*l*

XLIV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Heritages purchaſed, taken, or uſed for the Purpoſes 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 all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Heritages ſo purchaſed, taken, or uſed, 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, to be paid into either of the ſaid Banks, and be placed to his, her, 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 Five Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the Committee of the ſaid Company, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch principal Money, and the Intereſt ariſing thereon, may be applied in any Manner herein-before directed, as far as the Caſe be applicable.

Where under 20*l*. Sterling.

XLV. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next 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 Heritages ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Committee, or any Three or more of them, ſhall think fit, or in caſe of Infancy

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.

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank.

XLVI. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Heritages, to be purchaſed by virtue of this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Company, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Heritages be not known or diſcovered, then and in every ſuch Caſe it ſhall and may be lawful to and for the Committee of the ſaid Company, or any Three or more of them, to order the ſaid Sum or Sums of Money ſo awarded as aforeſaid, to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Heritages (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the Court of Seſſion; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and invеſted in the publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable, and the Caſhier or Caſhiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

In Caſes of queſtionable Title, Poſſeſſor to be deemed to have a Title until the contrary ſhall be ſhewn.

XLVII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, under the Direction and by the Authority of the Court of Seſſion, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Heritages, or any Eſtate, Right, or Intereſt in any Lands, Tenements, or Heritages to be purchaſed with any ſuch Money, or to the Rents or Profits thereof, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Heritages at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Heritages, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court, and the Rents and Profits of the Lands, Tenements, and Heritages to be purchaſed with ſuch Money, and alſo the Lands, Tenements, and Heritages ſo purchaſed ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, or that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Heritages, or to ſome Eſtate or Intereſt therein.

Expences of Purchaſe may be allowed by the Court.

XLVIII. Provided always, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Heritages, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Banks or either of them, and to be applied in the Purchaſe of other Lands, Tenements, or Heritages, to be ſettled to the like Uſes in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable to be paid by the ſaid Company, who ſhall from Time to Time pay ſuch Sum or Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Power to enter and take Poſſeſſion of Lands, etc. on Payment or Tender of Purchaſe Money.

XLIX. Provided always, and be it enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money as ſhall have been contracted or agreed for between the Parties, or as ſhall have been aſcertained and ſettled by the Verdict of a Jury, for the Purchaſe of any ſuch Lands, Waters, Tenements, or other Heritages, or as a Recompence for the yearly Produce or Profits thereof, or as a Compenſation for Damages as herein mentioned to the Proprietor or Proprietors of ſuch Lands, Waters, Tenements, or other Heritages, or to ſuch other Perſon or Perſons as ſhall be intereſted therein or entitled to receive ſuch Money or Compenſation reſpectively at any Time after the ſame ſhall have been ſo agreed for or offered; or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame, then and in all or any of the ſaid Caſes, it ſhall and may be lawful to and for the ſaid Company, and their Agents, Workmen, and Servants, immediately to enter upon ſuch Lands, Grounds, Tenements, Waters, and other Heritages reſpectively (or before ſuch Payment or Tender, by Leave of the Owners or Occupiers thereof, ſignified in Writing, but not otherwiſe), and then and thereupon ſuch Lands and Grounds, Waters, Tenements, and other Heritages, together with the yearly Profits thereof, and all the Eſtates, Uſe, Truſt, and Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be veſted in and become the ſole Property of the ſaid Company to and for the Purpoſes of this Act for ever, and which Tender, Payment, Inveſtment, or Depoſit ſhall not only bar all Right, Title, Claim, Intereſt, and Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to and be deemed and conſtrued to bar the Right, Title, Claim, Intereſt, and Demand of every other Perſon whatſoever: Provided always, that before ſuch Payment, Security, Tender, Inveſtment, or Depoſit as aforeſaid, it ſhall not be lawful for the ſaid Company, or any Perſon acting under their Authority, to dig or cut the Lands or Grounds, or to take down, remove, or otherwiſe affect any Tenement or other Heritage of the Perſon or Perſons entitled to ſuch Payment or Security for the Purpoſes of this Act, without the Leave and Conſent in Writing of ſuch Perſon or Perſons reſpectively, ſave and except where it may be neceſſary to repair any ſudden Injury occaſioned by Floods or other Cauſes in Manner herein-before directed.

Power to levy Rates.

L. And be it further enacted, That in Conſideration of the Expence which muſt be incurred in making and maintaining the aforeſaid Harbour, Docks, Baſons, Quays, Piers, and other Works, and alſo of the Expences

pences of Management, together with the making due Proviſion for Repayment of the Sums by this Act authorized to be borrowed, it ſhall and may be lawful to and for the ſaid Company of Proprietors and ſuch Perſon or Perſons as they ſhall appoint, ſo ſoon as by Means of any of the Works hereby authorized to be conſtructed, it ſhall be made appear to the Sheriff Depute of the ſaid County of *Ayr* (who thereupon ſhall grant a Certificate to that Effect) that Ships and Veſſels may be enabled to load and unload Goods at any of the ſaid Quays or Piers, to aſk, demand, take, and recover, to and for their own proper Uſe and Behoof, of and from all and every the Maſters or Commanders and Owners of any Ships or Veſſels, Barks, and Boats, trading to and from and uſing the ſaid Harbour, the ſeveral Rates and Duties herein-after ſpecified, for ſuch Veſſels, agreeably to the Burthen and Tonnage aſcertained by their reſpective Regiſters; *videlicet*,

For every Ship, Veſſel, or Boat, *Britiſh*-built, being the Property of His Majeſty's Subjects, Inhabitants of the United Kingdom of *Great Britain* and *Ireland*, entering and uſing the ſaid Tide or Outer Harbour, the ſeveral Rates following; *videlicet*, If under the Burden of fifteen Tons, the Sum of One Penny *per* Ton; if of the Burden of fifteen Tons or upwards, and under Twenty-five Tons, the Sum of One Penny Halfpenny *per* Ton; if of the Burden of Twenty-five Tons or upwards, and under Forty-five Tons, the Sum of Two Pence *per* Ton; if of the Burden of Forty-five Tons or upwards, and under Sixty Tons, the Sum of Three Pence *per* Ton; if of the Burden of Sixty Tons or upwards, and under Seventy-five Tons, the Sum of Three Pence Halfpenny *per* Ton; and if of the Burden of Seventy-five Tons or upwards, and under One hundred Tons, the Sum of Four Pence *per* Ton; and if of the Burden of One hundred Tons or upwards, and under One hundred and fifty Tons, the Sum of Five Pence *per* Ton; and if of the Burden of One hundred and fifty Tons or upwards, and under Two hundred Tons, the Sum of Sixpence *per* Ton; and if of the Burden of Two hundred Tons or upwards, and under Three hundred Tons, the Sum of Seven Pence *per* Ton; and if of the Burden of Three hundred Tons or upwards, and under Four hundred Tons, the Sum of Eight Pence *per* Ton; and if of the Burden of Four hundred Tons or upwards, the Sum of Nine Pence *per* Ton:

And that for every Ship, Veſſel, or Boat, *Britiſh*-built, being the Property of His Majeſty's Subjects, Inhabitants of the United Kingdom of *Great Britain* and *Ireland*, entering and uſing the ſaid Wet Docks or Inner Harbour, there ſhall further be paid One Half more in Addition to the ſaid Rates and Duties:

And that for all Ships and Veſſels uſing either of the ſaid Harbours, being the Property of Foreigners, or *Foreign*-built Veſſels, there ſhall be paid Double the Tonnage Duty before ſpecified for *Britiſh*-built Veſſels using the ſaid Harbours reſpectively; and that there ſhall be paid by every Merchant Ship-maſter and other Perſon whomſoever, who ſhall load or unload, export or import, any Goods, Wares, Merchandize, or other Articles or Commodities within the ſaid Harbour or Docks, over and above the reſpective Tonnage Duties above ſpecified, the ſeveral Rates and Duties mentioned in the Table or Schedule of Rates hereunto annexed, which Table or Schedule ſhall be deemed and conſtrued a Part of this Act, as if the ſame was incorporated therewith.

LI. Provided

Compositions may be made for Rates and Duties on Veſſels not exceeding 150 Tons Burthen.

LII. Provided always, and be it enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors or their Committee of Management, to receive and accept of and from any Maſter, Commander, or Owner of any Ship or Veſſel, Bark or Boat, not exceeding the Burthen of One hundred and fifty Tons, trading to and from and uſing the ſaid Harbour, ſuch Compoſition for the ſaid Rates and Duties, but not exceeding the ſame, and payable at ſuch Times and in ſuch Manner as ſhall be agreed upon by and between the ſaid Company of Proprietors or their Committee of Management, and any ſuch Maſter, Commander, or Owner.

His Majeſty's Ships exempted.

LIII. Provided alſo, and be it further enacted, That all Ships and other Veſſels belonging to or employed in the Service of His Majeſty, uſing the ſaid Harbour, ſhall be exempted from the Payment of all and every the Rates and Duties hereby granted for and upon Veſſels uſing the ſame.

Goods for which Tonnage Duty once paid, not to pay a Second Time, &c.

LIII. Provided alſo, and be it further enacted, That if any Goods, Wares, or Merchandize, which have paid the above-mentioned Dues at unloading, ſhall be again exported in the ſame Packages, they ſhall be exempted from the Payment of thoſe Dues at re-ſhipping; and that no Fiſhery Salt imported in Bulk, and which ſhall be re-ſhipped in the Caſks for the Fiſhery, ſhall be liable to the Payment of any of the ſaid Rates and Duties when ſo re-ſhipped, other than the Duty in the ſaid Table ſtipulated for the Caſks containing the ſame, according to their Dimenſions; and that no Ship or Veſſel carrying Stones, Wood, or other Materials into the ſaid Harbour, for the Uſe of the Piers or any other Works authorized to be made by virtue of this Act, ſhall be liable to the Payment of any of the aforeſaid Rates or Duties in reſpect of ſuch Voyage or Goods.

Enabling the Proprietors to fix Rates not enumerated in the Table.

LIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to aſcertain and fix ſuch reaſonable Rates and Duties to be paid upon the loading or unloading, exporting or importing of any Article or Commodity not ſpecified or enumerated in the ſaid Table or Schedule to this Act annexed, in Proportion to the ſeveral Rates and Duties therein ſpecified, as they ſhall think fit, not exceeding the Sum of One Penny Halfpenny for every Shilling of the Freight thereof; which Rates and Duties, when ſo fixed and aſcertained by the ſaid Proprietors, ſhall be conſidered, to all Intents and Purpoſes, as if the ſame had been eſpecially enumerated in this Act, or in the ſaid Table or Schedule hereunto annexed.

Rates to be paid for uſe of Graving Dock.

LV. And be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors, and ſuch Perſon or Perſons as they ſhall appoint, to aſk, demand, and take, to and for their own proper Uſe and Behoof, of and from every Maſter and Owner of any Ship or Veſſel graved or repaired in the ſaid Graving Dock, for the Uſe thereof the Sum of Three Pence for each Ton of the Burthen of ſuch Ship or Veſſel for each Tide that ſuch Ship or Veſſel ſhall remain in the ſaid Graving Dock.

Manner of recovering the Rates.

LVI. And, to the Intent that the Rates or Duties impoſed by this Act may be more effectually collected and levied, be it further enacted, That in caſe any Owner or Owners, or Maſter, or other Perſon or Perſons having Charge

Charge or Command of any Ship or Veſſel charged or chargeable with any of the reſpective Rates or Duties granted by this Act, or any Owner or Owners, Conſignee or Conſignees of any Goods, Wares, or Merchandize, ſhall refuſe or neglect to pay the ſame, then and in every ſuch Caſe it ſhall be lawful for the Collector or Collectors duly appointed in purſuance of this Act, to go on board of ſuch Ship or Veſſel, and to demand, collect, and receive the ſaid Rates or Duties, and on Non-payment thereof, to take and diſtrain ſuch Ship or Veſſel, and all her Tackle, Apparel, and Furniture thereto belonging, or any Part thereof, and the ſame to detain until the reſpective Rates or Duties ſhall be ſatisfied and paid; and in caſe of any Neglect or Default in Payment for the Space of Five Days after any Diſtreſs or Diſtreſſes ſo made or taken, that then it ſhall and may be lawful for the ſaid Collector or Collectors to cauſe the ſame to be appraiſed by Two or more ſworn Appraiſers, or other ſufficient Perſons, not intereſted therein, and afterwards to ſell the ſaid Diſtreſs or Diſtreſſes, and therewith to ſatisfy himſelf or themſelves, as well for or in reſpect of the Rates or Duties ſo neglected or refuſed to be paid, and for which Diſtreſs or Diſtreſſes ſhall have been made or taken as aforeſaid, and alſo for or in reſpect of his or their reaſonable Charges on taking, keeping, appraiſing, and ſelling the ſame, rendering the Surplus (if any) on Demand to the Maſter, Commander, Owner or Owners of ſuch Ship or Veſſel, or the Owner or Owners, Conſignee or Conſignees of ſuch Goods, Wares, and Merchandize reſpectively.

Perſons eluding the Payments to continue chargeable.

LVII. And be it further enacted, That if any Maſter, Owner or Owners, or other Perſon or Perſons, having the Charge or Command of any Ship or other Veſſel, or any Owner or Owners, Conſignee or Conſignees, or any other Perſon or Perſons owning or having Charge of any Goods, Wares, or Merchandize imported into the ſaid Port from Parts beyond the Seas, ſhall by any Means whatſoever, at any Time or Times elude or evade the Payment of the Rates or Duties hereby made payable, or any Part thereof, each and every Perſon eluding or evading Payment thereof as aforeſaid, ſhall ſtand charged with and forfeit and pay a Sum equal to Double the Rates or Duties ſo eluded and evaded; and ſuch Sum ſhall be recovered from ſuch Maſter, Owner or Owners, Conſignee or Conſignees, or other Perſon or Perſons reſpectively, by the ſame Ways and Means and in ſuch Manner as are herein-after directed for levying and recovering Penalties and Forfeitures by this Act inflicted or authorized to be impoſed.

For aſcertaining the Tonnage or Admeaſurement of Shipping.

LVIII. And be it further enacted, That the Tonnage and Admeaſurement of all Ships and Veſſels required to be regiſtered by any Act or Acts of Parliament of the Kingdom of *Great Britain*, or of the United Kingdom of *Great Britain* and *Ireland*, and trading or coming to or departing from the ſaid Harbour, and liable to the Payment of any of the Rates or Duties by this Act impoſed, ſhall be aſcertained according to the certified Tonnage in the Ship's Regiſter; and the Maſter or other Perſon having the Command of any ſuch Ship or Veſſel, is hereby required to produce the Certificate or Regiſtry at the Time of Payment of the ſaid Rates or Duties, to the Perſon or Perſons who ſhall be duly authorized to collect and receive ſuch Rates or Duties; and in caſe of any Diſpute in, about, or concerning the ſame, or in caſe of any Diſpute in reſpect of the Tonnage of any Ship or Veſſel not required to be regiſtered, or of any foreign

Ship or Veſſel, then the Tonnage of any ſuch Ship or Veſſel ſhall be aſcertained in the Manner and according to the Directions of an Act paſſed in the Twenty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for the Encouragement of* the *Shipping and Navigation.*

Power to meaſure Ships or Veſſels.

LIX. And be it further enacted, That if the Collector or Collectors of any of the ſaid Rates or Duties, and ſuch other Perſon or Perſons as the ſaid Company of Proprietors ſhall duly nominate and appoint in that Behalf, and the Maſter or other Perſon having Charge or Command of any Ship or other Veſſel, cannot agree about or otherwiſe aſcertain the Tonnage of ſuch Ship or other Veſſel, then and in every ſuch Caſe it ſhall be lawful for the ſaid Collector or Collectors, or Perſon or Perſons appointed as aforeſaid, from Time to Time, and at all convenient and reaſonable Times, to ſtop, detain, enter into, meaſure, and gauge the ſame; and in caſe the ſame ſhall, upon ſuch meaſuring or gauging, appear to be of greater Tonnage than ſhall be ſet forth and contained in the Account which ſhall be given thereof, then the Maſter or Perſon giving in ſuch Account ſhall pay the Coſts and Charges of ſuch meaſuring or gauging, all which Coſts and Charges, upon Refuſal of Payment thereof on Demand, ſhall and may be recovered and levied by ſuch Ways and Means, and in ſuch Manner as the Rates or Duties are hereby appointed to be recovered and levied; but if any ſuch Ship or other Veſſel ſhall be found to be of the ſame or of leſs Tonnage than the ſame ſhall by ſuch Account appear to be of, then the ſaid Collector or Collectors, or ſuch other Perſon or Perſons reſpectively, ſhall pay the Coſts and Charges of ſuch meaſuring or gauging, and ſhall alſo pay ſuch further Damages as ſhall appear to Two or more Juſtices of the Peace in and for the ſaid County of *Ayr*, on the Oath of any credible Witneſs, to have ariſen from ſuch Detention; and if any Maſter, Commander, or other Officer of any Ship or Veſſel, or any other Perſon or Perſons whomſoever, ſhall obſtruct or hinder any Perſon or Perſons ſo employed from meaſuring or gauging any Ship or Veſſel in purſuance of this Act, every ſuch Maſter, Commander, or other Perſon, ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds over and above the ſaid Rates.

Penalty on Perſons obſtructing ſuch Meaſurement.

Cuſtom Houſe Officers not to diſcharge any Veſſel before Duties paid.

LX. And, to the Intent that the Rates or Duties by this Act impoſed may be duly accounted for and paid, be it further enacted, That as ſoon as a Certificate ſhall be granted by the Sheriff Depute of the ſaid County of *Ayr* in the Manner directed by this Act, that Ships and Veſſels may be enabled to load and unload Goods at any of the ſaid Piers and Quays, no Collector of His Majeſty's Cuſtoms at the ſaid Harbour, or at the Port to which the ſame ſhall be attached, ſhall, on any Pretence whatever, permit or allow any Ship or Veſſel on which Duties of Tonnage are by this Act impoſed, to be entered inwards from foreign Ports or coaſtwiſe, unleſs and until the Maſter or other Perſon having Charge of any ſuch Ship or Veſſel ſhall have paid the Duties of Tonnage by this Act impoſed, and ſhall have produced to the ſaid Collector a Certificate under the Hand of the Officer or Perſon appointed under the Authority of this Act to collect and receive the ſaid Rates or Duties due and payable by virtue of this Act, on account of any ſuch Ship or Veſſel, have been fully paid; and that, from and after the Expiration of the ſaid Three Calendar Months, no ſuch Collector ſhall, upon any Pretence whatever, permit or allow any Goods or Merchandize on which

a Rate

a Rate or Duty is by this Act impoſed, to be landed from any Ship or Veſſel entered inwards or coaſtwiſe, unleſs and until the Owner or Owners, Conſignee or Conſignees, of ſuch Goods or Merchandize, ſhall have paid the Rates or Duties hereby impoſed on ſuch Goods or Merchandize, and ſhall have produced to the ſaid Collector a Certificate under the Hand of the Officer or Perſon appointed under the Authority of this Act to collect and receive the ſaid Rates or Duties, certifying that the ſaid laſt mentioned Rates or Duties have been fully paid; which reſpective Certificates and Signatures ſuch Officers or Perſons appointed under the Authority of this Act to receive the ſaid Tonnage, and alſo the ſaid Duties, are required to ſign and give accordingly, without Fee or Reward, upon Pain of forfeiting any Sum not exceeding Twenty Pounds, together with Coſts of Suit, and which Sum, when forfeited, ſhall be recovered in the ſame Manner as other Penalties under this Act may be recovered.

Further Allowances to the Company for Goods remaining upon their Wharf a certain Time.

LXI. And be it further enacted, That if any Goods, Wares, Merchandize, Commodities, or other Matters or Things whatſoever, ſhall lie or remain upon any Wharf or Wharfs, Quay or Quays, Warehouſe or Warehouſes, belonging to the ſaid Company, for above the Space of Twenty-four Hours, then and in ſuch Caſe the ſaid Company, or ſuch Perſon or Perſons as they ſhall appoint, ſhall be entitled to receive ſuch reaſonable Rates or Allowances over and above the Rates and Duties herein-before authorized to be taken, as ſhall be agreed upon between the ſaid Company, or their Agent or Agents, and the Proprietor or Proprietors of ſuch Goods, Wares, Merchandize, or other Things.

Company empowered to leaſe the Rates.

LXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company, and they are hereby authorized and empowered, at any General or Special Meeting held purſuant to this Act, to let to farm the Rates and Duties hereby made payable, or any Part or Parts thereof, unto any Perſon or Perſons, for any Time or Term they ſhall think proper, not exceeding Three Years from the Commencement of any Leaſe, and every ſuch Leaſe ſhall be valid and effectual, and the Leſſee or Leſſees thereof, and alſo ſuch Perſon or Perſons as ſuch Leſſee or Leſſees ſhall appoint to collect and receive the Rates ſo let, ſhall, during the Continuance of every ſuch Leaſe, be deemed Collectors of the Rates ſo let, and ſhall have the ſame Power and Authority for collecting and recovering the ſame, as if they had been appointed for that Purpoſe by the ſaid Company, provided public Notice of the Intention to let the ſaid Rates and Duties, or any Part thereof, be given by the Clerk of the ſaid Company, by Advertiſement publiſhed and continued in ſome Newſpapers circulated in the County of *Ayr*, and alſo by Notice affixed at the Place or Places where ſuch Rates and Duties are collected, at leaſt Thirty Days prior to the Time at which the ſaid Rates and Duties, or any Part thereof, are propoſed to be let as aforeſaid.

Rates may be altered.

LXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, at any of their ſaid General Meetings, or at any Special Meeting to be appointed for the Purpoſe, to lower or reduce all or any of the ſaid Rates and Duties, and again to raiſe the ſame to ſuch Sum or Sums of Money as they ſhall think proper, not exceeding the Sums before mentioned, as often as it ſhall be deemed neceſſary for the Intereſt of the ſaid Undertaking.

LXIV. And

Obstructions to be removed.

LXIV. And be it further enacted, That no Ship, Bark, Lighter, Boat, or other Veſſel, which ſhall be laid up as unfit for further Sea Service, or neglected by the Owner or Owners thereof, ſhall be permitted to be and remain in the ſaid Harbour, or in any of the Docks or Baſons to be made by virtue of this Act near to the Quays or Piers thereof, but that in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Company of Proprietors, or ſuch Perſon or Perſons as they ſhall appoint, to cauſe ſuch Ship, Bark, Boat, or other Veſſel ſo unſerviceable, or neglected to be, at the Expence of the Owner or Owners of the ſame, removed from the ſaid Piers and Quays, or any of them, to another Part or Place of Safety within the ſaid Harbour; and in caſe of Refuſal or Neglect of Payment of ſuch Charges and Expences by ſuch Owner or Owners, Maſter, or Agents, of ſuch Ship or other Veſſel for the Space of Five Days after Demand ſhall be made, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Company, or any Perſon or Perſons to be appointed by them, to levy ſuch Expences by Diſtreſs and Sale of ſuch Ship or other Veſſel, or any of her Tackling, Apparel, or Furniture, or any Part thereof, rendering the Overplus, if any be (after deducting the Charges of ſuch Diſtreſs and Sale) to the Owner or Owners, Maſter, Factor, or Agent of ſuch Ship or other Veſſel, whenever the ſame ſhall be demanded.

Goods not to remain on the Pier beyond a limited Time.

LXV. And be it further enacted, That it ſhall not be lawful to nor in the Power of any Perſon or Perſons who ſhall have landed and cauſed to be landed any Goods or Merchandize, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Caſks, Guns, Ballaſt, Paving Stones, Lime Stones, Slates, Soapers Waſte, Dung or Manure, or any other Thing, (other than Materials for the neceſſary Repairs of the Piers, Quays, and for immediate Uſe in Shipping), upon any of the Piers and Quays, or Landing Places within the ſaid Harbour, Docks, or Baſons, or in any of the Avenues leading to the ſaid Quays and Piers, or any of them, to continue or permit the ſame to remain and lie thereon for any longer Time than Forty-eight Hours; and in all ſuch 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 Company of Proprietors, or any Perſon or Perſons appointed by them, to remove, or cauſe to be removed, all ſuch Goods and other Things as they ſhall find ſo lying, continuing, and being on the ſaid Piers, Quays, 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 if ſuch Charges and Expences ſhall not be paid within the Space of Five Days after Demand thereof by the ſaid Company, or ſome Perſon or Perſons to be employed by them, then and in all ſuch Caſes they are hereby authoriſed 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 or Owners, (the Charges of taking, keeping, and making Sale of ſuch Diſtreſs being firſt deducted), on the ſame being demanded.

Gunpowder and other Combuſtibles to be ſafely ed.

LXVI. And be it further enacted, That all Ships, Veſſels, Barks, Lighters, or Boats, having on board any Gunpowder, ſhall reſpectively land and diſcharge the ſame before they enter the ſaid Wet Docks or Baſons, and th

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 Quays and Piers aforeſaid within the ſaid Harbour, Docks, or Baſons, or in any Part thereof, or upon the Deck of any Ship or Veſſel lying in the ſaid Harbour, Docks, or Baſons for above the Space of Twenty-four Hours after being paſſed by the Cuſtom-houſe Officers, and that in caſe ſuch Goods and Things cannot be conveniently removed or got off from ſuch Quays, Place or Places, by Day-light, that 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, diſcreet, and ſober Perſons to guard and watch over the ſame for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Company of Proprietors ſhall ſignify and appoint; and in caſe the Owner or Owners of ſuch Goods and other Things ſhall make Default therein, every ſuch Owner or Owners, Maſter or Mate of every ſuch Ship or Veſſel ſhall forfeit and pay for every ſuch Offence a Sum not leſs than Five Pounds Sterling, nor exceeding Twenty Pounds, beſides repairing all the Damage which may be occaſioned by ſuch Default.

Ships may be removed from One Birth to another.

LXVII. And be it further enacted, That the ſaid Company of Proprietors, or ſuch other Perſon or Perſons as they ſhall authorize and appoint, ſhall and may, and they are hereby authorized and empowered, when and ſo often as they ſhall judge neceſſary, to remove or cauſe to be removed any Ship, Veſſel, Bark, Lighter, or Boat, lying in any of the Entrances or Paſſages of the ſaid Harbour, Docks, or Baſons, or at any Pier, Quay, or in any other Part of the ſaid Harbour, Docks, or Baſons, from the Birth or Lying Place at which they ſhall reſpectively happen to be ſtationed or moored at the Time, to any other Birth or Lying Place, as they ſhall think proper; and in caſe the Maſter, Mate, or any other Perſon having and taking the Command and Charge of the ſaid Ship, Bark, Veſſel, Lighter, or Boat, ſhall, after Notice given him in Writing, or left in Writing on board the Ship or Veſſel intended to be removed, Twelve Hours before the ſaid Removal by the ſaid Company of Proprietors, or by ſuch Perſon or Perſons as they ſhall appoint, neglect or refuſe to remove or cauſe to be removed, during the Firſt High Water or Tide after ſuch Notice, ſuch Ship, Veſſel, Bark, Lighter, or Boat from her ſaid Birth, to ſuch other Birth or Mooring Places as are or ſhall be appointed unto them by the ſaid Company of Proprietors, or by any Perſon or Perſons authorized by them, then the ſaid Company of Proprietors, or any other Perſon or Perſons as they ſhall order or appoint, ſhall have Power and are hereby directed and empowered, immediately after ſuch Notice, Neglect, or Refuſal to remove or cauſe to be removed ſuch Ship, Veſſel, Bark, Lighter, or Boat, lying as aforeſaid, from their preſent Birth and Mooring Place to ſuch other Birth and Mooring Place as the ſaid Company of Proprietors ſhall judge proper, and that the Maſters, Commanders, Owners, and Conſignees of ſuch Ship, Veſſel, Bark, Lighter, or Boat ſo to be removed as aforeſaid, ſhall reſpectively pay to the ſaid Company of Proprietors, or to the Perſon or Perſons appointed by them, all ſuch Coſts and Charges as ſhall be reaſonably expended in removing 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 hereinafter

after ordered to be recovered and applied; and that every Maſter, Commander, or other Perſon taking upon himſelf the Command of any Ship, Veſſel, Bark, 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 Five Pounds Sterling.

Ships in Diſtreſs to have a Preference.

LXVIII. And be it further enacted, That in caſe any Ship or Veſſel ſhall come into the ſaid Harbour in Diſtreſs, or meet with any Misfortune in the Harbour aforeſaid, it ſhall and may be lawful to and for the ſaid Company of Proprietors, or any Perſon or Perſons to be employed by them, upon Application to him or them by the Maſter, Commander, or Owner of ſuch Ship or Veſſel, or Owner of any Goods on board ſuch Ship or Veſſel, to give a Preference to ſuch Ship or Veſſel being in Diſtreſs as aforeſaid, both as to the Birth at the Piers or Quays, and as to the Courſe of Diſcharging, to any other Ship or Veſſel arrived before her in the ſaid Harbour, Docks, or Baſons; and that every Maſter or Commander of any Ship or Veſſel lying in the ſaid Harbour, Docks, or Baſons, who ſhall refuſe or delay to comply with the Order of Preference in favour of ſuch Ship or Veſſel in Diſtreſs as aforeſaid, ſhall forfeit unto the ſaid Company the Sum of Five Pounds Sterling.

To prevent throwing Ballaſt into the Harbour.

LXIX. And be it enacted, That, from and after the paſſing of this Act, it ſhall not be lawful to any Perſon or Perſons to throw or empty any Ballaſt, Duſt, Aſhes, or Rubbiſh, Shingle Stones, or other Things, into the ſaid Harbour, or into the Entrance thereto, or the ſaid Docks or Baſons, or the Entrances thereto, or to dig and take away any Ballaſt, Shingle Stones, or other Things therefrom, to the Hurt and Prejudice of the ſaid Harbour, Docks, or Baſons, or of the Works connected therewith, under a Penalty of not leſs than Five Pounds nor more than Ten Pounds for every ſuch Offence, beſides raking up and removing all ſuch Ballaſt, Duſt, Aſhes, Rubbiſh, Shingle Stones, and other Things, and repairing the Damage occaſioned by ſuch Default, which the ſaid Company of Proprietors are hereby empowered to do at the Expence of the Defaulter or Defaulters.

Ballaſt to be removed from off the Quays.

LXX. And be it further enacted, That any Perſon or Perſons who ſhall or may hereafter have Occaſion to throw or caſt out any Ballaſt from out of any Ship or other Veſſel upon any Quay, Pier, or Breaſt in or belonging to the ſaid Harbour, Docks, or Baſons, ſhall not ſuffer the ſame to be and remain on the ſaid Quays, Piers, Breaſts, or other Places, but ſhall immediately cart and carry away, or cauſe the ſame to be carted and carried away, to ſuch Place or Places as the ſaid Company for ſuch Caſes ſhall provide and appoint, on pain of forfeiting for every ſuch Offence the Sum of Forty Shillings Sterling, beſides the Expence of removing and carrying away ſuch Ballaſt at the Expence of the Defaulter or Defaulters.

To prevent Fiſh to be packed, or to lie on the Quay.

LXXI. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons whatever to pack, or cauſe to be packed, upon any of the Piers, Quays, or Breaſts of the ſaid Harbour, Docks, or Baſons, any Herrings, or any Fiſh, or to ſuffer Herrings or other Fiſh which are packed to lie upon the ſaid Quays, Piers, and Breaſts, longer than Forty-eight Hours; and that after they have lain the ſaid Space, it ſhall and may be lawful

lawful to the ſaid Company, or to any Perſon or Perſons to be appointed by them, to carry away the ſaid Herrings or other Fiſh, and lay them in a Cellar or Warehouſe at the Expence of the Owner or Proprietor, and to detain the ſaid Herrings and other Fiſh until the Charges of carrying them from the Piers, Quays, or Breaſts, ſhall be ſatisfied, and the Cellar Rents paid.

Maſters of Veſſels anſwerable for the Damage done by their Crews.

LXXII And be it further enacted, That the Maſter or Owner of every Ship or Veſſel coming to and uſing the ſaid Harbour, Docks, and Baſons, ſhall be and is hereby made anſwerable for the Amount of any Damage or Miſchief which ſhall be done by him, or by ſuch Ship or Veſſel, or by any of the Mariners, Boatmen, Servants, or others on board the ſame, or employed by ſuch Maſter or Owner, to any of the Piers, Quays, Breaſts, or other Works connected with the ſaid Harbour, with full Coſts of Suit, to be recovered as any other Damages may be recovered under this Act; and that it ſhall be lawful to detain ſuch Ship or Veſſel until ſufficient Security be granted for Payment of the ſame.

Maſters to recover from their Servants any Sum for their Default.

LXXIII. And be it further enacted, That in caſe the Maſter or Maſters, Owner or Owners of any Ship or Veſſel as aforeſaid, ſhall be compelled to pay any Penalty or to make Satisfaction for any Damage or Treſpaſs by reaſon of any ſuch Damage or Miſchief done or committed by his or their Mariners, Boatmen, Servants, or other Perſons employed by them, or any of them, ſuch Mariners, Boatmen, Servants, or other Perſons, and each and every of them, ſhall be liable to pay ſuch Penalty or Damage (with the Coſts thereof) to ſuch Maſter or Maſters, Owner or Owners; and in caſe of Non-payment thereof upon Demand, and Oath made by ſuch Maſter or Maſters, Owner or Owners of the Payment made by him, her, or them, of ſuch Penalty or Satisfaction for Damages, and that the ſame and the Coſts thereof have or hath not been repaid to him, her, or them by ſuch Mariners, Boatmen, Servants, or other Perſons, or any of them, although demanded (ſuch Oath to be made before any One Juſtice of the Peace for the County where ſuch Penalty and Satisfaction ſhall have been incurred or paid, or where ſuch Mariner, Boatman, Servant, or other Perſon can be found), the Amount thereof ſhall be recovered as any other Penalty is hereby directed to be recovered.

Puniſhment for deſtroying Works.

LXXIV. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall, after the paſſing of this Act, wilfully and maliciouſly ſet on Fire any of the Piers, Quays, Jetties, Breaſts, or other Works to be conſtructed in or belonging to the ſaid Harbour, Docks, or Baſons, or any of the Materials intended for any of the ſaid Works, or any Ship, Boat, or other Veſſel lying or being therein, every ſuch Perſon or Perſons ſo offending, upon being lawfully convicted thereof, ſhall be adjudged guilty of Felony, and ſhall ſuffer Puniſhment by Tranſportation, Fine, or Impriſonment, at the Diſcretion of the Judge or Judges before whom ſuch Offender or Offenders ſhall be tried and convicted.

Penalty for deſtroying Ropes or Veſſels.

LXXV. And be it further enacted, That in caſe any Perſon or Perſons whomſoever ſhall wilfully or maliciouſly cut, break, or in any Manner deſtroy any Rope or other Thing by which any Ship, Boat, or other Veſſel lying in the ſaid Harbour, Docks, or Baſons, ſhall be moored or faſtened, ſuch

such Person or Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings, besides paying the Damages thereby occasioned.

Subscribers to be compelled to pay up the Sum subscribed by them.

LXXVI. And be it further enacted, That the respective Persons who have subscribed or shall hereafter subscribe any Money, for and towards making and maintaining the said Harbour, and the other Works hereby authorized to be made, shall, and they are hereby required to pay the Sum or Sums by them respectively subscribed (or such Parts and Proportions thereof as shall from Time to Time be called for by the said Committee of the said Company of Proprietors by virtue of the Powers and Directions of this Act) at such Times and Places, and in such Manner as shall be directed by the said Committee, and in case any of such Subscribers shall neglect or refuse to pay the same, at the Time and Place, and in Manner so required for that Purpose, the said Company of Proprietors are hereby empowered to sue for and recover the same, in any Court of Law or Equity, with Double Costs of Suit.

For making Recompence for Damages not herein-before particularly provided for.

LXXVII. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage on his, her, or their Lands, Tenements, Heritages, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein before provided, then and in every such Case the Recompence or Satisfaction for such Damage shall, from Time to Time, be settled and ascertained by Agreement between the Parties and the said Company of Proprietors, or their Committee aforesaid, or if they cannot agree, by a Jury as aforesaid, and the same may be recovered, levied, and applied in Manner herein directed with regard to any other Recompence or Satisfaction.

Recovery of Fines and Forfeitures.

LXXVIII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye-Law, to be made in pursuance thereof, (the Levying and Recovery whereof is or are not particularly herein before directed) shall, in case of Non-payment thereof, on Conviction of the Offenders respectively, be levied by Distress and Sale of the Goods and Effects of the Offender or Offenders, by Warrant under the Hand of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside, and every such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same, and all Fines, Forfeitures, and Penalties (the Application whereof is not herein before particularly directed) shall be paid into the Hands of the Clerk or Treasurer to the said Company, and shall be applied and disposed of for the Use of the said Undertaking, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Effects so distrained, and for want of sufficient Distress, or in case the Fine, Penalty, or Forfeiture, shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand, to commit such Offender to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Four Calendar Months, unless such Fine, Penalty, or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

LXXIX. And

LXXIX. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame, be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damage in any Action or Suit brought for that Purpoſe.

Perſons aggrieved by Irregularity in Diſtreſs, to recover only the Special Damages.

LXXX. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That every Juſtice of the Peace before whom any Perſon ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction to be drawn up according to the following Form;

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the County of [*ſpecifying the Offence, and the Time and Place when and where committed, as the Caſe may be*], contrary to an Act of Parliament, paſſed in the Forty-fifth Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act*]. Given under my Hand the Day and Year firſt above mentioned.'

Form of Conviction.

LXXXI. And be it further enacted, That any Perſon or Perſons thinking themſelves aggrieved by any Order or Judgment made or given in purſuance of any Rule, Bye-law, or Order of the ſaid Company of Proprietors, or by any Order, Judgement, or Determination of any Juſtice or Juſtices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may, within Six Calendar Months next after ſuch Order, Judgment, or Determination, ſhall have been made or given, (firſt giving Thirty Days Notice of ſuch Complaint to the Perſon or Perſons againſt whom ſuch Complaint is intended to be made), complain to the Juſtices of the Peace at the General Quarter Seſſions, to be held in and for the County in which the Cauſe of Appeal ſhall ariſe, who ſhall in a ſummary Way either hear and determine the ſaid Complaint at ſuch General Quarter Seſſions, or if they think proper may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County, and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye-law, Order, or Determination, and may alſo order and award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; and no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for Want of Form, or be removed by Advocation, or by any other Proceſs whatſoever, to the Court of Seſſion, any Law or Statute to the contrary notwithſtanding.

Perſons aggrieved may appeal to the Quarter Seſſions.

Proceedings not quaſhed for Want of Form, nor removed by Advocation.

LXXXII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done by virtue or in

Limitation of Actions.

purſuance of this Act, until Thirty Days Notice thereof in Writing ſhall have been given to the ſaid Company, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, and every ſuch Action to be had in *England*, ſhall be brought in any of His Majeſty's Courts of Record at *Weſtminſter*, and ſhall be laid in the County of *Middleſex*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial ſo had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action or Suit ſhall be brought after the Time herein before limited for bringing the ſame, or ſhall be brought without Thirty Days Notice thereof, or ſhall be brought in any other County or Place than as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes of Law; and every ſuch Action to be had in *Scotland*, ſhall be brought before the Court of Seſſion in *Scotland*, and the Defender or Defenders in ſuch Action or Suit ſhall and may deny the Libel, and give this Act and the ſpecial Matter in Evidence, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear ſo to be done, or if ſuch Action and Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Thirty Days Notice thereof, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Defender or Defenders ſhall be aſſoilzied; or if the Action ſhall be found irrelevant, or be otherwiſe diſmiſſed, or the Purſuer ſhall not proſecute the Action, or ſuffer the ſame to fall aſleep, or if Judgement ſhall be given againſt the Purſuer or Purſuers, the Defender or Defenders ſhall have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defender or Defenders hath or have for Coſts of Suit in any other Caſes of Law.

Publick Act. LXXXIII. And be it further enacted, That this Act ſhall be deemed and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others without being ſpecially pleaded.

SCHEDULE

SCHEDULE to which this Act refers.

A Schedule or Table of Rates.

	£.	s.	d.
FOR every Boll of Wheat, Rye, Barley, Bear, or Big, Malt, Oats, Peaſe, Beans, Tares, and Rye Graſs Seeds	0	0	1
For every Ton of Wheat Flour — —	0	2	0
For every Boll of Oat Meal weighing 140 Pounds Avoirdupois — — —	0	0	0½
For every Boll of Bear or Barley Meal weighing 156 Pounds Avoirdupois — —	0	0	0¾
For every Hundred Weight of Pot or Pearl Barley —	0	0	2
For every Hundred Weight of Split Peaſe —	0	0	2
For every Hundred Weight of Rice — —	0	0	3
For every Hundred Weight of Biſcuit — —	0	0	4
For every Barrel of Salted Beef, Pork, or other Proviſions	0	0	4
For every Half Barrel of Ditto — —	0	0	2½
For every Pipe, Puncheon, or Piece of Wine, or Spirits	0	2	0
And ſo in Proportion for every larger or ſmaller Caſk of Ditto.			
For every Hogſhead of Ale, Beer, or Porter —	0	0	8
And ſo in Proportion for every larger or ſmaller Caſk of Ditto.			
For every ſolid Hogſhead of Raw Sugar — —	0	1	4
For every Hogſhead or Package of Loaf or Lump Sugar *per* Hundred Weight — — —	0	0	4
For every Barrel, wet or dry — — —	0	0	4
For every Half Barrel, wet or dry — —	0	0	2½
For every ſmaller Barrel, (of whatever Denomination), wet or dry — — — —	0	0	2
For every Vat packed with Goods — —	0	1	8
For every Sugar Hogſhead packed with Goods —	0	1	6
For every ſmaller Caſk packed with Ditto — —	0	0	8
Tallow, *per* Hundred Weight — — —	0	0	3
For every Bale or Truſs of Goods *per* Barrel Bulk —	0	0	1½
For every Pack of Wool, Yarn, or Cotton, *per* Hundred Weight — — —.	0	0	6
For every Matt or Bale of dreſſed Flax, *per* Hundred Weight — — —	0	0	9

	£.	s.	d.
For every Matt or Bale of undreſſed Flax, *per* Hundred Weight — — — —	0	0	3
For every Matt or Bale of Tow, *per* Ditto — —	0	0	4
For every Hundred Weight of Iron wrought —	0	0	2
For every Hundred Weight of Iron unwrought —	0	0	1
Linen Yarn *per* Hundred Weight — —	0	0	9
Shells of Fiſh *per* Barrel — — —	0	0	0½
Coach or Cart Wheels *per* Pair — —	0	0	6
Live Cattle, for each Horſe, Cow, or Ox — —	0	0	6
For every Hundred Weight of Copper and Braſs wrought	0	1	0
For every Hundred Weight of Ditto unwrought —	0	0	4
For every Hundred Weight of Pewter wrought —	0	0	4
For every Hundred Weight of Lead — —	0	0	2
For every Hundred Weight of old Pewter — —	0	0	2
For every Ton of *Scots* Coals — —	0	0	4
For every Ton of *Engliſh* Coals — —	0	0	6
For every Ton of Duty paid Salt — —	0	1	8
For every Ton of Salt for the Fiſhery Duty free —	0	0	5
For every Hundred Weight of dried Cod, Ling, or Hake	0	0	1
For every Barrel of wet Cod — — —	0	0	2
For every Half Barrel of Ditto — —	0	0	1½
For every Barrel of White or Red Herrings —	0	0	2
For every Half Barrel of Ditto — —	0	0	1½
And ſo for ſmaller Caſks in Proportion.			
For every Barrel of Lime Shells, the Barrel containing Thirty-two Gallons *Engliſh* Wine Meaſure —	0	0	1
For every Boll of ſlacked Lime Ditto Meaſure —	0	0	0½
For every Barrel of Salmon — —	0	0	6
For every Half Barrel of Ditto — —	0	0	4
For every Kitt of Ditto — — —	0	0	1
For every One hundred Balks or Fir Quarters (of One Hundred and Twenty) Five Inches Square and under Eight Inches Square, or of Twenty-four Feet in Length or upwards — — —	0	15	0
For every One hundred Ditto under Five Inches Square under Twenty-four Feet, and not under Fifteen Feet in Length — — —	0	7	6
For every One hundred Ditto, under Fifteen Feet in Length — — — —	0	5	0
For every One hundred Battens, Eight Feet in Length, and not exceeding Twenty Feet in Length —	0	2	0
For every One hundred Ditto exceeding Twenty Feet in Length — — — —	0	3	0
For every One hundred Batten Ends under Eight Feet in Length — — — —	0	1	0
For every Load of Hard Wood containing Fifty ſolid Feet	0	1	6
For every Hundred Deals exceeding Twenty-feet in Length and exceeding Four Inches in Thickneſs — —	0	4	6
For every Hundred Ditto not exceeding Four Inches in Thickneſs — — — —	0	3	6
For every Hundred Ditto, being Eight Feet and not exceeding Twenty Feet in Length, and exceeding Three Inches One Quarter in Thickneſs — —	0	2	0

	£.	s.	d.
For every Hundred Ditto, ditto, not exceeding Three Inches one Quarter in Thickneſs, and above Two Inches —	0	1	8
For every Hundred Deals not exceeding Two Inches in Thickneſs — — — —	0	1	0
For every Hundred Deal Ends, being under Eight Feet, and exceeding Three Inches One Quarter in Thickneſs —	0	2	0
For every Hundred Ditto, ditto, not exceeding Three Inches One Quarter in Thickneſs — —	0	1	6
For every Load of Fifty Cubic Feet of Fir Timber, Eight Inches ſquare and upwards — — —	0	1	0
For every Hundred Handſpikes under Seven Feet in Length	0	0	8
For every Hundred Ditto, Seven Feet in Length or upwards	0	1	0
For every Hundred Oak Knees under Five Inches ſquare	0	0	8
For every Hundred Ditto Five Inches ſquare and under Eight Inches ſquare — — —	0	1	0
For every Fathom of Lath Wood — —	0	1	0
For every Maſt Six Inches in Diameter and under Eight Inches — — — —	0	0	9
For every Maſt Eight Inches in Diameter and under Twelve Inches — — — —	0	1	0
For every Maſt Twelve Inches in Diameter or upwards	0	1	6
For every Load, containing Fifty cubic Feet, of Oak Plank Two Inches thick or upwards — —	0	2	0
For every Load of Oak Timber Eight Inches ſquare or upwards — — — —	0	1	8
For every Hundred Oars — —	0	1	3
For every Hundred Spars under Twenty-two Feet in Length and under Four Inches in Diameter — —	0	1	6
For every Hundred Ditto, Twenty-two Feet in Length or upwards, and under Four Inches in Diameter —	0	2	0
For every Hundred Spars, Four Inches in Diameter, and under Six Inches — —	0	2	6
For every Hundred Spars, Six Inches in Diameter or upwards — — —	0	3	6
For every Hundred Spokes for Wheels, not exceeding Two Feet in Length — —	0	0	2
For every Hundred Ditto, exceeding Two Feet in Length —	0	0	3
For every Hundred Birch Rails — —	0	2	6
For every Hundred Fir Crops — —	0	1	6
For every Hundred Staves, not exceeding Three Feet in Length, nor above Three Inches in Thickneſs —	0	0	1½
For every Hundred Ditto, above Three Feet and not exceeding Fifty Inches in Length —	0	0	2
For every Hundred Ditto, above Fifty Inches, and not exceeding Sixty Inches in Length —	0	0	4
For every Hundred Ditto, above Sixty Inches, and not exceeding Seventy-two Inches in Length —	0	0	6
For every Hundred Ditto, above Seventy-two Inches in Length, and not above Three Inches in Thickneſs —	0	0	9
For every Load of Wainſcot Log, Eight Inches Square or upwards — —	0	2	0
For every Ton of Oak, Birch, or other Bark —	0	1	6

	£.	s.	d.
For every Bundle of Wood Hoops, containing One hundred and twenty	0	0	1
And ſo in Proportion.			
For every Milm Stone	0	2	6
For every Grind Stone	0	0	1
For every Thouſand Bricks	0	1	0
For every Thouſand Tiles	0	1	6
For every Thouſand Slates	0	0	8
For every One hundred Feet of dreſſed Free Stone, ſuperficial Meaſure	0	1	6
For every Ton of rough Free Stone	0	0	3
For every Ton of Marble	0	4	0
For every Ton of Whin or Ruble Stone	0	0	1
For every One hundred Feet of Flat Paving Stones or Flags, ſuperficial Meaſure	0	0	6
For every Trunk, Cheſt, or Box, a Barrel Bulk	0	0	6
For every ſmall Bundle or Parcel	0	0	1
For every Bag of Hops	0	1	0
For every Pocket of Hops	0	0	8
For every Hundred Weight of Butter	0	0	4
For every Hundred Weight of Cheeſe	0	0	3
For every Barrel of Train or Fiſh Oil	0	0	4
And ſo in Proportion for every greater or ſmaller Caſk of Ditto.			
For every Barrel of Pitch or Tar	0	0	4
For every Buſhel of Apples or Pears	0	0	1
For every Buſſiel of Onions	0	0	1
For every Cheſt of Lemons or Oranges	0	0	6
For every Boll of Potatoes	0	0	1
For every Hundred Weight of Hemp dreſſed	0	0	4
For every Hundred Weight Ditto undreſſed	0	0	2
For every Hundred Weight of Cordage	0	0	4
For every Ton of Kelp	0	1	0
For every Hundred Weight of Pot, Pearl, or Wood Aſhes	0	0	2
For every Ox, Cow, or Horſe Hide raw	0	0	0½
For Ditto tanned *per* Barrel	0	0	4
For Goat, Calf, Sheep, or Lamb Skins, *per* Barrel Bulk	0	0	4
For every Ton of Plaiſter Hair	0	1	0
For every Thouſand Nolt Horns	0	1	0
For every Bag of Feathers of Fifty-ſix Pounds	0	0	6
And ſo in Proportion.			
For every Crate of Glaſs Ware, *per* Barrel Bulk	0	0	4
For every Crate of Earthen Ware large	0	0	6
For Ditto ſmall	0	0	3
For every Range or Grate large	0	0	6
For Ditto ſmall	0	0	3
For every Cheſt of Drawers double } For every Ditto ſingle }	0	0	4
For every Mahogany or other Chair	0	0	1
For every Dining Table, *per* Barrel Bulk	0	0	4
For every Billiard Table	0	5	0

For

			£.	s.	d.
For every Card or Pembroke Table For every other Table For every Bedſtead For every Sopha For every Harpſichord For every Spinet or Piano Forte		*per* Barrel Bulk	—	0	0 4
For every Groſs empty Bottles in Bulk			—	0	0 6
For Wine in Bottles *per* Dozen	—		—	0	0 1
For every empty Hogſhead	—		—	0	0 1
For every empty Barrel	—	—	—	0	0 0½

And ſo in Proportion for every larger or ſmaller Caſk.

For Lumber, and every other Article not before ſpecified in this Table, at the Rate of One Penny Halfpeny for every Shilling Freight, and in that Proportion.

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