ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

****

Cap. cxix.

An Act for maintaining and improving the Harbour of *Ayr*, and for the better Regulation and Management thereof. [2d *July* 1855.]

WHEREAS an Act was passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the further Improvement of the Harbour of* Ayr: And whereas it was provided by the said recited Act, that the same should continue in force for the Space of Twenty-one Years, and from thence to the End of the then next Session of Parliament, and the Term granted by the said Act will thus shortly expire: And whereas the Trustees appointed by the said Act were thereby authorized to deepen, cleanse, scour, and preserve the said Harbour, and to heighten, repair, and make sufficient the Quays and other Works appertaining thereto, and to alter and extend the same, and to erect in the said Harbour all necessary Works for the Improvement thereof, and various other Powers were by the said Act conferred on the Trustees: And whereas the said Trustees were also authorized by the said Act to borrow any Sum of Money which, with the Money then borrowed and owing, should not exceed the Sum of Ten thousand Pounds: And whereas the whole of the said Sum of Ten thousand Pounds has been borrowed and is still owing on the Credit of the

5 & 6 W. 4. c. lxxix.

Rates authorized in respect of the said Harbour, and the same has been expended in deepening and improving the said Harbour, and in repairing, maintaining, and improving the existing Quays and other Works; but the Improvements and Works authorized by the said Act have only been partially carried out, and further Money is necessary for the proper Completion thereof: And whereas it is expedient that the said Act should in part be continued or should be repealed, and certain of the Provisions thereof re-enacted, with such further Powers as may be necessary for the Maintenance and Improvement of the said Harbour and of the Works connected therewith, and for the better Regulation and Management thereof; but these Objects cannot be effected without the 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,

Short Title.

I. That in citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Ayr* Harbour Act, 1855."

Recited Act repealed, and this Act to take effect.

II. That the herein-before recited Act shall, from and after the First *Thursday* in the Month of *December* One thousand eight hundred and fifty-five, be and the same is hereby repealed, and on and after the same Day this Act shall commence and take effect.

Conveyances, &c. to remain in force.

III. That, notwithstanding the Repeal of the said recited Act, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the Commencement of this Act done, entered into, executed, or instituted, under or by virtue of the said recited Act or with reference to the Purposes thereof, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if this Act had not been passed, and may be proceeded on and enforced by or against the Trustees by this Act appointed, accordingly.

Actions, &c. not to abate.

IV. That, notwithstanding the Repeal of the said recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Trustees under the said recited Act, before the Commencement of this Act, shall not abate or be discontinued, or be prejudicially affected, but, on the contrary, the same shall continue and take effect, both in favour of and against the Trustees by this Act appointed, in like Manner in all respects as the same would have continued and taken effect in favour of or against the Trustees under the said recited Act if this Act had not been passed; and all Offences against the Provisions of the said recited Act committed before the Commencement of this Act may be prosecuted,

secuted, and all Penalties incurred by reason of such Offences recovered, in like Manner in all respects as if this Act had not been passed.

Liabilities of former Trustees to attach to the Trustees appointed by this Act.

V. That, notwithstanding the Repeal of the said recited Act, the Trustees by this Act appointed shall, with reference to every Act done or left undone, and with respect to every Liability, of what Nature or Kind soever, incurred by the Trustees under the said recited Act before the Commencement of this Act, be considered as identical with such Trustees, in like Manner in all respects as if this Act had not been passed, and as if the Trustees by this Act appointed were the Trustees under the said recited Act.

Debts to be paid to or by the Trustees.

VI. That, notwithstanding the Repeal of the said recited Act, all Persons who immediately before the Commencement of this Act owed any Sum of Money to the Trustees under the said recited Act, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due or to accrue for the same, to the Trustees by this Act appointed; and all Debts and Moneys which immediately before the passing of this Act were due or owing by or recoverable from the Trustees under the said recited Act, or for the Payment of which they were or but for the passing of this Act would have been liable, shall be paid, with all Interest (if any) due or to accrue thereon, by or be recoverable from the Trustees by this Act appointed.

Books, &c. to remain Evidence.

VII. That, notwithstanding the Repeal of the said recited Act, all Books and other Documents by the said Act directed or authorized to be kept, and which if the same had not been repealed would have been receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers to continue.

VIII. That, notwithstanding the Repeal of the said recited Act, every Officer and Servant appointed by virtue of or acting under the Authority of the said Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Trustees by this Act appointed, until he be removed from such Office and Employment; and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains and Penalties, in all respects whatsoever, as if he had been appointed under this Act.

Existing Byelaws, &c. to remain in force.

IX. That, notwithstanding the Repeal of the said recited Act, all Byelaws, Rules, and Regulations which immediately before the Commencement of this Act were in force under or in reference to the

the said recited Act shall, after the Commencement of this Act, continue and be in full Force and Effect under and in reference to this Act for and during the Space of Six Months, subject, nevertheless, as the same may be repealed or altered by or under the Provisions of this Act or the Acts incorporated herewith.

"The Trustees."

X. That, unless there be something in the Subject or Context repugnant to such Construction, the several Words and Expressions in the Acts herewith incorporated to which Meanings are assigned by the said Acts and by this Act shall have in this Act the same respective Meanings, and the Expression "the Trustees" in this Act shall mean the Trustees by this Act appointed or authorized to be elected for carrying the same into execution.

10 & 11 Vict. c. 16. incorporated.

XI. That "The Commissioners Clauses Act, 1847," with the Exception of the Clauses thereof with respect to the Qualification of Commissioners, and with respect to the Election and Rotation of Commissioners where the Commissioners are to be elected by the Ratepayers or other like Class of Electors, and with respect to the Meetings and other Proceedings of the Commissioners and their Liabilities, and with the Exception of Clause 84. thereof, and with the Exception of the Clauses thereof with respect to the Accounts to be kept by the Commissioners, shall be incorporated with this Act, and the said Act, so far as incorporated, shall be construed as if the Expression "the Trustees" had been inserted therein instead of the Expression "the Commissioners."

10 & 11 Vict. c. 27. incorporated.

XII. That "The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of the Clauses thereof with respect to the Construction of the Harbour, Dock, or Pier, and with respect to the Construction of Works for the Accommodation of the Officers of Customs, and with the Exception of Clauses 22. 25. 26. 50. and 60. thereof, shall be incorporated with this Act; and the said Act, so far as incorporated, shall be construed as if the Expression "the Trustees" had been inserted therein instead of the Expression "the Undertakers:" Provided always, that the Trustees shall not be bound to provide a Life Boat, Mortar and Rockets, or a Tide or Weather Gauge and Barometer, until required by Writing under the Hand of the Secretary of the Admiralty or the Secretary of the Board of Trade.

Meanings of certain Expressions in Acts incorporated herewith.

XIII. That the following Expressions in the several Acts herewith incorporated or any of them contained shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The

The Expressions "the Undertaking," "the Works," and "the Harbour, Dock, or Pier," shall mean the Harbour of *Ayr*, or the Works thereof, or the Bed and Channel of the River of *Ayr*, in, through, and from the said Harbour to the Bay of *Ayr*, or any or all of them, as may be apparent from the Context:

The Expression "the Harbour Master" shall include the Person or Persons in charge, under the Trustees, of the Harbour of *Ayr* and the Works thereof, and the Bed and Channel of the River of *Ayr*, as before described, or any of them.

Trustees not to acquire any Land except by Agreement.

XIV. That nothing in this Act or in any of the Acts herewith incorporated contained shall authorize the Trustees to purchase, take, or use any Land, unless with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof.

Trustees.

XV. That on and after the First *Thursday* in the Month of *December* One thousand eight hundred and fifty-five the Provost, the Two Bailies, the Treasurer, the Chairman of the Guild Court, and the Convener of the Trades of *Ayr*, all for the Time being, Two of the Freemen of *Newton-upon-Ayr*, to be elected in manner after mentioned, Two Persons, Owners of Vessels belonging to the Port of *Ayr*, to be qualified and elected in manner after mentioned, and Two Persons paying Rates on Goods at the Port of *Ayr* to the Extent after mentioned, and to be qualified and elected in manner after mentioned, shall be and they are hereby appointed the Trustees for carrying this Act into execution, and shall be called "The *Ayr* Harbour Trustees."

Meetings for Election of certain Trustees.

XVI. That on the First *Thursday* in the Month of *December* One thousand eight hundred and fifty-five, and on the First *Thursday* in the Month of *December* in every succeeding Year, a Meeting or Meetings shall be held at some convenient Place or Places within the Parliamentary Bounds of the Burgh of *Ayr*, for the Purpose of having Trustees elected from among the said Freemen, and from among the Classes of Persons after mentioned, to act in the Execution of this Act; and Notice of the holding of every such Meeting pursuant to this Act, except as after mentioned, shall be given by the Clerk to the Trustees, by an Advertisement inserted in at least One of the Newspapers published in *Ayr* Seven Days at least before any such Meeting shall be held, requiring the Magistrates and Councillors of *Newton-upon-Ayr*, or in the event of there being at any Time hereafter no Magistrates and Councillors of *Newton-upon-Ayr* distinct from those of *Ayr*, requiring the Freemen of *Newton-upon-Ayr* and also requiring the said other Classes of Persons respectively, to meet at the Place or Places and Hour or Hours mentioned in every such Notice, or at such Place or Places and Hour or Hours as may be settled by and among

among such Bodies respectively; and at such Meetings respectively Two Freemen of *Newton-upon-Ayr* shall be elected by the said Magistrates and Councillors of *Newton-upon-Ayr*, or failing them, as before mentioned, by the said Freemen of *Newton-upon-Ayr*; Two Persons residing in One or other of the Parishes of *Ayr*, *Saint Evox*, or *Newton-upon-Ayr*, and being Owners of Vessels belonging to the Port of *Ayr* to the Extent after mentioned, shall be elected by and from among the Owners of such Vessels to the Extent after mentioned; and Two Persons residing in one or other of the said Parishes, and paying Rates on Goods at the Port of *Ayr* to the Extent after mentioned, and otherwise qualified as also after mentioned, shall be elected by and from among the Persons paying Rates at the Port of *Ayr* to the Extent after mentioned; and all such Persons so to be elected shall be elected by a Majority of the Votes of the said Magistrates and Councillors, or failing them the said Freemen, and of the said Classes of Persons respectively present at every such Meeting, or in case of an Equality by the Casting Vote of the Preses of the said respective Meetings; and such Meetings are hereby respectively authorized to choose their Preses; and every such Preses shall in case of an Equality be entitled to a Casting Vote besides his Vote as a Member of the Meeting; and a Certificate of the respective Elections, signed by the Preses of the respective Meetings at which they shall have been made, shall be forthwith transmitted to the Clerk of the Trustees, which Certificate shall be the Evidence of the Persons thereby appearing to have been elected having been so elected at such Meetings respectively to act as Trustees in the Execution of this Act, and shall be preserved by the Clerk of the Trustees as such Evidence, and be conclusive: Provided always, that while there are Magistrates and Councillors of *Newton-upon-Ayr* distinct from those of *Ayr* the Freemen to be elected by them may be elected from among the said Magistrates and Councillors, if they shall think fit: Provided also, that all the Meetings to be held on the First *Thursday* in the Month of *December* One thousand eight hundred and fifty-five shall be held in the Town Hall of *Ayr* at Twelve o'Clock Noon, and it shall not be necessary for the Clerk to call such Meetings by any Advertisement or Notice.

Qualification of Ship-owners.

XVII. That at the said Meetings of Owners of Vessels to be held in manner before mentioned all Persons, Owners of Vessels belonging to the Port of *Ayr* to the Extent in the whole of Fifty registered Tons or upwards, and of which they shall have been possessed for at least Six Months immediately previous to the Date of Election, and none others, shall have a Voice or Vote at every such Meeting; and such Owners of Vessels, being so assembled, shall elect a Preses and Clerk; and those present shall, if required, satisfy the said Preses or Clerk, by the Production of the Register or Registers of a Vessel or Vessels,

Vessels, or by the Certificate of the Collector or Comptroller of the Customs of the Port of *Ayr*, that he is, and has been for at least Six Months, Owner of Vessels belonging to the Port of *Ayr* to the Extent in the whole of Fifty registered Tons or upwards; and for every such Certificate the Collector or Comptroller, on delivering the same, shall be entitled to a Fee not exceeding Two Shillings and Sixpence from the Person requiring the said Certificate.

Qualification of Persons paying Rates.

XVIII. That at the said Meetings of Persons paying Rates, to be held in manner before mentioned, all Persons paying Rates on Goods at the Port of *Ayr* to the Extent of Ten Pounds or upwards in the course of the Twelve Months immediately previous to the Date of Election, and none others, shall have a Voice or Vote at every such Meeting; and such Persons paying Rates, being so assembled, shall elect a Preses and Clerk; and those present shall, if required, satisfy the said Preses or Clerk, by the Production of the Receipt or Certificate of the Collector of the Trustees, that he has in the course of the preceding Twelve Months paid Rates as aforesaid to the Extent of Ten Pounds or upwards.

Persons voting without Qualification liable in Penalty.

XIX. That any Person voting at any such Meeting of Freemen, or of Owners of Vessels, or of Persons paying Rates, or subsequently acting as a Trustee in the Execution of this Act, not having the aforesaid Qualifications respectively, shall be liable in a Penalty not exceeding Twenty Pounds; and if any Owner of Vessels, or Person paying Rates, duly elected a Trustee, shall afterwards lose or part with his Qualification, he shall *ipso facto* cease to be a Trustee.

How certain Vacancies to be filled up.

XX. That in the event of the Death, Refusal to act, Resignation, or Disqualification of any of the said Trustees to be elected in manner herein-before directed, the Body by whom the said Person so dying, refusing to act, resigning, or becoming disqualified had been elected may again meet, after at least Seven Days Notice shall have been given by the Clerk to the Trustees in at least One Newspaper published in *Ayr*, and elect in manner herein-before directed a Trustee in the Room of the Vacancy so created.

Certain Trustee refusing to act to cease to be One.

XXI. That if any Trustee elected in manner herein-before directed shall intimate to the Clerk of the Trustees in Writing that he refuses to accept of the Office of Trustee, or if any such Trustee shall, for the Period of Six Months at any One Time, neglect to attend, or abstain from attending, the Meetings of the Trustees, (such Trustee not being prevented by reasonable Cause, to be allowed by the Trustees at any of their Meetings,) every such Intimation or Nonattendance shall be taken and held to be a Refusal to act, and he shall cease to be a Trustee.

XXII. That

Duration of Office for certain Trustees, One Year.

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

One Third of Trustees duly elected may always act.

XXIII. That although the said Magistrates and Councillors of *Newton-upon-Ayr*, and failing them the said Freemen, or either of the other Classes of Persons authorized to elect Trustees for the Purposes of this Act, shall at any Time fail, neglect, or refuse to make due and proper Elections of Trustees at the respective Periods appointed for such Elections, such Failure, Neglect, or Refusal shall not hinder or prevent the Execution of this Act by the other Trustees, nor shall the Death, Resignation, Refusal, or Disqualification of any of the said Trustees hinder or prevent the other Trustees from acting in the Execution of this Act, for which Purpose One Third in Number of the Trustees duly acting for the Time shall always be sufficient.

Time and Place of General Meetings.

XXIV. That Four General Meetings of the Trustees shall be held annually within the ordinary Court House of the Burgh of *Ayr*, namely, upon the Second *Wednesday* in the Month of *March*, the Second *Wednesday* in the Month of *June*, the Second *Wednesday* in the Month of *September*, and the Second *Wednesday* in the Month of *December* in every Year; and the First of the said General Meetings shall be held upon the Second *Wednesday* in the Month of *December* One thousand eight hundred and fifty-five; and the Trustees shall have Power and are hereby authorized to adjourn to such other Times and Places as to them or to the Majority of them at such Quarterly Meeting assembled shall seem expedient; and all Acts, Matters, and Things hereby required to be done, or which in virtue of this Act may be done by the Trustees at any General Meeting, shall and may be done by the Majority of them assembled at any such adjourned Meeting, the whole Number present not being less than One Third of those duly acting for the Time; and the Meeting held upon the Second *Wednesday* in the Month of *December* in each Year shall be the annual Meeting of the Trustees.

Special Meetings may be called.

XXV. That Special General Meetings of the Trustees may be held at any Time, on the Requisition of not less than One Third of the Trustees for the Time being acting in the Execution of this Act; and Notice of any such Meeting shall be given by the Clerk of the Trustees at least Three Days previous to any such Meeting, by Advertisement in some Newspaper published in *Ayr*, or by Letter delivered at or sent by Post in Time to be delivered in the ordinary Course of Post at the usual Place of Abode or Place of Business of each of the Trustees: Provided always, that every

every such Requisition and Notice shall mention the Object of such Meeting.

Ordinary Meetings.

XXVI. That the Trustees may also hold Ordinary Meetings, for transacting all the ordinary Business of the Trustees, and to be called by the Clerk at any Time; and Notice of any such Meeting shall be given by the Clerk by Letter delivered at or sent by Post in Time to be delivered in the ordinary Course of Post at the usual Place of Abode or Place of Business of each of the Trustees, Twenty-four Hours at least previous to such Meeting: Provided always, that every such Notice shall mention the Object of such Meeting; and that the Proceedings of the Trustees at their Ordinary Meetings may be reviewed and altered at their First General Meeting thereafter.

Which Trustee to preside at Meetings.

XXVII. That at all General Meetings of the Trustees the Provost or Senior Magistrate of the Burgh of *Ayr* present shall preside, and in their Absence from any Meeting the Trustees present shall choose One from among those present to preside at such Meeting; and the Trustee presiding at any and every Meeting, besides his Vote in common with the other Trustees, shall in Cases of Equality have a Casting Vote.

Trustees to have power to appoint Committees.

XXVIII. That the Trustees shall have Power at any General Meeting to appoint One or more Committees from among them, and consisting of such Numbers as to the said General Meetings shall seem expedient, to manage, superintend, or direct the whole or any particular Department of the ordinary Business and Affairs connected with the Execution of this Act, which Committee or Committees shall be always under the Control of the Trustees, and removable by them at any subsequent General Meeting; and the Trustees shall be entitled to give to any Committee or Committees so appointed such Instructions, Directions, and Powers, as they may think fit, and might themselves exercise under this Act.

Meetings of Committees.

XXIX. That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of any such Committee unless a Majority of the Members be present; and at the First Meeting of any such Committee they shall appoint a Chairman, and in his Absence from any Meeting a Chairman shall be chosen for such Meeting from among the Members present at such Meeting, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote, in addition to his Vote as a Member of any such Committee.

Acts of Trustees or Committees not to be invalidated.

XXX. That no Proceedings of the Trustees or of any Committee shall be invalidated or be illegal for Want of Form, or in consequence of there being a Vacancy in the Number of Trustees at the Time of such Proceeding.

Disqualification of Trustees not to invalidate Proceedings.

XXXI. That all Proceedings of the Trustees or of any Committee, or of any Person acting as a Trustee, shall, notwithstanding it be afterwards discovered that there was some Defect in the Appointment of any such Trustees or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Trustee.

Proceedings to be entered in a Book.

XXXII. That the Trustees shall cause Entries of all the Proceedings of the Trustees and of every Committee appointed by them, with the Names of the Trustees who shall attend each Meeting, to be duly made from Time to Time in Books to be provided for the Purpose, which shall be kept by the Clerk, under the Superintendence of the Trustees; and every such Entry shall be signed by the Chairman of the Meeting at which the Proceedings took place; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Trustees or Members of Committees respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary is proved; and such Books shall at all reasonable Times be open to the Inspection of any of the Trustees and of any Mortgagee or Assignee of the Rates by this Act granted.

Vesting Property in Trustees.

XXXIII. That the Right and Property of and in all Lands, Heritages, Buildings, Erections, and the Materials thereof, and of and in all the Lighthouses, Works, Quays, Walks, Ways, Walls, Matters, and Things vested in the Trustees acting under the said recited Act, shall belong to, be vested in, and they are hereby vested in the Trustees under this Act; and all the Rates by this Act granted, and all other Monies which shall or may come into the Hands of the Trustees under or by virtue of this Act, shall be and the same are hereby made subject and liable to the Payment of all Sums of Money now due and owing on the Credit of the said recited Act, and of all Interest due or that may become due thereon, as fully and effectually, to all Intents and Purposes, as if such Money had been borrowed or had become due and owing on the Credit of the Rates by this Act granted.

Officers and Persons under former

XXXIV. That all Persons who have been employed or who shall have received any Rates, Dues, or other Monies by virtue or in pursuance

suance of the said recited Act, or who shall have in their Possession or Custody any Books, Accounts, Papers, Writings, or Things relating to the said Harbour, or who were in anyway indebted to the Trustees under the said Act, shall account for, pay, and deliver over the same to the Trustees acting in the Execution of this Act. Act to account and deliver over Papers, &c.

XXXV. That it shall be lawful for the Trustees to borrow for the Purposes of this Act any Sums, which, including the Sums borrowed under the said recited Act, and for the Time remaining due and owing, shall not exceed in the whole the Sum of Twenty-five thousand Pounds, in the Manner provided by "The Commissioners Clauses Act, 1847," and to mortgage or assign, in Security of the Sums so borrowed and the Interest thereon, the several Rates by this Act granted. Power to borrow Money.

XXXVI. That it shall also be lawful for the Trustees to accept and take from any Bank or Banking Company in *Scotland* Credit on a Cash Account, to be opened and kept with such Bank or Banking Company in the Name of the Trustees, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the Trustees are herein-before authorized to borrow, or any Part thereof, and to mortgage and assign the several Rates by this Act granted in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon, in the Manner provided by "The Commissioners Clauses Act, 1847," "with respect to the Mortgages to be executed by the Commissioners:" Provided always, that the whole Principal Sums due and owing by the Trustees at any One Time under the Powers by this Act granted shall never, when taken together, exceed the said Sum of Twenty-five thousand Pounds. Trustees may borrow on Cash Account.

XXXVII. That all Mortgages or Assignations in Security, and all Cash Credits or Cash Accounts, and Drafts or Orders on such Cash Credits or Cash Accounts, shall be signed by any Two or more of the Trustees under this Act, who shall be authorized so to do at any of the Meetings of the Trustees, and shall be countersigned by the Clerk of the Trustees, as Evidence that such Authority has been given. How Mortgages, &c. to be subscribed.

XXXVIII. That it shall be lawful for the Mortgagees or Assignees in Security of the Trustees to enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages or Assignations in Security by the Appointment of a Judicial Factor; and in order to authorize the Appointment of such Judicial Factor, in the event of the Principal Moneys due on such Mortgages or Assignations in Security not being duly paid, the Amount owing to the Mortgagees or Assignees in Security by whom Application for such Arrears may be enforced be Appointment of Judicial Factor.

such Judicial Factor shall be made shall not be less than Five thousand Pounds in the whole.

Provision as to paying off Principal Moneys.

XXXIX. That in order to discharge the Principal Moneys borrowed and owing by the Trustees under the said recited Act and this Act, the Trustees shall, every Year after the Expiry of Five Years from the Commencement of this Act, appropriate and set apart out of the Rates by this Act granted a Sum equal to One Thirtieth Part of the Sums borrowed and owing by them on Mortgage, including all Sums borrowed and owing before the passing of this Act, as a Sinking Fund to be applied in paying off the said Principal Moneys, and shall from Time to Time cause such Sinking Fund to be invested in the Purchase of Government Securities, or deposited in Bank, to be increased until the same shall be of sufficient Amount to pay off the said Principal Moneys or such Part thereof as the Trustees shall think ought then to be paid off, at which Time the same shall be so applied: Provided always, that in the event of the Principal Moneys owing by the Trustees or any Part thereof being due on Cash Credit or Cash Account to any Bank or Banking Company in *Scotland*, it shall not be necessary for the Trustees to invest or deposit the Sum so appropriated as above provided, but the same shall be paid into such Bank or Banking Company, to the Credit of the said Trustees, and thereupon the said Cash Credit or Cash Account shall be diminished in proportion to the Sums so paid in.

Power of Trustees with reference to the Harbour.

XL. That it shall be lawful for the Trustees and they are hereby authorized to deepen, cleanse, scour, and preserve the said Harbour of *Ayr*, and to heighten, repair, and make sufficient the Quays and other Works at present appertaining to the said Harbour, and to alter and extend the same or any Part thereof as they 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 also to make, widen, and maintain Roads and Passages on both Sides of the said Harbour for the Use thereof.

Trustees may maintain Lighthouses, &c.

XLI. That, subject to the Approval of the Commissioners of Northern Lighthouses, it shall also be lawful for the Trustees to erect and maintain Lighthouses, Buoys, Moorings, and other Landmarks within the Limits of the said Harbour, for the Purposes thereof.

New Works, &c. not to be made without submitting Plan to the Admiralty.

XLII. Previously to commencing any new Works, or any Alteration or Extension of existing Works, in the Harbour or River of *Ayr*, the Trustees shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Works, for the Approval of

of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and such Works shall be constructed only in accordance with such Approval; and when any such Works shall have been commenced or constructed, it shall not be lawful for the Trustees at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Works shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Trustees, and the Amount thereof shall be a Debt due from the Trustees to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty to order local Surveys, at Expense of Company.

XLIII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Trustees in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Trustee shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Trustees, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Trustees.

Works affecting tidal Waters abandoned may be removed by Admiralty at Expense of Company.

XLIV. If any Work constructed or to be constructed by the Trustees in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work affecting or which may affect any such Water or River or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Trustees, and the Amount thereof shall be a Debt due from the Trustees to the Crown, and be recoverable accordingly, with Costs of Suit.

Trustees may purchase or hire Steam Vessels for

XLV. That it shall be lawful for the Trustees to build, purchase, hire, or otherwise employ One or more Vessels, to be commanded by a licensed Pilot or otherwise, and to be propelled by Steam or otherwise,

dredging, towing, &c.

otherwise, for the Purpose of scouring, cleansing, deepening, and dredging the said Harbour and Bar thereof, and also of towing or hauling Vessels, Rafts of Timber, and other Things into or out of the said Harbour, or for any of such Purposes aforesaid.

Appointment of Pilots, &c.

XLVI. That it shall be lawful for the Trustees from Time to Time to license and appoint such Number of proper Persons to act as Captain Pilots, Pilots, Boatmen, Harbourmen, Meters, Weighers, and Keepers of Lighthouses, within and about the said Harbour, as they may think necessary, and to remove and displace all and every such Person or Persons at their Pleasure, and also to settle and establish such Rates and Fees to be levied and paid for the Risk, Trouble, and Labour of such Captain Pilots, Pilots, Boatmen, Harbourmen, Meters, Weighers, and Keepers of Lighthouses employed within and about the said Port and Harbour as the said Trustees shall from Time to Time deem just and reasonable, not exceeding for such Pilots the Rates herein-after mentioned; and if any Person shall act in any of the said Capacities within or about the said Harbour without being licensed and appointed as aforesaid, every Person so offending shall be liable in a Penalty not exceeding Ten Pounds; and the Trustees may make such Allowances to such Pilots as they may think proper, or pay them such weekly, monthly, or annual Wages as they may agree upon.

Trustees to be a "Pilotage Authority" and a "Local Authority" for Purposes of Act.

XLVII. That for the Purposes of this Act the Trustees shall continue and be deemed a "Pilotage Authority" and a "Local Authority," within the Meaning of "The Merchant Shipping Act, 1854," and all the Powers by that Act preserved to or conferred on "Pilotage Authorities" and on "Local Authorities" shall be vested in the Trustees for the Purposes of the District comprised within the Limits of this Act.

Trustees not responsible for Damage done in towing or by Pilots.

XLVIII. Provided always, That the Trustees shall not be liable or responsible for any Accident, Loss, or Damage which may arise to any Vessel, or to the Cargo or Cargoes thereof, in consequence of the Employment of any Towing Vessel belonging to or under the Control of the Trustees, or in consequence of the Employment of any Pilot licensed by the Trustees; but the Master or other Person actually on board of and having the immediate Charge of such Towing Vessel, or the Pilot so employed, shall be answerable for any wilful or culpable Neglect and Mismanagement.

Trustees may rent Warehouses, &c. and erect Hurries.

XLIX. That it shall be lawful for the Trustees, for the Purposes of this Act, to rent or hire by the Year or otherwise, any convenient Warehouses, Storehouses, Yards, Sheds, or other Buildings or Places, for receiving, depositing, loading, or unloading Goods; and the Trustees

Trustees may also erect and maintain Hurries and other such Works for the Use and Benefit of the said Harbour, and of the Vessels resorting thereto, and may let the same on Lease, as to them may seem fit; provided, that every Lease of such Hurries and other Works shall be subject to the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," and that no such Lease shall be granted for a longer Term than Three Years.

Rates for Towing Vessel as in Schedule (A.)

L. That so long as the Trustees maintain or can supply the Use of a Towing Vessel, it shall be lawful for them to levy, demand, and receive, from the Master or Owner of all Vessels, Rafts of Timber, and other Things entering into or going out of the said Harbour, for the Use of the said Towing Vessel, any Rates not exceeding the Rates set forth in the Schedule (A.) hereunto annexed.

Rates of Pilotage.

LI. That it shall be lawful for the Trustees to levy, demand, and receive from the Master or Owner or Agent of every Vessel registering Forty Tons or upwards coming into or going out of the said Harbour of *Ayr*, in Name of Pilotage, a Sum not exceeding Twopence on each registered Ton; and the Trustees shall be bound at all Times to maintain an efficient Staff of Pilots; and the said Pilotage shall be paid for and in respect of every such Vessel coming into or going out of *Ayr* Harbour, whether a Pilot may have been employed or made use of to bring such Vessel into or take such Vessel out of the said Harbour, or not.

Rates on Vessels as in Schedule (B.)

LII. That it shall be lawful for the Trustees to levy, demand, and receive from the Master or Owner of all Vessels coming into or going out of the Harbour of *Ayr*, with or without Ballast, or whether importing to or exporting from the Harbour of *Ayr* any kind of Cargo whatever, any Rates not exceeding the several and respective Rates set forth in the Schedule (B.) hereunto annexed.

Rates on Goods as in Schedule (C.)

LIII. That it shall be lawful for the Trustees to levy, demand, and receive from the Owner or other Person having the Charge of Goods, Wares, and Merchandise exported, imported, or carried Coastways to or from the said Harbour, (inclusive of Rafts of Timber brought into the said Harbour, or landed on the Beach within Six hundred Yards thereof,) any Rates not exceeding the several and respective Rates set forth in the Schedule (C.) hereunto annexed.

Rates for Cranes, Weighing Machines, and Sheds as in Schedule (D.)

LIV. That it shall be lawful for the Trustees to levy, demand, and receive from the Owner or Person in charge of all Goods shipped or unshipped or landed within the said Harbour, for the Use of Cranes, Weighing Machines, Warehouses or Sheds, Hurries and Hawsers, any Rates not exceeding the several and respective Rates set forth in the Schedule (D.) hereunto annexed.

LV. That

Revision of Rates and Limits.

LV. That the Trustees shall once in every Twenty-one Years transmit to the Board of Trade a Statement of the maximum Rates intended to be levied and received by them under this Act, and of the Limits within or in respect of which the said Rates may be taken; and they shall give Notice that such Statement has been so transmitted, and that a Copy thereof lies at their Office for Inspection, by Advertisement once a Week for Three Weeks in a Newspaper published or circulating in *Ayr*; and any Creditor on the Rates, or any Person paying Rates, may, within Fourteen Days after the last Insertion of the Notice as aforesaid, state in Writing his Objections to the Board of Trade; and thereafter the said Board shall make such Investigation as to it shall seem just, and shall fix and determine the maximum Rates to be levied and received by the Trustees under this Act, and the Limits within or in respect of which such Rates shall be taken: Provided always, that the said Rates shall not be reduced below the Sums proposed by the Trustees, unless it shall be made clearly to appear that the Rates as so reduced will be amply sufficient for all the Purposes of this Act.

Rates may be leased.

LVI. That it shall be lawful for the Trustees to let on Lease by Public Roup or Sale the several Rates by this Act granted, or any of them, for any Term not exceeding Three Years: Provided always, that the said Roup or Sale shall be advertised by the Trustees twice at least in some One or more of the Newspapers published or circulating in *Ayr*, and that the last of such prescribed Advertisements shall be published at least Fourteen Days before the Day of such Roup and Sale.

Terms of Lease.

LVII. That the said Lease shall contain all usual and proper Covenants on the Part of the Lessee, and of a sufficient Surety for Payment of the said Rent and Performance of the other Conditions thereof, and such other Provisions, Conditions, Covenants, and Agreements as may be considered advisable, or as are usually inserted in Leases of a like Nature.

Powers to be exercised by Lessee.

LVIII. That such Lease shall entitle the Person to whom the same shall be granted to the free Use during the Continuance thereof of the said Harbour and Works connected therewith, so far as necessary for receiving and recovering the Rates so leased; and during the Continuance of such Lease all the Powers and Privileges granted to and which might otherwise be exercised and enjoyed by the Trustees, or their Officers, Agents, or Servants, with regard to the receiving and recovering of the Rates so leased, shall and may be exercised and enjoyed by the Lessee, and the Officers and Servants of such Lessee, under the same Regulations and Restrictions as are imposed on the Trustees and their Officers and Servants; and such Lessee shall, with respect

respect to the Rates so leased, be subject to all the Obligations by this or the Acts incorporated herewith imposed on the Trustees with reference to the receiving or Recovery of the said Rates.

Trustees to expend the Sum of 10,000*l.* within Ten Years from Commencement of Act.

LIX. Provided always, That the Trustees shall, within Ten Years from the Commencement of this Act, expend, out of the several Rates by this Act granted, and the Sums by this Act authorized to be borrowed, the Sum of Ten thousand Pounds (in addition to the Sums due and owing by them at the Time of the passing of this Act), for the Purposes specified in Section Forty of this Act; and the Certificate of the Sheriff that the said Sum of Ten thousand Pounds has been so expended, which Certificate he is hereby authorized, and, on Proof to his Satisfaction, required, to grant, on the Application of the Trustees, shall, when recorded in the Sheriff Court Books of the County of *Ayr*, and inserted in the "*Edinburgh Gazette*," be Evidence that the said Sum has been so expended; and in the event of the said Sum not being so expended within the Period aforesaid, the several Rates by this Act granted shall thereupon cease, and the Trustees shall thereafter only levy the Rates granted by the said recited Act, and the Provisions of that Act with reference to Rates shall in that event be incorporated with and form Part of this Act.

Payment to Magistrates and Town Council of Ayr in respect of Anchorage Rates.

LX. That whereas the said Harbour of *Ayr* originally belonged to the Magistrates and Town Council of the Burgh of *Ayr*, on behalf of the Community thereof, and large Sums of Money were expended by them in the Construction and Maintenance of the said Harbour: And whereas when the said Magistrates and Town Council surrendered their Right to the said Harbour they reserved the Anchorage Rates which are set forth in the Schedule (B.) hereunto annexed, as an annual Payment or Consideration in respect of the Money expended by them, and of their Rights and Interests in the said Harbour, and the said Rates have accordingly heretofore been and at the Time of the passing of this Act continue to be levied by the said Magistrates and Town Council: And whereas it has been agreed by and between the Trustees and the said Magistrates and Town Council that the said Rates should be vested in and levied by the Trustees as by this Act authorized: The said Magistrates and Town Council shall from and after the Commencement of this Act cease to levy the said Rates, and the Trustees shall thereafter levy and receive the same, according to the Amounts specified in the said Schedule, and shall be bound and are hereby required to pay to the said Magistrates and Town Council in lieu thereof the Sum of One hundred and thirty Pounds in each and every Year after the Commencement of this Year, if so much shall have been levied, but if a less Sum shall have been levied, then the actual Amount so levied, and no more; and the First of such yearly Payments shall be made on the First *Thursday* in the Month of

December in the Year One thousand eight hundred and fifty-six for the Year preceding, and the subsequent yearly Payment shall be made on the First *Thursday* in the Month of *December* in each succeeding Year: Provided always, that all Arrears of the said Anchorage Rates at the Time of the Commencement of this Act may be recovered by the said Magistrates and Town Council as if this Act had not been passed.

Books of Acoounts to be kept, and to be open to Inspection.

LXI. That the Trustees shall cause Books to be provided and kept, and true and regular Accounts to be entered therein of all Sums of Money received and paid for the Purposes of this Act, and of the several Purposes for which such Sums of Money shall have been received and paid, and also of all Debts owing by the Trustees, which Books shall be balanced once in every Year to a Period not more than One Month before the Annual Meeting of the Trustees; and such Books shall at all reasonable Times be open to the Inspection of any of the Trustees, and of any Mortgagee, Assignee in Security, or other Creditor of the Trustees, and of any Person paying Rates under this Act, without Fee or Reward; and the Trustees and other Persons aforesaid, or any of them, may take Copies or Extracts from the said Books, without paying anything for the same; and if, on Request for that Purpose, the Clerk or other Person having the Custody of the said Books shall not permit any of the Trustees or other Persons aforesaid to inspect such Books, or take Copies or Extracts therefrom, such Clerk or other Person shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Auditor to be appointed.

LXII. That the Sheriff of the County of *Ayr* shall, on Application made to him by the Trustees, which they are hereby required to do, from Time to Time appoint an Auditor to audit the Accounts of the Trustees; and any such Auditor, once appointed, shall hold his Office until another is appointed in his Room.

Auditor to examine Accounts, and fix Balance; and in case of Difference Sheriff to determine.

LXIII. That the Auditor shall in every Year, and during the Month prior to the General Meeting of the Trustees in each Year, attend at the Office of the Trustees, or at some other convenient Place to be appointed by them, and from Time to Time shall proceed to audit the Accounts of the Trustees, in the Presence of the Clerk of the Trustees, if he shall desire to be present; and the Trustees shall lay their Accounts before such Auditor, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and any of the Trustees, and any Person interested in the said Acounts, either as a Creditor or as a Person paying Rates, may be present at the Audit of such Accounts, by himself or his Agent, and may make any Objection to any Part of such Accounts; and if such Accounts be found correct,

correct, such Auditor shall sign the same in token of his Allowance thereof; but if such Auditor considers that there is just Cause to disapprove of any Part of such Accounts, he shall make such Abatement from or Alteration of such Accounts as to him shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if the Trustees or other Party objecting be dissatisfied with the Result of such Audit, they may appeal to the Sheriff of the County of *Ayr*, whose Decision shall be final, and who shall also have Power to award Expenses to or against either Party, or to make such other Order in reference to such Expenses as he may think just: Provided always, that, unless the Balance as ascertained and fixed by the Auditor shall be appealed to the Sheriff within Fourteen Days from the Date of such Ascertainment, such Balance shall be final and conclusive against all Parties, and shall not thereafter be subject to Review; and the Trustees shall pay to such Auditor, for his Trouble in making such Audit, a Sum not exceeding Five Pounds in each Year.

Annual Account to be made up.

LXIV. That the Trustees shall cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Moneys received and paid for the Purposes of this Act for the Year ending not more than One Month before the Annual Meeting of the Trustees, under the several and distinct Heads of Receipts and Expenditure, with a Statement of the Balance of such Accounts, duly certified by Two of the Trustees, and shall cause a Copy of such Account to be transmitted, free of Charge, to the Sheriff Clerk of the County of *Ayr* at *Ayr*, and also to be inserted once at least in a Newspaper published or circulating in *Ayr* within Fourteen Days after their Annual Meeting, or within Fourteen Days after the Decision of the Sheriff, in the event of any Appeal having been made to him; and such Account, so transmitted to the said Sheriff Clerk, shall be open to public Inspection at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection.

Board of Trade may appoint an Auditor.

LXV. That if, upon Complaint made to the Board of Trade by any Person interested, in Writing under his Hand, it shall appear to the Board of Trade that there is reasonable Ground for believing that the Accounts of the Trustees have not been duly kept or audited, or that any Rates have been improperly or unfairly levied by them, or have not been applied in accordance with the Directions of this Act, the Board of Trade may appoint a special Auditor to examine the Accounts of the Trustees, and examine into the Matter so complained of, and to report to them thereon; and the Trustees shall, upon Demand, produce to such Auditor all or any of their Accounts, Books, Deeds, Papers, Writings, and other Documents, and afford to him all reasonable Facilities for examining and comparing

comparing the same; and in case any Matter complained of shall be found to be true, the reasonable Expenses of such Auditor shall be paid by the Trustees out of the Moneys coming to their Hands under this Act, and may be recovered in any of the Superior Courts, as a Debt due to the Crown: Provided always, that in the event of any such Complaint appearing to the said Board of Trade not well founded, the Person making the same shall, if the said Board so direct, pay to the said Trustees the Costs, Charges, and Expenses incurred in consequence thereof, to be recovered by them in an Action of Debt, which may be brought in any of the Superior Courts.

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

LXVI. That in order to prevent Encroachments being made by the Sea on the Land forming Part of and immediately adjoining both Sides of the said Harbour of *Ayr*, through the carrying away of Sand, Gravel, Stones, Earth, or Clay from the Shore on each Side of the Harbour, it shall not be lawful for or in the Power of any Person, whether Proprietor or Tenant or having any Servitude or other Right, to dig, sink, take, or carry away any Gravel, Stones, Earth, or Clay, or any other Material, from the Shore or from any Part within High-water Mark and Fifty Yards inland at any Point within the Distance of Five hundred and twelve Yards on each Side of the Harbour; and if any Person shall do to the contrary he shall for each Offence be liable in a Penalty not exceeding Ten Pounds, over and above restoring the Materials so taken away to the Place from whence they were taken, and paying all Damage occasioned by their Removal.

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

LXVII. That any Owner, Master, Seaman, or Servant of or belonging to any Vessel, or any other Person whomsoever, who shall dig or take away any Ballast, Shingles, Stones, or other Things from within the said Harbour, or cast and put away any Ballast into the said Harbour, or into the Bay of *Ayr* within the Distance of Half a Mile of the Bar, or upon any of the Works already made or hereafter to be made within the said Harbour, or lay or place the same in any other Place than shall be appointed by the Trustees, or by the Person or Persons authorized by them, shall be liable in a Penalty not exceeding Five Pounds.

To prevent Rubbish going into the River.

LXVIII. That any Person who shall either cast into the River below the *Ayr* Mill Dam, or lay on the Banks of the River, or on the Roads or Footpaths alongside of the Harbour, any Stones, Gravel, Sand, Ashes, or Rubbish, shall for every such Offence be liable in a Penalty not exceeding Five Pounds.

For Protection of Ships.

LXIX. That any Person, other than the Harbour Master, who shall wilfully cut, break, or destroy the Mooring or Fastening of any Vessel lying

lying in the Harbour, shall make good all Damages thereby occasioned, in addition to the Penalty prescribed for such Offence in "The Harbours, Docks, and Piers Clauses Act, 1847."

To provide against Damage from Freshes in the River.

LXX. That in order to prevent Injury arising in the Harbour of *Ayr* from heavy Freshes coming down the River of *Ayr*, in all Cases where the Harbour Master shall think it necessary, in order to withstand the Weight and Current of the Freshwater, he may and is hereby required to give Directions for additional Moorings to the Vessels in the said Harbour; and every Master, Mate, or Person in charge of any such Vessel shall be bound and he is hereby required immediately to comply with such Order; and if he fail or refuse so to do he shall be liable in a Penalty not exceeding Five Pounds, and all Charges and Expenses incurred in safely mooring said Vessels, over and above all Damages done by such Failure or Refusal, and the Expenses of Suit in recovering the same.

Trustees may prohibit false Lights.

LXXI. That whenever any Fire or Light is burnt or exhibited within the Distance of One Mile on either Side of the Harbour, at such Place or in such Manner as to be liable to be mistaken for a Light proceeding from a Lighthouse, it shall be lawful for the Trustees to serve a Notice upon the Owner of the Place where the Fire or Light is burnt or exhibited, or on the Person having the Charge of such Fire or Light, either personally or by Delivery at the Place of Abode of such Owner or Person, or by affixing the same in some conspicuous Spot near to such Fire or Light, and by such Notice to direct such Owner or Person, within a reasonable Time, to be therein specified, to take effectual Means for the extinguishing or effectually screening such existing Light, and for preventing for the future any similar Fire or Light; and any Owner or Person disobeying such Notice shall be deemed guilty of a common Nuisance, and in addition to any other Penalties or Liabilities of any kind thereby incurred shall incur a Penalty not exceeding One hundred Pounds.

Penalty for Neglect.

If false Lights not extinguished after Notice, Trustees may remove them, at Expense of Company.

LXXII. That if any Owner or Person served with such Notice as aforesaid neglects for a Period of Seven Days to extinguish or effectually screen the Fire or Light therein mentioned, it shall be lawful for the Trustees, by their Servants or Workmen, to enter upon the Place whereon the same may be, and forthwith to extinguish such Fire or Light, doing no unnecessary Damage; and all Expenses incurred by the Trustees in such Extinction may be recovered from such Person or Owner as aforesaid in the same Way as Penalties are by this Act authorized to be recoverable.

As to Vessels in Distress.

LXXIII. That in case any Vessel shall arrive or come into the said Harbour of *Ayr* in Distress, or meet with any Misfortune in the Bay

Bay of *Ayr* or in the Harbour aforesaid, it shall be lawful for the Trustees, upon Proof being made of such Distress, to give to such Vessel being in Distress as aforesaid, both as to the Berths at the Piers and Quays, and as to the Course of discharging, a Preference to any other Vessel arrived before her in the said Harbour; and every Master of any Vessel lying within the said Harbour who shall refuse or delay to comply with the Order of the said Trustees or their Harbour Master in favour of the Ship or Vessel in Distress as aforesaid shall be liable to a Penalty not exceeding Twenty Pounds.

Harbour Master or other Officer to inspect Works.

LXXIV. That the Harbour Master or other Officer or Servant of the Trustees, appointed so to do by the Trustees shall be and is hereby required, from Time to Time and at all Times after he shall be so appointed, carefully to inspect the State of the said Quays and other Works, and of all Places within the said Harbour, and to prevent as far as his Power shall extend any Offences made punishable by this Act or the Acts incorporated herewith from being committed; and in case of any wilful Neglect or Default therein the said Harbour Master or other Officer or Servant aforesaid shall be liable in a Penalty not exceeding Twenty Shillings for each such Offence.

Forms of Proceedings against Offenders.

LXXV. That the Complaint and Proceedings before the Sheriff or Justice or Justices before whom any Person shall be complained of or proceeded against for any Offence under the Provisions of this Act, or any of the Acts incorporated herewith, and the Sentence or Conviction thereon, may be in the Form of the Schedule (E.) hereunto annexed, or as near thereto as the Circumstances will permit; and, except that such Complaint, Proceedings, and Sentence, so far as given in the said Schedule, shall be in Writing or partly in Writing and partly in Print, no other Writing or written Record of Evidence or Procedure shall be necessary, unless the Sheriff or Justice or Justices at the Hearing of the Complaint shall cause or allow the Procedure or Evidence to be taken down in Writing.

Application of Moneys.

LXXVI. That all Moneys which shall come into the Hands of the Trustees from any of the Rates by this Act granted, or other Payments, or which shall be raised by them on Mortgage or Assignation in Security, or on Cash Credit or Cash Account, under this Act, shall be applied and disposed of as follows; (that is to say,) first, in defraying the Charges and Expenses of and incidental to the applying for, obtaining, and passing this Act; second, in paying the Interest on the Money remaining due under the recited Act, and on the Money borrowed under this Act; third, in the Management, Maintenance, and Improvement of the Harbour and Works connected therewith; fourth, in paying off the Principal Monies remaining due under the recited Act; fifth, in paying off the Principal Moneys borrowed

borrowed under this Act; and lastly, in carrying out the several other Provisions of this Act, as the Trustees acting for the Time shall order and determine.

Application of Penalties.

LXXVII. That all Penalties and other Payments exigible under this Act and the Acts incorporated herewith (excepting any Penalties which may be imposed upon the Trustees acting for the Time) shall be paid over to the Trustees for the Purposes of this Act, instead of being applied in the Manner provided by the Acts incorporated herewith, or the Acts therein referred to.

Not to affect certain Rights.

LXXVIII. That nothing in this Act contained shall alter, prejudice, or affect any Right or Privilege which may be legally possessed and exercised or claimed by *Alexander Oswald* Esquire, of *Auchencruive*, in or over any Part of the Quays or Works of the Harbour of *Ayr*, which, with the Objections of the Trustees and all other Parties thereto, are hereby saved and reserved entire.

Any Crown Land reclaimed by the Works not to be taken without Consent of the Commissioners of Woods, &c.

LXXIX. That if in the course or by means of the Execution of any of the Works by this Act authorized any Part of the Shores or Bed of the said Harbour belonging to Her Majesty shall be inned, gained, or reclaimed from the Water, the Trustees shall not have or exercise any Right upon the same or in respect thereof, but such inning, gaining, or Reclamation shall enure absolutely for the Benefit of Her Majesty the Queen, Her Heirs and Successors, and it shall not at any Time afterwards be lawful for the Trustees to take, enter upon, or interfere with the Lands so inned, gained, or reclaimed for any Purpose whatsoever, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

Reservation of the Rights of the Crown.

LXXX. That nothing in this Act contained shall extend to authorize the Trustees to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving Jurisdiction of Admiralty.

LXXXI. Provided always, That nothing herein contained shall be held to limit or abridge or in anyway affect the Powers, Privileges, and

and Jurisdictions of the Lord High Admiral of *Great Britain* and *Ireland*, or of the Lords Commissioners of the Admiralty, which are hereby saved and reserved entire.

Reservation of Merchant Shipping Act, 1854, as to Pilotage, Lighthouses, &c.

LXXXII. That nothing in this Act contained shall be deemed to exempt the Harbour or the Trustees from the Provisions of "The Merchant Law Amendment Shipping Act, 1853," and "The Merchant Shipping Act, 1854," relating to Pilotage, Lights, Buoys, and Beacons, or to the Powers, Rights, Privileges, or Jurisdiction of the general Lighthouse Authorities therein mentioned, but such Provisions shall be in force with respect to the Harbour and the Trustees, so far as the same are applicable thereto, and not otherwise specially provided for by this Act.

Harbour not exempt from Provisions of present and future General Acts.

LXXXIII. That nothing in this Act contained shall be deemed to exempt the Harbour from the Provisions of any General Act relating to Harbours, or Dues upon Shipping or on Goods carried in Ships, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Dues or Rates authorized by this Act.

SCHE-

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

RATES FOR TOWING VESSEL.

		s.	d.
For every Vessel registering 40 Tons or upwards coming into or going out of the Harbour	per Ton	0	1

Vessels to be towed for the above Rates from or to Half a Mile beyond the present Pier Head of the Harbour.

SCHEDULE (B.)

RATES ON VESSELS.

I.—*Rates and Dues payable for Vessels per Voyage.*

		s.	d.
For every Vessel under the Burden of 15 Tons	per Ton	0	2
For every Vessel of the Burden of 15 Tons and under 50 Tons	„	0	3
For every Vessel of the Burden of 50 Tons and under 100 Tons	„	0	4
For every Vessel of the Burden of 100 Tons and upwards	„	0	5
For every Vessel remaining in the Harbour longer than 24 lawful Days, per Month (additional)	„	0	2
Every Lighter from any Vessel in the Harbour shall be exempt from Rates; but if any Vessel do not enter the Harbour, for every Lighter from any such Vessel (for each Trip)	„	0	2
For every Boat entirely open, landing or taking on board Goods, or dried or salted Fish	per Boat	0	6
For every Drave or large Boat entering the Harbour or Precincts thereof with fresh Fish	„	0	4

II.—*Anchorage Rates per Voyage.*

For every Vessel under the Burden of 20 Tons	per Vessel	1	0
For every Vessel of the Burden of 20 Tons and under 40 Tons	„	1	6
For every Vessel of the Burden of 40 Tons and under 60 Tons	„	2	0
For every Vessel of the Burden of 60 Tons and under 80 Tons	„	2	6
For every Vessel of the Burden of 80 Tons and under 100 Tons	„	3	0

		s.	d.
For every Vessel of the Burden of 100 Tons and under 150 Tons - - - - - -	per Vessel	4	0
For every Vessel of the Burden of 150 Tons and under 200 Tons - - - - - -	„	5	0
For every Vessel of the Burden of 200 Tons and upwards	„	7	0

III.—*Rates for Planks and Shutes.*

Vessels under the Burden of 20 Tons to be exempt.

For every Vessel of the Burden of 20 Tons and not exceeding 25 Tons - - - - - -	per Vessel	0	6
For every Vessel exceeding the Burden of 25 Tons but not exceeding 100 Tons - - - - -	„	1	0
For every Vessel of the Burden of 100 Tons and upwards	„	2	0

SCHEDULE (C.)

RATES ON GOODS.

		s.	d.
Ale - - - - - -	per Hogshead	0	3
Ale, bottled - - - - - -	per Barrel Bulk	0	2
Bark - - - - - - -	per Ton	1	0
Beef or Pork - - - - - -	per Ton	1	0
Beef or Pork - - - - - -	per Barrel	0	1½
Blubber - - - - - -	per Tun of 252 Gallons	1	0
Bone Dust - - - - - - -	per Ton	0	6
Bones of Cattle - - - - - -	per Ton	0	4
Bottles - - - - - - -	per Gross	0	2
Bricks - - - - - - -	per 1,000	0	8
Casks empty, not being returned Packages - -	per Puncheon	0	2
Other Casks in proportion.			
Cattle :—			
Bulls - - - - - - -	each	0	3
Cows and Oxen - - - -	each	0	2
Calves - - - - - - -	each	0	0½
Horses - - - - - - -	each	0	2
Pigs - - - - - - -	each	0	0½
Sheep - - - - - - -	per Score	0	6
Lambs - - - - - -	per Score	0	3
Chalk - - - - - - -	per Ton	0	6
Chimney Cans - - - - -	per Hundred	1	0
Clay, Fire, manufactured - - - -	per Ton	0	6
Clay, Common - - - - - -	per Ton	0	2
Cloth, Haberdashery, &c. - - - -	per Barrel Bulk	0	1½
Coaches :—			
Chaises and other Four-wheeled Carriages - - -	each	0	8
Gigs, Carts, and other Two-wheeled Carriages - -	each	0	6

		s.	d.
Coals, Scotch, English, Smithy, and Culm :—			
For the first Five Years after the passing of this Act	per Ton	0	1
For the second Five Years after the passing of this Act	per Ton	0	1¼
Thereafter	per Ton	0	2
Copper	per Ton	1	0
Corks	per Barrel Bulk	0	2
Corn :—			
Wheat and Malt	per Quarter	0	2
Barley, Beans, Peas, Tares, Oats, Rye, Buckwheat, and Indian Corn	per Quarter	0	1½
Crystal	per Barrel Bulk	0	2
Dissolved Bones and other artificial Manure	per Ton	0	8
Dogs, Sporting only	each	0	2
Drugs	per Barrel Bulk	0	2
Earthenware	per Crate	0	6
Eggs	per Barrel Bulk	0	1½
Fish, dried and salted	per Ton	1	0
Haddocks, Cod, Salmon, and all fresh Fish not enumerated	per Barrel Bulk	0	1½
Flax	per Ton	1	0
Flour	per Sack	0	1½
Ditto	per Barrel	0	1
Glass	per Barrel Bulk	0	2
Groceries :—			
Almonds, Figs, Cinnamon, Currants, Pepper, Pimento, Plums, Prunes, Raisins, and the like	per Barrel Bulk	0	2
Guano	per Ton	0	6
Gunpowder	per Barrel	0	3
Hardware	per Barrel Bulk	0	2
Hares and Rabbits	per Dozen	0	2
Any less Quantity		0	1
Hay	per Ton	0	8
Hemp	per Ton	1	0
Herrings :—			
Fresh	per Cran	0	1
Cured	per Barrel	0	1½
Hides :—			
Ox, Cow, or Horse—salted or dried	per Ton	1	0
Calf Skins	per 120	0	6
Sheep Skins	per 120	0	6
Lamb Skins	per 120	0	3
Hoops of Wood	per 1,500	1	0
Household Furniture :—			
New	per Barrel Bulk	0	1
Belonging to Parties changing their Residence only	per 10 Barrels Bulk	0	6
Husbandry Utensils	per Ton	1	0
Ditto	per Barrel Bulk	0	1½
Iron :—			
Bar, Bolt, and Rod	per Ton	0	8
Pig or Old	per Ton	0	4

			s.	d.
Kelp	per Ton		0	8
Lead, all Kinds	per Ton		1	0
Leather, tanned and dressed	per Ton		1	0
Lime	per Chaldron of 16 Bolls		1	0
Loam, or Moulding Sand	per Ton		0	2
Machinery	per Ton		1	0
Machinery	per Barrel Bulk		0	2
Manure, Street	per Ton		0	2
Meal	per Bag of 280 lbs.		0	1½
Milk	per 3 large Pitchers		0	0½
Musical Instruments	per Barrel Bulk		0	3
Oils	per Ton		1	0
Ores :—				
Copper, Iron, Lead, and other Ores	per Ton		0	8
Passengers Luggage, not exceeding 4 Barrels Bulk, free.				
All above 4 Barrels Bulk	per Barrel Bulk		0	2
Peats	per Ton		0	3
Pitch	per Barrel		0	1½
Porter	per Hogshead		0	3
Porter, bottled	per Barrel Bulk		0	2
Potatoes	per Ton		0	6
Poultry, including Pigeons, Game, &c.	per Dozen		0	1
Any less Quantity			0	0½
Rags, Linen	per Ton		1	0
Other Rags, old Ropes, and the like	per Ton		0	10
Rape Cakes	per Ton		0	6
Salt	per Ton		0	8
Seeds :—				
Flax and Rape	per Hogshead		0	4
Flax	per Barrel		0	2
Flax in Bulk	per Quarter		0	2
Clover	per Ton		1	0
Garden	per Ton		1	0
Hemp and Canary	per Ton		1	0
Rye Grass	per 8 Bushels		0	1½
Skin, Seal	per 120		0	8
Slates, under Size	per 1,000		0	4
Sizeable	per 1,000		0	7
Over Size	per 1,000		1	0
Spirits, Foreign and British	per Hogshead of 56 Gallons		0	4
Stones :—				
Freestone, Pavement, and Granite	per Ton of 16 Cubic Feet		0	2
Scythe Stones	per Score		0	1
Mill Stones	each		0	6
Limestones, and other Stones	per Ton		0	1
Steel	per Ton		1	0
Sugar	per Ton		1	0
Tallow	per Ton		1	0
Tar	per Barrel		0	1½
Tea	per Chest		0	1½
Tiles, roofing	per 1,000		0	8

		s.	d.
Tiles or Pipes, for draining	per 1,000	0	6
Tin of all Kinds	per Ton	1	0
Tobacco	per Ton	1	6
Treenails under 2 Feet in Length	per 1,000	0	6
Treenails exceeding 2 Feet in Length	per 1,000	1	0
Turnips	per Ton	0	6
Turpentine	per Hogshead	0	8
Vegetables	per Cartload	0	2
Vinegar	per Hogshead	0	6
Vitriol	per Carboy	0	2
Whalebone	per Ton	1	6
Wine	per Hogshead	0	6
Wine, bottled	per Barrel Bulk	0	3
Wood :—			
Fir, Pine, and other Descriptions not enumerated	per Load of 50 Feet	0	6
Oak or Wainscoat	per Load of 50 Feet	0	8
Firewood	per Fathom	0	6
Laths and Lathwood	per Fathom of 216 Cubic Feet	1	6
Handspokes	per 120	0	8
Oars	per 120	1	3
Spars under 22 Feet in Length, above 2½ and under 4 Inches Diameter	per 120	1	6
Spars 2½ Inches in Diameter and under	per 120	1	0
Spars 22 Feet in Length and upwards, and not exceeding 4 Inches in Diameter	per 120	3	4
Spars of all Lengths, above 4 and under 6 Inches in Diameter	per 120	8	0
Spokes of Wheel, not exceeding 2 Feet in Length	per 120	0	3
Spokes, exceeding 2 Feet in Length	per 120	0	4
Wedges	per 1,000	0	8
Pipe Staves, and others in proportion	per Standard Hundred	0	8
Lignum Vitæ, Fustic, Logwood, Mahogany, and Rosewood	per Ton	1	0
Wool	per Cwt.	0	1
Yarn	per Ton	1	0
Zinc	per Ton	1	0
All other Goods not particulated in the above Table :—			
Light Goods	per Barrel Bulk	0	1½
Heavy Goods	per Ton	1	0

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken; and for any less Weights, Measures, and Quantities than those above specified, a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Cwt., to be rated as a Barrel Bulk; but when the Weight of Five Cubic Feet is greater than Two and a Half Cwt. then Two and a Half Cwt. to be rated as a Barrel Bulk.

SCHEDULE (D.)

RATES FOR THE USE OF CRANES, WEIGHING MACHINES, WAREHOUSES OR SHEDS, HURRIES AND HAWSERS.

I.—*Rates for Craneage.*

						s.	d.
For all Goods or Packages,	not exceeding	1 Ton			-	0	3
,,	exceeding	1 Ton	and not exceeding	2 Tons	-	0	4
,,	,,	2 Tons	,,	3 Tons	-	0	6
,,	,,	3 Tons	,,	4 Tons	-	0	8
,,	,,	4 Tons	,,	5 Tons	-	0	10
,,	,,	5 Tons	,,	6 Tons	-	1	0
,,	,,	6 Tons	,,	7 Tons	-	1	2
,,	,,	7 Tons	,,	8 Tons	-	1	4
,,	,,	8 Tons	,,	9 Tons	-	1	8
,,	,,	9 Tons	,,	10 Tons	-	2	0
,,	,,	10 Tons	-	-	-	3	0

II.—*Dues for Weighing Machines.*

For Goods weighed, 1*d.* for each Ton or Part of a Ton.

III.—*Warehouse or Shed Dues.*

For each Ton of Goods of 8 Barrels Bulk, or for each Ton of Goods of 20 Cwt., which shall remain in the Warehouse or Sheds, or on the Quays of the Harbour, for a shorter Time than 48 Hours, the Sum of 3*d.*; and the Sum of 1½*d.* per Ton for each Day during which such Goods shall remain after the first 48 Hours.

IV.—*Dues for Hurries.*

For each Ton of Goods of 20 Cwt. shipped by means of the Hurries, ½*d.* per Ton.

V.—*Hawser Dues.*

For every Vessel under the Burden of 100 Tons using any Hawser the Property of the Trustees, 6*d.* per Vessel; for every Vessel of the Burden of 100 Tons or upwards, 1*s.* per Vessel.

SCHEDULE (E.)

FORM OF COMPLAINT.

Unto the Honourable the Sheriff of [*or* Her Majesty's Justices of the Peace for] the County of Ayr.

The Petition and Complaint of *A. B.*, Clerk to the Ayr Harbour Trustees.

Humbly sheweth,

That *C. D.* has been guilty of a Contravention of "The Ayr Harbour Act, 1855," and of the Acts incorporated therewith, or One or other of the said Acts, in so far as [*here describe the Offence generally, and state the Time and Place when and where the same was committed*], whereby the said *C. D.* has incurred the Forfeiture [*or* Penalty] of

provided by the Section of "The Ayr Harbour Act, 1855," [*or of One of the Acts incorporated therewith, naming it*].

May it therefore please your to grant Warrant to summon the said *C. D.* to appear before to answer to this Complaint, and to be dealt with in Terms of the said Acts, or One or other of them According to Justice, &c.

[*To be signed by the Clerk or Law Agent of the Trustees.*]

FORM OF WARRANT.

[*Place and Date.*]

Having considered the foregoing Complaint, grants Warrant to summon the said *C. D.* complained of to appear before [*Magistrate, and Place and Time*], and that by serving the said *C. D.* with a Copy of the foregoing Complaint and of this Deliverance, and also grants Warrant for citing Witnesses at the Instance of both Parties to attend at the same Place and Time.

[*To be signed by Sheriff or Justice of the Peace.*]

FORM OF SENTENCE.

[*Place and Date.*]

The [*Magistrate*] in respect of the Evidence adduced [*or* of the judicial Confession of the said *C. D. as the Case may be*], convicts the said *C. D.* of the Offence charged, and therefore decerns and adjudges him to forfeit and pay to the Ayr Harbour Trustees the Sum of of Penalty, with the Sum of of Expenses, and, failing Payment by the said *C. D.* forthwith*, grants Warrant for Recovery of the said Penalty and Expenses, by Poinding of his Goods and Effects, and summary Sale thereof, on the Expiration of not less than Forty-eight Hours after such Poinding; appoints a Return or Execution of such Poinding and Sale to be reported within Eight Days from this Date, and in the meantime grants Warrant for detaining the said *C. D.* in the Prison of until such Return be reported.

[*To be signed by the Sheriff or Justice of the Peace.*]

* [*If it shall appear at the Trial that no sufficient Poinding can be made within the Jurisdiction of the Magistrate, say here,* "and in respect it appears that no sufficient Poinding and Sale can be had whereon to levy the said Penalty and Expenses, grants Warrant to imprison the said *C. D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid, and decerns."]

WARRANT OF IMPRISONMENT TO BE GRANTED IN CASE OF A RETURN BEING MADE THAT NO SUFFICIENT GOODS AND EFFECTS COULD BE FOUND.

Place and Date.]

The [*Magistrate*], in respect of the Return made that no sufficient Effects can be found whereon to levy the said Penalty and Expenses, grants Warrant to imprison the said *C. D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid, and decerns.

[*To be signed by the Sheriff or Justice of the Peace.*]

WARRANT OF LIBERATION.

[*Place and Date.*]

The [*Magistrate*], in respect of the Return of a sufficient Poinding and Sale of the Effects of the said *C. D.* [*or* in respect of Payment having been made of the said Penalty and Expenses, *as the Case may be*], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *C. D.*, and decerns.

[*To be signed by the Sheriff or Justice of the Peace.*]

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