ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. XX.

An Act for improving and maintaining the Harbour of *Ayr*, and for regulating Veſſels reſorting thereto. [23d *May* 1817.]

WHEREAS an Act was made in the Twelfth Year of the Reign of His preſent Majeſty, intituled *An Act for deepening, cleanſing, ſcouring, preſerving, and maintaining the Harbour of* Ayr; *for enlarging and improving the Quays and Piers; for erecting Docks, Breaſts, Jettees, and Piers; and for regulating Ships, Lighters, and other Veſſels trading into and going out of the ſaid Harbour; and for other Purpoſes therein mentioned:* And whereas another Act was made in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled *An Act to continue the Term and enlarge the Powers of an Act made in the Twelfth Year of the Reign of His preſent Majeſty, intituled 'An Act for deepening, cleanſing, ſcouring, 'preſerving, and maintaining the Harbour of* Ayr; *for enlarging and improving the Quays and Piers; for erecting Docks, Breaſts, Jettees, and 'Piers; and for regulating Ships, Lighters, and other Veſſels trading into and 'going out of the ſaid Harbour; and for other Purpoſes therein mentioned:'* And whereas the ſaid Two recited Acts have expired; and the ſeveral Perſons in the Right of the Money ſubſcribed for the Purpoſes thereof have agreed to divide among themſelves the Balance in the Hands of the Treaſurer at the Period of ſuch Expiration in Payment of their ſeveral Subſcriptions: And whereas from the Expoſure of the ſaid Harbour to Weſt, South-weſt, and North Winds, artificial Barriers are neceſſary for the Security of Veſſels reſorting thereto; and from ſuch Expoſure ſuch Barriers are in danger of being thrown down or injured, and thus require fre-

12 G. 3. c. 22.

34 G. 3. c. 99.

quent Repair: And whereas, the ſaid Harbour being formed at the Mouth of the River or Water of *Ayr*, is ſubject to great Floods, whereby great Quantities of Mud and Gravel are brought down, and theſe encountering the Sand on the Sea Shore, driven by Storms from the South-weſt to the North-eaſt, a Bank or Bar is formed at the Mouth of the Harbour, which requires to be removed as often as formed, to enable Veſſels frequenting the ſaid Harbour to uſe the ſame, which Veſſels alſo require Regulation: But the Powers neceſſary for theſe Purpoſes cannot be executed without the 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

Truſtees. the Authority of the ſame, That the Provoſt, Two Baillies and Dean of Guild of the Borough of *Ayr*, the Firſt Baillie of the Burgh of Regality of *Newton-upon-Ayr*, and the Convenor of the Trades of *Ayr* for the Time being; alſo any Ship-Maſter, Owner, or Part-Owner of a Square-rigged Veſſel belonging to the Port of *Ayr*, nominated annually in manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for putting this Act in Execution with Power to them or the Majority of them to deepen, cleanſe, ſcour, and preſerve the ſaid Harbour of *Ayr*, and the Improvements and Additions which ſhall be made thereto by virtue of this Act, from Dirt, Mud, Gravel, and any other Obſtructions whatſoever; and alſo to heighten, repair, and make ſufficient, or cauſe to be heightened, repaired, and made ſufficient, the Dykes, Piers, Quays, and other Works at preſent belonging to the ſaid Harbour of *Ayr*; and to alter and extend the ſame, or any Part thereof, as the ſaid Truſtees, or a Majority of them, ſhall judge to be neceſſary for the more effectual Improvement of the ſaid Harbour, and for ſcouring, and cleanſing the Bed and Channel of the River of *Ayr*, in, through, and from the ſaid Harbour to the *Bay of Ayr*; and likewiſe to build, erect, or cauſe to be built or erected, in the ſaid Harbour, Piers, Quays, Jettees, Breaſts, Dock or Docks, Lock or Locks, and other neceſſary Works for the Improvement of the ſaid Harbour; and to fix and maintain ſuch Buoys, Moorings, Lamps, Light-houſes, and other Land Marks, as ſhall be judged neceſſary by the ſaid Truſtees or a Majority of them; and to do, or cauſe to be done, ſuch other or further Works as ſhall be proper and neceſſary for the Safety and Reception of Ships and Veſſels reſorting to the ſaid Harbour, and for the more convenient lading and unlading of ſuch Ships and Veſſels.

Corporation of Ayr may advance Money for the Purpoſes of this Act.

II. And be it further enacted, That it ſhall and may be lawful for the Provoſt, Magiſtrates, and Town Council of the ſaid Borough of *Ayr*, to advance and lend from Time to Time, from, out, and by Means of the Property belonging to the Community of the ſaid Borough, ſuch Sum and Sums of Money as may be found neceſſary for carrying the Purpoſes of this Act into Execution not exceeding in the Whole the Sum of Two thouſand five hundred Pounds Sterling.

Shipmaſter to be elected a Truſtee.

III. And be it further enacted, That it ſhall and may be lawful for the Truſtees appointed by this Act to elect annually at their General Meeting held on the Firſt *Wedneſday* of the Month of *June* by a Plurality of Votes ſome Shipmaſter to be a Truſtee for the Purpoſes of this Act, and ſuch Shipmaſter ſo elected ſhall be and is hereby empowered to act as a Truſtee in

in the Execution of this Act for One Year from the Day on which he shall be so elected: Provided always, that every Shipmaster so elected shall when elected be an Owner or Part-Owner of a Ship or Square-rigged Vessel belonging to the Port of *Ayr*.

General Meetings of Trustees.

IV. And be it further enacted, That there shall be held Four General Meetings of the said Trustees within the ordinary Court House of the Borough of *Ayr*, upon the First *Wednesday* of *June*, the First *Wednesday* of *September*, the First *Wednesday* of *December*, and the First *Wednesday* of *March*, during the Continuance of this Act; and that the First of the said General Meetings shall be held upon the First *Wednesday* of *June* in this present Year; and that the said Trustees shall have Power, and are hereby empowered to adjourn to such other Times and Places as to them or to the Majority of them at such Quarterly Meetings assembled shall seem meet and expedient; and in all such Meetings the Provost or Senior Magistrate of the Burgh of *Ayr*, present for the Time, shall preside, and besides his Vote in common with the other Trustees shall, in cases of Equality, have a casting Voice.

Harbour Duties to be paid.

V. And be it further enacted, That from and after the Fourth Day of *June* in this present Year, it shall and may be lawful to and for the said Trustees, or a Majority of them, and such Person or Persons as they shall appoint, to demand, collect, receive, and take (over and above all Duties at present subsisting, and which are levied by the Magistrates and Town Council of the Burgh of *Ayr* on Ships, Vessels, Barks, Lighters, and Boats coming in or going out of the said Harbour of *Ayr*) of and from all and every the Masters and Owners of any Ships, Vessels, Barks, and Lighters belonging to *Great Britain* or *Ireland*, or to the *British* Plantations, or to any Foreign Country, Kingdom, State, City, or Town whatever, importing into or exporting from the Harbour of *Ayr* any Kind of Goods or Merchandize; *videlicet*,

If belonging to *Great Britain* or *Ireland*, or the *British* Plantations, the Sum of Eight-pence Sterling, for each and every Ton which such Ships, Vessels, Barks, and Lighters shall measure; and of and from the Masters and Owners of such Vessels, above the Burthen of Seventy Tons, carrying out Coals, Five-pence Sterling for each Ton the same shall measure; and for all such Vessels of the Burthen of Seventy Tons or under, carrying out Coals, Four-pence Sterling for each Ton the same shall measure:

And if Foreign Ships, Vessels, Barks, or Lighters, importing into or exporting from the Harbour of *Ayr* any Article, Matter, or Thing, the Sum of One Shilling for each and every Ton which such Ships, Vessels, Barks and Lighters, shall measure; and of and from the Masters or Owners of all Ships, Barks, and Lighters, arriving in the Harbour of *Ayr*, or putting into the same by Stress of Weather or otherways, when neither the Ship shall be sold, nor any Part of the Cargo shall be landed, Five-pence Sterling for each and every Ton of the Measurement thereof.

Exemption from Duties.

VI. Provided always, That all Ships and other Vessels under the Burthen of Seventy Tons, coming into the said Harbour with Limestone or any other Manure for the Improvement of Land, and going out in Ballast only, and all Vessels or Boats of Seven Tons or under, coming into the

the ſaid Harbour with Fiſh, ſhall be, and are hereby declared to be exempted from the Rates and Duties by this Act impoſed; and that all Ships and other Veſſels, for which the Rates and Duties by this Act impoſed ſhall be paid on coming into the ſaid Harbour, ſhall be permitted to depart from the ſame, without paying the ſaid Rates and Duties a Second Time.

His Majeſty's Ships, &c. exempted.

VII. Provided further, and be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to Ships, Veſſels, or Boats, belonging to His Majeſty, His Heirs and Succeſſors, or that ſhall or may be employed in His Majeſty's Service, or to any of the Officers or Perſons employed therein reſpectively, or in the Service of the Ordnance, Navy Board, Poſt Office, Exciſe, or Cuſtoms, or to any Yachts or Pleaſure Boats, or other Veſſels belonging to His Royal Highneſs the Prince Regent, or any other Member of the Royal Family.

Officers to be appointed by the Truſtees to admeaſure Foreign Veſſels.

VIII. And be it further enacted, That the ſaid Truſtees ſhall be and they are hereby authorized to appoint a proper Perſon or proper Perſons for the Purpoſe of aſcertaining the Tonnage of any Foreign Veſſel which ſhall enter the ſaid Harbour, in order to a due Collection of the Duties payable by ſuch Veſſels, and ſuch Perſon or Perſons is or are hereby empowered and required to admeaſure ſuch Ships or Veſſels accordingly, 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 further Increaſe and Encouragement of Shipping and Navigation.*

Tonnage of Britiſh Veſſels to be aſcertained by Regiſter.

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

Collectors and Officers to be appointed.

X. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to nominate and appoint a Collector or Collectors, Receiver or Receivers, for levying the Rates and Duties by this Act granted, and ſuch other Officers and Servants as they ſhall judge neceſſary to be employed under them for carrying the ſame into Execution; and from Time to Time to remove ſuch Officers and Servants, or any of them, and to appoint others in their Stead, and ſettle ſuch reaſonable Fees or Salaries for them as to the ſaid Truſtees ſhall appear to be juſt and proper; and that all and every the Collectors and Receivers of the ſaid Rates and Duties ſhall keep fair and regular Books and Accounts of all Monies received under the Authority of this Act (which Books and Accounts ſhall be open to the ſaid Truſtees at all Times when they ſhall demand Inſpection of the ſame), and ſhall pay and diſpoſe thereof in ſuch Manner as by the ſaid Truſtees ſhall be directed; and that the Collector or Collectors, Perſon or Perſons, ſo to be appointed to receive the ſaid Rates and Duties, and all and every of them, ſhall give good and ſufficient Security to the ſaid Truſtees, for anſwering and paying the Monies ariſing from the ſame, and which ſhall be by him or them reſpectively collected or

or received, and ſhall make Oath to the Truth of his or their Accounts ſo often as required.

Rates may be leaſed.

XI. And be it further enacted, That it ſhall be in the Power of the ſaid Truſtees to let in Leaſe to the beſt Bidder or Bidders, at public Roup or Sale for that Purpoſe appointed, and adverti ſed in the *Edinburgh*, *Glaſgow*, and *Ayr* Newſpapers at leaſt Two ſeveral Times and at leaſt Fourteen Days before ſuch Roup or Sale, the Rates and Duties aforeſaid, for any Term or Space not exceeding Three Years.

Duties may be leſſened.

XII. And be it further enacted, That the ſaid Truſtees in General Meetings aſſembled may, and they are hereby empowered, with Conſent of Four Fifths of the Creditors, if any, upon the Rates and Duties granted by this Act, to leſſen and reduce the ſame to ſuch Amount as ſhall be ſufficient for the Purpoſes of this Act; and again to raiſe the ſame as the Purpoſes of this Act may require, to any Amount not exceeding the Rates and Duties hereby granted.

General Accounts of Receipts and Payments to be ſtated.

XIII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall, and they are hereby required annually at their General Meetings, which ſhall be held on the Firſt *Wedneſday* of *June* in every Year, to make up and prepare a general State and Account of all the Receipts and Payments for the Year immediately preceding, and an Account of all the Debts and Sums of Money which they owe at the Time; and on or before the Twenty-fourth Day of the ſaid Month to affix or cauſe to be affixed ſuch State and Accounts (ſigned by the Præſes of the aforeſaid General Meeting) on one of the moſt public and acceſſible Places within the Cuſtom Houſe of *Ayr*, for the Inſpection of all Perſons having an Intereſt in the ſame.

Treaſurer or Collector to find Security.

XIV. And be it further enacted, That the ſaid Truſtees ſhall be obliged and they are hereby required to take ſuch Security from the Treaſurer or Treaſurers, Collector or Collectors to be appointed for the Purpoſes of this Act, for the due Execution of their Offices, and for their faithfully accounting for all the Monies received by them in virtue of their ſaid Offices, as to the ſaid Truſtees ſhall ſeem meet; or failing to take ſuch Security, the Truſtees making ſuch Appointment ſhall be individually reſponſible for the Default of the Perſons by them ſo appointed.

To prevent evading the Payment of Duties.

XV. And, to prevent any Delay or Evaſion in the Payment of the Rates and Duties aforeſaid, be it further enacted, That from and after the Fourth Day of *June* in this preſent Year, there ſhall be produced to the Collector or other Officers of His Majeſty's Cuſtoms at *Ayr*, by the Maſter or Owners of every Ship, Veſſel, Bark, or Lighter coming into or ſailing out of the ſaid Harbour of *Ayr*, or liable in the Rates and Duties by this Act granted, a Receipt or other ſufficient Voucher of the Payment of the ſaid Rates and Duties; and that, until ſuch Production be made, and the Collector or other Officers aforeſaid ſhall be ſatisfied with the ſame, the ſaid Collector and other Officers ſhall not take or receive any Entry or Cocket, or other Diſcharge or Clearance, or take any Report outward of any Ship, Veſſel, Bark, or Lighter, Foreign or *Britiſh*, liable or ſubject to the Payment of the ſaid Rates and Duties, under the Penalty of Twenty Pounds Sterling.

Harbour Duties to be levied in case of Refusal to pay them.

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

Penalty on Masters, &c. of Ships evading the Payment of Duties.

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

For borrowing Money.

XVIII. And be it further enacted, That the said Trustees shall and may and they are hereby authorized and empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money, not exceeding at any one Time the Sum of Five thousand Pounds Sterling, and to grant, assign, and set over the several Rates, Duties, and Tonnage given and granted by this Act to any Person or Persons whatsoever who shall be willing to advance and lend Money thereon, for securing the Payment of the same with Interest respectively; and that the Money so to be borrowed and advanced shall be employed for the Ends and Purposes of this Act, and not otherwise.

Rates, Duties, &c. after paying Expences of the Act, to be applied in improving the Harbour.

XIX. And be it further enacted, That all and every Sum and Sums of Money which shall be levied and received from the Rates and Duties aforesaid, and which shall be recovered for Forfeitures incurred under and by virtue of this Act, shall by the said Trustees (after paying the Expence of this Act) be applied for and towards the deepening, clearing, scouring, enlarging, and improving, maintaining and cleaning, the Harbour of *Ayr*

from all Dirt and Mud and other Obſtructions whatſoever, and for keeping and preſerving the ſame clean; and for and towards making, erecting, building, and completing ſuch Docks, Piers, Quays, and Jettees, and other Works, in the Manner directed, appointed, and provided by this Act, and for executing and performing all neceſſary Works, and paying the Officers and Servants to be employed in and about or concerning the ſame, and towards the Payment and Diſcharge of ſuch Sum and Sums of Money as ſhall be borrowed by the ſaid Truſtees upon the Credit of the ſaid Rates and Duties, and of the Intereſt of ſuch Sums in Manner as hereinbefore mentioned; and to no other Uſe or Purpoſe whatſoever.

Obſtructions in the Harbour to be removed.

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

Ships unſerviceable not to be in the Docks, Piers, &c.

XXI. And be it further enacted, That any Ship, Bark, Lighter, Boat, or Veſſel, which ſhall be laid by as unfit for further Sea Service, or neglected by the Owner, ſhall not be permitted to be and remain in any of the Docks, Piers, and Quays erected within the ſaid Harbour, ſo as to encumber the ſame, but that in every ſuch Caſe it ſhall and may be lawful to and for the Water Bailiff or Shore-maſter nominated by the ſaid Truſtees for the ſaid Harbour, to cauſe ſuch Ship, Bark, Lighter, Boat or Veſſel ſo unſerviceable or neglected to be, at the Expence of the Owner or Owners of the ſame, removed from the ſaid Docks, Quays, and Piers, or any of them, and to lay the ſaid Ship or other Veſſel on any Part of the ſaid River of *Ayr*, or upon the Strand or Sea Shore within the High Water Mark, or any other Place of Safety without the ſaid Harbour, and there to moor ſuch Ship or other Veſſel; and that on or before Demand of Payment is made by ſuch Water Bailiff or Shore-maſter from the Owner or Owners, Maſter or Agents of ſuch Ship, Bark, or other Veſſel, of the Charge of removing and mooring ſuch Ship, Bark, or other Veſſel as aforeſaid, ſuch Charges and Expences ſhall be firſt ſeen and allowed by the Provoſt or One of the Baillies of the ſaid Borough of *Ayr* for the Time being; and that in caſe of Refuſal or Neglect of Payment of ſuch Charges and Expences allowed as aforeſaid, for the Space of Five Days after a Demand ſhall be made, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Water Bailiff or Shore-maſter, to levy ſuch Expences by Diſtreſs and Sale of ſuch Ship, Bark, Lighter, Boat or other Veſſel, or any of her Tackle, Apparel, or Furniture, or any Part thereof, rendering the Overplus, if any there be (after deducting the Charge of taking, keeping, and Sale of ſuch Diſtreſs), to the Owner or Owners, Maſter, Factor or Agent, of ſuch Ship, Bark, Lighter, Boat, or Veſſel, whenever the ſame ſhall be demanded.

Goods not to remain on the Wharfs above and

XXII. And be it further enacted, That it ſhall not be lawful to or for any Perſon or Perſons who ſhall have landed and cauſed to be landed

a certain Time.

and laid any Goods or Merchandize, Timber, Wood of any Kind, Maſts, Yards, Pumps, Boats, Anchors, Cables, Caſks, Guns, Ballaſt, Paving Stones, Limeſtones, Slates, Soapers Waſte, Dung or Manure, or any other Thing (other than Materials for the neceſſary Repair of the Docks, Piers, and Quays before mentioned, and for immediate Uſe in Shipping) upon any of the Docks, Piers and Quays or Landing Places within the ſaid Harbour, or in any of the adjacent Streets and Avenues leading to the ſaid Docks, Quays and Piers, or any of them, to continue or permit the ſame, or any Part thereof, to remain and lie thereon for any longer Time than Forty-eight Hours, and that in all Caſes where the ſaid Goods or others aforeſaid ſhall have ſo continued beyond the Space of Forty-eight Hours it ſhall and may be lawful to and for the ſaid Water Bailiff or Shore-maſter for the Time being to remove or cauſe to be removed all ſuch Goods and other Things as he ſhall ſo find lying, continuing, and being on the ſaid Docks, Quays and Piers, and other Places, above the ſaid limited Time, to ſome Place or Places of Safety, and therein to detain and keep the ſame till Payment of the Charges of ſuch Removal and Detention, and of ſuch Conſideration, beſides, to the ſaid Officers for their Trouble in and about the ſame as the Provoſt or One of the Baillies of the ſaid Borough of *Ayr* ſhall think reaſonable; and if ſuch Charges and Expences ſhall not be paid within the Space of Five Days after Demand made thereof by the ſaid Water Bailiff or Shore-maſter, then and in every ſuch Caſe he and they reſpectively are hereby authorized and required to levy the ſame by Diſtreſs and Sale of the ſaid Goods and Effects ſo reſpectively ſecured, and to render the Overplus, if any be, to the Owner or Owners of ſuch Goods, Merchandize, and others aforeſaid, (the Charges of taking, keeping, and making the Sale being deducted and allowed), whenever the ſame ſhall be demanded.

Truſtees may hire Warehouſes.

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

Gunpowder and other combuſtible Matter not to remain on the Quays or Piers above a certain Time.

XXIV. And be it further enacted, That no Gunpowder, Tar, Pitch, Roſin, Hemp, Flax, Faggots, Furze, Brandy or other Spirituous Liquors, Turpentine, Oil, Hay, Straw, Tallow, Greaſe, Shavings of Wood, or other combuſtible Things, ſhall be ſuffered to be and remain on the Docks, Quays, and Piers aforeſaid already conſtructed or hereafter to be conſtructed within the ſaid Harbour of *Ayr*, or in any Part thereof, or upon the Deck of any Ship or Veſſel in the ſaid Docks, Piers, and Quays, lying in the Harbour aforeſaid, for above the Space of Twenty-four Hours after being paſſed by the Cuſtom-houſe Officers; and that in caſe ſuch Goods and Things cannot be conveniently removed or got off from ſuch Docks, 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

ſufficient Number of careful and diſcreet Perſons to guard and watch over the ſame for ſuch and ſo many Hours, according to the Seaſon of the Year, as the ſaid Water Bailiff or Shore-maſter ſhall ſignify and appoint; and in caſe the Owner or Owners of ſuch Goods and other Things, or the Maſter or Maſters of Ships, Barks, or other Veſſels, ſhall make Default herein, every ſuch Owner or Owners, Maſter or Mate, ſhall forfeit and pay for every ſuch Offence the Sum of Ten Pounds Sterling.

Ships, &c. may be removed from one Birth to another.

XXV. And be it further enacted, That the ſaid Truſtees, or the ſaid Water Bailiff or Shore-maſter of *Ayr* for the Time being, or ſuch Perſon or Perſons as they ſhall authorize and appoint, ſhall and may, and he and they are hereby authorized and empowered, when and ſo often as he or 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 of *Ayr*, or at any Dock, Quay, Pier, and Breaſt already built or hereafter to be built by virtue of this Act, or in any other Part of the ſaid Harbour, 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 he or 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, Veſſel, Bark, Lighter, or Boat, ſhall, after Notice given him in Writing, or left in Writing on board the Ship or Veſſel intended to be moved, Twelve Hours before the Time of Removal, by the ſaid Truſtees, or by the ſaid Water Bailiff or Shore-maſter, or ſuch other Perſon or Perſons as the ſaid Truſtees ſhall appoint, neglect or refuſe to move 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 Truſtees, Water Bailiff, or Shore-maſter, or any other Perſon authorized by the ſaid Truſtees, that then the ſaid Truſtees, or the Water Bailiff or Shore-maſter, or any other Perſon or Perſons 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 laying as aforeſaid, from their preſent Birth and Mooring-place to ſuch other Birth or Mooring-places as the ſaid Truſtees, or Water Bailiff or Shore-maſter, or other Perſon or Perſons as aforeſaid, ſhall judge proper; and that the Maſters, Commanders, Owners, and Conſignees of ſuch Ship, Veſſel, Bark, Lighter, and Boat ſo to be removed as aforeſaid, ſhall reſpectively pay to the ſaid Truſtees 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 herein-after ordered to be recovered, levied and applied; and that every Maſter, Commander, Mate, or other Perſon taking upon himſelf the Command of any Ship, Veſſel, Bark, Lighter, or Boat, or the Owner, Factor, or 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 Twenty Pounds Sterling.

Veſſels coming into the Harbour in Diſtreſs to

XXVI. And be it further enacted, That in caſe any Ship or Veſſel ſhall arrive or come into the ſaid Harbour of *Ayr* in Diſtreſs, or meet with any Misfortune

have the Preference as to the Birth and Discharge.

Misfortune in the Bay of *Ayr*, or in the Harbour aforesaid, it shall and may be lawful to and for the Provost, or any one of the Baillies of the said Burgh of *Ayr*, upon a Petition to him in Writing by the Master, Commander, or Owner of any such Ship or Vessel, or Owner of any Goods on board of such Ship or Vessel, and upon Proof being made before him of such Distress, to give a Preference to such Ship or Vessel being in Distress as aforesaid, both as to the Births at the Docks, Piers, and Quays, and as to the Course of discharging, to any other Ship or Vessel arrived before her in the Harbour aforesaid; and that every Master or Commander of any Ship or Vessel lying within the Harbour of *Ayr*, who shall refuse or delay to comply with the Order of the said Provost or Baillie in favour of the Ship or Vessel in Distress as aforesaid, shall forfeit the Sum of Twenty Pounds Sterling, to be levied and applied in the Manner hereafter directed.

Masters of Vessels to lower the Masts before they enter the Gates of the Docks.

XXVII. And be it further enacted, That the Captain, Master, or Commander of every Ship, Sloop, or other Vessel that shall go in, at or through the Gates of the said Docks, shall, before such Ship, Sloop, or other Vessel shall enter the same, lower or take down her Sails, so as that such Ship, Sloop, or other Vessel shall not go in sailing or under Sail; and that every Captain, Master, or Pilot, taking the Care or Command of any such Ship, Sloop, or other Vessel, neglecting to lower or take down the same as aforesaid, shall for every such Offence forfeit to the said Trustees the Sum of Five Pounds Sterling.

Ballast, &c. not to be thrown into the Harbour.

XXVIII. And be it further enacted, That from and after the said Fourth Day of *June* in this present Year, 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 to dig and take away any Ballast, Shingle, Stones, or other Things from within the same, to the Hurt or Prejudice of the said Harbour, or of the Works erected or to be erected for the Security and Accommodation of the same, or to do any other Act or Deed to prejudice or annoy the same, or any Part thereof, under the Penalty of Forty Shillings Sterling for every such Offence.

Ballast thrown into the Quays to be removed immediately.

XXIX. And be it further enacted, That such 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 Dock, Quay, Pier, or Breast, or other Place in or about the said Docks, Quays, Piers, Breasts, or other Works made or to be made as before mentioned, belonging to the said Harbour, shall not suffer the same to be and remain on the said Docks, Quays, Piers, Breasts, or other Places, but shall immediately after cart and carry away, or cause the same to be carted and carried away, to such Place or Places as the Water Bailiff or Shore-master aforesaid shall for such Purposes provide and appoint, on pain of forfeiting for every such Offence, Forty Shillings Sterling.

Masters of Vessels made answerable for Damages done by their Crews.

XXX. And be it further enacted, That the Master or Owner of any Ship, Bark, Lighter, Boat, or other Vessel lying or trading in the Harbour of *Ayr*, shall be and is hereby made answerable to the said Trustees for the Amount or Value of any Damage or Mischief that shall be done by any of the Servants, Boatmen, Bargemen, or Watermen on board such Ship, Bark, Lighter, Boat, or other Vessel respectively, to any of the Docks, Piers,

Quays, Breasts, or other Works already constructed or that shall be constructed by virtue of this Act, with full Costs of Suit; and that such Damages and Costs shall be sued for and recovered in Manner hereinafter directed.

Water Bailiff and Shore-master to inspect State of the Harbour.

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

Landing and disposing of Fish, &c.

XXXII. And, in order to prevent Inconveniences arising from the landing, selling, and disposing in improper Places, both within the said Harbour and elsewhere through the said Town, of Fish and other Articles of Provision brought in Vessels resorting to the said Harbour, be it enacted, That the Water Bailiff or Shore-master, with Concurrence of the Magistrates of *Ayr*, shall and may and he is hereby authorized and empowered to appoint such Place or Places within the Harbour, or in the public Markets of the Town, as he shall judge most proper and convenient, for landing, selling, and disposing of all such Fish and other Articles of Provision, of which he is to give Notice by public Advertisement; after which the Masters, Seamen, or Owners of such Vessels and Cargoes shall, previous to their breaking Bulk or making any Sale, apply to the Water Bailiff for Directions where such Landing and Sale is to be made; and all Persons refusing or neglecting to give such Intimation, and obey such Directions as the said Water Bailiff may give, or endeavouring to evade them by landing their Cargoes on the Outside of the Harbour, or otherwise, shall for every such Offence forfeit a Sum not exceeding Twenty Shillings Sterling.

Fines and Forfeitures amounting to Five Pounds how to be sued for, recovered, and applied.

XXXIII. And be it further enacted, That it shall and may be lawful to the said Trustees, or any Collector to be appointed by them for receiving any Part of the Rates and Duties granted by this Act, to prosecute and recover the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit by this present Act imposed, in all such Cases where the Sum to be recovered shall amount to Five Pounds Sterling or upwards, by Action, Bill, Complaint, or Information, within Six Months after such Offence is committed, before Two or more Justices of the Peace of the County of *Ayr*, or any other Judge competent for Civil Actions within whose Jurisdiction the Offender or Offenders shall reside or be apprehended; and that the said Justices of the Peace or other Magistrate aforesaid shall and they are hereby empowered and required to proceed to the Trial of such Offences in a summary Way; and upon Conviction of the Offender or Offenders, by their own Confession, or by the Oath of One or more credible Witness or Witnesses, to award and give such Orders, Judgments, and Decrees as to them shall seem most agreeable to the true Intent and Meaning of this Act; and that in default of Payment of the several Fines, Penalties, Forfeitures, Damages, and Costs of Suit herein-before enacted which shall be awarded and ordered by the said Magistrates, the Person or Persons which shall be convicted of any of the

Offences

Offences before described shall and may be sent by them to the Prison or House of Correction of the County or Place where the Offender or Offenders shall be apprehended, and there to be kept to hard Labour for such Time, not exceeding Six Months, as such Magistrate or Magistrates shall direct; and that the whole Fines, Penalties, and Forfeitures aforesaid which shall be recovered by the said Trustees or their Collectors as aforesaid, after Deduction of the necessary Charges of recovering the same, shall be applied for and towards the building, making, erecting, maintaining, and repairing the Work or Works aforesaid, and to no other Use or Purpose whatsoever.

Other Fines how to be recovered.

XXXIV. And be it further enacted, That every other Penalty, Fine, and Forfeiture imposed, and which shall be incurred by virtue of this Act, and not amounting to the Sum of Five Pounds, shall and may be sued for and recovered by the said Trustees, or any Collector appointed by them, before the Provost or one of the Baillies of the Borough of *Ayr*, or any Justice of the Peace within whose Jurisdiction the Offender or Offenders before mentioned shall be apprehended or reside for the Time, by Action, Bill, Complaint, or Information made in that Behalf within Six Months after such Offence shall have been committed; and that the said Provost, Baillie, or Justice of the Peace aforesaid shall have Power, and he and they is and are hereby empowered and required, to proceed to the Trial of such Offences summarily, and upon Conviction of the Offender or Offenders in any of the Ways before mentioned, to give such Orders, Judgments, and Decrees as to him and them shall seem most agreeable to the true Intent and Meaning of this Act; and in default of Payment of the several Fines, Forfeitures, and others last mentioned, so to be awarded by the said Provost, Baillie, or Justice of the Peace, the Person which shall be convicted as aforesaid shall and may be sent by the said Provost, Baillie, or Justice of the Peace, to the nearest Prison or House of Correction for such Time as the said Judges shall direct, not exceeding Three Months; and that the said pecuniary Penalties, not exceeding Five Pounds Sterling, after Deduction of the necessary Charge of recovering the same, shall be applied One Half thereof to the Use of the Informer, and the other Half to the repairing and maintaining of the said Harbour of *Ayr*.

Penalties may be mitigated.

XXXV. Provided always, and be it enacted, That it shall and may be lawful to and for the said Justices of the Peace, Provost, Baillie, and other Judges aforesaid, or any of them by whom such Judgment, Sentence, or Determination shall be given, pronounced, or made, from Time to Time, when they see Cause, to mitigate, compound, or lessen any of the Penalties or Forfeitures aforesaid, as he or they in his or their Discretion shall think fit, so as such Mitigation or Composition do not extend to remit above One Moiety of the Penalty inflicted and directed to be levied by this Act; and that every such Mitigation or Composition shall be a sufficient Discharge for the Persons offending respectively for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted.

For getting Materials.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or their Deputies, Agents, Officers, and Servants, to open Stone Quarries, Sand, Clay and Gravel Pits, and to dig, take, gather,

gather, and carry away from ſuch Quarries and Pits any Stone, Sand, Gravel, Clay and other Materials, in and out of any Waſte or Common Grounds lying within Two Miles of the ſaid Harbour of *Ayr*, for carrying on, executing, and repairing the ſeveral Docks, Piers, Quays, and Breaſts, and other Works already built in the ſaid Harbour or authorized to be built by virtue of this Act, without paying any Thing for ſuch Waſte and Common Ground opened and uſed as aforeſaid, the ſaid Truſtees being obliged, at their own Expence and Charge, to fill up and level all ſuch Holes and Pits which ſhall be made in ſuch Common or Waſte Grounds by quarrying, digging, and carrying away Stone, Sand, Gravel, Clay, and other Materials aforeſaid, as ſoon as they ſhall have no further or immediate Uſe for the ſame; and that in caſe the ſaid Truſtees ſhall judge it improper and inconvenient to open, dig, and carry away Stones and Gravel, Clay, and other Materials from the ſaid Waſte or Common Ground, and that ſufficient Materials for the Purpoſes aforeſaid cannot eaſily be got from the ſame, that then it ſhall and may be lawful to and in the Option of the ſaid Truſtees, their Deputies, Agents, Officers, or Servants, to open, quarry, and dig ſuch Stones, Sand, Gravel, Clay, and other Materials aforeſaid, and to carry the ſame in and out of the Grounds of any Perſon or Perſons within Two Miles of the ſaid Harbour of *Ayr* (not being Ground on which there ſhall be any Houſes, Garden, Orchard, planted Walk, or Walks, or Avenue to a Houſe) where ſuch Materials are or may be found, and from Time to Time to cauſe the ſame to be carried off, or ſo much thereof as the ſaid Truſtees, and their Deputies, Agents, Officers, and Servants, ſhall judge neceſſary for the Purpoſes aforeſaid, and for keeping the ſaid Works in good Order and Repair; the ſaid Truſtees making reaſonable Satisfaction for the Damage done to the Surface of the ſaid Ground, and for the Value of the ſaid Stones, Sand, Gravel, Clay, and other Materials which ſhall be ſo carried out of the ſaid Grounds, to the Proprietors, Life-renters, Tackſmen, and other Parties intereſted in ſuch Grounds to which Damage ſhall be done or occaſioned, or Materials taken away in Manner aforeſaid.

Notice to be given before Materials are taken.

XXXVII. Provided always, and be it enacted, That it ſhall not be lawful for the ſaid Truſtees, or any Perſon or Perſons employed by them, to dig, gather, take, or carry away any ſuch Materials from any incloſed Lands or Grounds without the Conſent of the Proprietor, 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 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, at leaſt Fourteen Days previous to the Day on which ſuch Occupier is to appear; and in caſe ſuch Occupier ſhall attend purſuant to ſuch Notice, ſuch Juſtices ſhall, if they think proper, authorize ſuch Materials to be dug, taken, and carried away at ſuch Time or Times and in ſuch Manner as ſuch Juſtices ſhall order and direct; and ſuch Damages and the Price of ſuch Materials, ſhall be paid therefore as the Parties ſhall and may agree upon, or in caſe they cannot agree, ſuch Damages ſhall be paid as the ſaid Juſtices ſhall order and direct; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf or his Agent, 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; and the Order of such Justices shall be final and conclusive, without being subject to any Stay by Suspension or Advocation or in any way whatsoever.

For making Roads to the Harbour.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and their Deputies, Agents, Officers, and Servants, to make, use, and maintain Roads from the said Waste and Common Ground, or other Grounds aforesaid, opened for quarrying and digging Stones, Sand, Gravel, Clay, and other Materials from the said Pits and Quarries so to be opened as aforesaid, directly to the Harbour of *Ayr*, and to make the same through any Grounds belonging to any Person or Persons whatsoever (not being the Grounds on which there shall be any House, or any Garden, Orchard, Walk or Walks planted, or Avenue to any House), the said Trustees making Satisfaction for the Damage done to the Ground through which the said Road or Roads pass, to the Proprietor, Life-renter, Tacksman, and other Parties concerned and interested in such Grounds to which such Damage shall be done or occasioned, and having the Consent of the Proprietor, or giving Notice to the Occupier, and such Order being made therein as is herein-before directed with respect to the digging, taking, and carrying away of Materials.

To prevent destroying the Works.

XXXIX. And be it further enacted, That if any Person or Persons whatsoever shall maliciously, wilfully, or wantonly demolish, break down, or destroy, any of the Docks, Locks, Jettees, Piers, Quays, Breasts, Gates, Bridges, Land Marks, or Buoys, or any Lights or Light Houses, or other Works constructed or to be constructed in or belonging to the said Harbour of *Ayr*, or shall maliciously, wilfully, or wantonly extinguish or put out any of the Fires or Lights used in the said Light Houses and others aforesaid, every such Person or Persons so offending shall and may be adjudged to be transported for the Term of Seven Years, or in mitigation of such Sentence shall and may suffer an arbitrary Punishment according to the Law and Practice of *Scotland*.

For licensing Pilots, and making Regulations.

XL. And be it further enacted, That the Provost and Two Baillies of the Town of *Ayr* for the Time being shall have full Power and Authority to license Pilots, to be employed in transporting Ships and other Vessels from the Bay of *Ayr* into the Harbour of the same, and also from the said Harbour over the Bar into the Bay of *Ayr*; and to fix and regulate the Fares and Wages of the said Pilots, not exceeding the Rate of One Penny Three Farthings *per* Ton of the Tonnage of any Ship or Vessel piloted by them; and to cause such Fares and Wages to be printed and hung up in some convenient Place of the Custom House of *Ayr*; and every Pilot demanding or receiving more than the Amount of such Fares and Wages so fixed, shall incur a Penalty not exceeding Five Pounds for each Offence.

For making Bye-Laws.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any Time or Times hereafter in General Meetings assembled, to make, ordain, and establish such Orders, Rules, and Bye-Laws for the better deepening, clearing, cleansing and keeping in Repair the said Harbour of *Ayr*, and for the better regulating, governing, and managing the Docks, Piers, Quays, Jettees, and every other the Works

erected and to be erected, made, or ſet up in the Harbour aforeſaid, and for regulating the Conduct and Behaviour of the ſaid Pilots, and for the better executing the other Purpoſes of this Act; and alſo from Time to Time, as Occaſion may require, to repeal, add to, amend, or alter ſuch Rules, Orders, and Bye-Laws, as to them ſhall ſeem moſt fitting and requiſite, and to fix and appoint reaſonable pecuniary Penalties, not exceeding Forty Shillings Sterling, for the Non-obſervance or other Breach of all or any ſuch Rules or Bye-Laws, or any Part of them; to be recovered and applied in ſuch Manner, and according to the Penalties under Five Pounds Sterling, are ordained to be recovered, levied, and applied; ſuch Rules or Bye-Laws not being contrary or repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, or to the Proviſions of this Act; and the ſaid Truſtees ſhall cauſe the ſaid Rules, Orders, and Bye-Laws to be printed and diſtributed, and hung up at the moſt conſpicuous Place of the Cuſtom Houſe of *Ayr*, and to pay the Expence and Charge thereof out of the Rates and Duties granted by this Act.

Appeal to Quarter Seſſions.

XLII. And be it further enacted, That any Perſon or Perſons who ſhall be aggrieved by any Order or Judgment made or given in purſuance of any Rule, Bye-Law, or Order of the ſaid Truſtees, or by any Order, Judgment or Determination of any Juſtice or Juſtices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may within four Calendar Months next after ſuch Order, Judgment or Determination ſhall have been made or given (firſt giving Fourteen 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 hear and determine the ſaid Complaint, and may order any Money to be returned which may 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, or to do otherwiſe in the Premiſes as they ſhall judge reaſonable; and no Proceedings under this Act ſhall be quaſhed or vacated for want of Form, or be liable to Suſpenſion, or to be removed by Advocation to the Court of Seſſion, but the Determination of the Juſtices of Peace at ſuch Quarter Seſſions ſhall be final and concluſive to all Intents and Purpoſes whatſoever, any Law or Statute to the contrary notwithſtanding.

Subſcriptions to be paid.

XLIII. And be it enacted, That every Perſon or Body Politic or Corporate who may have ſubſcribed or ſhall ſubſcribe any Money for the Purpoſes of this Act, ſhall and they are hereby required to pay the Sum or Sums by them reſpectively ſubſcribed at ſuch Times and Places and in ſuch manner as ſhall be directed by the Truſtees appointed by this Act; and in caſe any of ſuch Subſcribers ſhall neglect or refuſe to pay the ſame, at the Time and Place and in Manner directed as aforeſaid, the ſaid Truſtees are hereby empowered to ſue for and recover the ſame in any Court of Law or Equity with double Coſts of Suit.

Limitation of Actions.

XLIV. And be it further enacted, That no Action or Suit ſhall be commenced againſt the ſaid Truſtees or any Perſon or Perſons for any Thing done by virtue of or in purſuance of this Act, unleſs Ten Days previous Notice

tice

Act may be pleaded in Actions brought in pursuance thereof.

tice thereof in Writing shall have been given to the said Trustees, nor after the Expiration of Six Calendar Months next after the Fact committed; and that in case any Action or Suit shall be commenced against the said Trustees, or any other Person or Persons, for any Thing done in pursuance of this Act, the Defender or Defenders in such Suit or Action may produce this Act, and plead that the said Things were done in pursuance and by the Authority of this Act; and if it shall appear so to be done, that then the Defender or Defenders shall be absolved from such Action or Suit, and shall have Double Costs and Expences in the Defence thereof awarded to them, from and against the Prosecutor or Prosecutors of the same.

Saving of 54 Geo. 3. c. 159.

XLV. Provided always, and be it further enacted, That nothing herein contained shall be construed to restrain, revoke, or annul, or in anywise affect the Powers of an Act made and passed in the Fifty-fourth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of the several Ports, Harbours, Road-steads, Sounds, Channels, Bays, and Navigable Rivers, in the United Kingdom; and of His Majesty's Docks, Dock-yards, Arsenals, Wharfs, Moorings, and Stores therein; and for repealing several Acts passed for that Purpose;* or the Penalties inflicted on Persons offending against the same, but that the same shall remain in full Force and Effect.

Expences of Act.

XLVI. And be it further enacted, That the Expences of this Act shall be paid and defrayed out of the Monies subscribed or borrowed for the Purposes thereof, or out of the Rates and Duties hereby granted.

Public Act.

XLVII. 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 by all Judges, Justices and others, without being specially pleaded.

Commencement and Continuance of the Act.

XLVIII. And be it further enacted, That this Act shall commence and take place from and after the Fourth Day of *June* in this present Year, and shall continue from thenceforth for the Term of Twenty-one Years, and until the End of the then next Session of Parliament.

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