ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. lxii.

An Act to amend an Act for erecting a Harbour at *Ardrossan* in the County of *Ayr*, and to provide for the Improvement of the said Harbour.

[18th *June* 1842.]

WHEREAS an Act was passed in the Forty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for erecting and maintaining a Harbour, Docks,* 45 G. 3. c. 30. *and other Works at* Ardrossan *in the County of* Ayr, whereby a Company was incorporated for executing the Purposes of the said recited Act: And whereas the Sums authorized to be raised and borrowed were raised and expended upon the said Harbour and Works, and farther Sums to a large Amount were also expended thereon, but proved inadequate to the Completion of the same: And whereas the deceased *Hugh* Earl of *Eglinton*, who had advanced large Sums of Money during his Lifetime towards the said Harbour and Works, made Provision for the Continuance of such Advances from his Funds after his Decease, but Doubts have arisen how far his Trustees, who have also made considerable Advances towards the said Harbour and Works, are not re-

strained from making further Advances by the Terms of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable the Trustees of* Hugh Montgomerie *of* Skelmorlie, *Earl of* Eglinton, *deceased, to sell a Part of the Trust Estates, in order to extinguish the Debts left by the said Earl which affect or may be made to affect the said Estates;* and it is expedient that the said Act should be explained by declaring the Removal of any such Restraint, and authorizing the said Trustees to carry the Trust Purposes as regards the said Harbour into effect: And whereas the increasing Traffic and Intercourse at the said Harbour require additional Accommodation, and it would be greatly for the Benefit of the Public if the same were improved, and the other Works connected therewith were made and completed: And whereas it is expedient that Provision should be made for converting the Sums expended in such Outlay as aforesaid, beyond the Amount of the original Stock of the said Company, into additional Stock; for authorizing the said Trustees to purchase up the original Stock or Shares of the said Company, and for vesting the Harbour and Works in them for the Purposes of the Trust; for altering or modifying the Rates and Duties payable thereat, and raising further Sums of Money on the Credit of the said Harbour: But as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said first-recited Act, and all the Powers, Provisions, Matters, and Things therein contained, (excepting in so far as the same are hereby altered or varied,) shall extend to this Act, and shall be in force for carrying the Purposes of this Act into execution as fully and effectually as if the same were repeated and re-enacted in this Act.

4 & 5 W. 4. c. 21.

First-recited Act applied to this Act, except as hereby altered.

Former Securities not to be affected.

II. And be it enacted, That nothing in this Act contained shall be held to alter, affect, or invalidate any Contract, Security, Mortgage, Obligation, or Undertaking entered into or come under the Authority of the said first-recited Act, but all such Contracts, Securities, Mortgages, Obligations, or Undertakings shall remain good and effectual, according to the true Meaning, Intent, and Effect thereof, any thing in this Act contained to the contrary thereof notwithstanding.

Harbour vested in Trustees of Lord Eglinton.

III. And be it enacted, That the said Harbour, Docks, and all the Works and Appurtenances thereof and thereto belonging, and the Capital Stock of the said Company, shall be and the same is and are hereby declared to be the Property of and vested in Sir *David Hunter Blair* Baronet and *Archibald Hamilton* Esquire, as Trustees of the said deceased *Hugh* Earl of *Eglinton*, and the Survivors or Survivor of them, and such other Person or Persons as may hereafter be assumed by them in virtue of the Powers granted by the Trust Disposition and Settlement executed by the said deceased Earl, or the Majority and Quorum of the said Trustees, for

for the Ends, Uses, and Purposes contained in the said Trust Disposition and Settlement, and Codicils; but subject, nevertheless, to the Payment to the other Shareholders in the said Harbour of the Value of the Shares held by them therein, as the same shall be ascertained and fixed in manner herein-after provided.

Trustees of Lord Eglinton authorized to contribute towards the Improvement of the Harbour.

IV. And be it enacted, That it shall and may be lawful for the said Trustees to contribute and advance, at such Times as they shall think fit, towards the Improvement and Completion of the said Harbour at *Ardrossan*, and other Works therewith connected, and the Payment to be made to the Shareholders, as herein-after provided, any Sum not exceeding Fifty thousand Pounds, or such farther Sum as they are or may be deemed entitled to contribute and advance out of the Trust Funds of the said deceased Earl of *Eglinton*, in Terms of the said Trust Deed and Codicils executed by him, any thing in the said last-recited Act to the contrary in anywise notwithstanding; which said Sum of Fifty thousand Pounds, or any farther Sum, it shall be competent to the said Trustees so to contribute and advance out of any Monies, Lands, or Estates now in their Hands, or to come to them as Trustees aforesaid, or to raise the same by borrowing, as authorized by the said Trust Deed or Codicils.

Stock of the Shareholders to be a Debt upon the Harbour.

V. And be it enacted, That the Sum of Ten thousand and five Pounds, contributed or paid by the Individuals, Proprietors of the said Company, other than the said deceased Earl of *Eglinton* or his Trustees, and now constituting a Part of the Capital Stock of the said Company, shall, according to the just and true Value of such Stock, be and the same is hereby declared to be so much Debt due upon the Credit of the said Harbour and other Works, and the Rates and Duties leviable thereat or in respect thereof; and the several individual Shareholders of such Capital Stock, and their Representatives or Assignees, shall respectively be entitled to be and be ranked upon the said Harbour and other Works, and Rates and Duties, for a Sum of Debt corresponding to the Value of the Share or Shares held by each such individual Shareholder, Representative, or Assignee, as the same shall be fixed and ascertained to have stood as at the passing of this Act, which Debts shall respectively bear legal Interest from the Date at which the Amount thereof shall be ascertained until the same shall be paid and satisfied; and in the event of any Difference taking place regarding the Value of such Stock, and the Amount of such Debt, the same shall be ascertained and fixed by a Jury, to be summoned and chosen in the Manner, and under the same Regulations as to Costs, and otherwise, prescribed by the said first-recited Act, as in a Question between such individual Shareholders, or their Representatives or Assignees, and the Trustees of the said Earl of *Eglinton* deceased, and being so fixed by the Award of such Jury the same shall not be liable to be questioned or altered by Appeal or otherwise in any manner of way.

Debts, to whom and when payable.

VI. And be it enacted, That the said Debts shall be payable to the said individual Shareholders respectively, or to their respective legal Representatives, or to the Assignees of such Shareholders or

or Representatives, and shall be paid by the said Trustees at the first Term of *Whitsunday* or *Martinmas* that shall happen after the Amount of the said Debts shall be respectively ascertained and fixed as aforesaid, or as soon after such Term as the same shall be demanded, together with the legal Interest thereof from and after the ascertaining the Amount of such Debts respectively as aforesaid during the Non-payment of the same: Provided always, that upon Payment or Consignation by the said Trustees of the Amount of such Debts in any Bank in *Scotland* established by Act of Parliament or Royal Charter, the Shareholder or Shareholders, or his, her, or their respective legal Representatives or Assignees, shall thereupon be bound forthwith to assign and convey his, her, or their respective Share or Shares to the said Trustees.

Money advanced by Lord Eglinton and his Trustees to be Capital Stock, and vested in the Trustees.

VII. And be it enacted, That the several Sums of Money advanced by the said deceased Earl of *Eglinton* and by his Trustees, and applied towards the making and Preservation of the said Harbour and other Works, amounting in all to the Sum of Eighty thousand five hundred Pounds, together with the lawful Interest of Ten thousand Pounds thereof, being the Sum authorized to be borrowed at Interest by the said first-recited Act, and which was lent by the said deceased Earl, and which Interest from the Date of the Advance of the said Sum of Ten thousand Pounds amounted as on the First Day of *January* One thousand eight hundred and forty-one to Twelve thousand Pounds, shall be ranked as and held to be so much Capital Stock of the said Company, and shall be divided accordingly into One thousand eight hundred and fifty Shares of the said Undertaking, which shall, together with the One hundred and twenty original Shares corresponding to the Six thousand Pounds subscribed for by the said deceased Earl, and such other Shares as the said Trustees have already acquired from other Shareholders, or shall hereafter acquire in virtue of the Powers herein contained, be held by the said Trustees for the Purposes of the said Trust.

Trustees or Heir of Entail authorized to dispose of Shares.

VIII. And be it enacted, That it shall be lawful for the said Trustees, or for the Heir of Entail of the said Estates of *Eglinton* and *Ardrossan*, in possession of the said Harbour for the Time being, after the same shall have been transferred by the said Trustees in manner herein-after provided, at any Time hereafter, in case it shall be deemed beneficial or necessary by the said Trustees or the said Heir of Entail, for the Purposes of the said Harbour, to sell and dispose of all or any of the Shares then vested in them or him, to such Person or Persons as shall be desirous of purchasing the same; and such Purchasers and Persons shall have and possess all the Powers, Privileges, Authorities, and be subject to all the Conditions, Limitations, and Restrictions, by the said first-recited Act given or imposed on the Company thereby incorporated, or by this Act conferred or imposed upon the said Trustees or the said Heir of Entail, and shall have Power to demand and levy the Tolls, Rates, and Duties hereby granted, and generally to enforce and execute the said first-recited Act and this Act, as fully and effectually as the Company created by the said first-recited Act could have enforced and executed the said recited Act, or as the said Trustees or Heir of Entail in possession

session of the said Entailed Estates could enforce and execute the said first-recited Act or this Act, in virtue of the Powers thereof.

Payment and Recovery of Shares.

IX. And be it enacted, That the Purchasers of the Shares to be sold as aforesaid shall pay the Sums of Money to be agreed on as the Price of such Shares to the said Trustees or to such Heir as aforesaid, in such Manner as shall be agreed on; and failing their so doing it shall be lawful for the said Trustees or for such Heir to recover such Sums, with Interest thereon, in any Court of Law or Equity; and the Sums to be so received for such Shares by the said Trustees shall either be applied by them, if necessary, towards the Improvement and Purposes of the said Harbour, or for the Purposes of the said Trust, and the Sums to be received by any such Heir of Entail shall be applied for the Benefit of the said Harbour and other Works, and for no other Purpose whatever.

Trustees to convey the Harbour to Heir of Entail.

X. And be it enacted, That it shall be lawful to the said Trustees, when and as soon as the Improvement of the said Harbour shall be completed, or it may be otherwise deemed by them to be necessary or expedient, and at all events when the Purposes of the said Trust Deed are fully executed and completed, to convey and make over the said Harbour, Docks, and other Works, and the whole Capital Stock of the said Company, and Dividends thereof, and whole Rights and Interests therein held by the said Trustees in the said Harbour, or in case any Part of the said Capital Stock shall have been sold and disposed of by them in manner herein-before authorized, then so much of the Capital Stock as remains vested in them, with all their Right and Title thereto, and to the said Harbour and other Works, to and in favour of the Heir of Entail in Possession for the Time of the said Estates of *Eglinton* and *Ardrossan* and others, and the Heirs Substitute entitled to succeed to him therein, in the Manner, and with and under the Powers, Provisions, Conditions, Limitations, and Restrictions, in, with, and under which the said Trustees are directed by the said Trust Deed executed by the said deceased *Hugh* Earl of *Eglinton*, or Codicils thereto, to convey and make over the Lands held or to be acquired under the said Trust Deed to the said Heirs of Entail, but with the Powers hereby conferred to sell the said Shares, if such Sale shall appear necessary or expedient for the Purposes of the said Harbour.

Heir of Entail to give Notice of his Intention to sell Shares, and proceed with the Improvement of the Harbour;

XI. Provided always, and be it enacted, That it is hereby and shall be specially declared by the said Conveyance to be executed by the said Trustees, that before proceeding to sell and dispose of all or any of the said Shares, or to apply the Sum or Sums received therefor for the Benefit of the said Harbour and other Works, the Heir of Entail in possession for the Time being intending so to do shall give One Month's previous Notice of such his Intention in Writing to the Heir of Entail entitled to succeed next after the Heirs of his own Body, if within *Scotland*, and if furth thereof to his known Factor or Agent, or to his Tutors or Curators if in Pupillarity or Minority, and shall lodge a Copy of such Notice with the Sheriff Clerk of the Shire of *Ayr*, to be by him recorded in the same Way in which Notices lodged under the Authority of the Act

passed in the Tenth Year of the Reign of His Majesty King *George* 10 G. 3. c. 51. the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland *held under Settlements of strict Entail,* are required to be kept and recorded.

and to record Deeds conveying Shares, and lodge Accounts and Vouchers of Expenditure with Sheriff Clerk.

XII. Provided further, and be it enacted, That it is hereby and shall be specially declared by the said Conveyance to be executed by the said Trustees, that the said Heir of Entail in possession for the Time being shall, within Three Months after selling and disposing of any of the said Shares, cause record in the said Register kept for the County of *Ayr*, in the Terms of the said Act of the Tenth Year of the Reign of His Majesty King *George* the Third, the Deed or Deeds or Conveyances by which the same has been effected, and shall also annually lodge with such Sheriff Clerk an Account of the Expenditure by him, for the Benefit of the said Harbour and other Works, out of the Sums received by him by the said Sales, together with all the Vouchers of such Account, which Account shall be signed by the Heir of Entail in possession for the Time being, or by his Factor or Agent, or by some other Person duly authorized by him to that Effect; and the said Account and Vouchers shall be recorded by such Sheriff Clerk in the same Way in which Accounts and Vouchers lodged under the Authority of the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Third are required to be kept and recorded, and shall, after being so recorded, be delivered back, if required, and such Record shall be open to all Persons desiring to inspect the same, on Payment of One Shilling for each Inspection; and such Sheriff Clerk shall give certified Copies or Extracts of such Accounts and Vouchers to any Person desiring the same, on Payment of Sixpence for every One hundred Words of such Copy or Extract; and a Certificate under the Hands of such Sheriff Clerk, to the Effect that such Accounts and Vouchers have been so lodged and recorded, shall be sufficient Evidence that the Sums therein contained have been expended in and according to the Terms and Meaning of this Act.

Power to improve the Harbour.

XIII. And be it enacted, That it shall be lawful to the said Trustees and they are hereby authorized to lay out and expend all or any such Part of the said Sum of Fifty thousand Pounds, or other further Sum which they are hereby authorized, or may be otherwise, in Terms of the said Trust Deed, entitled to lay out, upon the Improvement and Maintenance of the said Harbour of *Ardrossan*, and Works within the same, and Approaches thereto, delineated in the Plans herein-after mentioned, and to execute the said Works, or such Part thereof, or such other Works within the Limits described in the said first-recited Act, as they shall be advised may be executed beneficially for the said Harbour, and for the Advantage of the said Trust Estate, and also such Sheds, Station Houses, Warehouses, Weighhouses, and other Conveniences as they may deem necessary or proper, for the Accommodation of all Persons resorting to, entering, or using the said Harbour or Docks, or Goods landing or to be shipped at the same, and from Time to Time to improve, repair, and maintain the said Harbour and other Works authorized to be made and maintained

tained by the said first-recited Act and this Act, at such Times and in such Manner as they shall judge expedient and necessary.

Plan and Book of Reference deposited with the Sheriff Clerk to remain there, and be open to Inspection.

XIV. And whereas a Plan and Section, describing the Situation of the said Harbour, and the other Works and Improvements connected therewith, to be constructed and made under the Authority of this Act, with a Book of Reference to the said Plan, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Harbour, within the Limits whereof the said Works and Improvements are intended to be constructed and made, and of the Approaches thereto, have been deposited with the Principal Sheriff Clerk of the County of *Ayr;* be it enacted, That the said Plan and Section, and Book of Reference, so deposited, shall remain in the Custody of the said Sheriff Clerk of the said County, for the Inspection of all concerned, and all Persons interested therein shall have Liberty to inspect, peruse, and make Extracts therefrom and Copies thereof, at reasonable Times, on Payment to the said Clerk of One Shilling for each Inspection, and One Shilling more for every Hour during which such Inspection shall continue after the first Hour, and paying for every Copy of One hundred Words the Sum of Sixpence, and so in proportion for any greater Number of Words; and the said Plan and Section and Book of Reference, or true Copies thereof, or of so much thereof as shall relate to any Matter which may be in question, certified by the said Sheriff Clerk, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

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

XV. And be it enacted, That it shall be lawful for the said Trustees or the said Company, or the Heir of Entail in possession of the Estates of *Eglinton* and *Ardrossan* for the Time being, (as the Case may be,) to construct and complete the Works and Improvements hereby authorized to be made and constructed, with the Approaches thereto, or such Part thereof, in or upon the Lands and Premises delineated on the said Plan, or within the Limits described in the said first-recited Act, although such Lands and Premises, or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted or mis-stated or erroneously described in the said Book of Reference, if it shall appear to any One or more Justices of the Peace of the County of *Ayr* (in case of Dispute about the same), and be certified by Writing under his or their Hands, that such Omission, Mis-statement, or erroneous Description appears to them to have proceeded from Mistake.

Mode of settling and applying the Price of Land in dispute.

XVI. And be it enacted, That in the event of any Difference regarding the Value of any Lands or Heritages to be acquired under the Authority of this Act the same shall be fixed by the Verdict of a Jury, to be summoned and chosen in the Manner prescribed by the said first-recited Act, and any Monies to be paid therefor requiring to be invested in the Purchase of other Lands, or otherwise disposed of, shall be paid into any Bank in *Scotland* established by Act of Parliament or Royal Charter, and re-invested and disposed of in the Manner prescribed by the said first-recited Act.

XVII. And

Costs of the Inquiry.

XVII. And be it enacted, That on every such Inquiry before a Jury, when the Verdict of the Jury shall be given for the same or a greater Sum than the Sum previously offered by the said Trustees, Company, or Heir of Entail, (as the Case may be,) all the Costs of such Inquiry shall be borne by them respectively; but if the Verdict of the Jury be given for a less Sum than the Sum previously offered by the said Trustees, Company, or Heir of Entail, one Half of the Costs shall be defrayed by the Owner of the Lands, and the other Half by the said Trustees, Company, or Heir of Entail: Provided always, that in every Case where, by reason of Absence in Foreign Parts, or of any Disability, the Owner of the Lands shall have been prevented from treating, all the Costs shall be borne by the said Trustees, Company, or Heir of Entail, as the Case may be.

Particulars of the Costs.

XVIII. And be it enacted, That such Costs shall be settled by the Sheriff, and such Costs shall include all reasonable Costs, Charges, and Expences incurred in summoning, impannelling, and returning the Jury, taking the Inquiry, the Attendance of Witnesses, the Employment of Counsel, recording the Verdict and Judgment thereon, and otherwise incident to such Inquiry, and also the Expences of the Bond, if any, given by the Party at whose Instance the Inquiry shall have been taken, for prosecuting his Claim, and securing the Costs of such Inquiry; and with respect to any such Costs payable by the said Trustees, Company, or Heir of Entail, if, within Seven Days after Demand, such Costs be not paid to the Party entitled to receive the same, the same shall be recoverable by Distress, and on Application to the Sheriff he shall give his Warrant accordingly; and with respect to any such Costs payable by the Owner of the Lands, or of any Interest therein, the same may be deducted out of any Money awarded by the Jury to be paid to such Owner as so much Money advanced for his Use, and the Payment of the Remainder of such Money shall be a good Payment and Satisfaction of the whole thereof.

How Tonnage Duty to be ascertained.

XIX. And be it enacted, That the Tonnage of every *British* Vessel liable to the Payment of any Tonnage Rate under this or the said first-recited Act, and duly registered according to Law, shall be ascertained according to the certified Tonnage in the Register, and the Tonnage of all other Vessels shall be ascertained according to the Rules of Admeasurement established by an Act of Parliament passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom*, or any Law for the Time being regulating such Admeasurement.

5 & 6 W. 4. c. 56.

Rates and Duties may be taken.

XX. And be it enacted, That it shall be lawful to the said Trustees or to the said Company, in case the said Trustees shall dispose of any of the Shares of the said Capital Stock as aforesaid, or to the Heir of Entail in possession of the Lands and Estates of *Eglinton* and *Ardrossan* and others for the Time being, after the said Trustees shall make over the said Harbour and other Works to the said Heirs, or to any Person or Persons to be appointed

pointed by the said Trustees, Company, or Heir of Entail in possession of the said Estates, (as the Case may be,) to demand and receive, from all Persons resorting to, entering, or using the said Harbour, or Lock, Dock, or other Works, made or to be made, or landing or taking on board Passengers thereat, and for all Goods, Articles, or Things which shall be shipped or unshipped, received or delivered, within the Limits of the said Harbour or Docks, any Sums not exceeding the several Rates specified in the Schedules (A.) and (B.) to this Act annexed.

Rates for Cranes and Weighing Machines.

XXI. And be it enacted, That it shall be lawful for the said Trustees, Company, or Heir of Entail, (as the Case may be,) to demand and take, for the Use of any Cranes and Weighing Machines erected or to be erected within the Limits of the said Harbour, of and from the Owner or Person having the Charge of any Goods, Articles, or Things loaded or unloaded, weighed or measured, by means of the same, such reasonable Rates as the said Trustees, Company, or Heir of Entail (as the Case may be) shall from Time to Time appoint, not exceeding the Rates in the said Schedule (B.) hereunto annexed.

Lords of Treasury may reduce Rates on Foreign Vessels.

XXII. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, or for the Commissioners of Her Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the Time being, by any Order in Writing, from Time to Time to reduce any of the Rates by this or the said first-recited Act made payable on Foreign Vessels or Goods to the same Rates as shall be payable in respect of *British* Vessels or Goods.

Rates to be charged equally.

XXIII. Provided always, and be it enacted, That the several Rates authorized to be taken by this and the said first-recited Act shall at all Times be charged equally and after the same Rate in respect of the same Description of Vessel and Goods.

Masters to report Arrival of Vessels within the Harbour.

XXIV. And be it enacted, That the Master or Commander of any Vessel liable to the said Rates shall, within Six Hours after the Arrival of such Vessel within the Limits of the said Harbour, report to the Harbour Master or Dock Master for the Time being the Arrival of such Vessel, and the Place from whence it came; and any Master or Commander of any such Vessel who shall fail to make such Report within the Time aforesaid shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Master to produce Certificate of Registry.

XXV. And be it enacted, That the Master or Commander of every registered Vessel shall, on Demand, produce the Certificate of the Registry of such Vessel to any Person authorized to collect the Rates in respect of such Vessel; and if any such Master or Commander shall refuse or neglect to produce such Certificate to any such Person, on Demand, he shall forfeit any Sum not exceeding Five Pounds.

Recovery of Rates by Distress of Ship and Tackle.

XXVI. And be it enacted, That if any Master or other Person having Command of any Vessel in respect of which any Rates shall be payable in virtue of this and the said first-recited Act shall refuse or neglect to pay the same, then it shall be lawful for the Person appointed

pointed to collect such Rates, with such Assistance as may be necessary, to go on board of such Vessel, and demand such Rates, and on Nonpayment thereof to take and distrain such Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and to detain such Distress until the Rates shall be paid; and in case any of the said Rates shall remain unpaid for the Space of Fourteen Days next after any Distress so made, then it shall be lawful for the said Collector to cause such Distress to be appraised by Two or more sworn Appraisers, and afterwards to sell the Distress, and therewith to satisfy the Rates so unpaid, and all the Expences of taking, keeping, appraising, and selling such Distress, rendering the Overplus (if any) to the Master or other Person having the Command of such Vessel, upon Demand.

Masters of Vessels to give Accounts of Goods intended to be unshipped within the Harbour, &c.

XXVII. And be it enacted, That when the Cargo of any Vessel arriving within the Limits of the said Harbour, or any Part of such Cargo, shall be intended to be unshipped within the Limits of the said Harbour, or within the Docks, the Master or Commander of such Vessel shall, within Twelve Hours after the Arrival of such Vessel within the Limits of the said Harbour, deliver to the Person for the Time being appointed to collect the Rates mentioned in the said Schedule (B.) the following Particulars; (that is to say,) the Name of the Consignee of the Cargo of such Vessel intended to be unshipped within the Limits of the said Harbour and Docks, and if the whole Cargo of such Vessel shall be intended to be unshipped within the Limits of the said Harbour or Docks, a Copy of the Bill of Lading or Manifest of the Cargo of such Vessel, or if Part only of the Cargo of such Vessel is intended to be so unshipped, a true Account in Writing of the Kinds, Weights, and Quantities of the several Goods, Articles, and Things intended to be so unshipped; and every such Master or Commander shall, if required by the Person appointed to collect the Rates aforesaid, give to such Person Twelve Hours Notice of the Time at which the Cargo of such Vessel, or any Part of the same, is intended to be unshipped.

Penalty on Masters giving no Account, or a false Account.

XXVIII. And be it enacted, That any Master or Commander of any Vessel the Cargo or Part of the Cargo of which shall be intended to be unshipped within the Limits of the said Harbour or Docks, who shall fail to deliver or give any of the Particulars of the Notice herein-before required to be delivered or given by such Master or Commander, or shall deliver or give any false Particulars or Notice, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Master of Vessel to give an Account of Goods intended to be shipped.

XXIX. And be it enacted, That the Master or Commander of any Vessel within the Limits of the said Harbour, on board of which any Goods, Articles, or Things shall be shipped, shall give to the Person for the Time being appointed to collect the last-mentioned Rates a true Account, signed by the Consignor, of the Kinds, Quantities, and Weights of such Goods, Articles, or Things, before the same shall be shipped in such Vessel; and any Master or Commander who shall fail to give such Account, or who shall give a false Account, and any Consignor who shall sign a false Account of any such Goods, Articles,

ticles, or Things, shall respectively for every such Offence be liable to a Penalty not exceeding Ten Pounds.

In case of Dispute Goods to be weighed or measured.

XXX. And be it enacted, That if any Difference shall arise between the Person for the Time being appointed to collect the last-mentioned Rates, and the Master or Commander of any Vessel, or the Owner, Consignor, or Consignee of any Goods, concerning the Weight or Quantities of any Goods, Articles, or Things in respect of which any Rates are payable by this Act or the said first-recited Act, it shall be lawful for such Collector to cause all such Goods, Articles, or Things to be weighed or measured, as the Case may require, and, if necessary, to detain the Vessel in which such Goods, Articles, or Things may be until the same shall have been weighed or measured.

Expences of weighing or measuring Goods.

XXXI. And be it enacted, That if the Goods, Articles, or Things so weighed or measured shall be of greater Weight or Measure than shown from the Manifest, Account, or Statement delivered or made by the Master or Commander of the Vessel in which the same may be, or by the Owner, Consignor, or Consignee thereof, the Expences of such weighing or measuring shall be paid to the said Trustees, Company, or Heir of Entail, (as the Case may be,) or their Collector, and shall be recovered by them, or their Collector, by the same Means as herein provided for the Recovery of Rates due in respect of such Goods, Articles, and Things; but if such Goods, Articles, and Things shall be of the same or less Weight or Quantity than shown by the Manifest, Account, or Statement so delivered or made as aforesaid, the said Trustees, Company, or Heir of Entail (as the Case may be) shall pay all the Expences of such weighing or measuring, and shall also pay to the Master or Commander of the Vessel, or to the Owner, Consignor, or Consignee of such Goods, Articles, or Things, all Expences which may be occasioned to any such Person by reason of such weighing or measuring.

Rates on Goods by whom and when payable.

XXXII. And be it enacted, That the Rates payable in respect of any Goods, Articles, or Things shipped or unshipped within the Limits of the said Harbour or Docks shall be paid as follows; (that is to say,) if such Goods, Articles, or Things shall be shipped, such Rates shall be then paid by the Owner or Consignor of such Goods, Articles, or Things previous to the Shipment of the same, or if such Goods, Articles, or Things shall be unshipped, such Rates shall be paid by the Owner or Consignee of such Goods, either before the Expiration of Two Calendar Months next after the same shall have been unshipped, or previous to the Removal of the same from the said Harbour and Premises, which shall first happen.

Recovery of Rates on Goods.

XXXIII. And be it enacted, That if default be made in the Payment of any Rates payable under this or the said first-recited Act, in respect of any Goods, Articles, or Things, it shall be lawful for the Person for the Time being appointed to collect such Rates to distrain any such Goods, Articles, or Things, or, if the same shall be removed without the Limits of the said Harbour or Docks and Premises, to distrain any other Goods, Articles, or Things within the Limits of the Harbour or Docks or Premises belonging to the Person liable to

pay

pay such Rates, and to sell any such Distress, and out of the Proceeds of such Sale to pay the Rates due to the said Trustees, Company, or Heir of Entail, as the Case may be, provided that the Person collecting any such Rates shall, before making any such Distress as aforesaid, pay all Duties which may be payable to Her Majesty in respect of the Goods, Articles, or Things so distrained, and may retain the Amount of Duties so paid out of the Proceeds arising from the Sale of such Distress.

Collector of Rates may enter Vessels.

XXXIV. And to the end that the Rates by this Act imposed may be effectually levied, be it enacted, That it shall be lawful for any Person appointed to collect any such Rates to enter, either alone or with any other Persons, into any Vessel within the Limits of the said Harbour or Docks, and to ascertain the Rates payable in respect of any such Vessel, or of any Goods, Articles, or Things therein.

Penalty on evading Payment of Rates.

XXXV. And be it enacted, That if any Master or Commander of any Vessel shall evade the Payment of any Rates payable by virtue of this and the said first-recited Act, he shall pay to the said Trustees, Company, or Heir of Entail, (as the Case may be,) Three Times the Amount of such Rates, and the same shall be recovered from such Master or Commander in the same Manner as Penalties imposed by this and the said first-recited Act are directed to be recovered.

Collector of Customs may withhold a Discharge to any Vessel until Rates paid.

XXXVI. And be it enacted, That it shall be lawful for the Collector or other proper Officer of Her Majesty's Customs within the said Harbour, with the Consent of the Commissioners of Her Majesty's Customs, to refuse to receive any Entry, or give any Cocquet, Discharge, or Clearance, or to take any Report, Inwards or Outwards, for any Vessel liable to the Rates imposed by this or the said first-recited Act, until the Master or Commander of such Vessel shall produce to such Collector or Officer a Certificate, under the Hand of the Person appointed under this Act to collect such Rates, that the Rates payable under this and the said first-recited Act in respect of such Vessel, and any Goods, Articles, or Things imported or exported by such Vessel, have been paid.

Settling the Amount of Rates, &c. in case of Dispute.

XXXVII. And be it further enacted, That in case any Dispute shall arise regarding the Amount of the Rates or Duties granted by the said recited Act or this Act, or the Charges of recovering the same, such Dispute shall be submitted by Petition to the Sheriff or any One or more of the Justices of the Peace of the said County of *Ayr*, who, upon Application made to them for that Purpose, shall, sitting in open Court, examine into the Matter in a summary Way, without written Evidence, and determine the Rates and Charges due and incurred, and shall award such Expences of Plea to either Party as to them shall appear right and proper; and such Rates and Charges may be recovered summarily, by poinding and distraining, by Warrant under the Hand of such Sheriff or Justice of the Peace, which Warrant such Sheriff or Justice of the Peace is hereby authorized and required to grant.

XXXVIII. And

List of Rates to be set up.

XXXVIII. And be it enacted, That the said Trustees, Company, or Heir of Entail (as the Case may be) shall from Time to Time cause to be painted on Boards in large and legible Characters, and affixed in the Front of their principal Office of Business, and on some conspicuous Part of the Quays of the said Harbour and also of the said Docks, a List of the several Rates which shall be from Time to Time payable in respect of the said Harbour and Docks, and no Toll shall be payable in respect of the said Harbour or Docks during such Time as such Lists shall not continue so affixed, or for any Matter or Thing not specified in such List: Provided always, that if any such List shall be destroyed, injured, or obliterated, the Rates shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List, in the same Manner as if such Lists had continued affixed and in the State required by this Act.

Slips may be erected.

XXXIX. And be it enacted, That it shall be lawful for the said Trustees, Company, or Heir of Entail, (as the Case may be,) to erect and maintain Inclined Planes or Slips upon such Places as they shall think fit within the Limits of the said Harbour, for the Purpose of hauling up Vessels for Repair, and also to inclose Building Yards and all other Conveniences within or around the said Harbour, and from Time to Time to let such Slips, Inclined Planes, Building Yards, or other Conveniences, by private Agreement or public Auction for any Period not exceeding Nineteen Years at such Rents, Rates, and Duties as they shall think fit, and to make such Rules, and Regulations for the Government of the Persons using the same as they shall from Time to Time think expedient.

Power to make Bye Laws.

XL. And be it enacted, That it shall be lawful for the said Trustees, Company, or Heir of Entail (as the Case may be) from Time to Time to make and establish such Rules, Orders, and Bye Laws as they may deem necessary and expedient, for regulating the Management, Superintendence, Police, and Lighting of the said Harbour, Quays, Dock, Wharfs, Sheds, Cranes, Weighing Machines, and whole other Works authorized to be constructed by the said first-recited Act and this Act, and the Conduct and Behaviour of the Masters and Crews of Vessels and other Persons resorting to the said Harbour, Quays, Docks, Wharfs, and other Works; for requiring due Intimation of the Arrival of Vessels; for regulating or prohibiting the loading and unloading of Gunpowder, and the Discharge of Guns or Fire-arms, at the said Harbour or Dock, and the keeping of Fires or Lights on board of Vessels lying thereat; for preventing Ballast, Ashes, Rubbish, or other Materials from being thrown into the said Dock or Harbour or remaining on the said Quays; for removing Goods or other Commodities from the Quays; for preventing and removing Obstructions in the said Harbour, Quays, Dock, and other Works; for berthing or stationing, removing, distributing, and arranging all Vessels arriving at and using the said Harbour, Dock, Quays, or other Works, or any Part thereof; for regulating the stationing of Omnibuses, Coaches, and other Carriages, and the Wages, Conduct, and Behaviour of Porters, Carters, Hackney Coachmen, and others resorting to the said Harbour, Quays, Dock, or other Works

for Employment within the Limits of the said Harbour, Quays, Wharfs, Dock, and other Works belonging to the said Trustees, Company, or Heir of Entail (as the Case may be); for regulating the Management, Superintendence, and Police thereof; and for regulating the Conduct of the Owners, Masters, Pilots, and Crews of Vessels propelled by Steam for the Conveyance of Passengers using the said Harbour, Quays, Wharfs, Docks, and other Works, with regard to the Times of sailing, as previously announced by them, the Mode of navigating such Vessels, and having proper Lights a-head, or otherwise, and as to taking on board and landing or putting out Passengers; for regulating the Conduct of Boatmen, Ferry Boatmen, and others using the said Harbour, Quays, Wharfs, Docks, and other Works, particularly in landing Passengers from and putting them on board of Vessels propelled by Steam, and the Sufficiency of the Boats employed for that Purpose; for regulating the Conduct of the Owners, Masters, Pilots, and Crews of Vessels propelled by Steam employed for the Conveyance of Goods, and for towing or dragging Vessels, with regard to the Time and Mode of sailing or navigating and towing such Vessels, and the Size and Number of the Ships towed or dragged at One Time in One Train; for regulating the Conveyance of Rafts of Timber or Wood, and the Size and Dimensions of such Rafts of Timber or Wood; and from Time to Time, as Occasion may require, to repeal, add to, alter, and amend such Rules, Orders, and Bye Laws, and to enforce the due Observance thereof, by the Imposition of reasonable pecuniary Penalties, not exceeding Five Pounds for each Offence, besides the Expences, such Penalties and Expences to be levied and recovered in a summary Manner, as hereinafter mentioned: Provided always, that such Orders, Rules, and Bye Laws shall not be repugnant to or inconsistent with the Laws of *Scotland* and the Provisions of the said first-recited Act or of this Act, and shall be approved of in Writing by the Sheriff Depute or Substitute of the County of *Ayr*: Provided also, that a Copy of every such Bye Law shall be deposited with the Sheriff Clerk of the said County of *Ayr* One Month at least before the Day on which the same shall be taken into consideration by the said Sheriff, and shall be open to Inspection to all Persons interested; and the said Sheriff shall not approve any Bye Law, unless Notice of the Application for such Approval, and of the Day fixed for hearing the same, shall have been given in One or more Newspapers (if any) circulating in the said County of *Ayr* One Month at least before the Day fixed for the disposing of such Application; and any Party deeming himself aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the said Trustees, Company, or Heir of Entail, (as the Case may be,) Four Days at least before the hearing of such Application, may, by himself, his Counsel or Agent, be heard thereon, but not so as to allow more than One Party to be heard on the same Nature of Objection; and every such Bye Law or Regulation, when approved of as aforesaid, shall be printed, distributed, and put up in conspicuous Places adjoining the said Harbour, Dock, and other Works, and shall, when effaced or obliterated, be renewed and made legible; and such Bye Laws shall thereafter be binding and conclusive upon all Persons whomsoever.

XLI. And

Vessels entering Harbour to be dismantled.

XLI. And be it enacted, That no Vessel shall enter the said Harbour or Dock unless the same shall be dismantled as shall be directed by the Harbour or Dock Master or other Person for the Time being appointed under this or the said first-recited Act; and if any Vessel shall enter the said Harbour or Dock without being dismantled in the Manner so to be required, after Notice in Writing signed by such Harbour or Dock Master or other Person as aforesaid shall have been served upon the Master or Commander of such Vessel to dismantle the same in manner aforesaid, such Master or Commander shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Vessels to have their Sails lowered when entering Harbour.

XLII. And be it enacted, That before any Vessel shall enter the said Harbour and Dock such Vessel shall have her Sails lowered or furled; and in case any Master or Commander of any Vessel shall navigate the same under sail into or in the said Harbour and Dock, every such Master or other Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

For removing of Vessels.

XLIII. And be it enacted, That it shall be lawful for the Harbour Master or Dock Master (as the Case may be) acting under the Authority of this or the said first-recited Act to remove or cause to be removed, when and so often as they shall judge to be necessary, any Vessel lying in any of the Entrances or Passages to the said Harbour, Docks, or other Works, or at any Quay, Pier, Breast, Wharf, or other Place built or hereafter to be built, or in any Part of the said Harbour or Docks, from the Berth or Lying Place at which such Vessel shall happen to be moored or stationed, to any other Berth or Lying Place as they shall think proper; and for the more speedy Removal of any such Vessel, on the Master, Commander, Mate, or other Person taking upon himself the Command or who shall be on board of any Vessel refusing or delaying to remove the same, on being required so to do, the said Harbour Master or Dock Master may cut or order to be cut the Cables, Chains, or Moorings of such Vessel, when and so often as may be thought necessary, and to take any other Measures to expel such Vessel from her Berth; and the Masters, Commanders, Owners, and Consignees of any such Vessel so removed shall respectively pay to the said Trustees, Company, or Heir of Entail all such Costs and Charges as shall be reasonably incurred in the Removal thereof, to be recovered, levied, and applied in like Manner as the Forfeitures and Penalties imposed by the said first-recited Act (the levying and Recovery whereof are not otherwise particularly directed) are ordered to be recovered, levied, and applied; and every Master, Commander, Mate, or other Person taking upon himself the Command or who shall be on board any Vessel, or other Person whatsoever, who shall obstruct or interfere in any way so as to hinder the Removal thereof, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Power to erect Light-houses.

XLIV. And be it enacted, That it shall be lawful for the said Trustees, Company, or Heir of Entail (as the Case may be,) to erect any Light-house within the Limits of the said Harbour, and also to exhibit a Light therein, of such Description or Power as the Commissioners of Northern

Northern Lighthouses shall by Writing under the Hand of their Secretary prescribe.

Power to lay down Buoys.

XLV. And be it enacted, That it shall be lawful for the said Trustees, Company, or Heir of Entail, (as the Case may be,) to erect within the Limits of the said Harbour Beacons for the Guidance of Vessels, of such Character, and to be exhibited in such Mode, and to lay down Buoys of such Description, and in such Situation within the Limits of the said Harbour, as shall from Time to Time be prescribed by the said Commissioners of Northern Lighthouses, signified in Writing under the Hand of their Secretary for the Time being.

Beacons and Lights not to be altered without Consent.

XLVI. And be it enacted, That it shall not be lawful for the said Trustees, Company, or Heir of Entail (as the Case may be) to exhibit or alter, or to permit to be exhibited or altered, any Light, Beacon, or Seamark, without the Sanction in Writing of the said Commissioners of Northern Lighthouses, signified under the Hand of their Secretary, first having been obtained in that Behalf; and if any such Light, Beacon, or Seamark shall be exhibited or altered, with such Sanction as aforesaid, the same shall be of such Power, Description, and Character, and shall be from Time to Time discontinued or altered, as the said Commissioners of Northern Lighthouses shall from Time to Time direct, by due Notice to the said Trustees, Company, or Heir of Entail (as the Case may be).

Petty Thefts, &c., to be judged of summarily.

XLVII. And be it enacted, That in order to promote the good Government and Police of the said Harbour, Quays, Docks, and other Works, in all Cases of petty Thefts, Pilfering, Pocket-picking, fraudulent Abstraction or Embezzlement of Coals or other Commodities, Assaults, petty Riots, Breaches of the Peace, Abuse or Obstruction of the Harbour or public Officers in the Execution of their Duty, and other similar Offences against good Order, and to the Interruption of Business at the said Harbour, Docks, and other Works, and for Breaches of the Regulations or Bye Laws established by the said Trustees, Company, or Heir of Entail, (as the Case may be,) under the Authority of the said first-recited Act or this Act, it shall be lawful to and for any Officer appointed by the said Trustees, Company, or Heir of Entail to apprehend and carry before the Sheriff or any Two or more Justices of the Peace for the County of *Ayr*, or other Judge competent, without any further Warrant than this Act, all Persons committing any such Offences, which Offences shall be prosecuted at the Instance of the Procurator Fiscal of the District, or at the Instance of the said Trustees, Company, or Heir of Entail; and in all Prosecutions, whether concluding for Fine, Penalties, or Damages, where the same shall not exceed Five Pounds, or for Imprisonment in Gaol or Bridewell, where such Imprisonment shall not exceed Sixty Days, the Procedure against Offenders shall be the same in all respects as the Procedure prescribed by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials in* Scotland.

9 G. 4. c. 29.

XLVIII. And

For citing Offenders, &c.

XLVIII. And be it enacted, That this Act shall be sufficient Authority to Officers of Court, or the Officers or Special Constables to be appointed by the said Trustees, Company, or Heir of Entail, for citing Parties charged with Offences within the Meaning of this Act or of the said first-recited Act, or of the Bye Laws and Regulations made in virtue of the said Act or this Act, and for summoning Witnesses to give Evidence; and it shall be deemed a legal Citation of Parties, in the Case of a Ship Owner or Ship Agent, if such Citation be left within his Counting-house or Place of Business, or in the Case of a Master of a Vessel, if left on board such Vessel in the Hands of a Person having Charge thereof for the Time being, which Citation shall specify the Charge, and the Time and Place of Appearance; and in the event of such Parties not appearing it shall be lawful for the Court to hear any Procurator, Agent, or other Person duly authorized by them, and to take Evidence of the Charge and of the Defence.

Harbour Police.

XLIX. And be it enacted, That it shall be lawful for the Sheriff or any Two or more Justices of the Peace of the County of *Ayr* to appoint such Persons as shall be nominated for that Purpose by the said Trustees, Company, or Heir of Entail (as the Case may be) to be Special Constables within the Limits of the said Harbour, Docks, and Premises, and within One Mile of the same; and every Person so appointed shall be sworn in by any such Sheriff or Justices duly to execute the Office of a Constable within the Limits aforesaid, and when so sworn in shall have the same Powers, Protections, and Privileges, within the Limits aforesaid, and shall be subject to the same Liabilities, as Constables have or are subject to by the Common Law of *Scotland*.

Power of Sheriff or Justices to dismiss Constables.

L. And be it enacted, That it shall be lawful for the Sheriff or any Two or more Justices of the Peace of the said County to dismiss any such Constable from his Office, and upon such Dismissal all Powers, Protections, and Privileges vested in such Constable shall cease.

Penalty for assaulting Constables.

LI. And be it enacted, That any Person who shall assault any Constable, or obstruct him in the Execution of any Duty which he is authorized by this or the said first-recited Act to perform, shall forfeit a Sum not exceeding Five Pounds.

Penalty for obstructing Constables from entering Vessels.

LII. And be it enacted, That any Person who shall obstruct or aid in obstructing any Constable or other Person having Instructions from the said Trustees, Company, or Heir of Entail, (as the Case may be,) or their Harbour Master or other Officer, from entering into or being in any Vessel within the said Harbour and Docks, for the Purpose of searching for or extinguishing any Fire, Candles, or Light in or suspected to be in such Vessel, contrary to the Provisions of this or the said first-recited Act, or of any Bye Law made in pursuance thereof, or for the Purpose of discovering any Theft or Embezzlement suspected to have been committed therein, or of quelling any Disturbance, or for any Purpose authorized by this or the said first-recited Act, or any Bye Law made in pursuance thereof, shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Supply of Water may be contracted for.

LIII. And be it enacted, That it shall be lawful for the said Trustees, or the said Company, or the Heir of Entail in possession of the said Estates of *Eglinton* and *Ardrossan*, and they are hereby empowered, to contract and agree with the Companies or Commissioners established or to be established at *Ardrossan* for supplying the Inhabitants of the said Town and Suburbs with Water, or with any other Person, for the Supply by the said Companies, or Commissioners, or Person, of the Vessels resorting to the said Harbour, Dock, and other Works with Water, and for the special Appropriation, for the Use of Vessels lying in the said Harbour, Dock, and other Works, and for the Extinction of Fires on board of such Vessels, of Pipes, Fire-plugs, and other Utensils and Apparatus necessary for that Purpose: Provided always, that the said Trustees, Company, or Heir of Entail shall be entitled and they are hereby authorized to exact such Remuneration from the Masters or Owners of such Vessels as may defray the Expence of providing and furnishing such Supply, and affording Protection to the Vessels against the Risk of Fire while lying in the said Harbour or Dock, not exceeding the Sum of One Penny *per* Ton according to the registered Tonnage of such Vessel.

Vessels using Water only to pay.

LIV. And be it enacted, That it shall not be lawful to exact any Remuneration for supplying Water from the Masters or Owners of any Vessel, unless such Supply shall be required by such Master or Owner, and actually furnished to such Vessel.

Trustees may borrow Money.

LV. And be it enacted, That it shall be lawful for the said Trustees, or Company, or Heir of Entail in possession of the Lands and Estates of *Eglinton* and *Ardrossan* and others, for the Time being, (as the Case may be,) and they are hereby authorized, from Time to Time to borrow and take up at Interest, on the Credit and Security of the said Harbour and other Works, and the Rates and Duties granted by the said first-recited Act and this Act, any further Sum of Money not exceeding One Third Part of the then existing Capital Stock of the said Undertaking: Provided always, that no such further Sum of Money shall be so borrowed unless the Amount of such Capital Stock shall have been actually paid up; and the Money so to be borrowed shall be applied towards the Improvement of the said Harbour and other Works, and for the making and maintaining the Works therein and therewith connected, authorized to be made and maintained by the said first-recited Act and this Act, but with the Application of any Sum so to be borrowed the Lender shall have no Concern: Provided always, that before any of the Heirs of Entail shall borrow any Sum or Sums in virtue hereof, he shall give Notice of the Intention so to do, and shall thereafter record the Bond, Assignation, or other Security that may be granted therefor, and also the Vouchers showing the Application of the Money, all in the Manner herein-before directed in regard to the Accounts of the Expenditure by the Heir of Entail upon the said Harbour and other Works.

Application of borrowed Money.

Trust Deed and Codicils saved.

LVI. And be it enacted, That nothing herein contained shall be held or construed to alter, innovate, change, or defeat the said recited Trust Deed and Settlement, or Codicils thereto, or to impair, limit,

limit, annul, or affect any of the Powers and Authorities conferred upon the said Trustees by the said Deed and Codicils, or to interfere with or impede the Actings, Proceedings, and Management of the said Trustees, or of any Trustees to be hereafter appointed under the said Deed and Codicils, in any Matter or Thing thereby committed to the Charge of the Trustees under the same, any thing herein contained to the contrary notwithstanding.

Saving Rights of Her Majesty's Ships.

LVII. And be it enacted, That nothing in this Act contained shall extend to any of Her Majesty's Ships of War, or any Vessels employed in the Service of Her Majesty, or of the Ordnance, Customs, Excise, or of Her Majesty's Postmaster General: Provided always, that if any Person shall take the Benefit of any such Exemption, not being entitled thereto, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

No Works below High-water Mark, without the Consent of the Admiralty.

LVIII. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Trustees, Company, or Heir of Entail to make or maintain any Works below the ordinary High-water Mark at Spring Tides, without the previous Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, for the Time being, signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

Power to contract with Ardrossan Railway Company.

LIX. And be it enacted, That it shall be lawful for the said Trustees, Company, or Heir of Entail (as the Case may be) to contract and agree with the *Ardrossan* Railway Company for the Occupancy of such Portions of the Ground whereon the said Harbour and Works are or may be situated, other than those of which the said Railway Company are already in the Occupancy, as herein-after mentioned, as may be necessary for forming Branch or Continuation Railways to communicate with any Pier, Dock, or Wharf which has been or may be erected or formed under the said first-recited Act or this Act, and for the making, forming, repairing, and maintaining such Continuation and Branch Railways, and also to contract and agree for the making and maintaining of such Sheds, Station Houses, Warehouses, and other Conveniences as they may find necessary or deem expedient for the Accommodation of Passengers and Goods going to or to be conveyed from the said Harbour or Docks by means of the *Ardrossan* Railway, and which Conveyance of such Persons or Goods to or from the said Harbour and Docks, and the Vessels resorting thither, may be continued directly to or from the *Ardrossan* Station House of the said Railway, or past or through the same, by means of the Rails at present forming the Connection therewith, and may be effected in the same Carriages, Waggons, and Trucks, and by the same Engines, impelled by the Power of Steam or other mechanical Power, by which the Conveyance may be effected from Time to Time on the main Line of the said Railway; and in case of any Difference of Opinion between the Parties in carrying into effect any such Arrangements as they are hereby empowered to make it shall be in their Power mutually to name and appoint Engineers of Eminence, and skilled in such Matters, for the Purpose of determining such Difference;

Saving Railway Company's Rights.

3 & 4 Vict. c. 104.

Difference; and nothing herein contained shall be held or construed to abridge or affect the Powers granted to the said *Ardrossan* Railway Company by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for separating the Management of the* Ardrossan *and* Johnston *Railway from the Management of the* Glasgow, Paisley, *and* Johnston *Canal*; for *incorporating the Proprietors thereof; for doubling and improving the said Railway; and for other Purposes relating thereto*; or to authorize and empower the said Trustees, Company, or Heir of Entail to disturb, impede, or affect the said Railway Company in the Occupation and Possession of those Parts of the Grounds delineated on the Plan herein mentioned, whereon they have formed or are in the course of forming Branch or Continuation Railways, or the free Communications thereof with the said Harbour and Docks, or in the Erection and maintaining of Cranes, Machines, and other Appurtenances for the loading or unloading of Coals and other Articles and Things into or from Vessels, Carriages, or Waggons, and the transporting and re-transporting thereof by the said Railway, or to charge any Wharfage in respect of the Ground occupied by the said Cranes and Machines, or by the said Branch or Continuation Railways already formed or in the course of being formed.

Repeal of Limitation of Actions in first-recited Act mentioned.

LX. And whereas by the said first-recited Act it is enacted, that no Action or Suit should be commenced against any Person or Persons for any thing done by virtue or in pursuance thereof, until Thirty Days Notice thereof in Writing should have been given to the said Company, nor after a sufficient Satisfaction, or Tender thereof, had been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and that every such Action to be had in *England* should be brought in any of Her Majesty's Courts of Record at *Westminster*, and be laid in the County of *Middlesex*, and not elsewhere; and that the Defendant or Defendants in such Action or Suit should and might plead the General Issue, and give the said first-recited 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 the said Act; and if the same should appear so to be done, or if such Action or Suit should be brought after the Time herein-before limited for bringing the same, or without Thirty Days Notice thereof, or should 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 should find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs should become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict should pass against the Plaintiff or Plaintiffs, the Defendant or Defendants should have Double Costs, and 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 that every such Action to be had in *Scotland* should be brought before the Court of Session in *Scotland*, and the Defender or Defenders in such Action or Suit should and might deny the Libel, and give the said Act and the special Matter in Evidence, and that the same was done in pursuance and by the Authority of the said Act; and if the same should appear so to be done, or if such Action and Suit

Suit should be brought after the Time in the said Act limited for bringing the same, or should be brought without Thirty Days Notice thereof, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Defender or Defenders should be assoilzied, or if the Action should be found irrelevant, or be otherwise dismissed, or the Pursuer should not prosecute the Action, or suffer the same to fall asleep, or if Judgment should be given against the Pursuer or Pursuers, the Defender or Defenders should have Double Costs, and should 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: And whereas it is expedient that such Limitation of Actions or Suits should be repealed; be it therefore enacted, That the said recited Enactment shall be and the same is hereby repealed.

Security to be taken from Treasurer, &c.

LXI. And be it enacted, That the said Trustees, Company, or Heir of Entail (as the Case may be) shall be obliged to take good and sufficient Security from all Treasurers, Receivers, or Collectors to be appointed by them in virtue of this Act, for the faithful Execution of their respective Offices.

Abstract of Accounts to be transmitted to Sheriff Clerk.

LXII. And be it enacted, That the said Trustees, Company, or Heir of Entail (as the Case may be) shall cause to be prepared an annual Account in Abstract of the total Receipts and Expenditure of all Funds levied under this Act for the past Year, under the several distinct Heads of Receipts and Expenditure, with a Statement of the Balance of the said Account, duly audited and certified by the Auditors to be appointed by the said Trustees, Company, or Heir of Entail; and that a Copy of such annual Account be transmitted, free of Charge, to the Sheriff Clerk of the said County of *Ayr*, on or before the Thirty-first Day of *January* in each Year, under a Penalty of Twenty Pounds, to be levied by summary Process; and the said Account shall be open at all seasonable Hours to the Inspection of the Public, upon Payment of a Fee of Two Shillings and Sixpence for each Inspection.

Interpretation of Act.

LXIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Persons exempted by Law from taking an Oath:

The Word "Vessel" shall include Ship, Lighter, Vessel, Barge, and Boat, whether Sailing Vessel or Steam Boat:

The Word "Company" shall mean Company of Proprietors of the *Ardrossan* Harbour:

Expences, how to be defrayed.

LXIV. And be it enacted, That the Expence of procuring and passing this Act, and other necessary Expences incurred preparatory thereto, or to be incurred in the Execution thereof, shall be defrayed out of the Rates and Duties leviable at the said Harbour, or out of the first and readiest of the Monies which shall come into the Hands of the said Trustees by virtue of the first-recited Act or this Act.

Public Act.

LXV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Rates on Vessels.

First.—On all Vessels which shall arrive at or be brought into the said Harbour of Ardrossan, or any of the Wharfs or Quays therewith connected, a Sum not exceeding Sixpence per Ton of registered Tonnage, in Name of Quay or Harbour Duty; and the said Trustees, or the said Harbour Company, or the said Heir of Entail (as the Case may be) shall, over and above the same, be entitled to exact and levy on all Vessels an additional Harbour or Quay Duty, at a Rate not exceeding Three-pence per Ton per Week, upon any Vessels which shall at any Time remain a longer Period than Twenty-one Days in the said Harbour:

Second.—On all Vessels entering into or using the Wet Dock, a Dock Duty not exceeding Double of the above Rates:

Third.—For every Vessel using the Graving Dock, a Sum not exceeding Sixpence per Ton for each Tide that such Vessel shall remain in the said Graving Dock:

Fourth.—For every Vessel entering the said Harbour, a Sum not exceeding One Penny per Ton for Harbour Lights:

SCHEDULE (B.)

Rates on Goods.

On Dung, Marl, Bone Dust, and all Sorts of Manure, Sand, Clay, Bricks, Tiles for Draining, &c., a Sum not exceeding Three-pence per Ton:

On all Coal, Coke, Culm, Stone, Ironstone, Fire Brick, Iron Ore, Iron (unwrought), Limestone, Lime for building, and Fir Timber, a Sum not exceeding Four-pence per Ton:

On all Kinds of Machinery, Wrought Iron, Lead, and all other Metals, Corn, Beans, Peas, Meal of all Kinds, Potatoes, and Farm Produce, Oak, Mahogany, and other hard Wood, a Sum not exceeding Sixpence per Ton:

On large Cattle, such as Bulls, Cows, Oxen, and Horses, a Sum not exceeding Nine-pence each:

Calves, Mules, and Asses, Sixpence each:

Sheep, Pigs, Dogs, and other small Animals, One Penny each:

On every Trunk, Chest, Box, or small Package under a Ton, not in an assorted Cargo (except Passengers Luggage), Two-pence each:

On

On all Goods, Wares, Merchandize, or other Articles not already specified, Dues at the Rate of One Shilling and Sixpence per Ton :

For the Use of any Crane, Sixpence per Ton :

For any Load under a Ton, Four-pence per Lift :

For the Use of any Tilting Machine, Two-pence per Ton :

For every Cart or other Carriage weighed at any of the Company's Weighing Machines, One Penny each :

For the Use of any Shed erected or to be erected, Two-pence per Ton.

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